



# **AGENDA**

**Ordinary Meeting of Council**

**11 October 2016**



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

**ON TUESDAY 11 OCTOBER 2016**

**COMMENCING AT 10.00AM**

**AGENDA**

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

- |   |                 |
|---|-----------------|
| <b>1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY &amp; EVACUATION MESSAGE</b>  |                 |
| <b>2. APOLOGIES</b><br>Nil  |                 |
| <b>3. PUBLIC FORUM (AGENDA ITEMS ONLY)</b>  |                 |
| <b>4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b><br>4.1 Ordinary Meeting held on 9 August 2016                             |                 |
| <b>5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA</b><br>(Declarations also to be made prior to discussions on each item) |                 |
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| <b>6. MAYORAL REPORTS</b><br>Nil  |                 |
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| <b>8. QUESTIONS ON NOTICE FROM COUNCILLORS</b><br>Nil   |                 |
| <b>9. GENERAL MANAGER'S REPORTS</b><br>GMR16/022 Declaration of Poll for Mayor .....  | 4               |
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**DR CATHERINE DALE  
GENERAL MANAGER**

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**NOM16/008 RECOGNITION OF COUNCIL ACHIEVEMENT**

E12.6443; E00.4623

Responsible Officer: Anthony Mayne - Councillor

Attachments: Nil

Councillor Anthony Mayne has given notice that at the Ordinary Meeting of Council on 11 October 2016, he will move the following motion.

**MOTION**

THAT Council acknowledge the contribution and achievements of the members of the previous Council and staff, in particular their work in achieving a Fit for the Future status for the Eurobodalla Shire.

**BACKGROUND**

On 20 October 2015, the NSW Government released IPART's assessment of local government *Fit for the Future* proposals. Fifty-two of those proposals were assessed as being fit for the future, which represents 37% of the proposals received.

The Fit for the Future program required councils to consider their financial sustainability, infrastructure and service management, and efficiency, which were measured by seven benchmarks designed to show how councils are working towards long-term financial sustainability.

Eurobodalla Council was assessed as 'Fit'. Council was assessed as meeting the benchmarks for scale and capacity and satisfied overall the financial criteria (Sustainability, Infrastructure and Service Management, and Efficiency).

IPART's evaluation of Eurobodalla Council's Improvement Proposal was reported to the Council meeting held on 10 November 2015 – refer to link [www.esc.nsw.gov.au/inside-council/council/meetings/2015/november/ordinary-council-meeting-10-november-2015/Agenda-Public.pdf](http://www.esc.nsw.gov.au/inside-council/council/meetings/2015/november/ordinary-council-meeting-10-november-2015/Agenda-Public.pdf)

On 18 December 2015, the NSW Premier and the Minister for Local Government released the NSW Government's proposed boundary adjustments and merger proposals for 65 councils. No merger or boundary adjustments were proposed for the Eurobodalla Shire and it remains as a stand alone council.

I believe the members of the previous Council, and staff, should be commended for achieving this result for the benefit of our local community.

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**GMR16/022 DECLARATION OF POLL FOR MAYOR**

**E15.9129**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Declaration of Poll for Mayor

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**

To report the declaration of the poll for the position of Mayor.

**RECOMMENDATION**

THAT the information on the Declaration of the Poll for the election of the Mayor of Eurobodalla Shire Council, following the general election held on Saturday 10 September 2016, be noted.

**BACKGROUND**

Councillor Liz Innes was elected to the position of Mayor of Eurobodalla Shire Council for the term of the Council until the next general election due to be held in September 2020.

The formal declaration of the Poll was made by the Returning Officer, Jacklyn Gibson, on Friday 16 September 2016.

A copy of the Declaration of the Poll for the position of Mayor is attached to this report.

LOCAL GOVERNMENT ELECTIONS - SATURDAY, 10TH SEPTEMBER, 2016



LG.561

# Declaration of Mayor

Council Eurobodalla

An election was held on Saturday, 10th September, 2016 to elect the Mayor.

The counting of votes resulted in the election of Liz Innes as Mayor, and I declare them duly elected as Mayor until the next ordinary election of the Council.

Candidates	1st Preference Votes	Elected Candidate
Harrison Tubby	2,013	
Innes, Liz	5,622	ELECTED
McGinlay Patrick ( Green)	1,559	
Hellier, Trish	739	
Pollock, Rob ( independent)	2,091	
Leslight, Milton	487	
Mayne, Anthony	2,930	
Law, Robbie ( independent)	1,067	
Constable, Phil	2,051	
Brown, Lindsay ( independent)	4,356	

EUROBODALLA SHIRE COUNCIL  
 FILE No: E15-9129  
 ACTION OFFICER: Nigel Green  
 DATE: 15 SEP 2016  
 FOLLOW UP CODE: 00  
 DOC. No: ..... ENT: .....

Formal	22,915
Informal	1,007
<b>TOTAL</b>	<b>23,922</b>

A full copy of the results may be viewed on the NSW Electoral Commission website.

Jacklyn Gibson  
 RETURNING OFFICER'S NAME

*Jacklyn Gibson*  
 RETURNING OFFICER'S SIGNATURE

16 / 9 / 2016

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**GMR16/023 DECLARATION OF POLL FOR COUNCILLORS**

**E15.9129**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Declaration of Poll for Councillors

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**

To report the declaration of the poll for the election of eight Councillors.

**RECOMMENDATION**

THAT the information on the Declaration of the Poll, for the election of eight Councillors to the Eurobodalla Shire Council, following the general election held on 10 September 2016, be noted.

**BACKGROUND**

The formal declaration of the poll for the election of eight Councillors to the Eurobodalla Shire Council, following the general election held on 10 September 2016, was made by the Returning Officer, Jacklyn Gibson, on Monday 19 September 2016.

The following have now been duly elected as Councillors until the next general election due to be held in September 2020.

Councillor Anthony Mayne  
Councillor Phil Constable  
Councillor James Thomson  
Councillor Jack Tait  
Councillor Maureen Nathan  
Councillor Rob Pollock OAM  
Councillor Lindsay Brown  
Councillor Patrick McGinlay

A copy of the Declaration of the Poll for the election of eight Councillors is attached to this report.



LOCAL GOVERNMENT ELECTIONS – SATURDAY,

# Declaration of Councillor



LG.560

Council

\*Ward (if applicable)

An election was held on Saturday,  to elect  Councillors.  
(short number)

The counting of votes resulted in the election of the candidates with the word 'Elected' next to their name, and I declare those candidates duly elected as Councillors until the next ordinary election of the Council.

Candidates	1st Preference Votes	Elected Candidates
Mayne Anthony	2,016	Elected
Wheatley Amanda	32	
Ulrichsen Ange	3	
Bright jim	10	
Constable Phil	2,020	Elected
Jeffrey Phil	30	
Beecham Kristy	44	
Paxton Wendy	12	
Hellier Trish	76	
Bailey Gary	29	
Johnson Michael	544	
Hickman Peter	27	
Evans Vicki	13	
Gray Stewart	26	
Anderson Coral	523	
Wells Thomas	10	
Henshaw Bryan	9	
Haberley Victoria	7	
Cormick Peter	708	
Hillson Mandy	8	

Quota:

A full copy of the results may be viewed on the NSW Electoral Commission website.

Jacklyn Gibson  
 RETURNING OFFICER'S NAME

  
 RETURNING OFFICER'S SIGNATURE

/  /   
 DATE

\*Note: Returning Officer to complete one declaration (LG.560) per ward. Where there are more than 20 candidates, additional pages are required. The Returning Officer is to complete the page number, date and sign each page.

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LOCAL GOVERNMENT ELECTIONS – SATURDAY,

# Declaration of Councillor



LG.560

Council Eurobodalla

\*Ward (if applicable)

An election was held on Saturday,  to elect  Councillors.  
(insert number)

The counting of votes resulted in the election of the candidates with the word 'Elected' next to their name, and I declare those candidates duly elected as Councillors until the next ordinary election of the Council.

Candidates	1st Preference Votes	Elected Candidates
Sagar Janice	25	
Ludovici Patricia	7	
Cormick Anne	3	
Thomson James	1,170	Elected
Franzi John	25	
McCleer Donna	7	
Bysouth Kaye	0	
Innes Liz	5,301	Ineligible elected as mayor
Tait Jack	14	Elected
Nathan Maureen	4	Elected
Matthews Stephen	11	
Harrison Tubby	158	
Pollock Rob	1,800	Elected
Wheatley Viviane	81	
Whiting Ben	10	
Cornall John	32	
Reid Bruce	17	
Clapson Alison	4	
Brown Lindsay	3,432	Elected
McLaughlin Peter	35	

Quota:

A full copy of the results may be viewed on the NSW Electoral Commission website.

Jacklyn Gibson

RETURNING OFFICER'S NAME

RETURNING OFFICER'S SIGNATURE

DATE

**\*Note:** Returning Officer to complete one declaration (LG.560) per ward. Where there are more than 20 candidates, additional pages are required. The Returning Officer is to complete the page number, date and sign each page.

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LOCAL GOVERNMENT ELECTIONS – SATURDAY,

# Declaration of Councillor



LG.560

Council

\*Ward (if applicable)

An election was held on Saturday,  to elect  Councillors.  
(insert number)

The counting of votes resulted in the election of the candidates with the word 'Elected' next to their name, and I declare those candidates duly elected as Councillors until the next ordinary election of the Council.

Candidates	1st Preference Votes	Elected Candidates
Edwards Michele	17	
Potter Ben	27	
Whitelaw Fiona	22	
Suthern John	35	
Leslight Milton	245	
Leslight Todd	16	
Law Robbie	937	
Green John	15	
Riley Di	11	
Rossiter Brad	26	
McGinlay Patrick	1,518	Elected
Perger Margaret	13	
Douglas Will	20	
Hawkins Laura	21	
Searson Maureen	370	

Quota:

A full copy of the results may be viewed on the NSW Electoral Commission website.

Jacklyn Gibson  
 RETURNING OFFICER'S NAME

RETURNING OFFICER'S SIGNATURE

DATE

**\*Note:** Returning Officer to complete one declaration (LG.560) per ward. Where there are more than 20 candidates, additional pages are required. The Returning Officer is to complete the page number, date and sign each page.

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NSW ELECTORAL COMMISSION

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**GMR16/024 OATH AND AFFIRMATION FOR COUNCILLORS**

**E06.0429**

Responsible Officer: Dr Catherine Dale - General Manager

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**

The NSW Parliament has passed amendments to the *Local Government Act 1993*, known as the Phase 1 reforms, focussing mainly on improving council governance and strategic business planning. Some of these amendments are now in force including Section 233A of the Act, which requires all councillors, including mayors, to take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.

### **RECOMMENDATION**

THAT in accordance with Section 233A of the *Local Government Act 1993*, Councillors be invited to take either the Oath of Office or Affirmation of Office, before the General Manager, as outlined below:

1. Oath of Office:

I [*name of councillor*] swear that I will undertake the duties of the office of councillor in the best interests of the people of the Eurobodalla Shire and the Eurobodalla Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

or

2. Affirmation of Office:

I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Eurobodalla Shire and the Eurobodalla Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

### **BACKGROUND**

In late 2011, councils came together at *Destination 2036* to discuss the long-term future of local government in New South Wales. This forum led to the appointment of the Independent Local Government Review Panel and the Local Government Act Taskforce. Both the Panel and the Taskforce recommended legislative change to support the work of councils. The NSW Government supported many of the recommendations made by the Panel and the Taskforce. Phase one of the NSW Government's broader reform of the *Local Government Act 1993*

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**GMR16/024 OATH AND AFFIRMATION FOR COUNCILLORS**

**E06.0429**

includes the requirement for councillors to take an oath or affirmation of office to reinforce the serious nature of their role.

**CONSIDERATIONS**

Section 233A of the *Local Government Act 1993*, states:

- (1) A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.
  
- (2) The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form:

**Oath**

I *[name of councillor]* swear that I will undertake the duties of the office of councillor in the best interests of the people of *[name of council area]* and the *[name of council]* and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

**Affirmation**

I *[name of councillor]* solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of *[name of council area]* and the *[name of council]* and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

- (3) A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or make the affirmation.
  
- (4) Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.
  
- (5) Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.
  
- (6) The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise.)

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**GMR16/024 OATH AND AFFIRMATION FOR COUNCILLORS**

**E06.0429**

**Policy**

We will update Council's Code of Meeting Practice to reflect the requirements of the *Local Government Act 1993*, as recently amended.

**CONCLUSION**

The *Local Government Act 1993* requires councillors to take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected. The oath or affirmation can be taken or made before the General Manager and it is proposed that this be done at the Council meeting on 11 October 2016.

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**GMR16/025 POSITION OF DEPUTY MAYOR**

**E80.1404**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Schedule 7 LG (General) Regulation

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**

Council may elect a councillor to be the Deputy Mayor. This report seeks Council's decision on whether it wishes to create the position of Deputy Mayor and if so, the term of that position and the method of voting for the position.

**RECOMMENDATION**

THAT in accordance with section 231 of the *Local Government Act 1993*:

1. Council resolve to create the position of Deputy Mayor;
2. Council determine the term of appointment for the position of Deputy Mayor;
3. Council determine whether the method of voting for election to the position of Deputy Mayor is to be by ordinary ballot or open voting;
4. Nominations be called for the position of Deputy Mayor and the election be conducted as determined in (3) above;
5. The result of the election be provided to the Chief Executive of the Office of Local Government and the Chief Executive of Local Government NSW, along with the local media and other councils in New South Wales.

**BACKGROUND**

For many years, Eurobodalla Shire Council has created the position of Deputy Mayor, usually for a period of one or two years. Deputy Mayors have assumed the role of Mayor on occasions when the Mayor has been absent.

The previous Council resolved to create the position of Deputy Mayor for a period of two years. Voting was by open voting on a show of hands.

**CONSIDERATIONS**

Section 231 of the *Local Government Act 1993* provides that:

- (1) *The councillors may elect a person from among their number to be the deputy mayor.*
- (2) *The person may be elected for the mayoral term or a shorter term.*

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**GMR16/025 POSITION OF DEPUTY MAYOR**

**E80.1404**

- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

[Schedule 7](#) of the *Local Government (General) Regulations 2005* outlines the process for nomination to the position of Deputy Mayor. In summary, this states:

1. The general manager (or a person appointed by the general manager) is the returning officer.
2. A councillor may be nominated without notice for election as deputy mayor.
3. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
4. The nomination is to be delivered or sent to the returning officer.
5. The returning officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

Nomination forms for the position of Deputy Mayor have been provided for Councillors. Additional copies will also be available at the meeting.

Council must resolve the method of voting it wishes to follow for the position of Deputy Mayor, in accordance with the provisions of the *Local Government Act 1993* and *Local Government (General) Regulations 2005*. Voting is either by ordinary (secret) ballot or by open voting (show of hands).

[Schedule 7](#) of the *Local Government (General) Regulations 2005* provides details on the methods of voting.

After calling for nominations, the General Manager as returning officer will determine if an election is necessary and if so, an election will be conducted in accordance with the method adopted by Council.

A copy of Schedule 7 of the *Local Government (General) Regulation 2005* is attached to this report.

**Legal**

The *Local Government Act 1993* and *Local Government (General) Regulation 2005 – Schedule 7* provide for the election of a Deputy Mayor.

**CONCLUSION**

Council is required to determine if it wishes to create the position of Deputy Mayor, and if so determine the term of the Deputy Mayor.



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**GMR16/025 POSITION OF DEPUTY MAYOR**

**E80.1404**

The General Manager as returning officer will then call for nominations for the position of Deputy Mayor and conduct the ballot in accordance with the method of voting determined by Council.



## New South Wales Consolidated Regulations

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### LOCAL GOVERNMENT (GENERAL) REGULATION 2005 – SCHEDULE 7

#### SCHEDULE 7 – Election of mayor by councillors

(Clause 394)

#### Part 1 - Preliminary

##### 1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

##### 2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

##### 3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:

"ballot" has its normal meaning of secret ballot.

"open voting" means voting by a show of hands or similar means.

#### Part 2 - Ordinary ballot or open voting

##### 4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

### **5 Marking of ballot-papers**

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

### **6 Count-2 candidates**

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

### **7 Count-3 or more candidates**

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

## **Part 3 - Preferential ballot**

### **8 Application of Part**

This Part applies if the election proceeds by preferential ballot.

### **9 Ballot-papers and voting**

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

### **10 Count**

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

(3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

(4) In this clause,

**"absolute majority"**, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

#### **11 Tied candidates**

(1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal-the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

(2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes-the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

### **Part 4 - General**

#### **12 Choosing by lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

#### **13 Result**

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

(a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and

(b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of New South Wales.

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**GMR16/026 COUNCIL COMMITTEES AND EXTERNAL BODIES**

**E81.1928**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Terms of Reference for Committees

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**

This report is for the Council to consider the appointment of delegates to committees and other external bodies, and to determine the term of appointment of delegates to the committees.

**RECOMMENDATION**

THAT :

1. Council appoint delegates to committees and external bodies;
2. Council determine the method of voting for delegates and chairpersons;
3. Council determine the term of appointment of delegates;
4. Delegates be appointed to the following committees and external bodies:
  - a. Moruya Showground Management Committee
  - b. Moruya Racecourse Management Committee
  - c. Moruya Quarry Park Sunset Steering Committee
  - d. Corrigan's Beach Reserve Accessible Playground Sunset Advisory Committee
  - e. Batemans Bay Streetscape Sunset Advisory Committee
  - f. Pathways Strategy Sunset Advisory Committee
  - g. Audit, Risk and Improvement Committee
  - h. Disability Inclusion Advisory Committee
  - i. Aboriginal Advisory Committee
  - j. Heritage Advisory Committee
  - k. Coastal and Environmental Management Advisory Committee
  - l. Public Art Advisory Committee
  - m. Business Advisory Committee
  - n. Tourism Advisory Committee
  - o. Eurobodalla Shire and Bega Valley Shire Councils MOU
  - p. General Manager's Performance Review Panel

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**GMR16/026 COUNCIL COMMITTEES AND EXTERNAL BODIES**

**E81.1928**

- q. Eurobodalla Local Traffic Committee
  - r. Community Safety Precinct Committee
  - s. Eurobodalla Bushfire Management Committee
  - t. Floodplain Management Association of NSW
  - u. South East Arts
  - v. South East Regional Academy of Sport
  - w. South East Australian Transport Strategy Inc
  - x. Southern Tablelands and South Coast Noxious Plants Committee
  - y. Gulaga Board of Management (nomination to Minister for appointment).
4. Chairs be appointed to the following committees:
- a. Moruya Showground Management Committee
  - b. Moruya Racecourse Management Committee
  - c. Moruya Quarry Park Sunset Steering Committee
  - d. Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee
  - e. Pathways Strategy Sunset Advisory Committee
  - f. Disability Inclusion Advisory Committee
  - g. Heritage Advisory Committee
  - h. Coastal and Environmental Management Advisory Committee
  - i. Public Art Advisory Committee.

**BACKGROUND**

Council appoints delegates to a range of committees, including Section 355 committees, advisory committees, and sunset/steering committees.

Terms of Reference for current committees are attached to this report.

Section 355 committees

Under section 355 of the Local Government Act 1993, Council can establish committees to perform certain functions on behalf of Council and involve local community members in the management of its facilities or functions.

Advisory and Sunset/Steering Committees

Advisory and Sunset/Steering Committees are appointed by Council from representatives of the community and other stakeholders or agencies with relevant expertise, to provide advice to Council on a range of issues. Sunset or Steering Committees are advisory committees, which are established for a limited term for a specific purpose or to undertake a specific project.

**GMR16/026 COUNCIL COMMITTEES AND EXTERNAL BODIES**

**E81.1928**

Statutory Appointments to External Organisations

Ministers appoint some delegates to organisations other than Council committees. These appointments are direct appointments and cannot be altered by Council. Should a vacancy occur in these organisations, the Minister would make an alternate appointment, usually seeking Council's advice.

**CONSIDERATIONS**

Traditionally, Council has appointed individual Councillors to represent it on community committees and other organisations. The table below includes each of the committees to which Council should appoint delegates and where appropriate, appoint a councillor to be the Chair of that committee.

Council should determine the period of appointment for delegates to committees and external bodies. Historically, the term of appointment has been for two years.

<b>Committee</b>	<b>Number of Delegates required (as per Terms of Reference)</b>
<b>Section 355 Committees</b>	
Moruya Showground Management Committee	2 councillors (including Chair)
Moruya Racecourse Management Committee	2 councillors (including Chair)
<b>Sunset/Steering Committees</b>	
Moruya Quarry Park Sunset Steering Committee	2 councillors (including Chair)
Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee	2 councillors (including Chair)
Batemans Bay Streetscape Sunset Advisory Committee	Mayor (as Chair), 1 councillor
Pathways Strategy Sunset Advisory Committee	2 councillors (including Chair)
Tourism Destination Management Plan – Review Steering Committee	Mayor
<b>Advisory Committees</b>	
Audit, Risk and Improvement Committee (This committee is established in accordance with Guidelines under section 23A of the Local Government Act.)	2 councillors (excluding the Mayor) (The Chair is to be an independent member of the Committee.)
Disability Inclusion Advisory Committee	1 councillor (Chair) plus 1 alternate*
Aboriginal Advisory Committee	1 councillor plus 1 alternate*

**GMR16/026 COUNCIL COMMITTEES AND EXTERNAL BODIES**

**E81.1928**

<b>Committee</b>	<b>Number of Delegates required (as per Terms of Reference)</b>
Heritage Advisory Committee	2 councillors (including Chair)
Coastal and Environmental Management Advisory Committee	4 councillors (including Chair)
Public Art Advisory Committee	1 councillor (Chair) plus 1 alternate*
Business Advisory Committee	Mayor (Chair) or delegate; 2 councillors
Tourism Advisory Committee	Mayor (Chair) or delegate; 2 councillors
Eurobodalla Shire and Bega Valley Shire Councils MOU	Mayor, Deputy Mayor, 1 councillor
General Manager's Performance Review Panel	Mayor, Deputy Mayor, 1 councillor. (optional 2 <sup>nd</sup> councillor can be nominated by General Manager)
<b>External Committees</b>	
Eurobodalla Local Traffic Committee (Established by Roads & Maritime Services)	1 councillor (may be chair)
Community Safety Precinct Committee (Established by NSW Police Local Area Commands)	Mayor
Eurobodalla Bushfire Management Committee (Established by NSW Rural Fire Service)	1 councillor
Floodplain Management Association of NSW	1 councillor plus 1 alternate
South East Arts	1 councillor
South East Regional Academy of Sport	1 councillor
South East Australian Transport Strategy Inc (SEATS)	1 councillor
Canberra Region Joint Organisation of Councils	Mayor
Southern Tablelands and South Coast Noxious Plants Committee	1 councillor
<b>External Committees – Ministerial and other Appointments</b>	
Gulaga Board of Management (nomination of delegate to Minister is required)	1 councillor plus 1 alternate
Batemans Marine Park Advisory Committee (existing Ministerial appointment)	Councillor Rob Pollock OAM



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**GMR16/026 COUNCIL COMMITTEES AND EXTERNAL BODIES**

**E81.1928**

<b>Committee</b>	<b>Number of Delegates required (as per Terms of Reference)</b>
Regional Development Australia, Far South Coast (existing Ministerial appointment)	Clr Rob Pollock OAM
Local Government NSW Board member (Elected by LGNSW members)	Clr Lindsay Brown
Joint Regional Planning Panel	Clr Rob Pollock OAM

\* The alternate delegate is to attend meetings when the delegate is not available.

**CONCLUSION**

Delegates and Chairs (where appropriate) should be appointed to committees and the term of appointment to such committees be determined.

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**GMR16/027 2016/17 DETERMINATION OF THE LOCAL GOVERNMENT  
REMUNERATION TRIBUNAL**

**E95.8749**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Strategic Objective: Collaborative Communities

Delivery Plan 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**

The Local Government Remuneration Tribunal has set the mayoral and councillor fees for the 2016-17 financial year, with effect from 1 July 2016, and has determined that an increase of 2.5% should apply.

### **RECOMMENDATION**

THAT Council:

1. Make a determination in regard to the Remuneration Tribunal's determination of a 2.5% increase in fees for Councillors and the additional Mayoral allowance;
2. Note that the maximum fees for Regional Rural councils for 2016-17, including the full Tribunal determination, are set at \$18,840 for Councillors and \$41,090 for the additional Mayoral allowance;
3. Note that Councillors can donate all or part of their fee to a project or organisation of their choice, if they so wish.

### **BACKGROUND**

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

Eurobodalla Shire Council is classified as a Regional Rural council.

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

[www.remtribunals.nsw.gov.au/local-government/current-lgrt-determinations](http://www.remtribunals.nsw.gov.au/local-government/current-lgrt-determinations)

### **CONSIDERATIONS**

#### Categorisation of Councils

The Local Government Remuneration Tribunal is required under section 239 of the *Local Government Act 1993* to determine the categories of councils and mayoral offices at least once every three years. In accordance with the Act, the Tribunal reviewed the categories of councils

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**GMR16/027 2016/17 DETERMINATION OF THE LOCAL GOVERNMENT  
REMUNERATION TRIBUNAL**

**E95.8749**

as part of its 2015 annual review and determined that no change to categories was warranted at that time.

Fees for Councillors and the Mayor

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

The Tribunal is required to have regard to the same policies on increases in remuneration as the Industrial Relations Commission is required to give effect to under the *Industrial Relations Act 1996*, relating to the conditions of employment of public sector employees. The current policy is that public sector wages cannot increase by more than 2.5%, and this includes the fees payable to councillors and mayors.

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

As a result, the minimum and maximum fees for a Regional Rural council for 2016-17 are determined as follows:

	Councillor Annual Fee		Mayoral Annual Fee	
	Minimum	Maximum	Minimum	Maximum
<b>Regional Rural</b>	\$8,540	\$18,840	\$18,180	\$41,090

**CONCLUSION**

The Local Government Remuneration Tribunal has determined an increase to the minimum and maximum mayoral and councillor fees of 2.5% for the 2016-17 financial year, with effect from 1 July 2016.

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

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**GMR16/028 DISCLOSURE OF INTEREST RETURNS**

**E15.9060,  
E15.9036**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Strategic Objective: Support Services

Delivery Plan 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**

In accordance with the provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Directions from the Division of Local Government, the General Manager is required to formally table all disclosure of interest returns after 30 September in each year.

Accordingly, disclosure of interest returns for Councillors, senior staff and designated staff for 2015-16 are so tabled.

**RECOMMENDATION**

THAT the report on the Disclosure of Interest Returns be received and noted.

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**GMR16/029 NSW COASTAL CONFERENCE 2016**

**E14.8054**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: Nil  
Strategic Objective: Collaborative Communities  
Delivery Plan 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**

The NSW Coastal Conference will be hosted by Coffs Harbour City Council between November 9 –11 2016 at Novotel Pacific Bay Resort, Coffs Harbour.

The three day event is comprised of plenary sessions, concurrent sessions, field trips (addressing some of the local coastal, estuary and marine management issues), networking events and the Annual NSW Coastal Management Awards.

**RECOMMENDATION**

THAT Council determine whether it wishes to be represented at the NSW Coastal Conference 2016 to be held on 9 – 11 November 2016 in Coffs Harbour and if it so determines:

1. Council nominate a representative to attend the Conference;
2. Council representative be reimbursed out of pocket expenses in accordance with the Councillors' Expenses and Facilities Policy.

**BACKGROUND**

The Conference has been held annually for the past 24 years and has grown to become one of the most successful coastal industry events held in Australia. The conference attracts over 220 delegates each year, who are interested in or working within the fields of: coastal and estuary management research; education and service provision; and policy.

Representatives from local government, user groups and community volunteer organisations also attend.

Past conferences have been held in Forster (2015), Shoalhaven (2014) and Port Macquarie (2013).

**CONSIDERATIONS**

The full conference program is available on the Coastal Conference website at:  
<http://www.coastalconference.com/program.php>

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**GMR16/029 NSW COASTAL CONFERENCE 2016**

**E14.8054**

**Policy**

Council's Councillor's Expenses and Facilities Policy provides that attendance will normally be limited to two. The principle of having one councillor and an appropriate staff member 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.

**Financial**

Registration is \$875 and includes attendance at all conference sessions.

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

**CONCLUSION**

The NSW Coastal Conference is an opportunity to examine how the most recent research and coastal planning initiatives are being applied across New South Wales. Any Councillor attending will have an opportunity to discuss coastal management issues first hand with practitioners in the field and with Councillors and staff from other local government areas.

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**GMR16/030 NOMINATION OF NSW REPRESENTATIVE - AUSTRALIAN COASTAL COUNCILS ASSOCIATION INC E04.8493**

Responsible Officer: Dr Catherine Dale - General Manager

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**

Advice has been received from the Australian Coastal Councils Association Inc of a casual vacancy for a NSW representative on the Association's Committee of Management for the period 2016/17. Council as a member of the Association is able to nominate an elected representative as a candidate and vote for the NSW representative on the Association's Board of Management.

### **RECOMMENDATION**

THAT Council determine if it wishes to nominate an elected representative to stand as a candidate for NSW representative on the Association's Board of Management.

### **BACKGROUND**

Nominations are sought for a NSW representative to sit on the Association's Committee of Management for the period 2016-17. Nominations from representatives of Association member councils must be lodged by Monday 21 November 2016.

The Australian Coastal Councils Association Inc (formerly the Sea Change Taskforce) was formally constituted in November 2004 with the aim of promoting the interests of coastal councils around Australia affected by the sea change phenomenon, including issues such as the impact of rapid population and tourism growth. The Taskforce's aim was to work collaboratively with State and Federal Governments to develop national and state policies to establish sustainable limits to growth, help protect the coastal environment and address funding issues.

Eurobodalla Shire Council was an inaugural member of the Sea Change Taskforce with then Mayor, Councillor Fergus Thomson OAM, elected as a NSW representative on the Taskforce, a position he held for ten years.

The organisation has made substantial progress in relation to issues of concern to Australia's coastal communities, including facilitating the exchange of information and experiences between Australia's coastal councils; commissioning various research projects including research into the impact of non-resident populations on coastal communities which has led to the Bureau of Statistics including an additional topic in the 2016 Census on the ownership and

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**GMR16/030 NOMINATION OF NSW REPRESENTATIVE - AUSTRALIAN COASTAL COUNCILS ASSOCIATION INC E04.8493**

use of second residences; and continuing to make strong representations at Federal and State level on coastal management issues.

On 1 July 2015 the organisation changed its name to become the Australian Coastal Councils Association Inc. The change to the Association is part of a strategy to expand the organisation and to increase its influence among decision-makers at a National level.

The range of issues being addressed by the organisation has increased to include a broader range of issues facing coastal councils. These issues include the shortfall in resources to meet increasing demand for infrastructure and services; coastal erosion and the projected impacts of sea level rise; the legal risks faced by coastal councils in relation to planning for climate change, proposed changes to arrangements for natural disaster funding; impact of tourists on coastal communities; and the continuing impacts of high population growth on coastal councils.

Further information on the Association can be found at <http://coastalcouncils.org.au/>

**CONCLUSION**

Council is a financial member of the Australian Coastal Councils Association. As such, Council is entitled to nominate and/or vote for a candidate for NSW to sit on the Board of Management for 2016-17.



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**PSR16/035 BATEMANS BAY MACKAY PARK SUNSET COMMITTEE**

**E12.6442**

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

Attachments: 1. Confidential - Applications for Sunset Committee  
2. Confidential - Summary of Sunset Committee applications and recommendations

Focus Area: Sustainable Communities

Delivery Program Link: S5.1 Review and prepare planning strategies, policies and studies

Operational Plan Link: S5.1.6 Integrated growth and development strategy

**EXECUTIVE SUMMARY**

The purpose of this report is to make recommendations to fill the community representative positions on the Mackay Park Sunset Committee. In addition, it is recommended that the Mayor (or her nominee) be appointed to chair the Committee and that Council consider the appointment of other councillors to the Committee, in accordance with the adopted Terms of Reference.

In accordance with the Council resolution of 12 July 2016, expressions of interest were sought from 27 July to 24 August 2016 for eight (8) community representatives on the Batemans Bay Mackay Park Precinct Sunset Committee (the Sunset Committee). The Terms of Reference for the Sunset Committee outlined the criteria for selection of community members, being involvement in a community or business group that is related to the following potential development outcomes within the precinct: conference or convention facilities, tourism accommodation, arts and culture, seniors living, tourism and recreational facilities and aquatic centre.

Eleven (11) expressions of interest were received.

**RECOMMENDATION**

THAT Council

1. Appoint nine (9) persons to be on the Batemans Bay Mackay Park Sunset Committee as recommended in the confidential attachment.
2. Appoint one councillor, being the Mayor or their nominee, to chair the Sunset Committee and any other councillors to participate on the Sunset Committee.

**BACKGROUND**

In April 2016, Council purchased the former Batemans Bay Bowling Club site. This strategic purchase resulted in all of the land to the west of the Princes Highway across from the Batemans Bay Town Centre, being in public ownership.

Following the purchase of the land, Council asked the community for their ideas for the future use of the land. 187 community submissions were received and 114 Facebook comments were recorded. Submissions were overwhelmingly positive and generally consistent with the development outcomes envisaged by Council.

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**PSR16/035 BATEMANS BAY MACKAY PARK SUNSET COMMITTEE**

**E12.6442**

At the same time, Council called for preliminary expressions of interest from parties interested in partnering with Council in the redevelopment of the land. The expression of interest documents identified some of Council's preferred development opportunities for the site, including a new aquatic centre, an arts cultural facility, conference and event space, tourism accommodation, restaurant and cafes, seniors' living and the integration of existing sporting fields into the future development of the precinct. Four (4) expressions of interest were received, indicating that there is and will be interest from the private sector in partnering with Council to deliver these development outcomes.

Council at its ordinary meeting held on 14 June 2016 considered a Notice of Motion and resolved:

*THAT Council receive a report on the potential creation of a Sunset Committee to investigate opportunities for the development of the Batemans Bay Mackay Park Precinct, following the presentation of submissions and briefing to Councillors.*

On 28 June 2016, Council considered a Notice of Motion and resolved to investigate the short-term use of the Bowling Club site and to hold an open day at the site for interested members of the community to view and tour the inside of the building and assess its condition.

On 12 July 2016, Council resolved to call for submissions for the interim short-term use of the Bowling Club, noting that previous submissions had been received on this matter that should be considered in this process, and for community representatives to be on a Sunset Committee to assist Council in the planning for redevelopment of the precinct. The Terms of Reference for the Sunset Committee were also adopted by Council on 12 July 2016. The Terms of Reference specify that the role of the Sunset Committee will be to:

1. Assist Eurobodalla Shire Council with the investigation of opportunities for the development of the precinct.
2. Develop and oversee the community engagement process during the investigation of opportunities for the development of the Batemans Bay Mackay Park precinct.

The open day was held on 16 July 2016. Following the open day, expressions of interest were called for membership of the Sunset Committee. Eleven (11) expressions of interest for the eight (8) community positions were received. The terms of reference also specify that the Sunset Committee will include the Mayor or their nominee as chairperson of the Sunset Committee and any other councillors appointed by Council. Council will therefore need to consider which councillors will be appointed to the Sunset Committee.

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**PSR16/035 BATEMANS BAY MACKAY PARK SUNSET COMMITTEE**

**E12.6442**

**CONSIDERATIONS**

Attached to this report is a confidential document containing a copy of each expression of interest received, along with a summary that makes recommendations for appointment.

Eleven (11) nominations have been received from individuals from the following organisations:

- Batemans Bay Chamber of Commerce (1 nominee)
- Individual (Chair of Eurobodalla Health Service Community Consultation Committee, member of Eurobodalla Disability Advisory Committee)
- PerfEx (2 positions are sought from 3 nominees)
- U3A (1 nominee)
- Individual (President of Eurobodalla Meals on Wheels, Secretary / Treasurer Nelligen Recreation Park Board, Rotary Batemans Bay Youth Director)
- President of the Batemans Bay Indoor Aquatic Centre Committee
- Individual (Tomakin Community Association Committee member, business owner)
- Individual (Batemans Bay Basketball Association and Batemans Bay Junior Tigers Committee member, business owner)
- South Coast Pastel Society (2 nominees)

The terms of reference specified eight (8) community positions on the Sunset Committee. There are three options available to Council.

Option 1

Accept all 11 nominations.

Option 2

Accept all nominations on the basis of one representative from each group. This will result in nine (9) positions on the Sunset Committee. It would be possible for PerfEx and South Coast Pastel Society (and any other community group) to have alternate members.

Option 3

Select eight (8) people from the eleven (11) nominees, including one each from PerfEx and South Coast Pastel Society. This option would also result in one additional nominee not being selected.

Option 2 is the recommended option. This option enables each group and individual that submitted an expression of interest to participate on the Sunset Committee, but does not provide PerfEx and South Coast Pastel Society with two positions each. This is considered reasonable as it has not been demonstrated why these two community groups should be afforded two positions on the Sunset Committee. These groups could have alternate members so different representatives could attend meetings. This decision will not disadvantage either community group as all matters discussed by the Sunset Committee and any recommendations they make will be reported to Council.

**Community Engagement**

The expression of interest process was made public through a notice in the Batemans Bay Post and letters were sent to approximately 180 persons representing local community groups, business owners or other persons who had attended the open day. Material was available on Council's website and a media release was issued to promote the expression of interest

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**PSR16/035 BATEMANS BAY MACKAY PARK SUNSET COMMITTEE**

**E12.6442**

process. A period of one month from 27 July to 24 August 2016 was provided for persons to submit expressions of interest.

**CONCLUSION**

In accordance with the 12 July 2016 resolution of Council, expressions of interest were called for membership of the Batemans Bay Mackay Park Sunset Committee. Eleven (11) nominations were received to fill eight (8) community representative positions. Copies of the expressions of interest along with a summary of each are provided in a confidential attachment to this report. Council will also need to consider the appointment of councillors to the Sunset Committee.

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**FBD16/050 LICENCE FOR BELL'S AMUSEMENTS, CORRIGANS BEACH**

**E05.9124**

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

Attachments: Nil

Focus Area: Support Services

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

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

### **EXECUTIVE SUMMARY**

Bell's Amusement Hire Pty Limited (Bell's Amusements) has been using Corrigan's Beach Reserve for over thirty years to operate a carnival during the summer school holidays. The current five year licence expired on 31 January 2016.

As Trust Manager for Eurobodalla (North) Reserve Trust, Council cannot grant a licence for use of the reserve for a period greater than 12 months without the consent of the Minister administering the Crown Lands Act. In accordance with the provisions of Council's Code of Practice 'Licensing of Council controlled Public Reserves and Associated Buildings' an Expression of Interest (EOI) was called on 10 December 2015 from interested parties wishing to conduct activities on Council controlled public reserves for a period of up to five years.

Bell's Amusements advised its interest in extending its licence agreement for five years during the EOI submission period for use of Corrigan's Beach Reserve to commence on 1 December 2016. As no conflicting submissions were received, in accordance with Council's Code of Practice it is appropriate the licence application be considered.

This report recommends a five year licence be granted for Corrigan's Reserve subject to consent from the Minister administering the Crown Lands Act, 1989 to operate Bell's carnival.

### **RECOMMENDATION**

THAT:

1. Subject to consent of the Minister administering the Crown Lands Act 1989, Council as Trust Manager for Eurobodalla (North) Reserve Trust, consent to the granting of a five year licence to operate a carnival business on Crown Reserve R66122 at Corrigan's Beach, Batehaven to Bell's Amusement Hire Pty Limited for the period 1 December to 31 January each year commencing on 1 December 2016 and expiring on 30 November 2021 with the same terms and conditions as the previous licence, with the initial licence fee based on the daily fee for set up and dismantle for circuses, and subject to annual increases in line with Council's adopted fees and charges.
2. The Licensee pay an annual maintenance fee for the sewerage pump station being an initial fee of \$2,545 plus GST and increased annually being the greater of 3% or CPI.

**FBD16/050 LICENCE FOR BELL'S AMUSEMENTS, CORRIGANS BEACH**

**E05.9124**

**BACKGROUND**

Bell's Amusements has been successfully operating an amusement carnival during the summer school holidays at Corrigans Beach Reserve for over 30 years. During this time the operation has grown and has proven to be an asset to the Shire as a popular attraction for tourists and local residents.

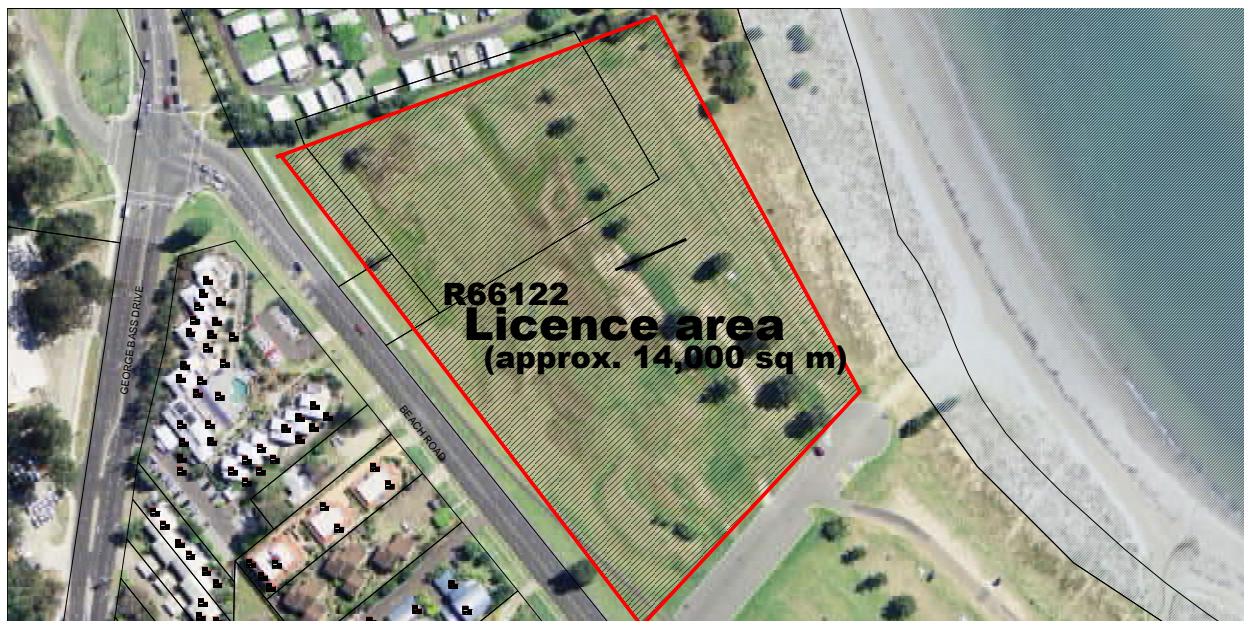
At its meeting on 27 September 2011 Council resolved to grant a five year licence for the period 1 December to 31 January each year, commencing 1 December 2011 and terminating 31 January 2016, to Bell's Amusements with the same terms and conditions of previous licences and the Licensee to pay an annual maintenance fee for the sewerage pump station.

The current five year licence expired on 31 January 2016 and Bell's Amusements has requested the granting of a further five year licence for use of Corrigans Beach Reserve.

**CONSIDERATIONS**

Bell's Amusements made a submission requesting a further five year licence. No other party expressed an interest to use Corrigans Reserve during this time therefore it is appropriate that consideration be given to the request.

A sketch of the licence area is set out below.



*Crown Reserve R66122 – Corrigans Beach, Batehaven*

**Legal**

Corrigans Beach Reserve is a Crown Reserve (R66122) under the Trusteeship of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager. In accordance with the provisions of Section 102 of the Crown Lands Act 1989, Council as Trust Manager cannot grant a licence for a period exceeding 12 months without the consent of the Minister administering the Crown Lands Act.

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**FBD16/050 LICENCE FOR BELL'S AMUSEMENTS, CORRIGANS BEACH**

**E05.9124**

**Policy**

An EOI was called in line with the provisions of Council's Code of Practice – 'Licensing of Council controlled Public Reserves and Associated Buildings' on 10 December 2015 from parties wishing to conduct activities on Council controlled land. This process satisfies the requirements of Crown Lands for the consideration of granting licences by way of an open and transparent competitive process.

In accordance with Council's policy, public liability insurance in the amount of \$20 million will be required noting Council and the Minister administering the Crown Lands Act as interested parties.

**Asset**

The Licensee is to repair and make good any damage occasioned by the Licensee's use of the licensed area used during the carnival.

Bell's Amusements has agreed to continue to pay an annual maintenance fee for the mini sewer pump station at Corrigans Beach Reserve.

**Social Impact**

Bell's Carnival has become a regular attraction over summer at Batehaven and is considered an attraction for tourists and locals alike.

**Economic Development Employment Potential**

Bell's Carnival is an important tourism attraction for the region during a period when accommodation businesses are able to generate a maximum amount of income. It helps to fill accommodation in the latter half of the January school holidays which is a crucial period for local accommodation.

**Financial**

The previous licence fee has been based on the rate for circus set up and dismantle days adopted by Council in its annual fees and charges and it is proposed for this to continue for 2016-17. This will be \$236 per day. If the carnival operates for the same period as previous years the total fee for the first year will be in the order of \$19,000.

Based on the previous maintenance fee for the sewerage pump station it is recommended the proposed initial fee be \$2,545 plus GST and increased annually by the greater of 3% or CPI.

**Community Engagement**

In accordance with the provisions of Council's Code of Practice 'Licensing of Council controlled Public Reserves and Associated Buildings' an Expression of Interest (EOI) was called on 10 December 2015 from interested parties wishing to conduct activities on Council controlled public reserves for a period of up to five years.

**CONCLUSION**

The licence to Bell's Amusements for use of Corrigans Beach Reserve expired on 31 January 2016.

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**FBD16/050 LICENCE FOR BELL'S AMUSEMENTS, CORRIGANS BEACH**

**E05.9124**

For over thirty years the carnival has become a regular attraction to the community during the summer school holidays. As no other party has expressed an interest in using that part of Corrigans Reserve during the summer period it is considered reasonable and appropriate for Council to support the local economy and Bell's Amusements by granting a five year licence.



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**FBD16/051 LICENCE FOR RADIO ANTENNA - NORTH NAROOMA RESERVOIR E05.9617**

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

Attachments: Nil

Focus Area: Support Services

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

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

### **EXECUTIVE SUMMARY**

The five year licence to Eurobodalla Access Radio Inc. (2EARFM) for a radio antenna on the North Narooma Reservoir site expired on 30 June 2016. From 1 July 2016 2EARM has continued its tenancy on a month to month basis in accordance with conditions in the licence agreement. A licence has been held by 2EARFM for a radio transmission facility at North Narooma Reservoir since 1 July 2006.

2EARFM has requested a further five year licence be granted for radio transmission equipment on the North Narooma Reservoir site within Lot 1 DP 379832 commencing on 1 July 2016.

2EARFM is a not for profit community organisation providing entertainment and information to the wider community and as such it is considered reasonable and appropriate for Council to support it by granting a five year licence.

Reception in the Narooma area was improved by the installation of a repeater station on the North Narooma Reservoir site.

This report recommends a five year licence be granted to 2EARFM to operate, store and maintain radio transmission equipment at North Narooma Reservoir site.

### **RECOMMENDATION**

THAT

Council grant a licence for radio transmission equipment within Lot 1 DP 379832 to Eurobodalla Access Radio Inc. for a term of five years commencing on 1 July 2016 with an initial licence fee of \$472 plus GST per annum and conditions in line with the previous licence.

### **BACKGROUND**

A licence has been held by 2EARFM for a radio transmission facility at North Narooma Reservoir since 1 July 2006. The latest five year licence granted to 2EARFM expired on 30 June 2016. 2EARFM have requested a further five year licence be granted to store, operate and maintain radio transmission equipment at this site.

At its meeting held on 24 May 2011 Council resolved:

**FBD16/051 LICENCE FOR RADIO ANTENNA - NORTH NAROOMA RESERVOIR**

**E05.9617**

*THAT Council grant a licence for radio transmission equipment within Lot 1 DP 379832 to Eurobodalla Access Radio Inc. for a term of five years commencing on 1 July 2011 subject to the following conditions:*

- (a) The annual rental be \$418.00 plus GST increased annually in line with the CPI.*
- (b) The licence be conditioned such that if the facility interferes with Council's telemetry or radio communications equipment on the site and such interference cannot be suppressed the licence will be terminated.*
- (c) The provision of public liability insurance in accordance with Council Policy.*
- (d) All costs associated with the granting of the licence should be borne by Eurobodalla Access Radio Inc.*

**CONSIDERATIONS**

2EARFM is a community radio station based in Moruya that is run by volunteers drawn from different backgrounds and broadcasts 24/7 365 days a year with most programs each day being live.

Reception in the Narooma area was improved by the installation of a repeater station on the North Narooma Reservoir site.

The location of the Narooma Reservoir is shown on the sketch below.



*North Narooma Reservoir -Lot 1 DP 379832*

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**FBD16/051 LICENCE FOR RADIO ANTENNA - NORTH NAROOMA RESERVOIR**

**E05.9617**

**Legal**

The North Narooma Reservoir located at 33A Hillcrest Avenue, being Lot 1 DP 379832 is classified as operational land therefore there is no legal impediment to granting a further licence.

**Policy**

It is Council's standard practice to allow for telecommunications equipment to be located on appropriate Council assets. In accordance with Council policy and this practice, public liability insurance in the amount of \$20 million will be required noting Council as an interested party.

**Asset**

In line with the previous licences, a further licence should be conditioned such that if the facility interferes with Council's telemetry or radio communications equipment on the site and cannot be suppressed, then the licence can be terminated.

**Social Impact**

The improved reception for 2EARFM in the Narooma area provides the public with a greater choice of radio listening. 2EARFM is a community radio station based in Moruya that is run by volunteers.

**Financial**

Given the nature of the organisation and the community benefit it offers, an annual licence fee in line with the Crown Lands statutory minimum rent currently \$472 plus GST indexed annually in line with CPI is considered reasonable.

**Community Engagement**

The North Narooma Reservoir located at 33A Hillcrest Avenue, being Lot 1 DP 379832 is classified as operational land and public notice of Council's intention to grant a licence is not required.

**CONCLUSION**

The five year licence to Eurobodalla Access Radio Inc. (2EARFM) for a radio antenna on the North Narooma Reservoir site expired on 30 June 2016. From 1 July 2016 2EARM has continued its tenancy on a month to month basis in accordance with conditions in the licence agreement. A licence has been held by 2EARFM for a radio transmission facility at North Narooma Reservoir since 1 July 2006.

2EARFM has requested a further five year licence be granted for radio transmission equipment on the North Narooma Reservoir site within Lot 1 DP 379832 commencing on 1 July 2016.

2EARFM is a not for profit community organisation providing entertainment and information to the wider community and as such it is considered reasonable and appropriate for Council to support it by granting a five year licence with conditions in line with the previous licence.

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**FBD16/052 LAND ACQUISITION FOR ROAD WIDENING - EVANS STREET,  
MORUYA**

**E81.0514**

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

Attachments: Nil

Focus Area: Support Services

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

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

### **EXECUTIVE SUMMARY**

Construction of road medians to allow safe road crossings by pedestrians including school children attending the Moruya Public School has taken place at the corner of Evans and Murray Streets. Upgrading of the pathway was also required to ensure legal gradient for wheelchair access was achieved.

The upgrading of the pathway requires land acquisition of part Lot 1 DP 740640 of approximately 10 square metres to widen the road reserve.

The Department of Education has agreed in writing to the land acquisition.

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

### **RECOMMENDATION**

THAT :

1. All actions necessary be taken for the acquisition of land required for road widening within Lot 1 DP 740640 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with the land acquisition be borne by Council.

### **BACKGROUND**

Road medians have been constructed at the intersection of Murray and Evans Streets, Moruya. As part of those works the pathway was upgraded to ensure legal gradient for wheelchair access was achieved.

Land acquisition is required of approximately 10 square metres to allow for the pathway widening.

### **CONSIDERATIONS**

A sketch of the area to be acquired is set out below together with a photo of the completed works.

**FBD16/052 LAND ACQUISITION FOR ROAD WIDENING - EVANS STREET,  
MORUYA**

**E81.0514**



**Legal**

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

**Policy**

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

**Asset**

Additions of road medians and the upgrading of the pathway to ensure legal gradient for wheelchairs and safe crossing of the road at this intersection for pedestrians, particularly school children, is a valuable improvement.

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**FBD16/052 LAND ACQUISITION FOR ROAD WIDENING - EVANS STREET,  
MORUYA**

**E81.0514**

**Financial**

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

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

**Community Engagement**

The registered proprietor of the property, the Department of Education, has been consulted and consented in writing to the proposed acquisition for road purposes.

**CONCLUSION**

Construction of road medians to allow safe road crossings by pedestrians including school children attending the Moruya Public School has taken place at the corner of Evans and Murray Streets. Upgrading of the pathway was also required to ensure legal gradient for wheelchair access was achieved.

The upgrading of the pathway requires land acquisition of part Lot 1 DP 740640 of approximately 10 square metres to widen the road reserve which should be acquired in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.

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**FBD16/053 INVESTMENTS MADE AS AT 31 JULY 2016**

**E99.3517**

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

Attachments: Nil

Focus Area: Support Services

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

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

**EXECUTIVE SUMMARY**

The purpose of this report is to:

- Certify that Council's investments in financial instruments have been made in accordance with legal and policy requirements
- Provide information and details of investments
- Raise other matters relevant to investing

**RECOMMENDATION**

THAT the certification that the investments as at 31 July 2016 made in accordance with the Act, Council's Investment Policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

**CONSIDERATIONS**

**Legal**

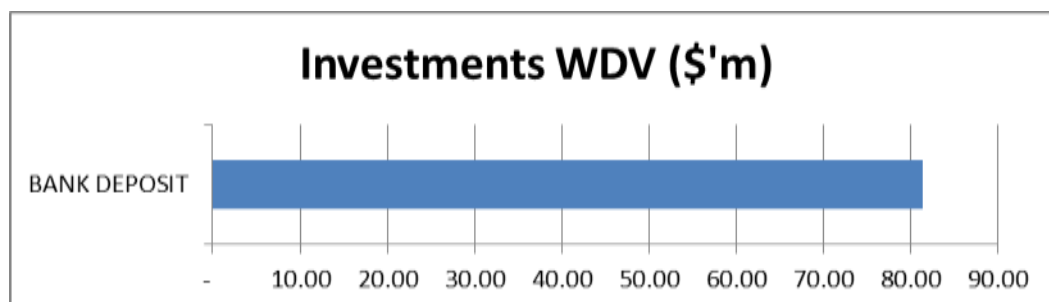
Budgeted legal fees for 2016-2017 are \$0.035m and it is expected that future credit crisis legal costs will not be material.

**Policy**

Investments comply with Council's Investment policy.

**Financial**

Council Investing Overall



Council has 100% (\$81.33m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$0.75m with IMB (Rated BBB+) and \$1.75m with ME Bank (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.50m and represents 3.10% of the portfolio.

**FBD16/053 INVESTMENTS MADE AS AT 31 JULY 2016**

**E99.3517**

The weighted average return for all investments for the month is 2.92% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.18%).

Collateralised Debt Obligation (CDO)

Funded legal action against the Fitch rating agency is in the early stages and is likely to continue for some time.

Summary Investment Information

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

<b>CATEGORY</b>	<b>WDV (\$)</b>
At Call Deposit Government Guaranteed	250,000
At Call Deposit	4,587,303
Term Deposits	74,250,000
Term Deposits Government Guaranteed	2,250,000
	<b>81,337,303</b>
<i>Weighted average Interest %:</i>	2.92%
<i>Average 90 day BBSW + 25%</i>	2.18%

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.

<b>Policy Risk</b>	<b>Low Liquidity Risk %</b>	<b>Medium Liquidity Risk %</b>	<b>High Liquidity Risk %</b>	<b>Total % WDV</b>
<b>Remote Risk</b>	<b>3.10</b>	<b>0.00</b>	<b>0.00</b>	<b>3.10</b>
Policy Limit	100.00	70.00	50.00	
<b>Near Risk Free</b>	<b>93.83</b>	<b>0.00</b>	<b>0.00</b>	<b>93.83</b>
Policy Limit	100.00	50.00	30.00	
<b>Some Limited Risk</b>	<b>3.07</b>	<b>0.00</b>	<b>0.00</b>	<b>3.07</b>
Policy Limit	30.00	20.00	10.00	
<b>At Risk</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Policy Limit	0.00	0.00	0.00	
<b>Grant Total</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</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



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**FBD16/053 INVESTMENTS MADE AS AT 31 JULY 2016**

**E99.3517**

unaudited unrestricted current ratio as at 30 June 2016 is 2.36:1. Council therefore has approximately \$2.36 of current assets for each \$1 of current liabilities.

**CONCLUSION**

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

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**FBD16/054 INVESTMENTS MADE AS AT 31 AUGUST 2016**

**E99.3517**

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

Attachments: Nil

Focus Area: Support Services

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

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

**EXECUTIVE SUMMARY**

The purpose of this report is to:

- Certify that Council's investments in financial instruments have been made in accordance with legal and policy requirements
- Provide information and details of investments
- Raise other matters relevant to investing

**RECOMMENDATION**

THAT the certification that the investments as at 31 August 2016 made in accordance with the Act, Council's Investment Policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

**CONSIDERATIONS**

**Legal**

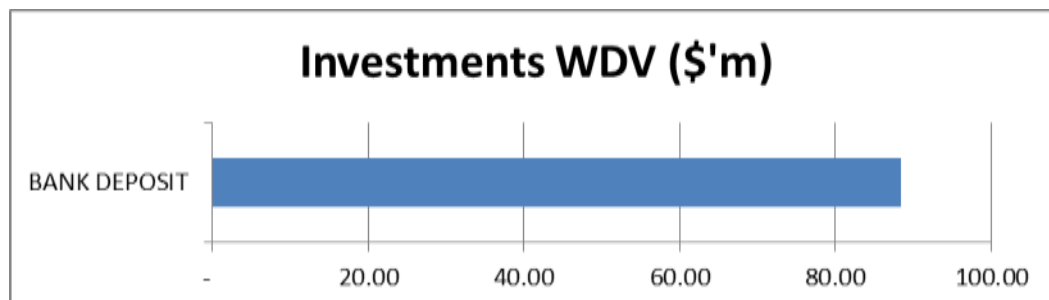
Budgeted legal fees for 2016-2017 are \$0.035m and it is expected that future credit crisis legal costs will not be material.

**Policy**

Investments comply with Council's Investment policy.

**Financial**

Council Investing Overall



Council has 100% (\$88.34m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$0.75m with IMB (Rated BBB+) and \$1.75m with ME Bank (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.25m and represents 2.52% of the portfolio.

**FBD16/054 INVESTMENTS MADE AS AT 31 AUGUST 2016**

**E99.3517**

The weighted average return for all investments for the month is 2.79% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.01%).

Collateralised Debt Obligation (CDO)

Funded legal action against the Fitch rating agency is in the early stages and is likely to continue for some time.

Summary Investment Information

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

CATEGORY	WDV (\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	4,596,024
Term Deposits	81,500,000
Term Deposits Government Guaranteed	2,000,000
	<b>88,346,024</b>
<i>Weighted average Interest %:</i>	2.92%
<i>Average 90 day BBSW + 25%</i>	2.18%

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Medium Liquidity Risk %	High Liquidity Risk %	Total % WDV
<b>Remote Risk</b>	<b>2.52</b>	<b>0.00</b>	<b>0.00</b>	<b>2.52</b>
Policy Limit	100.00	70.00	50.00	
<b>Near Risk Free</b>	<b>94.65</b>	<b>0.00</b>	<b>0.00</b>	<b>94.65</b>
Policy Limit	100.00	50.00	30.00	
<b>Some Limited Risk</b>	<b>2.83</b>	<b>0.00</b>	<b>0.00</b>	<b>2.83</b>
Policy Limit	30.00	20.00	10.00	
<b>At Risk</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Policy Limit	0.00	0.00	0.00	
<b>Grant Total</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</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 unaudited unrestricted current ratio as at 30 June 2016 is 2.36:1. Council therefore has

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**FBD16/054 INVESTMENTS MADE AS AT 31 AUGUST 2016**

**E99.3517**

approximately \$2.36 of current assets for each \$1 of current liabilities. The 2015-2016 annual accounts are currently being prepared for audit and the new ratio will be available for the next report.

**CONCLUSION**

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

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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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.



<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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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<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.