



AGENDA

Ordinary Meeting of Council

22 November 2016

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

ON TUESDAY 22 NOVEMBER 2016

COMMENCING AT 10.00AM

AGENDA

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

- 1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE**
- 2. APOLOGIES**
- 3. PUBLIC FORUM (AGENDA ITEMS ONLY)**
PRESENTATION – 11.30AM
PRESENTATION OF FINANCIAL STATEMENTS BY PITCHER PARTNERS
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(DECLARATIONS ALSO TO BE MADE PRIOR TO DISCUSSIONS ON EACH ITEM)
- 6. MAYORAL REPORTS**
Nil
- 7. NOTICES OF MOTION**
NOM16/009 Batemans Bay Bridge 3
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil
- 9. GENERAL MANAGER'S REPORTS**
GMR16/035 Policy Review - Code of Conduct Policy 5
GMR16/037 Policy Review - Repeal of Gifts and Benefits Policy 8
GMR16/038 Annual Report 2015-16 10

Page No.

10. PLANNING AND SUSTAINABILITY REPORTS	
PSR16/044	Certification of the Wharf Road Coastal Zone Management Plan 15
PSR16/045	Rural Producers Advisory Committee 22
PSR16/046	Batemans Bay Mackay Park Precinct Redevelopment 30
PSR16/047	2015-16 On Site Sewage Management System Status Report 36
PSR16/048	2015-16 Regulatory Action Status Report 41
PSR16/049	2015-16 Food Inspection Status Report 47
PSR16/050	Donation of Development Application Fee..... 52
11. INFRASTRUCTURE REPORTS	
IR16/045	Local Traffic Committee No 2 for 2016-17..... 54
12. FINANCE AND BUSINESS DEVELOPMENT REPORTS	
FBD16/061	Licence for Kayak Hire, Narooma 60
FBD16/062	Licence for Kayak Hire, Nelligen..... 63
FBD16/063	Licence for Jet Ski Hire Business – Corrigans Beach, Batehaven 67
FBD16/064	Policy Review - Accounting for Divisions and Subsidiaries of Council Policy 71
FBD16/065	Policy Review - Asset Disposals Policy 74
FBD16/066	Budget Review for the Period Ended 30 September 2016 77
13. COMMUNITY, ARTS AND RECREATION REPORTS	
	Nil
14. DELEGATE REPORT	
15. URGENT BUSINESS	
16. DEALING WITH MATTERS IN CLOSED SESSION	88
17. CONFIDENTIAL MATTERS	
CON16/024	Property Matter
	<i>Item CON16/024 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>

**DR CATHERINE DALE
GENERAL MANAGER**

NOM16/009 BATEMANS BAY BRIDGE

E00.4623

Responsible Officer: Rob Pollock - Councillor

Attachments: Nil

Councillor Rob Pollock has given notice that at the Ordinary Meeting of Council on 22 November 2016, he will move the following motion.

MOTION

THAT:

1. Council convene an urgent meeting with Roads and Maritime Services, Batemans Marine Park and NSW Fisheries and any other relevant parties with a view to establishing appropriate NSW Government owned wharf facilities on the western side of the Batemans Bay Bridge, thereby significantly reducing the need for consistent and disruptive opening of the Batemans Bay Bridge.
2. Council urge the Roads and Maritime Services to engage with the current users of the waterway to ensure the needs of operators are taken into account in developing solutions.

BACKGROUND

The NSW Government is to be highly commended for commencing investigations into the construction of a new bridge crossing of the Clyde River estuary at Batemans Bay. Securing a new four lane bridge crossing at Batemans Bay is essential to provide for the capacity needs of Eurobodalla and south coast region, including provision for 26m higher mass limit B-double access along the Princes Highway.

The new bridge must also remove the need to open the bridge to allow boats to travel up river. However the new bridge will take years to construct.

The current opening of the existing bridge causes significant delays to traffic on the Princes Highway, resulting in congestion on the highway and in Batemans Bay CBD. This also causes real concern relating to the provision of emergency services for those living north of the Bay.

The opening of the bridge also results in a risk of the bridge being stuck in the open position, as occurred recently.

A more immediate solution is required.

The construction of a NSW Government owned wharf at west Clyde Street could be undertaken in time for the 2017 Christmas holiday period provided there is sufficient good will from all Government agencies involved and providing the NSW Government fund a new NSW Government owned wharf. Such a facility could service commercial and tourism operators, and maybe Sailability.

The value of existing boating operators, particularly the tourism and oyster growing operators, to the Eurobodalla and regional economy, is highly regarded. Any discussions in respect to a new wharf should include talking to these operators to fully understand their business needs to optimize any solution developed.

NOM16/009 BATEMANS BAY BRIDGE

E00.4623

Council should facilitate discussion between the relevant NSW Government agencies and businesses to see if a more immediate solution can be developed to reduce the impacts of the current bridge opening on Batemans Bay, Eurobodalla and the south coast region, through the construction of a new NSW Government owned wharf on the west side of the Batemans Bay bridge.

GMR16/035 POLICY REVIEW - CODE OF CONDUCT POLICY

E16.0297

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Policy Review - Code of Conduct

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

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

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

Under Section 440 of the *Local Government Act 1993*, every New South Wales council is to adopt a code of conduct that incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW* as published by the Office of Local Government (OLG).

The Code of Conduct Policy is an overarching document that allows the Code of Conduct to be applied to councillors and members of staff, Council advisory committees, reserve trusts, contractors and volunteers. Further, the Code of Conduct Policy refers to the most current version of the *Model Code of Conduct for Local Councils in NSW* as published by the OLG. This allows the Code of Conduct to be amended by the OLG without Council having to exhibit the Code each time an amendment is made.

In accordance with section 165(4) of the *Local Government Act 1993*, the Code of Conduct Policy has been reviewed. The draft Code of Conduct Policy is recommended to be placed on public exhibition before being presented to Council for adoption.

RECOMMENDATION

THAT

1. Council endorses the draft Code of Conduct Policy for public consultation.
2. The draft Code of Conduct Policy be placed on public exhibition for a period of 42 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

GMR16/035 POLICY REVIEW - CODE OF CONDUCT POLICY

E16.0297

BACKGROUND

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

The Code of Conduct Policy is an overarching document that allows the Code of Conduct to be applied to councillors and members of staff, Council advisory committees, reserve trusts, contractors and volunteers.

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

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

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

Further, the Code of Conduct Policy refers to the most current version of the *Model Code of Conduct for Local Councils in NSW* as published by the OLG. This allows the Code of Conduct to be amended by the OLG without Council having to exhibit the Code each time an amendment is made.

CONSIDERATIONS

The Gifts and Benefits Policy is supplementary to Council's Code of Conduct, which includes the provision that councillors and staff, by virtue of their position, must not seek or acquire a personal profit or advantage which has a monetary value, accept bribes or other improper inducement; and/or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence, the proper exercising of official duties.

Both policies have been reviewed and the following changes are recommended:

- The appropriate sections from the Gifts and Benefits Policy have been added to the Code of Conduct Policy (refer point 6 of the Code of Conduct Policy)
- The Gifts and Benefits policy should be repealed.

Legal

Under Section 440 of the *Local Government Act 1993*, Council must adopt a code of conduct that incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW* as published by the Office of Local Government (OLG).

GMR16/035 POLICY REVIEW - CODE OF CONDUCT POLICY

E16.0297

Policy

The Code of Conduct Policy is an overarching document that allows the Code of Conduct to be applied to councillors and member of staff, Council advisory committees, reserve trusts, contractors and volunteers. Further, the Code of Conduct Policy refers to the most current version of the *Model Code of Conduct for Local Councils in NSW* as published by the OLG. This allows the Code of Conduct to be amended by the OLG without Council having to exhibit the Code each time an amendment is made.

Community Engagement

Council will place the draft Code of Conduct Policy on public exhibition for a period of not less than 42 days commencing on Wednesday 30 November 2016 until Wednesday 10 January 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

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

GMR16/037 POLICY REVIEW - REPEAL OF GIFTS AND BENEFITS POLICY

E16.0297

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Policy Review - Gifts and Benefits Policy

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

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

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

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

RECOMMENDATION

THAT:

1. Council endorses the repeal of the Gifts and Benefits Policy for public consultation.
2. The proposed repeal of the Gifts and Benefits Policy be placed on public exhibition for a period of 42 days and, following the expiration of this period, any public submissions be presented back to Council with the policy for consideration to repeal.

BACKGROUND

This policy is designed to establish for councillors and staff standards of behaviour and procedures to be followed in relation to the acceptance of gifts or benefits. This policy does not cover political donations or contributions to an election fund that are subject to the provisions of the relevant election funding legislation.

GMR16/037 POLICY REVIEW - REPEAL OF GIFTS AND BENEFITS POLICY

E16.0297

The aim of the policy is as follows:

- To ensure consistency and fairness in the manner in which Council deals with Gifts and Benefits.
- To ensure compliance with legislative requirements.
- To promote transparency and public awareness of the requirements with respect to Gifts and Benefits.
- To make council's policies readily accessible and understandable to the public.

CONSIDERATIONS

The Gifts and Benefits Policy is supplementary to Council's Code of Conduct, which includes the provision that councillors and staff, by virtue of their position, must not seek or acquire a personal profit or advantage which has a monetary value, accept bribes or other improper inducement; and/or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence, the proper exercising of official duties.

The Gifts and Benefits Policy has been reviewed and its content has been incorporated into the Code of Conduct Policy as it is supplementary to it. As such, the Gifts and Benefits Policy is no longer required and should be repealed.

Legal

Section 5 Personal Benefit of the *Model Code of Conduct for Local Councils in NSW* states Council officials must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from the Council official or from the Council.

Policy

Council's Code of Conduct Policy now includes the gifts and benefits provisions from the Gifts and Benefits Policy.

Community Engagement

Council will place the repeal of the Gifts and Benefits Policy on public exhibition for a period of not less than 42 days commencing on Wednesday 30 November 2016 until Wednesday 10 January 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

The Gifts and Benefits Policy is no longer required as its purpose has been included in the Code of Conduct Policy. The proposed repeal of the Gifts and Benefits Policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the Gifts and Benefits Policy will be presented to Council for consideration to repeal.

GMR16/038 ANNUAL REPORT 2015-16

E12.6254

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Annual Report 2015-16
2. Under Separate Cover - Appendix 1 - End of Term Report 2012-16
3. Under Separate Cover - Appendix 2 - Financial Statements

Focus Area: Collaborative Communities

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

Operational Plan Link: C3.1.2 Prepare the Annual Report and progress reports

EXECUTIVE SUMMARY

Section 428 of the Local Government Act (LG Act) 1993 requires Council to prepare an Annual Report within five months from the end of the financial year, detailing its achievements in implementing its Community Strategic Plan, Delivery Program and Operational Plan.

The Delivery Program sets out how Council will contribute to community vision. The Program contains 57 outcome focused measures. For the 2015-16 period 34 or 60% were achieved, 19 or 33% were too early to determine as baselines have only just been established or data is not scheduled to be collected until the following year, and 4 or 7% were not achieved. A summary of the measures across the key focus areas from the Community Strategic Plan is as follows.

Delivery Program measures	Achieved	Not achieved	Too early to determine
Liveable communities	10	2	3
Sustainable communities	10	1	3
Productive communities	7	1	6
Collaborative communities	5	0	5
Support services	2	0	2
TOTAL	34	4	19

In its Operational Plan 2015-16 Council committed to delivering 155 actions across 20 service areas. These actions would be measured by 251 measures. The performance against these one year actions and measures demonstrates Council's progress in implementing the Delivery Program.

Of the 155 actions, 137 or 88% were complete, 17 or 11% were progressing and 1 or 1% were not progressing.

Operational Plan performance	Complete	Progressing	Not progressing
Liveable communities	58	4	0
Sustainable communities	36	10	0
Productive communities	29	1	0
Collaborative communities	14	2	1
TOTAL	137	17	1

Some of Council's 2015-16 highlights include:

- Improved on our original adopted budget for the year which forecast a \$1.5 million surplus through innovation and continuous efforts in improving service delivery and efficiency, reducing costs, and securing alternate revenue sources particularly grant funding. This resulted in a surplus of \$9.7 million as our year end consolidated budget result.
- Demonstrated our ongoing commitment to financial sustainability through implementing the Action Plan included in our Fit for the Future improvement proposal which has included actions such as: continued ongoing internal audit program, reviewed key strategies, improved asset and financial management practices and implemented a more stringent budgeting process.
- Delivered a \$41.3 million capital program across all council services. 55% of this program was renewal works to bring our existing infrastructure up to standard and assist in addressing our infrastructure backlog and Fit for the Future requirements.
- Delivery of the first year of our Community and Transport infrastructure program valued at over \$3 million, including such projects as One Tree Point viewing platform, Bodalla oval parking and the reconstruction of Riverview Road Narooma.
- A total of 25% of our income came from grants and contributions. This result is a testament to our ongoing advocacy and partnership outcomes, including \$2.5 million grant funding for Flying Fox camp management, further commitment to addressing mobile phone black spots within Eurobodalla, Moruya Library extension, funding for the South Batemans Bay Link road and other key transport infrastructure.

GMR16/038 ANNUAL REPORT 2015-16

E12.6254

- Improved communication and engagement through a range of innovative actions including development of the Community Engagement Framework and Toolkit, commencement of the Citizens' Jury project and the establishment of regular community meetings in each of our town centres.

The report must also include the Council's audited financial statements and any information required by the Regulation or the Guidelines.

The Annual Report as presented to Council complies with the Local Government Act 1993.

RECOMMENDATION

THAT:

1. The Annual Report for 2015-16 be received.
2. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, Council adopt the Annual Report for 2015-16.
3. A copy of the Annual Report 2015-16 be placed on Council's website, Council libraries, the Moruya Customer Service Centre and a copy of the Annual Report be forwarded to the Minister for Local Government.

BACKGROUND

Council is required, under the Local Government Act Section 428 and (General) Regulation 2005 Section 217, to prepare an Annual Report within five months from the end of the financial year (no later than November).

CONSIDERATIONS

The Annual Report is one of the key accountability mechanisms between a council and its community. The Annual Report 2015-16 provides a summary of Council's achievements during the year reported against the budgets and activities set out in the Delivery Program 2013-17 and Operational Plan 2015-16, which implement key strategies set out in the Community Strategic Plan.

There is no standard format for the Annual Report under the Integrated Planning and Reporting framework. To assist the community better understand Council's implementation of its Delivery Program against the Community Strategic Plan, Council's Annual Report is presented in a number of sections:

- **Our Council Term:** a summary of Council's achievements in implementing Community vision as outlined in the Community Strategic Plan – One Community. The full End of Term Report is attached as Appendix 1.
- **Our year in review:** details events, community and Council awards, high level financial performance information including Fit for the Future, service results, capital program and the Community and Transport Infrastructure program.

GMR16/038 ANNUAL REPORT 2015-16

E12.6254

- **Our Organisation:** includes information on how Council operates, meetings and decision making, Councillor details including committee representation and allowances and expenses, advocacy, donations, community engagement and staff profile.
- **Our achievements:** provides detailed performance reporting on Delivery Program 2013-17 measures and Operational Plan 2015-16 actions.

The required Statutory and Other Information is included in the latter sections of the Report, which is required in the year of an ordinary election. The full End of Term Report is provided as Appendix 1. The full audited financial statements are provided as Appendix 2.

End of Term report

The End of Term Report was tabled to Council on 9 August 2016. The financial information included was based upon unaudited results and included budgeted results referenced to the March 2016 quarterly review. The End of Term Report has now been updated to include the final audited result for the year ended 30 June 2016.

The forecast budget and actual result in the End of Term Report has been updated to show the operating result before capital grants and contributions as this is the key indicator of Council's continuing performance. This key measure is the focus of the Fit for the Future "Operating Performance Ratio" for Council's General Fund and will be the focus for the consolidated entity going forward. The figures for grants has been revised to include all operating and capital grants and contributions to show a consolidated figure for external funding sources.

The revised table as incorporated in the End of Term Report is as follows:

	2012-13	2013-14	2014-15	2015-16
Forecast budget	\$7.2 million deficit	\$3.8 million deficit	\$2.7 million deficit	\$1.5 million surplus
Actual budget	\$4.4 million deficit	\$2.9 million deficit	\$1.6 million surplus	\$9.7 million surplus
Grants and contributions	\$20.7 million	\$21.2 million	\$23.8 million	\$34.9 million
Total capital program cost	\$26.6 million	\$27.1 million	\$26.6 million	\$41.3 million
Capital program complete	95% complete or substantially complete	78% complete or substantially complete	87% complete or substantially complete	95% complete or substantially complete
Total Awards	5	2	7	8
Total donations to community	\$150,316	\$163,922	\$195,185	\$200,934

GMR16/038 ANNUAL REPORT 2015-16

E12.6254

Legal

The Annual Report complies with the Local Government Act 1993 and reporting requirements in relation to special rate variation determinations by the Independent Pricing and Regulatory Tribunal (IPART).

Asset

The Annual Report includes a Statement of the Condition of Public Works in the financial statements as required under 428(2d) of the Local Government Act. It also includes a progress update on the implementation of year one of the Community and Transport Infrastructure program funded by the rate variation and progress against the full adopted capital program. The total capital program expenditure for 2015-16 was over \$41 million, 55% of which was renewal works. This will assist Council in meeting the Fit for the Future ratios for Infrastructure Renewal and Backlog.

Financial

The Annual Report incorporates the financial statements (including the Independent Auditor's Reports) as required by the Local Government Act. The complete Financial Reports are included as Appendix 2: Financial Statements and a separate attachment to this report.

The financial statements include General Purpose Financial Statements (GPFS), Special Purpose Financial Statements (SPFS) and Special Schedules. Council achieved an unqualified Audit Report for the GPFS, as well as an unqualified Audit Report for the SPFS. The Special Schedules are not currently required by legislation to be audited.

The Report also includes an update on the implementation of the Fit for the Future improvement proposal action plan and compares actual performance against forecasts for all 7 ratios. This update shows Council remains on track to meet all ratios within the agreed timeframes.

Community Engagement

The Annual Report will be available on the web and as a hard copy document on display at Council libraries and the Moruya Customer Service Centre.

CONCLUSION

The Annual Report, including Statutory, Other Information and Financial Statements, for the year ended 30 June 2016 has been completed.

The Annual Report as presented to Council complies with the Local Government Act 1993 and is recommended for adoption.

**PSR16/044 CERTIFICATION OF THE WHARF ROAD COASTAL ZONE
MANAGEMENT PLAN**

E12.6263

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

Attachments: 1. Response from Minister - Certification of Coastal Zone Management Plan
2. Under Separate Cover - Revised Wharf Road Coastal Zone Management Plan

Focus Area: Sustainable Communities

Delivery Program Link: S5.5 Plan for the impact of climate change on settlement including coastal hazard, flood impacts, bushfire

Operational Plan Link: S5.5.1 Eurobodalla Coastal Hazard Management Plan

EXECUTIVE SUMMARY

Council adopted the Wharf Road Coastal Zone Management Plan (Plan) at the Ordinary meeting of Council held on 28 June 2016. The Plan was then forwarded to the Minister for Planning and Environment for certification. The Minister for Planning and Environment has now written to Council commending Council on preparing the Plan and advising that certification will be granted providing it is re-submitted with some minor amendments.

This report presents the amended Wharf Road Plan for adoption and seeks endorsement from Council to re-submit the plan to the Minister for final certification.

RECOMMENDATION

THAT Council

1. Adopts the revised Wharf Road Coastal Zone Management Plan.
2. Forwards the amended Wharf Road Coastal Zone Management Plan to the Minister for Planning and Environment for final certification.
3. Liaise with NSW Land and Property Information to take title of the submerged lands.
4. Following certification, forward an application to the New South Wales Coastal Management Program to purchase land remaining in private ownership.

BACKGROUND

In 2011, the NSW Government identified the Wharf Road area of Batemans Bay as a coastal erosion "hot spot" in accordance with the *Coastal Protection Act 1979* (the Act). A "hot spot" is a site considered to be at immediate risk from coastal erosion and therefore in need of an urgent management response.

The Minister for the Environment at the time of the declaration issued each local council with a "hot spot" a Directive issued under section 55B of the Act to commence preparation of a Coastal Zone Management Plan for those specific sites.

Council completed the Wharf Road Plan in response to this Directive. The Plan was adopted by Council on 28 June 2016 and forwarded to the Minister seeking certification on 30 June 2016.

**PSR16/044 CERTIFICATION OF THE WHARF ROAD COASTAL ZONE
MANAGEMENT PLAN**

E12.6263

The land at Wharf Road is highly constrained by natural hazards and is not suitable for the purpose of development. The land is zoned E2 under the Eurobodalla Local Environmental Plan (ELEP) 2012 as a reflection of these constraints.

In considering the natural constraints and zoning of the land, the Wharf Road Plan forwarded to the Minister on 30 June 2016, recommended the following actions:

1. Make an application for the purchase of tidal and sub-tidal private properties and beaches at Wharf Road
2. Investigate options for the relocation or improved protection of water and sewer mains
3. Improve public access, weed and rubbish removal
4. Incorporate incomplete actions into the Eurobodalla Coastal Management Program and
5. Review Plan or incorporate into the Eurobodalla Coastal Management Program in accordance with legislation.

CONSIDERATIONS

Council received advice from the Minister on 25 October 2016 which stated the Plan can be certified, providing it is re-submitted with some minor revisions. A copy of the letter and the revisions sought is attached.

The Minister sought the advice of the Expert Coastal Panel in making his determination in relation to the certification of the Wharf Road Plan. The Panel recommended the Plan is suitable for certification providing minor revisions are made. These revisions are below:

- I. Action (1) of the implementation strategy (Table 5) seeks to “make application for the purchase of tidal and sub-tidal private properties and beaches at Wharf Road”. It is the view of the Coastal Panel that the judgment in *ENVIRONMENT PROTECTION AUTHORITY v. ERIC SAUNDERS [1994] NSWLEC 187(29 November 1994)*, offer the view that submerged lands automatically revert to the Crown and therefor are not required to be acquired. This should correctly be reflected in the Plan
- II. There are a number of minor edits required to accurately reflect the roles and responsibilities of Department of Primary Industries – Lands (DoI – Lands) in the Plan and Emergency Actin Sub Plan. DoI –Lands are happy to facilitate discussions with Council to attend to necessary amendments prior to re-submission.

The panel also made two additional suggestions that will improve the Plan and anticipated outcomes. These suggestions are not compulsory to gain certification:

- III. It is noted that the area the subject of the Plan has a long history involving several court proceedings that are prominent in the NSW coastal case law. There might be benefit in providing a small appendix that lists or captures this relevant information, and
- IV. It is recommended the Plan goes a step further in describing actions that could be undertaken once the relevant private landholdings have been acquired including removal of building stock and restoration of the land. Council should also consider

**PSR16/044 CERTIFICATION OF THE WHARF ROAD COASTAL ZONE
MANAGEMENT PLAN**

E12.6263

removal of the groyne structure that currently prevents unimpeded access along the foreshore. This will have the added benefit of providing rock armour that could be recycled to facilitate necessary protection of threatened infrastructure at the road corner.

The requested changes are considered minor in nature and have been included in a revised Wharf Road Plan.

Legal

In 2011, the Minister for the Environment, issued Council with a Directive under section 55B of the *Coastal Protection Act 1979* to commence preparation of a Coastal Zone Management Plan for the area of beach at Wharf Road identified as a coastal erosion hot spot. Certification of the Wharf Road Plan, when finally achieved, will meet the conditions of the Ministerial Directive.

A Case Law precedent in relation to Wharf Road (Saunders vs Environment Protection Authority [1994] NSWLEC 187) has been established in respect to the Crown taking possession of submerged lands within an estuary or river. It is the responsibility of the Crown to advise property owners of their intention to take possession of the submerged lands and alter the title accordingly.

Policy

The Eurobodalla Coastal Hazards Adaptation Code 2015 precludes development at sites considered at immediate risk from coastal erosion.

Asset

If the land is purchased by the NSW government it is likely that Council will take final possession and be responsible for ongoing management and maintenance.

Financial

Implementation of some actions from the Plan will require an initial financial commitment from Council. Notwithstanding, grant funding is available to implement actions from a certified Plan. Access to these funds is subject to a successful application but Council has in the past received funds from this program for environmental works. No commitment will be made until sufficient grant funding has been secured.

Community Engagement

Details of the consultation program delivered during the preparation of the Plan are outlined under Section 1.8 on Page 5 of the plan. No further community engagement is required as a result of the recommended changes due to their minor nature.

**PSR16/044 CERTIFICATION OF THE WHARF ROAD COASTAL ZONE
MANAGEMENT PLAN**

E12.6263

CONCLUSION

The Minister for Planning and Environment has commended Council on preparing the Wharf Road Plan and has advised that the Plan will be certified providing minor revisions are made and the plan is re-submitted. This report presents to council the final Wharf Road Plan inclusive of the minor revisions requested by the Minister prior to re-submission to him for final certification.



Rob Stokes
Minister for Planning

MD16/2828

Dr Catherine Dale
General Manager
Eurobodalla Shire Council
PO Box 99
MORUYA NSW 2537

EUROBODALLA SHIRE COUNCIL	
FILE No:	E12.6263
ACTION OFFICER:	L. Usher
DATE:	25 OCT 2016
FOLLOW UP CODE:	14
DOC. No:	ENT:

Dear Dr Dale

Certification of the Wharf Road North Batemans Bay Coastal Zone Management Plan

Thank you for submitting the Wharf Road North Batemans Bay Coastal Zone Management Plan (CZMP) for certification under the *Coastal Protection Act 1979*.

I referred the CZMP to the NSW Coastal Panel for advice under section 55G (3) of the Act. The panel provided its advice to me and I enclose a copy for your consideration.

I commend Eurobodalla Shire Council for preparing a CZMP which presents a good strategic pathway forward for managing this coastal area. The CZMP also builds on the recent E2 Environmental Conservation and W1 Natural Waterways re-zonings within the subject area. The plan seeks to return this precinct to public ownership and restore unimpeded public beach and foreshore access to these margins, which will be of significant benefit to the local community.

Following the advice of the panel, I will be happy to certify the CZMP once it has been updated to incorporate advice from Department of Industries (DoI) – Lands and resubmitted. The required changes are minor edits to accurately reflect the roles and responsibilities of DoI–Lands in the CZMP and Wharf Road Emergency Action Subplan. The Office of Environment and Heritage (OEH) and DoI–Lands will work closely with council to give effect to these changes.

If council has any questions about this matter, please contact Ms Gabrielle Pietrini, Regional Manager, Illawarra, OEH, on 4224 4159 or at gabrielle.pietrini@environment.nsw.gov.au.

Yours sincerely

Rob Stokes
Minister for Planning

Enclosure

23 OCT 2016

Advice to the Minister for the Planning on the Draft Wharf Road North Batemans Bay CZMP

Recommendations

The NSW Coastal Panel recommends that the Minister for Planning:

- Commends Eurobodalla Shire Council for preparing a CZMP for this coastal hotspot area which presents a good strategic pathway forward for managing this problematic area that builds on the recent E2 Environmental Conservation and W1 Natural Waterways re-zonings within the subject area;
- Commends Eurobodalla Shire Council for committing to a CZMP that will return this precinct to public ownership and restore unimpeded public beach and foreshore access to these margins which will be of significant benefit to the local community;
- Commends Eurobodalla Shire Council for diligently preparing the CZMP in consultation with the community and in partnership with OEH and other Government agencies with jurisdictional responsibilities for parcels of land that fall within the operation of the Plan;
- Note that in the opinion of the Coastal Panel, the Wharf Road North Batemans Bay CZMP is **suitable for certification** in accordance with provisions of the *Coastal Protection Act 1979*, contingent on the Plan being re-submitted with some minor revisions prior to finalisation and gazettal, concerning the following elements:
 - (i) Action 1 of the implementation strategy (Table 5) seeks to "make application for the purchase of tidal and sub-tidal private properties and beaches at Wharf Road". It is the view of the Coastal Panel that the judgement in *ENVIRONMENT PROTECTION AUTHORITY v. ERIC SAUNDERS [1994] NSWLEC 187 (29 November 1994)*, offers the view that submerged lands automatically revert to the Crown and therefore are not required to be acquired. This should be correctly reflected in the CZMP;
 - (ii) There are a number of minor edits required to accurately reflect the roles and responsibilities of Department of Industries – Lands (DoI – Lands) in the CZMP and EASP. DoI – Lands are happy to facilitate discussions with Council to attend to necessary amendments prior to re-submission.
- Include advice to Eurobodalla Shire Council outlining suggestions that, in the opinion of the Coastal Panel, might provide relevant guidance to augment various initiatives and actions proposed in the Plan. The following suggestions are not considered a pre-requisite to be addressed in order to certify the Plan, but includes:
 - (iii) It is noted that the area the subject of the Plan has a long history involving several court proceedings that are prominent in the NSW coastal case law. There might be benefit in providing a small appendix that lists or captures this relevant information; and
 - (iv) It is recommended that the Plan goes a step further in describing actions that could be undertaken once the relevant private landholdings have been acquired including removal of building stock and restoration of the land. Council should also consider removal of the groyne structure that currently prevents unimpeded access along the foreshore. This will have the added benefit of providing rock armour that could be recycled to facilitate necessary protection of the threatened infrastructure at the road corner.

Next Steps

The Coastal Panel recommends the following next steps:

- That the Minister writes to Council congratulating them on what they have achieved in the development of the Wharf Road North Batemans Bay CZMP to date and the specific aspects which have been outlined above.
- Notifies Council, if the Minister agrees, that the Minister is prepared to **certify** the Plan in accordance with provisions of the *Coastal Protection Act 1979*, contingent on the Plan being re-submitted with some minor revisions addressing the issues denoted in points (i) and (ii) outlined above.
- Notifies Council of suggestions from the Coastal Panel, which might improve outcomes for the Wharf Road North Batemans Bay CZMP, but are not a pre-requisite in order to certify the plan and denoted in point (iii) and (iv) above.

PSR16/045 RURAL PRODUCERS ADVISORY COMMITTEE

E16.0243

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

Attachments: 1. Terms of Reference
2. Confidential - Expressions of Interest and summary with recommendations

Focus Area: Sustainable Communities

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

Operational Plan Link: S5.1.1 Rural Lands Strategy

EXECUTIVE SUMMARY

The purpose of this report is to make recommendations to Council, to fill the community representative positions on the Rural Producers Advisory Committee.

In addition, it is recommended that Council consider the appointment of other councillors to the Committee, in accordance with the adopted Terms of Reference (ToR).

At the Ordinary Council Meeting on 10 May 2016, it was resolved to endorse the ToR for the Rural Producers Advisory Committee and to commence an expression of interest process to establish the Committee.

Expressions of interest were sought from 30 May to 29 June 2016 for six community representatives. The ToR for the Committee outlined the criteria for selection of community members, being involvement in primary production, rural industry or rural tourism and demonstration that this involvement is commercially active.

Less than six nominations were received and therefore the expression of interest process was readvertised and additional nominations were received. A representative from the Department of Primary Industries was also sought.

This report recommends that six (6) persons be appointed as community representatives on the Rural Producers Advisory Committee in accordance with the adopted Terms of Reference for the Committee.

RECOMMENDATION

THAT Council

1. Appoint six (6) persons to be on the Rural Producers Advisory Committee as recommended in the confidential attachment.
2. Consider the appointment of other councillors to participate on the Committee.

BACKGROUND

Following the adoption of the Rural Lands Strategy by Council in February 2016, Council passed a Notice of Motion on 8 March 2016 to establish a Rural Producers Advisory Committee and develop Terms of Reference for the Committee.

PSR16/045 RURAL PRODUCERS ADVISORY COMMITTEE

E16.0243

Terms of Reference were endorsed by Council on 10 May 2016, outlining the role of the Committee to assist Council with implementing the recommendations of the Rural Lands Strategy related to the growth, promotion and support of agriculture and rural tourism in the Eurobodalla by:

- Providing advice to Council on the most effective methods of implementing relevant recommendations of the Rural Lands Strategy
- Monitoring implementation of the relevant recommendations of the Rural Lands Strategy
- Evaluating impacts of the implemented recommendations of the Rural Lands Strategy and providing feedback to Council
- Providing advice on any other rural land use and economic issues referred to the Committee by Council
- Raise issues of relevance to rural producers for consideration by the Advisory Committee and Council that are related to the Advisory Committee's role.

On 10 May 2016, Council also resolved to call for expressions of interest for community representatives on the Committee. Expressions of interest were called for a total of six community positions and a representative from the Department of Primary Industries was also sought.

The expression of interest process was made public through Council's Online News, Council's website and via a media release. Members of the former Rural Lands Strategy steering committee were also advised of the expression of interest process. The ToR for the Committee were published on Council's website and interested parties were asked to address the selection criteria outlined in the ToR and reproduced below:

Criteria for selection of community representatives are:

1. *involvement in primary production, rural industry or rural tourism and demonstration that this involvement is commercially active.*

Community members are to demonstrate how they are commercially active.

Council will endeavour to select community representatives from across the Shire.

A period of one month from 30 May to 29 June 2016 was provided for persons to submit expressions of interest.

Less than six nominations were received. At a briefing of councillors on 19 July 2016, it was suggested that a further expression of interest process be commenced to seek additional nominations. The call for expressions of interest was re-advertised on 3 August 2016 and closed on 31 August 2016 and additional nominations were received. The expressions of interest are included as a confidential attachment to this report.

The ToR for the Committee also specify that the chairperson will be the Mayor (or their nominee) and the Committee will also include one representative from the Department of Primary Industries, three Council representatives, including the Mayor, General Manager and Director, Planning and Sustainability Services (or their nominees) and any other councillors appointed by Council.

PSR16/045 RURAL PRODUCERS ADVISORY COMMITTEE

E16.0243

CONSIDERATIONS

A confidential document is attached to this report, containing a copy of the expressions of interest received along with a summary that makes recommendations for appointment.

A representative on the Committee from the Department of Primary Industries has been sought and accepted. Council will need to consider which councillors, in addition to the Mayor (if any), are to be included on the Committee.

Economic Development Employment Potential

Rural production is important to the Eurobodalla economy in terms of business activity, employment and income. Approximately 13% of the value of all exports from Eurobodalla come from agriculture, aquaculture, forestry and fishing industries. The value of agriculture to the Eurobodalla economy is also increasing, from \$13m in 2005/06 to \$20m in 2010/11.

Community Engagement

The expression of interest process was made public through a notice in the Batemans Bay Post and an email was sent to those persons who had participated in previous workshops on the Rural Lands Strategy. Material was made public through Council's Online News, Council's website and via a media release.

CONCLUSION

Council's resolution of 10 May 2016, called for expressions of interest for membership to the Rural Producers Advisory Committee. Copies of the expressions of interest along with a summary of each are provided in a confidential attachment to this report.

In accordance with the Terms of Reference, it is recommended that six (6) people be invited to participate on the Committee. Council will also need to consider which councillors, in addition to the Mayor (if any), will be appointed to the Committee.

Eurobodalla

Rural Producers Advisory Committee

Terms of Reference

April 2016

CONTENTS

Contents

1. Introduction and Background.....	1
2. Role of the Rural Producers' Advisory Committee.....	1
3. Membership of the Committee.....	1
4. Tenure of the Committee.....	2
5. Responsibilities of Committee Members.....	2
6. Responsibilities of Council.....	2
7. Voting Rights and Rules.....	2
8. Meetings.....	3

1. Introduction and Background

The Rural Lands Strategy was adopted by Council on 23 February 2016. At the Ordinary Meeting of Council held on 8 March 2016, Council resolved to *establish a Rural Producers' Advisory Committee and develop a Terms of Reference to assist Council in implementing recommendations of the Rural Lands Strategy related to the growth, promotion and support of agriculture and rural tourism in the Eurobodalla.*

2. Role of the Rural Producers' Advisory Committee

To assist Eurobodalla Shire Council with implementing the recommendations of the Rural Lands Strategy related to the growth, promotion and support of agriculture and rural tourism in the Eurobodalla by:

- Providing advice to Council on the most effective methods of implementing relevant recommendations of the Rural Lands Strategy.
- Monitoring implementation of the relevant recommendations of the Rural Lands Strategy.
- Evaluating impacts of the implemented recommendations of the Rural Lands Strategy and providing feedback to Council.
- Providing advice on any other rural land use and economic issues referred to the Committee by Council.
- Raise issues of relevance to rural producers for consideration by the Advisory Committee and Council that are related to the Advisory Committee's role.

3. Membership of the Committee

The Committee will be coordinated by the Eurobodalla Shire Council and will include the following representatives:

1. Chairperson (Mayor or their nominee);
2. Six community representatives appointed via an Expression of Interest;
3. One representative of the NSW Department of Primary Industries; and
4. Three representatives of Council, being the Mayor, General Manager and Director, Planning and Sustainability Services (or their nominees).
5. Any other Councillors appointed by Council.

Criteria for selection of community representatives are:

1. involvement in primary production, rural industry or rural tourism and demonstration that this involvement is commercially active.

Community members are to demonstrate how they are commercially active.

Council will endeavour to select community representatives from across the Shire.

4. Tenure of the Committee

The tenure of the Advisory Committee will be until 31 December 2017 in the first instance, with a further review at that stage. It is noted that to effectively evaluate impacts of the implemented recommendations of the Rural Lands Strategy a time period beyond 31 December 2017 will most likely be required.

5. Responsibilities of Committee Members

- Give advice to the best of their knowledge and ability that will help achieve the objectives of the Committee in accordance with their role.
- Complete in a timely way, any tasks referred to the Committee by the Council.
- Behave in a manner that respects the interests and viewpoints of other members, community and Council officers.
- Declare any potential or actual conflicts of interests on matters that are brought before the Advisory Committee.

All members will abide by [Council's Code of Conduct](#) and [Council's Code of Conduct - Conduct Committee Guidelines](#) and [Council's Code of Meeting Practice](#).

6. Responsibilities of Council

- Council will provide administrative support, including minute taking, distribution of related correspondence and professional officer support.
- Council will be responsible for providing suitable venues and related support to Advisory Committee members.
- Matters will be referred to the Committee for its consideration and information will be provided on actions arising from adopted Committee recommendations.
- Council has the discretion to review the role, re-organise or disband the Committee.
- Council will facilitate liaison with Councillors, Executive Leadership Team and Government.
- Council will manage external consultant(s).
- Only the Chair or the Mayor (or the Mayor's nominee) can speak on behalf of the Committee with the media.

7. Voting Rights and Rules

Voting members of the Advisory Committee will include all committee members with the exception of Council and Agency staff.

The Committee will operate by consensus as much as is possible. In the event that consensus cannot be reached, the advice back to Council will include the majority view along with any alternative view expressed. Where a vote is required, it will be undertaken in accordance with [Council's Code of Meeting Practice Policy](#), as follows:

- (i) Each Voting Committee Member has one vote on each matter being dealt with at a meeting, unless excluded.
- (ii) The Chairperson of the meeting has a second vote, or casting vote on any matter being dealt with, only if the vote is tied.

- (iii) If the Chairperson elects not to use the casting vote in the case of a tied vote, the motion is deemed as being lost.
- (iv) Voting Committee Members must be in the meeting room to vote. Voting Committee Members who have left the meeting room prior to the vote and are absent during the vote are not counted as voting. There are no proxy votes.
- (v) A Voting Committee Member who does not vote, or abstains from the vote, is considered to have voted against the motion.
- (vi) Council minutes will not record those voting against any matter, unless the Committee Member(s) request so at the time of the declaration of the motion.

8. Meetings

It is anticipated that Committee meetings will be held quarterly.

PSR16/046 BATEMANS BAY MACKAY PARK PRECINCT REDEVELOPMENT

E12.6442

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

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 purpose of this report is to outline the options for proceeding with the redevelopment of the Batemans Bay Mackay Park Precinct and to seek the endorsement of Council to proceed with the redevelopment planning process.

RECOMMENDATION

THAT Council:

1. Prepare formal project proposal documents, in accordance with the Office of Local Government guidelines on Public Private Partnerships, for the redevelopment of the Batemans Bay Mackay Park Precinct to commence.
2. Proceeds with preparation of concept plan and business case documents for the preferred mix of development outcomes, including an aquatic strategy to guide aquatic centre development in the context of Eurobodalla aquatic centres and a background document outlining what an arts and cultural facility for the broader precinct could include, also in the context of arts and cultural facilities throughout Eurobodalla.

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.

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.

PSR16/046 BATEMANS BAY MACKAY PARK PRECINCT REDEVELOPMENT

E12.6442

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. Investigation of short term interim use will be the subject of a separate report to Council.

On 12 July 2016, Council resolved to call for submissions 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 Sunset Committee was established at the Ordinary Meeting of Council held on 11 October 2016 and have met once on 2 November 2016.

Council have been provided briefings on 25 October and 15 November on options for the redevelopment of the precinct, including a briefing from the NSW Office of Local Government on the public private partnership (PPP) process.

CONSIDERATIONS

The overarching principals for the redevelopment of the Batemans Bay Mackay Park Precinct are recommended to be:

- A concept plan to guide future investment to achieve a vision
- A financially sustainable development
- Redevelopment to stimulate economic growth

In proceeding with the redevelopment of the precinct, it is necessary to identify a preferred mix of development outcomes that will inform preparation of a concept plan. Development outcomes previously identified by Council include:

- new aquatic centre
- arts and culture facility
- conference and event space
- tourist accommodation
- restaurant and cafes
- seniors' living and

PSR16/046 BATEMANS BAY MACKAY PARK PRECINCT REDEVELOPMENT

E12.6442

- the integration of existing sporting fields into the future development of the precinct.

Moving forward with the redevelopment, it is recommended that these development outcomes be modified slightly to include:

- new aquatic and recreation centre
- arts and cultural facility
- conference and event space
- tourist accommodation
- residential accommodation
- restaurant and cafes
- gateway visitor centre and
- the integration of existing sporting fields into the future development of the precinct.

A gateway visitor centre is an appropriate addition as it has been a feature requested by the community and is a good fit with the overall development outcomes. It would also be an important tourism feature. Removing seniors living from the list of development outcomes is not removing this option completely from future development outcomes, but shifts the focus to broader forms of accommodation and development outcomes that are more tourism focussed and support such forms of development.

Previous briefings have also outlined the various options for the redevelopment proceeding, including:

1. Secure grant or other funding (in part or in full), build and operate
2. A formal Public Private Partnership (PPP)
3. A mix of options.

On 15 November 2016, Council received a presentation from the NSW Office of Local Government (OLG) on the process for undertaking a PPP. Regardless of whether the redevelopment of the precinct ends up being in the form of a formal PPP, a more common secure grant or other funding, build and operate, the information required to proceed with the redevelopment is the same (eg concept plan, business cases, risk management plan, probity plan etc).

To proceed with a PPP, the first step is to prepare and submit a formal project proposal to the OLG. The formal project proposal consists of the following information:

- Project description
- Statement of outcomes
- Timeframe
- Total costs and financing
- Council contribution
- Risk assessment

PSR16/046 BATEMANS BAY MACKAY PARK PRECINCT REDEVELOPMENT

E12.6442

- Governance / Management.

Once this material is prepared, a further report will be presented to Council prior to submitting the information to the OLG.

Upon receipt of this information, OLG will then review and advise Council whether to proceed to the next stage of the PPP process where more detailed planning and economic assessment is undertaken.

Given the initial community consultation undertaken when the former bowling club was purchased, the background research undertaken and briefings provided to councillors and the Sunset Committee, it is considered appropriate to move ahead with the redevelopment planning process.

In moving ahead with the planning process, it is recommended that concept planning and business case documents include an aquatic strategy to guide aquatic centre development in the context of Eurobodalla aquatic centres and a background document outlining what an arts and cultural facility for the broader precinct could include, also in the context of arts and cultural facilities throughout Eurobodalla.

Legal

If the redevelopment is to be undertaken as a PPP, it will be undertaken in accordance with the provisions of the *Local Government Amendment (Public-Private Partnerships) Act 2004* and the accompanying *Guidelines on the Procedures and Processes to be followed by Local Government in Public Private Partnerships*. The OLG oversee the PPP process and would act as an independent third party overseeing Council's implementation of the PPP.

Environmental

Any potential environmental impacts of the redevelopment will be assessed as part of the planning process. Future redevelopment will require a development application.

Social Impact

The redevelopment of the precinct to achieve the mix of development outcomes has the potential to have a significant positive social impact on Batemans Bay and the Eurobodalla.

Economic Development Employment Potential

The redevelopment of the precinct to achieve the mix of development outcomes has the potential to have a significant positive impact on economic development and employment creation. There will be direct job creation during construction and post construction, during operation of the many new business that will potentially occupy the site. The redevelopment will likely have a catalytic effect on Batemans Bay and Eurobodalla, potentially triggering further development as confidence in the local economy is boosted by the redevelopment.

Financial

The redevelopment is expected to be financed through a combination of state and federal government funding, Council funding and equity in the former bowling club site and private

PSR16/046 BATEMANS BAY MACKAY PARK PRECINCT REDEVELOPMENT

E12.6442

sector funding through their involvement in the redevelopment, through a PPP. A key principal of the redevelopment is a financially sustainable development. An important part of this principal will be the ongoing operating costs for any future Council owned facilities. As detailed concept plans and business cases are prepared, this financial information will become available and will form part of the planning process.

Community Engagement

We have consulted with the community by previously seeking feedback on ideas for the future use of the precinct.

We will further collaborate with the community by seeking advice and ideas from Council's Batemans Bay Mackay Park Precinct Sunset Committee. That committee will also assist with the development and implementation of a community engagement strategy.

As the planning process for the redevelopment proceeds, there will be further community consultation activities including exhibition of a concept plan when it is prepared.

CONCLUSION

The overarching principals for the redevelopment of the Batemans Bay Mackay Park Precinct are recommended to be:

- A concept plan to guide future investment to achieve a vision
- A financially sustainable development
- Redevelopment to stimulate economic growth

Following a number of briefings of Council, initial community consultation on the future use of the Batemans Bay Mackay Park Precinct and the first meeting of the Batemans Bay Mackay Park Precinct Sunset Committee, Council is now in a position to move ahead with a formal planning process for the redevelopment of the precinct.

The mix of development outcomes that the planning process should consider are recommended to include:

- new aquatic and recreation centre
- arts and cultural facility
- conference and event space
- tourist accommodation
- residential accommodation
- restaurant and cafes
- gateway visitor centre and
- the integration of existing sporting fields into the future development of the precinct.

To proceed with the redevelopment process it is recommended that Council prepare formal project proposal documents, in accordance with the Office of Local Government guidelines on

PSR16/046 BATEMANS BAY MACKAY PARK PRECINCT REDEVELOPMENT

E12.6442

Public Private Partnerships, for the redevelopment of the Batemans Bay Mackay Park Precinct and commence business case documents for the preferred mix of development outcomes.

The PPP process may not deliver the development outcomes or private sector partnership desired by Council and the community. However such process provides the greatest opportunity to realise such outcomes and to maximize the potential of the site and the economic and social benefits it can deliver. The risks of the PP process not delivering the desired outcome, are outweighed by the potential offered by the process and justify Council progressing.

The Batemans Bay Mackay Park Sunset Committee will continue to provide input into the redevelopment process and oversee community engagement. There will be further opportunity for community consultation when a concept plan is prepared.

PSR16/047 2015-16 ON SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 98.2467

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

Attachments: Nil

Focus Area: Liveable Communities

Delivery Program Link: L4.1 Conduct regulatory compliance and enforcement activities

Operational Plan Link: L4.1.3 Undertake the on-site sewage management system (OSMS) program

EXECUTIVE SUMMARY

This report provides a summary of Council's on site sewage management system (OSMS) Program for 2015-16 financial year.

Council has a statutory obligation to approve and inspect OSMSs to ensure that they operate effectively and to reduce incidents of public and environmental health and safety. OSMSs include septic tanks, aerated wastewater treatment systems (AWTS), composting toilets, effluent pump-out systems, pit toilets, waste water package treatment plants and greywater treatment systems.

In 2015-16, there were eighty four (84) approvals for an OSMS system and one hundred and forty three (143) development application referrals which is consistent with the previous four years.

Council conducted 1,473 inspections in 2015-16 with an overall compliance rate of 96% which is consistent with the previous financial years.

Council continues to reward operators who effectively manage their systems through the opportunity to regrade the risk rating of their OSMS, reducing their inspection regime and therefore their costs.

RECOMMENDATION

THAT Council receive and note the 2015-16 On-site Sewage Management Status Report.

BACKGROUND

The OSMS Inspection Program has been operating since 1998 after changes to the Local Government Act 1993 requiring Council to approve, monitor and ensure compliance of these systems. Since its implementation, approximately 4,800 systems have been identified in Eurobodalla.

PSR16/047 2015-16 ON SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 98.2467

OSMS Activities

Table 1: A comparison of OSMS program activities undertaken over the past six years.

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Approvals (#)	121	118	92	99	93	84
Referrals (#)	163	150	114	134	133	143
Inspections (#)	1460	1323	1434	1475	1383	1473
Compliance (%)	85	90	90	94	92	96
Downgrades (#)	26	45	52	38	22	66
Re-Inspections (#)	10	7	5	8	3	7
Notices/Orders (#)	4	10	6	1	9	6
Penalty Infringement Notices (#)	0	3	0	0	2	0

Approvals and Referrals

A total of 84 OSMS approvals were issued for new systems in 2015-16.

One hundred and forty three development assessment referrals were received and processed. Advice is provided to planners in relation to OSMS matters associated with the determination of development applications.

Inspections

Table 2 illustrates the inspection regime for 2015-16 compared with 2014-15, where, 1,473 OSMSs were inspected in 2015-16 compared to 1,383 in 2014-15. An overall compliance rate of 96% was observed for the 2015-16 inspection regime compared with 92% in 2014-15.

87% of systems in the 'high risk' category were compliant, consistent with 88% the previous financial year. A high level of compliance (97%) was observed during inspections of systems with a 'medium' and 'low risk' risk rating and this is consistent with the previous financial year.

Table 2: Comparison of the 2015-16 with the 2014-15 inspection regime

Risk*	TOTAL		Satisfactory		Unsatisfactory		% Complying	
	2014-15	2015-16	2014-15	2015-16	2014-15	2015-16	2014-15	2015-16
High **	120	133	106	116	14	17	88	87
Medium ***	532	738	503	714	29	24	95	97
Low	731	602	693	586	38	16	95	97
TOTAL	1383	1473	1302	1416	81	57	94	96

* High – inspected every years (often close to waterway); Medium – inspected every 2 years (often in urban areas); Low – inspected every 5 years (often in rural areas, large lots, lower risk)

**High may be downgraded to medium inspection regime when requested and if satisfactory compliance is demonstrated.

*** Medium may be downgraded to low inspection regime when requested and if satisfactory compliance is demonstrated.

PSR16/047 2015-16 ON SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 98.2467

Risk Rating Downgrades

Owners of systems with high or medium risk ratings, can apply for a downgrade of their OSMS where consistent compliance can be demonstrated. These downgrades then reduce the inspection regime required and therefore rewards the owner by reducing their costs.

Sixty six applications to downgrade OSMS risk ratings were approved in 2015-16, compared with twenty two from the previous financial year. This increase is likely due to Council's proactive approach to providing property owners, who are managing their systems well, the opportunity to downgrade the risk ratings of their systems.

Compliance Requirements

Seven properties were re-inspected as part of the OSMS inspection program for non-compliance and charged an additional fee, with all proceeding towards a resolution. Six notices/orders were issued.

Matters identified as posing significant public and/or environmental health risk that were identified during inspections in 2015-16 included such matters as:

- failing effluent disposal areas (eg. absorption trenches and irrigation areas) with effluent pooling on the ground
- effluent overflows from septic tanks/collection wells
- inappropriate surface disposal of secondary treated effluent; not in accordance with Council approval
- operating an OSMS without approval
- failing to undertake the required quarterly servicing of aerated wastewater treatment system

Pit Toilets

Pit toilets require approval as they have the potential to contaminate waterways and can be a public health risk. Council has also identified that in some circumstances, pit toilets were an acceptable solution.

In 2000-10, through Council's OSMS program, 129 pit toilets were identified in Eurobodalla.

During 2010-11, Council held a Pit Toilet moratorium where owners were requested to comply or upgrade to gain approval or alternatively decommission their system.

As of 2015-16 there are 20 known pit toilets where twelve are approved and eight are unapproved. Council will continue to work with the owners of the unapproved toilets and these systems have been upgraded to high risk and are inspected annually.

PSR16/047 2015-16 ON SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 98.2467

CONSIDERATIONS

During the 2015-16 period, various measures were undertaken for the continual improvement of the OSMS program including, but not limited to:

- updating information on Council's website
- improvements to outgoing correspondence on OSMS matters
- inclusion of additional downgrade of OSMS information in correspondence
- review of OSMS approval conditions to improve readability, remove redundant conditions and update conditions according to current best practice
- review of OSMS schedule of works codes, to improve customer understanding of issues requiring them to undertake works and update Council requirements in accordance with current best practice.

Legal

Council is required to undertake approvals and inspections of OSMS as identified in the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Policy

Council's current On-site Sewage Management Code of Practice was adopted on 24 September 2013.

Council's risk-based OSMS monitoring program and approval process is recognised by the NSW Independent Pricing and Regulatory Tribunal (IPART) as best practice, with other councils seeking advice and guidance.

Environmental

Due to the sensitive environmental nature of much of the Eurobodalla, especially in relation to our waterways including fisheries and recreational use, continual monitoring of OSMSs is important to protect the pristine nature of our waters.

The OSMS program ensures that high water quality standards are maintained throughout our Shire. This is of particular importance to tourism and the oyster farming industries both of which help to support our Shire's economy.

Social Impact

There are potential health risks for users and those in the vicinity of OSMS. Council is obligated to demonstrate that it has met its duty of care in avoiding health concerns associated with the operation of OSMS.

Financial

The OSMS Inspection Program operates at a full cost recovery to Council and in accordance with the legislation. During 2015-16 an inspection was \$118, while reinspection where required, incurred a cost of \$155 as identified in Council's fees and charges. A comparison of fees charged by comparable sized coastal councils indicates Eurobodalla's are similar.

Total income for 2015-16 was \$189,726 and total costs were \$179,654. Additional costs to service the program were incurred for supervision of the program.

PSR16/047 2015-16 ON SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 98.2467

Community Engagement

Owners of OSMS are notified prior to the inspection of their system and where the owner/occupant wishes to be present at the time of inspection, they can notify and liaise with Council to do so.

Information pertaining to septic and waste water is readily available on Council's web <http://www.esc.nsw.gov.au/council-services/public-environmental-health/septic-waste-water>

CONCLUSION

The overall high level of compliance of OSMSs (96%) demonstrates that the majority of systems are operating effectively and there is minimal public and environmental health risk. Council has ensured that the program is consistent with NSW State Government requirements and the program is well received overall by the owners of OSMSs.

The ability to downgrade the risk of systems is innovative and allows high and medium systems which continue to operate effectively to reduce the inspection regime thereby reducing costs to the owner.

PSR16/048 2015-16 REGULATORY ACTION STATUS REPORT

E02.6718

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

Attachments: Nil

Focus Area: Liveable Communities

Delivery Program Link: L4.1 Conduct regulatory compliance and enforcement activities

Operational Plan Link: L4.1.1 Monitor, inspect, enforce and investigate complaints in relation to public safety

EXECUTIVE SUMMARY

This report provides details on the activities of the Public and Environmental Health, and Ranger teams (teams) for the 2015-16 financial year.

The teams deal with approximately 10,000 telephone calls each year. An estimated 20% of calls generate a formal Customer Service Request (CSR) with the remaining 80% of calls addressing public inquiries and matters that are dealt with via public communication.

Regulatory activities and responses to over 2,000 formal CSRs, are consistent with previous years and include matters such as vegetation, land clearing, burning (wood fires and open burning), pollution, emissions, odours, noise, animal control, livestock, litter, waste, illegal dumping, abandoned vehicles, parking, erosion control, unauthorised development and public health.

Regulatory and compliance actions are requirements of legislation and Council policy, and are in place to ensure the health and safety of the public and the environment.

Food Inspections and On-site Sewage Management System programs details are provided in separate reports to Council.

RECOMMENDATION

THAT Council receive and note the 2015-16 Regulatory Action Status Report.

BACKGROUND

Both the Public and Environmental Health, and the Ranger teams operate in a high volume and at times, a challenging environment where the primary function is to implement and enforce legislation and Council policy fairly and consistently.

Officers have authority and delegations to investigate and action breaches when proved, within their core areas of responsibility.

The teams are also responsible for monitoring, provision of advice and education for areas such as swimming pools, the beach watch estuary program, erosion controls, food inquiries and complaints, on-site sewage management systems and stormwater education.

PSR16/048 2015-16 REGULATORY ACTION STATUS REPORT

E02.6718

The following data provides a summary of CSRs and compliance activity during 2015-16. Officers also attend to additional matters during the course of their normal duties and patrols, such as dealing with complainants in the field, ad hoc animal related issues and addressing emergency situations. These issues are not captured in this report.

Customer Service Requests (CSRs)

During 2015-16, the teams dealt with 2,122 CSRs, the breakdown of which can be seen in the following graph. 49% of the issues relate to animal control, with general regulatory (vehicles, parking, signs, illegal dumping/littering, sediment and erosion control, prohibited activities on public lands, environmental concerns) accounting for 26%, pollution (7%), development and land clearing (7%), health (10%) and trees (1%).

Graph 1: Customer Service Requests 2015-16

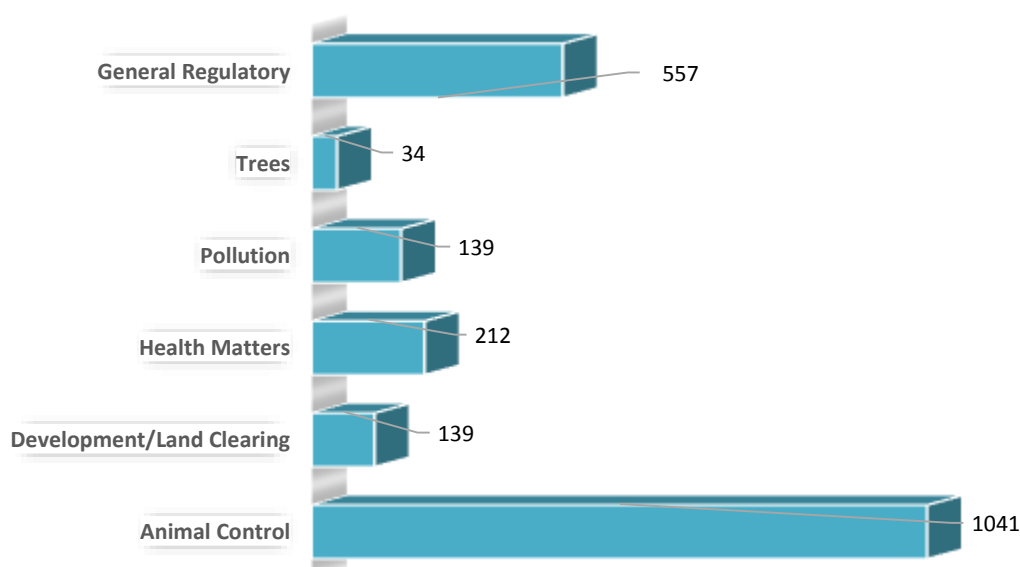


Table 1: Customer Service Requests 2011-12 to 2015-16

	2011-12	2012-13	2013-14	2014-15	2015-16
Animal control	1050	968	1233	1153	1041
Development/land clearing	85	150	145	117	139
Health matters	136	158	165	211	212
Pollution	124	158	155	167	139
Trees	46	36	37	47	34
General regulatory	216	244	408	470	557
TOTAL	1657	1714	2143	2165	2122

PSR16/048 2015-16 REGULATORY ACTION STATUS REPORT

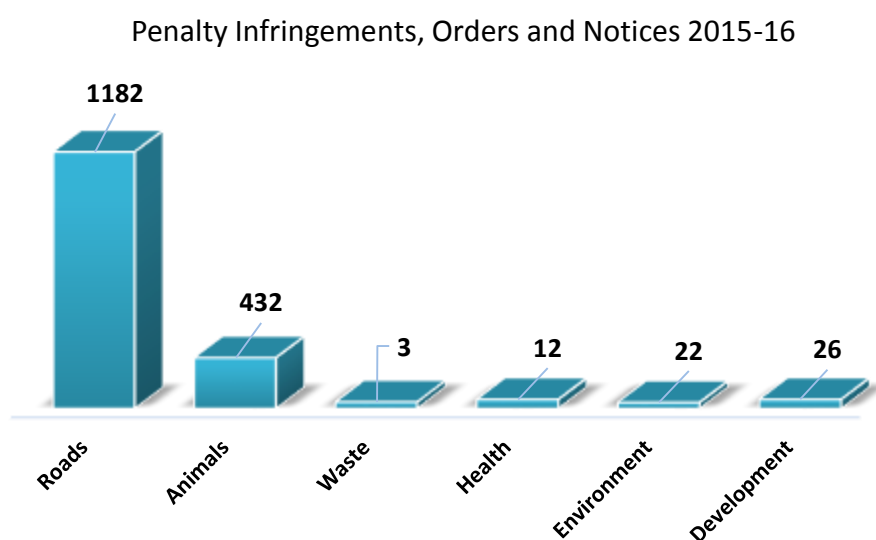
E02.6718

Compliance Activity

A number of matters are dealt with via Penalty Infringement Notices (PINs) and special performance orders in line with relevant regulations and legislation. The majority of these infringements relate to roads, namely parking offences. A combined total of 1,677 penalty infringements, orders and notices were issued during the 2015-16 financial year.

The following graph depicts the number of matters that were dealt with via PINs and special performance orders in accordance with the relevant legislation.

Graph 2: Compliance Activity 2015-16



The graph shows that the majority of infringements are road related, often parking offences (70%), which are undertaken by the Ranger team. The following activity report provides more details on compliance matters and related activities.

Table 2: Activity report 2015-16

Sector	Activity	Infringements	Orders and Notices	Total Action
Roads	Parking	1172	10	1182
Animals	Companion Animals	103	329	432
Waste	Illegal Dumping	1	2	3
Health	Premises	1	11	12
Environment	Air/Land/Water	22	-	22
Development	Land	15	11	26
TOTAL		1314	363	1677

PSR16/048 2015-16 REGULATORY ACTION STATUS REPORT

E02.6718

A total of 495 formal regulatory actions (23%) were required, mainly in response to the total of 2,122 CSRs. Of the 495 instances of compliance activity:

Animals: 432 actions relate to animal control (87%) and actions include lifetime registration enforcement, barking dogs, stray animals, endangering safety of person or animal and restricted or dangerous dogs.

Waste, Health and Environment (sectors combined): 37 actions (8%) relate to waste issues like illegal dumping; health such as overgrown premises, food shops, on-site sewage management systems and public swimming pools and environment such as pollution matters.

Development: 26 actions (5%) relate to actions as a result of development without consent or contrary to consent conditions.

The majority of Customer Service Requests (~77%) are resolved without any requirement to utilise formal regulatory actions.

Special Programs

During 2015-16 period, specific programs were conducted such as:

1. school zones aiming to improve children safety. This work was conducted in collaboration with the schools and Police, where Rangers conducted routine parking patrols throughout our Shire and information was provided via schools' newsletters on safe parking and drop off
2. disabled parking aiming to enhance parking for people with disabilities
3. companion animal outstanding lifetime registration program aiming to ensure that animals are registered so that the owner can be contacted if the animal is impounded
4. swimming pool seminars conducted to assist public pool operators in providing safe and healthy bathing waters
5. Estuary Health Monitoring Program undertaken with support from Office of Environment and Heritage funding.

CONSIDERATIONS

Council has a statutory obligation which requires investigation and response to complaints regarding unlawful activities or works.

Council's Compliance Policy outlines the processes for Council officers in regard to the implementation and enforcement of legislation, with consideration of the severity of the activity, impacts on individuals, community and the environment.

The areas of regulation and compliance are often difficult and complex areas of operation, dealing with conflict and delivering difficult messages. Council is frequently dealing with people who have made a complaint and have expectations of Council resolving the matter, and those who have potentially undertaken unlawful activities or works.

PSR16/048 2015-16 REGULATORY ACTION STATUS REPORT

E02.6718

The teams' operations fall within the Environmental Services section of Council. This leads to integration of environmental education programs eg, litter education and media exposure of illegal tree destruction.

The Public and Environmental Health team also offers services across the whole of Council operations such as monitoring of Council licence requirements for waste and water services.

Regional networks ensure that Council is consistent with neighbouring shires and enact legislation according to the relevant authority's requirements. Regular liaison is undertaken with agencies such as the Food Authority, Department of Health, the Office of Environment and Heritage, NSW Office of Water, State Debt Recovery Office and others as required.

Legal

The teams operate under a wide range of legislation and regulations and in accordance with Council's Compliance Policy which identifies the graduated approach to enforcement. A high emphasis is also placed on education. The legislation includes but is not restricted to the following:

1. Protection of the Environment Operations Act 1997
2. Environmental Planning and Assessment Act 1979
3. Local Government Act 1993
4. Roads Act 1993
5. Foods Act 2003
6. Public Health Act 1991
7. Swimming Pools Act 1992
8. Companion Animals Act 1988
9. Impounding Act 1993

Policy

Staff are required to observe a range of adopted policies and codes of practice including the Compliance, Local Orders and Clean Air policies and the Companion Animals Management Plan 2015-2019.

Environmental

Council has a focus on protection of the environment, public health and safety. Maintaining and protecting the natural environment in Eurobodalla is important and is of major interest to the community.

There is also growing community participation in natural resource management and sustainability.

Social Impact

There is consideration of the impact of an offender's action on other individuals, the community and the environment.

PSR16/048 2015-16 REGULATORY ACTION STATUS REPORT

E02.6718

Community Engagement

High levels of compliance have been achieved by both teams through education programs, media releases and campaigns, information on Council's website, workshops and seminars that have been conducted, and by engaging with people on an individual basis where required.

Enforcement is one component of compliance. The emphasis however, is on education as the primary strategy.

CONCLUSION

The Public and Environmental Health, and the Ranger teams, operate in a high volume and often challenging environment. Their primary objective is to enforce legislation and policy in response to community needs, ensuring that the health, safety and amenity of the community is protected.

Council actions and enforcement processes are in accordance with the relevant legislations and adopted policies and codes of practice.

PSR16/049 2015-16 FOOD INSPECTION STATUS REPORT

E80.1313

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

Attachments: Nil

Focus Area: Liveable Communities

Delivery Program Link: L4.3 Conduct food safety and public health programs

Operational Plan Link: L4.3.1 Undertake food inspection program

EXECUTIVE SUMMARY

This report provides a summary of Council's Food Inspection Program for the 2015-16 financial year.

Council has a statutory obligation to undertake routine inspections of retail food premises. In January 2009, Council commenced these food inspections and maintains this program under the Food Regulation Partnership between NSW councils and the NSW Food Authority (NSW FA), to ensure that food sold is safe for human consumption and correctly labelled.

Eurobodalla food retailers achieved 93% compliance with the Food Standards Code in the 2015-16 financial year. There were 398 primary inspections of 244 fixed premises conducted with only 20 businesses requiring re-inspection. All other inspections were found to be either satisfactory or had issues resolved at the inspection.

RECOMMENDATION

THAT Council receive and note the 2015-16 Food Inspection Status Report.

BACKGROUND

Since 2009, Council has undertaken inspections, enforcement action and investigation of complaints in the food retail sector in accordance with the requirements of the NSW Government. Council has reported on these activities to the NSW FA under the provisions of the Food Act 2003.

NSW FA may also call on Council to collaborate in food recalls and food borne illness investigations. This has not been required in this reporting year.

Under the Food Regulation Partnership with the NSW FA, Council must undertake scheduled inspections of all high and medium risk premises each financial year. In compliance with industry best practice, Council has aimed to inspect all high risk premises twice per year while medium risk premises are inspected a minimum of once per financial year.

NSW FA Advisory Guidelines for Enforcement Agencies recommend that a risk-based approach is taken when determining the frequency of inspections. This approach should take the performance of each business into account. It is recommended that businesses selling high-risk-

PSR16/049 2015-16 FOOD INSPECTION STATUS REPORT

E80.1313

foods such as raw egg products should be inspected at least twice a year. Where an inspection identifies significant food safety issues re-inspections may also be conducted.

Council is a member of the South East Regional Food Group which meets three times each year. These meetings are facilitated by the NSW FA to provide a networking platform for Environmental Health Officers (EHOs). The networking provides for shared learning between EHOs and updates and training by NSW FA. The meetings facilitate a consistent approach to achieving safe food for the community.

CONSIDERATIONS

There are currently 244 fixed food businesses in Eurobodalla, a 3% increase on the previous year. Over 75% of these premises are high risk and were inspected twice during the reporting year. There are 35 temporary stalls registered with Council and these businesses are inspected at the various markets and festivals held throughout the Eurobodalla. In addition there are 15 mobile food vendors registered with Council and these are registered and inspected annually.

All retail food businesses in Eurobodalla Shire must register with Council. From September 2015, the NSW FA no longer require retail food businesses to notify them thus eliminating duplication of food businesses having to notify the NSW FA and Council.

Consideration and investigation is currently being given to reducing the inspection regime based on risk and the performance of the each business whereby the business demonstrates consistent compliance, established ownership and does not produce a very high risk product (raw egg products).

The NSW FA 'Scores on Doors' program is currently being trialled by a small number of NSW Councils. The program involves allocating a numerical score for performance during inspection and awards a star rating to the premises based on these scores. A certificate with the star rating can be displayed at the entrance to the business. From July 2016, as requested by the Food Authority, Council commenced the scoring system without the provision of award certificates, and we will monitor the program's effectiveness in consultation with food premises for the Eurobodalla.

Legal

The NSW Food Authority's Compliance and Enforcement Policy sets out the criteria for determining appropriate enforcement action. This policy and Council's Compliance Policy, ensure that enforcement actions are consistent, procedurally fair and proportionate.

Council continues to take a graduated approach to enforcement action in order to improve the performance of the local retail food industry. A high priority is placed on education and collaboration with enforcement action only taken when this approach does not achieve compliance.

PSR16/049 2015-16 FOOD INSPECTION STATUS REPORT

E80.1313

Enforcement Action

Where collaboration and education do not achieve safe food handling practices, enforcement action may be taken. Enforcement action can include (in order of escalation):

- Reinspection
- Warning letter
- Improvement Notice
- Prohibition Order
- Seizure of food items
- Penalty Infringement Notices

Table 1: Summary of Council’s Food Inspection Program from 2010-2011 to 2015-2016

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Inspections (fixed premises)	434	424	405	419	387	398
Re-inspection	11	14	25	27	40	37
Improvement Notices	3	8	7	3	10	2
Warning Letters	15	23	26	55	29	12
Complaints	10	17	13	11	10	13
Penalty Infringement Notice (PIN)	0	4	2	0	0	1

Education and Collaboration

The time taken for an inspection is often evenly divided between observing practices and providing practical advice on safe food handling. This approach means that in most cases any unsafe practices are rectified at the time of inspection.

In December 2015 a newsletter was developed and provided to all food retailers in the Eurobodalla. The main focus of this newsletter was on the prevention of cross contamination, and in particular the correct storage and handling of raw meat (including poultry and seafood).

Following the distribution of the newsletter, inspections focused on this critical food safety factor. Almost one in four premises (59 premises) required practical advice during these inspections to rectify potentially dangerous storage and handling practices. Only 19 of these premises required re-inspections to ensure continued compliance, with 12 of these requiring multiple re-inspections.

Re-inspection

When required, a premises may be re-inspected to achieve compliance to the Foods Standards Code 2016. Where the re-inspection identifies continued non-compliance further re-inspections may be required to achieve compliance. An inspection fee is charged for each re-inspection. Twenty premises required re-inspections in order to implement safe food handling practice, 12 of these premises required multiple re-inspections to achieve this outcome, resulting in a total of 37 re-inspections.

PSR16/049 2015-16 FOOD INSPECTION STATUS REPORT

E80.1313

The increased use of re-inspections over the past two financial years has resulted in a reduction in warning letters and improvement notices. As noted above, these are only used where education and collaboration have not achieved the desired outcome. In addition re-inspections are targeted at critical food safety issues.

Warning Letters

Warning letters are used in conjunction with re-inspections where there is a significant public health risk or persistent failure to comply. There has been a reduction in the need for warning letters with the use of education, collaboration and re-inspections.

As noted above, there has been a reduction in the need for warning letters with the use of education, collaboration and re-inspections.

Improvement Notices

Two Improvement Notices were used where escalation beyond re-inspection was required to achieve the required level of food safety practices or where the business is sufficiently unsatisfactory or structurally defective that urgent action was required.

Improvement notices have a statutory fee attached (\$300 as at November 2014) which is intended to cover the cost of drafting the Notice, service of the Notice and a single follow up inspection.

Prohibition Order

Prohibition Orders are served by Council where an Improvement Notice has not been complied with and the Prohibition Order is necessary to prevent or mitigate a serious danger to public health. No Prohibition Orders were issued during the reporting year.

Penalty Infringement Notices

Penalty Infringement Notices (PIN) will be issued where any detected non-compliance is an immediate threat to public health. Council issued one PIN to a food business in the reporting year.

Social Impact

Compliance with the Food Standards Code provides significant long term enjoyment and health benefits for the Eurobodalla community and visitors. In particular by reducing food borne illness to consumers.

Economic Development Employment Potential

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

Financial

Fees are charged for administration of the food inspection program and to carry out inspections. The fees are in accordance with the Food Act 2003 and Council's Fees and Charges.

PSR16/049 2015-16 FOOD INSPECTION STATUS REPORT

E80.1313

During the 2015-16 financial year, the inspection fee was \$179.00 and an annual administration fee was \$180.00. The fees are set on the basis of user pays and cost recovery.

Total income for 2015-16 was \$120,202. The total costs were \$128,076.

Community Engagement

Council is continuing to conduct a food safety training link "I'M ALERT", from its website delivered by Environmental Health Australia (EHA) for which Council pays an annual licence fee of \$500. At the completion of the training, the participant's details are recorded and they are given the opportunity to print out a Training Certificate.

Council's designated officers engage in education and provision of technical information to food premises.

Information pertaining to the Food Safety Program is readily available on Council's web;
<http://www.esc.nsw.gov.au/council-services/public-environmental-health/food>

A newsletter has been developed and provided to all food businesses in our Shire.

CONCLUSION

The Food Inspection Program has been implemented successfully over the past seven years with a high level of compliance by the operators of food premises. This compliance strengthens confidence that safe food is being provided to the community and has a flow on effect into the recreational and tourism sectors.

PSR16/050 DONATION OF DEVELOPMENT APPLICATION FEE

03.7164.D

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

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P1.1 Facilitate growth and development of our business community

Operational Plan Link: P1.1.1 Strengthen partnerships between council and the business community

EXECUTIVE SUMMARY

This report provides details relating to an application for a refund of development application fees to a non-profit voluntary organisation.

On 26 September 2016, Council received an application from Marine Rescue (Batemans Bay) NSW for reimbursement of their development application fees. The fees were paid in relation to Development Application 415/15 approved 1 September 2015, for alterations and additions to an existing building for the purposes of marine rescue headquarters.

Council's Code of Practice – Reimbursement – DA Fees, only permits the development application (DA) fee to be refunded.

RECOMMENDATION

THAT a donation be made to Marine Rescue (Batemans Bay) NSW to the value of \$1338.00 being the assessment fee for Development Application 415/15 in accordance with Council's Code of Practice – Reimbursement – DA Fees

BACKGROUND

Marine Rescue NSW, is an independent non-profit volunteer rescue organisation that provided 24/7 emergency response, vessel tracking and boating safety education for local boaters. Financial support is received from the NSW Government and the boating community of NSW through a levy on boat license and registration fees.

Marine Rescue (Batemans Bay) NSW lodged a development application (415/15) for alterations and additions to their premises located within a Crown Reserve 66122 at Hanging Rock boat ramp Batemans Bay. This DA was approved on 1 September 2015.

On 26 September 2016, Marine Rescue (Batemans Bay) NSW applied for a donation from Council, for reimbursement of their DA fees.

Although the land is managed by Council, the upgrade which allows it to be used for its lease purposes, is the responsibility of the lessee.

Council has been consistent with handling requests, such as that from Marine Rescue (Batemans Bay) NSW and in accordance with the policy, only the DA fee has been reimbursed.

PSR16/050 DONATION OF DEVELOPMENT APPLICATION FEE

03.7164.D

CONSIDERATIONS

Policy

Council's Code of Practice – Reimbursement – DA Fees

Item 6 of Council's Code of Practice – Reimbursement – DA Fees, allows for a 100% refund of the development application fee paid by non-profit, voluntary/community groups. It has been historical practice that only the actual DA assessment fee is donated back to the charity organisation.

Financial

Council's Code of Practice – Reimbursement – DA fees allows for a 100% refund, by way of donation to a non-profit, voluntary/community organisation, for the development application portion of the DA fees. In this instance, this portion equates to a donation back to Marine Rescue (Batemans Bay) NSW of \$1338.00.

CONCLUSION

In accordance with Council's Code of Practice – Reimbursement – DA fees, it is recommended that a donation of \$1338.00, being the relevant development application fee, be made to Marine Rescue (Batemans Bay) NSW.

IR16/045 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2016-17

E16.0002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P3.1 Undertake advocacy activities to further the development of transport infrastructure and support future growth

Operational Plan Link: P3.1.2 Coordinate the Local Traffic & Development Committees

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for the Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 13 October 2016 were as follows:

- Signage – Relocation of Bus Zone, Beach Road south bound at the Marina, Batemans Bay
- Traffic Management Plan – Remembrance Day Ceremony, Batemans Bay
- Traffic Management Plan – Remembrance Day Ceremony, Moruya
- Special Event Application – Bridge Walk, Batemans Bay
- Special Event Application – Carols @ Long Beach
- Signage – Vehicle with Trailer Parking Only, Old Punt Road Carpark, North Batemans Bay.

RECOMMENDATION

THAT The minutes of the Eurobodalla Local Traffic Committee Meeting No 2 of 2016-17 held on 13 October 2016 be received and noted.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 2 for 2016-17 was held on 13 October 2016 in Council's Committee Room. It was attended by Councillor Mayne, Deputy Mayor (Chairperson), Ben Borger (Roads and Maritime Services), Senior Constable Brett Gruber (NSW Police Force), Lindsey Stewart (Divisional Manager Technical Services), Dave Hunter (Traffic Officer) and Matt Cormick (Minute Taker).

Apologies were received from Mrs Danielle Brice (representative for the Hon Andrew Constance MP) and Heidi Hanes (Road Safety Officer).

General introductions took place to welcome the new Chair of the Committee, Councillor Anthony Mayne, Deputy Mayor. A brief rundown of the Committee's functions, responsibilities and delegated authority was also presented by the Traffic Officer. An updated Terms of

IR16/045 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2016-17

E16.0002

Reference was tabled for discussion. This document will be emailed to the Committee members prior to the next meeting.

MINUTES OF PREVIOUS MEETING

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 1 for 2015-17 held on Thursday 14 July 2016 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

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

The following outstanding items were discussed:

2016.RT.003 Signage and line-marking – Train Street, Broulee

At the Committee meeting held on 10 September 2015 it was agreed to extend the kerb around the intersection where Train Street meets George Bass Drive. Funds have been sourced from a Council road safety budget and it is anticipated the work will be completed prior to Christmas, subject to the availability of a construction crew. Councillor Mayne, Deputy Mayor, requested that the Broulee Mossy Point Community Association be informed.

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

This item will not be completed until the streetscaping project in Orient Street has been finished. Councillor Mayne, Deputy Mayor, queried the reason for the relocation of the crossing. He was informed that a study found the proposed location was preferred to enable greater pedestrian accessibility between Perry Street and Orient Street.

2016.RT.022 Signage and line-marking – Roundabout at Beach Road and Hanging Rock

The roundabout construction is nearing completion and will be in operation prior to Christmas. The representative for NSW Police extended congratulations to Council staff on the speed and efficiency in which the project has been undertaken.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2017.RT.003 Signage – Relocation of Bus Zone, Beach Road south bound at the Marina Batemans Bay

Council has received a grant from Transport for NSW to upgrade various bus stops to make them more accessible for people with disabilities.

At the site on Beach Road adjacent to the Marina, the bus zone (stop number 006) is in a location where the footpath is about 1.2 metres from the kerb. To make the bus stop more accessible, a boarding point with a concrete pad and tactile ground indicators is proposed between the footpath and the kerb. At the current location, the slope between the kerb and footpath is too steep to achieve this.

It has been determined that if the bus zone and associated boarding point were moved about 40 metres to the south, the topography would allow the placement of the boarding point in an area with a flatter slope, and will subsequently comply with the required standards.

IR16/045 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2016-17

E16.0002

The location of the bus zone will not adversely affect adjoining businesses or traffic flow as this section of Beach Road is regulated as 'No Stopping'. A plan of the proposed site was provided to the Committee.

Councillor Mayne, Deputy Mayor, raised concerns about the site of the new bus stop, stating the close proximity to the shared pathway. He asked if it was possible to erect a barrier between the concrete pad and the road. It was discussed with the Traffic Officer that erecting any barrier near the platform would not be practical in this location as the structure would in itself be a traffic hazard.

The representative for NSW Police expressed concerns regarding the sight line for vehicles exiting the nearby carpark. The Traffic Officer shall further investigate the location options.

Recommendation:

The proposal to move the bus zone on Beach Road adjacent to the Marina be further investigated by the Traffic Officer.

INFORMAL ITEMS FOR DISCUSSION

2017.IN.001 Traffic Management Plan – Remembrance Day Ceremony, Batemans Bay

The ceremony will be conducted by the Batemans Bay RSL Sub-Branch. It will be held on Friday 11 November between 10:45am and 11:15am. It will be held in Clyde Street near the Batemans Bay Honour Stone.

During the ceremony it is proposed that the length of Clyde Street between the Princes Highway and North Street be closed to traffic. A Traffic Management Plan and associated Traffic Control Plan for the closure of this length of Clyde Street was presented to the Committee.

Recommendation:

That the Remembrance Day Ceremony to be conducted in Clyde Street, Batemans Bay on Friday 11 November 2016 between 10:45am and 11:30am be approved based upon the submitted traffic management plan and associated traffic control plan.

2017.IN.002 Traffic Management Plan – Remembrance Day Ceremony, Moruya

The ceremony will be conducted by the Moruya RSL Sub-Branch. It will be held on Friday 11 November between 10:40am and 11:05am. It will be held in Page Street near the Moruya RSL Hall.

During the ceremony it is proposed that the length of Page Street between Campbell Street and Queen Street, along with the western end of Mirrabooka Avenue, be closed to traffic. A Traffic Management Plan and associated Traffic Control Plan for the closure of these streets was presented to the Committee.

Recommendation:

That the Remembrance Day Ceremony to be conducted in Page Street, Moruya on Friday 11 November 2016 between 10:40am and 11:05am be approved based upon the submitted traffic management plan and associated traffic control plan.

IR16/045 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2016-17

E16.0002

2017.SE.003 Special Event Application – Bridge Walk, Batemans Bay

The Batemans Bay Bridge on the Princes Highway (spanning the Clyde River) was opened in 1956. To celebrate the 60th anniversary of the opening, Batemans Bay Rotary are organising a walk across the bridge on Saturday 19 November 2016.

A Special Event application has been submitted to Council and this includes a traffic control plan that details a road closure on the Princes Highway (at the bridge) and on a section of Wharf Street. Other events are planned for the day on the foreshore area (south of the bridge), however these do not form part of this application.

The walk is proposed to commence at approximately 11.45am to coincide with the regular closing of the Princes Highway, when a tourist boat and other vessels pass under the bridge. The route of the walk is from north to south.

Council has submitted a Road Occupancy License (ROL) application to the RMS on behalf of Rotary, as part of the road closure.

It is expected that traffic shall be stopped on the Princes Highway for a 20 minute period, from 11.45am to 12.05 pm. Note that the regular closing period is about 10 minutes. The proposal was for walkers to be held at the bridge northern boom gate until about 11.55am.

The number of participants will be limited to 200 people so that the road is cleared within the 20 minute road closure period. They propose to meet on Wharf Street at Korner's Park (near the northern bridge abutment) at 10.30am. Once the walkers cross the bridge, they propose to disperse onto the foreshore area on Clyde Street. This is determined as a Class 2 event.

In discussions, the Committee members had concerns on the road closure's adverse impact on emergency service operations and road safety due to extensive queuing on the major road network including the Princes Highway, Beach Road and the Kings Highway. It was agreed that such events must consider the impact on the whole community.

The NSW Police Force representative explained extensive delays caused by the recent bridge lift failures left many motorists frustrated. The drain on resources was significant during these closures, Police had to call in officers from other areas such as Milton to assist, and there was only one ambulance available north of the Clyde River. Other delays such as the proposed bridge walk will only exacerbate a negative view of the public sector held by some motorists and add to the increased safety risks. Vehicles travelling east along the Kings Highway used Runnyford Road to bypass Batemans Bay and this gravel road is not suitable to handle these high volumes of vehicles. There is no safe viable alternate route for the expected high volume of vehicles from the Kings Highway onto the Princes Highway during this short period. It was estimated that a 20 minute delay at the bridge transpires to about a 40 minute delay for some vehicles waiting for the queue to clear, particularly on a Saturday at the start of summer where a high traffic volume can be expected.

Note that Runnyford Bridge is a timber structure with a posted load limit of 5 tonne.

IR16/045 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2016-17

E16.0002

The RMS representative was not against the road closure, however the determination was undertaken by RMS staff who assess the Road Occupancy Licence (ROL) and the pending issuing or refusal of this license.

The Committee agreed that the bridge 60th year celebration should be supported, however due to safety concerns and impact on the broader community, the road closure should not go ahead. Participants can walk across the bridge on the walkway available to the general public.

Recommendation:

That:

1. The road closure across the bridge is not supported by the Committee as the NSW Police Force are concerned about the adverse impact to emergency service operations and road safety.
2. The Batemans Bay bridge 60th year celebration is supported by the Committee and participants can walk across the bridge on the footpath available to the general public.

2017.SE.004 Special Event Application – Carols @ Long Beach

The Long Beach Community Association will be holding a Carols night on Saturday 17 December 2016 on the foreshore adjoining Bay Road.

This event has been held for a number of years and it is anticipated there will be over 1,000 people again in attendance this year.

To safely manage the event, the Association proposes to close a section of Bay Road and use the carpark area for pop up dining and event control. A temporary stage and toilets will be located near the carpark on the foreshore.

A Traffic Management Plan and associated Traffic Control Plan No.5156 Set AP Sheet 01 for the closure of a section of Bay Road was presented to the Committee.

Recommendation:

That the 2016 Carols @ Long Beach night, located on the foreshore adjoining Bay Road, to be conducted on Saturday 17 December based on the submitted traffic management plan and associated traffic control Plan No.5156 Set AP Sheet 01 be approved.

2017.IN.003 Signage – Vehicle with Trailer Parking Only, Old Punt Road Carpark, North Batemans Bay

A request has been received to modify the arrangement in the carpark on Old Punt Road, North Batemans Bay to assist boat ramp users. The request is to regulate part of the carpark for use by cars and boat trailer combinations only. This public carpark is within a road related area and is a multi-use facility that caters for users of the foreshore picnic and general recreation area, cars and boat trailer combinations accessing the boat ramp and also patrons of the nearby restaurant named "On The Pier".

IR16/045 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2016-17

E16.0002

There are 25 line-marked parking spaces in this sealed carpark. One of these spaces is designated as parking for people with disabilities. Of the other 24 parking spaces, 11 are long spaces designed to allow car and boat trailer combinations to park.

The proposal to regulate the 11 long spaces exclusively for use by car and boat trailer combinations was put to the adjoining property owner and restaurant owner for feedback. There were concerns that the proposal would have a detrimental impact on the business and other users of the carpark such as families, tourists and people fishing from the river bank. To assist the boat ramp users and also have a minimal impact on other carpark users, it was agreed that designated parking of 6 of the long parking spaces for a specific period each day would be reasonable. The period will be from 5am to 5pm each day.

This type of sign is not contained within the RMS Traffic Signs Database that indicates signs allowed in road related areas, including under the delegation of Council to regulate traffic. Advice from Council's Rangers was sought to select an appropriate sign type. So that signage is enforceable, a sign containing the text "Vehicle With Trailer Parking Only 5am – 5pm By Order of The General Manager" is proposed. This sign will then be enforceable under the Local Government Act.

Recommendation:

That Council Plan No. 5119 Set B Sheet 05 detailing the signage and line-marking associated with designated vehicle with trailer parking spaces in the Old Punt Road carpark (adjoining the Clyde River boat ramp) be approved.

GENERAL BUSINESS

Speed zones – Dalmeny and Bodalla

An email from the representative for the Hon Andrew Constance MP was presented to the Committee. This email contains requests received by residents in Dalmeny and Bodalla to review the speed zones in some of the streets. The Local Traffic Committee does not have delegated authority to review speed zones and the information was passed on to the RMS representative for further investigation. The RMS will respond directly to the residents.

Intersection investigation – George Bass Drive and Annetts Parade intersection, Mossy Point.

Councillor Mayne, Deputy Mayor, raised concerns on the operation of the intersection of Annetts Parade and George Bass Drive, Mossy Point. It was suggested sight lines could be improved by moving the holding line further into the intersection to allow drivers approaching along Annetts Parade a better view to vehicles on George Bass Drive.

The Traffic Officer shall investigate and report back to the Committee.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee is to be held on Thursday 17 November 2016 in the Council's Committee Room commencing at 9.30am.

FBD16/061 LICENCE FOR KAYAK HIRE, NAROOMA

E07.1581

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

Kayaking Narooma has been operating a kayak hire business from Crown Reserve R85364 Riverside Drive, Narooma for over eight years primarily on weekends, public holidays and school holidays. The licence to conduct the business expires on 3 December 2016.

As Trust Manager, Council cannot grant a licence for use of Crown reserves for a period of greater than twelve months without the consent of the Minister administering the Crown Lands Act, 1989, however Council can grant a temporary licence for up to twelve months in accordance with Section 108 of the Crown Lands Act. In line 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 in February 2016 from interested parties wishing to conduct activities on Council controlled public reserves for a period up to five years.

Kayaking Narooma has advised its interest in extending the licence agreement for twelve months subsequent to the EOI for use of Crown Reserve R85364. 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 granting of a further twelve-month licence.

RECOMMENDATION

THAT:

1. Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a twelve-month licence, in accordance with Section 108 of the Crown Lands Act 1989, to Kayaking Narooma to operate a kayak hire business within Crown Reserve R85364 in Riverside Drive, Narooma commencing on 4 December 2016 and terminating on 3 December 2017 with terms and conditions in line with the current licence.
2. The Licensee pay an annual licence fee of \$1,076.00 plus GST pa.

BACKGROUND

Kayaking Narooma has been operating from this reserve for over eight years. The business operates primarily on weekends, public holidays and school holidays and serves as an attraction for both tourists and residents alike.

FBD16/061 LICENCE FOR KAYAK HIRE, NAROOMA

E07.1581

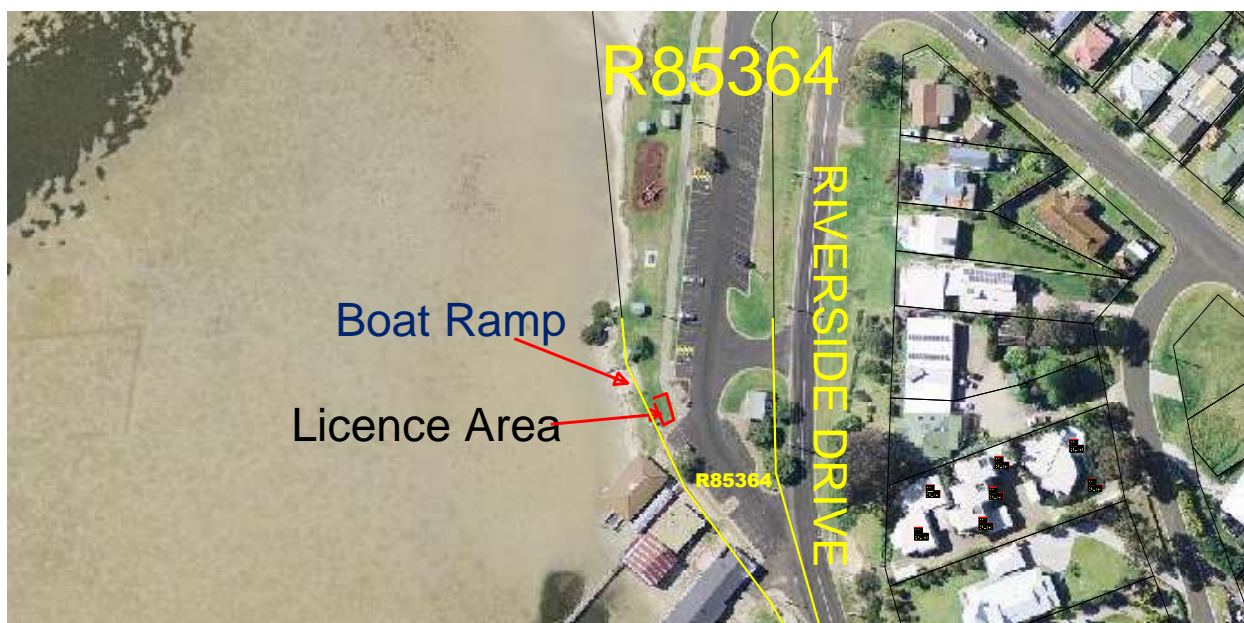
The business is conducted from a vehicle parked within the reserve adjacent to the boat ramp and the kayaks are stored on a trailer with an attached advertising sign awaiting hire. At days end all equipment and waste is removed from the site.

At its meeting on 10 November 2015 Council resolved to grant a twelve month licence commencing on 4 December 2015 and terminated on 3 December 2016 to Kayaking Narooma with the same terms and conditions as the previous licence.

CONSIDERATIONS

Narooma Kayaking has requested a further twelve month licence be granted to operate the kayak hire business. No other party expressed an interest to use this reserve during this time therefore it is appropriate that consideration be given to the request.

The licence area is shown in the sketch below.



Crown Reserve R85364 – Riverside Drive, Narooma

Legal

Council is a land manager of Crown reserves held under Trust. Council has been appointed Trust Manager for the three reserve trusts covering the Shire, Eurobodalla (North), Eurobodalla (Central) and Eurobodalla (South) Reserve Trusts. Council manages these reserve trusts in accordance with the provisions of the Crown Lands Act, 1989. Council, as Trust Manager, can grant a licence over a Crown reserve for a term up to twelve months but cannot grant a lease or licence for a term of greater than twelve months without consent from the Minister administering the Crown Lands Act. [Crown Lands ACT 1989 - Sect 108](#)

Crown Reserve R85364 Riverside Drive, Narooma is under the control of the Eurobodalla (South) Reserve Trust for which Council is Trust Manager.

Policy

In line with the provisions of Council's Code of Practice – 'Licensing of Council controlled Public Reserves and Associated Buildings', an expression of interest was called in February 2016 for

FBD16/061 LICENCE FOR KAYAK HIRE, NAROOMA

E07.1581

parties interested in seeking a licence for periods up to five years to use any Council owned or controlled public reserves. This process satisfies the requirements of Crown Lands for the consideration of granting licences by way of an open and transparent competitive process.

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Environmental

The kayak hire business would not have any undue impact on other users of the reserve.

Asset

A trailer storing the kayaks awaiting hire is parked on the reserve adjacent to the boat ramp. As they are hired the kayaks are launched and retrieved into and from the adjoining waterway. The licence does not give exclusive use of the reserve.

Social Impact

A kayak hire business operating from this popular reserve serves as an attraction for both tourists and residents alike.

Economic Development Employment Potential

Kayaking Narooma is an appropriate activity for the area providing the opportunity for locals and tourists to explore the Wagonga Inlet from a different vantage point. An activity of this nature will encourage visitors to stay longer and spend more in the Shire with benefits to other businesses within Narooma and in particular at cafes along the Wagonga Inlet waterfront.

Financial

In line with similar hire activities within the Shire and elsewhere it is considered appropriate the licence fee be \$1,076.00 plus GST pa.

Community Engagement

In line with the provisions of Council's Code of Practice – 'Licensing of Council controlled Public Reserves and Associated Buildings', an expression of interest was called in February 2016 for parties interested in seeking a licence for periods up to five years to use any Council owned or controlled public reserves.

CONCLUSION

The licence to Kayaking Narooma to operate a kayak hire business from Crown Reserve R85364 Riverside Drive, Narooma expires on 3 December 2016.

Kayaking Narooma has advised its interest in extending the licence agreement for a further twelve months.

The business has been operating successfully from this reserve for over eight years providing an ongoing attraction for tourists and local residents.

It is considered reasonable and appropriate for Council to support Kayaking Narooma by granting a twelve-month licence.

FBD16/062 LICENCE FOR KAYAK HIRE, NELLIGEN

E07.1579

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

Nelligen Kayak Hire has submitted an application to obtain a twelve-month licence to operate a kayak/canoe hire business in Nelligen to offer a service for recreational use of the Clyde River and its tributaries.

The owners previously held a licence with Shoalhaven City Council to operate a hire business from Durras Lake North Holiday Park for a period of twelve years. They would now like to operate their kayak/canoe hire business from community land Lot 1 DP 125594 Wharf Street, Nelligen.

In accordance with Section 47A of the *Local Government Act, 1993* public notice of 28 days must be given of Council's intention to grant a licence for the use of community land.

To expedite the public notification process and enable the business to commence operation prior to the important tourist summer season, public notice was given following the briefing to Council on 1 November 2016.

This report recommends that, subject to there being no objections during the notification period, a licence be granted to operate the kayak hire business.

RECOMMENDATION

THAT:

1. Subject to no objections being received from the public notice of Council's intention to grant a licence to Nelligen Kayak Hire to operate a kayak/canoe hire business from within community land Lot 1 DP 125594 Wharf Street, Nelligen, a licence be granted to Nelligen Kayak Hire for a term of twelve months and a fee of \$1,076.00 plus GST pa and conditions generally in line with similar existing licences.
2. If any objections are received, a report be presented to Council for further consideration.

BACKGROUND

Nelligen Kayak Hire is a new business wanting to establish a kayak/canoe hire facility in Nelligen to provide for recreational users primarily during school and public holiday periods.

FBD16/062 LICENCE FOR KAYAK HIRE, NELLIGEN

E07.1579

The business transactions will be conducted from a 3m x 3m collapsible gazebo on community land at Nelligen and launching of the kayaks and canoes would take place at the steps just north of the boat ramp and at the floating jetty.

The storage of the kayaks and canoes not being used would be on a trailer in the adjacent carpark or on the grass area next to the gazebo. At days end all equipment and waste will be removed from the site.

Nelligen Kayak Hire is requesting Council grant a twelve-month licence to operate the kayak/canoe hire business.

CONSIDERATIONS

Nelligen Kayak Hire has submitted an application to obtain a licence to operate a kayak/canoe hire facility in Nelligen. There is no kayak/canoe hire business currently operating from Council community land in Wharf Street, Nelligen therefore it is appropriate that consideration be given to the request.

The licence area is shown in the sketch below.



Community Land – Lot 1 DP 125594 Wharf Street, Nelligen

Legal

Lot 1 DP 125594 Wharf Street, Nelligen is a Council owned public reserve classified as community land. Being community land, in accordance with Section 47A of the *Local Government Act, 1993* public notice must be given of Council's intention to grant a licence to Nelligen Kayak Hire.

FBD16/062 LICENCE FOR KAYAK HIRE, NELLIGEN

E07.1579

[Local Government Act 1993 - Sect 47](#)

To expedite the public notification process and enable the business to commence operation prior to the important tourist summer season, public notice was given on 9 November 2016 following the briefing to Council on 1 November 2016.

Properties used for community purposes, generally public reserves are classified as community land. Community land must be dealt with in accordance with the provisions of the *Local Government Act 1993*. All community land must have a Plan of Management (POM) and the use of this reserve is governed by the provisions of the 'Natural Areas and Undeveloped Reserves' POM. Community land can be leased or licenced subject to authorisation by the POM. All leases and licences must be publicly notified and any submissions considered before a lease or licence is granted.

Policy

In line with the provisions of Council's Code of Practice – 'Licensing of Council controlled Public Reserves and Associated Buildings', an expression of interest was called in February 2016 for parties interested in seeking a licence for periods up to five years to use any Council owned or controlled public reserves. This process satisfies the requirements of Crown Lands for the consideration of granting licences by way of an open and transparent competitive process.

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A sporting kayaking group expressed an interest in using the same reserve, however it is considered both groups would be able operate without significantly impacting on the public use of the reserve.

Environmental

The kayak/canoe hire business would not have any undue impact on users of the reserve.

Asset

Nelligen Kayak Hire will only use the reserve for conducting business transactions at their 3m x 3m collapsible gazebo and then launch and retrieve the kayaks into and from the adjoining waterway as required. The licence does not give exclusive use of the reserve.

Social Impact

The business promotes the sport of kayaking and canoeing for all ages and provides the opportunity for locals and tourists alike to enjoy this activity in the Shire.

Economic Development Employment Potential

Nelligen Kayak Hire will give locals and tourists the opportunity to explore the Clyde River from a different vantage point. An activity of this nature will encourage visitors to stay longer and spend more in the Shire with benefits to other businesses within Nelligen.

Financial

In line with similar hire activities within the Shire and elsewhere it is considered appropriate the licence fee be \$1,076.00 plus GST pa.

FBD16/062 LICENCE FOR KAYAK HIRE, NELLIGEN

E07.1579

Community Engagement

The community currently has the opportunity to make submissions following public notice given on 9 November 2016 in accordance with Section 47A of the Local Government Act 1993, regarding Council community land, of the intention to grant a licence to Nelligen Kayak Hire.

CONCLUSION

Nelligen Kayak Hire has submitted an application to obtain a licence to operate a kayak/canoe hire business in Nelligen to offer a service for recreational use of the Clyde River and its tributaries.

The business promotes the sport of kayaking and canoeing for all ages and provides the opportunity for locals and tourists alike to enjoy this activity in the Shire.

It is considered reasonable and appropriate for Council to support Nelligen Kayak Hire by granting a twelve-month licence.

**FBD16/063 LICENCE FOR JET SKI HIRE BUSINESS – CORRIGANS BEACH,
BATEHAVEN**

E80.1320

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

Southern Watersports Jet Ski Hire (Southern Watersports) has been operating a jet ski hire business for over eight years within Crown Reserve R66122 at Corrigans Beach, Batehaven. The previous licence to operate the business expired on 22 October 2016.

As Trust Manager, Council cannot grant a licence for use of Crown reserves for a period of greater than twelve months without the consent of the Minister administering the Crown Lands Act, 1989, however Council can grant a temporary licence for up to twelve months in accordance with Section 108 of the Crown Lands Act. In line 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 in December 2015 from interested parties wishing to conduct activities on Council controlled public reserves for a period up to five years.

Southern Watersports has advised its interest in extending the licence agreement for twelve months subsequent to the EOI for use of Crown Reserve R66122. 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 granting of a further twelve-month licence.

RECOMMENDATION

THAT

1. Council as Trust Manager for the Eurobodalla (North) Reserve Trust grant a twelve-month licence, in accordance with Section 108 of the Crown Lands Act 1989, to Southern Watersports Jet Ski Hire to operate a jet ski hire business within Crown Reserve R66122 Corrigans Beach, Batehaven commencing on 23 October 2016 and terminating on 22 October 2017 with terms and conditions in line with the previous licence.
2. The Licensee provide the relevant approvals from the Australian Maritime Safety Authority and the Marine Parks Authority.
3. The Licensee pay an annual licence fee of \$1,591.00 plus GST pa.

BACKGROUND

Southern Watersports has been successfully operating a jet ski hire and business within Corrigans Beach Reserve, Batehaven for over eight years.

**FBD16/063 LICENCE FOR JET SKI HIRE BUSINESS – CORRIGANS BEACH,
BATEHAVEN**

E80.1320

Operating hours are from 10am to 5pm daily with seven jet skis available for hire. The jet skis are parked on trailers in the licence area and launched into the water when they are hired. At days end all equipment and waste will be removed from the site.

At its meeting held on 22 September 2015 Council resolved to grant a twelve-month licence commencing 23 October 2015 and terminating on 22 October 2016 to Southern Watersports with the same terms and conditions as the previous licences.

CONSIDERATIONS

Southern Watersports has requested a further twelve-month licence be granted to operate their jet ski hire business. No other party expressed an interest to use the same part of the 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

Council is a land manager of Crown reserves held under Trust. Council has been appointed Trust Manager for the three reserve trusts covering the Shire, Eurobodalla (North), Eurobodalla (Central) and Eurobodalla (South) Reserve Trusts. Council manages these reserve trusts in accordance with the provisions of the Crown Lands Act, 1989. Council, as Trust Manager, can grant a licence over a Crown reserve for a term up to twelve months but cannot grant a lease or licence for a term of greater than twelve months without consent from the Minister administering the Crown Lands Act. [Crown Lands Act 1989 Sect 108](#)

Crown Reserve R66122 Corrigans Beach, Batehaven is under the control of the Eurobodalla (North) Reserve Trust for which Council is Trust Manager.

The activities require a Certificate of Operations with the Australian Maritime Safety Authority (AMSA), the governing body for Hire and Drive Permits, and a Marine Park Permit to conduct

**FBD16/063 LICENCE FOR JET SKI HIRE BUSINESS – CORRIGANS BEACH,
BATEHAVEN**

E80.1320

commercial water sport activities issued in accordance with the NSW Marine Park Zoning Regulation 1999. [Marine Parks Regulation 1999](#)

Policy

In line with the provisions of Council's Code of Practice – 'Licensing of Council controlled Public Reserves and Associated Buildings', an expression of interest was called in December 2015 for parties interested in seeking a licence for periods up to five years to use Council owned or controlled public reserves. This process satisfies the requirements of Crown Lands for the consideration of granting licences by way of an open and transparent competitive process. www.esc.nsw.gov.au/inside-council/council/council-policies

Environmental

Whilst operating the business there is additional noise which may affect users of the reserve but no complaints have been received.

Arrangements were made in 2004 in conjunction with NSW Maritime to locate the activity area of the jet skis further offshore to minimize the noise impact onshore.

Asset

The jet skis are launched in the water and not landed on the beach. Whilst not in use they are stored on trailers in the licence area therefore the impact on the actual reserve is not significant.

Social Impact

This operation provides an attraction and activity for local residents as well as tourists to this area.

Economic Development Employment Potential

The business provides employment and adds to the economy of the Shire. An activity of this nature will encourage visitors to stay longer and spend more in the Shire with benefits to other businesses in the Batemans Bay area.

Financial

In line with similar hire activities within the Shire and elsewhere it is considered appropriate the licence fee be \$1,591.00 plus GST pa.

Community Engagement

In line with the provisions of Council's Code of Practice – 'Licensing of Council controlled Public Reserves and Associated Buildings', an expression of interest was called in December 2015 for parties interested in seeking a licence for periods up to five years to use any Council owned or controlled public reserves.

CONCLUSION

The licence to Southern Watersports to operate a jet ski hire business from Crown Reserve R66122 Corrigan Beach, Batehaven expired on 22 October 2016.

**FBD16/063 LICENCE FOR JET SKI HIRE BUSINESS – CORRIGANS BEACH,
BATEHAVEN**

E80.1320

Southern Watersports has advised its interest in extending the licence agreement for a further twelve months. The business has been operating from this reserve for many years providing an activity for locals and tourists alike.

It is considered reasonable and appropriate for Council to Southern Watersports by granting a twelve-month licence.

FBD16/064 POLICY REVIEW - ACCOUNTING FOR DIVISIONS AND SUBSIDIARIES OF COUNCIL POLICY E16.0297

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

Attachments: 1. Under Separate Cover - Policy Review - Accounting for Divisions and Subsidiaries of Council Policy

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

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

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

The purpose of this report is to inform Councillors of the review of the Accounting for Divisions and Subsidiaries of Council Policy.

The Accounting for Divisions and Subsidiaries of Council Policy is designed to ensure that entire Council entity accounting is up to date within the main Council financial systems and no undisclosed bank accounts, accounting systems or reserves exist in relation to Council management committee, other divisions, subsidiaries or the like.

The Accounting for Divisions and Subsidiaries of Council Policy has been reviewed. The draft policy is recommended to be placed on public exhibition before being presented to Council for adoption.

RECOMMENDATION

THAT

1. Council endorses the draft Accounting for Divisions and Subsidiaries of Council Policy for public consultation.
2. The draft Accounting for Divisions and Subsidiaries of Council Policy be placed on public exhibition for a period of 42 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

FBD16/064 POLICY REVIEW - ACCOUNTING FOR DIVISIONS AND SUBSIDIARIES OF COUNCIL POLICY E16.0297

BACKGROUND

This policy is designed to ensure that entire Council entity accounting is up to date within the main Council financial systems and no undisclosed bank accounts, accounting systems or reserves exist in relation to Council management committees, other divisions, subsidiaries or the like.

This policy provides for Council management committees, other divisions and subsidiaries of Council to fully incorporate accounting into Council's main systems.

The policy aims:

- To ensure all accounting functions meet minimum corporate requirements, comply with tax legislation, are integrated, have appropriate internal controls and are transparent.
- To ensure compliance with legislative requirements under Part 3: Financial Management of the *Local Government Act 1993* (the Act).
- To promote awareness of the requirements of the Act with respect to accounting for subdivisions and subsidiaries of council.
- To make the Council's policies and requirements for accounting for subdivisions and subsidiaries of council readily accessible and understandable to the public.

CONSIDERATIONS

The Accounting for Divisions and Subsidiaries of Council Policy provides for Council management committees, other divisions and subsidiaries of Council to fully incorporate accounting into Council's main systems. No substantive change to the policy are recommended at this time.

Policy

The Accounting for Divisions and Subsidiaries of Council Policy has been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

Financial

The Accounting for Divisions and Subsidiaries of Council Policy ensures all accounting functions meet minimum corporate requirements, comply with tax legislation, are integrated, have appropriate internal controls and are transparent.

Community Engagement

Council will place the draft Accounting for Divisions and Subsidiaries of Council Policy on public exhibition for a period of not less than 42 days commencing on Wednesday 30 November 2016 until Wednesday 10 January 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

The draft Accounting for Divisions and Subsidiaries of Council Policy should be publicly exhibited for 28 days. At the end of the public exhibition period the draft Accounting for

FBD16/064 POLICY REVIEW - ACCOUNTING FOR DIVISIONS AND SUBSIDIARIES E16.0297
OF COUNCIL POLICY

Divisions and Subsidiaries of Council Policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

FBD16/065 POLICY REVIEW - ASSET DISPOSALS POLICY

E16.0297

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

Attachments: 1. Under Separate Cover - Policy Review - Asset Disposals

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

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

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

The purpose of this report is to inform Councillors of the review of the Asset Disposals Policy. The Asset Disposals Policy was developed to protect Council's financial interest by ensuring that asset disposals achieve the best possible result for Council.

Council is required from time to time to dispose of assets. These assets may have reached or exceeded their economic life for Council purposes. Alternatively there may be other justifiable economic reasons for disposal.

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

RECOMMENDATION

THAT

1. Council endorses the draft Asset Disposals Policy for public consultation.
2. The draft Assets Disposals Policy be placed on public exhibition for a period of 42 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

BACKGROUND

The Asset Disposals Policy was developed to protect Council's financial interest by ensuring that asset disposals achieve the best possible result for Council.

FBD16/065 POLICY REVIEW - ASSET DISPOSALS POLICY

E16.0297

Council is required from time to time to dispose of assets. These assets may have reached or exceeded their economic life for Council purposes. Alternatively there may be other justifiable economic reasons for disposal.

The policy aims:

- To ensure asset disposals comply with legislative requirements.
- To promote awareness of the requirements of the *Local Government Act 1993* with respect to asset disposals.
- To make Council's policies and requirements for asset disposals readily accessible and understandable to the public.
- To make sure disposals are competitive and in accordance with the adopted management plans or approved budget variations.
- To comply with any funding agreements or legal and contractual requirement in relation to asset disposal.

CONSIDERATIONS

The Asset Disposals Policy was developed to protect Council's financial interest by ensuring that asset disposals achieve the best possible result for Council.

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

Legal

Council's asset disposals will comply with section 55 of the *Local Government Act 1993*, Australian Accounting Standard *AASB 116 Property Plant and Equipment 2009*, and the Division of Local Government *Code of Accounting Practice and Financial Reporting (as updated)*.

Policy

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

Asset

The Asset Disposals Policy should be read in conjunction with all applicable Asset Management Plans to ensure whole of life is considered. Assets will be disposed to the best advantage of Council, considering the whole of life costs and the replacement needs.

Financial

All disposals must comply with section 55 of the *Local Government Act 1993*. For example the Council must invite tenders for a contract to dispose of Council property where the estimated receipt is of an amount of \$150,000 or more (or such other amount as may be prescribed by the regulation). Exceptions to this requirement are a contract for the sale by a council of land and a sale by a council at a public auction.

Where tendering procedure is required or chosen to be followed this is to be in accordance with the statutory and legal requirements and in accordance with the tendering practices prescribed within the Council's Procurement Policy.

FBD16/065 POLICY REVIEW - ASSET DISPOSALS POLICY

E16.0297

All disposals must be on a competitive basis and Council will comply with any funding agreements or other legal and contractual requirements in relation to assets and will ensure best value result for any other parties that might have an interest in assets disposals.

Community Engagement

Council will place the draft Asset Disposals Policy on public exhibition for a period of not less than 42 days commencing on Wednesday 30 November 2016 until Wednesday 10 January 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

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

FBD16/066 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2016

E05.9535

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

Attachments: 1. Under Separate Cover - September Quarterly review attachments

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

This Budget Review reports on Council's performance against the current Operational Plan budget for the quarter ending 30 September 2016. Major variations are highlighted.

The September Budget Review reports on Council's performance against the adopted Operational Plan budgets for the quarter ending 30 September 2016.

The original Operational Plan budget, on a consolidated basis (which includes all of Council's funds), for 2016-17 forecast:

- Income Statement deficit, before capital revenue, of \$(0.1) million
- Income Statement surplus, after capital revenue, of \$12.7 million
- Deficit cash/fund flows of \$(2.9) million.

The revised budgets for the quarter ending 30 September 2016 are:

- Income Statement deficit, before capital revenue, of \$(2.1) million
- Income Statement Surplus, after capital revenue, of \$12.7 million
- Deficit cash/fund flows of \$(3.7) million.

The revised, consolidated, 2016-17 budget is impacted by the carry forward of ongoing projects from the previous year. The budgets relate to continuing projects and are carried forward, or 'revoted', from the 2015-16 financial year to the 2016-17 financial year and incorporated into the budget.

The result of bringing these projects from last financial year into the 2016-17 year is:

- Unfavourable income statement impact of \$(2.3) million before capital revenue
- An additional \$0.7 million of unrestricted funds will be utilised, in addition to that originally budgeted.

The current year adjustments result in favourable variations for the Income Statement after capital revenue of \$1.9 million and unfavourable variations of \$(0.1) million as per the Consolidated Fund Flow Statement.

There are no material concerns at this quarterly review about Council meeting budget targets for 2016-17.

FBD16/066 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2016

E05.9535

RECOMMENDATION

THAT:

1. The budget review report for the quarter ended 30 September 2016 be received and noted.
2. The favourable variations for the Income Statement after capital revenue of \$1.9 million and unfavourable variations of \$(0.1) million as per the Consolidated Fund Flow Statement be adopted.

BACKGROUND

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

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

The attachments to this report are as follows:

Financial reports (Attachment 1)

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

Financial reports include:

- a) Consolidated Fund Flow Statement – This report shows the impact of operating, financing and investing activities on Councils unrestricted working capital.
- b) Consolidated Income Statement – Provides sources of income and expenditure, including depreciation, in the program areas and associated services.
- c) Consolidated Capital Program Statement – Provides capital expenditure information for each program area and associated services.
- d) Projected Funds Balance Statement – Provides information on the balances and movements in both unrestricted and restricted fund accounts.
- e) Budget Amendment Report – Provides details of proposed significant adjustments to budgets.
- f) Special Rate Variation (SRV) program – Provides expenditure information for each of the projects in the SRV program of works for 2016-17.

Consultancy, Legals and Contractors Report (Attachment 2)

This attachment provides information on major contracts entered into, legal fees incurred and consultancy costs for the quarter ended 30 September 2016.

Key Financial Indicators (Attachment 3)

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

FBD16/066 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2016

E05.9535

Mayoral and Councillor Expenses (Attachment 4)

Provides information about Mayoral and Councillor expenditure for the quarter ended 30 September 2016.

CONSIDERATIONS

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

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

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

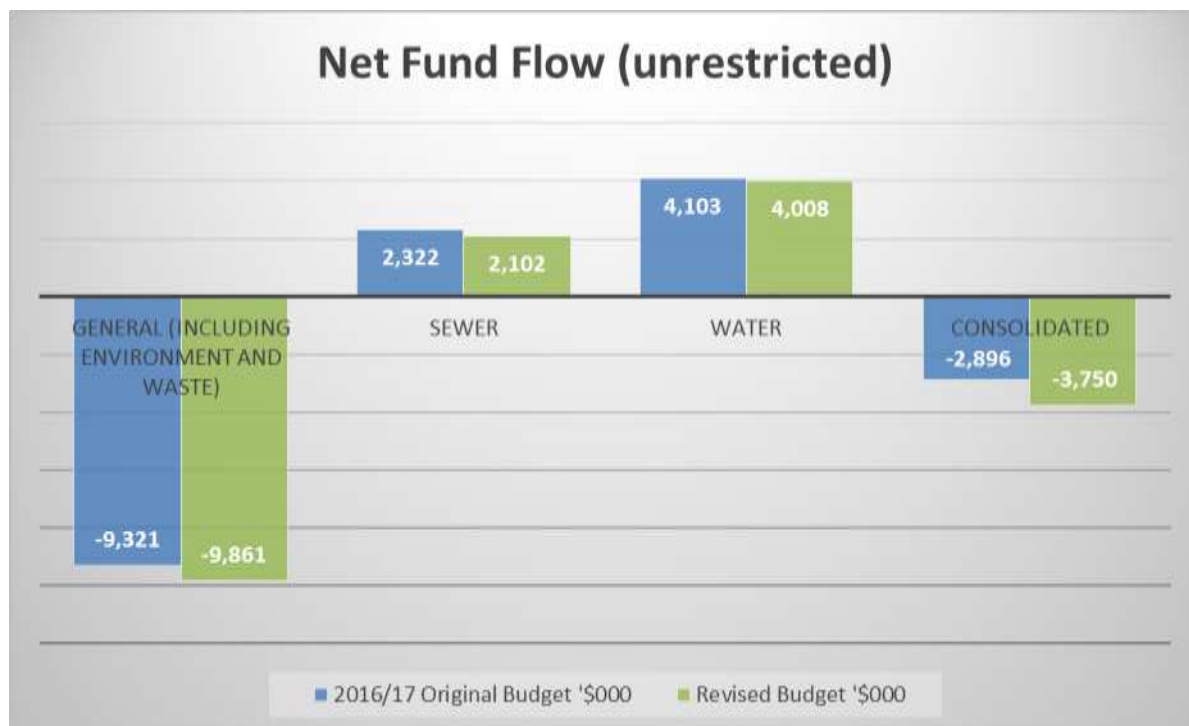
The net fund flow shows the amount of unrestricted funds that will be used to deliver the agreed Operational Plan outcomes for 2016-17. The consolidated original budget forecast a \$2.9 million decrease in unrestricted funds. The impact of the items carried forward from last financial year and the September review amendments, further decreased this by \$0.9 million, to a revised forecast of \$3.7 million decrease in unrestricted funds. See table 1.1 and graph 1.1 below.

Table 1.1 Net fund flow (unrestricted) per fund

Fund	2016/17 Original Budget '\$000	Opening Revotes '\$000	September Review '\$000	Revised Budget '\$000
General	(5,296)	(437)	33	(5,699)
Environment*	(96)	(75)	(40)	(211)
Waste*	(3,930)	-	(21)	(3,951)
Sewer	2,322	(160)	(59)	2,102
Water	4,103	(53)	(41)	4,008
Total	(2,896)	(726)	(128)	(3,750)

**Waste and Environment form part of the General fund but have been listed separately in this table to show how much unrestricted cash is being utilized in each area.*

Graph 1.1 Net fund flow (unrestricted)



The proposed September review adjustments have only a minor effect on the amount of working capital that is budgeted to be used this financial year.

The items carried forward from last financial year utilise \$726,000 of unrestricted funds.

The projects which utilise a significant amount of unrestricted funds are noted below:

- Various Coastal and Estuary management projects \$ 62,420
- Moruya community centre internal upgrade works (CIT)* \$ 63,426
- Corrigans Beach Inclusive Playground works \$ 75,000
- Small town sewerage schemes – Rosedale and Bodalla \$130,000
- Bill Smyth Oval Fencing (CIT)* \$144,420
- Moruya Airport redevelopment master plan \$ 64,604

**Community Infrastructure and Transport program projects which were budgeted to use cash as part of Council's application for the Special Rate Variation.*

Consolidated Income Statement (Attachment 1(b)):

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

The original budgeted operating result, for the consolidated entity, was a deficit of \$(0.1) million before allowing for capital grants and contributions. The proposed 2016-17 budget,

FBD16/066 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2016

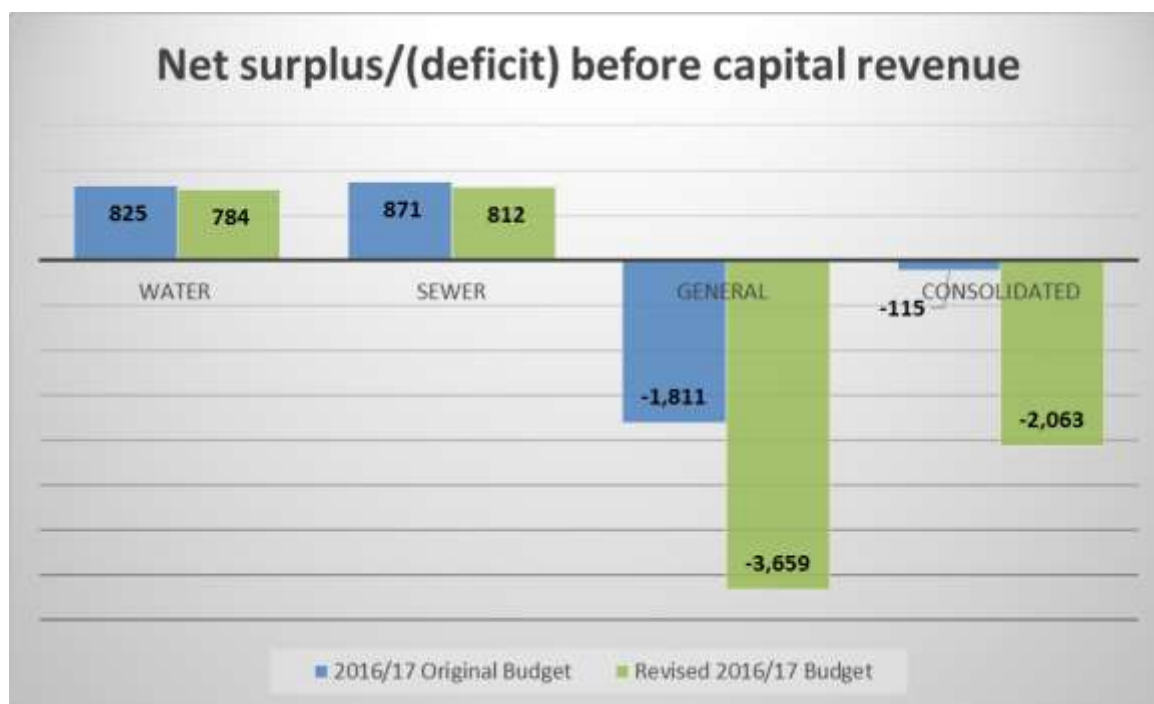
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incorporating the September review amendments and opening revotes, is a deficit of \$(2.1) million (per table 1.2 and graph 1.2 below).

Table 1.2 Net surplus/ (deficit) before capital revenue

Fund	2016/17 Original Budget '\$000	Opening Revotes '\$000	September Review '\$000	Revised Budget '\$000
General (including Environment & Waste)	(1,811)	(2,310)	462	(3,659)
Water	825	-	(41)	784
Sewer	871	-	(59)	812
Consolidated	(115)	(2,310)	362	(2,063)

Graph 1.2 Net surplus/ (deficit) before capital revenue



Opening revotes (operational)

Opening revotes can also be a result of the legislative requirement to recognise grant monies as revenue when they are received, even the last day of the financial year, not necessarily when those monies will be expended. The 'revoting' of these monies and associated expenditure ensures they are available to fulfil the grant objectives.

The carry forward of works or projects from last financial year into this financial year resulted in an unfavourable effect on the income statement of \$(2.3) million. Income, mainly grants and

FBD16/066 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2016

E05.9535

contributions, of \$0.8 million was brought forward to this financial year offset by \$3.1 million of operational expenditure. Major items are listed below.

General (including environment and waste)

The figures show the net effect on the income statement (income, if applicable, less expenditure) and the impact on the “fund flow”, or unrestricted cash (transfers to or from reserves to support the works).

	Income	Expenditure	Net Impact on Income Statement	Transfers to/ from restrictions	Net Impact
<u>Environment Fund</u>					
Coastal and estuary management projects	164,816	(227,236)	(62,420)	-	(62,420)
Environmental protection projects	69,602	(366,315)	(296,713)	296,816	183
Landcare and Sustainability projects	137,093	(278,455)	(141,362)	138,363	(3,000)
Invasive species projects	40,000	(110,012)	(70,012)	70,012	-
Other items less than \$30,000		(10,000)	(10,000)	-	(10,000)
<u>General and Waste Fund</u>					
Aged and disability services, various programs		(922,497)	(922,497)	922,497	-
Children’s Services		(31,722)	(31,722)	31,722	-
Community Transport		(97,503)	(97,503)	97,503	-
Youth Services		(116,127)	(116,127)	109,325	(6,802)
Community Care administration		(147,500)	(147,500)	66,864	(80,636)
Development	14,373	(65,941)	(51,568)	14,680	(36,888)
Operational Land Management		(39,000)	(39,000)	-	(39,000)
Libraries		(128,525)	(128,525)	125,568	(2,957)
Council Land Management		(33,163)	(33,163)	9,263	(23,900)
Art and Culture	8,000	(37,662)	(29,662)	15,112	(14,550)
Corporate Services		(351,685)	(351,685)	264,436	(87,249)
Other items which are individually less than \$30,000	48,700	(100,592)	(51,892)	45,340	(6,552)
Bridges and Urban Roads (grants brought forward)	327,687	(56,321)	271,366		271,366

September Review adjustments (operational)

The following items are a summary of the recommended changes to the originally adopted Operational Plan budget for 2016-17, for the first quarter. The impact of these changes is favourable to the operating statement before capital revenue of \$0.4 million. The figures show the net effect on the income statement (income, if applicable, less expenditure).

FBD16/066 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2016

E05.9535

The significant items include:

- Flying fox camp management consultancy costs not covered by grant, \$40,000 per Council minute 16/151 (unfavourable)
- Economic feasibility study for Southern NSW Marine Gateway, Batemans Bay \$50,000 (unfavourable) per Council Minute 16/48
- Estimated Land Tax Equivalents for 2016-17 from Water and Sewer funds to General \$110,000 (favourable)
- Revised Financial Assistance Grant allocation based on advice received from NSW Local Government Grants Commission for 2016-17 \$142,133 (unfavourable)
- Amendment to electricity charges based on trends and analysis (anticipated \$135,000 saving this financial year with approximately \$25,000 permanent savings in future years predicted)
- Enhance geographic information system (GIS) services to meet the legislative needs of planning, infrastructure and corporate planning. The GIS is a computer system for capturing, storing, checking, and displaying data related to geographic positions within the shire, \$78,961 (unfavourable)
- Revised expenditure on East Nelligen Road project (\$720,000) with marginal reduction in revenues, with a net effect of \$501,472 (favourable) on the income statement with nil fund flow effect as net income is internally restricted
- The adjustments in water and sewer are related to the revised cost for water quality monitoring and liquid trade waste inspections performed by the Environmental Health Officers.

Net surplus/(deficit) after capital revenue

The original budget for 2016-17 predicted an income statement surplus of \$12.7 million after allowing for capital grants and contributions. The proposed 2016-17 budget incorporating the September review amendments and opening revotes is a surplus of \$12.7 million (per table 1.3 and graph 1.3 below).

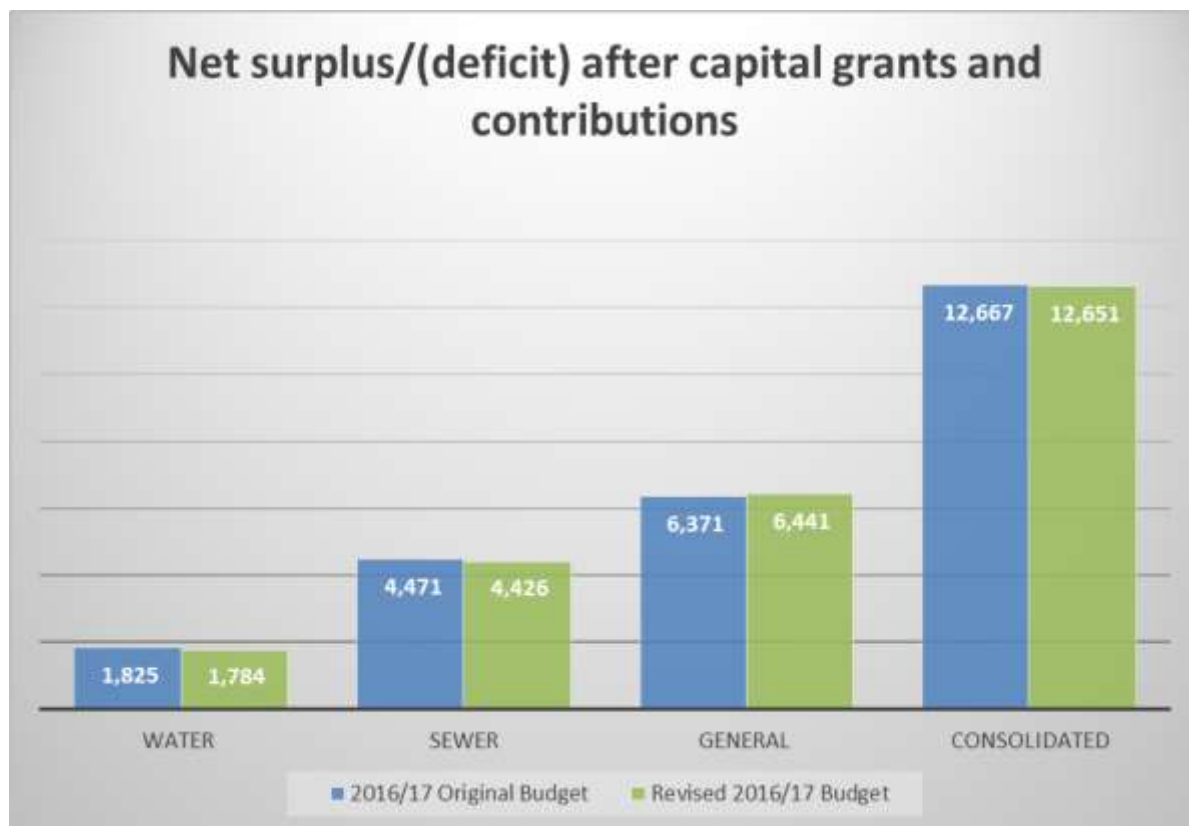
Table 1.3 Net surplus/ (deficit) after capital grants and contributions

Fund	2016/17 Original Budget '\$000	Opening Revotes '\$000	September Review '\$000	Revised Budget '\$000
General (including Environment & Waste)	6,371	(1,988)	2,058	6,441
Water	1,825	-	(41)	1,784
Sewer	4,471	14	(59)	4,426
Consolidated	12,667	(1,974)	1,958	12,651

FBD16/066 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2016

E05.9535

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



In addition to the items explained above, in the operating result before capital grants and contributions, the following significant capital revenue adjustments contributed to the revised after capital budget result of an operating surplus of \$12.7 million.

Opening revotes:

- Capital contribution related to Runnyford Rural Fire Station works. Works completed last financial year with monies claimed and received this financial year (\$150,000) and Nerrigundah Fire Station extension (\$80,000) total (\$230,000)

September review

- Capital contributions for Rural Fire Service capital projects (\$260,000)
- Recognition of gifted equipment from Variety Club and capital contributions for Corrigans Beach Playground (\$225,000)
- Recognition of Federal Black Spot Funding for Cullendulla Drive (\$325,885)
- Moruya Airport precinct redevelopment grant funding (\$659,238)

Please refer to the Capital program section below which details the capital works associated with the contributions and donations described above.

FBD16/066 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2016

E05.9535

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

Capital Program

The original capital budget for 2016-17 was \$59.0 million. The revised budget incorporating proposed September review amendments and the carry forward of continuing works from 2015-16 is \$64.9 million (per table 1.4 and table 1.5 below).

Table 1.4 Capital Program

Original 2016-17 Budget	59,026,102
Opening Revotes	3,634,575
September Review	2,211,266
Revised 2016-17 Budget	64,871,942

Table 1.5 Capital Program per Fund

Fund	2016/17 Original Budget '\$000	Opening Revotes '\$000	September Review '\$000	Revised Budget '\$000
General	39,239,359	2,650,789	2,211,266	44,101,414
Waste*	6,405,743	263,594	-	6,669,337
Water	3,245,000	53,300	-	3,298,300
Sewer	10,136,000	666,892	-	10,802,892
Consolidated	59,026,102	3,634,575	2,211,266	64,871,942

**Waste forms part of the general fund but has been shown separately to highlight the large capital works forecast this year.*

Opening Revotes (capital)

The significant projects carried forward, to this financial year from the June 2016 budget review are listed below.

Works commenced and continuing in 2016-17:

- Drainage and stormwater works at Beach Road and Narooma: work completed in part last financial year and continuing \$144,120
- Batemans Bay CBD revised timing of multi-year project due to additional community consultation through the sunset committee \$275,576
- Parks and Reserves including Botanic Gardens Visitor Centre redevelopment project commenced and continuing (supported by Friends of the Garden donation) and Corrigans Playground: community engagement via sunset committee \$120,545
- Swimming pool architecture fees, works delayed and to align timing with MacKay park precinct redevelopment \$147,625
- Sporting and Recreation including Hanging Rock and Bill Smyth Fencing: fences delayed due to community consultation and prioritisation of other works \$392,228

FBD16/066 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2016

E05.9535

- Bodalla and Rosedale Sewerage schemes: revised timing due to minor delay in obtaining necessary approvals \$666,892
- Bridge Renewals: Runnyford, Joes Creek Foot Bridge and Mogendoura works commenced but continuing due to revised project timing \$121,162
- Bus Shelters: access works delayed \$157,143
- Local Rural roads: various works in progress on track for completion, including Link Road which is a multi-year project \$248,319
- Urban Roads including Peninsula Drive: rehabilitation is in progress, works delayed due to weather \$155,446
- Surf Beach Specialty Waste Centre: estimated completion this financial year \$194,014

Revised timing:

- Nelligen Boat Ramp: delays in completing land acquisition impacted project commencement \$308,000

September review adjustments (capital):

- Rural fire service projects (Eurobodalla catering van fit out, Mogo Training Centre RAFT Building, Nerrigundah Station extension and Batemans Bay Station Occupational health and safety upgrade – approximately \$260,000 supported by Rural Fire Service funding allocations)
- Moruya airport precinct works current year estimate revised based on latest project plan. Increase of \$412,000 in estimated works this year, bringing total estimated works for 2016-17 to \$2.9 million. Supported by State and Federal grant funds
- Guardrail replacement budget amendment (\$70,000)
- Corrigan Beach reserve playground (\$260,000 which includes gifted equipment from the Variety Club \$103,000 and \$157,000 in contributions)
- Works undertaken on behalf of Roads and Maritime Services supported by Black Spot grant funding (\$325,888) and reclassification of works from operational to capital (\$363,000)
- Additional funding required to address renewal requirements for ageing plant (\$490,000)

Legal

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

Policy

The accounting policies being used are based on the financial statements for the year ended 30 June 2016.

FBD16/066 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2016

E05.9535

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

Financial

Interest rates continue to remain at low levels. The Reserve Bank statements suggest that the rate will continue to be on hold.

CONCLUSION

There are no material concerns at this quarterly review about Council meeting budget targets for 2016-17.

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

As the Responsible Accounting Officer, it is my opinion that the September Quarterly Budget Review for Eurobodalla Shire Council indicates that Council's projected financial position as at 30 June 2017 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2016-17 financial year.

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.

RECOMMENDATION

THAT pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

CON16/024 Property Matter

Item CON16/024 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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