



AGENDA

Ordinary Meeting of Council

13 December 2016

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

ON TUESDAY 13 DECEMBER 2016

COMMENCING AT 10.00AM

AGENDA

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

- | | |
|--|-----------------|
| 1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE | |
| 2. APOLOGIES | |
| Nil | |
| 3. PUBLIC FORUM (AGENDA ITEMS ONLY) | |
| 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING | |
| 4.1 Ordinary Meeting held on 22 November 2016 | |
| 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA | |
| (Declarations also to be made prior to discussions on each item) | |
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CON16/025 Confidential Property Matter

Item CON16/025 is confidential in accordance with s10(A)(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

CON16/026 Confidential Property Matter

Item CON16/026 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.

**DR CATHERINE DALE
GENERAL MANAGER**

MR16/005 PAID PARKING IN BATEMANS BAY

File Ref: E16.0041

Attachments: Nil

EXECUTIVE SUMMARY

Business groups in Batemans Bay have consistently raised their concerns with the imposition of pay parking and its impact on businesses and the community.

Pay parking has been in place in Batemans Bay since the early 2000's. Batemans Bay is the only commercial business district where pay parking applies in Eurobodalla. It is acknowledged that pay parking has brought an income for Council to undertake works within the Batemans Bay commercial business district.

The recent purchase of the MacKay Park site has provided access to additional overflow parking to help manage the peak parking demand over the busy summer period. This, and the additional 80 new parking spaces on the Bridge Plaza site, now gives Council the opportunity to review its position on pay parking.

The removal of pay parking before the 2016 Christmas period would send a very positive signal to the business community and provide a more welcoming message to visitors to Eurobodalla that we want them to come to, enjoy and share our beautiful part of the world.

Given that tourism brings over \$400m in business activity to Eurobodalla with the associated employment and social benefits, and the increasingly tough market place for retailers, I commend this change to my fellow Councillors as a positive signal that will encourage greater business confidence.

It is accepted that some change will be required to the 2016-17 budget however this should be capable of being addressed in the December quarterly budget review.

I urge Council to support this Motion.

RECOMMENDATION

THAT:

1. Pay parking be removed from the Clyde Street and Perry Street off-road parking areas in Batemans Bay by 23 December 2016.
2. Subject to the concurrence of the Local Traffic Committee, a three (3) hour parking limit be put in place over the Clyde Street and Perry Street off-road parking areas in Batemans Bay from 23 December 2016.
3. The appropriate budgets adjustment be submitted to Council for the 2016-17 financial year as part of the December 2016 budget review.

NOM16/010 DOG RECREATIONAL VENUES

E16.0041

Responsible Officer: Councillor Anthony Mayne

Attachments: Nil

Councillor Anthony Mayne has given notice that at the Ordinary Meeting of Council on 13 December 2016, he will move the following motion.

MOTION

THAT:

1. Council address existing and emerging demand for dog recreational venues in the Shire, with a staged approach that considers demand (current and potential), community engagement to date and cost within a responsible recreation planning context.
2. Council, early 2017, seek further information from the Batemans Bay Dog Park Supporters Group and other interested parties regarding the provision of dog recreational and training facilities in the Batemans Bay area.
3. Council plan for the provision of a fenced dog training and recreation facility at the Moruya Showgrounds as part of the forward budget and master planning processes.

BACKGROUND

Council has established off leash areas in the Shire, including timed beach access at a range of locations and a fenced off leash facility at Nata oval in Narooma.

The Eurobodalla Canine Club Inc. currently run on-leash dog obedience and training activities each week at the Moruya Showground.

However, there is no specific venue in Batemans Bay for dog obedience and training classes to operate; an issue that needs addressing.

Council received requests, dated 11 May, 20 May and 7 June 2016, to develop an off-leash dog training area in Batemans Bay. These submissions were received as part of the initial community consultation regarding short term use of the Batemans Bay Bowling Club site. The requests included a 4,000m² fenced area, divided into two areas to separate large and small dogs, as well as a park with agility equipment. In addition Council has received a petition requesting a 24 hour off leash dog park and pet dog training facility in Batemans Bay, which received considerable support, demonstrated through a petition in excess of 800 signatures.

Council staff met with representatives from Batemans Bay on 18 October 2016 to discuss the request and consider potential sites, with the aim of bringing a range of options to Council for consideration, both strategic and financial.

The representative suggested several possible sites, including the Batemans Bay bowling club, the Hanging rock precinct and Mackay park. The representatives also indicated that they require toilet facilities, water, fencing and a large space for activities. Ideally, they wish to start the Club and associated program in early 2017.

NOM16/010 DOG RECREATIONAL VENUES

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The successful establishment of pet dog training clubs in both Moruya and Narooma, combined with the many 24 hour leashed and off-leash areas for dogs in the Shire is to be welcomed. However, with Batemans Bay area having approximately half of the pet dog population for the Shire, there is the need for similar facilities to be located in this area.

The position of pet dogs in society has changed dramatically in the last few decades. From 80% of pet dogs spending most if not all their existence alone in backyards with the accompanying high levels of problem behaviours, dog attacks, complaints to council and the dumping and surrendering of many healthy dogs. To-day, 80% of pet dogs now live inside the family home as part of the family (Pets in the City, P.I.A.S. 2010), dogs are social animals that need this social contact. This change in society has in large part been brought about by the introduction of the Companion Animals Act 1998. By putting in place a structure where dangerous, aggressive and problem animals in society could be fairly and humanely dealt with, where dog owners were encouraged to be responsible and better care for their dogs and the environment. This more informed approach to the education of pet dog owners in responsible dog ownership, and improvements in pet dog training methods by using kind humane and gentle, force-free dog training methods has led to many positive changes. The resulting reduction in dog attacks, problem behaviours and complaints to councils, and the improved integration of pet dogs into society has resulted in positive economic, health and social benefits for the community.

With this integration of dogs into family life comes a sharp increase in the number of families that take their dogs on holiday with them. Places like the Eurobodalla Shire have much to offer these 'canine' tourists, and much to gain economically, and socially from their visits.

Supporting this motion and establishing a Dog Park in Batemans Bay has the potential to attract additional tourists to the area and to the Shire. The establishment of the Dog Park will help eliminate many of the dog problems reported to Council, and create a more responsible dog-owning community, thereby eliminating many of the perceived and real dog problems raised by members of our community. In addition, the establishment of an Batemans Bay Dog Training Club will connect the dog owners throughout the length and breadth of the Eurobodalla Shire, with increased social and community events and activities.

Council has also been working with the Eurobodalla Canine Club Inc., established in 1993 and operating in Moruya. The Club moved from a venue at Gundry Oval to the Moruya Showground during the last Council term due to booking clashes, and as a result of concerns raised regarding shared sporting and animal use, as expressed during community consultations in 2010.

An off-leash area in Nelligen has also been raised for consideration. This request will be considered as part of long term recreation planning.

The Eurobodalla Canine Club Inc. contacted Council in June 2016 to request the establishment of a competition sized fence area to enable Agility and Obedience work at Moruya Showground, and later submitted a Community Infrastructure Guidelines application outlining the proposal. The club has undertaken considerable fundraising to fund the majority of fencing costs. The club's application is currently being assessed as part of the development of the Moruya Showgrounds masterplan.

The club has operated for over twenty years. It currently has 182 members, 19 volunteer instructors and 9 on-leash classes each week. Given the established program in place, the high

NOM16/010 DOG RECREATIONAL VENUES

E16.0041

number of community members already involved and the funds raised by the community, the establishment of a fenced dog recreation and training venue at the Moruya Showground, to be addressed in the first instance, is important; notwithstanding the need to now look to address the dog park needs in Batemans Bay.

QON16/004 RINGLANDS POINT JETTY

E16.0041

Responsible Officer: Councillor Phil Constable

Attachments: Nil

The following question on notice was received from Councillor Constable:

Question

The Jetty at Ringlands Point on the Wagonga Inlet is in urgent need of repair.

1. Is this jetty an asset of Council?
2. What measures are in place to repair and restore the Ringlands Point jetty; including a projected timeframe for the completion of the necessary works?

Background

The Ringlands Point Jetty is one of the two remaining public jetties in the Wagonga Inlet to the west of the Narooma Bridge.

The jetty has provided access from the shore into a deeper water of the Wagonga broadwater. It has a long history of use by tourist and locals alike delivering a different fishing opportunity to that from shore based casting. The fishing platform's reputation as a favourable squid and flathead catching prospect is well known.

The jetty enhances the adjacent public recreation space of Ringlands Point. It has afforded vessels access to mooring facilities for a shore excursion onto a popular picnic spot.

The current condition of the jetty has dramatically reduced the amenity of this public space.

Historically there were as many as seven such jetties around the Wagonga Inlet providing similar recreational opportunities as identified here; now there are but two. Only one in a serviceable condition.



QON16/004 RINGLANDS POINT JETTY

E16.0041

Response

Council took over the lease of the Ringlands Jetty at Narooma in 1953. The jetty was rebuilt in 1988 by local fishermen. In 2004 Council replaced two piles, and at this point in time the jetty was in a serviceable condition. Deterioration to the jetty due to age and storm activity has since seen the jetty fall into disrepair, and the jetty was closed in 2013.

Council holds Permissive Occupancy 1954/60 LIC308385 over the jetty with the Department of Primary Industries (DPI) – Crown Lands. This license has been retained to allow the possibility of using the site for an approved purpose (subject to community consultation, budget availability and being able to obtain the necessary marine permits).

Due to safety concerns arising from the poor condition of the jetty, in mid-April 2013 the walkway to the jetty was removed, and the track down the hill was barricaded off. Prior to this, planks had already been removed and a barricade erected to deter use.

After receiving an offer from Boats Afloat Narooma for community support to repair the jetty in July 2013, which Council was supportive of, Council applied to Department of Primary Industry – Batemans Marine Park for a Marine Parks Permit to reconstruct the Ringlands Jetty. The site of the jetty is within the Batemans Marine Park and is zoned habitat protection under the Batemans Marine Park zoning plan. After considering the permit submitted by Council, the accompanying Review of Environmental Factors (REF) and a site inspection on 12 September 2013, DPI – Marine Parks did not support granting a permit for a replacement structure in the current form. Reasons provided to Council included the adverse impact on marine habitat, specifically the seagrass beds where the jetty is located.

Council withdrew the permit application on 25 September 2013 and was unable to proceed due to a lack of funds. Any future permit sought by Council to reconstruct the jetty would need to meet a number of stringent design and construction requirements, including the use of open mesh decking rather than timber decking and alternate piling systems, with a view to minimizing impacts on the seagrass beds.

In October 2013, following a notification from a member of the public that people were continuing to use the wharf despite previous works and orange warning tape being placed around the area, Customer Service Request (CSR) 121852 was raised to have a sign erected to indicate to the public to remain off the jetty.

There is currently no budget allocation to reconstruct the jetty. Should Council wish to have this matter revisited, a detailed design and review of environmental factors (including analysis of shading of the sea grass) would need to be prepared to support a new application to DPI - Marine Parks Authority for a permit to rebuild the structure. Prior to this occurring Council should re-establish the potential for this structure to be approved within the Marine Park through discussion with the Marine Park Authority.

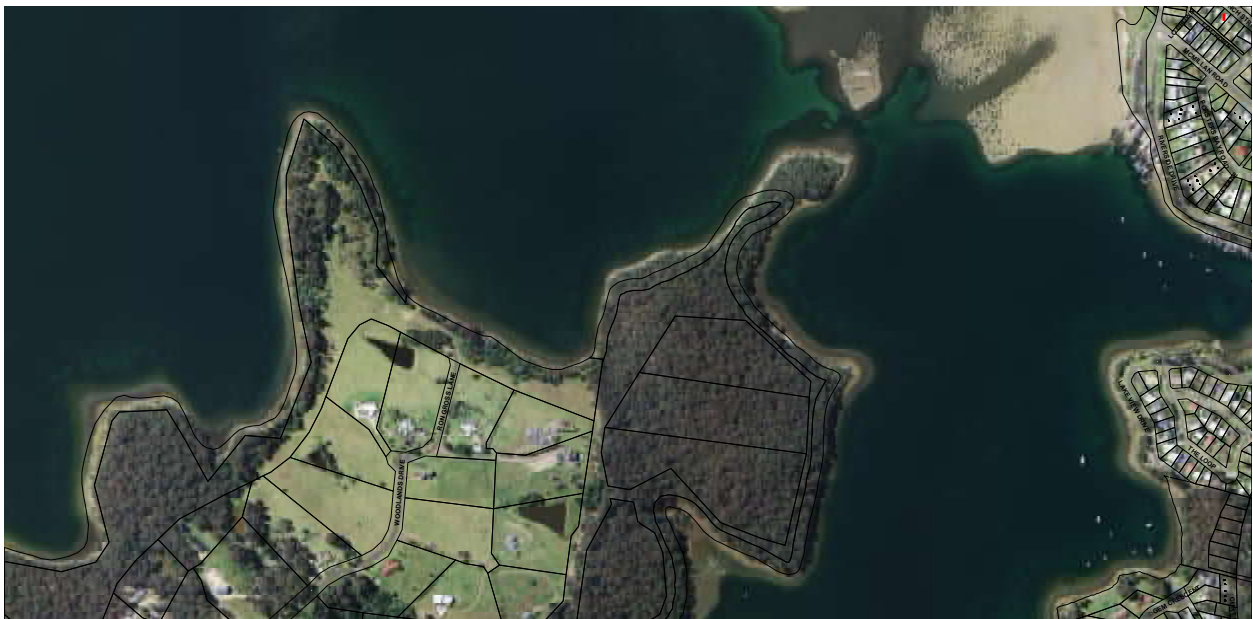
The site does have a number of challenges including no supporting toilet facilities, lack of a formed access road to the point and lack of accessibility due to the steep grade down to the water's edge. Road access to the site is via the Ringlands rural residential subdivision as shown on the aerial photos below.

QON16/004 RINGLANDS POINT JETTY

E16.0041



Aerial photo of Ringlands Point showing the jetty



Aerial photo of Wagonga Inlet showing the access via the Ringlands rural residential area.
Access to Ringlands Point is across an unformed track

RECOMMENDATION

THAT the response to the question regarding Ringlands Point Jetty, raised by Councillor Constable be received and noted.

QON16/005 DIRECTIONAL SIGNAGE

E16.0041; E01.5363

Responsible Officer: Councillor Phil Constable

Attachments: Nil

The following question on notice was received from Councillor Constable:

Question

Does Council have a strategy for the provision of directional signage which is aimed at guiding visitors and community members to the diverse range of experiences, attractions and services in the Eurobodalla? If not, what action is being taken to address such deficiency and to ensure that this important need is being met on behalf of our tourism and business community, residents and visitors?

Background:

Tourism is a significant industry, with a value to the local economy in excess of \$400m per annum. The ability of our visitors, and residents, to be able to navigate to the many experiences, attractions and services on offer in the Eurobodalla is essential to the ongoing success and further development and growth of our tourism industry.

Unfortunately, I have had a number of operators of tourism businesses raise with me their concern about the inadequacy of the current signage. In response to these concerns I request a response to the following questions.

Response

In 2015-16, in consultation with the relevant chambers of commerce, Council arranged the design and installation of town entry signage for Batemans Bay, Moruya and Narooma. This work was initiated in response to a need identified by the relevant chambers, various businesses and tourism operators. These signs were designed and installed for a total cost of \$150,048. A \$5,000 grant from the Department of Trade and Industry was received for the project.

As part of the recent streetscape and roundabout works undertaken in Narooma, Council undertook a review of directional signage in the immediate vicinity of the works and more broadly, in the Narooma township. This work was undertaken in consultation with the sunset committee established to oversee the design and consultation process for the project. The improvements and new signage recommended by this work has been implemented. Some examples are contained in the attached pictures.

Additionally Council has provided a range of interpretative signage, designed in close consultation with the community. For example interpretative signage was provided by key destination points along the Dalmeny-Kianga-Narooma shared pathway.

Council has also provided heritage signs in locations in our Shire, for example at Tuross Head.

Whilst the above work and improvements have been undertaken, Council does not currently have a comprehensive strategy for the provision of directional signage across the whole of Eurobodalla.

QON16/005 DIRECTIONAL SIGNAGE

**E16.0041;
E01.5363**

In response to this identified need and feedback from the business and tourism community, Council has reviewed strategies undertaken in other localities to address similar issues and to provide for directional signage which is aimed at guiding visitors and community members to the diverse range of experiences, attractions and services.

This literature review has provided a greater understanding of the scope of such projects and assisted in identifying potentially suitably qualified firms with expertise in this area of work.

Council has prepared a project brief for the engagement of a suitably qualified firm to prepare a comprehensive whole of destination integrated signage strategy for Eurobodalla.

The strategy would aim to improve how visitors and residents travelling through Eurobodalla are made aware of and are guided to the diverse experiences, attractions and services in our Shire.

The strategy is expected to:

- Identify at a high level the purpose, range and design of tourist, cultural and wayfinding signage across the Eurobodalla.
- Include an audit of existing signage to identify gaps and opportunities to improve signage to enhance their visibility and effectiveness.
- Identify key tourist destinations and routes, transport hubs, gateway locations, services and facilities.
- Comply with Tourist Attraction Signposting Assessment Committee (TASAC) and Roads and Maritime Services signage guidelines.
- Achieve consistent themes and distinctive signage across the Eurobodalla.
- Recommend a signage strategy implementation plan including priorities and costs.

The preparation of the strategy was not programmed or budgeted to be undertaken in the 2016-17 financial year. It is proposed that Council consider allocation of a budget as part of the December quarterly budget review to enable the preparation of a strategy to progress. The allocation of resources to implement the outcomes of the final strategy would need to be considered as part of future budgets.

QON16/005 DIRECTIONAL SIGNAGE

**E16.0041;
E01.5363**



QON16/005 DIRECTIONAL SIGNAGE

**E16.0041;
E01.5363**



RECOMMENDATION

THAT the response to the question regarding Directional Signage raised by Councillor Constable be received and noted.

QON16/006 DARGUES REEF MINE

E16.0041

Responsible Officer: Patrick McGinlay - Councillor

Attachments: Nil

The following question on notice was received from Councillor McGinlay:

These questions are posed to allow for two possible positive outcomes for concerned members of the community and for Council.

The first potential positive outcome is that they provide an opportunity for council to provide assurance to the community that it has plans, procedures and processes in place that will enable monitoring of mining company compliance with their obligations concerning identified environmental and other risks with their operations. It also is an opportunity to demonstrate that Council has done all it can within its area of responsibility to ensure robust disaster recovery plans are in place to deal with serious or catastrophic events.

The second potential positive outcome is that in answering these or any other associated questions that arise from discussing the answers, any deficiencies in planning and risk mitigation procedures can be identified *early*, allowing for re-examination and improvement of such plans.

Question

In relation to the Dargues Reef Goldmine:

1. Has the NSW and Australian Government formally given approval for modifications to mining operations, and if that is not the case, can Council advise of the status of the approval process?
2. Does Council have a Response Plan in the event of a tailings dam failure, and if so does it link into its Integrated Water Cycle Management Strategy?
3. What is the exact response mechanism by which ESC would be notified in the event of a dam failure or any other breach or incident with potential for environmental, social, health or economic harm and what action would be then triggered?
4. Is this chain of response mechanism and subsequent procedures able to be activated and undertaken on a 24/7 basis?
5. Does the company have, in Council's opinion sufficient public liability insurance?
6. Is it correct that both the mining company, and Council, have been using the services of the same firm of solicitors in relation to this matter, and if so, could this be perceived as a conflict of interest and therefore inappropriate?

Response

Background

Dargues Reef Gold Mine was first approved by the Planning and Assessment Commission in September 2011. Council appealed this approval and later withdrew its appeal when the mining company made a commitment to achieving improved environmental outcomes and a commitment that cyanide chemical extraction processes would not be used at the site.

QON16/006 DARGUES REEF MINE

E16.0041

In February 2012 the Land and Environment Court approved the mine by issuing consent orders with revised Approval Conditions.

The Project Approval has since been modified three times under Section 75 of the Environmental Planning and Assessment Act:

Modification 1 - In May 2012 the Proponent proposed the use of paste fill to back fill completed stopes within the approved mine. The use of paste fill would permit extraction of a greater proportion of the identified resource than would otherwise be possible under the approved Project and would result in the final Tailings Storage Facility being smaller than approved. Council engaged Dr Peter Beck of GHD P/L to review the environmental assessment report and to provide an opinion on the risk to the water quality in the Deua River as a result of the proposed changes. Dr Beck advised that the overall risk to water quality would be lower than the previously proposed waste rock backfill.

Modification 2 - In July 2013 the Proponent proposed changes to the site layout. The proposed modification did not include any additional infrastructure, merely modification of the location of infrastructure that had already been approved. To avoid the need for formal modifications to the Project Approval for future site layout changes, the Proponent also proposed inserting the word 'generally' into Condition 2.2 so that the condition would read "The Proponent shall carry out the project generally in accordance with (a) the Environmental Assessment, (b) the Statement of Commitments and (c) the Conditions of this Approval".

Council lodged a submission advising that while Council agrees that the proposed changes to the site layout are not in conflict with the intent of the Project Approval and has no objection to the changing the site layout, Council strongly objects to inserting the word "generally" into Condition 2.2. In its assessment report, the Planning and Assessment Commission noted – "The Department has also inserted the word 'generally in accordance with' in the modified approval. This is consistent with contemporary mining approvals in NSW, and recognises the complex nature of large mining projects where a certain level of flexibility in the layout of the mine within the approved footprint is reasonable and appropriate. The Department notes that any substantial changes that are likely to alter the nature or scale of the assessed impacts of the approved project would require a modification to the approval".

Modification 3 - In July 2015 the Proponent proposed the following modifications:

- A seven year extension to the time that mining is allowed to occur on the site from 31 August 2018 to 30 June 2025;
- Increasing the ore extracted from 1.2Mt to 1.6Mt over the life of the mine as a result of a more efficient mining sequence;
- Construction and operation of an eastern Waste Rock Emplacement Area due to more substantial mine development earlier in the new mining sequence;
- Construction and operation of an access road to permit direct access between the box cut, Tailings Storage Facility and the new Eastern Rock Emplacement area, including a crossing over Spring Creek;
- Updating biodiversity offset measures to account for the additional disturbance areas and to comply with the NSW Framework for Biodiversity Assessment; and
- The addition of an adjoining property "Slings" to the project area to be maintained for agricultural purposes, and as a potential future biodiversity site.

QON16/006 DARGUES REEF MINE

E16.0041

The proposed modification initially included proposals to enlarge the approved Tailings Storage facility and to process ore on site using cyanidation, but the Proponent withdrew these proposals due to strong opposition from the community, the Environment Protection Authority, and Eurobodalla and Palerang Shire Councils.

Council again engaged Dr Beck to review the environmental assessment report and to provide an opinion on the risk to the water quality in the Deua River as a result of the proposed changes. Following the withdrawal of the cyanidation process from the proposed modification, Dr Beck advised that “Now that the use of the Carbon-In-Leach plant has been abandoned the Tailings Storage Facility will retain the more benign tailings, which contain lower concentrations of heavy metals that would tend to be less mobile. Therefore, in the event of a catastrophic failure of the Tailings Storage Facility dam the most significant impact would be by sediment that would migrate through the catchment but which would pose a lower toxicity risk to water quality and any impacts would be of a shorter duration as the sediment settles out along the flow path”.

In August 2016 the Planning and Assessment Commission approved Modification 3 with revised Approval Conditions, including:

- Section 2.2 has been modified for clarity – the Proponent shall carry out the project (a) generally in accordance with the EA and the statement of commitments; and (b) in accordance with the conditions of this approval.
- Section 6A has been added – The Proponent shall only store ore concentrate on the site within a covered, concrete sealed and bunded area within the processing plant.
- Section 24 and 25 design of storages - The design of the Tailings Storage Facility conforms to: DSC3A Consequence Categories for Dams and DSC3F Tailings Dams (Dams Safety Committee NSW), and, the latest meteorological data from both the Majors Creek and Braidwood weather stations is used. The Mine Water Settlement Dam and Tailings Storage Facility Seepage Collection Pond shall be suitably lined to be equivalent to 1000mm clay of permeability $<1 \times 10^{-9} \text{m/s}$ (minimum thickness previously not stated).
- The Water Management Plan shall be updated to include new mine layout.
- Erosion and Sediment Control Plan must identify the size and management of sediment dams for construction and operational stages to satisfy the requirements of the Protection of the Environment Operations Act, and must include an assessment of discharges against NSW Water Quality Objectives for the receiving environment.
- Increased frequency of independent environmental audits.

In its determination report, the Planning and Assessment Commission noted that cyanidation will continue to be prohibited on the site.

QON16/006 DARGUES REEF MINE

E16.0041

Response to Specific Questions

1. The NSW Government first approved the mine in September 2011. Since then, the NSW government have approved three modifications to the Project Approval - in July 2012, October 2013 and August 2016. The mining company also requires an approval under the Environmental Protection and Biodiversity Act 1999 (Commonwealth EPBC Act), as the mining activity may impact listed threatened species and ecological communities. An approval was granted in September 2011 and a variation was approved (following approval of site layout changes in Modification 2) in December 2013.

2. As current project does not include cyanide chemical extraction processing at the site, the Tailings Storage Facility will contain relatively benign material. In the event of a catastrophic failure of the Tailings Storage dam the most significant impact would be by sediment that would migrate through the catchment. Council monitors turbidity at its Deua River Pumping Station and ceases pumping when turbidity is high. In any case, water sourced from the Deua River is pumped to Deep Creek Dam where sediment can settle, and is treated at the Northern water Treatment Plant.

Council has sought to improve water security risk in its Integrated Water Cycle Management Strategy by adopting the construction of a second water storage near the Tuross River as the preferred long-term strategy, rather than increasing the capacity of Deep Creek Dam.

3. Condition 31 of the Project Approval requires the Mining Company to prepare and implement a *Surface and Ground Water Response Plan* that includes a protocol for providing advance notification to potentially affected landowners (including Majors Creek and Deua River water users) of any adverse surface water, stream health and groundwater impacts of the project. Council is registered with the Mining Company as a downstream water user and should receive advice from the company of any dam failure prior to any sediment making its way to Council's river pumping station. The NSW government monitors the mining company's compliance with the Project Approval Conditions.

Upon notification of a pollution event Council would disable the pumps at its Deua River pumping station and source water from Deep Creek Dam.

As previously noted, Council monitors turbidity at its Deua River pumping station and would cease pumping when turbidity is high, regardless of the source of the turbidity.

4. Council monitors turbidity at the Deua River pumping station continuously. When the turbidity exceeds a pre-set level, Council's automated SCADA (Supervisory Control and Data Acquisition) system alarms Council staff and inhibits the pumps from operating.

5. Commitment No. 17 of the Project Approval Statement of Commitments (Appendix 5) requires that the Proponent shall effect and maintain a public liability insurance policy to the amount of \$60,000,000, and that the policy must name Eurobodalla Shire Council as an interested party and a beneficiary to the policy to the extent of the acts or

QON16/006 DARGUES REEF MINE

E16.0041

omissions of the Proponent. The insurance policy is to be active during processing operations until the completion of rehabilitation operations.

Most Australian insurers offer Public Liability Insurance policies limited to \$5 Million, \$10 Million or \$20 Million dollars. Council requested a higher amount of insurance of \$60M to cover the cost of upgrading the Eurobodalla water supply system to enable transfer of water from the Tuross River to Deep Creek Dam.

6. No. On 7 December 2015 Unity Mining issued a media statement through the stock exchange that its Diversified Minerals Pty Ltd had offered to acquire Unity Mining Ltd. Diversified Minerals Legal adviser is Sparke Helmore, which is the same firm of solicitors used by Council. Unity Mining ceased trading on the Australian stock Exchange in May 2016 after the Supreme Court of Victoria approved the sale.

When Council objected to the Project Approval in 2011, the mine was owned by Cortona Resources. When Council sought legal advice in relation to the proposed modifications in 2012, 2013 and 2015, the mine was owned by Unity Mining.

On 9 December 2015 Council notified Sparke Helmore of the proposed transaction, and that of the potential conflict of interest. Council has neither sought nor received legal advice in relation to the mine since the mine was purchased by Diversified Minerals.

RECOMMENDATION

THAT the response to the questions regarding Dargues Creek Goldmine raised by Councillor McGinlay be received and noted.

QON16/007 PRINCES HIGHWAY CORRIDOR STRATEGY

E16.0041

Responsible Officer: Councillor Phil Constable

Attachments: Nil

The following question on notice was received from Councillor Constable:

Question

Has Council or Council staff been involved with the NSW Government, Local Member the Minister for Roads Transport and Maritime services or senior staff within the Roads and Maritime Services in any discussions about developing a new Princes Highway Corridor in the Eurobodalla Shire to better service the shire in coming years, that will alleviate highway congestion in Batemans Bay, Mogo, Moruya, Bodalla and Narooma.

If discussions have been held what was the outcome of those discussions particularly in relation to planning a future Princes Highway Corridor through the Eurobodalla Shire?

Response

The Princes Highway is a State road under the care and control of the NSW Government. Roads and Maritime Services is the responsible agency.

Roads and Maritime Services has developed the Princes Highway Corridor Strategy which looks at a plan for the Princes Highway for the next 20 years.

This strategy can be found at the attached link:

<http://www.rms.nsw.gov.au/projects/south-coast/corridor-strategies/index.html>

The corridor strategy addresses town by-passes on pages 79-82. In short the strategy identifies the Princes Highway at Batemans Bay in the following terms:

“Batemans Bay – Inner Bypass (existing) >20 years – no current plans for a full by-pass. The short, medium and long term plans will be to monitor land-use development and manage movement on the existing alignment of the Princes Highway” (page 81).

Council’s own traffic studies, which were prepared in partnership with the RMS, support this position subject to works at various intersections. This included:

- Lengthening the right turn lane into Beach Road off the Princes Highway (complete – funded by the RMS)
- Banning the right turn into Guy Street off the Princes Highway (complete – funded by the RMS)
- Construction of a service lane south of Beach Road (complete – funded by private development)
- Realignment of the Princes Highway at south Batemans Bay and provision of an appropriate intersection treatment with the South Batemans Bay Link Road (under design and consideration for funding)
- Lengthening the right turn lane into North Street off the Princes Highway

QON16/007 PRINCES HIGHWAY CORRIDOR STRATEGY

E16.0041

- Providing additional lanes with traffic lights at the intersection of the Princes Highway and Old Highway
- Duplicating the Princes Highway between the Old Highway and Guy Street
- Provision of a four lane bridge crossing of the Clyde River Batemans Bay
- Upgrading of the intersection at Princes Highway/Kings Highway

The Corridor Strategy does not identify the need for any other by-pass within Eurobodalla in the next 20 years, indicating the RMS propose to manage traffic along the existing route of the Princes Highway.

Council has previously had discussions with the RMS regarding the need to undertake the long term planning for a by-pass of the township of Moruya. However, this is beyond the RMS' current planning horizon and was not included in the Princes Highway corridor strategy.

Narooma already has an inner by-pass route reserved which is not expected to be implemented in the short to medium term. This route is likely to be needed, at least in part, if a new bridge were to be built in the future at Narooma. Any suggested alternate route west of Wagonga Inlet is not considered to be a practicable or affordable option.

Mogo township has a number of emerging challenges, which have been raised with the RMS, particularly the Princes Highway/Tomakin Road intersection, the narrow bridge on the Princes Highway and growing pedestrian movements across the highway.

Bodalla township also has some challenges in regard to pedestrian movements across the highway. However these are being address through the provision of improved pathways, pedestrian facilities (e.g. pedestrian refuge near Sutcliffe Street) and the recently implemented reduction in speed zone to 50km/hr.

The community consultation report prepared by the RMS indicates the RMS response to submissions relating to by-passes within Eurobodalla. The RMS' response is contained on page 7 of the report at the following link:

<http://www.rms.nsw.gov.au/documents/projects/south-coast/corridor-strategies/princes-highway-corridor-community-consultation-report.pdf>

This re-affirms the proposed approach by the NSW Government to utilise the existing highway route through Eurobodalla rather than create a new 'by-pass' route.

It is recommended that Council continue to advocate for specific improvements along the existing Princes Highway route rather than pursue by-pass routes at this point in time. Do not

RECOMMENDATION

THAT the response to the question regarding the Princes Highway Corridor Strategy raised by Councillor Constable be received and noted.

GMR16/039 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

E09.3479

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Eurobodalla Shire Council Citizens' Jury Report

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

EXECUTIVE SUMMARY

The purpose of this report is to present the Eurobodalla Citizens' Jury Report to Council and acknowledge the significant time and commitment of the community member jurors who participated.

Council has a legislative requirement to review the Delivery Program every four years, in line with the Council term. This review must consider all services and programs, in consultation with the community.

Council's Fit for the Future Improvement Plan includes an action to review all Council activities and levels of service, to ensure we identify and meet community needs and deliver value for money.

To meet our legislative and Fit for the Future requirements in relation to the review and development of the Delivery Program 2017-21 Council conducted an innovative engagement method in the form of a Citizens' Jury.

Not-for-profit research organisation New Democracy Foundation (nDF) was engaged to run the Eurobodalla Citizens' Jury process, ensuring a robust, transparent and independent process throughout. An independent facilitator was also engaged to conduct the meetings.

The Eurobodalla Citizens' Jury was made up of 28 randomly selected everyday people from our community. Council had no involvement in the random selection of the jury. Participants were taken through a comprehensive exploration of the work done by Council to consider the question *'Is Council spending your money on the right things? If not, what should we change?'*

The Eurobodalla Citizens' Jury final report consists of 86 recommendations. Highlights from the report include:

- We have appreciated the opportunity to learn more about our Council, the work they do, the responsibilities they have and the issues and challenges they face daily. Many jurors acknowledge how much we learnt about Council during this project.
- Throughout this report we seek to convey a majority view that Council is broadly meeting the needs of the community and therefore is generally spending our money on the right things.

GMR16/039 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

E09.3479

- We believe this Citizens' Jury is a good indication that Council wants to hear from the community on a variety of issues and we think this is a positive first step towards developing a culture of openness and consultation.
- Council is to be congratulated on the success of its promotion of the Eurobodalla as "unspoilt". The Jury urges Council to demonstrate a genuine intent to keep this promotional image a reality by ensuring environmental concerns take precedence when implementing policies and projects across all areas of administration.
- The Citizens' Jury acknowledges Council has been successful in securing grant funding for capital projects, but recognises there are difficulties in securing ongoing funding for the maintenance and upkeep of assets.
- The Citizens' Jury has identified that there is a lack of pathways and cycle ways within the Shire and we believe that this is a big issue for many residents and tourists.
- The Council's waste management services are considered excellent and we commend their continuing efforts to make improvements particularly through the use of glass crushing for road construction and polystyrene melting. (You can read about both these initiatives in previous editions of Living in Eurobodalla.)

The engagement and commitment of members of the Citizens' Jury was significant, with the equivalent of two additional meetings scheduled into the program to allow further deliberation to occur.

To support and inform the Citizens' Jury process three stakeholder consultations were held, with over 100 people attending. In addition, 39 submissions to the Citizens' Jury were received, 22 speakers presented. Interest and participation in the associated online community hub www.yoursay@esc.nsw.gov.au was high, with 84 community members registered and 1,860 individual visits during the Citizens' Jury process.

Once tabled the Citizens' Jury report and recommendations will be considered by Council, with a response provided in March 2017. This process will include workshops with Councillors to consider the recommendations, with detailed costings where applicable.

RECOMMENDATION

THAT Council:

1. receives the Eurobodalla Citizens' Jury Report;
2. provides a response to the Eurobodalla Citizens' Jury recommendations in March 2017;
3. thanks the jury members for their time and contribution.

BACKGROUND

The review and development of Council's Delivery Program 2017-21 must include a genuine and transparent community consultation of all activities and levels of service. In considering the best approach to achieve a quality community based process Council researched the Citizens' Jury deliberative consultation process, as run by nDF.

GMR16/039 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

E09.3479

As part of the process Council invited representatives from nDF to present to Councillors at three briefings, as well as briefing senior staff.

Prior to the first meeting of the Citizens' Jury, nDF ran three community information sessions to brief stakeholders. Over 100 community members with an interest in Council operations attended.

At the community information sessions nDF outlined the Citizens' Jury process and invited people to make a submission to the jury on an issue or priority that matters to them. The Jury received 39 community submissions, which is nearly double the average number usually received for similar jury processes.

During September to November the Jury meet a total of seven times for 36.5 hours of face-to-face meetings at various locations throughout the Shire. At these independently facilitated meetings the Jurors were encouraged to weigh competing viewpoints, identify experts of their choosing and request Council information. Outside of the meetings the Jurors spent numerous hours in their own time researching and reading all the different information they were provided. They were given time to reach a consensus view about Council priorities and the range and level of service provided in a genuine, thoughtful and meaningful way.

Each meeting was open to community member to observe, but not participate, in the deliberative sessions. Jurors were given the option to close part or all of a meeting to discuss sensitive issues, if required. No jury member requested this option and all meetings remained open at all times. Across all meeting approximately 20 observes attended.

CONSIDERATIONS

How did the Eurobodalla Citizens' Jury work?

Not-for-profit research organisation New Democracy Foundation (nDF) was engaged to run the Eurobodalla Citizens' Jury process. They conducted the process as per their comprehensive process design based on random selection, time, information, clear remit, upfront authority and operation. The Eurobodalla Citizens' Jury considered the following question *'Is Council spending your money on the right things? If not, what should we change?'*

nDF directly undertook the jury selection process to ensure the highest public confidence in the rigour and independence of the randomisation.

During July 2016 nDF sent 5,000 mail invitations to a random sample of physical addresses within the Shire. From the recipients that registered their interest, nDF then randomly selected the final Jury to reflect the demographics of the area based on age, gender, location and ratepayer status. nDF verified that each participant had received an initial invitation.

The Eurobodalla Citizens' Jury meet in person seven times between September and November for a total of 36.5 hours to deliberate meaningfully and find common ground without feeling (or being) pushed toward a pre-ordained outcome. Each session was independently facilitated.

As the starting point for discussion Council prepared the Eurobodalla Citizens' Jury Briefing Book which provided detailed information on Council income, expenditure, service delivery and infrastructure. In addition to this informative briefing book nDF coordinated a further 63 requests of information in which Council provided responses to throughout the process and arranged 22 speakers, as per juror requests.

GMR16/039 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

E09.3479

Additionally, Council concurrently ran an independently facilitated Staff Jury process. This process provided opportunities for staff to share their perspective on the question and learn deliberative consultation skills. Their recommendations were provided to the Citizens' Jury to consider in their deliberations.

Opportunities provided for the wider community to participate in the Citizens' Jury

nDF conducted three community information sessions to brief stakeholders prior to the Citizens' Jury. These information sessions were held in Narooma, Moruya and Batemans Bay during August 2016 and provided community members the opportunity to interrogate the methodology of the process. Over 100 community members attended these sessions.

People were also invited to make a submission to the jury on an issue or priority that matters to them. 39 submissions were received for the jury to consider in their deliberations.

An online engagement hub was developed (www.yoursay@esc.nsw.gov.au) and provided an interactive platform for the community to keep up-to-date with the process and access to all the information the Jurors were provided throughout the process. 84 community members registered to this online forum and the site had approximately 1,860 individual visits during the Citizens' Jury process.

The seven meetings were open to community member to observe, but not participate, in the deliberative sessions. Across all meetings approximately 20 observers attended.

Financial

The project has been delivered within the allocated budget.

Community Engagement

The Eurobodalla Citizens' Jury was designed to provide Councillors with an alternate engagement method to hear from the informed views of people who are much less likely to ever engage with council.

The community was informed of the Citizens' Jury process through a variety of channels including providing information on Council's website, the online interactive engagement hub www.yoursay@esc.nsw.gov.au, Online News, Living in Eurobodalla residents newsletter, posting on Council's Facebook page, advertising on Council's noticeboard page in two local papers, writing to stakeholders and community groups and distributing a media release. This was in addition to the written invitation sent to 5,000 households.

CONCLUSION

To meet our legislative and Fit for the Future requirements in relation to the review and development of the Delivery program 2017-21 Council conducted an innovative Citizens' Jury consultation process.

The Eurobodalla Citizens' Jury was made up of 28 randomly selected everyday people from our community. Council had no involvement in the random selection of the jury. The jury were taken through a comprehensive exploration of the work done by Council, including 36.5 hours in face-to-face meetings, 39 submissions, 63 additional pieces of information and 22 speakers, to consider the question *'Is Council spending your money on the right things? If not, what should we change?'*

GMR16/039 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

E09.3479

The Citizens' Jury report has now been finalised and includes 86 recommendations for consideration and review by Council. Once tabled the Citizens' Jury report and recommendations will be considered by Council, with a response provided in March 2017. This process will include workshops with Councillors to consider the recommendations, with detailed costings where applicable.

GMR16/040 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Code of Conduct Complaints Statistics Report

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

The Office of local Government (OLG) requires Council to submit a Code of Conduct Complaints Statistics Report by 30 November each year. Council submitted the Code of Conduct Statistics Report to the OLG on 31 October 2016. A copy of the report is attached for Council information.

The report includes statistical information on the code of conduct complaints relating to Councillors and the General Manager from 1 September 2015 to 31 August 2016. As part of this process the report must be presented to Council by 31 December 2016.

RECOMMENDATION

THAT Council receive and note the Code of Conduct Statistics Report.

BACKGROUND

The Model Code of Conduct states a council official must act in a manner that is not likely to bring Council or holders of civic office into disrepute. Specially, they must not act in a way that:

- a) contravenes the *Local Government Act 1993* (the Act), associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment.

A council official must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Act or any other Act. Further, they must treat others with respect at all times.

When a complaint is lodged with a conduct reviewer they will conduct a preliminary assessment for the purpose of determining how the complaint is to be managed. The conduct reviewer may determine one or more of the following:

GMR16/040 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

- to take no action
- to resolve the complaint by alternative and appropriate strategies such as, counselling, training, mediation, informal discussion, negotiation or apology, or
- refer the matter back to the general manager for by alternative and appropriate strategies such as, counselling, training, mediation, informal discussion, negotiation or apology, or
- to refer the matter to another agency or body such as, the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, the Office of Local Government or the Police, or
- to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

If the conduct reviewer believes the complaint needs to be investigated, the conduct reviewer may make one or more of the following recommendations on completion of the investigation:

- that the council revise any of its policies and procedures
- that the subject person undertake any training or other education relevant to conduct giving rise to the breach
- that the subject person be counselled for their conduct
- that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
- that finds of inappropriate conduct be made public
- in the case of breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act
- in the case of the breach by a councillor, that the Council resolves as follows:
 - that the Councillor be formally censured for the breach under section 440G of the Act, and
 - that the matter be referred to the Office of Local Government for further action under the misconduct provision of the Act.

The Model Code Procedures (for administering the Model Code of Conduct) states that the following statistics must be reported to Council within three (3) months from the end of September each year.

- Total number of complaints received in the period about councillors and the General Manager under the code of conduct.
- Total number of complaints finalised in the period about councillors and the General Manager under the code of conduct.
- The number of complaints finalised at the outset by alternative means by the General Manager or Mayor.

GMR16/040 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

- The number of complaints finalised referred to the Office of Local Government under a special complaints management arrangement.
- The number of code of conduct complaints referred to a conduct reviewer.
- The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer.
- The number of code of conduct complaints referred back to General Manager of Mayor for resolution after preliminary assessment by conduct reviewer.
- The number of finalised code of conduct complaints investigated by a conduct reviewer.
- The number of finalised code of conduct complaints investigated by a conduct review committee.
- The number of finalised complaints investigated where there was found to be no breach.
- The number of finalised complaints investigated where there was found to be a breach.
- The number of complaints referred by general Manager or Mayor to another agency of body such as ICAC, the NSW Ombudsman, The Office of Local Government or the Police.
- The number of complaints being investigated that are not yet finalised.
- The total cost of dealing with code of conduct complaints relating to councillors and the General Manager including staff costs.

Considerations

All complaints received against Councillors and the General Manager from 1 September 2015 to 31 August 2016 have been included in this report. All code of conducts complaints received in the reporting period have been finalised.

Legal

The Model Code of Procedures for administration of the Model Code of Conduct states that a Code of Conduct Complaints Statistics report must be presented to Council within three months from the end of September each year.

Policy

The Code of Conduct Complaints Statistics report is a requirement of the Model Code of Procedures for the administration of the Model Code of Conduct.

Social Impact

Enhancing transparency of Council Policy and procedures.

Financial

The total cost of dealing with code of conduct complaints relating to Councillors and the General Manager is \$11,550.00.

Community Engagement

GMR16/040 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

The Model Code of Conduct is a mechanism that allows the public to submit complaints for breaches of the Code by Councillors and the General Manager. The Model Code of Conduct has been developed to assist council officials to act in a way that enhances public confidence in the integrity of local government.

CONCLUSION

The Code of Conduct Complaints Statistics report has taken into account all the requirements listed in the Model Code of Procedures for administration of the Model Code of Conduct. Council submitted the Code of Conduct Complaints Statistics report to the office of Local Government on 31 October 2016. It is recommended that Council receive and note the Code of Conduct Complaint Statistics report.

Model Code of Conduct Complaints Statistics Eurobodalla Shire Council		
Number of Complaints		
1 a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	8
b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	8
Overview of Complaints and Cost		
2 a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
c	The number of code of conduct complaints referred to a conduct reviewer	7
d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	6
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	1
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	1
g	The number of finalised code of conduct complaints investigated by a conduct review committee	0
h	The number of finalised complaints investigated where there was found to be no breach	0
i	The number of finalised complaints investigated where there was found to be a breach	1
j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
k	The number of complaints being investigated that are not yet finalised	0
l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	11,550

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action <input type="text" value="6"/>
b	To resolve the complaint by alternative and appropriate strategies <input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies <input type="text" value="1"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police <input type="text" value="0"/>
e	To investigate the matter <input type="text" value="1"/>
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter <input type="text" value="0"/>
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text" value="0"/>
b	That a person or persons undertake training or other education <input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures <input type="text" value="0"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <input type="text" value="0"/>
c	That the subject person be counselled for their conduct <input type="text" value="0"/>
d	That the subject person apologise to any person or organisation affected by the breach <input type="text" value="1"/>
e	That findings of inappropriate conduct be made public <input type="text" value="0"/>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach <input type="text" value="0"/>
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 <input type="text" value="0"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action <input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures <input type="text" value="0"/>

Categories of misconduct	
7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a General conduct (Part 3)	1
b Conflict of interest (Part 4)	0
c Personal benefit (Part 5)	0
d Relationship between council officials (Part 6)	0
e Access to information and resources (Part 7)	0
Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0

GMR16/041 POLICY REVIEW - WORK HEALTH AND SAFETY POLICY

E16.0297

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Policy Review - Work Health and Safety Policy

Focus Area: Support Services

Delivery Program Link: SS2.2 Provide and maintain a framework for the management and minimisation of risk to health and safety of staff

Operational Plan Link: SS2.2.2 Work Health and Safety Management System

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

BACKGROUND

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

The purpose of this policy is to document Council's commitment to Work, Health and Safety (WHS) and to ensure that adequate resources are made available to comply with Council's legal WHS obligations. This policy also sets out responsibilities and accountabilities in relation to the

GMR16/041 POLICY REVIEW - WORK HEALTH AND SAFETY POLICY

E16.0297

management of WHS. The policy describes how Council will meet its obligations under the Work Health and Safety Act 2011.

Changes

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

CONSIDERATIONS

Legal

Complies with the requirements of the Work Health and Safety ACT 2011.

Community Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 11 January 2017 until Tuesday 7 February 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 Work Health and Safety policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Work Health and safety policy will be presented to Council for consideration to adopt.

PSR16/054 TERN INN - MODIFICATION TO OPERATING HOURS

81.0870.D

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

Attachments: Nil

Focus Area: Productive Communities

Delivery Program Link: P3.1 Provide development assessment services

Operational Plan Link: P3.1.1 Assess and determine Development Applications

Applicant: Nicholas Walton

Land: Lot 1 DP 537618 – 2 Trafalgar Road Tuross Head

Area: 1189m²

Zone: R3 – Medium Density Residential

Current Use: Restaurant and dwelling

Proposed Use: Existing

Description: Modify trading hours

Permitted in Zone: Approved use in accordance with DA 313/02

DA Registered: 313/02-M6

Recommendation: Approval

EXECUTIVE SUMMARY

This report outlines the assessment of a request to modify the trading hours of the Tern Inn Restaurant, Tuross Head. The restaurant has current operating hours of 8.00am to 10.00pm Monday to Sunday (excluding New Year's Eve).

Modification of consent Development Application (DA) No: 313/02-M6 seeks approval to increase the operating hours of the Tern Inn Restaurant, Tuross Head. The extended trading hours considered under this application are:

1. 10.00pm to 11.00pm Monday, Tuesday, Wednesday, Thursday and Sunday
2. 10.00pm to 12.00pm Friday and Saturday and any day preceding a Public Holiday.

The application is supported by an acoustic assessment dated 2 October 2016 and addendum dated 10 November 2016 prepared by SLR Consulting Australia Pty Ltd (SLR).

The application was notified to adjoining owners for a period of 14 days and ten submissions were received; four objecting to the extended trading hours and six in support.

Council sought a peer review of the acoustic assessment from an independent acoustic consultant, to be certain that the assessment was correctly carried out and to address objector concerns that the acoustic report was inadequate.

PSR16/054 TERN INN - MODIFICATION TO OPERATING HOURS

81.0870.D

It is considered that the modification can be supported with appropriate conditions of consent, based upon the recommendations of the SLR report and Council's acoustic consultant.

RECOMMENDATION

THAT Council approve application 313/02-M6 for a modification of trading hours at Lot 1 DP 537618, 2 Trafalgar Road, Tuross Head and notice of determination dated 23 November 2001 is amended to include the following conditions:

- 1a. The public trading hours of the restaurant are limited to the following:
 - 8.00am to 11.00pm Monday, Tuesday, Wednesday, Thursday and Sunday,
 - 8.00am to 12 midnight Friday and Saturday and any day preceding a Public Holiday,
 - 8.00am to 2.00am New Year's Eve.
 - Clean up and food preparation can occur outside of trading hours.
- 1b. That the received noise level from restaurant operation not exceed 44 dB $L_{Aeq15min}$ (day period), 38 dB $L_{Aeq15min}$ (evening period) and 37 dB $L_{Aeq15min}$ (night period) when measured at the boundary of nearby residences.
- 1c. Prior to the commencement of this consent, the applicant is to install an acoustic barrier recommended by SLR Consulting dated 10 November 2016, including the following:
 - i. Place MDF panel or fibre cement sheet behind the horizontal timber panels between the verandah decking and the ground
 - ii. Place a glass screen (no less than 6mm thick) with a height of 1.2m from the verandah decking.
 - iii. These treatments would be required to extend from the eastern entry doors to the top of the wheelchair access ramp.

Note: There will be other transparent screen material options available, including 6mm Perspex (or thicker), provided a minimum surface weight of 9kg/m² is achieved.
- 1d. Any trading beyond 10.00pm is to require the closure of all doors and relocation of any patrons from the deck to the inside of the restaurant.
- 1e. The sound levels ($L_{A01 1min}$) of the premises received at nearby residences not exceed the sleep disturbance criteria contained in the NSW Industrial Noise Policy.
- 1f. Prior to the commencement of the approved trading hours, a Noise Management Plan is to be prepared which addresses at least the following matters:
 - i. Information to be provided in the restaurant and at the place of exit, to alert patrons of the residential area and to keep noise to a minimum.
 - ii. Advice to be provide to patrons upon booking, about where to park.
 - iii. A plan identifying preferable onsite and on-street parking for patrons away from

PSR16/054 TERN INN - MODIFICATION TO OPERATING HOURS

81.0870.D

residential houses

- iv. Any other measure that can be used to reduce noise disturbance.

BACKGROUND

The operation of the restaurant has been the subject of a number of applications seeking to extend the trading hours to 11.00pm. The restaurant had trading hours of 10.00am to 10.00pm and this was the case since 2003. This was amended to 8.00am to 10.00pm in November 2015.

All the applications, except one, have not been supported as no acoustic assessment was provided. One application was supported with a trial period of six months but this was never renewed.

In April last year, Council received a further application to extend the trading hours of the restaurant. The application sought a number of extensions but most notably related to extended trading hours on the weekend and public holidays to 11.00pm.

In order to progress the situation, Council advised the applicant that the application would be amended so that aspects of the proposal that were supportable, could be determined prior to the Christmas/holiday period. The 11.00pm trading would be subject of a further application once the acoustic assessment had been undertaken and submitted by the applicant.

Earlier this year, the applicant lodged an appeal with the NSW Land and Environment Court seeking to overturn Council's decision. The appeal was on the basis that he had not agreed to the separating of his application and that the 11.00pm trading was supportable without an acoustic assessment.

The appeal culminated in a Section 34 Conference (conciliation conference) at the Tern Inn with Council's solicitor, a Commissioner of the Court and the owner of the Tern Inn. The conference was held on 31 August and resulted in the applicant lodging a notice of withdrawal and the appeal being dismissed. It was made very clear at the Conference by the Commissioner, that due to proximity of dwellings to the restaurant and the residential land use zone, that any consent authority whether it be Council or the Court, would require an acoustic assessment.

POLICY

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and an assessment has been completed to show that all considerations under Section 96 of the Act have been examined.

Eurobodalla Local Environmental Plan 2012

The current use of the site as a restaurant was approved in 2001, at which time the land was zoned 3a Business, in accordance with the Eurobodalla Urban Local Environmental Plan 1999. The land is currently in the R3 – Medium Density Residential zone where a restaurant is not a permitted use and therefore any change of intensification of the use is dealt with under the Existing Use provisions of the Environmental Planning and Assessment Act.

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81.0870.D

It is considered that the proposal to modify the operating hours to that now proposed is unlikely to cause any significant amenity issues subject to the recommendations contained in this report.

Neighbourhood Centres Development Control Plan (DCP)

The proposed modification to increase trading hours is considered to be consistent with the objectives and relevant clauses of the Neighbourhood Centres DCP.

Parking and Access Code

The modification to increase trading hours does not cause any increased parking demand, the public floor area of the restaurant is not increased and the existing provision for parking is consistent with development application 313/02.

ENVIRONMENTAL

The application before Council to increase trading hours does not involve any building works or cause any increased demand for parking or services.

The amenity impacts to neighbouring residential properties is the primary environmental consideration to the proposed extension of the trading hours of the restaurant.

Noise Assessment

The Noise assessment was prepared by a professional consultancy firm with expertise in acoustic assessment. The assessment recommended that after 10.00pm, the doors of the restaurant would need to be closed or an acoustic barrier be placed on the deck. This would permit the restaurant to trade to 11.00pm and 12 midnight as proposed.

Council sought a review of the acoustic assessment and had determined that the assessment was adequate subject to a number of recommendations including management of car parking and the acoustic barrier being constructed as the peer review determined that the noise levels could exceed acceptable criteria after 6.00pm.

This was disputed by the applicant's consultant initially but further consideration by both consultants led to the development of criteria that were agreed to by both acoustic consultants.

The recommendations that have evolved from the two acoustic consultants include the following;

- An acoustic barrier on the deck of the restaurant and closure of the doors at 10.00pm with a defined acceptable noise level.
- An external maximum noise level (car park noise) for sleep disturbance in accordance with the NSW Industrial Noise Policy.
- A management plan to require patrons to park on site and along Trafalgar Road where there is limited residential properties. The management plan will also provide for opportunities to make patrons aware of the residential area and requirement to minimise noise.

PSR16/054 TERN INN - MODIFICATION TO OPERATING HOURS

81.0870.D

Acoustic Report

Council engaged the services of an acoustic consultant to carry out a peer review of the assessment. This has culminated in a recommendation that the acoustic assessment can be relied upon subject to some conditions of consent.

CONSULTATION

Public Submissions

The details of the current modification were notified to fifteen property owners in the vicinity of the restaurant. During the notification period ten submissions were received with four objecting and six supporting the development.

The main issues raised in the objections include:

1. *Noise from restaurant is not acceptable (both within and external to restaurant)*

Comment: The proposed trading hours is supported by an acoustic assessment that was subject to a peer review by a consultant engaged by Council. Council is satisfied that the noise impact and acoustic amenity has been adequately scrutinised and assessed against the relevant standards.

2. *Extended hours are not compatible with residential area*

Comment: The proposed trading hours is supported by an acoustic assessment that was subject to a peer review by a consultant engaged by Council. Council is satisfied that the noise impact and acoustic amenity is compatible with the residential neighbourhood when assessed against the relevant standards.

3. *8.00am to 12 midnight is an excessive amount of trading hours*

Comment: The proposed trading hours are supported by an acoustic assessment and the reality is that the extended trading hours are only utilised for part of the year.

4. *Insufficient car parking/ car parking occurs in street out the front of houses*

Comment: The application does not propose any extended floor area and therefore does not require any additional car spaces. The use of on-street parking by potential patrons cannot be controlled by Council. A condition of consent will require a Noise Management Plan to encourage the public to park in preferable locations.

5. *Noise assessment occurred with 15 patrons*

Comment: The acoustic assessment used modelling and a number of scenarios to predict noise levels. This is not uncommon and allows for a greater ability to predict noise rather than relying on actual noise readings. The scenarios were accepted by Council's acoustic consultant and relate to the realistic use of the premises.

PSR16/054 TERN INN - MODIFICATION TO OPERATING HOURS

81.0870.D

6. *Noise assessment did not consider my property*

Comment: The acoustic assessment used modelling and a number of scenarios to predict noise levels. This is not uncommon and allows for a greater ability to predict noise rather than relying on actual noise readings.

7. *Noise assessment has not considered on street parking*

Comment: The acoustic assessment did consider on street parking and the peer review also specifically addressed this matter. A condition of consent has been proposed to address this issue.

8. *Property contains fuel tanks*

Comment: The application proposes no works related to the fuel tanks and therefore this is not a relevant consideration. Council is aware of the issue and State Government agencies (EPA/ Safe work NSW) are investigating the matter.

9. *Trading beyond approved hours*

Comment: Council has no evidence that trading has been occurring outside of the existing trading hours.

10. *Background noise level assessment occurred while restaurant was trading*

Comment: The proposed trading hours is supported by an acoustic assessment that was subject to a peer review by a consultant engaged by Council. Council is satisfied that the noise impact and acoustic amenity has been adequately scrutinised against the relevant standards.

CONCLUSION

Council has considered the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. The application can be supported subject to conditions of consent that reflect the recommendations of the SLR report (and addendum) and Council's acoustic consultant.

It is considered that the issues raised during the public notification of the proposal can be addressed by appropriate conditions of consent and concerns with the method of noise assessment have been addressed by the peer review.

The application is supported in accordance with the conditions contained in the Recommendation.

PSR16/055 DONATION OF DEVELOPMENT FEE

81.1169.B

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 2 September 2016, Council received an application from Eurobodalla Sustainable Design on behalf of the Narooma Men's Shed for reimbursement of their development application fees.

The fees were paid in relation to Development Application 119/17 approved 18 October 2017 for partial demolition of existing structures and construction of new storage shed.

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 Eurobodalla Sustainable Design on behalf of the Narooma Men's Shed to the value of \$290.00 being the assessment fee for Development Application 119/17 in accordance with Council's Code of Practice – Reimbursement – DA Fees.

BACKGROUND

Narooma Men's Shed, is an independent non-profit organisation that is run by a volunteer committee under the Australian Men's Shed Association. The Narooma Men's Shed were successful in obtaining a \$44,000.00 grant from the Community Building Partnerships Grants sponsored by NSW Government. The programs provides grants across the State for the enhancement if community facilities that deliver positive social outcomes.

Eurobodalla Sustainable Devices lodged a development application (119/17) on behalf of the Narooma Men's Shed for the construction of a new storage shed at 24 Glasshouse Rocks Road, Narooma. The Narooma Men's Shed currently occupy the existing outbuilding on the site which is utilised as a metal and wood workshop. The proposed outbuilding is required to store materials utilised in the workshop and furniture that is donated to the group for restoration. This DA was approved on 18 October 2016.

On 28 October 2016, Eurobodalla Sustainable Devices on behalf of the Narooma Men's Shed applied for a donation from Council, for reimbursement of their DA fees.

Although the building is located on private land, the land is currently leased by the Narooma Men's Shed and is the responsibility of the Narooma Men's Shed.

PSR16/055 DONATION OF DEVELOPMENT FEE

81.1169.B

Council has been consistent with handling requests, such as that from Narooma Men's Shed and in accordance with the policy, only the DA fee has been reimbursed.

CONSIDERATIONS

Policy

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 Eurobodalla Sustainable Devices on behalf of Narooma Men's Shed of \$290.00.

CONCLUSION

In accordance with Council's Code of Practice – Reimbursement – DA Fees, it is recommended that a donation of \$290.00 being the relevant development application fee, be made to Eurobodalla Sustainable Devices on behalf of the Narooma Men's Shed.

PSR16/056 POLICY REVIEW - CLEAN AIR POLICY

E16.0297

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: 1. Under Separate Cover - Policy Review - Clean Air Policy
Focus Area: Liveable Communities
Delivery Program Link: L4.1 Conduct regulatory compliance and enforcement activities
Operational Plan Link: L4.1.2 Monitor, inspect, enforce and investigate complaints in relation to public and environmental health

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

A copy of the draft Clean Air Policy can be located under separate cover.

RECOMMENDATION

THAT:

1. Council endorse the draft Clean Air Policy for public consultation.
2. The draft Clean Air 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

Open burning is regulated across New South Wales by the Protection of the Environment Operations (Clean Air) Regulation 2010 ('the Regulation'). The intention of the Regulation is to manage the air pollution issues associated with burning, with a view to protecting local and regional air quality, local amenity and public health.

Eurobodalla Shire Council is a Local Government Area (LGA) listed in Part 2 and Part 3, Schedule 8 of the Regulation in which burning of vegetation and other waste is prohibited except with approval. The regulation identifies the LGAs in which the control of burning provisions apply.

PSR16/056 POLICY REVIEW - CLEAN AIR POLICY

E16.0297

The Clean Air Policy was developed to provide clear direction where approval to burn dead and dry vegetation can be automatically given following a self-assessment which meets certain conditions. Where not all conditions can be met, or the NSW RFS requires the landholder to obtain approval from Council, formal approval can be applied for.

Prior to commencement of the review, feedback was sought from the NSW RFS and a comparison of the policies of other coastal councils listed in Schedule 8 of the Regulation was undertaken. Also considered was feedback received from landholders since the commencement of the current Policy in 2013. The review identified that the 200m buffer to urban zoning was unique to Eurobodalla Shire Council, and that this condition resulted in inconsistencies in the application of the policy. The review also identified the high level of queries to Council and the NSW RFS and addressed how these could be reduced.

The review has resulted in the removal of the 200m requirement and replaced with a minimum distance of 75 metres from a habitable building on a neighbouring property. The policy also refers to the RFS document '*Standards for Pile Burns*' including a maximum pile size of 2m wide by 2m long by 1.5m high. This provides conditions that can be easily assessed by both RFS and Council staff in the field, as well as the applicant. To assist the applicant in assessing whether they need to apply to Council for approval or whether they meet the conditions for automatic approval a checklist has been provided in Appendix 1 of the policy.

CONSIDERATIONS

Changes

The following recommended changes to the Policy are proposed:

1. Removal of the minimum 200m distance to urban zoning.
2. Inclusion of a minimum distance of 75m to habitable buildings on adjoining properties. This is an improvement to the previous requirement as:
 - a. It can be easily assessed in the field by NSW RFS and Council officers as well as the applicant;
 - b. It reflects the Bega Valley Shire Council Clean Air Procedure therefore providing consistency between the LGAs
3. The policy refers to the NSW RFS document '*Standards for Pile Burns*' which provides information on how to safely conduct a pile burn, reducing the need to include additional conditions on the Council approval.
4. Provision of a checklist (Appendix 1) to enable the applicant to undertake a self-assessment as to whether automatic approval to burn can be given. This will simplify the application process for the applicant and reduce the level of queries to Council and the NSW RFS.
5. Provision of a table clarifying which burning activities require approval, and from whom (Appendix 2). This aims to reduce the level of queries to Council and the NSW RFS as to when approval is required.

Legal

Under the *Protection of the Environment Operations (Clean Air) Regulation 2010*, approval from Council is required to burn vegetation and other waste, unless exempt.

PSR16/056 POLICY REVIEW - CLEAN AIR POLICY

E16.0297

Environmental

The purpose of the Regulation is to protect human health and the environment from smoke hazards.

Social Impact

The aim of the policy is to protect the environment, health and amenity of residents in Eurobodalla Shire.

Community Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 11 January 2017 until Tuesday 7 February 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

The NSW RFS and the members of the public who have previously provided feedback on the current Clean Air Policy will be invited to make submissions on the draft.

CONCLUSION

The review of the Clean Air Policy has refined the document to enable clear guidance for Council and NSW Rural Fire Service officers and the public as to when an approval to burn dead and dry vegetation and other waste will be issued.

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

A copy of the draft Clean Air Policy can be located under separate cover.

PSR16/057 TENDER - SHREDDING OF GARDEN ORGANIC, TIMBER AND STUMP MATERIAL E08.2465

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

Attachments: 1. Confidential - Tender - Shredding of Garden Organic, Timber and Stump Material

Focus Area: Sustainable Communities

Delivery Program Link: S3.2 Operate and maintain Council's waste management and collection service

Operational Plan Link: S3.2.2 Manage kerbside collection

EXECUTIVE SUMMARY

Council receives some 9,000 tonnes of garden organic, timber and stump materials annually at its waste management facilities. This material is shredded into a mulch product and processed for reuse.

Tenders have been received for the shredding of garden, timber and stump material Tender No. 2017/PLS024 from Council's waste management facilities. Tenders have been assessed and a preferred tenderer selected for consideration by Council.

RECOMMENDATION

THAT Council:

1. Endorse the selection of the preferred tenderer listed for RFT2017/PLS024 Shredding of Garden Organic, Timber and Stump Material.
2. Accordingly approves the entering into a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

BACKGROUND

A requirement exists for the provision of a schedule of contract rates for shredding of garden organics, timber and stump materials as a result of the expiration of the previous contract on 8 December 2016. RFT No. 2017/PLS024 was advertised on 27 September 2016 with a closing date of 26 October 2016.

Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 11 November 2016:

- ARG Trees
- Ausshredding Pty Ltd
- DWL Holdings
- RD Millers Pty Ltd

PSR16/057 TENDER - SHREDDING OF GARDEN ORGANIC, TIMBER AND STUMP MATERIAL E08.2465

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

CONSIDERATIONS

Three of the tenders were considered as conforming and were assessed by a selected evaluation panel of three Council staff against the following criteria:

1. Quoted price rate (best value to Council)
2. Relevant experience
3. Key personnel, skills and experience
4. Tenderer's resources and
5. Demonstrated understanding and conformance with the specifications.

A price comparison and assessment is provided in the confidential attachment.

Legal

Request for Tender (RFT) No. 2017/PLS024 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertised on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal:
(www.tenderlink.com/eurobodalla)

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

The offer submitted by the preferred tenderer has been assessed as representing the best option for Council due to tendered pricing, experience and WHS Management System.

Policy

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

Environmental

Recycling garden organic material closes the recycling loop, saving landfill space and provides a beneficial product for residents to use as a soil amendment product on their gardens.

Financial

Tendered pricing is within the current operational budget.

PSR16/057 TENDER - SHREDDING OF GARDEN ORGANIC, TIMBER AND STUMP MATERIAL E08.2465

Community Engagement

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

CONCLUSION

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

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

PSR16/058 TENDER - TRANSPORT AND REUSE/RECYCLING OF BIOSOLIDS

E14.8391

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: 1. Confidential - Tender - Transport, Reuse-Recycling of Biosolids
Focus Area: Sustainable Communities
Delivery Program Link: S3.2 Operate and maintain Council's waste management and collection service
Operational Plan Link: S3.2.2 Manage kerbside collection

EXECUTIVE SUMMARY

Council produces more than 2,500 tonnes of biosolids annually from its five sewage treatment plants and needs to dispose of this material in an approved and sustainable manner.

This report outlines the evaluation of offers submitted in response to Request for Tender No. 2017/ISD025 Transport and reuse/recycling of biosolids and provides a recommendation for the preferred source of service provider.

RECOMMENDATION

THAT Council:

1. Endorse the selection of the preferred tenderer listed for 2017/ISD025 Transport and reuse/recycling of biosolids within the confidential attachment.
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

BACKGROUND

A requirement exists for the provision of a schedule of contract rates for the transport and reuse/recycling of biosolids in an approved manner as a result of the expiration of the previous contract on 24 November 2016.

RFT No. 2017/ISD025 was advertised on 27 September 2016 with a closing date of 26 October 2016. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 11 November 2016:

1. Australian Native Landscapes Pty Ltd

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2017/ISD025 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

PSR16/058 TENDER - TRANSPORT AND REUSE/RECYCLING OF BIOSOLIDS

E14.8391

The tender was advertised on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal (www.tenderlink.com/eurobodalla)

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to tendered pricing, experience, WHS management system and beneficial reuse of material offered.

Policy

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

Environmental

Utilising biosolids for beneficial reuse saves landfill space and assists with meeting the targets of the greenhouse action plan.

Asset

Biosolid reuse prolongs the life of landfill space.

Financial

Tendered pricing is within current operational budget.

Communication / Consultation

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

CONCLUSION

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

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

PSR16/059 TENDER - DESIGN, SUPPLY, INSTALLATION AND OPERATION OF LANDFILL GAS EXTRACTION AND DESTRUCTION SYSTEMS E12.6423

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

Attachments: 1. Confidential - Tender - Design, Supply, Installation and Operation of Landfill Gas Extraction and Destruction Systems

Focus Area: Sustainable Communities

Delivery Program Link: S3.1 Provide and renew waste infrastructure

Operational Plan Link: S3.1.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender No. 2017/PLS009 Design, Supply, Installation and Operation of Landfill Gas Extraction and Destruction Systems and provides a recommendation for the preferred provider for this contract.

RECOMMENDATION

THAT Council:

1. Endorse the selection of the preferred tenderer listed for 2017/PLS009 Design, Supply, Installation and Operation of Landfill Gas Extraction and Destruction Systems within the confidential attachment.
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.
3. The budgeted funds in the 2017/18 financial year be brought forward and additional capital and operational funding to support this project be included in the December 2016 quarterly review.

BACKGROUND

A requirement exists for the provision of landfill gas extraction and destruction systems as a result of our successful aggregated bid with Mike Ritchie and Associates (T/A Mike Ritchie Consultancy Group) for carbon credits under the emissions reduction fund to partly offset the costs of the system.

RFT No. 2017/PLS009 was advertised on 23 August 2016 with a closing date of 5 October 2016. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 21 October 2016:

1. Landfill Gas Industries Pty Ltd
2. McMahon Services Australia Pty Ltd
3. Run Energy Pty Ltd

**PSR16/059 TENDER - DESIGN, SUPPLY, INSTALLATION AND OPERATION OF
LANDFILL GAS EXTRACTION AND DESTRUCTION SYSTEMS**

E12.6423

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2017/PLS009 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertised on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal (www.tenderlink.com/eurobodalla)

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council and have met all mandatory criteria, with the highest aggregated score.

Policy

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

Environmental

Moving forward with the contract at both landfill sites will maximize the reduction in emissions available to Council.

Asset

The gas extraction and destruction system infrastructure will provide Council the opportunity to substantially contribute to achieving the emissions reduction targets adopted by Council. The Australian Carbon Credit Units (ACCUs) will offset some of the maintenance, operational and depreciation costs.

Financial

There is an opportunity to complete the project for design, supply, installation and operation of landfill gas extraction and destruction systems at both landfill sites in 2016/17. The component of the budget for this project allocated to 2017/18 will need to be brought forward to 2016/17 to achieve this outcome. The additional funds required can be met from working capital to progress the project. This project supports the outcomes and targets of Council's Greenhouse Action Plan 2012-17 and bringing it forward aligns it with the timeframes of the plan.

Community Engagement

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

**PSR16/059 TENDER - DESIGN, SUPPLY, INSTALLATION AND OPERATION OF
LANDFILL GAS EXTRACTION AND DESTRUCTION SYSTEMS**

E12.6423

CONCLUSION

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

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

The preferred tenderer has offered a competitive price and have the capacity to undertake the project, has a compliant work health safety and environmental management system and have no current commitments that would adversely affect their ability to undertake the works in a reasonable timeframe.

PSR16/060 RE-TENDER - FLYING FOX DISPERSAL SERVICES

E15.9191

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: 1. Confidential - Re-Tender - Flying Fox Dispersal Services - Confidential Attachment
Focus Area: Sustainable Communities
Delivery Program Link: S4.2 Provide invasive species management services
Operational Plan Link: S4.2.4 Grey Headed Flying fox dispersal program

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender No. 2017/PLS0202 and provides a recommendation for the preferred tender for the provision of flying fox dispersal services in Batemans Bay.

RECOMMENDATION

THAT Council:

1. Endorses the selection of the preferred tenderer listed for 2017/PLS0202 within the confidential attachment.
2. Accordingly approves the entering into a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.
3. Enter into a Deed of Standing Offer with the second ranked tenderer listed for 2017/PLS0202 within the confidential attachment, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

BACKGROUND

Council aims to reduce conflict between people and the flying-fox camps at Batemans Bay in the long-term. The Batemans Bay Flying-fox Dispersal Plan was approved by Council and the NSW Office of Environment and Heritage (OEH) in June 2016. The plan provides the framework for the dispersal to be undertaken in accordance with conditions set by the Australian and NSW Government conditions, guidelines and policies. The plan applies from 2016 to 2019.

Active dispersal was initiated in June to July 2016. Dispersal may be expected to recommence in 2017, and potentially extend until 2019. This request for tender seeks pricing and information from tenderers to supervise, coordinate and conduct flying fox dispersal activities in Batemans Bay.

After an initial tender closing on 5 October 2016 did not adequately test the market, RFT No. 2017/PLS0202 was advertised again on Wednesday 2 November 2016 with a closing date of Wednesday 23 November 2016. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 21 September 2016:

- Australian Coastal and Marine Ecology
- Biodiversity Australia trading as Naturecall Environmental

PSR16/060 RE-TENDER - FLYING FOX DISPERSAL SERVICES

E15.9191

- Eco Logical Australia

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2017/PLS0202 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertising on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal (www.tenderlink.com/eurobodalla)

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to the company meeting all mandatory criteria and scoring highest for recent relevant experience and key personnel.

Recommendation Three (3) is made to ensure Council has the capacity to deal with any urgent surge in flying-fox numbers or splinter camps to which the preferred tenderer is unable to respond. Establishing a Deed with the second-ranked tenderer will provide a pre-negotiated set of pricing and terms for Council officers to engage the necessary services without lengthy offer administration. Approaching the second-ranked tenderer to provide services will only occur where the first-ranked tenderer advises that they do not have the capacity at the time.

The recommended Deed of Standing Offer will be subject to acceptance from the second-ranked tenderer.

Policy

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

Environmental

The flying fox dispersal services requested in this tender aims to reduce conflict between people and the flying-fox camps at Batemans Bay.

Financial

Tendered pricing was within the current budget provided in grant funding by the NSW Office of Environment and Heritage.

Community Engagement

The following stakeholders were consulted in the development of the Request for Tender: Council's Procurement Coordinator, regarding process and legal requirements.

PSR16/060 RE-TENDER - FLYING FOX DISPERSAL SERVICES

E15.9191

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

CONCLUSION

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

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

**IR16/049 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY AND
STRATEGIC BUSINESS PLAN**

E13.7193

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Integrated Water Cycle Management
Strategy & Strategic Business Plan

Focus Area: Sustainable Communities

Delivery Program Link: S2.1 Provide and renew water infrastructure

Operational Plan Link: S2.1.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

This report outlines the process for updating Council's Integrated Water Cycle Management Strategy and Strategic Business Plan. These strategic documents outline the works required over the next 30 years to support economic growth and ensure the wellbeing of our community, and the protection of our environment.

In April 2003, Council adopted its first Integrated Water Cycle Management Strategy (IWCMS), which outlined a 30 year water and sewer capital works program to ensure levels of service continue to be met into the future. Key components of the 2003 IWCMS have been implemented including pricing and demand management, water supply improvements, water filtration plants, sewerage system and sewage treatment plant augmentations and the development of village sewerage schemes.

In 2011, Council adopted the second edition of its water and sewer Strategic Business Plan, which addresses the management and operation of Council's water supply and sewerage businesses.

The review of both of these documents was undertaken in accordance with Council's 2016-17 Operational Plan, with one combined document being produced.

This review has confirmed that the existing strategic direction as adopted in the initial IWCMS is appropriate and should continue to be implemented. Updated capital works programs for the upgrade of existing assets and provision of new assets are provided along with operational budgets. Major capital works items include a new southern water supply storage, a capacity upgrade for the southern water treatment plant, capacity upgrades for the Batemans Bay, Tomakin, Bingi and Kianga sewage treatment plants, and the provision of water supply and sewerage for existing unserviced villages.

The review has identified the need to bring forward the construction of the new southern water supply storage to ensure continued drought security once the NSW Government Water Sharing Plans are implemented for the Deua, Tuross and Buckenbowra Rivers. Council believes the Australian and NSW Governments should contribute funds towards the southern water supply storage construction to ensure existing levels of service can be met while complying with new NSW Government policy.

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Financial analysis included in the IWCMS and Strategic Business Plan review has identified that while a stable pricing path can be achieved to fund these works, this is dependent upon receiving future external grant funding for the southern water supply storage and the servicing of future priority villages. Council has been advocating to the Australian and NSW Governments for funding for the construction of the southern water supply storage. If grant funding is not achieved Council would need to revise the pricing structure and/or the proposed works.

Grant funding has already been secured for the sewerage of Bodalla, Rosedale and Guerilla Bay, with these projects currently underway. Council has recently been successful in obtaining funds from the NSW State Government for the Potato Point sewerage scheme.

A stable pricing path is recommended which assumes subsidies will be received for both the southern water supply storage and the servicing of existing smaller villages over time. Council will continue to seek external funds for these works into the future.

The draft IWCMS and Strategic Business Plan was endorsed by Council for public exhibition at the Council meeting on 28 June 2016 (Council Minute No. 16/194). The document was placed on public exhibition from 6 July to 17 August 2016, with one submission received.

RECOMMENDATION

THAT Council adopt the attached Integrated Water Cycle Management Strategy and Strategic Business Plan.

BACKGROUND

The completion and ongoing review of an IWCMS and Strategic Business Plan to NSW Office of Water guidelines is a requirement for achieving Best Practice Compliance. Over recent years, a number of strategic studies have been undertaken as a precursor to the formal review of these documents, being:

- Effluent Management Options Study (2014)
- Secure Yield Assessment for our water supply (2013)
- Water and Sewage Demand Forecasts (2015)
- water and sewerage hydraulic modelling and system analysis (2014-2016)
- sewerage treatment plant (STP) capacity assessments (2012-2015).

These studies have now been utilised in the IWCMS and Strategic Business Plan review, which has confirmed that the existing strategic direction as identified in the original IWCMS is appropriate and should continue to be implemented. The results of these studies have been combined into one strategic document which presents a revised 30 year capital and operational plan for Council's water and sewerage business which ensures Council's legislative and community obligations are met. A long term financial plan is also included in the document which provides a recommendation on a required long term stable pricing path to adequately fund this capital and operational plan.

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The IWCMS and Strategic Business Plan will be reviewed concurrently every five years following the release of new Census data and growth forecasts, and the subsequent update of water supply and sewerage demand forecasts and system modelling.

CONSIDERATIONS

The provision of a secure water supply and appropriate sewage collection and treatment facilities and services is vital for the social and economic well-being of our community, and for the protection of our environment.

Policy

The completion and ongoing review of an IWCMS and Strategic Business Plan is a requirement for achieving Best Practice Compliance with the NSW Office of Water.

Environmental

The IWCMS takes into account the potential for reduced river flows due to climate change, as well as the proposed NSW Government water sharing plans (which require revised minimum environmental flows to be retained in local rivers). These plans have the effect of reducing Council's ability to pump water from rivers in dry times, thereby reducing the drought security of the town water supply system. The consequence of this change is a need to bring forward the construction of a new southern water supply storage. Council believes that the Australian and NSW Governments should support local ratepayers by funding the southern water supply storage such that existing levels of service regarding security of supply and the new environmental regime can both be met.

The IWCMS and Strategic Business Plan support works needed to better protect our environment and industries dependent upon our waterways (eg our tourism and oyster industries).

Financial

Financial analysis has confirmed that the proposed strategy is affordable and requires no significant increase in customer chargers. This is based on the assumption that Council receives a government subsidy for the construction of the new southern water supply storage and for the future provision of water supply and sewerage to existing unserviced villages.

The Mayor has written to the Australian and NSW Governments seeking their support to fund the proposed southern storage. Council has recently been successful in obtaining funds from the NSW State Government for the Potato Point sewerage scheme. If grant funding is not achieved for the southern storage and the servicing of future villages, Council would need to revise the pricing structure and/or the proposed works.

Community Engagement

The process for development and review of an IWCMS requires an Issues Paper to be developed in consultation with a Project Reference Group that includes key internal and external stakeholders. A Project Reference Group meeting was held on 9 May 2016, with all Councillors and key NSW Government Departments and Council staff invited. Representatives from the NSW Office of Water, NSW Department of Primary Industries (Fisheries) and NSW Office of Environment and Heritage attended along with Council Water and Sewer, Strategic

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Planning, Sustainability, Public and Environmental Health and Finance staff. An Issues Paper which identified all issues which were required to be addressed in the IWCMS was subsequently finalised and forwarded to the NSW Office of Water.

The draft IWCMS and Strategic Business Plan was endorsed by Council for public exhibition at the Council meeting on 28 June 2016 (Council Minute No. 16/194). Council placed the draft document on public exhibition from 6 July 2016 until 17 August 2016. Copies were available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

One submission was received from the Durras Community Association. The concluding statement from this submission requests that the provision of a reticulated water supply and sewerage scheme for South Durras in 2028 be removed from the Strategy, and that Council conduct detailed environmental investigations of receiving environments throughout South Durras and extensive community consultation with the Durras community once the results of the environmental investigations are available.

The draft IWCMS and Strategic Business Plan allowed for the provision of water and/or sewer for all unserviced villages in future years such that the affordability of these works can be assessed. The draft document made it clear that these works are currently unaffordable without significant external funding being received. The draft Strategy commits Council to undertake further investigations and detailed community consultation related to unserviced villages such that the prioritisation of and need for these works can be better assessed. Planning has already commenced for the development of a detailed environmental monitoring program for South Durras and other local unsewered villages (Nelligen, Congo, Mystery Bay, Central Tilba, Tilba Tilba and Akolele) this financial year such that the impacts of onsite sewage management in these areas can be better quantified. This information will then be used in future consultation with the communities.

All village servicing projects that have not yet received external funding (including South Durras) are indicatively scheduled for years 10 – 20 of the Capital Works Program. This allows ample time for a review of priorities of these works based on the environmental investigation and community consultation processes mentioned above. A revised and reprioritised capital works program for years 2026-2036 can then be developed in future IWCMS reviews, which are scheduled to occur every 5 years.

It is recommended that the servicing of South Durras, and the other villages, be retained in the long term capital works program in the IWCMS and Strategic Business Plan and the above consultation be carried out. This ensures that Council has the funds available to provide these services should the need for them clearly be identified and future external funds become available. Therefore, no changes to the long term capital works program in the final IWCMS and Strategic Business Plan have been made as a result of this submission. However, the recommendations included in Section A8 of the document have been amended slightly to clarify the requirement for the environmental investigations mentioned above to occur in the short term.

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CONCLUSION

The review of the Integrated Water Cycle Management Strategy and Strategic Business Plan has been completed in accordance with the NSW Office of Water Guidelines, with the draft document placed on public exhibition for a period of 42 days. As a result of public exhibition, one submission was received. The issues raised in this submission have been addressed by providing clarity in the recommendations included in the report regarding future environmental investigations of unsewered villages.

This review has confirmed that the existing strategic direction as adopted in the initial IWCMS is appropriate and should continue to be implemented. Updated capital works programs and operating budgets to continue this implementation are provided. Financial analysis has confirmed that the proposed strategy is affordable and requires no significant increases in customer bills, provided a government subsidy is obtained for the new southern water supply storage and for the future provision of water supply and sewerage to existing unserved villages. Funding opportunities for these capital works projects will continue to be sought into the future.

The adopted levels of service for drought security, drinking water quality, water supply, sewer overflows, sewage treatment plant license compliance and availability of service are all addressed by the preferred IWCMS scenario presented.

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IR16/050 LOCAL TRAFFIC COMMITTEE NO 3 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 17 November 2016 were as follows:

- Signage – Bus Zone, River Street, Moruya
- Signage – Timed Parking to allow school drop-off and pick-ups on Sunshine Bay Road, Sunshine Bay
- Local Traffic Committee Terms of Reference
- Local Traffic Committee Meeting Dates for 2017.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 of 2016-17 held on 17 November 2016 be received and noted.
2. That Council Plan No. 4000 Set B Sheet 32 detailing bus zone on River Street, Moruya be approved.
3. Council Plan No. M4400 TC01/4 C1 Amendment A, detailing modifications to the 5 minute and 2 hour parking on Sunshine Bay Road, Sunshine Bay be approved, with the final determination on the type of timed parking for the middle parking bay to be decided after further consultation between Council and the Sunshine Bay Public School Principal.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 3 for 2016-17 was held on 17 November 2016 in Council's Committee Room. It was attended by Dave Hunter (Chairperson), Jesse Fogg (Roads and Maritime Services), Senior Constable Scott Britt (NSW Police Force), Heidi Hanes (Road Safety Officer) and Matt Cormick (Minute Taker).

Apologies were received from Councillor Mayne, Mayor Liz Innes and Mrs Danielle Brice (representative for the Hon Andrew Constance MP).

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Due to the absence of Councillor Mayne, Mayor Innes was asked to chair the meeting but was also unavailable. Subsequently the Traffic Officer, Dave Hunter, took on the role of Chairperson.

MINUTES OF PREVIOUS MEETING

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 2 for 2016-17 held on Thursday 13 October 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

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

This item was presented to the previous Local Traffic Committee meeting, held on 13 October 2016 and it was recommended that 'The proposal to move the bus zone on Beach Road adjacent to the Marina be further investigated by the Traffic Officer'.

The Traffic Officer advised that he is liaising with a local bus company and business to further explore alternative locations.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2017.RT.004 Signage – Bus Zone on River Street, Moruya

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

Potential bus stops were considered at various sites on River Street to service both the Moruya Hospital and Illawarra Retirement Village.

Currently Marshalls School Buses service River Street and Priors Bus Service also provides public transport between Batemans Bay and Moruya, stopping at the CBD in Vulcan Street and at the Moruya Hospital in River Street.

The Priors bus has a stop east bound on River Street near the main entry to the hospital. This is a non-designated bus stop and there is inadequate space to install a designated bus stop at this location.

On-street parking spaces on River Street near the hospital are primarily used by patrons or staff of the hospital.

Marshalls Bus Service have requested that a bus zone be installed near the corner of Thomas Street and River Street. School buses sometimes have to 'double park' at this location as there is often no available kerbside parking.

The Local Traffic Committee has been addressing this issue of parking on River Street, Moruya under a separate item (No. 2014.RT.010). At the Committee meeting on 16 July 2015 it was

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recommended 'that Council write to the local member, the Hon Andrew Constance MP, to advise the additional need for an increase in onsite parking at Moruya Hospital'. Subsequently Council's General Manager wrote to the Minister on 13 November 2015.

It is proposed to provide a bus stop and associated bus zone west bound on River Street near the Thomas Street intersection. This will cater for both school and inter-town buses. Priors Bus Service has agreed to utilise the bus stop and will alter their route accordingly.

The new bus zone will provide unobstructed parking, and a concrete accessible boarding point will also be constructed in accordance with the Transport for NSW guidelines. The owner of the adjoining residential property has been advised of the proposal and has no objection.

The bus zone will provide unobstructed parking so that patrons can access the school and inter-town bus services on River Street, Moruya.

The committee reviewed Council Plan No. 4000 Set B Sheet 32 detailing the bus zone on River Street, Moruya.

Recommendation:

That Council Plan No. 4000 Set B Sheet 32 detailing a bus zone on River Street, Moruya be approved.

2017.RT.005 Signage – Timed Parking to allow school drop-off and pick-ups on Sunshine Bay Road, Sunshine Bay

Council has received a request from the Principal of Sunshine Bay Public School to establish a drop-off / pick-up zone on Sunshine Bay Road to service the school.

This Centre for Road Safety student marshalling initiative (Transport for NSW) provides parents and carers with a safe environment to drop off and collect their children from school by car.

The School Principal believes the initiative will improve safety for students, decrease traffic congestion and improve traffic flow.

The area proposed for the program is along a section of Sunshine Bay Road adjoining the southern side of the school, from the Lisa Place intersection to the Beach Road intersection.

For the purposes of this report, this on-street parking has been divided into three sections:

- The western section currently is currently signed No Parking for part and a 2P - 9am to 3pm Mon to Fri for the other part.
- The middle section is currently signed - 5minP 8am to 9am and 2P 9am to 3pm Mon to Fri
- The eastern section is currently signed 2P - 9am to 3pm Mon to Fri for part and Bus Zone 8.30am to 9.30am / 2.30pm to 3.30pm Mon - Fri

This regulatory signage was reviewed by the Local Traffic Committee in 1995 and a warrant was subsequently raised in November 1995.

There is a pedestrian refuge in the middle section of the Sunshine Bay Road. A school gate is aligned with the refuge. The main pick-up/ drop-off on-street parking area is at an indented kerb section immediately to the west of the gate and refuge. This middle section can accommodate a maximum 7 cars.

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The Committee reviewed Council Plan No. M4400 TC01/4 C1 Amendment A, detailing the proposed modifications to the adopted signage on Sunshine Bay Road, Sunshine Bay adjoining Sunshine Bay Public School.

The Traffic Officer has inspected the site on two separate occasions in the afternoon, between 2.30 and 3pm. Observations on eastbound cars picking up students include:

- vehicles were parked in all three sections of the east bound timed 5-minute and 2-hour zones for an average period of about 8 minutes (refer aerial plan below)
- the existing pick-up practices by drivers, students and supervising teachers / volunteers appears to work quite well
- the middle section was functioning as a pick-up zone with nearly all drivers staying in their cars
- the western section (maximum 8 car spaces) was used as a holding area with drivers waiting for a parking space in the middle section to become available
- the eastern section (maximum 5 car spaces) appeared to be a secondary pick-up location with many drivers leaving their vehicles to meet students at the gate.

This student marshalling initiative is detailed on the Transport for NSW, Centre for Road Safety website (http://roadsafety.transport.nsw.gov.au/stayingsafe/schools/dropoff_pickup.html#). In this guide, it is documented that 'The Drop-off and Pick-up initiative uses existing No Parking areas at schools. The areas, always on the school side of the road, provide convenience for drivers and enhance children's safety'.

The (NSW) road rule number 168 applies to No Parking signs and in summary a driver parking there must be dropping off or picking up passengers, must stay within 3 metres of the vehicle and must not park for more than 2 minutes.

The Traffic Officer is concerned that if a No Parking zone is established in the middle parking section, as suggested by the School Principal, and students are not there to meet the drivers within the allowed 2 minute period, the drivers may 'loop' around so that other vehicles can take their place. The loop would most likely involve undertaking two 'U' turns at the Beach Road as well as either the Hume Road or Lisa Place intersections. These manoeuvres would present a high risk, particularly given the high volume of traffic on Beach Road.

A proposal has been put to the School Principal that the existing timed parking on all three sections of east bound Sunshine Bay Road be modified with two separate signs '5 minute parking (8am to 9am and 2.30pm to 3.30pm school days)' and '2 hour parking (9am to 2.30pm school days)'.

The Committee discussed Council's role in assisting the school to implement the initiative. It was agreed that Council would provide support by installing signs as well as offering the school the assistance of Council's Road Safety Officer for advice and coordination with other agencies such as the RMS and Transport for NSW. The RMS representative also offered the assistance of their Safety Around Schools officer based in Wollongong.

The Committee also acknowledged that the school was responsible for the implementation and management of the Centre for Road Safety student marshalling initiative (Transport for NSW).

The pros and cons of using No Parking signage as opposed to 5 minute parking signage in the

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middle parking bay were discussed and it was decided that further consultation be undertaken between Council and the School Principal to determine the type of sign to be installed, prior to the commencement of school term 1 in 2017.

Refer to the aerial photo below for the parking locations.



Recommendation:

That Council Plan No. M4400 TC01/4 C1 Amendment A, detailing modifications to the 5 minute and 2 hour parking on Sunshine Bay Road, Sunshine Bay be approved, with the final determination on the type of timed parking for the middle parking bay to be decided after further consultation between Council and the Sunshine Bay Public School Principal.

INFORMAL ITEMS FOR DISCUSSION

2017.IN.004 Local Traffic Committee Terms of Reference

After the Council elections and with the first Ordinary Meeting of the new Council, the General Manager presented a report on Council Committees and External Bodies.

In 2016 this Ordinary Meeting of Council was held on Tuesday 11 October 2016. The Eurobodalla Local Traffic Committee (LTC) was identified in this report as an External Committee and three recommendations were made pertaining to the LTC:

That:

- Council appoint delegates to committees and external bodies.
- The term of appointment of delegates on Council Committees and external bodies be for two years unless otherwise specified.
- Council appoint Councillor Anthony Mayne as its delegate to and chair of the Eurobodalla Local Traffic Committee

An LTC Terms of Reference (TOR) document was included in an attachment to the General Managers Report to the Ordinary Meeting of Council held on Tuesday 11 October 2016.

A copy of this TOR document can be found on Council's website

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<http://www.esc.nsw.gov.au/inside-council/council/meetings/2016/october/ordinary-council-meeting-11-october-2016>

The TOR details the purpose of the LTC and includes references to various acts, regulations and guidelines the Committee works within.

Some of the information contained in the TOR includes:

- The purpose of the LTC includes to provide technical advice on traffic and road safety issues for those matters covered under the delegations for the regulation of traffic to the LTC.
- The LTC 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 Committee considers the technical merits of proposals and ensures that they meet current technical guidelines.
- The Committee is made up of four voting members as follows:
 1. one representative of Council (Chairperson)
 2. one representative of the NSW Police
 3. one representative of the RMS
 4. the local State Member of Parliament (MP) or their nominee.A quorum to adopt meeting recommendations is 3 voting members.
- The delegations to Councils are fully outlined in the RTA document, Delegation to Councils - Regulation of Traffic. This includes such items as installation of regulatory signage and line marking, special event approvals, public transport matters, road infrastructure installation, and other road safety matters. The Delegation requires Council to seek the advice of the NSW Police and the RMS prior to exercising their delegated functions.
- The tenure of the Eurobodalla Local Traffic Committee is two years and representatives must be willing to abide by the Terms of Reference for the Committee.

Recommendation:

That the Terms of Reference for the Eurobodalla Local Traffic Committee are adopted by the Committee for the next two year tenure period.

2017.IN.005 Local Traffic Committee Meeting Dates for 2017

Dates need to be determined for the monthly meetings of the Local Traffic Committee for 2017.

In previous years the meetings of the Eurobodalla Local Traffic Committee were held on the second Thursday of each month.

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The Police representative has informed the committee that there is a conflict with a regular (monthly) meeting they are required to attend at the same time and it is likely that in 2017 there will be many occasions when they cannot attend.

It is therefore proposed to hold the committee meetings on the third Thursday of each month in 2017, with the exception of December, when the meeting will be scheduled for the second Thursday.

It is not proposed to conduct a meeting in January 2017 due to staff availability and the regular Christmas/New Year break.

Recommendation:

That the following meeting dates be adopted for the Local Traffic Committee in 2017:

<u>Meeting No.</u>	<u>Date</u>
5-16/17	Thursday 16 February 2017
6-16/17	Thursday 16 March 2017
7-16/17	Thursday 20 April 2017
8-16/17	Thursday 18 May 2017
9-16/17	Thursday 15 June 2017
1-17/18	Thursday 20 July 2017
2-17/18	Thursday 17 August 2017
3-17/18	Thursday 21 September 2017
4-17/18	Thursday 19 October 2017
5-17/18	Thursday 16 November 2017
6-17/18	Thursday 14 December 2017.

GENERAL BUSINESS

NSW Police representative attendance

The NSW Police representative indicated that Police staffing availability would not allow a representative to attend the Local traffic Committee in December. The Chair noted this and indicated that, due to the requirement for three voting members to be present, the December Local Traffic Committee is unlikely to take place. If there are any critical matters that require attention prior to the February 2017 meeting, it was agreed that a report with recommendations can be reviewed via email and phone conversations with subsequent voting as necessary.

L to P initiative for underprivileged youth

The NSW Police representative discussed the initiative with the Road Safety Officer. It was agreed that, as this was not related to LTC business, further discussion on this matter would take place separately.

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2010.RT.059 Signage and Linemarking - South Head Road pedestrian refuge

The Traffic Officer tabled Council plan No. 3964 Set F Sheet 7 for the Committee's information. Upon reviewing the plan the RMS representative indicated that modification of the linemarking to incorporate a modified channelised right turn treatment (CHRS) would provide a better outcome.

The pedestrian Refuge is to be installed in the last half of November with the related linemarking to be installed in mid December, after a bitumen reseal.

It was agreed that a type CHRS protected right turn lane would be more appropriate. The Traffic Officer will consult with Council's Design team and present a revised plan at the next Committee meeting.

A letter-box drop and door knock of the adjoining residents and owners will be undertaken as soon as practical and prior to the linemarking installation. A letter and linemarking plan detailing the changes will be given to these customers as part of the consultation.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee via email and phone conversations is proposed for December 2016. Essential items that require attention prior to the committee meeting scheduled in February 2017 will be addressed at the December meeting.

**IR16/051 FUNDING OFFER - 2016 - 17 BUSH FIRE RISK MITIGATION AND
RESILIENCE GRANTS PROGRAM**

E14.8343

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Focus Area: Liveable Communities

Delivery Program Link: L.4.6 Collaborate with agencies and services to deliver coordinated management and response

Operational Plan Link: L.4.6.2 Undertake fire mitigation on Council land

EXECUTIVE SUMMARY

Council has been successful in securing an offer of \$36,300 in funding from the NSW Rural Fire Service under their 2016-17 Bush Fire Mitigation and Resilience Grants Program.

The Bush Fire Risk Mitigation and Resilience Fund assists councils to undertake bush fire mitigation works that contribute to a safer community. This additional funding will assist Council to work towards meeting the objectives of the Eurobodalla Bush Fire Risk Management Plan and maintaining Asset Protection Zones by undertaking additional fire mitigation vegetation works involving hand clearing and grooming of Council managed lands.

Works will be carried out this financial year. This offer provides 100% funding towards the project. No additional allocation of Council funds is required.

RECOMMENDATION

THAT Council endorse action taken in accepting the grant funding offer of \$36,300 from the NSW Rural Fire Service under the 2016-17 Bush Fire Risk Mitigation and Resilience Grants Program.

BACKGROUND

The Eurobodalla Shire covers approximately 3,429 square kilometres with a significant proportion of this area is identified as bush fire prone land. There are approximately 1,200 parcels of Public Reserve and Crown Land under Council's care and control in both urban and rural environments totaling approximately 2,500 hectares.

The risk management of fire is often a complex and emotive issue, one that requires a balance between managing the risk of people and community assets and acknowledging the value of the natural environment to our social, economic and cultural wellbeing.

It is the duty of a public authority (Council, National Parks and Wildlife Service, NSW Forestry Corporation, Department of Industry - Lands), owner or occupier to undertake maintenance and management of land under their care or control in order to mitigate bush fire risk under the Rural Fires Act 1997.

The Eurobodalla Bush Fire Management Committee in accordance with the Rural Fires Act 1997 prepared the Eurobodalla Bush Fire Risk Management Plan. The plan identifies the levels of risk across the Eurobodalla local government area and establishes coordinated hazard reduction

**IR16/051 FUNDING OFFER - 2016 - 17 BUSH FIRE RISK MITIGATION AND
RESILIENCE GRANTS PROGRAM**

E14.8343

zone strategies which responsible land management authorities implement in order to manage bush fire risks.

Council allocates funds each year to address fire risks on land under its control and this work is undertaken on a priority basis. Council pursues funding from the NSW Government to help achieve additional risk mitigation works.

The following table lists zones approved for funding:

Location	Ground Costs
ESC Reserve Handclear 3-29 Burri Point Road Guerilla Bay	\$2,500
ESC Reserve Handclear 31-91 Burri Point Road INCL Shaw Place	\$4,000
ESC Reserve North Side of 54-92 Burri Point Road Guerilla Bay	\$4,000
ESC Reserve Clear Behind 40,42 & 22 Betw 26-28 Beach Parade Guerilla Bay	\$4,000
ESC Reserve Hanclear 48-52 Tranquil Bay Road Rosedale	\$2,500
ESC Reserve Cooks Crescent Rosedale	\$2,000
ESC Reserve Grove Place NEXT TO 267 South Head Road Moruya Heads	\$2,500
Crest Crescent Moryua Heads	\$2,500
ESC Reserve 7-9 Scenic Place Moruya Heads	\$1,500
ESC Reserve Heron Road and Gannet Place Catalina	\$2,500
ESC Reserve Handclear 24-38 Dominic Drive TO 40 Granthum Place Batehaven	\$2,500
ESC Reserve 5-15 Paul Place Batehaven	\$2,000
ESC Reserve 36 Lonsdale Parade Dalmeny	\$800
ESC Reserve Gannet Place Catalina	\$1,100
ESC Reserve Penguin, Heron, Sandpiper Roads Catalina	\$1,900
	\$36,300

CONSIDERATIONS

The Bush Fire Risk Mitigation and Resilience Fund assists Council to undertake bush fire mitigation works that contribute to a safer community. This additional funding will assist Council to work towards meeting the objectives of the Eurobodalla Bush Fire Risk Management Plan and maintaining Asset Protection Zones by undertaking additional fire mitigation vegetation works involving hand clearing and grooming of Council managed lands.

Policy

The Eurobodalla Bush Fire Risk Management Plan supported this successful funding application.

Social Impact

The proposed fire mitigation works contribute to a safer community by reducing fuel build up in the asset protection zone.

**IR16/051 FUNDING OFFER - 2016 - 17 BUSH FIRE RISK MITIGATION AND
RESILIENCE GRANTS PROGRAM**

E14.8343

Financial

This project is being funded by NSW Rural Fire Service and provides 100% funding towards the project. No additional allocation of Council funds is required.

CONCLUSION

The support of the NSW Rural Fire Service through the Bush Fire Risk Mitigation and Resilience Grants Programs is valued. The acceptance of this grant will make a positive contribution in improving asset protection zones in urban interface areas, further mitigating the risk of bush fires to our community.

IR16/052 TENDER FOR CONSTRUCTION OF CONCRETE BRIDGE LOCATED AT TUROSS RIVER (TYRONE BRIDGE) NERRIGUNDAH MOUNTAIN ROAD BODALLA - TENDER NO. 10006071 E08.2547

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Confidential Attachment - Tyrone Bridge - Tender No. 10006071

Focus Area: Productive Communities

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

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

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 10006071 and provides a recommendation for the preferred source of contractor for the construction of a concrete bridge located at Tuross River (Tyrone Bridge) Nerrigundah Mountain Road, Bodalla.

The construction of a new concrete bridge located at Tuross River (Tyrone Bridge) Nerrigundah Mountain Road, Bodalla will replace a timber bridge that is susceptible to flooding, has a limited load carrying capacity and is in need of replacement. Works will also be undertaken adjacent to the bridge, including reconstruction of the bridge approach roads, adjustment to property access and service adjustments.

The new concrete bridge will be designed in accordance with current standards and codes. This will result in a durable higher load carrying capacity bridge designed for a 100 year lifespan providing improved access during high rainfall events.

The new bridge will be 50% funded by a \$1.25 million grant available under the NSW Government's Fixing Country Roads Program Restart NSW, and 50% funded by a \$1.25 million grant from the Australian Government's Bridges Renewal Program.

The existing timber bridge will remain in service and open to traffic while the new concrete bridge is under construction. Once the new bridge and approach roads to the bridge are constructed the existing timber bridge will be demolished and removed.

Council will manage the project with tendering and contract supervision of the bridge construction undertaken by NSW Public Works Department on behalf of Council. Council will construct the approach roads to the bridge and adjust services and access to property as required.

Tenders were called for the construction of the concrete bridge at Tuross River (Tyrone Bridge) Nerrigundah Mountain Road, Bodalla and this report considers the tenders received and recommends acceptance of the preferred tenderer.

IR16/052 TENDER FOR CONSTRUCTION OF CONCRETE BRIDGE LOCATED AT TUROSS RIVER (TYRONE BRIDGE) NERRIGUNDAH MOUNTAIN ROAD BODALLA - TENDER NO. 10006071 E08.2547

This report contains a confidential attachment for Councillors' information only, pursuant to Section 10A (2) of the Local Government Act 1993.

RECOMMENDATION

THAT

1. Council endorses the selection of the preferred tenderer listed for Tender No. 10006071 for the construction of a concrete bridge located at Tuross River (Tyrone Bridge) Nerrigundah Mountain Road, Bodalla within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

BACKGROUND

A requirement exists for the provision of a contractor to construct a concrete bridge located at Tuross River (Tyrone Bridge) Nerrigundah Mountain Road, Bodalla.

The existing timber bridge will remain in service and open to traffic while the new concrete bridge is constructed.

The new concrete bridge will be constructed on the downstream (north) side of the bridge. Council will undertake works adjacent to the existing bridge, including construction of the new bridge approach roads, adjustment to property access and service adjustment.

The new bridge design will be in accordance with current standards and codes and will result in a more durable and higher load carrying capacity bridge designed for a 100 year lifespan. The new bridge will be built to a higher level to improve access during high rainfall events. Construction will be undertaken in accordance with environmental permits issued to the contractor by NSW Department of Primary Industries.

Once the new bridge and approach roads to the bridge are constructed the existing timber bridge will be demolished and removed.

Pre-construction meetings have been undertaken with representatives of NSW Fisheries to ensure construction methods and environmental impacts are appropriately managed.

RFT No. 10006071 was advertised on 27 October 2016 with a closing date of 1 November 2016. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan.

1. Bridgeworks (Aust) Pty Ltd
2. Civil Bridge & Wharf Pty Ltd
3. J Bostock Services Pty Ltd

IR16/052 TENDER FOR CONSTRUCTION OF CONCRETE BRIDGE LOCATED AT TUROSS RIVER (TYRONE BRIDGE) NERRIGUNDAH MOUNTAIN ROAD BODALLA - TENDER NO. 10006071 E08.2547

4. Kenpass Pty Ltd
5. Nelmac Pty Ltd.

Upon close of tenders on 1 November 2016 five tenders were received and a formal tender evaluation process was carried out by NSW Department of Public Works team members and verified by the Senior Project Engineer. The tenders received are on file E08.2547.

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 10006071 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertised on Council's noticeboard page, in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal:
(www.tenderlink.com/eurobodalla)

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council and has met all mandatory criteria.

Policy

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

Environmental

The construction of the new concrete bridge will be undertaken in accordance with environmental permits issued to the contractor by NSW Department of Primary Industries.

Pre-construction meetings have been undertaken with representatives from NSW Fisheries to ensure construction methods and environmental impacts are appropriately managed.

The contractor is required to perform the works in accordance with these permits and approvals.

Asset

The overall project will see a new concrete bridge and road approaches replacing the previous timber bridge which was susceptible to flooding, had a limited load carrying capacity and was in need of replacement.

IR16/052 TENDER FOR CONSTRUCTION OF CONCRETE BRIDGE LOCATED AT TUROSS RIVER (TYRONE BRIDGE) NERRIGUNDAH MOUNTAIN ROAD BODALLA - TENDER NO. 10006071 E08.2547

The replacement of the previous timber bridge with a new concrete bridge significantly reduces the long term maintenance of the bridge asset and assists Council's long term financial sustainability.

Ongoing maintenance is covered within existing programs.

Economic Development Employment Potential

Provision of high quality bridge assets helps support our agricultural and construction industries, aids economic development, and assists community connectivity and employment within the region. The new bridge is capable of carrying higher payloads including 26m HML B-double trucks, making provision for future connectivity via the Princes Highway.

Financial

Council has allocated \$2.5 million in the 2016-17 Operational Plan for this project. This includes part funding of \$1.25 million from the NSW Government's Fixing Country Roads Program Restart NSW, and part funding of \$1.25 million from the Australian government's Bridges Renewal Program.

Community Engagement

During the grant application process, letter of support were provided from Marshalls Bus and Coach Pty Limited who provide a school bus service to the area. Further letters of support were provided from the business community that relies on Tyrone Bridge for its supply chain, namely:

- Eurobodalla Quarry and Concrete
- Murray Goulburn Co-operative Co Limited
- Forestry Corporation of NSW
- Property owner, Tyrone Farm
- Shepherds Sand, Soil and Earthmoving Contractors
- Regional Development Australia – South Coast.

Dr Peter Hendy MP, also provided a letter supporting Council's grant application for the replacement of Tyrone Bridge.

NSW Fisheries were also consulted during development of the Request for Tender.

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

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and local government requirements. The tenders have been assessed, through an extensive tender evaluation process. A preferred tenderer has been selected based on providing best value for money.

IR16/052 TENDER FOR CONSTRUCTION OF CONCRETE BRIDGE LOCATED AT TUROSS RIVER (TYRONE BRIDGE) NERRIGUNDAH MOUNTAIN ROAD BODALLA - TENDER NO. 10006071 E08.2547

The preferred tender as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for *Request for Tender No. 10006071 – construction of a concrete bridge located at Tuross River (Tyronne Bridge) Nerrigundah Mountain Road, Bodalla.*

IR16/053 TENDER - BODALLA SEWAGE TREATMENT PLANT CONSTRUCTION

E02.6256

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Confidential - Tender Evaluation Report -
Construction of Bodalla Sewage Treatment Plant

Focus Area: Sustainable Communities

Delivery Program Link: S1.1 Provide and renew sewer infrastructure

Operational Plan Link: S1.1.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

Council has received funds from the NSW Office of Water, through the Country Towns Water Supply & Sewerage Program, and Aboriginal Affairs NSW, for the construction of a sewerage scheme to service Bodalla village. The Bodalla Sewage Treatment Plant (STP) is to be constructed as part of this project, and will service the village of Potato Point in the future.

This report outlines the evaluation of offers submitted in response to Request for Tender (RTF) No. 10005281 – Construction of Bodalla Sewage Treatment Plant, and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT Council accepts the tender identified as the preferred tenderer in the confidential attachment *RFT No. 10005281 – Construction of Bodalla Sewage Treatment Plant* for the recommended contract sum.

BACKGROUND

A requirement exists for the construction of a new STP on Potato Point Road to receive sewage flows from the villages of Bodalla, and in the future, Potato Point.

RFT No. 10005281 was advertised on 30 August 2016 with a closing date of 11 October 2016. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan.

1. BMD Construction Pty Ltd
2. Diono Pty Ltd
3. Gongues Constructions Pty Ltd
4. Haslin Constructions Pty Ltd
5. Ledonne Constructions Pty Ltd
6. Poonindie Pty Ltd T/A Ted Wilson & Sons
7. RDM Pty Ltd

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

CONSIDERATIONS

IR16/053 TENDER - BODALLA SEWAGE TREATMENT PLANT CONSTRUCTION

E02.6256

Legal

Request for Tender (RFT) No. 10005281 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertised on Council's noticeboard page, in two local newspapers, in the Sydney Morning Herald and online via the NSW Government tender web portal (www.tenders.nsw.gov.au).

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council and has met all mandatory criteria.

Policy

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

Environmental

A detailed Review of Environmental Factors (REF) was undertaken during the design of the STP which addressed all potential environmental issues related to the construction and operation of the proposed STP. As a result, it was concluded that the proposed STP would not have a significant impact on the environment provided the proposed mitigation measures outlined in the REF were implemented.

Asset

The construction of a sewerage scheme to service Bodalla and Potato Point are recommendations included in Council's Integrated Water Cycle Management Strategy, with asset operation and renewal included in the current long term financial modelling.

Social Impact

The REF addressed social and visual impacts of the proposed STP. It was concluded that overall, the proposal to sewer Bodalla would have long-term benefits for the majority of the Bodalla population as it would provide improved wastewater services to residents with minimal risk to the environment.

Economic Development Employment Potential

The provision of a sewerage scheme to Bodalla will provide economic benefits to Bodalla by allowing for increased residential and business development in the village.

Financial

The sewerage of Bodalla through the construction of the STP and a pressure sewer scheme in the village is identified in council's 2016/2017 and 2017/18 financial year budget under the Sewer Services capital program item 'SA006: Bodalla Sewerage Scheme,' in the amount of \$10.6 million over the two years.

IR16/053 TENDER - BODALLA SEWAGE TREATMENT PLANT CONSTRUCTION

E02.6256

Community Engagement

The Bodalla community, as well as landholders surrounding and downstream of the proposed STP, have been kept informed of project progress through regular newsletters. The REF for the STP was placed on public exhibition during the design process with comment from the local community invited.

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and local government requirements. The tenders have been assessed, through an extensive tender evaluation process. A preferred tenderer has been selected based on providing best value for money.

It is therefore recommended that Council accepts the tender identified as the preferred tenderer in the confidential attachment *RFT No. 10005281 – Construction of Bodalla Sewage Treatment Plant* for the recommended contract sum.

IR16/054 TENDER - CASEYS BEACH SEAWALL

E05.9189.PS

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Tender Evaluation Report - Replacement Seawall at Caseys Beach

Focus Area: Sustainable Communities

Delivery Program Link: S1.1 Provide and renew sewer infrastructure

Operational Plan Link: S1.1.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

The seawall along Caseys Beach provides protection of Council assets, including the Beach Road pavement and Sewage Pumping Station BB02. The seawall has been identified as needing extensive repair. This project involves the replacement of an 80m length of seawall from the bridge to the public toilet at the southern end of the beach. The scope of works includes replacing the existing seawall and beach access stairs, and installing warning signage within the Council reserve. The repair works for the section of the sea wall north of the bridge will be undertaken separately, with designs underway and construction scheduled for future years.

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 10006471 – *Construction of a Replacement Seawall at Caseys Beach*, and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT Council accepts the tender identified as the preferred tenderer in the confidential attachment *Request for Tender No. 10006471 – Construction of a Replacement Seawall at Caseys Beach* for the recommended contract sum.

BACKGROUND

The existing seawall needs to be replaced to protect Sewage Pumping Station BB02 and the adjacent foreshore from further erosion.

RFT No. 10006741 was advertised on 27 September 2016 and closed on 25 October 2016. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan.

1. MGN Civil Pty Ltd
2. DWL Holdings Pty Ltd
3. Earthtec Pty Ltd

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

IR16/054 TENDER - CASEYS BEACH SEAWALL

E05.9189.PS

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 10006741 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertised on Council's noticeboard page, in two local newspapers, in the Sydney Morning Herald and online via the NSW Government tender web portal (www.tenders.nsw.gov.au).

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council and has met all mandatory criteria.

Policy

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

Environmental

The new seawall has been designed such that it can be constructed in two stages, with Stage 2 allowing for a further raising of the wall height that will cater for predicted future sea level rise.

During the works, the contractor will have an approved Construction Environmental Management Plan (CEMP) in place identifying risk of its activities to the environment and subsequent control measures. The contractor will carry out construction works in accordance with the CEMP to minimise environmental risk.

As the works are within the Batemans Marine Park, an environmental works permit is required under the Marine Estate Management Rules 1999 Clause 1.16(2). A draft CEMP was developed in consultation with Marine Parks Authority NSW as part of the RFT submission to assist with the completion of the documentation needed for the permit, and also to address any actions required by the Review of Environmental Factors (REF).

A compulsory pre-tender meeting was held to ensure all tenderers were aware of the site constraints for construction of the seawall.

Asset

This replacement seawall is required to protect Council's sewage pump station and the adjacent foreshore.

Social Impact

Works are being undertaken to limit possible future damage to the pump station ensuring its continued operation as part of the overall Batemans Bay sewerage scheme and contributing upstream catchments.

IR16/054 TENDER - CASEYS BEACH SEAWALL

E05.9189.PS

Construction of the seawall will not commence until after the January 2017 school holidays so that beach amenity is not impacted during this time.

The toe of the existing failing seawall is currently submerged at high tides, restricting beach access during these times. The new seawall will extend approximately 9 metres beyond the toe of the existing seawall, further restricting beach access to this stretch of Caseys Beach during mid-high tides.

Financial

This project is identified in council's 2016/2017 financial year budget under the Sewer Services capital program item 'SR037: Sewer pump station & transport systems upgrades'. There are sufficient funds available in 2016-17 for these works.

Community Engagement

Detailed community information is being disseminated during December 2016 and January 2017 to ensure the local community is aware of the impacts on beach amenity both during and post construction of the seawall.

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and legislative requirements. The preferred tenders have been assessed, through an extensive tender evaluation process. A preferred tenderer has been selected based on providing best value for money.

It is therefore recommended that Council accepts the tender identified as the preferred tenderer in the confidential attachment *Request for Tender No. 10006471 – Construction of a Replacement Seawall at Caseys Beach* for the recommended contract sum.

IR16/055 POLICY REVIEW - BUILD IN THE VICINITY OF SEWER MAINS

E16.0297

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Policy Review - Build in the Vicinity of Sewer Mains Policy

Focus Area: Sustainable Communities

Delivery Program Link: S1.2 Operate and maintain Council's sewerage systems

Operational Plan Link: S1.2.1 Operate sewerage systems

EXECUTIVE SUMMARY

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

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

The Build in the Vicinity of Sewer Mains 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 Build in the Vicinity of Sewer Mains policy.
2. The draft Build in the Vicinity of Sewer Mains policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

BACKGROUND

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

Under Section 59A of the *Act*, Council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by Council (whether or not the land is owned by Council). The *Act* provides Council access to any land required to operate, repair, replace, maintain, remove, extend, disconnect, improve or do any other things that are necessary or

IR16/055 POLICY REVIEW - BUILD IN THE VICINITY OF SEWER MAINS

E16.0297

appropriate to any of its works to ensure that, in the opinion of Council, the works are used in an efficient manner for the purposes for which the works were installed.

This policy ensures Eurobodalla Shire Council's compliance with the *Local Government Act 1993*.

Changes

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

Community Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 11 January 2017 until Tuesday 7 February 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 Build in the Vicinity of Sewer Mains policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Build in the Vicinity of Sewer Mains policy will be presented to Council for consideration to adopt.

IR16/056 POLICY REVIEW - BUSH FIRE RISK MANAGEMENT

E16.0297

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Policy Review - Bush Fire Risk Management Policy

Focus Area: Liveable Communities

Delivery Program Link: L4.5 Assist with planning for the coordination of emergency services

Operational Plan Link: L.4.5.2 Assist development and implementation of Bushfire Risk Management Plan

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

BACKGROUND

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

This Policy clarifies the management of bush fire risk to the community within Council controlled lands.

Council has statutory obligations to minimise the risk of bush fires in accordance with the relevant legislation, namely *The Rural Fires Act 1997 Act and Regulation, Local Government Act 1993, Protection of the Environment Operations Act 1997, Protection of the Environment*

IR16/056 POLICY REVIEW - BUSH FIRE RISK MANAGEMENT

E16.0297

Operations (Clean air) Regulations 2010, The Environmental Planning and Assessment Act 1979, Native Vegetation Act 2003, Threatened Species Conservation Act 1995, State Emergency and Rescue Management Act 1989.

Council's policy also operates in accordance with the *Bush Fire Environmental Assessment Code for NSW Rural Fire Service 2006, Planning for Bush Fire Protection (NSW Rural Fire Service 2006) and NSW Rural Fire Service Standard Operational Procedures – Prescribed Burning Activities.*

Changes

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

- i. Deletion of the Planning and Development Control – (previously Item 3). In the Policy detail table, as this is already addressed in the Act.
- ii. Addition to item 4 of the Bush Fire Mitigation on Council-controlled land in the Policy detail table

Council acknowledges the need to manage this issue within its limited financial resources to minimise the risk to the community, to limit Council's (ie, the community's) potential liability and to provide fairness between people seeking action to address their concerns about bush fire hazards *where it does not require additional resources/management by Council.*

Community Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 11 January 2017 until Tuesday 7 February 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 Bush Fire Risk Management policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Bush Fire Risk Management policy will be presented to Council for consideration to adopt.

IR16/057 POLICY REVIEW - DRINKING WATER QUALITY

E16.0297

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Policy Review - Drinking Water Quality Policy

Focus Area: Sustainable Communities

Delivery Program Link: S2.2 Operate and maintain Council's water supply systems

Operational Plan Link: S2.2.2 Operate water system

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

BACKGROUND

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

Eurobodalla Shire Council's policy was developed to support the provision of a water supply service which delivers potable quality water to its customers. Given the risk to public health of unsatisfactory water quality, it is of paramount importance that preventative risk management systems are developed, implemented and managed to ensure the protection of human health. This policy ensures Eurobodalla Shire Council's compliance with the *Public Health Act 2010*.

IR16/057 POLICY REVIEW - DRINKING WATER QUALITY

E16.0297

Changes

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

Community Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 11 January 2017 until Tuesday 7 February 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 Drinking Water Quality policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Drinking Water Quality policy will be presented to Council for consideration to adopt.

IR16/058 POLICY REVIEW - SIGNS AS REMOTE SUPERVISION

E16.0297

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Policy Review - Signs as Remote Supervision Policy

Focus Area: Liveable Communities

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

Operational Plan Link: 5.2.1 Undertake maintenance program

EXECUTIVE SUMMARY

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

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

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

BACKGROUND

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

This Policy recognises the importance of using signs as remote supervision (SARS) to warn users of Council owned, operated or controlled land within the Eurobodalla Shire Council Local Government Area (LGA) of the risk and nature of any hazards in the area.

IR16/058 POLICY REVIEW - SIGNS AS REMOTE SUPERVISION

E16.0297

Eurobodalla Shire Council complies with the *Local Government Act 1993*, the *Civil Liability Act 2002 (CLA)* and relevant Australian Standards. Section 5M of the CLA states that a risk warning for a recreational activity can be given in writing, including by means of a sign.

Council's duty of care is outlined in Part 5 Section 42 of the *Civil Liability Act 2002* - principles concerning resources and responsibilities of public or other authorities.

Changes

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

Community Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 11 January 2017 until Tuesday 7 February 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 Signs as Remote Supervision policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Signs as Remote Supervision policy will be presented to Council for consideration to adopt.

IR16/059 POLICY REVIEW - GRAZING OF STOCK ON PUBLIC ROADS

E16.0297

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Policy Review - Grazing of Stock on Public Roads Policy

Focus Area: Liveable Communities

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

Operational Plan Link: 5.2.1 Undertake maintenance program

EXECUTIVE SUMMARY

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

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

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

BACKGROUND

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

This Policy establishes the requirements to minimise the risk arising from the grazing of stock on public roads.

Eurobodalla Shire Council will comply with the [Rural Lands Protection Act 1998](#).

IR16/059 POLICY REVIEW - GRAZING OF STOCK ON PUBLIC ROADS

E16.0297

Changes

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

Community Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 11 January 2017 until Tuesday 7 February 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 Grazing of Stock on Public Roads policy should be publicly exhibited for 28 days. At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Grazing of Stock on Public Roads policy will be presented to Council for consideration to adopt.

FBD16/074 AUDIT, RISK AND IMPROVEMENT COMMITTEE TERMS OF REFERENCE

E05.9354

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

Attachments: 1. Under Separate Cover - Audit, Risk and Improvement Committee Terms of Reference

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

The Audit, Risk and Improvement Committee, formally the Audit Committee, is an Advisory Committee of Council and has a direct functional relationship with the General Manager and Council. All Council advisory committees function under Terms of Reference.

The objective of the Audit, Risk and Improvement Committee is to provide independent assurance and assistance to the Council on risk management, control, governance and external accountability responsibilities.

In September 2016 the NSW Government released the *Local Government Amendment (Governance and Planning) Bill 2016* (the Bill) *Schedule 1 Amendment of Local Government Act 1993 No 30, Part 4A Internal audit* of the Bill identifies certain requirements that apply to council audit committees.

The Audit, Risk and Improvement Committee Terms of Reference has been updated to comply with the *Part 4A Internal audit* of the Bill and this report is presented to Council for consideration and endorsement.

RECOMMENDATION

THAT Council endorse the changes to the Audit, Risk and Improvement Committee Terms of Reference.

BACKGROUND

The Audit, Risk and Improvement Committee (the Committee) is advisory to Council and the General Manager and has no executive powers unless such powers are delegated to it by the Council. The objective of the Committee is to provide independent assurance and assistance to the Council on risk management, control, governance and external accountability responsibilities.

In September 2016 the NSW Government released the *Local Government Amendment (Governance and Planning) Bill 2016* (the Bill) *Schedule 1 Amendment of Local Government Act 1993 No 30, Part 4A Internal audit* of the Bill identifies certain requirements that apply to

FBD16/074 AUDIT, RISK AND IMPROVEMENT COMMITTEE TERMS OF REFERENCE

E05.9354

council audit committees. Notwithstanding it has not been proclaimed, the significant changes are noted below.

Schedule 1 *Part 4A, Internal audit, 428A* of the Bill lists a number of requirements that council audit committees must comply with. The significant changes to the Committee's Terms of Reference are:

The Committee must keep under review the following aspects of the Council's operations:

- a) Compliance*
- b) Risk management*
- c) Fraud control*
- d) Financial management*
- e) Governance*
- f) Implementation of the strategic plan, delivery program and strategies*
- g) Service reviews*
- h) Collection of performance measurement data by the council*
- i) Any other matters prescribed by the regulations.*

The Committee is also to provide information to the Council for the purpose of improving the Council's performance of its functions.

Schedule 1 of the Bill also notes a name change from Audit Committee to Audit, Risk and Improvement Committee. www.parliament.nsw.gov.au/bills

CONSIDERATIONS

In accordance with *Local Government Amendment (Governance and Planning) Bill 2016, Schedule 1 Amendment of Local Government Act 1993 No 30, Part 4A Internal audit, 428A*, changes are required to the Audit, Risk and Improvement Committee Terms of Reference.

At the Audit, Risk and Improvement Committee (the Committee) meeting held on Tuesday 1 November 2016, the Committee unanimously recommended that the changes to the Terms of Reference be reported to Council.

A copy of the updated Terms of Reference with minor formatting changes and the Bill inclusions highlighted, is attached for Council consideration.

Legal

Changes to the *Local Government Amendment (Governance and Planning) Bill 2016* require the Audit, Risk and Improvement Committee Terms of Reference to be updated.

Policy

The Audit, Risk and Improvement Committee is an advisory committee to Council and functions under Terms of Reference.

Community Engagement

The Audit, Risk and Improvement Committee Terms of Reference is made available to the community via Council's website. www.esc.nsw.gov.au/inside-council/council/governance

**FBD16/074 AUDIT, RISK AND IMPROVEMENT COMMITTEE TERMS OF
REFERENCE**

E05.9354

CONCLUSION

The Audit, Risk and Improvement Committee Terms of Reference has been updated to comply with the *Local Government Amendment (Governance and Planning) Bill 2016 Schedule 1 Amendment of Local Government Act 1993 No 30, Part 4A Internal audit* is presented to Council for endorsement.

FBD16/075 INVESTMENTS MADE AS AT 31 OCTOBER 2016

E99.3517

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

THAT the certification that the investments as at 31 October 2016 made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

CONSIDERATIONS

Legal

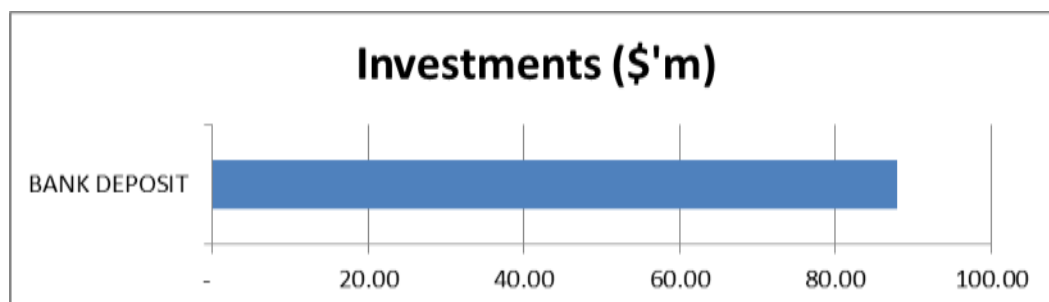
Budgeted legal fees for 2016-17 are \$0.035m and it is expected that future credit crisis legal costs will not be material.

Policy

Investments comply with Council's Investment policy.

Financial

Council Investing Overall



Council has 100% (\$87.86m) invested in bank deposits. The bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$4.75m with IMB (Rated BBB+) and \$1.75m with ME Bank (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.25m and represents 2.52% of the portfolio.

FBD16/075 INVESTMENTS MADE AS AT 31 OCTOBER 2016

E99.3517

The weighted average return for all investments for the month is 2.70% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (1.99%).

Collateralised Debt Obligation (CDO)

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

Summary Investment Information

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

CATEGORY	(\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	4,612,640
Term Deposits	81,000,000
Term Deposits Government Guaranteed	2,000,000
	87,862,640
<i>Weighted average Interest %:</i>	2.70%
<i>Average 90 day BBSW + 25%</i>	1.99%

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Medium Liquidity Risk %	High Liquidity Risk %	Total %
Remote Risk	2.52	0.00	0.00	2.52
Policy Limit	100.00	70.00	50.00	
Near Risk Free	90.08	0.00	0.00	90.08
Policy Limit	100.00	50.00	30.00	
Some Limited Risk	7.40	0.00	0.00	7.40
Policy Limit	30.00	20.00	10.00	
At Risk	0.00	0.00	0.00	0.00
Policy Limit	0.00	0.00	0.00	
Grant Total	100.00	0.00	0.00	100.00

FBD16/075 INVESTMENTS MADE AS AT 31 OCTOBER 2016

E99.3517

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1 and the audited unrestricted current ratio as at 30 June 2016 is 2.68:1. Council therefore has approximately \$2.68 of current assets for each \$1 of current liabilities.

CONCLUSION

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

FBD16/076 TENDER - LEASE OF COUNCIL LAND - BATEMANS BAY

88.1180.D

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development
Attachments: 1. Confidential - Preferred Tenderer and Tender Evaluation
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

Part Lot 102 DP 1170964 is a parcel of operational land in the industrial area off Cranbrook Road, Batemans Bay. At the Ordinary Meeting of Council held on 24 February 2015, Council resolved to sell the parcel of land.

The land is part of the former Batemans Bay Waste Depot and development over the land may be problematic. A full environmental investigation would be required to determine the development potential of the site.

A tender was called for a short lease, up to five years, to determine an income stream from the property prior to council reviewing the long term strategy for the site.

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to being the highest lease fee which is in line with a valuation for market rent previously determined by a registered valuer on a per m² basis.

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 2017/FBD013 – Lease of Part Lot 102 DP 1170964, 25 Cranbrook Road, Batemans Bay and provides a recommendation for the preferred lessee of part Lot 102 DP 1170964.

RECOMMENDATION

THAT

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. 2017/FBD013 – Lease of Part Lot 102 DP 1170964, 25 Cranbrook Road, Batemans Bay within the Confidential Attachment; and
2. Council accordingly approves the entering into of a lease with the preferred tenderer, subject to the terms specified in the Request for Tender.

BACKGROUND

Part Lot 102 DP 1170964 is a parcel of operational land, approximately 8,000m², in the industrial area off Cranbrook Road, Batemans Bay which Council has previously resolved to sell.

The land is part of the former Batemans Bay Waste Depot and development over the land may be problematic. An environmental investigation would be required to determine the development potential of the site.

FBD16/076 TENDER - LEASE OF COUNCIL LAND - BATEMANS BAY

88.1180.D

RFT No. 2017/FBD013 was advertised on 7 September 2016 with a closing date of 12 October 2016. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 23 August 2016:

- Denning Superannuation Fund, 41 Cranbrook Road, Batemans Bay.
- King Bros TPT, 22 Cranbrook Road, Batemans Bay.

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

CONSIDERATIONS

Legal

RFT No. 2017/FBD013 was advertised on Council's noticeboard page in two local newspapers and by direct mail out to local businesses in the Batemans Bay industrial precinct.

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to being the highest lease fee which is in line with a valuation for market rent previously determined by a registered valuer on a per m² basis.

Policy

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

Environmental

It is proposed that Council reviews the future strategy for the site within the term of the proposed lease with funding provided from the lease rental.

Asset

This land has previously been identified as being surplus to needs.

Economic Development Employment Potential

Commercial use of this parcel of land will add to the local economy.

Financial

Leasing of this property will provide an income stream for Council.

CONCLUSION

The Leasing of part Lot 102 DP 1170964 is considered a financially sound proposal. The offer by the preferred tenderer is in line with a valuation for market rent previously determined by a registered valuer on a per m² basis.

The tender process has been conducted in accordance with Council requirements and the preferred tenderer has been assessed as representing the best offer.

The preferred tenderer as identified in the Confidential Attachment is therefore recommended to be granted a five year lease over part Lot 102 DP 1170964.

FBD16/077 CLASSIFICATION OF COUNCIL LAND, BROU WASTE MANAGEMENT FACILITY 93.5568.D

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

At its Ordinary meeting of 25 February 2014, Council resolved to compulsorily acquire part of Bodalla State Forest being part Lot 147 and part Lot 197 Deposited Plan 752131 (now being Lots 1, 2 and 3 Deposited Plan 1205476) for waste management purposes. This land is the site of the current Brou Waste Management Facility.

Compulsory acquisition of the land was consented to by the registered proprietor, being Forestry Corporation. A survey of the land then took place and a Plan of Subdivision for acquisition purposes was drawn and registered. The acquisition of the land by compulsory process was then approved by the Minister for Local Government in April 2016. To complete the acquisition process, a Notice was published by Council in the Government Gazette and the land vested in Council on 4 November 2016.

As the acquisition of land was for waste management purposes it is appropriate for the land to be classified as operational land.

In accordance with the provisions of the *Local Government Act 1993*, public notice was given of Council's intention to classify the land as operational land. No submissions were received.

This report recommends the land be classified as operational land.

RECOMMENDATION

THAT the part of Bodalla State Forest at Dalmeny being part Lot 147 and part Lot 197 in Deposited Plan 752131 required for waste management purposes be classified as operational land.

BACKGROUND

At its ordinary meeting of 25 February 2014, Council resolved to compulsorily acquire part of Bodalla State Forest being part Lot 147 and part Lot 197 Deposited Plan 752131 (now being Lots 1, 2 and 3 Deposited Plan 1205476) for waste management purposes to facilitate the expansion of the existing waste facility and its intention to classify the land as operational land given the nature of its proposed use.

At its ordinary meeting of 25 February 2014 Council resolved that:

FBD16/077 CLASSIFICATION OF COUNCIL LAND, BROU WASTE MANAGEMENT FACILITY 93.5568.D

1. *Application be made to the Minister for Local Government and the Governor to acquire part of Bodalla State Forest being part Lot 147 and part Lot 197 in the Deposited Plan 752131 for Waste Management purposes by compulsory process in accordance with Council's power under Section 187(2) of the Local Government Act 1993 and in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.*
2. *If consent is granted all necessary action be taken to finalise the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act.*
3. *Public notice be given of Council's intention to resolve:*
"THAT the part of Bodalla State Forest at Dalmeny being part Lot 147 and part Lot 197 in Deposited Plan 752131 required for waste management purposes be acquired as operational land."
4. *A period of 28 days be given for members of the public to make submissions.*
5. *A further report be presented following the advertising period.*

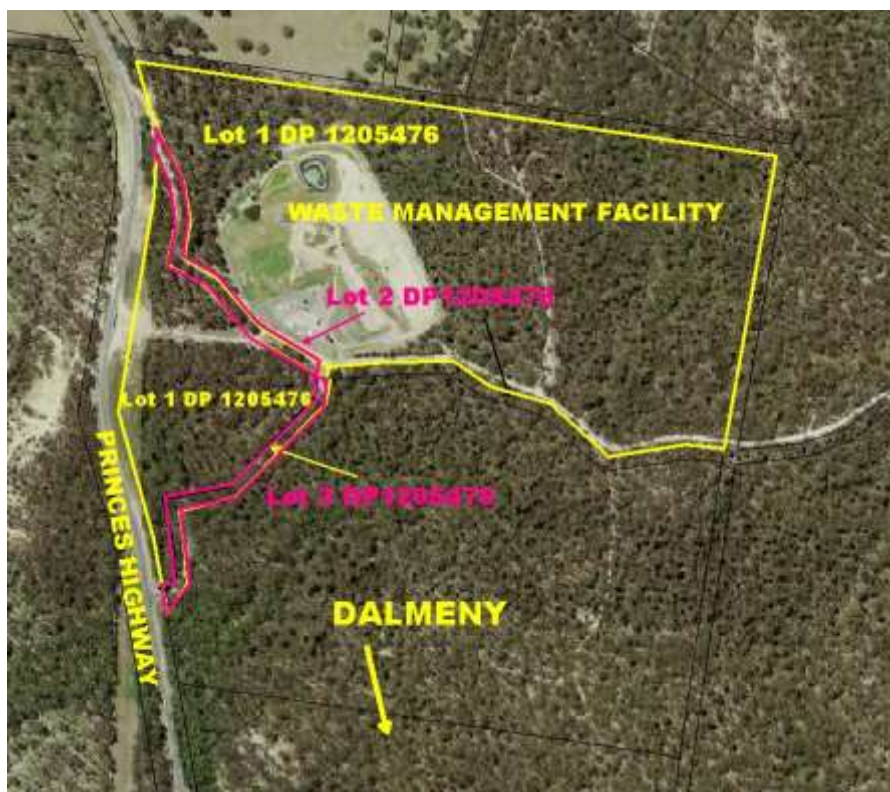
CONSIDERATIONS

Compulsory acquisition of the land was consented to by the registered proprietor, being Forestry Corporation. A survey of the land then took place and a Plan of Subdivision for acquisition purposes was drawn and registered. The acquisition of the land by compulsory process was then approved by the Minister for Local Government in April 2016. To complete the acquisition process, a Notice was published by Council in the Government Gazette and the land vested in Council on 4 November 2016.

A plan of the area is shown in the sketch below:

FBD16/077 CLASSIFICATION OF COUNCIL LAND, BROU WASTE MANAGEMENT FACILITY

93.5568.D



Legal

In accordance with Section 34 of the *Local Government Act 1993*, public notice was given of Council's intention to classify the land as operational land and 28 days allowed for written submissions. Local Government Act 1993 - Sect 34. No submissions were received.

Policy

The compulsory acquisition proceeded in accordance with Council's Land Acquisition and Disposal Policy. www.esc.nsw.gov.au/inside-council/council/council-policies

Environmental

The waste facility operates under an Environment Protection License issued by the Environment Protection Authority – NSW, Department of Environment and Climate Change NSW.

Asset

The waste facility is an extremely valuable asset and the long term security of tenure of this site is paramount. The acquisition of approximately 44.5 hectares will provide potential to expand the operational area and provide a suitable buffer zone.

Social Impact

Recycling opportunities and waste disposal will continue to be provided for the community located in the south of the Shire.

FBD16/077 CLASSIFICATION OF COUNCIL LAND, BROU WASTE MANAGEMENT FACILITY 93.5568.D

Economic Development Employment Potential

The waste management facility accepts waste and recycling streams from commercial and industrial businesses. The expanded facility in the south of the shire will continue to assist and support development.

Financial

This report is regarding classification of land only, there are no financial costs attached.

Community Engagement

We informed the community of Council's intention to classify the land as operational land by publication of a notice in the local newspapers on 28 October 2015 and allowed 28 days for submissions.

No submissions were received.

CONCLUSION

No submissions were received from the public notification and it is appropriate for the land acquired for waste management purposes to be classified as operational land.

**FBD16/078 CLASSIFICATION OF COUNCIL LAND - LOT 70 DEPOSITED 14.8434.S/94.6035.S
PLAN 1213485 BROULEE**

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

At its ordinary meeting of 26 July 2016, Council resolved to transfer Lot 70 Deposited Plan 1213485, Gillan Grove, Broulee, from the land developer to Council. The conditions of consent for a subdivision and development at Gillan Grove, Broulee included the requirement for a sewer pump station to service the western precinct of the Broulee area and the dedication to Council of a parcel of land to accommodate the pump station.

As this land accommodates a sewer pump station, it is appropriate for the land to be classified as operational land.

Public notice of the classification of the land to operational was given in accordance with the provisions of the *Local Government Act 1993* and no submissions were received.

This report recommends the land be classified as operational land.

RECOMMENDATION

THAT Lot 70 DP 1213485 be classified as operational land.

BACKGROUND

At its ordinary meeting of 26 July 2016, Council resolved to transfer Lot 70 DP 1213485 Gillan Grove to Council as it was a condition of the development consent for a residential subdivision at Broulee. This lot accommodates a sewer pump station and it is appropriate for the land to be classified as operational land.

FBD16/078 CLASSIFICATION OF COUNCIL LAND - LOT 70 DEPOSITED PLAN 1213485 BROULEE 14.8434.S/94.6035.S

At its ordinary meeting of 26 July 2016 Council resolved:

THAT

1. *All actions necessary be taken for the transfer of Lot 70 Deposited Plan 1213485 to Council.*
2. *All costs associated with the transfer be borne by the developers.*
3. *In accordance with Section 34 of the Local Government Act 1993 public notice be given of Council's intention to resolve:*
THAT: 1. Lot 70 DP 1213485 be classified as operational land.
4. *A period of 28 days be given for members of the public to make submissions.*
5. *A further report be received following the notification period.*

CONSIDERATIONS

A plan of the area is shown in the sketch below:



Legal

In accordance with Section 34 of the *Local Government Act 1993*, public notice has been given of Council's intention to classify the land as operational land and 28 days allowed for written submissions. [Local Government Act 1993 - Sect 34](#)

Policy

The conditions of consent for a subdivision and development at Gillan Grove, Broulee included the requirement for a sewer pump station to service the western precinct of the Broulee area and the dedication to Council of a parcel of land to accommodate the pump station.

**FBD16/078 CLASSIFICATION OF COUNCIL LAND - LOT 70 DEPOSITED 14.8434.S/94.6035.S
PLAN 1213485 BROULEE**

Environmental

Sewer pump stations are required to service urban expansion.

Asset

The sewer pump station is an asset of Council and will be maintained by Council.

Economic Development Employment Potential

The expansion of residential accommodation which this classification allows will support the construction and broader economy in Eurobodalla.

Financial

This report is regarding classification of land only, there are no financial costs attached.

All costs associated with the transfer of Lot 70 will be borne by the developer as it is a condition of development.

Community Engagement

We have informed the community by seeking feedback through publication of a notice in the local newspapers on 21 September 2016 and allowed 28 days for submissions.

CONCLUSION

No submissions have been received and it is appropriate for Lot 70 Deposited Plan 1213485 Broulee to be classified as operational land.

FBD16/079 EASEMENT FOR RIGHT OF ACCESS - EVANS STREET, MORUYA

91.2502.S

Responsible Officer: Anthony O'Reilly - Director Finance and Business Development
Attachments: 1. Confidential - Attachment - registered proprietor details
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

An easement for Right of Access is sought by the registered proprietor of Lot 14 Section 21 Deposited Plan (DP) 758710 to legalise access to his property via Evans Street, Moruya over Council land being Lot 45 DP 1151309, within the Gundry Oval area.

Easements for access for private use within community land are prohibited under the Local Government Act 1993. The registered proprietor successfully applied to Council to have part of Lot 45 DP 1151309 reclassified from 'Community land' to 'Operational land' to enable an easement for Right of Access to be acquired.

Reclassification of part Lot 45 was granted as part of the Eurobodalla Local Environmental Plan 2012 (Amendment No. 8).

This report recommends an easement for Right of Access be granted over Lot 45 DP 1151309 benefitting Lot 14 Section 21 DP 758710 subject to all associated costs being borne by the registered proprietor.

RECOMMENDATION

THAT:

1. All actions necessary be taken for the granting of an easement for access within Lot 45 DP 1151309 benefitting Lot 14 Section 21 Deposited Plan 758710.
2. All survey, valuation and legal costs associated with the acquisition of the easement be borne by the applicant together with the payment of compensation to Council determined by a registered valuer.

BACKGROUND

Development consent was approved in May 1991 for a dual occupancy on Lot 14 Section 21 DP 758710 (being 5 Foreman Street) and access to both dwellings on the property was to be from Foreman Street. A shed was required to be removed from the property to allow driveway construction and access to the rear dwelling.

Consensus could not be reached between the owners of the property to achieve the original access and the shed was not removed to allow for access to the rear of the property and an alternative access is required.

To resolve the matter a development application was lodged in December 2014 for a two lot subdivision to create separate lots for each dwelling being proposed Lots 141 and 142.

FBD16/079 EASEMENT FOR RIGHT OF ACCESS - EVANS STREET, MORUYA

91.2502.S

Subdivision consent was granted in January 2015 conditional upon a Right of Access being secured over Council's Lot 45 DP 1151309, which at the time was classified as community land. As community land, a Right of Access for private use is not permissible.

The registered proprietor successfully applied to Council to have part of Lot 45 DP 1151309 reclassified from 'Community land' to 'Operational land' to enable an easement for Right of Access to be acquired.

On 8 December 2015 Council's report regarding amendments to Local Environmental Plan (LEP) 2012 recommended in part: *THAT Council: 1. Adopt the Planning Proposal attached to this report.*

The Planning Proposal states: "Reclassify part Lot 45 DP 1151309, 1 Evans Street, Moruya to operational land".

An easement for Right of Access is sought by the registered proprietor of Lot 14 Section 21 DP 758710 to legalise access to his property via Evans Street, Moruya over Council Operational land being Lot 45 DP 1151309, within the Gundry Oval area.

CONSIDERATIONS

A sketch of the area is set out below:



Legal

Reclassification of part Lot 45 to operational land was granted as part of the Eurobodalla Local Environmental Plan 2012 (Amendment No. 8) on 23 September 2016.

As operational land there is no impediment to granting a Right of Access in favour of Lot 14 Section 21 DP 758710.

FBD16/079 EASEMENT FOR RIGHT OF ACCESS - EVANS STREET, MORUYA

91.2502.S

Policy

The granting of the easement is being carried out in accordance with Council's Land Acquisition and Disposal Policy.

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf

Asset

A Right of Access to the property off Evans Street does not obstruct any general use of the Gundry Oval area.

The maintenance of the Right of Access will be the responsibility of the registered proprietor benefitted.

Financial

All costs associated with the Right of Access and maintenance are the responsibility of the registered proprietor. Compensation payable to Council will be determined by a registered valuer.

Community Engagement

The planning proposal to reclassify the subject land was placed on public exhibition for a period of 28 days during June and July 2015, in accordance with the requirements of the Environmental Planning and Assessment Act 1979. Three submissions were received in support of the proposal. A public hearing, chaired by an independent consultant, was held on 11 September 2015, in accordance with the requirements of the Local Government Act 1993, with three persons in attendance. A report from the public hearing was submitted, with the consultant recommending that the reclassification proposal continue, as it had unqualified support.

CONCLUSION

Part of Gundry Oval being Lot 45 DP 1151309 has been reclassified to enable the creation of a Right of Access. Subject to the registered proprietor paying all costs together with payment of compensation to Council, it is appropriate a Right of Access benefitting Lot 14 Section 21 DP 758710 be granted.

**FBD16/080 LICENCE FOR RED HOT SUMMER TOUR - MACKAY PARK,
BATEMANS BAY**

89.2899.B

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

Attachments: 1. Confidential - Recommended Fee Structure

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 Red Hot Summer Tour is a music event touring regional areas in Australia for the past eight years. Sixteen concerts are proposed in regional Australia for the 2017 Red Hot Summer Tour including one in Batemans Bay.

The January 2016 Red Hot Summer Tour event in Batemans Bay was a great success and approximately 3,000 patrons enjoyed this live music experience. Council staff successfully encouraged the proponent to hold next year's event in March in order to spread the economic benefits of the event outside the peak tourism season.

Regional Touring Pty Limited, the company promoting the Red Hot Summer Tour, submitted an event application to hold the Red Hot Summer Tour event at Crown Reserve 580022 Mackay Park, Batemans Bay on Saturday 11 March 2017. The licence is for four days allowing for set up and set down.

Council as Trust Manager for Eurobodalla (North) Reserve Trust can grant a temporary licence for up to 12 months in accordance with Section 108 of the Crown Lands Act 1989.

No conflicting submissions were received as a result of the call for expressions of interest (EOI) in December 2015 for parties wishing to conduct activities at Mackay Park for periods up to five years so it is appropriate that the licence application be considered.

This report recommends granting a four day licence to Regional Touring Pty Limited with terms and conditions based on the previous licence.

RECOMMENDATION

THAT Council as Trust Manager for the Eurobodalla (North) Reserve Trust grant a four-day licence, in accordance with Section 108 of the *Crown Lands Act 1989*, to Regional Touring Pty Limited to stage the Red Hot Sumer Tour event on Crown Reserve 580022 Mackay Park, Batemans Bay with terms and conditions including:

- (a) The licence period be from 9 March 2017 to 12 March 2017 inclusive.
- (b) The fee be the fee set out in the confidential attachment to this report.

**FBD16/080 LICENCE FOR RED HOT SUMMER TOUR - MACKAY PARK,
BATEMANS BAY**

89.2899.B

- (c) Payment of a bond in the amount of \$3,000 be paid 30 days prior to the event.
- (d) The provision of an event management plan acceptable to Council for the event.
- (e) The provision of a traffic management plan acceptable to Council for the event.
- (f) The provision of public liability insurance in accordance with Council policy.
- (g) The Licensee to provide suitably qualified persons to render first aid and to provide security.
- (h) The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- (i) No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- (j) Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- (k) All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- (l) The Licensee to be responsible for making good any damage to the oval and other facilities used at Mackay Park during the event.
- (m) Compliance with provisions of the development consent conditions for events held at Mackay Park.

BACKGROUND

At its meeting on 27 October 2015, Council resolved to grant a licence to Regional Touring Pty Limited to stage the first Red Hot Summer Tour event in Eurobodalla at Mackay Park, Batemans Bay on 2 January 2016 with terms and conditions based on similar events held at this site.

The January 2016 Red Hot Summer Tour event was a great success and approximately 3,000 patrons enjoyed this live music experience.

Council's Events Team successfully encouraged the proponent to hold next year's event in March in order to spread the economic benefits of the event outside the peak tourism season.

An event application has been received from Regional Touring Pty Limited to hold the event again at Mackay Park on Saturday 11 March 2017. The licence is for four days allowing two days before and one day after for set up and set down.

CONSIDERATIONS

All aspects of the event have been assessed and benefits to the Shire recognised including the provision of high quality entertainment in a safe environment for all patrons, the generation of positive economic impact with local food, hospitality and trade services, the creation of economic opportunities for local community groups, and an increase in tourism visitation to the Shire.

**FBD16/080 LICENCE FOR RED HOT SUMMER TOUR - MACKAY PARK,
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The proposed open air concert will have a capacity of 3,500 patrons, and the expected number is 3,000. The gates will open at 1.30pm with the entertainment commencing at 3.00pm and concluding at 10.00pm.

A sketch of the licence area is set out below.



Crown Reserve 580022 Mackay Park, Batemans Bay

Legal

Mackay Park, Batemans Bay is a Crown Reserve, (Crown Reserve 580022) managed by Eurobodalla (North) Reserve Trust. Council is the 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 12 months but cannot grant a lease or licence for a term of greater than 12 months without consent from the Minister administering the Crown Lands Act. [Crown Lands Act 1989 Sect 108](#)

Policy

In line with the provisions of Council's Code of Practice 'Licensing of Council controlled Public Reserves and Associated Buildings' an EOI was called in December 2015 from interested parties wishing to conduct activities on Council controlled public reserves for a period of up to five years for the use of Council controlled Crown Reserves at Mackay Park Batemans Bay. This process satisfies the requirements of Crown Lands and Council 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/codes/Licensing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

**FBD16/080 LICENCE FOR RED HOT SUMMER TOUR - MACKAY PARK,
BATEMANS BAY**

89.2899.B

No expressions of interest were submitted for the dates sought for this event during the exhibition period so it is appropriate to consider the application.

The event complies with Council's Events Policy.

www.esc.nsw.gov.au/inside-council/council/council-policies

Environmental

Decibel limits are in place to limit noise levels and the event finishes at 10.00pm.

Asset

The precinct is increasingly used for major events.

To ensure the safe, proper use and maintenance of the reserve the licence needs to be conditioned appropriately so terms and conditions of the licence should include.

- (a) The licence period be from 9 March 2017 to 12 March 2017 inclusive.
- (b) The fee be the fee set out in the confidential attachment to this report.
- (c) Payment of a bond in the amount of \$3,000 be paid 30 days prior to the event.
- (d) The provision of an event management plan acceptable to Council for the event.
- (e) The provision of a traffic management plan acceptable to Council for the event.
- (f) The provision of public liability insurance in accordance with Council policy.
- (g) The Licensee to provide suitably qualified persons to render first aid and to provide security.
- (h) The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- (i) No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- (j) Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- (k) All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- (l) The Licensee to be responsible for making good any damage to the oval and other facilities used at Mackay Park during the event.
- (m) Compliance with provisions of the development consent conditions for events held at Mackay Park.

**FBD16/080 LICENCE FOR RED HOT SUMMER TOUR - MACKAY PARK,
BATEMANS BAY**

89.2899.B

Social Impact

The event organiser advised the event is aimed at a diverse market of rock fans and music enthusiasts generally in the 25-year old plus demographic. The organiser is providing high quality entertainment to regional areas in a safe environment for all patrons.

Economic Development Employment Potential

The public advertising of the event carried out by Red Hot Summer Tour has generated significant community interest and will increase the region's reputation as a vibrant destination. It generates a positive economic impact with local food, hospitality and trade services.

Financial

The proposed fee structure and other costs are set out in the Confidential Attachment to this Report.

Community Engagement

The EOI called in December 2015 gave the opportunity for parties interested in conducting activities at Mackay Park to make a submission for the dates sought for this event.

CONCLUSION

Regional Touring Pty Limited, the company promoting the Red Hot Summer Tour, submitted an event application to hold the Red Hot Summer Tour event at Crown Reserve 580022 Mackay Park, Batemans Bay on Saturday 11 March 2017.

The Red Hot Summer Tour provides entertainment and economic benefit to the Shire and has the potential to become an annual attraction.

The 2016 event was successful so it is considered appropriate for a four-day licence to be granted to stage the event again in March 2017.

FBD16/081 POLICY REVIEW - COMMUNITY GRANTS (PREVIOUSLY FINANCIAL ASSISTANCE - DONATIONS AND GRANTS) E16.0297

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

Attachments: 1. Under Separate Cover - Policy Review - Community Grants Policy

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

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

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

The purpose of this report is to inform councillors of the review of the Financial Assistance – Donations and Grants Policy and that the policy be replaced with the draft Community Grants Policy. 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 Community Grants Policy for public consultation.
2. The draft Community Grants 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

Council can financially assist other under section 356 of the *Local Government Act 1993* (the Act), for the purpose of exercising its functions. Under section 377A1A) of the Act, Council may delegate its functions relating to the granting of financial assistance if:

- (a) the financial assistance is part of a specified program, and
- (b) the program is included in Council's draft operational plan for the year in which the

FBD16/081 POLICY REVIEW - COMMUNITY GRANTS (PREVIOUSLY FINANCIAL ASSISTANCE - DONATIONS AND GRANTS) E16.0297

financial assistance is proposed to be given, and

(c) the program's proposed budget for that year does not exceed 5 per cent of Council's proposed income from the ordinary rates levied for that year, and

(d) the program applies uniformly to all persons within Council's area or to a significant proportion of all the persons within Council's area.

The Financial Assistance – Donations and Grants Policy was scheduled for review in 2016 which included a review of the adequacy of current grant programs and funding arrangements and an assessment of existing policy and procedures, funding sources, eligibility and assessment criteria, assessment processes, evaluation and monitoring of grant recipients, and acquittal processes. Key recommendations of the review include:

- Incorporate all current financial assistance to the community under one grant funding program umbrella and develop an overarching policy framework to better align funding to Council's strategic objectives and allow identification of total support provided.
- Redesign the Financial Assistance – Donations and Grants Policy to include funding streams aligned to strategic priorities and the Community Strategic Plan with a focus on community development and strengthening outcomes; and improve consistency and transparency in the way that Council makes financial assistance grants available.
- Ensure that all financial assistance granted by Council – including cost of providing 'in-kind' or non-cash support, is captured within the policy framework, and reported in the Operational Plan/budget with more clarity and transparency than current 'Donations'.
- Review and clarify eligibility and assessment criteria to provide greater guidance to applicants and ensure an equitable distribution of Council support for community organisations, with recipients required to provide acquittals to Council showing how funds were used.
- Designate the Community Arts and Recreation directorate to administer grants within the 'Community events' category. This grant stream is currently processed by different areas of Council, creating administrative inefficiencies and reducing visibility and consistency.
- Amend cost centres and transfer budget allocations as necessary to ensure that grant funding is captured, transparent and easily reported upon. Move operating costs which are currently reported as 'Donations' into more appropriate cost centres, for clarity and transparency.
- Implement an online grants management system to streamline and simplify application, approval and administrative processes by capturing, managing and reporting on all grant applications.

The revised community grants program is divided into the following categories:

- Mayoral grants
- Annual grants
- Four yearly grants
- Events grants

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All categories are competitive i.e. applications open to all eligible applicants will be assessed on merit, eligibility and funding availability. Grants are distributed via various streams which are aligned with the current Community strategic Plan. Streams may be amended to reflect changing needs and priorities of the community.

Grantees are required to recognise Council's contribution, and (depending on the category or stream) may be required to provide an acquittal to Council confirming how the assistance achieved the desired outcomes or provided benefit to the community.

Mayoral Grants category

Approval: Mayor (delegated under s.377(1A) the Act)

Grants of up to \$750 for Eurobodalla residents where the outcome is likely to enhance the social, recreational, and cultural wealth of the Eurobodalla.

Mayoral grants may be provided towards expenses incurred by applicants for:

- individual or team achievement in sport and recreation or arts and cultural activities, OR
- delivery of a one-off initiative with special social, recreational or cultural benefit to the community.

Mayoral grants allow Council to provide assistance for applications of merit throughout the year which do not meet application or eligibility requirements for other types of grants. An overall program budget will be determined by Council in the Operational Plan and budget for each financial year. Applications are accepted at any time throughout the year but grant allocation is dependent on merit and the remaining budget allocation.

The Mayor is to report to Council in conjunction with each quarterly Operational Plan review, detailing all grants approved and declined for the quarter.

Annual Grants category

The annual grants category provides funding to community organisations, groups and clubs for activities, projects or equipment that support community-strengthening initiatives or improve the quality of life of Eurobodalla residents. Annual grants will not be provided for private, individual or political gain.

Some of this grant funding is distributed by Council on behalf of, or in collaboration with other agencies or organisations.

This is a competitive category with application windows opened at various times during the year, depending on the stream. Annual funding does not continue into subsequent years and previous recipients are invited to re-apply each year when applications are open.

Annual grants funding is distributed through the following streams:

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Liveable community –

Healthy Community grants

Approval: Council resolution

For projects to improve the health and wellbeing of residents in the Eurobodalla. Council considers and decides an overall budget in the Operational Plan each financial year. Applications are sought each year and will not be accepted outside the annual application period. A panel will review applications and make recommendations to Council for approval.

Seniors week grants

Approval: Council resolution

For projects to improve the health and wellbeing of seniors in the Eurobodalla. Council considers and decides an overall budget in the Operational Plan each financial year. Applications are sought each year and will not be accepted outside the annual application period. A panel will review applications and make recommendations to Council for approval.

NAIDOC week grants

Approval: Council resolution

For Eurobodalla's not-for-profit organisations, schools and community groups to run local NAIDOC (National Aboriginal and Islander Day Observance Committee) Week activities. Activities must promote partnership with the Aboriginal community or an Aboriginal organisation and encourage wider community participation in NAIDOC Week.

Council considers and decides an overall budget in the Operational Plan each financial year. Applications are sought each year and will not be accepted outside the annual application period. A panel will review applications and make recommendations to Council for approval.

Use of Council land by not-for-profit groups

Approval: General Manager by delegated authority (delegated under S.377 (1A) the Act)

Support for Eurobodalla's not-for-profit group activities during the year, where the group holds a licence for a facility or land under Council care and control. These small grants offset the annual licence fee held by the group for the land use. Applications are approved in conjunction with the annual licence renewal.

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Sustainable community –

Waste disposal grants

Approval: Council resolution

To encourage and assist community involvement in the management of waste minimisation for the benefit of the whole community. Grants toward waste disposal (tipping) fees for registered charities and not-for-profit sporting, social and cultural organisations providing community services or benefits, such as; historical societies, Schools of Arts, CWA, public halls, pre-school kindergartens, aquatic and surf clubs and the like.

Council will approve a budget allocation in the Operational Plan for each financial year. Successful applicants will be granted an annual waste management facility account allowance, to cover estimated waste disposal costs.

Where a recipient utilises all of their granted account allowance before the end of the financial year, they may apply for special consideration of additional funding by resolution of Council, dependent on benefit to the community and remaining budget allocation.

Local Heritage Places grants

Approval: Council resolution

To encourage conservation of heritage items identified in the Eurobodalla Local Environmental Plans (LEPs) and assist property owners to carry out restoration works which involve repair, maintenance or reinstatement of missing items on heritage buildings.

Each year Council will invite owners of heritage buildings listed in Eurobodalla's LEPs to apply for Local Heritage Places Grants. Total available grant funding is determined on an annual basis and includes a grant from the Heritage Division of the NSW Office of Environment & Heritage. Council's Heritage Advisor and Heritage Advisory Committee will consider applications for funding assistance and make recommendations for approval by the Heritage Advisory Committee.

Productive community –

Schools and education grants

Approval: Council resolution

Council will consider a grant to local schools and education establishments for annual speech night awards, for academic and other achievement. Council will also consider granting contributions toward annual scholarships offered by universities and other educational institutions.

- Council will approve a budget allocation in the Operational Plan for each financial year.
- Applications are invited once per year and will not be accepted outside the advertised application window.

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- Successful grantees will be granted an annual amount to contribute to school speech night awards or toward annual scholarships, and will be required to recognise Council's contribution and invite the Mayor or a councillor to the speech night or award ceremony.

Collaborative community –

Southern Phone Community grants (Reliant on external funding)

Approval: Council resolution

Eurobodalla Shire Council is one of Southern Phone's shareholders, and this grant program is one of the ways Southern Phone returns its profits to the community. These grants have provided up to \$25,000 (in total) annually to Eurobodalla community groups to run projects which provide a direct benefit to the community that would not usually be funded by Council in its normal course of business.

Access to the grant is subject to offer of grant funding by Southern Phone Company to the Mayor, who will designate a grant administrator within Council. Council will invite applications once per year with an approval committee (including the Mayor) to determine the applications to be forwarded to Southern Phone Company for consideration.

Upon approval by Council, recipients will be forwarded to Southern Phone Company, and the grant administrator to distribute the funds.

(Terms and conditions of the Southern Phone Grants scheme apply).

Four Yearly grants category

4-yearly grants are intended to support the operating costs associated with the delivery of community services and initiatives by organisations in the Eurobodalla.

The 4-yearly funding period provides the financial certainty needed to improve an organisation's capacity to plan and deliver community services and initiatives that collectively strengthen Eurobodalla's social, recreational, economic and cultural infrastructure. Grants must provide demonstrated community benefits.

This is a competitive category with applications opened every 4 years. Funding allocations are available over a 4-year term. Grants will only apply for the approved 4-year funding period with recipients invited to re-apply when applications are opened for the next period.

The 4-yearly application process will allow these grants to be specifically provided for in the Operational Plan. Any additional applications resulting from submissions on the draft Operational Plan may also be considered by resolution of Council, based on merit and funding availability.

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4-yearly grants funding is distributed through the following streams:

Liveable community –

Rates grants

Approval: Council resolution

Council will consider a grant to partially subsidise the annual rates and charges showing on the rates assessment for registered charities and not-for-profit sporting, social and cultural organisations providing community services or benefits, such as; historical societies, Schools of Arts, CWA, public halls, pre-school kindergartens, aquatic and surf clubs and the like.

- Council will approve a budget allocation in the Operational Plan for each financial year during the 4-year period.
- Public notice of the amount of rates grants will be given in the draft Operational Plan for the year in which the fee is to be subsidised, to satisfy section 610E of the Act.
- Rates subsidy grants can be applied to rented or leased premises where the applicant is responsible for the rates payment.
- Rates subsidy grants will not be available to organisations that have licensed premises, or significant commercial or surplus income; organisations funded by another level of government; churches or other religious groups.
- If a new application of merit is received after the date on which the Operational plan commences, Council must give public notice (in accordance with section 610E of the Act) for at least 28 days of the subsidised rates proposed. The grant (if approved by Council resolution) will only apply from the date of the application for the remainder of the 4 year funding period, on a pro-rata basis.

Safety and emergency services grants

Approval: Council resolution

For their significant contribution to community safety and wellbeing, Council will consider grants toward operational costs for volunteer Surf Life Saving clubs and emergency organisations such as Volunteer Coastal Patrol and Rescue Squads, helicopter services and the like.

Council will approve a budget allocation in the Operational Plans for each financial year over the 4 year funding period. Applications will be sought every 4 years and will not be accepted outside the advertised application window.

Successful grantees will be granted an annual amount to contribute to operational costs associated with delivery of services. Grantees will be required to provide an acquittal to Council with details of how the funding provided services to the community.

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Sustainable community –
Waste management grants

Approval: Council resolution

Council will consider a grant to partially subsidise the annual domestic waste collection charge, currently not shown on the rates assessment for registered charities and not-for-profit sporting, social and cultural organisations providing community services or benefits, such as; historical societies, Schools of Arts, CWA, public halls, pre-school kindergartens, aquatic and surf clubs and the like.

- Council will approve a budget allocation in the Operational Plan for each financial year during the 4 year period.
- Public notice of the amount of subsidised waste management charges must be given in the draft Operational Plan for the year in which the fee is to be subsidised, to satisfy section 610E of the Act.
- Domestic waste collection grants may be applied to rented or leased premises where the grantee is responsible for the rates payment.
- Domestic waste collection grants will not be available to: organisations that have licensed premises; organisations with significant commercial or surplus income; organisations funded by another level of government; churches or other religious groups.
- If a new application is received after the date on which the Operational Plan commences, Council must give public notice (in accordance with section 610E of the Act) for at least 28 days of the subsidised rates proposed. The grant (if approved) will only apply from the date of the application for the remainder of the 4 year funding period, on a pro-rata basis.

Events grants category

Council recognises the value and vitality that events bring to the community, and has identified strategic goals to help our economy grow and develop and promote a vibrant cultural and leisure tourism destination.

Events grants provide support for the two types of events currently covered by Council's Events policy*:

- 'Commercial events' - which directly benefit the local economy, and
- 'Community events' - that support community-strengthening initiatives.

To support these two event types, there are two streams in the Events grants category:

Productive community -

Events assistance program (EAP)

Approval: General Manager (delegated under s.377(1A) the Act)

The Event support program provides grants for commercial events that directly benefit the local economy by attracting large visitor numbers to the area, or provide the area with local, national or international recognition. Due to the nature of these events, financial assistance may on occasion result in commercial gain/benefit for the grantee.

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Council offers an ESP to support and grow events which provide Eurobodalla with an economic boost. The ESP is not currently designed as an events bidding program.

- Council will approve a budget allocation in the Operational Plan each financial year.
- This is a competitive category with application windows opened twice per year.
- All events will be assessed by a panel against selection criteria. Assistance is granted on the basis of the level of economic benefit to the Eurobodalla. Assistance granted is subject to meeting the minimum requirements of the ESP and remaining annual budget allocation.
- Assistance granted may be monetary or in-kind support (see In-Kind support).
- Grantee receiving financial support through the ESP are required to complete an event acquittal form and submit to Council no later than 60 days post event or they will become ineligible for future years of funding.

**Note: The Events Policy is due for review in February 2017 and will be reviewed in light of Council's events Strategy. This Community Grants Policy will be amended as necessary to reflect any changes to the Events Policy, Events Strategy and the distribution of events grants funding.*

Collaborative community –

Community events grants

Approval: General Manager (delegated under s.377(1A) the Act)

The stream distributes grants for local not-for-profit organisations, clubs and sporting groups to provide community events and social, cultural and sporting activities that create and foster a positive community spirit through involvement, participation, relationship-building and co-operation.

This is a competitive category with application windows opened once per year.

(Note: organisations or groups with urgent applications of merit which fall outside an open application window may instead be eligible to apply for a *Mayoral grant*).

- Community Events grants provide assistance to not-for-profit community groups for use of Council-owned facilities and venues for social, cultural and recreational events and activities during the year, including charity fundraising events.
- Grants also provide assistance to community activities and gatherings of a small scale, which may only require a booking for the use of a Council venue or public space such as a street, park, beach, sportsground or reserve.
- Assistance may be monetary, such as a payment to off-set booking fees for use of a Council venue: or in-kind support (see In-Kind support).

In-Kind support

Some applications for grants may seek to access, at no cost to the applicant, Council plant and equipment or staff and other resources. This 'in-kind' support may not involve a direct cash component but still has financial consequences and budgetary implications.

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In-kind support may include (but not limited to): preparation of traffic control plans, site plans, survey, design, review of environmental factors, or formwork; provision of traffic control, road closures or special clean-up for events, including waste collection and toilets; staff support for community event planning and set up; provision of temporary fencing; physical construction, earthworks or maintenance works at a project site involving Council plant and/or labour.

- For the purposes of assessing these applications, Council will first establish the in-kind cost and then decide the application.
- For approved applications, the value of the in-kind support will be recognised as a grant to offset the budget allocation from which works are provided.

NOTE: It is recommended to transfer current budget allowances used for in-kind support (e.g. for community events, ANZAC Day traffic control etc) to the relevant grants category cost centre for inclusion in the budget to enhance transparency in reporting.

CONSIDERATIONS

Financial Assistance – Donations and Grants Policy be replaced with the draft Community Grants Policy.

Legal

Council can financially assist others under section 356 of the Act, for the purpose of ‘exercising its functions’. Allocations of such funds must be distributed in accordance with the provisions of section 356.

Policy

There is inequity in the current policy and procedures, as many community groups with applications of merit may miss out on the opportunity to apply for financial assistance (grants), while other groups receive multiple funding payments on an ongoing basis without needing to re-apply.

A revised draft Community Grants Policy will provide greater clarity around the types of financial assistance provided to the community by Council. It will continue to meet the purpose of the current policy while aligning better with the Operational Plan and budget and enhancing transparency in reporting.

Revised procedures for application, assessment and allocation of funding will improve the management and implementation of the policy.

Social Impact

The draft Community Grants Policy makes the process fairer and more consistent and transparent as it allows individuals and community groups access to assistance that they may not have been aware of.

Staff

The draft Community Grants Policy and procedure are anticipated to streamline the administration, management, and reporting of financial assistance to the community.

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Financial

The current Operational Plan and budget 2016-17 provides for \$169,475 worth of donations and grants. The Operation Plan and budget for Community Grants will be reviewed going forward to provide enhancement on the current project that supports council's undertaking to the assist the community

Many recipients currently receive programmed donations every year without being required to re-apply or provide acquittal advice to Council. This prevents Council from being able to review its return on investment or determine if the recipients' requirements for funding continue to be of merit. Some recipients are receiving financial assistance funding from several different sources within Council, whereas other community groups may not be aware of their eligibility for assistance. The new policy will provide consistency across the community.

Community Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 11 January 2017 until Tuesday 7 February 2017. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

When the draft policy is approved, all current grant recipient holders will be contacted and advised of the revised procedures for application, assessment and allocation of funding.

CONCLUSION

The draft Community Grants Policy (previously named Financial Assistance - Donations and Grants Policy) has been developed based on the information available at the time of writing. The policy may be updated accordingly to reflect any relevant outcomes from the Citizens Jury and other strategies currently being considered. Any other review of the policy will require further public consultation and Council endorsement.

The draft Community Grants Policy should be publicly exhibited for 42 days. At the end of the public exhibition period the draft Community Grants Policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

FBD16/082 POLICY REVIEW - BORROWING MANAGEMENT POLICY

E16.0297

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

Attachments: 1. Under Separate Cover - Policy Review - Borrowing Management 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 Borrowing Management 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 Borrowing Management Policy for public consultation.
2. The draft Borrowing Management 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 draft policy for consideration to adopt.

BACKGROUND

The Borrowing Management Policy was developed to govern the objectives, procedures and controls in relation to the Council's borrowing decisions and processes.

Council seeks to ensure that its borrowing policy and related procedures are publicly transparent and meet good business and best practice criteria including controls over identified risks. Council has a strong preference for certainty in relation to debt repayments, management of risk, and to minimise administrative complexity.

FBD16/082 POLICY REVIEW - BORROWING MANAGEMENT POLICY

E16.0297

The Policy aims:

- To ensure compliance with legislative requirements under sections 621 – 624 of the *Local Government Act 1993* (the Act), sections 229 – 230 of the *Local Government (General) Regulation 2005* and a borrowing order signed by the Minister Local Government.
- To promote awareness of the requirements of the Act with respect to borrowing management.
- To make Council's policies and requirements for borrowing management readily accessible and understandable to the public.
- To ensure that the Council has appropriate working capital (an unrestricted current ratio equal to or greater than 1.5:1 per the current OLG benchmark) to satisfy its obligations when they fall due, to deliver the outcomes of its Operational Plan and Delivery Program and to inform its long term financial strategies. Where Council finds itself in a strong liquidity position it shall consider replacing borrowings with cash. However, the intergenerational responsibility element of any loan funding will also be considered.
- To ensure that the costs of any expenditure can be recovered at the time that the benefits of that expenditure accrue. In particular debt may be used to fund capital expenditure that provides future service benefits (the principle of improving the valuation and pricing of social and ecological resources applies - the users of goods and services should pay prices based on the full life cycle costs, this particularly applies to the matching of debt profiles to infrastructure asset profiles).
- To ensure that the debt is used in a manner consistent with competitive neutrality policy requirements.
- For procedures and controls to address risk and meet good business and best practice requirements.

CONSIDERATIONS

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

Legal

The policy aims to ensure compliance with legislative requirements under sections 621-624 of the *Local Government Act 1993* (the Act), sections 229-230 of the *Local Government (General) Regulation 2005* and a borrowing order signed by the Minister Local Government.

Policy

The policy governs the objectives, procedures and controls in relation to the Council's borrowing decisions and processes.

Asset

The policy aims to ensure that the costs of any expenditure can be recovered at the time that the benefits of that expenditure accrue. In particular debt may be used to fund capital expenditure that provides future service benefits (the principle of improving the valuation and pricing of social and ecological resources applies – the users of goods and services should pay

FBD16/082 POLICY REVIEW - BORROWING MANAGEMENT POLICY

E16.0297

prices based on the full life cycle costs, this particularly applies to the matching of debt profiles to infrastructure asset profiles).

Financial

The policy aims to ensure that the Council has appropriate working capital available to carry out its strategic plans as outlined in the Operations Plan and any related long term financial strategy (unrestricted net current assets ratios should be >1:1 and <2:1) to acknowledge the intergenerational responsibility elements of any loan funding.

Community Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 11 January 2017 until Tuesday 7 February 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 Borrowing Management Policy should be publicly exhibited for 42 days. At the end of the public exhibition period Council the draft Public Interest Disclosures Internal reporting policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

FBD16/083 POLICY REVIEW - DEBT RECOVERY

E16.0297

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

Attachments: 1. Under Separate Cover - Policy Review - Debt Recovery Policy

Focus Area: Support Services

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

Operational Plan Link: SS1.2.1 Manage council risk and insurances

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 Debt Recovery 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 Debt Recovery Policy for public consultation.
2. The draft Debt Recovery 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 draft policy for consideration to adopt.

BACKGROUND

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

Council's Debt Recovery Policy was developed to ensure ethical, effective and efficient debt recovery including rates, charges and other debts. Council pursues commercial debt recovery procedures in order to minimise the impact of outstanding debts on Council's financial position.

FBD16/083 POLICY REVIEW - DEBT RECOVERY

E16.0297

CONSIDERATIONS

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

Legal

Debt recovery procedures of Council and any agent employed by Council must meet the highest ethical and professional standards, such as the Debt Collection Guideline for collectors and creditors, developed jointly by the Australian Competition and Consumer Commission (ACCC) and Australian Securities and Investments Commission (ASIC), in 2010.

Policy

Council's Debt Recovery Policy was developed to ensure ethical, effective and efficient debt recovery including rates, charges and other debts. Council pursues commercial debt recovery procedures in order to minimise the impact of outstanding debts on Council's financial position.

Social Impact

Council has a Rates and Debtors Hardship Policy in place to assist debtors. This policy was reviewed and adopted on 28 April 2015 and is best practice.

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Rates-and-Debtors-Hardship-Policy.pdf

Financial

The policy aims:

- To promote a clear guideline for the recovery of debts.
- To ensure consistency and fairness in the way Council deals with debt recovery.
- To ensure compliance with legislative requirements and financial industry guidelines.
- To take such steps as are appropriate to minimise the impact of outstanding debts on Council's financial position.
- To make Council's policy and requirements regarding debt recovery readily accessible and understandable to the public.

Community Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 11 January 2017 until Tuesday 7 February 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 Debt Recovery Policy should be publicly exhibited for 42 days. At the end of the public exhibition period the draft Debt Recovery Policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

CAR16/014 CONTINUITY OF SUPPORT FUNDING

L.0332

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

Attachments: Nil

Focus Area: Liveable Communities

Delivery Program Link: L2.2 Provide case management and accommodation support

Operational Plan Link: L2.2.2 Provide supported accommodation including drop in and 24 hour support

EXECUTIVE SUMMARY

Council's Community Care service has received a new funding agreement schedule from the Commonwealth Department of Health (DoH) under their Continuity of Support (CoS) Program in respect of support provided from 1 December 2016 to 30 June 2019, to people with disability who are over the age of 65.

In order for the funds to be released, two copies of the Funding Agreement Schedule require the endorsement and common seal of Council.

RECOMMENDATION

THAT Council accepts the proposed funding of \$627,825 for the Commonwealth Continuity of Support (CoS) program by:

1. endorsing the Continuity of Support Program Agreement; and
2. consent be given to affix the Common Seal of Council to the Continuity of Support Program Agreement.

BACKGROUND

Council's Community Care service provides a range of supports for people with disability. For the majority of our current clients the funding for these supports is transitioning to the National Disability Insurance Scheme (NDIS). However, for current clients with a disability who are already over the age of 65, funding for their support will be provided by the Commonwealth Department of Health (DoH) under their Continuity of Support (CoS) Program.

CONSIDERATIONS

This funding relates to two clients already receiving support from Community Care; one living in a 24hr group home setting for people with disability and the other residing in the family home. The type of services currently provided for these clients include personal care, practical support in the home environment, social support and respite.

The funding of \$627,825 over the next three years will ensure these clients receive continuity of care and maintain and increase their current levels of support as they age in place, in keeping with best practice models and the Australian government's long term strategy for community based care for frail older people.

CAR16/014 CONTINUITY OF SUPPORT FUNDING

L.0332

Social Impact

Ongoing support will assist the clients concerned to achieve quality of life and participation in the community.

Financial

There is no financial contribution required from Council.

Community Engagement

We will inform the community through providing information on Council's website and in participant brochures/handbooks.

CONCLUSION

The Continuity of Support funding will allow Community Care to maintain current levels of service to two existing clients over the age of 65 from 1 December 2016 for the term of the Funding Agreement Schedule.

CAR16/015 MANAGEMENT COMMITTEES

E09.3518

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

Attachments: 1. Confidential - Management Committee Nominees

Focus Area: Collaborative Communities

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

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

EXECUTIVE SUMMARY

Under the *Local Government Act 1993* ('the LGA') Section 355 Council is able to delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community members to manage its facilities or functions through a Management Committee.

The Committees provide a mechanism by which interested persons can have an active role in the provision/ management of Council facilities or services.

All S355 Management Committees manage a community facility on behalf of Council in accordance with the Local Government Act. Therefore, Committees must do so within the broad rules and regulations established by Council to ensure they meet legal and statutory requirements, comply with Council Policy and Procedures and high operating standards.

As per the S355 Community Facility Management Committee Procedures Manual, Council is required to hold public meetings within 3 months of a Local Government election, in order to appoint committees for the four year term. This report provides details of the meetings held, including a list of proposed committee members (confidential attachment) to be ratified by Council.

RECOMMENDATION

THAT Council accept the nominations for each S355 Management Committee, as presented in the confidential attachment.

BACKGROUND

In order to form new management committees, public meetings have taken place for five of the six current committees. Individual committee members will be re-appointed at each Annual General Meeting.

Notices were placed in the local papers advertising the public meetings. Meetings have taken place for the following committees on the following dates:

Malua Bay Community Centre and Tennis Club	4 Nov 2016	6 people attended
Broulee Tennis Club	6 Nov 2016	10 people attended
Kyla Park Hall	10 Nov 2016	3 people attended

CAR16/015 MANAGEMENT COMMITTEES

E09.3518

Tuross Head Memorial Garden	16 Nov 2016	7 people attended
Moruya Showground	21 Nov 2016	6 people attended.

The majority of committee positions have been filled.

CONSIDERATIONS

The Moruya Racecourse Management Committee will meet with Council shortly. However the Moruya Jockey Club is currently negotiating a lease/licence agreement for the ongoing management of the facility. It is anticipated that this lease will be finalised in mid 2017, after which the S355 Management Committee will be dissolved.

Members of the Malua Bay Community Centre and Kyla Park Hall committees will continue to recruit new members, as attendance at the meetings was quite small.

Community Engagement

The public meetings were advertised in local papers, and members of the committees actively advertised the dates of meetings within local communities and amongst user groups.

Following each meeting, any facility user group not represented was given the opportunity to nominate a member to join the management committee.

CONCLUSION

New committees have been formed for five of the six management committees as per the requirements stated in the S355 Community Facility Management Committee Procedures Manual. A full list of new members has been provided.

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:

CON16/025 Confidential Property Matter

Item CON16/025 is confidential in accordance with s10(A)(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

CON16/026 Confidential Property Matter

Item CON16/026 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.