



AGENDA

Ordinary Meeting of Council

25 July 2017

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

ON TUESDAY 25 JULY 2017

COMMENCING AT 10.00AM

AGENDA

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

- | | |
|--|-----------------|
| 1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE | |
| 2. APOLOGIES | |
| Nil | |
| 3. PUBLIC FORUM (AGENDA ITEMS ONLY) | |
| 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING | |
| 4.1 Ordinary Meeting held on 27 June 2017 | |
| 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA | |
| (Declarations also to be made prior to discussions on each item) | |
| | Page No. |
| 6. MAYORAL REPORTS | |
| 7. NOTICES OF MOTION | |
| NOM17/009 Council's Appreciation for Volunteer Work - Maureen and Jim Baker..... | 3 |
| 8. QUESTIONS ON NOTICE FROM COUNCILLORS | |
| QON17/004 Future Redevelopment of Princes Highway and Kings Highway | 5 |
| 9. GENERAL MANAGER'S REPORTS | |
| GMR17/023 Application for Leave of Absence..... | 9 |
| GMR17/024 Adoption of Policies | 10 |
| 10. PLANNING AND SUSTAINABILITY REPORTS | |
| PSR17/041 Annual Heritage Report 2016-2017 | 14 |

PSR17/042	Fergus Thomson OAM Heritage Award	58
PSR17/043	Draft Tuross River Estuary and Coila Lake Coastal Management Program.....	63
PSR17/044	Eurobodalla Local Environmental Plan 2012 Amendment No.14 – Flood Mapping and Associated Amendments	67
PSR17/045	DA 566/17 - Moruya Library Extension, Arts Centre and Car Park	72
PSR17/046	Request for Tender (RFT) PLS033 - Bushland Management Works.....	84
 11. INFRASTRUCTURE REPORTS		
IR17/046	Tender: RFT No 2017 ISD/031 for the Establishment of a Tree Management Service on Council Controlled and Managed Land Panel.	87
IR17/048	Local Traffic Committee No 9 for 2016-17	91
IR17/049	Policy Repeal - Smoke Free Outdoor Areas Policy	95
 12. FINANCE AND BUSINESS DEVELOPMENT REPORTS		
FBD17/051	Investments made as at 30 June 2017	100
FBD17/052	Policy Adoption - Procurement Policy	103
FBD17/053	Policy Adoption - Related Parties Disclosure Policy.....	114
FBD17/054	Policy Review - Fiscal Responsibility Policy	134
FBD17/055	Policy Review - Records Management Policy	136
FBD17/056	Policy Review - Land Investment Policy	138
 13. COMMUNITY, ARTS AND RECREATION REPORTS		
CAR17/024	Basil Sellers Exhibition Centre	140
CAR17/025	Public Art Submission by the Batemans Bay Chamber of Commerce ..	143
 14. DELEGATE REPORT		
 15. URGENT BUSINESS		
16. DEALING WITH MATTERS IN CLOSED SESSION		147
 17. CONFIDENTIAL MATTERS		

DR CATHERINE DALE
GENERAL MANAGER

**NOM17/009 COUNCIL'S APPRECIATION FOR VOLUNTEER WORK - MAUREEN AND JIM
BAKER**

E96.0636

Responsible Officer: Lindsay Brown - Councillor

Attachments: Nil

Councillor Lindsay Brown has given notice that at the Ordinary Meeting of Council on 25 July 2017 he will move the following motion.

MOTION

THAT Council acknowledge the volunteer contributions and thank Maureen Baker OAM and Jim Baker for their tireless volunteer work with the community and commitment to the environment.

BACKGROUND

Jim and Maureen founded the Tuross Lakes Preservation Group in the early nineties and were one of the first Landcare groups operating in the Eurobodalla. For nearly 30 years they have campaigned strongly to protect community and environmental interests, dedicating thousands of hours towards advocacy and to on-ground environmental works.

Maureen was instrumental in liaising with council and other government organisations, applying for grants, managing projects and finances, and writing reports on behalf of the group. In addition some of her other commitments included:

- Eurobodalla Landcare Management Committee (ELMC) – as both Secretary and Chair
- Clean up Australia – volunteer coordinator
- South East Landcare – Eurobodalla representative
- NSW National Parks and Wildlife Advisory Committee, South Coast Region
- Tuross and Coila Estuary Committee
- Coast and Environment Management Advisory Committee

Maureen and Jim dedicated thousands of hours to onground environmental works within particularly in Tuross and across the whole of the Eurobodalla. Some Landcare projects instigated and implemented with her group include:-

- Riverbank Revegetation - Coopers Island, Tuross Lakes
- Erosion Control – Applewood Dairy, Tuross River
- Dairy Effluent Management – Tuross River – winning a Bronze Rivercare Award
- Dune Rehabilitation – McWilliam Park Foreshore Reserve, Tuross Head
- Ongoing Bush Regeneration activities at 15 Tuross reserves
- Dune Restoration with sand trapping fencing – Coila Beach, Tuross Head
- Development and Implementation of the Plan of Management for the Kyla Park Community Land, Tuross Head.
- Wetlands Workshop, Wetlands Field Trip, and Publication of “Guidelines to Manage Wetlands in the Lower South Coast of NSW”
- Development of interpretive signage about the Coila and Tuross Lakes and many other restoration projects on the Tuross Estuary and Valley

**NOM17/009 COUNCIL'S APPRECIATION FOR VOLUNTEER WORK - MAUREEN
AND JIM BAKER**

E96.0636

Maureen also received an Order of Australia (OAM) for her volunteer efforts and her commitment to the environment.

I have also received acknowledgement from former Mayor Chris Vardon OAM, wishing the Bakers well and thanking them for their tireless volunteer work.

Former Eurobodalla Mayor and Chair of the Southern Rivers Catchment Management Authority Pamela Green, who worked with the Bakers also extended her appreciation and credited that Tuross, Eurobodalla, Landcare and the environment are all better for their thoughtful dedication to improving the status quo at times in the face of difficult and contentious circumstances.

It was with heavy hearts that volunteers, council and agency staff, friends and neighbours recently gathered to farewell stalwarts of the Landcare movement, Maureen and Jim Baker.

On behalf of Council we wish both Maureen and Jim Baker well and thank them for their contributions to Landcare, the environment and dedication to our community for almost 30 years.

QON17/004 FUTURE REDEVELOPMENT OF PRINCES HIGHWAY AND KINGS HIGHWAY

E17.1041

Responsible Officer: Phil Constable - Clr

Attachments: 1. Letter from Member for Bega

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

Question

At the February 14 2017, Notice of Motion 17.002 Council meeting Councillors resolved to Invite the Hon. Melinda Pavey MP in her capacity as NSW Minister for Roads maritime and Freight, and the Hon. Andrew Constance MP in his dual capacity as the Local Member and NSW Minister for Transport and Infrastructure, the Hon. John Barilaro MP, in his capacity as Deputy premier, Minister for Regional NSW and member for Monaro and the Southern NSW, together with the Roads Maritime Services Southern Region Manager Ms Renae Elrington to a meeting with Councillors and the necessary Council Staff, as soon as it can be arranged to engage in a discussion about the vital importance of:

- i. advancing the upgrading of the Princes Highway and Kings Highway, noting the critical role these highways have in servicing Eurobodalla Shire residents, businesses and transport needs, the greater South Coast and Canberra regions and the international market place via Canberra airport.
- ii. developing longer term plans for the Future Redevelopment of the Princes Highway and Kings Highway to meet the medium and long-term needs.

(The Motion on being put was declared CARRIED)

Can Council be advised as to the actions undertaken to facilitate the enactment of this motion; including correspondence between Council and the nominated individuals; and the progress to date of enabling the enactment of the motion.

Response

Further to the Council Resolution NOM17/002 (Council Meeting 14 February 2017), as per normal protocols, Council wrote to the Hon Andrew Constance MP requesting a meeting with Ministers Hon John Barilaro MP, in his capacity as Deputy Premier, Minister for Regional NSW and Member for Monaro, Hon Melinda Pavey MP, Minister for Roads, Maritime and Freight and the Hon Bronwyn Taylor MLC, in her capacity as Parliamentary Secretary for Deputy Premier and Southern NSW, on 21 February 2017. A response from the Hon. Andrew Constance MP, Member for Bega is attached.

Subsequently, a meeting was arranged with the Hon Melinda Pavey MP and Hon Andrew Constance MP on 3 March 2017. Councillor Phil Constable presented to the two Ministers at this meeting to inform them of the importance of the highway transport corridors to the Eurobodalla. The Hon John Barilaro MP was due to meet with Council on 3 April 2017. This meeting was cancelled by Minister Barilaro's office due to other commitments. The Hon Bronwyn Taylor separately attended a meeting at Council on 21 April 2017.

The issues identified in Council's resolution were discussed at these meetings.

**QON17/004 FUTURE REDEVELOPMENT OF PRINCES HIGHWAY AND KINGS
HIGHWAY**

E17.1041

Separately, Council has continued to advocate for improvements to the Kings Highway and Princes Highways via direct contact with Andrew Constance MP, Lt General Ken Gillespie (Regional Infrastructure Coordinator); Ms Renae Elrington Regional Manager RMS Wollongong; Transport for NSW; and through attendance at the NSW Local Roads Congress and South East Australian Transport Strategy Inc (SEATS). We are grateful to SEATS for its support of Council by writing to the relevant Ministers to highlight our needs.

Additionally, Council has gained the support of community groups such as the Nelligen Progress Association and Broulee Mossy Point Community Association for joint advocacy to NSW Government.

Council has since made a formal submission to the proposed review of the NSW Transport Plan. A copy of this submission is available on Council's website at:
<http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/advocacy/infrastructure-priorities>

Council has incorporated the essence of this resolution into the recently adopted 2017-21 Delivery Program and 2017-18 Operational Plan (DP-OP) on Page 51 as follows:

Delivery Program	Operational Plan
7.4.2 Advocate for improved road and freight access into and out of Eurobodalla	7.4.2.1 Work with key partners to advocate for the progressive upgrade of the Princes and Kings Highway

Action taken to pursue this advocacy work will be reported back to open Council as part of the six monthly report against the DP-OP. It is recommended that for efficiency, this be the reporting mechanism against this action.

Information on the Princes Highway Corridor Strategy is provided by the Roads and Maritime Services website at:
<http://www.rms.nsw.gov.au/projects/south-coast/corridor-strategies/index.html>

These include substantial expenditure between Kiama and Nowra including the recently opened Berry By-pass, Dignams Creek realignment and the proposed new Batemans Bay bridge. These works represent an unprecedented commitment to upgrading the Princes Highway by the NSW Government.

Current works on the Kings Highway are listed on the Roads and Maritime Services website at:
<http://www.rms.nsw.gov.au/projects/south-coast/kings-highway/index.html>

Council will continue to advocate to see significant upgrades to the Kings Highway and Princes Highway for, with and on behalf of, our community.

**QON17/004 FUTURE REDEVELOPMENT OF PRINCES HIGHWAY AND KINGS
HIGHWAY**

E17.1041

RECOMMENDATION

THAT:

1. The response to the question regarding Future Redevelopment of Princes Highway and Kings Highway raised by Councillor Phil Constable be received and noted.
2. Council report against its advocacy work to seek progressive upgrades to the Princes and Kings Highway when it reports against the adopted 2017-21 Delivery Program and 2017-18 Operational Plan each six months.



17th July 2017

Cr Liz Innes
Mayor
Eurobodalla Shire Council
PO Box 99
MORUYA NSW 2537

Dear Liz

I write to thank you for your letter dated 21 February 2017 regarding a request for ongoing support from the NSW Government with regard to the Princes and Kings Highway, my apologies for the delay formally in responding to you.

It is pleasing to note that I was able to facilitate a meeting with Minister for Roads and Maritime, The Hon Melinda Pavey on 3 March 2017 with Councillors.

Minister Pavey and I both gave our assurance that we will continue to advocate for roads funding for the Princes and Kings Highway and acknowledge the vital role these major roads play in linking our communities to Canberra, Sydney and Melbourne.

Further to that meeting, we have now formally announced that the Dignams Creek Road works are funded and pleasingly works have now commenced on the \$45 million project.

Minister Pavey and I have also recently confirmed the \$300 million duplication of the Batemans Bay Bridge, construction planning for the Nelligen Bridge replacement and importantly the intersection works for the Kings and Princes Highway.

I have also made public my commitment to see the Batemans Bay Link Road completed and following the NSW Government initial contribution of \$10 million, I will continue to advocate to the Roads Minister for the remainder of the funding necessary to complete the project.

Minister Barilaro was to visit the region in April, but unfortunately, the visit needed to be cancelled due to the Minister being required to attend the devastating flooding in the North of the State at that time, we will work towards rescheduling that visit.

I note that Council is actively advocating for the improvements to the road network and appreciate the time taken to send submissions to the relevant agencies.

I appreciate the concerns, I acknowledge the need and will continue to advocate alongside council to ensure that funding continues to flow into this region now and into the future as the Local Member.

As always, I am happy to meet with Council and/or Councillors to discuss these matters and I would be pleased to arrange a mutually agreeable time during September.

In the interim, please don't hesitate to contact my office should you require anything further.

Yours sincerely

Andrew Constance MP



GMR17/023 APPLICATION FOR LEAVE OF ABSENCE

E80.1383

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: Collaborative Communities

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

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

EXECUTIVE SUMMARY

Councillor Patrick McGinlay has given notice that it is anticipated that he will miss the following meetings:

27 June 2017

25 July 2017

8 August 2017

12 September 2017.

In accordance with Section 234 (1)(d)(i and ii) of the Local Government Act, a councillor must apply for leave of absence if such councillor is absent from three consecutive ordinary meetings of council.

In accordance with Section 3.5 of Council's Code of Meeting Practice, the request for leave of absence by a councillor from a meeting should be made in writing to the General Manager. This request has been received and the report is presented to Council for consideration.

RECOMMENDATION

THAT a leave of absence be granted for Councillor Patrick McGinlay for the following meetings:

27 June 2017

25 July 2017

8 August 2017

12 September 2017.

CONCLUSION

An application for leave of absence for Councillor Patrick McGinlay has been received to the General Manager. The request is now to be considered by the Council.

GMR17/024 ADOPTION OF POLICIES

E16.0297

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Policies for Adoption

Focus Area: Collaborative Communities

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

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

EXECUTIVE SUMMARY

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

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

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

1. Asset Management
2. Cemeteries Management
3. Collection Domestic Waste Bins
4. Disability Services
5. Local And Regional Roads Risk Management
6. National Clean Up Day Campaign
7. Pathways Risk Management
8. Waste Minimisation
9. Water Carting
10. Water Restrictions
11. Water Supply Backflow Prevention and Cross Connection Control
12. Youth Services.

This report recommends adoption of those policies.

GMR17/024 ADOPTION OF POLICIES

E16.0297

RECOMMENDATION

THAT Council adopt the following policies:

1. Asset Management
2. Cemeteries Management
3. Collection Domestic Waste Bins
4. Disability Services
5. Local And Regional Roads Risk Management
6. National Clean Up Day Campaign
7. Pathways Risk Management
8. Waste Minimisation
9. Water Carting
10. Water Restrictions
11. Water Supply Backflow Prevention and Cross Connection Control
12. Youth Services.

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 aft the declaration of the poll for that election.

CONSIDERATIONS

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

Asset Management – This policy was developed to ensure that:

- Council's assets are managed effectively to deliver the level of service our community is prepared to pay for in the short, medium and long term taking account of the social, economic and environmental consequences of Council's decisions.
- Costs are reasonably shared between those using and consuming the assets today and those who will be required to renew, replace, upgrade or dispose of those assets in the future (providing inter-generational equity).
- There is continuous improvement in asset management and service delivery.

Cemeteries Management - This policy provides the framework for the sustainable management, maintenance and future planning of cemeteries under Council's control.

Collection Domestic Waste Bins - This policy defines the size of waste bins allocated by Council for domestic waste collection services. In October 2005, following an extensive media campaign, a new waste collection service was introduced to include recycling and garden organics waste collection and limiting domestic waste collection to 80 litre bins. Eurobodalla Shire Council's policy was developed to restrict the amount of residual waste and encourage recycling within the community.

GMR17/024 ADOPTION OF POLICIES

E16.0297

Disability Services – This policy is designed to outline the relationships and parameters of Disability service delivery by Council and key areas of responsibility under legislation, terms of business and funding agreements.

Local and Regional Roads Risk Management – This policy is to provide a framework for the risk management of Council's road network in order to demonstrate an appropriate duty of care to road users and to reduce the exposure to potential public liability claims relating to the condition of roads.

National Clean Up Day Campaign - This policy confirms Council's support of the campaign to promote the National Clean Up Day Campaign and to assist with waste disposal generated from the clean up operations.

Pathways Risk Management - This policy provides for the management of risks associated with Council's formed pathway network. Council has a duty of care to take reasonable measures within the limitations of its budget to manage the risks arising from defects on Council's formed footpath and shared pathway networks.

Waste Minimisation - This policy was developed to assist decision-makers to exercise discretionary powers in relation to waste minimization, promote an integrated framework for dealing with waste minimization and ensure transparency, consistency and fairness in the manner in which Council deals with waste minimization.

Water Carting – This policy was developed to protect the health of the community by managing the risk of contamination of Council's water supply and/or drinking water delivered to rural consumers, promote an integrated framework for dealing with water carting applications within Council and ensure consistency and fairness in the manner in which the Council deals with water carters.

Water Restrictions – This policy was developed to take such steps as are necessary to ensure the continued supply of potable water to consumers, promote an integrated framework for dealing with water restrictions and ensure consistency and fairness in the manner in which the Council deals with potable water consumers.

Water Supply Backflow Prevention and Cross Connection Control – This policy was developed to ensure the integrity of the Council's water supply system by minimising the risk of backflow contamination from connections to the system, take such steps as are appropriate to ensure the provision of a safe water supply to consumers, promote an integrated framework for dealing with water supply backflow prevention and cross connection control and ensure consistency and fairness in the manner in which the Council deals with water consumers.

Youth Services - This policy reflects Council's commitment to addressing barriers and promoting opportunities for young people aged 12-25 years in this shire, and indicates the types of services provided to young people by Council.

Legal

Asset Management - This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Cemeteries Management - Eurobodalla Shire Council's cemetery management will operate in accordance with the Public Health Regulation 2012 (Extract ss49-93).

GMR17/024 ADOPTION OF POLICIES

E16.0297

Collection Domestic Waste Bins - Eurobodalla Shire Council will comply with Waste Avoidance and Resource Recovery Act 2001 and NSW Waste Avoidance and Resource Recovery Strategy 2014-21 (WARR) <http://www.epa.nsw.gov.au/wastestrategy/warr.htm>

Disability Services - Eurobodalla Shire Council is required to provide services in accordance with the principles of the *Disability Inclusion Act 2014*, the NSW Disability Services Standards and the National Disability Standards. Eurobodalla Shire Council is committed to implementing the National Disability Strategy when delivering State and Federally funded disability services. The National Strategy promotes the principles of the United Nations Convention on the Rights of Persons with Disabilities.

Local and Regional Roads Risk Management - Eurobodalla Shire Council will act reasonably in its endeavour to comply with relevant legislation including the *Roads Act 1993* and the *Civil Liability Act 2002*.

National Clean Up Day Campaign - This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Pathways Risk Management - Eurobodalla Shire Council will comply with the *Local Government Act 1993*, *Roads Act 1993* and *Civil Liability Act 2002*.

Waste Minimisation - This policy ensures Eurobodalla Shire Council's compliance with the *Waste Avoidance and Resource Recovery Act 2001* available at <http://www.legislation.nsw.gov.au/maintop/view/inforce/act+58+2001+cd+0+N>

Water Carting - This policy ensures Eurobodalla Shire Council's compliance with the *Local Government Act 1993*, *Public Health Act 2010* and the *Food Act 2003*.

Water Restrictions - This policy ensures Eurobodalla Shire Council's compliance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Water Supply Backflow Prevention and Cross Connection Control - This policy ensures Eurobodalla Shire Council's compliance with Section 17 of the *Plumbing and Drainage Act 2011*.

Youth Services - Eurobodalla Shire Council will comply with the *Child Protection (Working with Children) Act 2012* and *Commission for Children and Young People Act 1998* in the delivery of youth services.

Community and Stakeholder Engagement

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

No submissions were received.

CONCLUSION

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

PSR17/041 ANNUAL HERITAGE REPORT 2016-2017

E07.1407

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

Attachments: 1. Eurobodalla Annual Heritage Report 2016-17
2. Eurobodalla Local Heritage Places Grants for 2016-2017
3. Eurobodalla Heritage Advisory Service for 2016-17
4. Confidential - Eurobodalla Heritage Advisor Grant claim forms

Focus Area: Sustainable Communities

Delivery Program Link: S5.3 Manage and promote our Aboriginal and Non-Aboriginal Heritage

Operational Plan Link: S5.3.1 Coordinate the Heritage Advisory Committee and associated projects

EXECUTIVE SUMMARY

This report seeks adoption of the Eurobodalla Annual Heritage Report 2016-2017, attached to this report. Adoption of the report is a compulsory requirement of the 2016 heritage grant funding agreement Council has with the Heritage Division of the NSW Office of Environment and Heritage (OEH).

The Annual Heritage Report lists the achievements of Council's heritage program for 2016-2017 against the [Eurobodalla Heritage Strategy 2014-17](#), (Strategy) including:

- Local environmental plan heritage amendments
- Heritage tourism map launch
- Heritage Advisory Service

The strategy also includes financial assistance to owners of heritage listed items through the Local Heritage Places Grants (LHPG).

RECOMMENDATION

THAT:

1. Council endorse the Eurobodalla Annual Heritage Report 2016-17.
2. The Eurobodalla Annual Heritage Report 2016-17 be forwarded to the Heritage Division of the NSW Office of Environment and Heritage (OEH) in accordance with the conditions of the funding agreements.
3. Council thank the members of the 2015-18 Heritage Advisory Committee for their contribution to heritage management in the Eurobodalla Shire.

BACKGROUND

On 11 February 2014, Council adopted the Eurobodalla Heritage Strategy 2014-17 (Strategy) to guide heritage management in the Eurobodalla Shire and to secure funding from the Heritage Division. Accordingly, funding was made available to Council for the financial year 2016-17.

PSR17/041 ANNUAL HERITAGE REPORT 2016-2017

E07.1407

A condition of the grant funding is that a report on the use of the funds against the Strategy be adopted by Council and submitted to the Heritage Division annually.

The Annual Heritage Report 2016-17 has been prepared in accordance with the Heritage Division guidelines and provides an overview of the achievements and challenges of implementing the Eurobodalla Heritage Strategy 2014-17.

CONSIDERATIONS

This report will cover the annual report and the heritage related programs and projects conducted throughout the year. These include:

Heritage Advisory Committee

Since 2000 Council has convened a Heritage Advisory Committee (HAC) for the purpose of establishing a two way dialogue with the community relating to the management of our Shire's heritage.

The current committee was established for the period 2015-18 and is represented by the following members:

<u>Organisation</u>	<u>Current Representative</u>
Eurobodalla Shire Council:	Clr Maureen Nathan (chair) (succeeding Clr Liz Innes Sept 2016) Clr James Thomson (succeeding Clr Neil Burnside Sept 2016)
Community Representatives:	Paul Dolphin Catherine Lawler Ian Hibberson (now retired)
Aboriginal Advisory Committee:	Patricia Ellis
Moruya and District Historical Society:	Rob Lees
Narooma Historical Society:	Susan Pryke
Clyde River and Bateman's Bay Historical Society:	Ewan Morrison

Committee members have been proactive in working towards the achievement of the tasks in the Strategy.

Heritage Tourism Map

The HAC has worked closely with Council staff to develop a heritage-focussed tourist map of the Eurobodalla Shire that features some key historic places from Nelligen in the north, to Tilba

PSR17/041 ANNUAL HERITAGE REPORT 2016-2017

E07.1407

Tilba in the south and website to fulfil Task 27 of the Strategy. The project was to develop digital and printed heritage tourism maps in collaboration with Council's tourism staff and community groups. The heritage map joins a suite of Shire-wide maps aimed at assisting locals and visitors to explore themes of specific interest to them. The maps will be available in hard copy and on line and will provide links to additional information such as local museums and historical societies. The map was launched by the then Chair of the Heritage Advisory Committee, Cllr Liz Innes during History Week on 6 September 2016.

Amendments to Local Environmental Plans

Task 7 of Council's Strategy is to ensure that Council's Local Environmental Plans (LEPs) are updated with new or amended heritage items and that property descriptions are kept up-to-date. One planning proposal to update Council's LEPs has been made and two more have been drafted for the same purpose. Eurobodalla Shire currently has 380 items, places and areas listed which form a valuable drawcard for visitors to the area.

New items nominated by the community for heritage listing that are currently proceeding through the listing process include:

- Norfolk Island pine planting at Tarandore Point, Tuross Head
- Francis Guy's Store and Residence at 5 and 7 Clyde Street Batemans Bay
- The York Engine, Mogo.

Council's Heritage web page

Section 6 of Council's Strategy has been met by the upgrade of Council's "Culture and Heritage" web pages. The web site continues to be improved so that it is more informative and searchable, and easier to use. The addition of visual material will also put the Eurobodalla's heritage on show for researchers and those planning holidays.

Local Heritage Places Grants

The Local Heritage Places Grants program for 2016-17 was jointly funded by Council and the Heritage Division, OEH with Council providing \$18,000 to qualify for \$7,500 from the Heritage Division. The nine successful projects selected by the Heritage Advisory Committee were:

- St Stephen's Church, Nelligen
- Former St Mary's Church, (Mogo Gallery), Mogo
- Former Inn, Residence and Post Office, Mogo
- Former Kildare Hotel, Moruya
- Old Powerhouse, Moruya
- Post Office Gallery, Bodalla
- Holy Trinity Anglican Church, Tilba Tilba
- Dromedary Hotel, Central Tilba
- Old Butcher's Shop, Central Tilba

PSR17/041 ANNUAL HERITAGE REPORT 2016-2017

E07.1407

A report on the projects funded is attached to this report.

Heritage Advisory Service

The Heritage Advisory Service is jointly funded by Council and the Heritage Division with Council providing \$14,000 to qualify for \$7,000 from the Heritage Division. The service provides specialist heritage advice to Council staff and to owners of listed heritage items. The latter service is provided to property owners free from charge. A detailed summary of the Heritage Advisor's work in the Shire is attached to this report.

Legal

Submission of the Annual Heritage Report 2016-2017 meets Council's contractual responsibility under the funding agreement.

Economic Development Employment Potential

The Local Heritage Places Grant program supported over \$80,000 worth of conservation works. These works created income and employment within our Shire as well as engaging a number of volunteers.

Works related to heritage tourism will support the local tourism industry and attract visitors to the Eurobodalla.

Community Engagement

The Heritage Advisory Committee provides a link between Council and the community in regard to the management of heritage values within the Eurobodalla.

Council undertakes direct consultation with the community and relevant property owners in regard to specific projects such as amendments to the Local Environmental Plans and proposed heritage listings.

The availability of the funding under the Local Heritage Places Grant program was advertised to the public and invitations to apply were sent directly to eligible property owners.

CONCLUSION

The Minister for Heritage approved ongoing funding to support the Eurobodalla's heritage management for the financial year 2016-17. The Annual Heritage Report 2016-17 must be adopted by Council to continue to secure the funding.

Council's continued support for heritage management, promotion and protection for 2016-2017 and beyond will ensure the continuation of best practice heritage management in the Eurobodalla.

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Project completion and claim for payment

* indicates a required field

Local Government heritage advisors

Applicant

This question is read only.

Project Title

Eurobodalla Heritage Advisory Service

This question is read only.

1. Project Purpose

To advise Council and the community on heritage matters and to promote sound heritage management

2. Total Grant approved *

\$8,000.00

Must be a dollar amount.

3. Funding formula *

\$1 for \$2

(OEH : grant recipient)

4. Total Council expenditure (ex GST) on the project (including an estimate for June) *

\$21,091.00

5. Amount being claimed *

\$7,000

Taking into account the funding formula and the maximum amount approved. If you have a funding formula of \$1:\$2 divide total expenditure (Question 4) by 3. If this is equal to or less than the total grant approved, you can claim that amount.

6. Attach a summary of invoices received from your Heritage Advisor

Filename	Heritage Advisor invoice summary 2016-17 acquittal.xlsx
File size	10.4 kB

7. Attach a signed statutory declaration on expenditure incurred *

Filename	Statutory declaration LGA2016045.pdf
File size	87.0 kB

Click on the [Local government heritage management](#) webpage to download Statutory Declaration.

8. Attach Tax Invoice to OEI here *

Filename	Eurobodalla Heritage Advisor Grant claim form.doc
File size	113.0 kB
Do not add GST	

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

For assistance email heritage.grants@environment.nsw.gov.au or phone (02) 9873 8577

* indicates a required field

Council's Heritage Strategy

A requirement of the Local Government Heritage Advisor stream council must prepare, adopt and implement a heritage strategy. Your funding agreement requires council to submit a Heritage Strategy covering 2017-18.

This strategy must be based on Recommendations for local government on heritage management (Office of Environment and Heritage and the Heritage Council of NSW 2013) OEH.

OEH is currently reviewing the requirements for future Heritage Strategies.

9. Attach your Heritage Strategy covering 2017-18 *

Filename	draft Eurobodalla Heritage Strategy 2017-2021.pdf
File size	333.0 kB

Heritage Advisor Outputs

10. Attach a summary of key activities undertaken by the heritage advisor during the year *

Filename	Heritage Adviser activities for the year 2012-17.docx
File size	52.8 kB

Must be no more than 300 words

11. How many hours on average did your Heritage Advisor work per month? 10

Project evaluation

This section requests general information on outcomes and the value of the grant funding. As in previous years you are also asked to complete the Heritage Strategy Annual Report Template in the following sections. The template requests responses on specific outcomes such as increased community participation awareness and appreciation of heritage. You may find it useful to complete the Heritage Strategy Annual Report Template first and return to this section to summarise your views.

12. To what extent was the project purpose identified at question 1 achieved? Include how the level of success was measured. *

The advisory service continues to be greatly valued by both the community and Council staff. The advisor frequently meets property owners on site and is able to provide advice that is specific to their circumstances. This is clearly valued as is evidenced by the number of requests for advice. Council's assessment staff refer all relevant DA's to the advisor and address his comments in those determinations.

Did the Heritage Advisor achieve the activities/tasks identified at question 18 of your 16-17 application?

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

13. What were the outcomes of the grant project? Did the project contribute to council's heritage objectives? *

There is an ongoing and visible improvement in the shire's heritage stock, in particular the building's in the conservation areas. This contributes to the shire's historic character and adds to the tourism product that stimulates the local economy.

14. Do you have any other comments on the grant project/heritage advisor service?

Council is keen to continue this valuable service due to the positive impression of heritage that it helps to develop in the Eurobodalla. The resulting contribution to our shared identity, sense of place, local employment and the overall tourism product is highly valued by Council and the community.

This may relate to achievements, problems encountered in delivery of the project etc

15. Do you have any other comments on the Local Government Heritage Advisors funding stream, it's outcomes and value? *

The role of the heritage advisor and the Heritage Advisory Committee is integral to the activities of the shire's three historical societies. The societies play an important role for both long term as well as newly arrived residents and in this way the Advisory Service assists social and community cohesion.

Does it help to improve professional heritage advice through Local Councils? Did it allow council to employ a Heritage Advisor for more hours than it would have otherwise? How could the funding stream be improved?

Heritage Strategy Annual Report Template

The outcomes and indicators in the Heritage Strategy Annual Report template are based on a standardised heritage strategy developed from the OEH publication, [Recommendations for local government on heritage management](#).

Councils must use this reporting template to summarise their achievements throughout the year.

OEH and Heritage Council of NSW will include this data in reporting.

Recommendation 1

Establish a heritage committee to deal with heritage matters in your area

Outcome 1

Increased community participation, awareness and appreciation of heritage in the local area.

Key performance indicators

Heritage committee established? * Yes

Optional comments since 2000

Heritage committee constituted under s377 No

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

**of Local Government Act
 2009? ***

**Heritage policy written
 and adopted by council? *** Yes

Date completed ?

**Date/s reviewed and
 updated?** Current

Optional comments

**Heritage committee
 advice/input to council
 decision making? *** Yes

Optional comments

**Local heritage
 consultants directory
 established? *** No

Optional comments The few heritage consultants practicing locally are well known.

**Local services and
 suppliers directory
 established? *** No

Optional comments

**Council website link
 provided to the OEH
 website Heritage
 Consultants Directory *** Yes

Optional comments

Outcome 1 Evaluation

Social, environmental and economic factors

**1.1 What do the
 KPIs show about this
 outcome? ***

The Heritage Advisory Committee meets approximately four times per year and brings together representatives from the three historical societies as well as community members, elected councillors and Council staff. It fulfills an important part of Council's activities.

Must be no more than 200 words

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

1.2 What were the key results or achievements for this year? *

Key achievements included the completion of the shire's Heritage Map; contribution to the proposed Heritage Awards; supporting Council in the listing of Eurobodalla Shire as a recognised 'Fossicking Area'; and setting priorities for the Local Heritage Grant Program.

Must be no more than 200 words

1.3 Were there any challenges or disappointments that had a major effect on your results? Briefly describe what actions have been taken to address these. *

No, the Committee continues to operate as required.

Must be no more than 300 words

1.4 What will you do next year? *

Continue to run the committee as per usual

Must be no more than 200 words

Outcome 2

* indicates a required field

Recommendation 2

Identify the heritage items in your area and list them in your local environment plan (LEP).

Outcome 2

Increased knowledge and proactive management of heritage in your local area.

Key performance indicators

Community based heritage study completed? *

Yes

Date completed? *

2011

Date/s reviewed and updated? *

2016

Number of items recommended for inclusion in your LEP heritage schedule? *

5

Optional comments

Two have been listed while three are currently included in planning proposals.

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Aboriginal heritage study completed *	Yes
Date/s completed? *	2008
Date/s reviewed and updated?	n/a
Optional comments	
No. of heritage items included in existing LEP heritage schedule? *	362
Date/s completed? *	2017
Date/s reviewed and updated? *	2017
Optional comments	
Council has gazetted a principal LEP with model heritage provisions in accordance with Standard Instruments (LEPs) Order? *	Yes
Date gazetted?	20 July 2012
Optional comments	
Statement of significance for all heritage items in existing LEP? *	Yes
Date/s completed?	2017
Date/s reviewed and updated?	
Optional comments	Statements of heritage significance are reviewed as new information comes to light.

Outcome 2 Evaluation

Social, environmental and economic factors

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

2.1 What do the KPIs show about this outcome? *

Heritage places in the shire are well represented in the LEP heritage schedule.

2.2 What were the key results or achievements for this year? *

The community continue to conserve their privately owned and public heritage places. Examples include the conservation and promotion of Corunna Cemetery and the ongoing conservation and upgrade to the Kinema in Narooma.

2.3 Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this *

There were no disappointments or losses.

2.4 What will you do next year? *

We will be commencing the interpretation of selected places and conservation areas.

Outcome 3

* indicates a required field

Recommendation 3

Appoint a heritage and urban advisor to assist the council, the community and owners of listed heritage items.

Outcome 3

Increased community participation and proactive heritage and urban management in your local area.

Key performance Indicators

Number of heritage site visits undertaken in last year? *

43

Optional comments

The number is for individual visits to specific sites undertaken during the monthly visit to Eurobodalla Shire

Number of heritage/ urban design consultations provided in last year? *

68

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Optional comments

Number of requests
for pre_DA advice on
heritage/urban design
issues? *

8

Optional comments

Number of council DA's
projects provided with
heritage/urban design
advice? *

23

Optional comments

Outcome 3 Evaluation

Social, environmental and economic factors.

3.1 What do the
KPIs show about this
outcome? *

The provision of Advice is a major component of the
advisor's role in Eurobodalla Shire.

Must be no more than 200 words

3.2 What were the key
results or achievements
for this year? *

Restoration of the Ferrymaster's cottage at Nelligen, which
saved an important local heritage item.

Must be no more than 200 words

3.3 Were there
any challenges or
disappointments that
had a major effect on
your results? Briefly
describe and show what
action has been taken to
address this. *

Nil

Must be no more than 200 words

3.4 What will you do
next year? *

Council will continue to employ a heritage advisor to
provide advice to the community and staff.

Must be no more than 200 words

Outcome 4

* indicates a required field

Recommendation 4

Manage local heritage in a positive manner.

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Outcome 4

Proactive heritage and urban design management in your local area.

Key Performance Indicators

Heritage development control plan completed? *	Yes
Date/s completed *	2012
Date/s reviewed and updated *	Current
Optional comments	Tilba, Bodalla & Nelligen
Urban design development control plan prepared by council? *	Yes
Date completed? *	2012
Date/s reviewed and updated? *	Current
Optional comments	
Waive or reduce development application fees? *	No
Optional comments	
Adopt a flexible approach to planning and building requirements? *	Yes
Optional comments	Minor works and maintenance approval do not attract fees

Outcome 4 Evaluation

Social, environmental, economic

4.1 What do the KPIs show about this outcome? *	Heritage guidelines and controls are in place for key areas in the shire Must be no more than 200 words
--	--

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

4.2 What were the key results or achievements for this year? *

Review of Mogo DCP initiated
 Must be no more than 200 words

4.3 Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this. *

Nil
 Must be no more than 200 words

4.4 What will you do next year? *

Work towards appropriate controls for development in Mogo Village
 Must be no more than 200 words

Outcome 5

* indicates a required field

Recommendation 5

Introduce a local heritage incentives fund to provide small grants to encourage local heritage projects.

Outcome 5

Caring for our heritage - Increased community participation and proactive conservation and management of heritage in your local area.

Key Performance Indicators

Local heritage fund operational this financial year? *

Yes

Optional comments

Must be no more than 200 words

Number of heritage projects funded this financial year? *

9

Optional comments

Must be no more than 200 words

Total dollar project value? *

\$81,773.00
 Must be a dollar amount

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Optional comments

Must be no more than 200 words

Total amount of owner contribution to projects? *

\$56,273.00
 Must be a dollar amount

Optional comments

Must be no more than 200 words

Number of heritage projects that contributed to local tourism? *

6

Optional comments

Must be no more than 200 words

Number of projects that created paid employment? *

9

Optional comments

Must be no more than 200 words

Number of projects that created volunteer opportunities? *

2

Optional comments

Must be no more than 200 words

Outcome 5 Evaluation

Social, environmental and economic factors.

5.1 What do the KPIs show about this outcome? *

This relatively small grant program continues to support a significant amount of conservation work each year.
 Must be no more than 200 words

5.2 What were the key results or achievements for this year? *

Each project had a beneficial outcome that contributed to the visible upgrade and improvement of the shire's heritage items. Consistent with Eurobodalla's local grant priorities, the projects enhanced the shire's rich character which in turn will enhance local economies through tourism.
 Must be no more than 200 words

5.3 Were there any challenges or disappointments that had a major effect on

No, each project fulfilled its grant conditions and was completed satisfactorily.
 Must be no more than 200 words

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

**your results? Briefly
 describe and show what
 action has been taken to
 address this. ***

**5.4 What will you do
 next year? ***

The program will continue in accordance with funding
 priorities proposed by the Heritage Advisory Committee.
 Must be no more than 200 words

Outcome 6

* indicates a required field

Recommendation 6

Run a heritage main street program.

Outcome 6

**Council, owners and the community actively participate in attractive and well
 managed heritage main streets.**

Key Performance Indicators

**Does your council have
 an operational heritage
 main street committee?
 *** No

Optional comments

**Heritage main street
 study completed? *** Yes

Date completed? * 2011

**Date/s reviewed and
 updated?**

Optional comments Studies have been prepared for Nelligen & Bodalla

**If you answered Yes
 above to completing
 a heritage main
 street study, have the
 recommendations been
 implemented? *** No

Date completed? * n/a

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Optional comments

The primary purpose of the studies was to draw together the history and significance of the places. The recommendations are being implemented as resources and planning allowed

Has the heritage main street program expanded to other main streets in your local government area? *

No

Optional comments

Outcome 6 Evaluation

Social, environmental and economic factors.

6.1 What do the KPIs show about this outcome? *

Main street studies have been undertaken in two key historic villages in the shire.
 Must be no more than 200 words

6.2 What were the key results or achievements for this year? *

All of the main streets in the shire are doing well economically, which is in stark contrast to many other places in the State. There is a strong push in Eurobodalla to ensure that the shire's main streets look good and have economically sound businesses. The local heritage grant program has made a major contribution to this outcome.
 Must be no more than 200 words

6.3 Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this. *

Nil
 Must be no more than 200 words

6.4 What will you do next year? *

We need to look more closely at Mogo, and start thinking about Vulcan Street in Moruya
 Must be no more than 200 words

Outcome 7

* indicates a required field

Recommendation 7

Present educational and promotional programs.

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Outcome 7

Increased awareness and appreciation of heritage by the Council, owners and the community in your local area.

Key Performance Indicators

Does your council have heritage information available for the local government area (eg brochures, website, guidelines)? * Yes

Date originally set up? * 2010

Date most recently reviewed and updated? * 2017

Optional comments

Does your council have heritage information available for the local government area (eg brochures, website, guidelines)? * Yes

Optional Comments This question appears to be a repetition of the one at the top of the page.

Local/regional heritage tourism strategy completed? * Yes

Date completed? * 22 Sept 2011

Date/s reviewed and updated? * Current

Optional comments Destination management Plan includes heritage tourism. A tourism signage strategy is currently being developed which will also guide tourists to heritage sites and museums.

The council has a local/regional tourism information centre? * Yes

Optional comments Batemans Bay and Narooma

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Heritage trail completed *	Yes
Date/s completed? *	2016
Date/s reviewed and updated? *	N/A
Optional comments	
Heritage training for your council staff? *	No
If Yes, number of staff that attended heritage training? *	N/A
Optional comments	Intended for the new financial year
Heritage training for your Councillors? *	No
If Yes, number of Councillors that attended heritage training? *	N/A
Optional comments	Intended for the new financial year
Heritage training/ workshop for local heritage owners? *	No
If Yes, number of heritage owners that attended heritage training/workshops? *	N/A
Optional comments	Under consideration
Heritage training/ workshops for local professionals? *	No
If Yes, number of heritage professionals that attended heritage training/workshops? *	N/A
Optional comments	Under consideration

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Outcome 7 Evaluation

Social, environmental and economic factors.

7.1 What so the KPIs show about this outcome? *

Council has very good material in the form of brochures and maps available on line and in hard copy. Its heritage resources are well promoted through tourism initiatives as well as on line and through local historical societies.

7.2 What were the key results or achievements for this year? *

The historical societies, each of which receive recurrent funding from Council, have achieved excellent promotional activities over the last year.
 Council is in the process of establishing a 'heritage award' for the shire.

Must be no more than 200 words

7.3 Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this. *

There is an opportunity to conduct heritage training for the community and heritage property owners.

Must be no more than 200 words

7.4 What will you do next year? *

Conduct the first heritage award program.

Must be no more than 200 words

Outcome 8

* indicates a required field

Recommendation 8

Set a good example to the community by properly managing places owned or operated by the council.

Outcome 8

Council proactively conserves and manages its heritage assets.

Key Performance Indicators

The council has asset management plans with action plans for heritage assets? *

Yes

Optional comments

Moruya Showground,

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Number of control management plans and strategies prepared for state significant heritage assets? *

0

Optional comments

Does your council have an annual works budget secured for heritage asset maintenance and repairs? *

Yes

Optional comments

Outcome 8 Evaluation

Social, environmental and economic factors.

8.1 What do the KPIs show about this outcome? *

Plans should be prepared for Lakeview Homestead, Mechanic's Institute and the Abernethy Lathe, each of which are on the SHR

Must be no more than 200 words

8.2 What were the key results or achievements for this year? *

A master plan for the heritage listed Moruya Showground has been prepared that includes heritage comment. Stage 1 of Quarry Park has been completed.

Must be no more than 200 words

8.3 Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this. *

Nil

Must be no more than 200 words

8.4 What will you do next year? *

Seek funding to prepare heritage plans for Lakeview Homestead, Mechanic's Institute and the Abernethy Lathe.

Must be no more than 200 words

Outcome 9

* indicates a required field

Recommendation 9

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Promote sustainable development as a tool for heritage conservation.

Outcome 9

Proactive heritage and sustainable development in your local area.

Key Performance Indications

Number of heritage development application approvals for adaptive reuse works? *	1
Optional comments	Zeigler's shed Must be no more than 200 words
Number of development application approvals for regeneration and urban design works? *	4
Optional comments	Must be no more than 200 words
Number of heritage development application approvals for infill and/or additions works? *	10
Optional comments	Must be no more than 200 words
Number of pre-DA consultations given on sustainable and energy efficient modifications? (power, water, waste, carbon neutral) *	0
Optional comments	Must be no more than 200 words
Does your council offer sustainability and heritage awareness courses for councillors, council staff, heritage owners and community? *	No
If Yes, number of people who attended? *	0

Local Government Heritage Advisors 2016-2017 2016-2017 Heritage Advisors' Acquittal form and Annual Report Template

Application LGA2016045 From Eurobodalla Shire Council

Optional comments

Must be no more than 200 words

Outcome 9 Evaluation

Social, environmental and economic factors.

9.1 What do the KPIs show about this outcome? *

Council promotes sustainable development although this is not reflected in the number of heritage related DA's.

Must be no more than 200 words

9.2 What were the key results or achievements for this year? *

Retention of Zeiglers shed and its incorporation into a dwelling at South Moruya Head;
Stage 1 upgrade of Quarry Park.

Must be no more than 200 words

9.3 Were there any challenges or disappointments that had a major effect on your results? Briefly describe and show what action has been taken to address this. *

nil

Must be no more than 300 words

9.4 What will you do next year? *

We will continue to promote the adaptive re-use of former cheese factories and dairying infrastructure.

Must be no more than 200 words



Office of
Environment
& Heritage




NSW Heritage Grants

Local Government Heritage Places Grant Final financial report 2016–17

Eurobodalla Shire Council

SUMMARY REPORT ON ALL COMPLETED PROJECTS					
Applicant	Heritage item address	Project description	Project cost	Applicant's contribution	Local heritage funding
Matt O'Neill	Former Butcher's Shop, Bate Street, Central Tilba	Rebuild front and side deck	\$7,500	\$4,500	\$3,000
John Ulph	St Nicholas Anglican Church, Nelligen	Clean and Paint exterior of building	\$5,860	\$2,360	\$3,500
MP Youtlen	Dromedary Hotel, Central Tilba	Repair verandah railings etc	\$6,000	\$4,547	\$1,453
Clay Stafford and Alison Walsh	Former Power House, Moruya	Restore original facade	\$12,000	\$8,833	\$3,167
Linda Magnussen	Holy Trinity Anglican Church, Tilba Tilba	Repaint exterior	\$7,450\$	\$3,950	\$3,500
Debra Gough	Former Inn Residence and Post Office	Re roof main building and verandah	\$5,642	\$2,942	\$2,700
Peter Fluke	The former Kildare Hotel	Restump and re-level house	\$25,300	\$22,300	\$3,000
Valerie Faber	Post Office Gallery, Bodalla	Restore iron roof	\$7,690	\$4,510	\$3,180
Peter and Vanessa Williams	Former St Mary's Church, Mogo	Complete the reroofing of the church, Sanctuary and entry	\$4,331	\$2331	\$2,000
Total			\$81,773	\$56,273	\$25,500

1. PROJECT REPORT	
Heritage item address	27 Bate Street, Central Tilba
Project description	Rebuild front and side deck
Reason for the project	Timbers on the publically accessible deck have decayed and are a safety hazard
Heritage item	Former Butcher's Shop and Curtilage, Item 58
Applicant	Matt O'Neill
Date commenced	4 November 2016
Date completed	3 December 2016
Total project cost	\$7,500
Applicant contribution	\$4,500
Local heritage funding	\$3,000
Before photo	
	
<i>Typical decay before</i>	

After photo



After reconstruction



2. PROJECT REPORT	
Heritage item address	15 Braidwood Street Nelligen
Project description	Clean and Paint exterior of building and fence and restore entry
Reason for the project	Paintwork has decayed and front entry slab is badly cracked
Heritage item listing	Court House Item 202
Applicant	John Ulph
Date commenced	14 January 2017
Date completed	24 February 2017
Total project cost	\$5,860
Applicant contribution	\$2,360
Local heritage funding	\$3,500

Before photo



Front verandah before restoration and painting




3. PROJECT REPORT	
Heritage item address	14 Bate Street Central Tilba
Project description	Repair verandah railings etc
Reason for the project	Railings have decayed and are a significant public safety hazard
Heritage item listing	Dromedary Hotel, Item 57
Applicant	M P Youtlen
Date commenced	6 March 2017
Date completed	21 April 2017
Total project cost	\$6,000
Applicant contribution	\$,4547
Local heritage funding	\$1,453

Before photo






4. PROJECT REPORT	
Heritage item address	10 Page Street Moruya
Project description	Remove accretions and restore front elevation of building
Reason for the project	Cladding is in poor condition and contains asbestos sheeting
Heritage item listing	Former Powerhouse Item 139
Applicant	Clay Stafford and Alison Walsh
Date commenced	13 March 2017
Date completed	14 April 2017
Total project cost	\$12,000
Applicant contribution	\$8,833
Local heritage funding	\$3,167
Before photo	
	
<i>Before commencement</i>	



5. PROJECT REPORT	
Heritage item address	242 Corkhill Drive
Project description	Repaint church
Reason for the project	Existing paint has decayed
Heritage item listing	Holy Trinity Church, Item 227
Applicant	Lyndall Magnussen
Date commenced	1/11/2016
Date completed	20/12 /2016
Total project cost	\$7,450
Applicant contribution	\$3,950
Local heritage funding	\$3,500
Before photo	
	



6. PROJECT REPORT	
Heritage item address	34-36 Sydney Street, Mogo
Project description	Reroof building
Reason for the project	Extensive decay and leaking
Heritage item listing	Former Inn, Residence and Post Office, Item 108
Applicant	Debra Gough
Date commenced	1 /10/16
Date completed	22/10/16
Total project cost	\$5,642
Applicant contribution	\$2,942
Local heritage funding	\$2,700
Before photo	
	



7. PROJECT REPORT	
Heritage item address	51 Queen Street
Project description	Re stumping and relevelling the building
Reason for the project	Decay and subsidence of piers and the subfloor structure
Heritage item listing	Former Kildare Hotel, Item 150
Applicant	Peter Fluke
Date commenced	5 September 2016
Date completed	April 2017
Total project cost	\$25,300
Applicant contribution	\$22,300
Local heritage funding	\$3,000

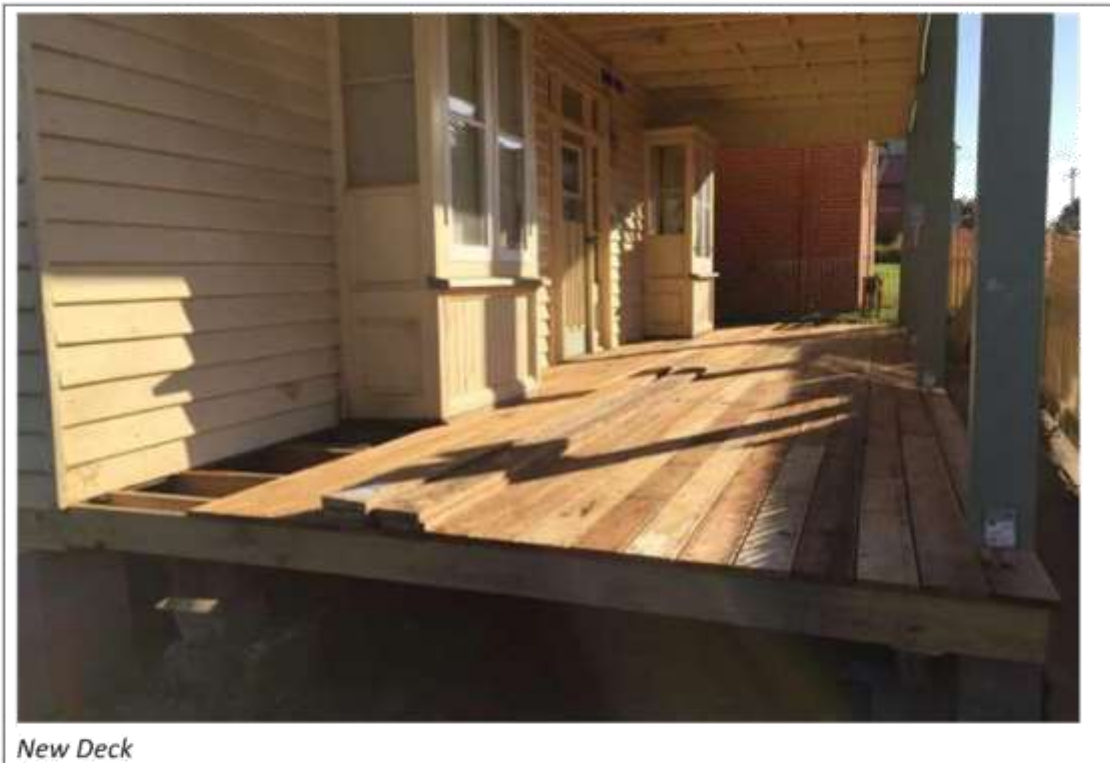
Before photo



After photos



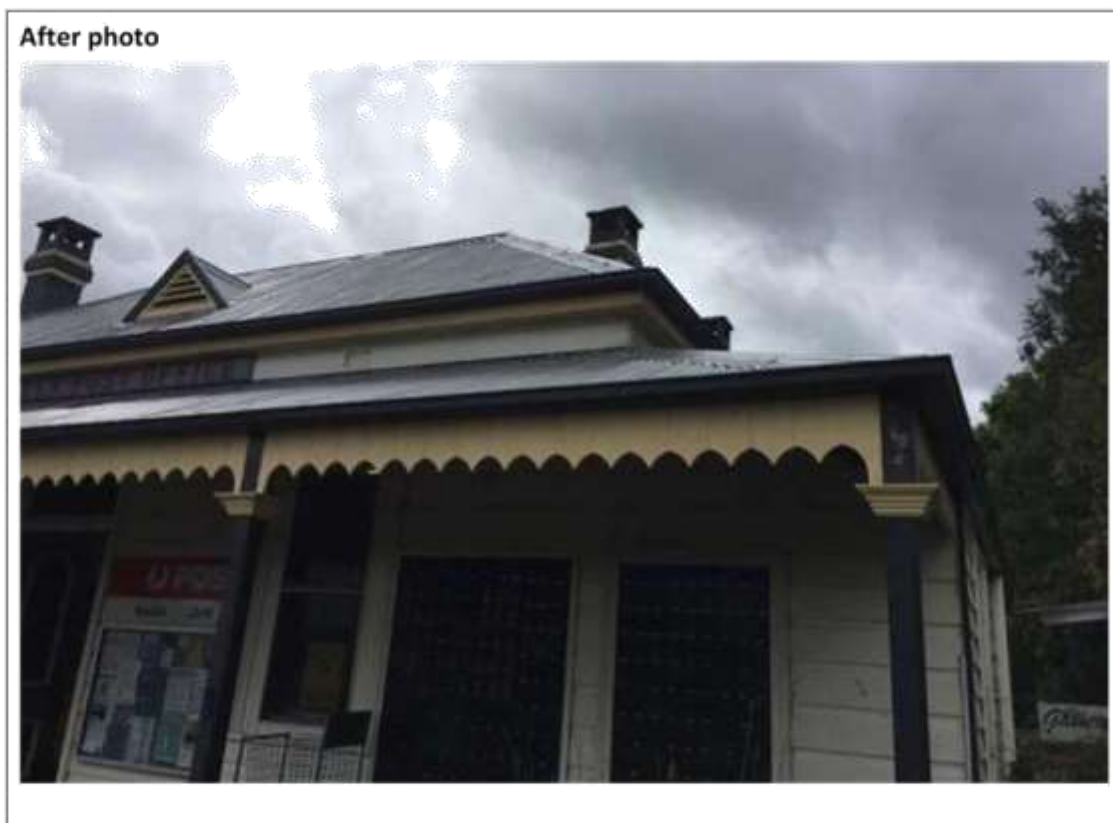
Funded work of restumping and levelling completed



8. PROJECT REPORT	
Heritage item address	66a Princes Highway, Bodalla
Project description	Restore roof and prevent leaks
Reason for the project	Roof leaks showing internally.
Heritage item listing	Post Office and Residence, Item 34
Applicant	Valerie Faber
Date commenced	24 Jan 2017
Date completed	24 Feb 2017
Total project cost	\$7,690
Applicant contribution	\$4,510
Local heritage funding	\$3,180

Before photo





9. PROJECT REPORT	
Heritage item address	24-22 Sydney Street, Mogo
Project description	Complete the replacement of the roof to Sanctuary and entry portico
Reason for the project	The main roof was replaced previously. All roofs were in very poor condition
Heritage item listing	Former Catholic Church, Item 106
Applicant	Peter and Vanessa Williams
Date commenced	8 Feb 2017
Date completed	3 March 2017
Total project cost	\$4,331
Applicant contribution	\$2,331
Local heritage funding	\$2,000
Before photo	
	
After photo	



Office of Environment and Heritage, 59 Goulburn Street, Sydney South 1232.
Phone: 131 555 or 1300 361 967. TTY users: phone 133 677, then ask for 131 555.
Speak and listen users: phone 1300 555 727, then ask for 131 555.
Email: info@environment.nsw.gov.au. Web: www.environment.nsw.gov.au.
Report pollution and environmental incidents: Environment Line: 131 555 (NSW only) or
info@environment.nsw.gov.au.

OEH 2015/0579 August 2015

Eurobodalla Heritage Advisory Service 2016-17

Heritage Advisor activities for the year:

- Advised and supported the Heritage Advisory Committee
- Prepared Heritage Inventory Sheets for new draft heritage items
- Commented on all works applied for under the Local Heritage Places Grant program
- Commented on the Heritage Near Me application prepared for Corunna Cemetery
- Prepared letters of support for grant applications for Narooma Kinema and Corunna Cemetery
- Provided detailed conservation advice to property owners on 68 occasions
- Provided heritage input to DA's assessed by Council staff on 23 occasions.

Month	Site visits	Advice	Pre-DA	DA	Adaptive reuse	Infill and additions	Regeneration and urban design
July		6		1			
Aug	13	10	2	2	1		1
Sep	8	7	3	6	1	4	1
Oct	5	6	1	1		1	
Nov	6	8		5	1	4	
Dec	-						
Jan	4	8		3		1	
Feb	-	8		1			1
March	-						
April	4	2		3	1		
May	3	4	2	1			1
June	0	7	0	0	0		
total	43	68	8	23	4	10	4

PSR17/042 FERGUS THOMSON OAM HERITAGE AWARD

E15.9349

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

Attachments: Nil

Focus Area: Sustainable Communities

Delivery Program Link: S5.3 Manage and promote our Aboriginal and Non-Aboriginal Heritage

Operational Plan Link: S5.3.1 Coordinate the Heritage Advisory Committee and associated projects

EXECUTIVE SUMMARY

The purpose of this report is to recommend an annual heritage award to honour the late Fergus Thomson OAM, former mayor, councillor and chair of the Eurobodalla Heritage Advisory Committee. Mrs Yvonne Thomson identified heritage as Fergus's passion and an appropriate subject for the award.

The Fergus Thomson Heritage Award is proposed to be presented annually to recognise people or groups who have made significant contributions to heritage management and conservation in the Eurobodalla Shire.

RECOMMENDATION

THAT

1. Council endorse the implementation of an annual heritage awards program, to recognise significant contributions to heritage management and conservation in the Eurobodalla Shire.
2. The award be named the Fergus Thomson OAM Heritage Award.

BACKGROUND

Heritage Advisory Committee

Since 2000, Council has convened a Heritage Advisory Committee for the purpose of establishing a two way dialogue with the community relating to the management of our Shire's heritage. Committee members have been proactive in developing successive heritage strategies for the Eurobodalla and in working towards the achieving the tasks in the strategy, one of which was the introduction of a heritage award, identified in the current Heritage Strategy.

Fergus Thomson OAM

Fergus Thomson OAM was a long serving member and chair of the Heritage Advisory Committee until his passing on 24 July 2015.

Mr Thomson was well loved and known throughout our community for his long commitment to public service. He was elected to Eurobodalla Shire Council in April 2004 and first served as Mayor from that time until September 2005, following in the footsteps of his father, Douglas.

PSR17/042 FERGUS THOMSON OAM HERITAGE AWARD

E15.9349

In 2008, Mr Thomson became Eurobodalla's first popularly elected Mayor, and once again served the Eurobodalla community in that capacity with dedication and enthusiasm until September 2012. Re-elected in 2012, his service as a councillor continued, attending Council meetings and community functions when his declining health would allow.

Mr Thomson explained his feelings about local government and serving his community in January 2015 after being recognised for his service to the community and to local government with an Order of Australia Medal. He said that his motivation to continue to attend council meetings despite his illness came down to a love for the Eurobodalla. "I love the community and I think that is the only reason you could ever go into local government. If you didn't enjoy it and you don't enjoy working with the people you wouldn't do it - you couldn't do it."

Beside his family, Mr Thomson's passions could be summed up as local government, people, and the land. He served on the boards of a range of national, state and regional organisations. In 2013, he was elected an inaugural director of Local Government NSW, the State's most powerful local government industry group. Locally, he served on Eurobodalla Shire Council's Aboriginal, Disability and Heritage Advisory Committees.

Fergus Thomson OAM leaves a legacy of fine service to the Eurobodalla community in particular his dedication to our Shire's cultural heritage. It is this legacy that has inspired the proposal to establish an annual Fergus Thomson Heritage Award.

The proposal was first raised by Councillor Lindsay Brown when he was Mayor. Heritage was identified by Mrs Yvonne Thomson as Fergus's passion and an appropriate subject for the award.

The award is intended to:

- a) Honour the memory of the late Fergus Thomson OAM and his contribution to heritage management in the Eurobodalla Shire.
- b) Encourage excellence and endeavour in the areas of heritage recognition, recording, preservation, conservation, promotion and education.
- c) Raise awareness of the rich history and heritage that exists in our Shire and through that, promote a sense of community and shared history.

CONSIDERATIONS

It is proposed that an award of \$1,000 be given annually accompanied by a physical trophy in the form of a small artwork with a heritage character. This form of prize will provide an opportunity to promote local art and local artists through the commissioning of a unique trophy each year. In acknowledgment of Mr Thomson's long-standing commitment to working with the local Aboriginal community, the commission for the inaugural trophy will be offered to an Aboriginal artist. In subsequent years expressions of interest will sought from the whole Eurobodalla art community. A budget allocation of \$1,000 for the award and \$500 for the trophy will be made.

The award is strongly supported by the Heritage Advisory Committee.

Nominations for recipients could come from any party, including the potential awardee. For example a builder could nominate their own restoration work. Other nominators could include the general community, members of Heritage Advisory Committee, historical societies, Council staff, councillors, the Heritage Advisor, etc.

PSR17/042 FERGUS THOMSON OAM HERITAGE AWARD

E15.9349

The award would be presented by Mrs. Yvonne Thomson, widow of the late Fergus Thomson (or a senior representative member of the Thomson family) and the mayor at an appropriate ceremony preferably during the annual [History Week](#) in September or the [NSW Heritage Festival](#) which is usually held over April and May each year. This may be tied to other presentations of a community nature.

Eligibility

Eligible people or projects for the award could be:

- the restoration of a building or site
- a recent history/heritage publication or multimedia presentation
- a heritage event
- a person or group who has made a significant contribution to Eurobodalla's heritage
- action leading to the preservation, or greater understanding of, a heritage place or item
- a tourism related heritage project
- Aboriginal heritage project

Works by Council are not eligible, although volunteer groups working on or with Council-owned land or property may be eligible.

Criteria

Given the breadth of the award it is suggested the criteria be broad and flexible to respond to differing conditions from year to year.

- Projects must have been completed in the last two years.
- Contribution to the conservation of our Shire's heritage by way of an example. Eg. a building, object or cemetery restoration.
- Contribution by way of education and promotion.
- Quality and detail of project.
- A project that encourages others to recognise, value and preserve our heritage.
- A project that has wider impact. Eg. promoting our Shire's heritage beyond the shire boundary, and/or encouraging heritage tourism.
- Project integrates heritage and urban design. For example, heritage considerations addressed in significant commercial development, strong contribution to a streetscape or strong contribution to a conservation area.

PSR17/042 FERGUS THOMSON OAM HERITAGE AWARD

E15.9349

Process

The promotion and selection process would be managed by Council's Strategy and Heritage Planner.

Notification by media release and public notice would be made eight weeks prior to announcement of the award with nominations being taken until four weeks before announcement.

Nominations would be considered by the Heritage Advisory Committee in consultation with the Heritage Adviser and persons with other expertise where required and final decision made by Council staff under delegation, based on the advice received from the Heritage Committee.

Mrs. Yvonne Thomson or a senior representative member of the Thomson family would be given a single recommendation for endorsement.

Each year expressions of interest will be requested from local artists wishing to provide a physical trophy in the form of a small artwork with a heritage character. The commission will be awarded through a peer selection process which will employ the expertise of a panel of artists; advice will be provided to Council.

The winner would be presented with the award and trophy by Mrs. Thomson, or a senior representative member of the Thomson family, and the mayor. In the event that Mrs Thomson or a senior representative of the Thomson family is not available, the mayor or a delegate of the mayor will present the award.

Policy

Conducting an awards program for members of the community engaged in the promotion and conservation of the heritage of the Eurobodalla Shire satisfies Task 22, Section 5 of Council's Heritage Strategy 2014-2017.

The form of the trophy satisfies the aims of Council's Creative Arts Services Policy by increased opportunities for local artists to develop their creative skills through the inspiration provided by the spirit of the award.

Financial

A budget allocation of \$1,500 will be made being \$1,000 for prize money plus \$500 for the trophy.

Community and Stakeholder Engagement

Council will advertise the availability of the award through its website and the local media by way of a media release and public notice in the newspaper. Notification will be made eight weeks prior to the planned presentation of the award with nominations being taken until four weeks before announcement.

CONCLUSION

It is proposed that an award named the Fergus Thomson Heritage Award be presented on an annual basis to recognise significant contributions to heritage management, conservation and/or promotion in the Eurobodalla Shire.

PSR17/042 FERGUS THOMSON OAM HERITAGE AWARD

E15.9349

The award will be a physical trophy in the form of a small artwork with a heritage character.
This form of the prize will provide an opportunity to promote local art and local artists.

**PSR17/043 DRAFT TUROSS RIVER ESTUARY AND COILA LAKE COASTAL
MANAGEMENT PROGRAM**

E15.9382

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

Attachments: 1. Under Separate Cover - Tuross River Estuary and Coila Lake Coastal Management Program - public exhibition

Focus Area: Sustainable Communities

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

Operational Plan Link: S5.5.4 Tuross Estuary Management Plan review

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement of a draft Coastal Management Program (draft Program) for the Tuross River Estuary and Coila Lake for the purpose of community consultation.

The draft Program recognises the achievements of Council's 2005 Tuross Estuary and Coila Lake Estuary Management Plan (the Plan) and identifies new management issues that have arisen since it was adopted. The Plan has been reviewed and delivered as a draft Program to align with the new NSW coastal management framework.

The community was consulted prior to the draft Program being prepared to ensure their issues were captured and included in the plan. The Coast and Environment Management Advisory Committee (CEMAC) was advised of the project when it commenced.

The draft Program was prepared by specialist consultants with funding from the NSW Office of Environment and Heritage. Key actions recommended in the draft Program include:

- estuary health monitoring and reporting
- aquatic plant mapping and reporting
- river bank environmental projects to control erosion and restore native vegetation
- monitoring of erosion at Cambathin Island
- implement actions from the Tuross River Water Quality Improvement Plan
- removal of Deuaumba Island causeway
- Coila Lake stormwater quality improvement works and development of a waterway access and infrastructure plan
- control vehicular access across Eurobodalla National Park that is resulting in impacts on a protected vegetation community located on council land
- review the Coila Lake entrance management triggers.

If endorsed for exhibition, Council will seek community feedback through a minimum 28 day public exhibition period. Following exhibition, a further report to Council would outline any issues raised during the exhibition period and present a final draft Program for consideration for adoption by Council. The adopted Coastal Management Program would be forwarded to the

**PSR17/043 DRAFT TUROSS RIVER ESTUARY AND COILA LAKE COASTAL
MANAGEMENT PROGRAM**

E15.9382

Minister for the Environment for certification and gazettal to satisfy compliance with the *Coastal Management Act 2016*.

RECOMMENDATION

THAT Council

1. Endorse the draft Tuross River Estuary and Coila Lake Coastal Management Program for a minimum 28 day public exhibition period.
2. Receive a report back on the draft Tuross River Estuary and Coila Lake Coastal Management Program to consider any submissions received during the public exhibition period and to consider a final Tuross River Estuary and Coila Lake Coastal Management Program for adoption.

BACKGROUND

Eurobodalla Shire Council adopted the Tuross Estuary and Coila Lake Estuary Management Plan (the Plan) in 2005. The Plan has been implemented over the past eleven years with many of the targets met through a combination of on-ground works and community education programs.

The NSW Government announced a range of reforms to coastal legislation and management since the Plan was adopted in 2005. It was timely to review and update the Plan to identify any outstanding actions, identify new estuary management initiatives and align the document with the new NSW coastal management framework.

Preparing the Plan during a period of significant change to coastal legislation and planning policy has resulted in a delay to bringing this program to exhibition. These delays were as a result of incomplete advice and guidelines from the NSW Government on how to identify and map coastal hazard areas within an estuary.

The community was consulted prior to the draft Program being prepared to ensure their issues were captured and included. The Coast and Environment Management Advisory Committee was advised of the project when it commenced.

The primary issues of concern raised by the community were:

- Recreational fishers concerned by access to fisheries resources of Coila Lake by commercial fishers
- Landowners requesting a review of the entrance management triggers for Coila Lake.

The draft Program cannot directly address the access issues for fishers at Coila Lake. This matter is administered by the NSW Department of Primary Industries.

The issue of entrance management can be directly managed within the draft Program, which has recommended a review of the entrance triggers for Coila Lake (Action 10) to add some flexibility, including potentially providing a range of triggers that may apply for an extended period. It is anticipated this will be a key issue for the community over the exhibition period.

**PSR17/043 DRAFT TUROSS RIVER ESTUARY AND COILA LAKE COASTAL
MANAGEMENT PROGRAM**

E15.9382

CONSIDERATIONS

Under the new *Coastal Management Act 2016*, a coastal council must prepare a Coastal Management Program for their coastline or sections of their coast. The current Plan has therefore been reviewed and delivered as a draft Program to align with these requirements.

The draft Program outlines a range of high, medium and low priority actions to be implemented by Council and NSW Government agencies, working with private land holders where necessary. The plan outlines the ten year cost of the actions and potential funding sources. Many of the actions will be subject to the securing of grant funding.

Key actions recommended in the draft CMP include:

- Council to undertake estuary health monitoring and reporting (every two years)
- Council to undertake aquatic plant mapping and reporting (every five years)
- Relevant agencies to undertake riverbank environmental projects to control erosion, erect fencing and restore native vegetation, working with land holders where necessary
- NPWS to monitor erosion of Cambathin Island (annually) and undertake a cost-benefit analysis to assess coastal management options to prevent a breakthrough
- Council to work with South East Local Land Services (SELLS) to implement actions from the Tuross River Water Quality Improvement Plan 2016, focused on sites identified through current SELLS programs
- Council to remove Deuaumba Island causeway (as recommended in 2005 EMP)
- Council continue with stormwater quality improvement works in Tuross Head to improve water quality draining to Coila Lake
- Council to support RMS to develop a waterway access and infrastructure plan for Coila Lake
- Council to review the Coila Lake entrance management triggers
- Council to work with NPWS to control vehicular access across Eurobodalla National Park that is resulting in impacts on a protected vegetation community located on council land.

Following exhibition, a further report to Council would outline any issues raised during the exhibition period and present a final draft Program for adoption by Council. The adopted Program would be forwarded to the Minister for the Environment for certification and gazettal to satisfy compliance with the *Coastal Management Act 2016*.

Legal

Under the new *Coastal Management Act 2016*, a coastal council must prepare a Coastal Management Program for their coastline or sections of their coast. The draft Program has been prepared to align with the new NSW coastal management framework.

**PSR17/043 DRAFT TUROSS RIVER ESTUARY AND COILA LAKE COASTAL
MANAGEMENT PROGRAM**

E15.9382

Policy

If adopted after public exhibition, the Program would replace Council's 2005 Tuross Estuary and Coila Lake Estuary Management Plan.

Environmental

The draft Program considers outstanding actions of the current Plan and identifies new estuary management initiatives that would continue to deliver projects that have a positive outcome for the environment.

Financial

The draft Program was prepared by specialist consultants with 50% of the project cost funded through a grant from the NSW Office of Environment and Heritage.

A certified Program will be a requirement for grant funding to implement many of the actions in the Plan.

Community and Stakeholder Engagement

If endorsed for exhibition, Council will seek community feedback through a minimum 28 day public exhibition period where the draft Program will be available on Council's website, at the Moruya library and the Moruya customer service centre.

Consultation will also include meeting with the Coast and Environment Management Advisory Committee and a community workshop during the exhibition period to discuss the plan and any projects proposed for the Tuross River Estuary and Coila Lake.

The community was consulted prior to preparing the draft Program to ensure their issues were captured and included in the report. Consultation activities included:

- A mail out to residents
- Media release issued on 3 November 2016
- Two community information sessions on 23 and 24 November 2016

The Coast and Environment Management Advisory Committee was advised of the project when it commenced.

CONCLUSION

A draft Tuross River Estuary and Coila Lake Coastal Management Program has been prepared for public exhibition. If endorsed for exhibition, Council will seek community feedback through a minimum 28 day public exhibition period. Following exhibition a report will be presented to Council to consider any submissions received and a final Program for adoption.

An adopted Program will be submitted to the Minister for the Environment for certification which will improve future funding opportunities for works to implement the plan.

PSR17/044 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO.14 – FLOOD MAPPING AND ASSOCIATED AMENDMENTS

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

Attachments:

1. Under Separate Cover - Draft Planning Proposal - Eurobodalla Local Environmental Plan 2012 - Amendment No. 14 - Flood Mapping and Associated Amendments
2. Under Separate Cover - Draft Moruya Flood Planning Area Map
3. Under Separate Cover - Draft Narooma, Kianga and Dalmeny Flood Planning Area Map
4. Under Separate Cover - Draft Tomakin, Mossy Point, Broulee and Mogo Flood Planning Area Map

Focus Area: Sustainable Communities

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

Operational Plan Link: S5.5.2 Narooma Coastal Inlets Flood Studies

EXECUTIVE SUMMARY

The purpose of this report is to present a draft planning proposal to amend the Eurobodalla Local Environmental Plan 2012 (ELEP 2012).

The proposed amendments are to:

- amend local provision 6.5 Flood Planning to generally reflect the current model clause
- include mapping to identify the flood planning area for Moruya, Narooma, Dalmeny, Tomakin, Broulee, Mogo and Mossy Point
- rezone certain E2 Environmental Conservation zoned land to an appropriate zone within the mapped flood planning area
- amend the lot size map in relation to land in Moruya and Moruya Heads
- amend the height of buildings maps in relation to land in Moruya
- amend the wetland map in relation to land at Preddys Wharf Road, Moruya Heads.

The proposed amendments will provide greater certainty to existing and prospective land owners as to the flood hazard affecting land. The planning proposal will also facilitate additional development in locations that have been determined to have a low to medium flood hazard, subject to consideration of the flood impact at the development application stage.

The flood mapping proposed to be included in ELEP 2012 has been the subject of public consultation during development of the associated flood studies.

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

PSR17/044 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO.14 – FLOOD MAPPING AND ASSOCIATED AMENDMENTS

A draft planning proposal for the purpose of seeking a Gateway Determination from the Department of Planning and Environment has been prepared and is attached to this report. Should Council endorse the planning proposal, it is intended that Council request an authorisation to exercise delegation to finalise the planning proposal following community consultation.

RECOMMENDATION

THAT Council

1. Endorse the attached planning proposal to amend Eurobodalla Local Environmental Plan 2012, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*.
2. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.
3. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegation for making the plan under Section 59 of the *Environmental Planning and Assessment Act 1979*.
4. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
5. Receive a report back on the planning proposal to consider any submissions received during consultation as per the requirements of Section 57 of the *Environmental Planning and Assessment Act 1979*.
6. Note that the plan is proposed to be made under delegation following the issue of a Gateway Determination and the completion of community consultation requirements.

BACKGROUND

ELEP 2012 was notified on 20 July 2012. Since this time there have been ten (10) amendments for various reasons. Three other amendments are currently in progress.

When it was first made, ELEP 2012 did not include mapping to identify flood planning areas. At that time, there was only one flood study available to inform the preparation of flood mapping (Moruya Flood Study).

The absence of mapping to identify flood planning areas is currently overcome by applying the E2 Environmental Conservation zone to land that is flood prone (such as overland flow paths). The application of the E2 zone to identify hazards is consistent with the Department's Practice Note PN 09-002 Environment Protection Zones which refers to the use of E zones for hazards, such as land affected by coastal hazards, steeply sloping escarpment lands and land slip areas.

CONSIDERATIONS

Since the adoption of the ELEP 2012, additional studies have been completed and flood mapping can be included for Moruya, Narooma, Dalmeny, Tomakin, Broulee, Mogo and Mossy Point. These studies have been prepared in accordance with the NSW Floodplain Development Manual 2005 (the manual) and as such, Council is now in a position to include mapping to

PSR17/044 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO.14 – FLOOD MAPPING AND ASSOCIATED AMENDMENTS

identify the flood planning area for these places within the ELEP 2012. Consultation with affected communities was undertaken as part of the development of those studies.

Council currently does not have any recent flood studies for Batemans Bay that have been prepared in accordance with the manual therefore Batemans Bay has not been included in this proposal. Funding from the NSW Government has been sought to prepare flood studies for the north of the Shire and such funding is anticipated to become available in the 2017/18 financial year.

Land within the flood planning area that is currently zoned E2 has been considered for rezoning in the following circumstances:

- where a property has a split zone (eg. part E2 / part R2 Low Density Residential) and the flood hazard is low to medium, the E2 part is proposed to be changed to the other zone applying to the land
- where the whole of a lot is currently zoned E2 and the flood hazard is low to medium, the adjoining zone is proposed to be applied
- where the whole or part of a lot is zoned E2, has a flood hazard of high or above, and is currently used for some form of agricultural purpose (eg. horse agistment), the RU1 Primary Production zone is proposed to be applied
- some public lands currently zoned E2 are proposed to be zoned either RE1 Public Recreation (where the flood hazard is low to medium) or RU1 Primary Production (where the flood hazard is high or above).

The above zoning changes will only apply to land that was zoned E2 for the sole purpose of identifying overland flow paths and flooding. Land zoned E2 for environmental attributes (such as wetlands or endangered ecological communities) are not proposed to be rezoned under this planning proposal.

The minimum lot size map will be amended in low to medium flood hazard areas where land has been rezoned to R2, R5 or E4. This will allow these lots to be appropriately developed in accordance with the zoning. Mitigating the risk from flooding to any new developments at these sites will be managed through a merit based assessment guided by Clause 6.5 of the ELEP 2012 and the relevant building codes.

The maximum height of buildings map will also be amended for consistency with adjoining land, where appropriate.

The planning proposal will update Clause 6.5 - Flood Planning of ELEP 2012 to generally reflect a more recent version of the clause within the standard instrument LEP. The revised clause 6.5 will refer to the Flood Planning Maps, update definitions and incorporate relevant provisions from the existing clause 6.5 in ELEP 2012.

In reviewing land zoned E2 for the purpose of this planning proposal, an error in the Wetland Map in ELEP 2012 in relation to land at Preddy's Wharf Road, Moruya Heads was found. It is proposed to amend the Wetland Map to remove the wetland designation from the road and private property in this location.

The LEP amendments outlined above will provide greater certainty to existing and prospective land owners as to the flood hazard affecting land. It will also facilitate additional development

PSR17/044 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO.14 – FLOOD MAPPING AND ASSOCIATED AMENDMENTS

in locations that have been determined to have a low to medium flood hazard, subject to consideration of the flood impact at the development application stage.

Should Council endorse the planning proposal and a Gateway Determination is issued by the Department of Planning and Environment, the planning proposal will be placed on public exhibition for community input.

It is intended that Council request an authorisation to exercise delegation to finalise the matters addressed in this planning proposal.

Legal

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

Policy

The planning proposal has been prepared in accordance with Department of Planning and Environment Guidelines for preparing planning proposals and Local Environmental Plan amendments. The proposed amendments are consistent with the South Coast Regional Strategy 2006 which requires local environmental plans to include appropriate planning provisions consistent with the Floodplain Development Manual to minimise risk from flooding. The proposed amendments are also consistent with strategy 3.1 of the Eurobodalla Community Strategic Plan 2017, 'respond to our changing environment and build resilience to natural hazards'.

Environmental

The planning proposal ensures that land is appropriately zoned having regard to the level of flood hazard and the environmental attributes of the land.

Economic Development Employment Potential

The planning proposal facilitates development potential on land identifies as having low to medium flood hazard subject to consideration of the flood impact at the development application stage.

Community and Stakeholder Engagement

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

The flood maps proposed to be included in ELEP 2012 are consistent with maps that have been the subject of community consultation on the development of the relevant flood studies.

CONCLUSION

The matters dealt with in this planning proposal will provide clear identification of flood prone land in parts of Eurobodalla and facilitate appropriate development outcomes.

PSR17/044 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT E17.1168
NO.14 – FLOOD MAPPING AND ASSOCIATED AMENDMENTS

A draft planning proposal has been prepared for consideration by Council. It is recommended that Council resolve to endorse the planning proposal for the purpose of seeking a Gateway Determination from the Department of Planning and Environment. The Gateway Determination will enable the planning proposal to be placed on public exhibition. It is also recommended that Council request an authorisation to exercise delegation to finalise the matters addressed in this planning proposal following community consultation.

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

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

Attachments: 1. Confidential - Submissions

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: Munns Sly Moore Architects

Land: Lot 2 DP 1161705 89 Vulcan Street and
Lots 7 & 8 DP 37973 88 – 90 Murray Street, Moruya

Area: 1.968 ha
1,650.36m²

Setbacks: Vulcan Street – 6m
Murray Street – 9.161m

Height 8.5m

Zone: R3 Medium Density Residential
SP2 Infrastructure (Car Park)

Current Use: Eurobodalla Shire Council's Moruya Library

Proposed Use: Moruya Library Extension, Arts Centre and Car Park

Description: Extension of existing Library for a Community Facility and Car Park

Permitted in Zone: Yes

DA Registered: 19 April 2017

Reason to F&S: Council application

Recommendation: Approval

EXECUTIVE SUMMARY

The purpose of this report is to consider an application for alterations and additions to the Library Building at 89 Vulcan Street Moruya.

The development comprises of a new entryway, signage, landscaping, exhibition space, library extension, meeting rooms, and outdoor public space. The application also includes 50 additional public car parking spaces on Lot 7 & 8 Murray Street, Moruya. This car park will be sealed with a two coat bitumen seal. The car park will contain lighting and the installation of street trees along the Murray Street frontage.

The application was advertised and six (6) submissions were received. There were no objections to the community facility. The objections received raised concerns over the proposed car park

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

on Lot 7 & 8 Murray Street, pathways, drainage, landscaping, lighting, access and potential unauthorised activities. These have been addressed through amended plans which included additional landscaping, relocation of the vehicle access point and relocation of the public footpath to connect the public path along Murray Street. It is considered that other issues raised can be addressed via conditioning of development consent.

The land is owned by Council and is classed as operational land in accordance with Local Government Act, 1993.

RECOMMENDATION

THAT Council approve the Development Application 566/17 for the construction of Alterations and Additions to the existing library and creation of an Arts Centre and car park at 89 Vulcan Street and 88-90 Murray Street, Moruya subject to conditions of consent:

GENERAL CONDITIONS

1. *Approved plans*

The development must be carried out in accordance with the following stamped approved plans and documentation, or as modified by any conditions of this consent, or as noted in red by Council on the approved plans.

DA & Sheet No.	Plan No.	Date of Plan	Prepared by
566/17 Sheets 1 to 6	3997-FSP	June 2017	Munns Sly Moore Architects
566/17 Sheet 7	4626	June 2017	Eurobodalla Shire Council
566/17 Sheet 8	1346	June 2017	Redbox Design Group

Note: Any alteration to the plans and/or documentation may require the lodgment of an application to modify the consent under s96 of the Environmental Planning and Assessment Act (EPA Act) 1979, or a fresh development application. Your Principal Certifying Authority should be consulted prior to any works contrary to this consent being carried out.

Where there is an inconsistency between the documents approved with this consent and the following conditions, the conditions shall prevail to the extent of that inconsistency.

2. *Water & Sewer Inspections*

All plumbing and drainage works (water supply, sanitary plumbing and drainage, and hot water) are to comply with Plumbing and Drainage Act 2011 and the Plumbing Code of Australia. Works must only be installed by a licensed person and must be inspected and given final clearance from Council prior to issue of Interim or Occupation Certificate.

The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by contacting Council's Compliance Unit:

- (a) Sanitary drainage under hydrostatic test and prior to backfilling trenches or

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

covering;

- (b) Hot and cold water plumbing under pressure test prior to covering;
- (c) Internal stackwork under hydrostatic test prior to covering; and
- (d) The installation of the septic tank and any sillage trenches prior to backfilling or covering.
- (e) Issue of final satisfactory inspection.

3. Demolition Standards

Building demolition works are to be carried out in accordance with AS 2601 (2001) – *The Demolition of Structures*.

Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

4. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. Acid Sulfate Soil Assessment and Management Plan

An Acid Sulfate Soil Assessment and (if necessary) an Acid Sulfate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the NSW Acid Sulfate Soil Manual. The Assessment and Management Plan shall be prepared in accordance with Council's Acid Sulfate Soils Policy and shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

6. Long Service Levy

Long Service Levy is required to be paid to the NSW Long Service Payment Corporation prior to the issue of a Construction Certificate. The amount to be paid is 0.35% of the cost of buildings and works where these are valued at \$25,000 or more.

7. Water Meter – Industrial/Commercial Development

Submission to Council of certification and layout plan for the service by a suitably qualified hydraulic engineer/consultant on the recommended water meter size required for the development in accordance with AS 3500.1:2003 National Plumbing and Drainage Code and AS2441-2005 Installation of Fire Hose reels.

Note: All fire hose reels must be supplied through the metered supply.

Council will provide a quote to construct the water service complete with meter with prepayment required prior to works being scheduled.

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

Note: A backflow prevention device is to be installed and certified by a private plumber in accordance with Council's Backflow Prevention policy.

8. *Building Near Stormwater Mains*

Prior to issue of Construction Certificate, submission to and approval by Council of satisfactory designs by a suitably qualified and experienced Structural/Civil Engineer for engineered footings adjacent to Council's storm water mains and any abandoned storm water mains. Construction is to conform to the Engineer's design.

9. *Flood*

Prior to issue of a Construction Certificate, submission to and approval by Council of designs by a suitably qualified and experienced Structural/Civil Engineer that the development will be capable of withstanding the impact of the flood hazard applicable to the location.

10. *Flood Compatible Materials*

Prior to the release of a Construction Certificate plans are to be submitted to the satisfaction of the Principal Certifying Authority showing all building materials used below the 5% (AEP) minimum habitable floor level, and including the floor, to be of flood compatible materials ie. the structural integrity of the materials must not be adversely affected by repeated immersion in flood water. Details of these materials are to be consistent with Council's "Guidelines for Flood-Compatible Materials".

PRIOR TO COMMENCEMENT OF WORKS

11. *Erosion and Sedimentation Control*

Prior to commencement of any earthworks, installation of all measures necessary to effectively control soil erosion on the site to prevent silt discharge into drainage systems and waterways in accordance with Council's Soil and Water Management Code. The measures, to include sediment fencing and erosion control devices, are to be maintained and remain in place until the development is completed and disturbed areas are stabilised.

Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.

12. *Construction Certificate*

The construction works subject of this development consent **MUST NOT** be commenced until:

- (a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by an accredited certifier, and
- (b) The person having the benefit of the development consent has appointed a Principal Certifying Authority, and has notified the Council of the appointment, and

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

- (c) The person having the benefit of the development consent has given at least two days notice to the Council of the person's intention to commence the erection of the building; and
- (d) Builders name and licence number has been supplied to Council or the Principal Certifying Authority; and
- (e) Owner Builders permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifying Authority; or
- (f) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifying Authority; and
- (g) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) & (3) of the EP & A Regulations being the name, address and telephone number of the Principal Certifying Authority for the work, and name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed. [2.06]

13. *Site Waste Management*

A site rubbish enclosure must be provided prior to commencement of any work for the period of the proposed work and remain in place for the duration of all works. All waste materials from the site must be disposed of at an authorised waste facility. [22.01]

DURING CONSTRUCTION

14. *Loading and Unloading of Construction Vehicles*

All loading and unloading associated with construction must be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work.

15. *Tree Removal/Replacement/Protection*

Completion of landscaping in accordance with the approved Landscape Plan prior to commencement of the use of the site and such landscaping is to be continuously maintained in accordance with the approved Plan. Maintenance is the landowner's responsibility. All trees not specifically approved for removal are to be suitably protected by way of tree guards, barriers or other measures as to protect root system, trunk and branches during construction.

16. *Approved Plans to be On-Site*

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

17. *Stormwater Disposal Within Road Reserve*

The storm water drainage from the building works are to be connected into the existing storm water system. The storm water generated from the car park is to be connected directly into Council's storm water pit.

18. *Hours of Construction - NOISE*

If audible at any residence or other sensitive noise receiver, construction may only be carried out between 7.00am and 6.00pm on Monday to Friday, and 8.00am to 5.00pm Saturdays. No construction can be carried out on a Sunday or public holiday if audible at any residence of other sensitive receivers.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

19. *Prior to use of Car Park*

Prior to the use of the car park, the drainage structure lid within the Park Lane access shall be replaced with a suitable grated lid. The augmentation is to accommodate a Class D kerb grate (Weldlock Drainage Grate) or similar designed in accordance with the Infrastructure Design Standard (IDS).

20. *Minor Extension of Water Reticulation*

Prior to use the applicant shall provide a minor extension of water reticulation from Murray Street along the Vulcan Street frontage. The extension shall include fire hydrants and a 25mm water service connection to the development.

21. *Public Utility Adjustments*

Adjustments to the public utilities necessitated by the development shall be completed prior to occupation of the development and in accordance with the requirements of the relevant authority, all at no cost to Council.

22. *Parking*

Prior to the issue of an Interim or Final Occupation Certificate, the car park construction must be completed and operational conforming to the approved plan.

23. *Landscape Plan*

Completion of landscaping in accordance with the approved Landscape Plan prior to issue of an Interim or Final Occupation Certificate and such landscaping is to be continuously maintained in accordance with the approved Plan. Maintenance is the landowner's responsibility.

24. *Occupation*

The development shall not be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

25. *Fire Safety Certificate*

A Fire Safety Certificate shall be furnished to the Principal Certifying Authority for all the "Essential Fire or Other Safety Measures" forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to Council by the Principal Certifying Authority prior to issue of an Interim or Final Occupation Certificate.

26. *Car park/Road/Public Space Lighting*

Prior to the issue of any Occupation Certificate all external lighting shall be installed and operated in accordance with the Australian Standard AS1158.1 'Lighting for roads and public spaces' and AS4282:1997 'Control of the obtrusive effects of outdoor lighting'.

27. *Car Park lighting*

All car park lighting that is located adjacent to residential properties is to be provided with full cut off luminaire that does not allow any sideward component of light onto the adjacent residential properties.

28. *Consolidation of land*

Prior to the issue of any Occupation Certificate the land known as Lot 2 DP 1161705 and Lots 7 and 8 DP 37973 shall be consolidated into one allotment OR a notation is put on the title of Lots 7 and 8 DP 37973 under Section 88B of the Conveyancing Act 1919 stating that the land can only be used for the purposes of car parking in association with Lot 2 DP 1161705.

ADVISORY NOTES

1. *Disability Discrimination Act 1992*

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia, which references AS1428.1 - "*Design for Access and Mobility*". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

2. *Discovery of a Relic*

If Aboriginal relics or objects are uncovered during work, excavation or disturbance of the area, any such activity must stop immediately. The Environmental Protections and Regulation Group of the Office of Environment and Heritage is to be immediately contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

3. *Underground Utility Services Check*

The applicant shall contact the "Dial Before You Dig" service on telephone (02) 1100, fax

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

number 1300-652-077 or email mocsinfo@mocs.com.au, prior to the commencement of excavation, to ascertain the presence and type of underground utility services in the vicinity of the development.

4. *BCA Compliance*

This Development Application has been subject to a merit based assessment. The plans lodged and approved have not been assessed against the provisions of the Building Code of Australia (BCA). It is your responsibility to ensure the plans lodged with any Construction Certificate application show full compliance to all provisions of the BCA.

5. *Water & Sewer Supply Payment*

You should contact Council prior to payment to determine the rate of contribution as such rates are revised at least annually. Staging of payments is permitted if staging of development is approved by the terms of this consent.

BACKGROUND

The proposed development is located over two sites. The library extension and arts centre component is located on 89 Vulcan Street which currently houses the Council Chambers, Administration Building and Library. This site is 1.9ha in size and extends from Campbell Street to Murray Street, Moruya and is situated between Vulcan Street and Park Lane.

The proposed development involves:

- a refurbishment of the existing library
- construction of an arts centre/gallery
- construction of a new 50 space car park.

The proposed extension will provide additional library facilities, exhibition space and additional facilities for the community. The Architect has taken design inspiration from the Box Brownie camera for the exhibition space within the facility.

The proposed works associated with the development also involves creation of an outdoor space, landscaping and activation of the Murray Street façade of the existing building with footpaths, a deck and outdoor public space.

The proposed car park is located on the corner of Murray Street and Park Lane, Moruya. Park Lane is currently vacant land and used as an overflow car park for Council staff during peak periods. The new car park will contain an additional 50 marked car parking spaces, storm water drainage, a sealed surface and street trees along Murray Street.

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

POLICY

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and the following relevant legislation, planning instruments and policies.

Eurobodalla Local Environmental Plan 2012 (ELEP)

The site of the library extension and arts centre is zoned R3 Medium Density Residential. In accordance with the ELEP, the use would be defined as a community facility and is permissible in the zone with development consent.

The car park site is zoned SP2 Infrastructure (Car Park). A car park is permitted in the zone with development consent.

The proposed development is identified on the height of buildings map as containing a maximum height of 8.5m. The proposed development complies with the maximum height permitted.

The site also contains Class 2 Acid Sulfate Soils and a management plan will be required as part of the construction process.

The proposed development is consistent with the aims and objectives of the ELEP and the developments are permissible in the zone.

Land Use Status

The land is nominated as operational land in accordance with the provisions of the Local Government Act, 1993.

Moruya Flood Plain Code

The proposed development is located on flood prone land, to which the Moruya Floodplain Code applies. The land is zoned residential, however, the land use will be for Community/Government purposes. The Moruya Floodplain Code nominates the minimum floor levels required based on the land use nominated in the application. The Code typically nominates either residential or commercial land uses and the application has been assessed on the basis of a commercial development.

The proposed development contains a minimum floor level of 5.036m AHD. The commercial flood planning level is 3.99m AHD. It is proposed to maintain the extensions at the existing floor level of 5.036m AHD.

Parking and Access Code

The Parking and Access Code applies to the proposed development. The car parking has been assessed based on a Community Facility which requires 1 car space per 10m² or 1 space per 10 seats. Based on the floor area of the proposed development, the total number of car parking spaces required is 35. The proposed development involves the construction of a new car park which accommodates 50 car parking spaces. It is considered that the proposed car park and the reconfiguration of the existing car park to provide accessible car parking spaces will provide adequate car parking for the proposed development.

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

The proposed development complies with all aspects of the Car Parking Code.

Landscaping Code

The proposed development is supported by a landscaping plan prepared by Redbox Design Group. The plan has been prepared for the Community Facility and library extension only. The plan for these works complies with the provisions of the Landscaping Code.

The proposed car park is not supported by a landscaping plan. The Landscaping Code outlines various requirements for landscaping in and around car parks.

The plans were amended to show shade trees along the Murray Street frontage, with six trees proposed at intervals from the western edge of the site through to the Park Lane frontage.

The proposed landscaping for the car park is considered satisfactory as it will reduce the visual impact and soften the appearance of the area.

ENVIRONMENTAL

The proposed development is unlikely to result in any significant environmental impacts. Any impacts arising from the proposed development can be conditioned to ameliorate the impacts.

CONSULTATION

The development application was placed on public exhibition from 19 April 2017 to 10 May 2017 and advertised on the Council Noticeboard on 26 April 2017. During this period, six (6) submissions were received opposing the development. All of the submissions related specifically to the Car Park proposed on 88-90 Murray Street. The concerns included:

Issue

The construction of a footpath along the western frontage of Park Lane

Response:

The plan has been amended to remove the footpath along the western side of Park Lane. The original plan identified a footpath extending from the entry across the front of the existing residential dwellings. A footpath will be constructed from the vehicle entry of the car park to the existing footpath network on Murray Street. No footpath will be constructed in front of the existing residential properties fronting Park Lane.

Issue

Drainage issues from existing overland flow of storm water being trapped on private land and no rainwater from the proposed car park should be diverted onto private land

Response

Part of the proposed car park involves the installation of kerb around the car park. Concern was expressed as to whether this would exacerbate existing drainage issues. As part of the proposed development it is proposed to retain the kerb and direct the storm water via an underground pipe to the street drainage system.

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

Issue

Maintain access to the rear of properties

Response

There is no formal or legal access available to adjoining land owners from the car park and therefore is not a consideration in the assessment of the application.

Issue

Concerns were expressed over the lighting of the proposed development

Response

The proposed development includes the installation of lighting. A condition will be imposed that nominates compliance with the relevant Australian Standard. This will ensure that the lighting does not cause any detrimental impact to the surrounding residential land owners.

Issue

The surface treatment for the proposed car park, if not appropriately sealed could result in environmental impacts such as dust pollution, etc

Response

The surface of the car park will be sealed with a two (2) coat bitumen surface.

Issue

The lack of landscaping around the proposed car park and the loss of existing green space on the car park site will be lost.

Response

The plans have been amended to include the provision of 6 street trees adjacent to the existing footpath along Murray Street. Concern was expressed over the potential safety and security issues as a result of the landscaping. As such, 6 street trees were proposed in lieu of the landscaping.

Issue

The possibility for unauthorised users of car park included skate boarding and the associated impacts

Response

Unfortunately Council is unable to prevent the use of the car park for skate boarding, etc however the car park has been designed to minimise unsafe use through an open, visible car park and the use of lighting at night time.

**PSR17/045 DA 566/17 - MORUYA LIBRARY EXTENSION, ARTS CENTRE
AND CAR PARK**

87.6141.B

Issue

Devalue of property as a direct result of placement of a car park.

Response

The land has been identified as being for the purposes of a car park in the preparation and drafting of the ELEP. The ELEP has zoned the land for the purposes of a car park. The area is used as an over flow car park by staff and the proposed car park has been designed to minimise impacts on adjoining land.

In addition, the value of a property as a result of a development proposal is not a matter for consideration in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

There were no issues raised in relation to the Community Facility. All concerns raised have been considered in the assessment and resolved or managed as discussed above.

CONCLUSION

The proposed extension to the Library for a Community Facility and car park is a development that is proposed for the local Community.

The application has been considered against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979 and can be supported. Conditions have been imposed and the design amended to mitigate impacts identified during the public exhibition of the application.

PSR17/046 REQUEST FOR TENDER (RFT) PLS033 - BUSHLAND MANAGEMENT WORKS E15.9100

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

Attachments: 1. Confidential - Tender Assessment

Focus Area: Sustainable Communities

Delivery Program Link: S4.2 Provide invasive species management services

Operational Plan Link: S4.2.3 Coastal Weeds of National significance project

EXECUTIVE SUMMARY

The purpose of the Request for Tender (RFT) PLS033 - Bushland Management Works is to pre-qualify suppliers and seek general costings for their services for the provision of bushland management services, during the period 1 September 2017 to 30 September 2020.

This report outlines the evaluation of submissions for the pre-qualification panel listed for Request for Tender PLS033 - Bushland Management Works.

Sufficient applications were received for Council to be satisfied that the market for Bushland Management works is competitive and has been well tested through this tender process. A number of pre-qualified contractors are recommended for approval for bushland management services on Council managed projects.

RECOMMENDATION

THAT Council:

1. Endorses the selection of the pre-qualification panel listed for Request for Tender PLS033 Bushland Management Works contained within the confidential attachment.
2. Accordingly approves the entering into a Deed of Standing Offer with each supplier identified, to formalise standing offers for the period 1 September 2017 to 30 September 2020 with a provision of extension to 2022.

BACKGROUND

A requirement exists for the provision of bushland management services, from 1 September 2017 to 30 September 2020. The contract also allows for the provision of extending the contract for additional period of up to two years.

RFT No. PLS033 was advertised from 23 May 2017 with a closing date of 21 June 2017.

A total of thirteen (13) offers were received in response to the Request for Tender.

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

- Eurobodalla and South Coast Weed Control
- Cadner Pty Ltd t/a Total Ecoscapes
- James Paull

PSR17/046 REQUEST FOR TENDER (RFT) PLS033 - BUSHLAND MANAGEMENT WORKS

E15.9100

- Total Care Landscapes
- Ecologically Entwined Pty Ltd
- Arbtrain
- Brae Jarvis
- Skill Set Ltd
- Sapphire Coast Weed Spraying
- Foreshore Plants
- Environmental and Agricultural Services Pty Ltd
- Batemans Bay Local Aboriginal Lands Council
- IMC Farmworks.

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

Request for Tender (RFT) No. PLS033 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 offers submitted by the prequalification panel listed for PLS033 has been assessed as representing best value for money for Council due to contractor selection based on criteria specific to the individual job requirements as the need arises.

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 provision of bushland management services enables Council to professionally manage our natural areas through best practice, and in a cost effective manner.

Financial

The budget for bushland management works is within current budgets or through grant funds.

Communication

The Request for Tender was advertised on Tenderlink, advertised on Council noticeboard page, in two local papers and the Sydney Morning Herald. Emails were also forwarded to inform the

PSR17/046	REQUEST FOR TENDER (RFT) PLS033 - BUSHLAND MANAGEMENT WORKS	E15.9100
------------------	--	-----------------

current contractors of the tender. In addition an industry brief was also held to provide tenderers the opportunity to clarify any queries and a contact person was made available.

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 prequalification panel has been assessed, through an extensive evaluation as representing best value for money.

The appointment of the suppliers in the prequalification panel as identified in the Confidential Attachment is therefore recommended for the provision of bushland management services from time to time, during the period 01 September 2017 to 30 September 2020.

IR17/046 TENDER: RFT NO 2017 ISD/031 FOR THE ESTABLISHMENT OF A TREE MANAGEMENT SERVICE ON COUNCIL CONTROLLED AND MANAGED LAND PANEL E17.1162

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Confidential Attachment: Tree Management Service Panel

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

Through Council's Tree Risk Management System, Council annually receives over 200 requests for tree risk assessments requested through Council's Customer Service System. Council routinely hires tree management contractors to undertake works to manage the risks arising from trees on all land under Council's control. To enable works to be undertaken efficiently with appropriate systems in place to effectively manage work place health and safety, environmental requirements, and legal and insurance issues, Council has established a 4 year prequalified panel contract.

A Request for Tender (RFT) No. 2017/ISD031 for the Establishment of a Tree Management Service on Council Controlled and Managed Land Panel during period 1 August 2017 until 30 June 2021 was advertised on 21 March 2017 and closed on 19 April 2017.

This report outlines the associated prequalification evaluation process and recommended establishment of the resultant Panel arrangement.

The Panel will comprise Contractors appointed to undertake Council tree management services, which may include:

- tree removal
- tree pruning
- stump grinding
- root pruning
- installation of root control barriers
- pesticide application.

This process strongly supports the use of local contractors with a positive flow-on to the local economy and employment while ensuring good value.

This report outlines the evaluation of offers submitted in response to RFT No. 2017/ISD031 Establishment of a Tree Management Service on Council Controlled and Managed Land Panel, and provides a recommendation for the preferred source of service providers.

IR17/046 TENDER: RFT NO 2017 ISD/031 FOR THE ESTABLISHMENT OF A TREE MANAGEMENT SERVICE ON COUNCIL CONTROLLED AND MANAGED LAND PANEL	E17.1162
---	-----------------

RECOMMENDATION

THAT Council:

1. Endorse the evaluation process undertaken to establish the proposed Panel for the provision of tree management services on Council controlled and managed land.
2. Enter into formal Deeds of Agreement with each supplier identified on the Panel to formalise Standing Offers for the period from 1 August 2017 to 30 June 2021.

BACKGROUND

Through Council's Tree Risk Management System, Council annually receives over 200 requests for tree risk assessments requested through Council's Customer Service System. Over 500 individual trees are assessed on average pending factors such as environmental conditions like storm events. Trees are assessed to determine a risk rating in accordance with Council's Tree Risk Management on Council Controlled Land Code of Practice (CoP). Approximately 10% of trees on average are determined to be of high risk and treated accordingly as per the CoP by undertaking tree pruning and removal activities. Further works to undertake risk mitigation for moderate risk rating trees is undertaken as programming and funding permits in accordance with the CoP.

A requirement exists to update Council's current Tree Management Service on Council Controlled and Managed Land Panel. The Contractor will be requested by Council's Representative to provide a written quotation for each individual job to maximise competitiveness, reduce hire administration and holistically manage contractor workplace health and safety, environmental and other risks associated with delivery of works.

A Request for Tender No. 2017/ISD031 for the Establishment of a Tree Management Service on Council Controlled and Managed Land Panel during period 1 August 2017 until 30 June 2021 was advertised on 21 March 2017 and closed on 19 April 2017.

An Industry Brief was held on 29 March 2017 to provide tenderers with the opportunity to clarify any uncertainties with Council's contact person prior to the closing of the tender.

A total of seven (7) offers were received in response to the Request for Tender.

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

1. Asplundh
2. Asset Arbor
3. Enviro Frontier
4. Eurobodalla Tree Service
5. Horizon Total Tree Service
6. Narooma Tree Lopping

IR17/046 TENDER: RFT NO 2017 ISD/031 FOR THE ESTABLISHMENT OF A TREE MANAGEMENT SERVICE ON COUNCIL CONTROLLED AND MANAGED LAND PANEL	E17.1162
---	-----------------

7. Skyline Tree Service

A summary of the evaluation of the tenderers' compliance is provided at the Confidential Attachment to this report.

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2017/ISD031 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.

All offers were screened for compliance with insurance requirements and other conditions of tender. Where necessary clarification was sought to ensure accurate capture of tenderer information.

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

When hired by Council, tree operators are required to adhere to site specific environmental practices as communicated by Council through Instrument of Agreements (IoAs) and other inductions by staff. Plant and equipment must also undergo a variety of Council inspections as well as operator checks to ensure the equipment is mechanically compliant and the contractor's staff are appropriately qualified for the given activities.

Social

The use of the Panel contract to supplement Council's own operations results in employment of local contractors and suppliers at competitive rates. Engaging local contractors has consequent flow-on benefits to our local economy, providing support for local businesses and employment.

Calling tenders has resulted in two of the contractors bidding from Sydney based companies and it is anticipated that a proportion of the work will be undertaken by these companies.

The requirements to comply with Council's management systems also has other flow-on benefits such as improved work place health and safety within the overall local tree management industry.

IR17/046	TENDER: RFT NO 2017 ISD/031 FOR THE ESTABLISHMENT OF A TREE MANAGEMENT SERVICE ON COUNCIL CONTROLLED AND MANAGED LAND PANEL	E17.1162
-----------------	--	-----------------

Financial

The use of the Panel contract arrangements provides resources to complete works at competitive rates providing good value.

All orders raised against the proposed Panel will be funded individually by the relevant works or maintenance program. The Panel will be available for use across all applicable Council programs allowing programs to avoid unnecessary procurement administration associated with seeking offers separately for projects.

Council estimates the total value of services to be provided under the panel will typically be in excess of \$250,000 annually to effectively manage risks to the community and infrastructure.

This RFT excludes tree management services using excavators and dozers typically used in larger scale construction clearing.

Works undertaken will be within current operational budgets.

Communication

An Industry Brief was held on 29 March 2017 to provide tenderers with the opportunity to clarify any uncertainties with Council's contact person prior to the closing of the 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 proposed contract prequalification Panel has been developed, through an extensive evaluation and assessed as representing value for money. The process has engaged local industry participation while achieving competitive pricing from all parties bidding for the work.

IR17/048 LOCAL TRAFFIC COMMITTEE NO 9 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 15 June 2017 were as follows:

- Bodalla School Bus Stop Interchange – discussion regarding the Committee's site visit held on 22 May 2017
- Batemans Bay CBD Orient Street Bus Zone – Temporary signage
- Signage and Line marking – Tyrone Bridge, Bodalla.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 8 of 2016-17 held on 22 May 2017 be received and noted.
2. That the Batemans Bay CBD Parking Review Survey Plan detailing the modifications to the signage in the bus zone on Orient Street, Batemans Bay be approved.
3. That Council Plan No.5214 Set A Sheet 06 detailing the proposed signage and line marking proposed for the one lane Tyrone Bridge, Bodalla be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 9 for 2016-17 was held on 15 June 2017 in the Council Committee room. The meeting was attended by Danielle Brice (representative for the Hon Andrew Constance MP), Kelly Cherry (Roads and Maritime Services), Senior Constable Scott Britt (NSW Police), Dave Hunter (Traffic Officer and Chairperson), and Matt Cormick (Minute Taker).

IR17/048 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2016-17

E16.0002

An apology was received from Councillor Anthony Mayne, who was unable to attend. The Traffic Officer chaired the meeting in his absence. Councillor Mayne was able to speak to the Committee in the later part of the meeting via phone – see items under general business.

MINUTES OF PREVIOUS MEETING

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 8 for 2016-17 held on Monday 22 May 2017 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

2017.IN.010 Bodalla School Bus Stop Interchange – Discussion regarding the Committee's site visit held on 22 May 2017

The north bound bus stop and associated bus zone on the Princes Highway at Bodalla was installed in 2014 using Transport for NSW, Country Passenger Transport Infrastructure Grant (CPTIG) funds. The bus stop is located south of Eurobodalla Road, adjoining the Rural Fire Service (RFS) premises.

This bus stop acts as an interchange for school buses, with up to 6 buses stopping morning and afternoon to transfer students from areas between Broulee and Tilba. Two local bus companies, Marshalls and Symons, operate the routes. Up until 2014, the interchange was located about 250 metres south east of the current site on Sutcliffe Street.

In February 2017, a near miss was reported between a student walking on the footpath and a vehicle entering the RFS driveway. Council undertook a risk assessment and subsequently recommended that the sight line at the driveway be improved by installing a No Stopping section within the bus zone. This was agreed by the Committee at the 16 March 2017 meeting and signs were installed in April.

At the Committee meeting held on 16 March 2017, the Hon Andrew Constance MP representative expressed concerns on the operation of the school bus interchange, particularly as the matter was discussed last year at the Committee meeting of 14 July. It was agreed to undertake a site inspection and this occurred on the afternoon of the Committee's 22 May meeting, at around 4pm.

The Committee discussed the site visit, including reviewing photos taken.

During the visit it was observed that a bus was parked in the recently installed No Stopping zone. It was also noted that another small bus was parked in an off-street driveway. The Traffic Officer informed the Committee that the bus companies were then contacted and asked to discontinue this practice.

The representative for Roads and Maritime Services (RMS) informed the Committee that their Safety Around Schools Officer is available to assist in a review of school bus interchanges. Another site visit is proposed, this time in the morning, and the RMS Safety Around Schools Officer will be invited to this meeting. The Committee was also informed that when school buses have flashing 40Km/h in operation, only drivers travelling in the same direction as the buses are required to adhere to this temporary speed limit.

IR17/048 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2016-17

E16.0002

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2017.RT.014 Batemans Bay CBD Orient Street Bus Zone – Temporary signage

The latest construction stage of the Batemans Bay streetscaping project has seen the new kerb installed at the northern end of Orient Street.

In conjunction with this streetscape work, Council is undertaking a parking review of the entire CBD (refer item 2017.IN.009 from the Committee's 20 April 2017 meeting). This survey is now on public exhibition for the period 29 May to 23 June 2017.

Council has been working with bus and taxi operators, as well as delivery vehicle operators to find the best solution for all proposed users of this bus stop area during the time of the streetscaping works, and beyond. With the new kerb, to ensure the parking operates effectively, modified parking arrangements are required in and around the bus stop. Subsequently some of the signage within the designated bus zone has been modified, for a trial period.

This signage now installed in the bus zone is slightly different than that shown on the plan on exhibition, mainly that the positioning of the loading zone and taxi parking have been swapped, and the loading zone is timed for between midnight and 9am.

Once the Batemans Bay CBD Parking Review surveys are analysed, a signage plan for the CBD will be prepared showing all the regulatory signage including the signs that are to be modified. A report will then be presented to the Committee with a view to consolidate all regulatory signage into one Traffic Warrant.

Note - Ongoing consultation has occurred since the meeting and installation of the signs with several businesses and delivery vehicle operators relaying that there is a need for a loading zone to operate in this area all day. The peak period for bus parking is from 2.55pm and 3.45pm when the Premier bus stops for a scheduled break. In this period Murrays and Priors bus companies also stop. Subsequently the signs have been modified so that the loading zone will operate all day with the exception of the period 2.30pm to 4.30pm.

Recommendation:

That the Batemans Bay CBD Parking Review Survey Plan 30 June 2017 detailing the modifications to the signage in the bus zone on Orient Street, Batemans Bay be approved.

2017.RT.015 Signage and Line marking – Tyrone Bridge, Bodalla

The existing timber one lane bridge on Nerrigundah Mountain Road is programmed to be replaced with a one lane concrete structure in the 2017-18 year. The existing timber bridge has reached its end of life and the new concrete bridge is expected to be in place for at least the next 100 years.

The bridge crosses the Tuross River, near the junction of Eurobodalla Road. The concrete bridge will be located immediately downstream of the existing timber bridge, and this will mean minimal disruption to traffic. The work is contracted to commence in the near future.

IR17/048 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2016-17

E16.0002

The signage and line marking will be similar to the existing situation with additional signs to be provided in accordance with AS1742.2 Figure 4.12 and Figure 4.11 (Page 85-86).

Recommendation:

That Council Plan No.5214 Set A Sheet 06 detailing the proposed signage and line marking proposed for the one lane Tyrone Bridge, Bodalla be approved.

INFORMAL ITEMS FOR DISCUSSION

There were no informal items raised for discussion.

GENERAL BUSINESS

Vegetation clearing on Princes Highway, Tuross Head

The representative for the Hon Andrew Constance MP thanked the RMS for the work they have done on the Princes Highway in reducing vegetation near the Hector McWilliam Drive intersection. The Committee acknowledged that it has improved line-of-sight for vehicles coming onto or travelling along the highway. Councillor Anthony Mayne made comment that some people were concerned native vegetation has been removed. The Committee agreed that there is often a need to balance the retention of vegetation on the roadside and road safety, noting the vegetation removed was recent regrowth.

Tomakin Bridge

Councillor Anthony Mayne asked if the footpath along Tomakin Bridge could be made more accessible to cyclists by adjusting the guard rail ends. The Committee was informed that being a footpath, adult cyclists are required to dismount. The Traffic Officer will investigate.

Princes Highway / Kings Highway intersection.

Councillor Anthony Mayne asked if the RMS have made a decision on Council's proposal to allow both lanes from the Kings Highway to turn right. The RMS representative will investigate.

Outgoing Road Safety Officer

The Committee agreed to write to the outgoing Road Safety Officer Heidi Hanes, thanking her for the excellent work with the Committee, particularly the dedication to improving road safety in our region.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee is to be held on Thursday 20 July 2017 in Council's Committee Room.

IR17/049 POLICY REPEAL - SMOKE FREE OUTDOOR AREAS POLICY

E16.0297

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Smoke Free Outdoor Areas Policy

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

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 Smoke Free Outdoor Areas Policy has been reviewed and it is no longer required. The exhibition period for the repeal of the policy is complete and no submissions were received. This report is being presented to Council for the policy to be repealed.

RECOMMENDATION

THAT the Smoke Free Outdoor Areas Policy be repealed.

BACKGROUND

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

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

IR17/049 POLICY REPEAL - SMOKE FREE OUTDOOR AREAS POLICY

E16.0297

CONSIDERATIONS

The repeal of Smoke Free Outdoor Areas Policy was exhibited for 28 days on Council's website, at libraries and at the Customer Service Centre in Moruya. During this time no public submissions were received.

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

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

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

Community and Stakeholder Engagement

Council has placed the repeal of the Smoke Free Outdoor Areas Policy on public exhibition for a period of 28 days commencing on 17 May 2017 to 13 June 2017. Copies were available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya Customer Service Centre.

CONCLUSION

The Smoke Free Outdoor Areas Policy has been reviewed and it is no longer required as the legislative requirements of NSW Government's *Smoke-free Environment Act 2000* are now broadly known in the community and the requirement of a separate Council policy to underpin this legislation is no longer necessary.



POLICY

Policy name	Smoke Free Outdoor Areas
Responsible manager(s)	Divisional Manager, Technical Services
Contact officer(s)	Engineering Administration Coordinator
Directorate	Infrastructure Services
Approval date	10 September 2013

Purpose

New South Wales has been implementing various pieces of legislation relating to smoking bans since the mid-1990s. Eurobodalla Shire Council recognises its obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.

In conjunction with the NSW Government's *Smoke-free Environment Act 2000 No. 69* Council promotes public health outcomes by reducing exposure to tobacco and other smoke in certain public places, where Council provides assets and services intended to be of benefit to children and other members of the community. The policy aims to:

- Promote an integrated framework for dealing with smoke free outdoor areas.
- Ensure consistency and fairness in the manner in which the Council deals with smoke free outdoor areas.
- Ensure compliance with legislative requirements under the *Local Government Act 1993* and the *Smoke-free Environment Act No. 69*.
- Promote awareness of the requirements of the Acts with respect to public places.
- Make the Council's policies and requirements for smoke free outdoor areas readily accessible and understandable to the public.

Policy statement

1	Application This policy provides a framework by which Council will implement smoking bans in Council owned and managed land for alfresco dining.
2	Legislation Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> and the <i>Smoke-free Environment Act No. 69</i> . This legislation now incorporates smoking restrictions for outdoor public places, enclosed public places, which include: <ul style="list-style-type: none"> • 10 metres of children's play equipment • swimming pool complexes • sportsgrounds or other recreational areas that have areas set aside for use by spectators to watch organised sporting events but only when an organised sporting event is being held there • passenger railway or light rail station platforms • ferry wharf • light rail stop • bus stop (incl. any area where persons queue or gather when waiting at a bus stop) • a taxi rank • 4 metres of a pedestrian access point to a building • public hospital



Implementation

Requirements	Responsibility
1 This policy covers: 1. Objectives, 2. Principles 3. Leases, Licences and other Council Agreements	Council Officers
2 Objectives The objectives of Eurobodalla Shire Council in banning smoking in alfresco dining areas located on Council owned and managed lands is to: <ul style="list-style-type: none"> a) Improve the health of community members b) Improve public amenity and maintenance of Council property c) Raise community awareness of the issues associated with smoking d) Provide community leadership in taking measures to protect the health and social wellbeing of the community and e) Minimise cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas. 	Council Officers
3 Principles This Policy recognises that Council has: <ul style="list-style-type: none"> a) An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community; b) A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces; c) An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and d) An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma. 	Council Officers
4 Leases, Licences and Other Council Agreements Council buildings and/or alfresco areas that are leased, licensed or hired by Council will have smoke free clauses inserted into the agreement for use and provide for smoke free zones	Council Officers
5 Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
6 Concerns Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service Policy. They will be used to analyse the history of concerns and requests and determine follow up.	Council Officers
7 Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer



8 Consultation	As required
Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.	

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2016.

This policy may also be reviewed and updated as necessary if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Smoke Free Outdoor Areas.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Customer Concerns or Customer Feedback Survey Responses	Council records
Internal or external audit	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182
Smoke-free Environment Act No. 69	www.austlii.edu.au/au/legis/nsw/consol_act/sea2000247

Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au/

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	28 Sep 2010	Council	10/215	E09.3412	Policy adopted. Ref report O10/70. Doc 53908.10
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated.

Internal use

Responsible officer	Director Infrastructure Services		Approved by	Council	
Minute	13/272	Report no	O13/56	Effective date	10 Sep 2013
File no	E13.7095	Review date	July 2015	Pages	3

FBD17/051 INVESTMENTS MADE AS AT 30 JUNE 2017

E99.3517

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

THAT the certification that the investments as at 30 June 2017 made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg 212) of the *Local Government (General) Regulation 2005*, be received.

CONSIDERATIONS

Legal

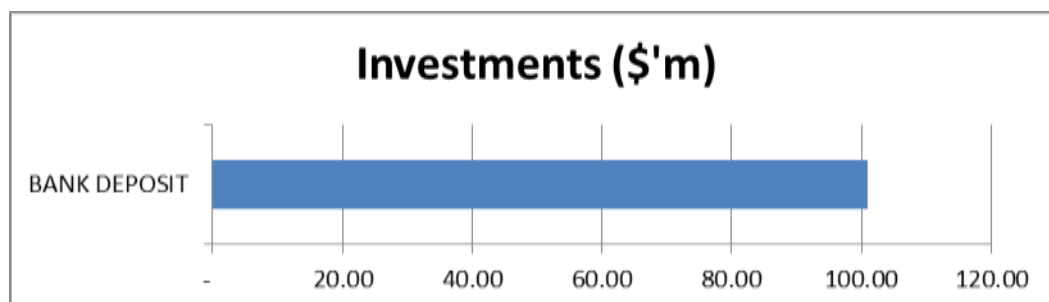
Budgeted legal fees for 2016-17 are \$0.035m and it is expected that future credit crisis legal costs will not be material.

Policy

Investments do not comply with Council's Investment policy because of the recent rating downgrades to 23 financial institutions by the rating agency Standard and Poors (S&P). The rating changes forced investments held in three (3) institutions into the 'some limited risk' category of the investment policy and it will take approximately two (2) months to rebalance the portfolio.

Financial

Council Investing Overall



FBD17/051 INVESTMENTS MADE AS AT 30 JUNE 2017

E99.3517

Council has 100% (\$100.91m) invested in bank deposits. The bank deposits were held in banks rated A or greater or covered by the AAA rated Government Guarantee before the rating downgrades by S&P on 22 May 2017. This downgrade has increased the 'some limited risk' category and has been reduced to 31.21% which is above the policy limit (20%) by 11.21% and will take approximately two (2) further months to rebalance. Investment in Government Guaranteed Deposits is \$2.50m and represents 2.50% of the portfolio.

There was a substantial increase in funds under investment during June because loan funds and grants were deposited prior to the end of the financial year.

Currently there is \$48.5m (48.06%) of funds invested in fossil fuel free institutions however this amount will reduce to 40% because of the rating changes to certain institutions and the requirement to make the portfolio compliant at the earliest time.

The weighted average return for all investments for the month is 2.56% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (1.97%).

Collateralised Debt Obligation (CDO)

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

Summary Investment Information

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

CATEGORY	(\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	3,669,201
Term Deposits	94,750,000
Term Deposits Government Guaranteed	2,250,000
	100,919,201
<i>Weighted average Interest %:</i>	2.56%
<i>Average 90 day BBSW + 25%</i>	1.97%

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Total %	Policy Risk % (Max Holdings)
Remote Risk	2.50	2.50	100.00
Near Risk Free	66.29	66.29	100.00
Some Limited Risk	31.21	31.21	20.00

FBD17/051 INVESTMENTS MADE AS AT 30 JUNE 2017**E99.3517**

At Risk	0.00	0.00	0.00
Grant Total	100.00	100.00	

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

CONCLUSION

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

FBD17/052 POLICY ADOPTION - PROCUREMENT POLICY

E16.0297

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

Attachments: 1. Procurement Policy
2. Confidential - Submission

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

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

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

The draft Procurement Policy has been reviewed and was placed on public exhibition from 17 May to 13 June 2017. During this time, one submission was received. Questions raised in the submission have been responded to and no changes were required to the draft policy as a result of the submission.

The draft Procurement Policy is presented to Council for consideration to adopt.

RECOMMENDATION

THAT the draft Procurement Policy be adopted

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

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

FBD17/052 POLICY ADOPTION - PROCUREMENT POLICY

E16.0297

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

CONSIDERATIONS

The draft Procurement Policy has been reviewed and was placed on public exhibition from 17 May to 13 June 2017.

Copies were available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

During the exhibition period, one submission was received. Questions raised in the submission have been responded to (refer table below) and no changes are required to the draft policy as a result of the submission.

Issues	Response
1. Why was this policy on exhibition for community submissions without the community having access to supporting documents on Council's website?	Council's Codes of Practice for Procurement and Tendering are guidelines distributed for internal use only. These documents are written specifically in the context of Council's procurement framework and provide staff with an interpretation of the manner in which the Local Government Act 1993 and associated regulations apply to our purchasing administration. Given the organisation specific nature of these documents they are not generally issued to the public without explanation of the context and could easily be misinterpreted by external parties. A review of these documents, in the context of your enquiry determined that they could be released to address your correspondence specifically.
2. Why does Council's Procurement Code keep referring to the amount of \$134,000 (\$150,000 incl. GST)?	Council's Procurement Code of Practice refers to the amount of \$134,000 to ensure that the GST inclusive tendering threshold of \$150,000 cannot be interpreted incorrectly. Staff are encouraged (where no legal exemptions apply) to ensure estimates are well within the threshold other than for approved petty cash expenses (usually under \$50). Council uses electronic transfer and credit card to effect payment transactions.
3. Under 'Open and effective competition' 8, the	The GIPA Act, differentiates Class 2 contracts from Class 1 where:

FBD17/052 POLICY ADOPTION - PROCUREMENT POLICY

E16.0297

<p>Policy states, "Council shall publish a copy of the contract register on the Council's website as required under Section 35 of the GIPA Act 2009. When I checked this register Class 1 and 3 contracts with council were listed. However, on the Class 2 contract page, all the information as missing from the table. WHY?</p>	<ul style="list-style-type: none"> ▪ there has not been a tender process, the proposed contract has not been made publicly available and the terms and conditions of the contract have been negotiated directly with the contractor, ▪ the proposed contract (whether or not made publicly available) has been the subject of a tendering process and the terms and conditions of the contract have been substantially negotiated with the successful tenderer, ▪ the obligations of one or more parties under the contract to maintain or operate infrastructure or assets could continue for 10 years or more, ▪ the contract involves a privately financed project as defined by guidelines published by the Treasury (as in force from time to time), ▪ the contract involves a transfer of a significant asset of the agency concerned to another party to the contract in exchange for the transfer of an asset to the agency. <p>Class 2 Contract classification is very prescriptive and Council would rarely enter into commercial arrangements of this nature. There are no current Class 2 contracts to report on.</p>
<p>4. I am most pleased that 'social impact' has been included in (5) 'Accurate determination of the requirement.'</p>	<p>Your comment has been noted.</p>
<p>5. The Policy and Codes do not specify when tendering does NOT apply</p>	<p>Item 8 of Council's Procurement Policy refers to Section 55 of the Local Government Act 1993 to determine when tendering is required.</p>
<p>6. The Policy, under Governance, makes no mention of ICAC guidelines. These Guidelines relate to Tendering and Direct Negotiations, and therefore should be referenced.</p>	<p>ICAC Guidelines provide an interpretation of the legislation and regulations which must be complied with in relation to Local Government procurement activities. Council's codes of practice also provide interpretation of these requirements, including how they are applied to the Eurobodalla Shire Council administrative and operating environment. Other broader guidelines and documented business rules cover off on ICAC's involvement with the conduct of Council's officers in undertaking the duties, including the Model Code of Conduct for NSW Local Government.</p>

FBD17/052 POLICY ADOPTION - PROCUREMENT POLICY

E16.0297

Legal

All activities subject to this policy are to be undertaken in accord with the *Local Government Act 1993* and Council's finance/procurement delegation framework, *Local Government (General) Regulation 2005*, Department of Local Government (DLG) *Tendering Guidelines for NSW Local Government*, and all applicable Local, NSW and Australian Government legislation.

Policy

The policy applies to all procurement undertaken by, or on behalf of Eurobodalla Shire Council and requires that careful consideration of risk is undertaken in all purchases, relevant to the size, nature and complexity of the requirement.

The principles detailed within the policy apply also to the disposal of Council goods, property and the sale of land.

Automatic revocation of the policy is provided for by section 165(4) of the *Local Government Act 1993*. The next general local government election is expected to be held in September 2020.

Community and Stakeholder Engagement

Council placed the draft Procurement Policy on public exhibition for a period of 28 days from 17 May 2017 until 13 June 2017. 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.

CONCLUSION

The draft Procurement Policy was publicly exhibited for 28 days. During the exhibition period one submission was received. Questions raised in the submission have been responded to and no changes are required to the policy.

The draft Procurement Policy is presented to Council for consideration to adopt.



Policy

Policy title	Procurement
Responsible manager(s)	Divisional Manager Governance and Administrative Services
Contact officer(s)	Fleet and Procurement Coordinator
Directorate	Infrastructure Services
Approval date	TBA
Focus area	Support Services
Delivery Program link	SS3.3 Provide administrative, technical, professional and trade services
Operational Plan link	SS3.3.3 Provide building maintenance and construction services, procurement, stores and electrical trade services to support council operations

Purpose

To ensure principles of value for money, efficiency, ethics and fair dealing are maintained in the procurement of goods and services.

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

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

Policy aims

- Assist decision-makers to exercise discretionary powers in relation to procurement;
- Promote an integrated framework for dealing with suppliers;
- Ensure transparency, consistency and fairness in the manner in which Council deals with suppliers and contractors;
- Ensure compliance with legislative requirements under the Local Government Act 1993;
- Promote awareness of the requirements of the Act with respect to purchasing and probity;
- Take such steps as are appropriate to ensure probity and accountability; and
- Make Council's policies and requirements for procurement readily accessible and understandable to the public.



Policy

Policy details

1	<p>Application</p> <p>The policy applies to all procurement undertaken by, or on behalf of Eurobodalla Shire Council and requires that careful consideration of risk is undertaken in all purchases, relevant to the size, nature and complexity of the requirement.</p> <p>The principles detailed within this policy apply also to the disposal of Council goods, property and the sale of land.</p>
2	<p>Legislation</p> <p>All activities subject to this policy are to be undertaken in accord with the <i>Local Government Act 1993</i> and Council's finance/procurement delegation framework, <i>Local Government (General) Regulation 2005</i>, Department of Local Government (DLG) <i>Tendering Guidelines for NSW Local Government</i>, and all applicable Local, Federal and State legislation.</p>
3	<p>Terms and Conditions</p> <p>This policy should be read in conjunction with the Procurement Code of Practice and the WHS policy.</p>
4	<p>High levels of customer service</p> <p>A primary goal of all Council activities is to deliver a high level of customer service to both external and internal stakeholders. Adequate consideration shall be given to the provision of customer service in the procurement of goods, services and projects.</p>
5	<p>Accurate determination of the requirement</p> <p>Before commencing a procurement activity, consideration should be given to:</p> <ul style="list-style-type: none"> • fitness for purpose; • minimisation and mitigation of risks; • the estimated cost of the requirement; • environmental sustainability; and • social impacts.
6	<p>Minimisation and mitigation of risks</p> <p>Adequate WHS and environmental risk assessments must be conducted for all procurement activities, carefully considering:</p> <ul style="list-style-type: none"> • any potential hazards that may be associated with the required goods or provision of services; • the likelihood of any hazards or risks identified; • the impact or consequence for each risk or hazard identified; and • any controls or strategies appropriate for the mitigation of hazards or risks identified. <p>Other risks such as quality management, financial, impacts to service delivery/availability, impacts on the community and reputational risks should also be addressed commensurate to the scale and nature of the goods, project or service being procured.</p>
7	<p>Efficient use of Council resources</p> <p>Before commencing any procurement activity consideration should be made to:</p>



Policy

	<ul style="list-style-type: none"> • availability and source of funding; • any alternative sources of funding (e.g. grants and partnerships) that may be available; • using any government contracts standing offers or other established purchasing agreements available to NSW Local Government organisations; • seeking strategic alliances in the delivery of services, where appropriate and forming partnerships with other Local Governments, Government agencies and the private sector; • Whole-of-Life (WOL) cost factors associated with goods including maintainability, commonality of spares, technical support, operating costs, Net Present Value (NPV) and estimated income from sale; and • method and risks associated with disposal.
8	<p>Open and effective competition</p> <p>To ensure value for money is achieved Council should:</p> <ul style="list-style-type: none"> • conduct appropriate market testing for the cost, nature and level of complexity of the purchase; • develop a sound evaluation criteria that is clearly communicated within the tender; • select the lowest-priced, compliant offer provided it is fit for purpose and can be delivered in the time required, unless other reasonable factors are clearly communicated to the bidding party in the evaluation criteria; and • seek offers from both local and non-local sources. <p>Council will comply with the <i>Local Government Act 1993</i> (the Act). Section 55 of the Act sets out the circumstances where tendering is required. When conducting tendering exercises, Council must adhere to the DLG Tendering Guidelines for NSW Local Government including:</p> <ul style="list-style-type: none"> • adhering to the open tendering threshold of \$150,000 (incl. GST), as mandated under section 3.1 of the guidelines; • developing tender specifications that discourage bias, encourage innovation and alternative solutions, reduce administrative burden, minimise market pressure on suppliers and improve environmental performance; • developing a sound evaluation criteria that is clearly communicated within the tender; and • In the event of goods or services being required in an emergency, application should be made to fast-track or bypass competitive pricing or any other regulative procedures that may exacerbate the situation (noting the provisions of section 55 (3) (k) of the Local Government Act 1993). <p>Council shall publish a copy of the contract register on the Council's website as required under Section 35 of GIPA Act 2009.</p>
9	<p>Ethics and fair dealing;</p> <p>In order to achieve ethical and fair procurement practices, Council will:</p> <ul style="list-style-type: none"> • maintain principles of probity including fairness, honesty, integrity and professionalism; • insist on suppliers meeting the same level of ethical standards as its own;



Policy

	<ul style="list-style-type: none"> • ensure an appropriate number of sources are chosen relative to the value of the purchase and the size and nature of the industry; • not split requirements for the purpose of avoiding statutory or other mandatory government purchasing requirements; • not conduct procurement activities for any requirements other than those relating to Council business; • identify and report any pecuniary or non-pecuniary interests without delay, in accordance with the Employees Code of Conduct; • maintain the confidentiality of commercially sensitive information, unless agreed to under terms and conditions with the supplier/provider; • approach potential market sources with consistent information; and • foster and encourage equal opportunity and diversity.
10	<p>Accountability and transparency</p> <p>Council will ensure that the process for awarding contracts is open to scrutiny, clear, fully documented and defensible. Tenders and other competitive processes will be based on clearly articulated evaluation criteria, consistent with the legislative and policy framework.</p> <p>A clear audit trail will be maintained for each purchase and records will be kept for 7 years from the date of the activity unless otherwise stated with in the NSW</p>

Implementation

Requirements		Responsibility
1	<p>Code of Practice</p> <p>This policy will be implemented by following Council's Procurement Code of Practice and Procurement - Tendering Code of Practice.</p>	All staff
2	<p>Staff</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council officers
3	<p>Concerns and requests</p> <p>Concerns received regarding this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.</p>	Divisional Manager, Technical Services
4	<p>Complaints</p> <p>Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.</p>	Public Officer
5	<p>Consultation</p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	As required



Policy

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section

165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2019.

This policy may also be reviewed and updated as necessary when legislation requires it; or council's functions, structure or activities change; or when technological advances or new systems change the way that council manages Procurement.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Customer Concerns	Council records
Customer Feedback Survey Responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Local Government (General) Regulation 2005	www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328/
Tendering Guidelines for NSW Local Govt	www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Tendering%20Guidelines%20for%20NSW%20Local%20Government.pdf
GA39 Local Government Records Authority	http://arp.nsw.gov.au/node/319
Procurement Code of Practice	Council Policies and Codes of Practice
Procurement – Tendering Code of Practice	Council Policies and Codes of Practice
Disposal of Council Property Code of Practice	Council Policies and Codes of Practice
Sale of Land Code of Practice	Council Policies and Codes of Practice



Policy

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
State Records	www.records.nsw.gov.au

Definitions

Word/Term	Definition
Fitness for purpose	Suitability of goods and/or services for the desired Council outcome including consideration of performance, cost, safety and the "triple bottom line".
Procurement	The whole process associated with obtaining goods or services, from determination of the requirement to acceptance of, and payment for the contract deliverable(s).
Tender specification	A list of the specific requirements associated with a requirement for goods or services including technical elements (functional or performance based), administrative and statutory requirements.
Timeliness	Consideration of external factors or events which may affect, or be affected by, the procurement activity being conducted. Such factors include, however are not limited to, user deadlines, interrelationships with other Council projects, advantageous market conditions and savings that can be achieved through bulk purchases.
Triple bottom line	Consideration of cost, social and environmental impacts in decision-making.
Value for money	A concept which requires careful and objective consideration of all value factors as inputs to the procurement decision, including competitiveness of the market, fitness for purpose and timeliness.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	27 Jun 2006	Council	06/139	05.9513	policy replaced; "Tendering and Purchasing Policy" number 4.9, policy number 4.2 "ASSET - Asset Acquisition" and any former policies related to asset disposal, "Tendering policy" (adopted 28 February 2006, Minute No 06/32).
2	10 Sep 2013	Council	13/280	E13.7095	Policy reviewed and updated.
3	July 2015			E06.0375	Minor referencing updates (no substantial change to policy)



Policy

4	Mar 2017			E06.0375 E16.0297	Minor review, inserting "social impact" as an element of requirements determination and noting that the tendering threshold is GST inclusive.
---	----------	--	--	----------------------	---

Internal use

Responsible officer		Director Infrastructure Services		Approved by	Council
Min no	TBA	Report #	TBA	Effective date	TBA
File No	E06.0375 E16.0297	Review date	Sep 2016	Pages	6

FBD17/053 POLICY ADOPTION - RELATED PARTIES DISCLOSURE POLICY

E16.0297

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

Attachments: 1. Related Parties Disclosure 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

The new draft Related Parties Disclosure Policy has been developed to provide guidance in complying with the *Local Government Act 1993*, section 413 (3) which requires Council to prepare its General Purpose Financial Statements in compliance with Australian Accounting Standards.

Effective 1 July 2016, Australian Accounting Standards Board 124 (AASB 124) Related Party Disclosures was expanded to cover the local government sector. Related parties include Councillors, the General Manager, Directors, and their close family members. Any transactions between Council and these parties, whether monetary or otherwise, will need to be identified and may need to be disclosed.

The new draft Related Party Disclosures Policy was placed on public exhibition for 28 days from 31 May to 4 July 2017. No submissions were received and the draft policy is presented to Council for adoption.

RECOMMENDATION

THAT the Related Parties Disclosures Policy be adopted.

BACKGROUND

The purpose of the policy is to ensure that the existence of certain related party relationships, related party transactions, necessary for the users to understand the potential effects on the Financial Statements, are properly identified. They should be recorded in Council's systems, and disclosed in Council's General Purpose Financial Statements in compliance with *AASB 124 Related Party Disclosures, July 2015*, the *Privacy and Personal Information Protection Act 1998 (PPIPA)* and the *Government Information (Public Access) Act 2009 (GIPA)*.

Council, in complying with the disclosure requirements in AASB 124, will;

- identify related party relationships, related party transactions and ordinary citizen transactions;
- identify information about the related party transactions for disclosure;
- establish systems to capture and record the related party transactions and information about those transactions;
- identify the circumstances in which disclosure of the items in the first two points above are required and;

FBD17/053 POLICY ADOPTION - RELATED PARTIES DISCLOSURE POLICY

E16.0297

- determine the disclosures to be made about those items in the General Purpose Financial Statements for the purpose of complying with AASB 124.

CONSIDERATIONS

This policy applies to people that have authority and responsibility for planning, directing and controlling the activities of Council and entities controlled by Council, including elected Councillors, the General Manager, Directors, and their close family members who can be expected to influence or be influenced by the aforementioned key management persons.

To comply with AASB 124, for annual periods on or after 1 July 2016, Council will make the following disclosures in its General Purpose Financial Statement:

- a) Relationships between Council and its subsidiaries, irrespective of whether there have been transactions between them.
- b) Key management personnel (KMP) compensation in total and for each of the following categories:
 - i. Short-term employee benefits
 - ii. Post-employment benefits
 - iii. Other long term benefits, and
 - iv. Termination benefits.
- c) The information specified in Section 1.2 for related party transactions with the following persons during the period covered by the Financial Statement:
 - i. Council subsidiaries
 - ii. Entities who are associates of Council or of a Council subsidiary
 - iii. Joint ventures in which Council or a Council subsidiary is a joint venture
 - iv. Council KMP
 - v. Other related parties, comprising:
 - A close family member of a KMP of Council
 - Entities controlled or jointly controlled by a KMP of Council
 - Entities controlled or jointly controlled by a close family member of a KMP of Council.

Legal

This policy was developed to give guidance in complying with AASB 124. The Australian Accounting Standards Board 'Agenda Decisions' April 2017 gives guidance upon the legal application after numerous enquiries regarding its implementation.

Policy

Automatic revocation of the policy is provided for by section 165(4) of the *Local Government Act 1993*. The next general local government election is expected to be held in September 2020.

FBD17/053 POLICY ADOPTION - RELATED PARTIES DISCLOSURE POLICY

E16.0297

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages related party disclosure as determined by AASB 124 Related Party Disclosures, July 2015.

Community and Stakeholder Engagement

Council placed the draft Related Parties Disclosures Policy on public exhibition for a period of 28 days from 31 May 2017 until 4 July 2017. Copies were available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

No submissions were received.

CONCLUSION

The draft Related Party Disclosures Policy was publicly exhibited for 28 days. No submissions were received and the draft policy is presented to Council for adoption.



Policy

Policy title	Related Party Disclosures Policy
Responsible manager(s)	Director Finance and Business Development
Contact officer(s)	Divisional Manager Finance
Directorate	Finance and Business Development
Approval date	TBA
Focus area	Supportive
Delivery Program link	SS1.1 Manage Council's financial assets and obligations
Operational Plan link	SS1.2.2 Ensure transparency in council dealings

Purpose

The purpose of the policy is to ensure that the existence of certain related party relationships and associated related party transactions, necessary for the users to understand the potential effects on the Financial Statements, are properly identified. They should be recorded in Council's systems, and summarily disclosed in Council's General Purpose Financial Statements in compliance with *Australian Accounting Standards Board AASB 124 Related Party Disclosures July 2015 (AASB 124)*, the *Privacy and Personal Information Protection Act 1998 (PPIPA)* and the *Government Information (Public Access) Act 2009 (GIPA)*.

Policy aims

Council, in complying with the disclosure requirements in AASB 124, will;

- identify related party relationships, related party transactions and ordinary citizen transactions;
- identify information about the related party transactions for disclosure;
- establish systems to capture and record the related party transactions and information about those transactions;
- identify the circumstances in which disclosure of the items in the first two point above are required and;
- determine the disclosures to be made about those items in the General Purpose Financial Statements for the purpose of complying with AASB 124.

Policy details

1	Application This policy applies to those who have authority and responsibility for planning, directing and controlling the activities of Council and entities controlled by Council, including elected Councillors, the General Manager, Directors, and close family members who can be expected to influence or be influenced by the aforementioned key management persons.
----------	--



Policy

Implementation

Requirements	Responsibility
<p>1 AASB 124 Disclosure Requirements</p> <p>1.1 Disclosures To comply with AASB 124, for annual periods on or after 1 July 2016, Council will make the following disclosures in its General Purpose Financial Statements:</p> <ul style="list-style-type: none"> (a) Relationships between Council and its subsidiaries, irrespective of whether there have been transactions between them. (b) Key management personnel (KMP) compensation in total and for each of the following categories: <ul style="list-style-type: none"> (i) Short-term employee benefits; (ii) Post-employment benefits; (iii) Other long term benefits; and (iv) Termination benefits. (c) The information specified in Section 1.2 for related party transactions with the following persons during the period covered by the Financial Statement: <ul style="list-style-type: none"> (i) Council subsidiaries; (ii) Entities who are associates of Council or of a Council subsidiary; (iii) Joint ventures in which Council or a Council subsidiary is a joint venturer; (iv) Council's KMP; (v) Other related parties, comprising: <ul style="list-style-type: none"> - A close family member of a KMP of Council; - Entities controlled or jointly controlled by a KMP of Council; - Entities controlled or jointly controlled by a close family member of a KMP of Council. <p>1.2 Disclosed Information For each category of related party transactions specified in Section 1.1 (c), Council will disclose the following information in Council's General Purpose Finance Statements:</p> <ul style="list-style-type: none"> (a) The nature of the related party relationship; (b) The amount of the transactions; (c) The amount of outstanding balances, including commitments, and: <ul style="list-style-type: none"> (i) Their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and (ii) Details of any guarantees given or received; (d) Provisions for doubtful debts related to the amount of outstanding balances; and (e) The expenses recognised during the period in respect of bad or doubtful debts due from related parties. 	<p>Responsible Accounting Officer</p>



Policy

	<p>1.3 Disclosed in Aggregate or Separate For each related party category specified in Section 1.1 (c), Council will disclose information specified in Section 1.2 for related party transactions of a similar nature in aggregate except when separate disclosure is necessary for an understanding of the effects of related party transactions in the Financial Statements of Council, having regard to the following criteria:</p> <ul style="list-style-type: none"> (a) the nature of the related party relationship (b) the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council) (c) whether the transaction is carried out on non-arm's length terms (d) whether the nature of the transaction is outside normal day-to-day business operations. <p>Based on factors and thresholds under the direction of the Responsible Accounting Officer in consultation with Council's external auditor.</p>	
2	<p>Identifying Council Related Party Relationships and Transactions</p> <p>2.1 Identification The Responsible Accounting Officer is responsible for identifying Council subsidiaries, associates and joint ventures (incorporated and unincorporated) from the Related Entities Register, a document which is prepared to substantiate Note 19 of the Financial Statements 'Interests in Other Entities'.</p> <p>2.2 Control or Joint Control To determine whether Council has control or joint control of an entity, the Responsible Accounting Officer is responsible for applying AASB 10 Consolidated Financial Statements and AASB 11 Joint Arrangements.</p> <p>2.3 Associate or Joint Venture To determine whether an entity is an associate of, or in a joint venture with, Council or a Council subsidiary the Responsible Accounting Officer is responsible for applying AASB 128 Investments in Associates and Joint Ventures.</p> <p>2.4 Electronic Investigation The Responsible Accounting Officer is responsible for investigating through Council's business system whether any identified Council subsidiaries, associates or joint ventures have an existing related party transaction with Council.</p> <p>2.5 Information Extraction The Responsible Accounting Officer is responsible for identifying and extracting information specified in Section 1.2 against each existing related party transaction in Council's business systems for the purpose</p>	Responsible Accounting Officer



Policy

	<p>of recording the related party transactions and associated information in a register of related party transactions.</p> <p>2.6 Manual Investigation and Recording of Information For related party transactions that are not captured by Council's business systems, the Responsible Accounting Officer is responsible for manually reviewing the transactional documentation and record the information specified in Section 1.2 for the subject transaction in the register of related party transactions.</p>	
3	<p>Identifying Related Party Transactions with KMP and their close family members</p> <p>3.1 Related Party Disclosures KMP must provide a related party disclosure in the form set out in Attachment A, notifying any existing or potential related party transactions between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members, subject to Section 3.5 (below) to the Divisional Manager Governance and Information by no later than the following periods during a financial year (Specified Notification Period):</p> <ul style="list-style-type: none"> (a) 30 days after the commencement of the application of this policy (b) 30 days after a KMP commences their term or employment with Council (c) 30 November each year (d) 30 June each year. <p>3.2 Related Party Disclosure Form At least 30 days before a specified notification period, the Divisional Manager Governance and Information will provide KMP with a Related Party Disclosure Form (Attachment A) and Privacy Collection Notice (Attachment B).</p> <p>3.3 Suspected Related Party Transactions If a KMP suspects that a transaction may constitute a related party transaction, the KMP should provide a related party disclosure to the Divisional Manager Governance and Information for consideration and determination.</p> <p>3.4 Other Notifications The notification requirements in Section 3 are in addition to the notifications a KMP must comply with:</p> <ul style="list-style-type: none"> (a) For councillors, the Code of Conduct, and (b) Senior Executive Officers who are KMP, the Code of Conduct, and (c) The disclosure of interests in a written return pursuant to Section 450A of the <i>Local Government Act 1993</i> and <i>Local Government (General) Regulation 2005</i>. 	<p>Responsible Accounting Officer and Divisional Manager Governance and Information</p>



Policy

	<p>3.5 Exclusions The notification requirement in Section 3 do not apply to:</p> <ul style="list-style-type: none"> (a) related party transactions that are ordinary citizen transactions not assessed as being material as determined under Section 4; and (b) The Councillors Expenses and Facilities Policy, the particulars of which are contained in Council's Annual Report pursuant to the <i>Local Government (General) Regulation 2005</i>, clause 207. <p>3.6 Information Extraction The Responsible Accounting Officer is responsible for identifying information specified in Section 1.2 against each notified related party transaction in Council's business systems for the purpose of recording the related party transactions and associated information in the register of related party transactions.</p> <p>3.7 Other Sources of Information To ensure all related party transactions are captured and recorded, the Responsible Accounting Officer is responsible for reviewing, if required, other sources of information held by Council including, without limitation:</p> <ul style="list-style-type: none"> (a) a register of interest of the KMP and persons related to the KMP (b) minutes of Council and committee meetings (c) Council's Contracts Register. <p>3.8 Manual Investigation and Recording of Information For notified related party transactions that are not captured by Council's business systems, the Responsible Accounting Officer is responsible for manually reviewing the transactional documentation and record the information specified in Section 1.2 for the subject transaction in the register of related party transactions.</p>	
<p>4</p>	<p>Ordinary Citizen Transactions</p> <p>4.1 Non-material in Nature A KMP is not required to notify in a related party disclosure and Council will not disclose in its Financial Statements, related party transactions that are ordinary citizen transactions assessed to be not material in nature.</p> <p>4.2 Material in Nature A KMP is required to notify in a related party disclosure and Council will disclose in its Financial Statements in accordance with Section 1, related party transactions that are ordinary citizen transactions assessed to be material in nature.</p>	<p>Responsible Accounting Officer</p>



Policy

	<p>4.3 Materiality Assessment The Responsible Accounting Officer is responsible for reviewing and assessing the materiality of related party transactions that are ordinary citizen transactions to determine whether the disclosure of such transactions are necessary for an understanding of the effects of the related party transactions on the Financial Statements having regard to criteria specified in Section 1.3. As a general rule, Council will utilise \$50,000 as a threshold for materiality.</p> <p>4.4 Information Extraction The Responsible Accounting Officer is responsible for identifying information specified in Section 1.2 against each notified related party transaction that is an ordinary citizen transaction assessed as being material in nature in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.</p>	
5	<p>Register of Related Party Transactions</p> <p>5.1 Maintain a Register The Responsible Accounting Officer is responsible for maintaining and keeping up to date a register of related party transactions that captures and records the information specified in Section 1.2 for each existing or potential related party transaction (including ordinary citizen transactions assessed as being material in nature) during a financial year.</p> <p>5.2 Contents of Register The contents of the register of related party transactions must detail for each related party transaction:</p> <ul style="list-style-type: none"> (a) the description of the related party transaction (b) the name of the related party (c) the nature of the related party's relationship with Council (d) whether the notified related party transaction is existing or potential (e) a description of the transactional documents the subject of the related party transaction (f) the information specified in Section 1.2. <p>The Responsible Accounting Officer is responsible for ensuring that the information specified in Section 1.2 is disclosed in Council's Financial Statements to the extent, and in the manner stipulated by AASB 124, subject to Section 1.3.</p>	Responsible Accounting Officer



Policy

<p>6</p>	<p>Information Privacy</p> <p>6.1 Confidential The following information is classified as confidential and is not available for inspection by or disclosure to the public, including through a Government Information (Public Access) Act (GIPA) application:</p> <ul style="list-style-type: none"> (a) information (including personal information) provided by a KMP in a related party disclosure; and (b) personal information contained in a register of related party transactions. <p>6.2 When Consent is Required Except as specified in the policy, Council and other permitted recipients will not use or disclose personal information provided in a related party disclosure by a KMP or contained in a register of a related party transactions for any other purpose or to any other person except with the prior written consent of the subject KMP.</p> <p>6.3 Permitted Recipients The following persons are permitted to access, use and disclose the information (including personal information) provided in a related party disclosure or contained in a register of related party transactions for the purposes specified in Section 6.4:</p> <ul style="list-style-type: none"> (a) General Manager (b) Directors (c) Responsible Accounting Officer (d) Divisional Manager Governance and Information (e) Professional Conduct Reviewers (f) an Auditor of Council (including an Auditor from the NSW Auditor General's Office) (g) other Council Officers as delegated by the General Manager. <p>6.4 Permitted Purpose A person specified in Section 6.3 may access, use and disclose information (including personal information) in a related party disclosure or contained in a register of related party transactions for the following purposes:</p> <ul style="list-style-type: none"> (a) to assess and verify a notified related party transaction (b) to reconcile identified related party transactions against those notified in a related party disclosure or contained in a register of related party transactions (c) to comply with the disclosure requirements of AASB 124 (d) to verify compliance with disclosure requirements of AASB 124. 	<p>Divisional Manager Governance and Information</p>
-----------------	--	--



Policy

7	<p>Government Information (Public Access) Act (GIPA Status)</p> <p>7.1 No Public Inspection The following documents are not open to or available for inspection by the public:</p> <ul style="list-style-type: none"> (a) related party disclosures provided by a KMP; and (b) a register of related party transactions. <p>7.2 Not GIPA – accessible A GIPA application seeking access to:</p> <ul style="list-style-type: none"> (a) a document or information (including personal information) provided by KMP in a related party disclosure; or (b) personal information contained in a register of related party transactions; <p>will be refused on the grounds the document contains information for which there is an overriding public interest against disclosure, pursuant to Section 14 of GIPA.</p>	Divisional Manager Governance and Information
8	<p>Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers
5	<p>Concerns</p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
6	<p>Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.</p>	As applicable

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new



Policy

systems change the way that Council manages related party disclosure as determined by AASB 124 *Related Party Disclosures*, July 2015.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Definitions

Word/ Acronym/ Phrase	Definition
Related party	<p>Is a person or entity that is related to the entity that is preparing its financial statements (in this Policy referred to as the 'reporting entity').</p> <ul style="list-style-type: none"> A person or a close member of that person's family is related to a reporting entity if that person: <ul style="list-style-type: none"> (i) has control or joint control over the reporting entity; (ii) has significant influence over the reporting entity, or (iii) is a member of the key management personnel of the reporting entity or of a parent of the reporting entity. <p>For further detail on conditions that apply to <i>related parties</i> see AASB 124. In considering each possible related party relationship, attention is directed to the substance of the relationship and not merely the legal form.</p>
Related party transaction	Is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.
Close members of the family of a person	<p>Are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:</p> <ul style="list-style-type: none"> (a) that person's children and spouse or domestic partner; (b) children of that person's spouse or domestic partner; and (c) dependants of that person or that person's spouse or domestic partner.
Compensation	Includes all employee benefits (as defined in AASB 119 Employee Benefits) including employee benefits to which AASB 2 Share-based Payment applies. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity. Compensation includes:



Policy

	<p>(a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees;</p> <p>(b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;</p> <p>(c) other long-term employee benefits, including long service leave or sabbatical leave, jubilee or other long service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses; and deferred compensation;</p> <p>(d) termination benefits; and</p> <p>(e) share-based payment.</p>
Control	Is the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.
Joint control	Is the contractually agreed sharing of control over an economic activity.
Key management personnel	Are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.
Significant influence	Is the power to participate in the financial and operating policy decisions of an entity, but is not control over those policies. Significant influence may be gained by share ownership, statute or agreement.
Government	Refers to government, government agencies and similar bodies whether local, national or international.
A government-related entity	Is an entity that is controlled, jointly controlled or significantly influenced by a government.
Remuneration	Is compensation.
Arm's Length Terms	<p>Terms between parties that are reasonable in the circumstances of the transaction that would result from:</p> <ul style="list-style-type: none"> (a) neither party bearing the other any special duty or obligation; and (b) the parties being unrelated and uninfluenced by the other; and (c) each party having acted in its own interest.

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.



Policy

Related legislation and policies

Name	Link
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
Local Government Act 1993, Section 413	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s413.html
Local Government (General Regulation) 2005	www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328/
Privacy & Personal Information Protection Act 1998	www.austlii.edu.au/au/legis/nsw/consol_act/papipa1998464/
Government Information (Public Access) Act 2009	www.austlii.edu.au/au/legis/nsw/consol_act/giaa2009368/
Accounting Standard AASB 124 July 2015 Related Party Disclosures	www.aasb.gov.au/admin/file/content105/c9/AASB124_07-15.pdf

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Supporting documents

Name	Link
Code of Conduct	www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Code-of-Conduct.pdf
Councillors' Expenses and Facilities Policy	www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Councillors-Expenses-and-Facilities-Policy-Nov-2015.pdf
Privacy and Information Protection Policy	www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Privacy-and-Information-Protection-Policy.pdf

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	date	Council	TBA	See list	Policy commenced

Internal use

Responsible officer	Relevant director or GM			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	11



Attachment A

Related Party Disclosure by Key Management Personnel

[Note: This document is confidential and is not GIPA-accessible. See Council's Related Party Disclosure Policy]

Name of Key Management Personnel:.....

Position of Key Management Personnel:.....

Please read the Privacy Collection Notice provided with this notification, which explains what a related party transaction is and the purpose for which Council is collecting and will use and disclose the related party information provided by you in this notification.

Please complete the table below for each related party transaction with Council that you, or a close member of your family, or an entity related to you or a close member of your family;

- a) has entered into, or previously entered into and which continued in the 2016/2017 financial year; or
- b) is reasonably likely to enter into in the 2017/2018 financial year.

Description of Related Party Transaction	Is transaction existing/potential?	Related Party's Name (Individual's or entity's name)	Related Party's Relationship/ Reasons why related	Description of transaction documents or changes to the Related Party Relationship



Notification

I
(Full name) (Position)

notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the 2016/2017 and forward financial years.

I make this notification after reading the Privacy Collection Notice provided by Eurobodalla Shire Council, which details the meaning of the words 'related party', 'related party transaction', 'close members of the family of a person' and, in relation to an entity, 'control' and 'joint control', and the purposes for which this information will be used and disclosed.

I permit the Responsible Accounting Officer and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named Key Management Personnel:.....

Date:.....



Attachment B

PRIVACY COLLECTION NOTICE

RELATED PARTY DISCLOSURES BY KEY MANAGEMENT PERSONNEL

Purpose of Collection, Use and Disclosure

Effective for annual periods beginning on or after 1 July 2016, Council must disclose certain related party relationships and related party transactions together with information associated with those transactions in its general purpose financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures July 2015 (AASB 124)*.

Related parties include Council's key management personnel (KMP), their close family members, and any entities that they or any of their close family members control or jointly own.

A related party transaction is any transaction (whether a transfer of resources, services or obligations) between the reporting local government and any of the related parties, whether monetary or not.

If there is a related party transaction with Council applicable to a reporting financial year, AASB 124 requires Council to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments associated with the transaction. Disclosure in the financial statements may be in the aggregate and/or made separately, depending on the materiality of the transaction.

For more information about Council's disclosure requirements under AASB 124, please refer to Council's Related Party Disclosure Policy.

Notifications by Key Management Personnel

In order to comply with AASB 124, Council has adopted a policy that requires all members of its KMP to periodically provide notifications to the Divisional Manager Governance and Information of any existing or potential related party transactions between council and any of their related parties during a financial year, and any changes to previously notified related party relationships and transactions relevant to the subject financial year.

To this end, each KMP must provide a Related Parties Disclosure, in the approved form, notifying any existing or potential related party transactions between Council and any related parties of the KMP, to the Divisional Manager Governance and Information by no later than the following periods during a financial year:

- 30 days after the commencement of the application of this policy;
- 30 days after a KMP commences their term or employment with Council;
- 30 November (each year); and
- 30 June (each year).



Note, these related party disclosure requirements are in addition to the notifications KMPs are required to comply with:

- for councillors, the Code of Conduct – Councillors; and
- for other KMPs, the Code of Conduct – Staff.

This includes disclosures relating to Conflicts of Interest (Pecuniary and Non Pecuniary) and Gifts and Benefits.

Council's Auditors may audit related party information as part of the annual external audit.

For privacy and right to information status of this information, please refer to Council's Related Party Disclosure Policy.

Who are KMPs?

KMPs are persons having authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly.

For Council, KMPs include the:

- Mayor
- Councillors
- General Manager
- Directors

Who are close family members of a KMP Person?

Close family members, or close members of the family, of a KMP are family members who may be expected to influence, or be influenced by, that person in their dealing with Council and include:

- (a) that person's children and spouse or domestic partner;
- (b) children of that person's spouse or domestic partner; and
- (c) dependants of that person or that person's spouse or domestic partner.

Under AASB 124, close family members could include extended members of a family (such as, without limitation, a parent, grandparent, siblings, etc) if they could be expected to influence, or be influenced by, the KMP in their dealings with Council.

The following table may assist you in identifying your close family members.



Definitely a close family member	Maybe a close family member
Your spouse/ partner	Your brothers and sisters, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your children	Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by, you in their dealings with council
Your dependants	Your parents and grandparents, if they could be expected to influence, or be influenced by, you in their dealings with council
Children of your spouse/partner	Your nieces and nephews, if they could be expected to influence, or be influenced by, you in their dealings with council
Dependants of your spouse/ partner	Any other member of your family, if they could be expected to influence, or be influenced by, you in their dealings with council

What is an entity that I, or my close family, control or jointly control?

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

Control

You control an entity if you have

- (a) power over the entity;
- (b) exposure, or rights, to variable returns from your involvement with the entity; and
- (c) the ability to use your power over the entity to affect the amount of your returns.

Example of control

Fred is the Mayor of Sunny Shire Council and owns 100% of the ordinary shares in Sunny Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights.

Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.

Fred will need to include the company on his related party disclosure.



Joint Control

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Example of joint control

Fred is the Mayor of Sunny Shire Council and owns 50% of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of the ordinary shares. Fred and Stan are the only Directors of the company and equal voting rights on the board. Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both. Fred will need to include the company on his related party disclosure and the entity related party relationship with Fred and Stan.

In some cases, it will be obvious that you or a family member control or have joint control over an entity. In other cases it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Responsible Accounting Officer on #1366 for a confidential discussion.

FBD17/054 POLICY REVIEW - FISCAL RESPONSIBILITY POLICY

E16.0297

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

Attachments: 1. Under Separate Cover - draft Fiscal Responsibility 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 draft Fiscal Responsibility 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 Fiscal Responsibility Policy for public consultation.
2. The draft Fiscal Responsibility Policy be placed on public exhibition for 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

BACKGROUND

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

The draft Fiscal Responsibility Policy provides guidance and targets for budgeting and financial results and is designed to ensure that reasonable financial health and sustainability is maintained.

Council seeks to ensure that its Fiscal Responsibility Policy aims to guide financial responsibility and covers:

- Statement of Financial Performance Surplus

FBD17/054 POLICY REVIEW - FISCAL RESPONSIBILITY POLICY

E16.0297

- Asset Management Planning
- Long Term Financial Planning
- Liquidity/Cast
- Fees and Charges
- Rates and Charges
- Reserves
- Borrowing and Debt Services
- Annual Financial Statements
- Revotes
- Budgetary Control
- Risk Management

CONSIDERATIONS

The draft Fiscal Responsibility Policy has been reviewed. Updates have been made to the policy in line with the Investment Policy and the latest financial requirements issued by the Office of Local Government. No substantive changes are recommended at this time, apart from minor referencing updates.

Policy

The draft Fiscal Responsibility Policy provides guidance and targets for budgeting and financial results and is designed to ensure that reasonable financial health and sustainability is maintained.

Financial

Council seeks to ensure that its Fiscal Responsibility Policy aims to guide financial responsibility.

Community Engagement

Council will place the draft Fiscal Responsibility Policy on public exhibition for a period of not less than 28 days commencing on Wednesday 2 August 2017 to Tuesday 29 August 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 Fiscal Responsibility Policy should be publicly exhibited for 28 days. At the end of the public exhibition period the draft Fiscal Responsibility Policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

FBD17/055 POLICY REVIEW - RECORDS MANAGEMENT POLICY

E16.0297

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

Attachments: 1. Under Separate Cover - draft Records Management Policy

Focus Area: Support Services

Delivery Program Link: SS3.2 Provide efficient information and records management systems

Operational Plan Link: SS3.2.3 Efficient management councils records

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 Records 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. The draft Records Management Policy be placed on public exhibition for a period of 28 days.
2. At the conclusion of the public exhibition period, a further report be presented to Council advising any submissions received and recommending the new policy be adopted.

BACKGROUND

Eurobodalla Shire Council's Records Management Policy provides records and information management guidance to deliver effective records and information management which in turn supports and facilitates good business across all operating environments.

The policy also ensures that Eurobodalla Shire Council records management meets legislative requirements in relation to capture, control, use, maintenance, disposal, sentencing and archiving.

Eurobodalla Shire Council records management aims to:

- Capture and create full and accurate records
- Protect, maintain and control Council records

FBD17/055 POLICY REVIEW - RECORDS MANAGEMENT POLICY

E16.0297

- Appropriately use and provide access to its records
- Maintain a records management system and securely store records
- Ensure records are appraised and disposed of appropriately
- Follow and utilise the regulations and services of State Archives and Records for training, state archiving and compliance.

CONSIDERATIONS

The Records Management Policy has been reviewed and the following changes to the existing policy were made. These changes do not alter the intent of the policy and aim simply to update and give clearer guidance:

- **Purpose:** Simplified to focus the intent of the policy as providing key guidance for records and information management across Council operations and to meet legislative requirements.
- **Application:** Confirming that any information or data that is not required to be complied, recorded or stored by Council is not a record for the purpose of this policy.
- **Aim:** Re-worded to summarise and focus on the elements of effective, compliant government records management.
- **Policy details:** Re-worded to align with the aims of the policy and provide strategic guidance on the key elements of record keeping.
- **Implementation:** Updated and requirements related to roles defined.
- **Governance:** Updated
- **Definitions:** Updated in-line with State Archives and Records definitions and used within the policy.

Community and Stakeholder Engagement

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on Wednesday 2 August 2017 until Tuesday 29 August 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 Records 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 Records Management Policy will be presented to Council for consideration to adopt.

FBD17/056 POLICY REVIEW - LAND INVESTMENT POLICY

E16.0297

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

Attachments: Nil

Focus Area: Support Services

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

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

EXECUTIVE SUMMARY

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

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

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

BACKGROUND

In accordance with section 165 (4) of the *Local Government Act 1993*, 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 land Investment Policy is designed to ensure that the Finance Strategy will use existing land holding to create revenue that will be made available to:

- Finance significant community infrastructure
- Purchase strategic land holdings

FBD17/056 POLICY REVIEW - LAND INVESTMENT POLICY

E16.0297

- Finance other objectives as determined by Council.

The Audit, Risk and Improvement Committee will provide governance and probity oversight of Council's land investment activities.

CONSIDERATIONS

The Land Investment Policy has been reviewed and no substantive changes are recommended at this time, apart from legislative and Office of Local Government updates along with minor referencing updates.

Policy

This policy applies to all land investments of Eurobodalla Shire Council.

Community and Stakeholder Engagement

Council will place the draft Land Investment Policy on public exhibition for a period of not less than 28 days commencing on Wednesday 2 August 2017 to Tuesday 29 August 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 policy will be provided to the Audit, Risk and Improvement Committee for review.

CONCLUSION

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

CAR17/024 BASIL SELLERS EXHIBITION CENTRE

E17. 1259

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

Attachments: Nil

Focus Area: Liveable Communities

Delivery Program Link: L3.2 Support and deliver enhanced cultural experiences and programs

Operational Plan Link: L3.2.2 Support the conduct of exhibitions, talks, seminars, workshops and other initiatives and programs

EXECUTIVE SUMMARY

This report seeks Council's endorsement to accept a sum of \$300,000 from Mr Basil Sellers for the naming rights of the exhibition space being constructed as part of the Moruya Library development.

This report will recommend Council endorse naming the space the Basil Sellers Exhibition Centre.

The offer from Mr Sellers is an exciting opportunity to create a state of the art exhibition centre that will significantly elevate our Shire's ability to exhibit important national exhibitions and showcase local talent.

Over the last 10 years, the Basil Sellers Art Prize has been a significant and prestigious art award for Eurobodalla. It has attracted a high level of artistic performance and has made a significant contribution to the development and fostering of Eurobodalla's local artists, arts culture and economy. Mr Sellers has offered a sum of \$300,000 for the naming rights for the exhibition space, which together with the prestige associated with his name, will contribute to the development of a high quality exhibition space and open further opportunities for the development of the arts in Eurobodalla. In addition to the \$300,000 philanthropic contribution Mr Sellers has agreed to increase the Basil Sellers Art Prize money to \$20,000 annually and elevate the prize to a statewide event include both NSW and ACT.

RECOMMENDATION

THAT:

1. The Exhibition Space within the Moruya Library Extension, being built on the parcel of land in Lot 2 DP 1161705, be named the Basil Sellers Exhibition Centre.
2. Council accept \$300,000 for the naming writings for the exhibition space.

BACKGROUND

Mr Basil Sellers has had an association with Eurobodalla for over 10 years, providing annual philanthropic support to run the Basil Sellers Art Prize. The Prize is the most prestigious and best loved arts event in Eurobodalla Shire's cultural calendar. It contributes to the wellbeing of the community and has become part of its creative identity. The event also provides economic

CAR17/024 BASIL SELLERS EXHIBITION CENTRE

E17. 1259

benefit to the community through the many services required for the staging of the exhibition including catering, catalogue design and printing. The event also delivers income to our arts support industries such as framing services and art suppliers.

The Basil Sellers Art Prize offers a significant opportunity for artists in Eurobodalla to showcase and sell their work in a high quality art show. Winners are able to raise their profile as their work becomes a part of Mr Sellers' prestigious international art collection.

In 2018 the Basil Sellers Art Prize will be rehomed in the new exhibition space within the Moruya Library extension. The Prize will extend its reach with invitations to artists across NSW and the ACT. In line with this, Mr. Sellers has increased the prize money. Mr Sellers has expressed an interest in the naming rights for the exhibition space and will provide \$300,000 toward the build and fit out of the space. This contribution will significantly contribute to our ability to develop an extensive exhibition program of important local national and international artists.

It is fitting that the exhibition space be named for someone who has provided so much support for the creative life of our Shire and whose name is associated world-wide with excellence in the arts.

CONSIDERATIONS

Legal

A Naming Rights agreement will exist between Mr Basil Sellers and the Eurobodalla Shire Council.

Policy

This proposal is supported by the aims of Council's Creative Arts Services Policy in the following ways:

- Increase availability for access to and participation in the range of high quality creative art experiences
- Increase opportunities for individuals/groups to engage in, develop their skills, understanding and appreciation of the range of arts practices and creative industries
- Cultivate strategic partnerships within the community/business sectors and government agencies to collaborate in the ongoing creative sector's development
- Provide leadership, inspiration and advocacy for the creative industry sector.

Environmental

The proposal has no environmental implications.

Asset

The naming rights agreement relates specifically to the exhibition space within the Moruya Library extension on Council land, Lot 2 DP 1161705.

Social Impact

The association of the exhibition space with Mr Sellers' name and reputation in the arts world will contribute to a sense of pride for the community in their ownership of the centre. It will

CAR17/024 BASIL SELLERS EXHIBITION CENTRE

E17. 1259

elevate the prestige of local exhibitions held there, as well as attracting a greater range of external exhibition opportunities.

Economic Development Employment Potential

This proposed naming agreement will increase our ability to attract funding for installations and events and has the potential to be a significant place for the development of cultural tourism in the region. The increased income received through the naming will allow us to offer exhibitors a greater range of quality facilities and support for creative services and businesses in our Shire.

Financial

Mr Sellers will provide \$300,000 for the exclusive naming rights of the exhibition space to contribute to the build and fit out of the exhibition centre.

Community and Stakeholder Engagement

We will inform the community through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and Twitter; distributing a media release.

CONCLUSION

The proposal to name the exhibition space within the Moruya Library extension the Basil Sellers Exhibition Centre is in line with Council's Creative Arts Services Policy. It recognises the significant contribution of the Basil Sellers Art Prize to our community and offers the centre additional prestige through association with Mr Sellers' international reputation in the arts.

Should Council endorse the naming proposal of the Basil Sellers Exhibition Centre a formal agreement will be signed between Council and Mr Sellers.

**CAR17/025 PUBLIC ART SUBMISSION BY THE BATEMANS BAY CHAMBER OF
COMMERCE**

E06.0162

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

Attachments: 1. Sculpture 'Bouyansea'

Focus Area: Liveable Communities

Delivery Program Link: L3.3 Plan for and collaborate to develop increased opportunities to engage in and develop cultural appreciation

Operational Plan Link: L3.3.3 Coordinate Public Art Advisory Committee

EXECUTIVE SUMMARY

The purpose of this report is to present the recommendations of the Public Art Advisory Committee (PAAC) on the public art submission by the Batemans Bay Chamber of Commerce (Chamber).

The Chamber are putting considerable thought and energy into promoting and activating the public spaces within the town and foreshore of Batemans Bay. They have made a submission to the PAAC, seeking Council's approval to install a sculpture on the foreshore in Batemans Bay as the first step in this process.

This proposal is to be considered in light of the Chamber proposing an annual event to reenergise the foreshore and attract visitation via acquisition and installation of more sculptural public art works over time.

It is well documented that including art in public areas creates interesting, attractive and useful spaces. The placement of this sculpture will be a show of goodwill and support for the Chamber's efforts to improve the public places in Batemans Bay.

The PAAC identified this project as an excellent opportunity to create a public/private partnership between Council and the Chamber and create a model by which we can activate public spaces across Eurobodalla.

RECOMMENDATION

THAT Council implements the recommendations of the Public Art Advisory Committee from the meeting on Monday 15 May 2017, to approve the installation of the 'Bouyansea' sculpture on the Batemans Bay foreshore at Lot 8 DP 236342, Beach Road Batemans Bay.

BACKGROUND

The PAAC provides expert cultural and artistic advice and guidance to Council and staff on planning public art and related matters. Its purpose is to support the growth of a diverse and vibrant community life and is made up of community representatives, Councillors and Council officers who have specialist knowledge or interest in public art.

**CAR17/025 PUBLIC ART SUBMISSION BY THE BATEMANS BAY CHAMBER OF
COMMERCE**

E06.0162

On Monday 15 May 2017 the Chamber made a submission to the PAAC, seeking Council's approval to install a sculpture on the foreshore in Batemans Bay. The sculpture, by artist Jesse Graham, was an award winning entry into the Bermagui Sculpture by the Edge exhibition called 'Bouyansea' depicting an inverted Octopus. The Chamber of Commerce propose to buy, maintain and insure the sculpture for ten years.

At the end of this time, if the sculpture is still in good condition, the Chamber will gift it to the Council who will look after the ongoing maintenance, insurance and decommissioning, if required thereafter.

The Chamber views the installation of this sculpture as the first step in a larger project to acquire more artworks for public spaces in Batemans Bay. The Chamber believes that the sculpture will add to the sense of community and begin a process of re-energising public spaces.

CONSIDERATIONS

The PAAC discussed the suitability, safety and cost of the sculpture. It was noted that both the sculpture and the artist were of a high standard and that the sculpture fits with a foreshore and sea theme. The PAAC also felt that this sculpture was a suitable introduction to the bigger project of a Sculpture Walk in Batemans Bay.

At its meeting of Monday 15 May 2017 the PAAC gave in principle support for the 'Bouyansea' sculpture installation on the following understanding:

1. The Batemans Bay Chamber of Commerce retains ownership of the sculpture and undertakes full responsibility for maintenance for 10 years as per the submission, or decommissioning of the sculpture if required in that time.
2. The sculpture be assessed for wear and tear, safety and aesthetics by Council and the Batemans Bay Chamber of Commerce regularly with a maintenance review at 5 years.
3. Should the sculpture be in good condition at the end of the initial 10 year period the Batemans Bay Chamber of Commerce will cede ownership to Council, who will take care of on-going maintenance and future decommissioning of the sculpture if required.
4. That the sculpture will be covered by the Batemans Bay Chamber of Commerce \$20m Public Liability Insurance for the initial 10 years.
5. A risk assessment is undertaken prior to the installation of the sculpture.

**CAR17/025 PUBLIC ART SUBMISSION BY THE BATEMANS BAY CHAMBER OF
COMMERCE**

E06.0162

Legal

A Public Art Installation and Maintenance Agreement will be signed between the Batemans Bay Chamber of Commerce and Eurobodalla Shire Council.

Policy

The recommendation is in line with the aims of the Public Art Policy.

Social Impact

Public art enhances the quality of the public domain such as business precincts, parks and community spaces. It is a mechanism to animate spaces, increase amenity usage, attractiveness and vitality, as well as provide innovative solutions for functional requirements.

Financial

The Batemans Bay Chamber of Commerce retains ownership of the sculpture and undertakes full responsibility for maintenance for 10 years as per their submission received on Thursday 11 May 2017, or decommissioning of the sculpture, if required in that time. The sculpture will be covered by the Batemans Bay Chamber of Commerce \$20m public liability insurance during this time.

Community and Stakeholder Engagement

We will inform the community through providing information on Council's website.

CONCLUSION

The PAAC agree in principle that the proposed project has the potential to enhance community life via increasing access to public art and improved experiences for visitors and locals alike, and recommends Council accept the proposal under the conditions outlined. The installation of the 'Boyanssea' artwork should be seen as a positive endorsement of the Chamber's efforts to improve the aesthetics and utility of public spaces in Batemans Bay.

It is important, however, to ensure that due regard to process, responsibility and safety are considered prior to the acquisition of future artworks. We currently have the exciting potential to create a private/ public partnership model that both adheres to Council's Public Art Policy and Code of Practice and facilitates further public art acquisitions and commissions across Eurobodalla.



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.

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.
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.
OLG	Office of Local Government	State agency responsible for regulating local government.
OSMS	On site sewage management system	Includes septic tanks, aerated systems, biocycles etc.

Acronym	Meaning	Description
PCA	Principal Certifying Authority	The person or organisation appointed by applicant to inspect and certify structures.
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.

Acronym	Meaning	Description
SCRS	South Coast Regional Strategy	Regional Strategy prepared by DoP for ESC, BVSC and part SCC to guide new LEPs.
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	

Acronym	Meaning	Description
TSC	Threatened Species Conservation Act 1995	State law governing the protection of nominated species and relevant assessment and development controls.
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.