



AGENDA

Ordinary Meeting of Council

28 April 2015

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

ON TUESDAY 28 APRIL 2015

COMMENCING AT 10.00AM

AGENDA

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

- | | | |
|------------|---|-----------------|
| 1. | ACKNOWLEDGEMENT OF COUNTRY | |
| 2. | WELCOME AND EVACUATION MESSAGE | |
| 3. | APOLOGIES | |
| | NIL | |
| 4. | PUBLIC FORUM (AGENDA ITEMS ONLY) | |
| 5. | CONFIRMATION OF MINUTES OF PREVIOUS MEETING | |
| 5.1 | Ordinary Meeting held on 14 April 2015 | |
| 6. | DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA | |
| | (Declarations also to be made prior to discussions on each item) | |
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| 7. | MAYORAL REPORTS | |
| 8. | NOTICES OF MOTION/RESCISSION | |
| | Nil | |
| 9. | QUESTIONS ON NOTICE FROM COUNCILLORS | |
| | Nil | |
| 10. | GENERAL MANAGER'S REPORTS | |
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CON15/007	Narooma Golf Club Lease <i>Item CON15/007 is confidential in accordance with s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

DR CATHERINE DALE
GENERAL MANAGER

GMR15/006 2015 NSW LOCAL ROADS CONGRESS

E91.3255

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Strategic Objective: Productive

Delivery Program Link: P1.2 Undertake advocacy activities to deliver major initiatives and infrastructure to support future growth

Operational Plan Link: P1.2.1 Advocate for improved infrastructure and funding to support regional initiatives

EXECUTIVE SUMMARY

To advise Council of the 2015 NSW Local Roads Congress to be held in Sydney on 1 June 2015 and seek nominations for Councillors to attend.

RECOMMENDATION

THAT:

1. Council be represented at the 2015 NSW Local Roads Congress on 1 June 2015 at State Parliament House in Sydney.
2. Council nominate the Mayor and one other Councillor as its delegates to attend the 2015 NSW Local Roads Congress.
3. Council's delegates be reimbursed out of pocket expense in accordance with the Councillor's Expenses and Facilities Policy.

BACKGROUND

The NSW Roads & Transport Directorate is an alliance between the Institute of Public Works Engineering Australasia (NSW) and Local Government NSW. The Directorate runs the Local Road Congress each year to formulate advocacy strategies for Local Government in NSW for the next 12 month period and beyond.

These strategies are then taken forward to State and Federal governments both directly and via the Australian Roads Congress.

Council's Director Infrastructure Services is both the current Chair of the NSW Roads & Transport Directorate and President of IPWEA (NSW). Both positions are undertaken in a volunteer capacity.

CONSIDERATIONS

The theme of the 2015 Congress is *Roads and Transport Fit for Purpose*. Topics will be centred around the current local government reform and managing the significant shortfall in funding for local roads and transport across NSW communities.

Delegates

Council's policy provides that attendance at seminars and conferences will normally be limited to two representatives. The principle of having one Councillor and an appropriate staff

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member attend is considered “best practice”. In the past, the Mayor has also attended this Conference given the important role the Congress has in setting strategic direction for advocacy on behalf of Local Government in NSW.

The Congress will again be held at NSW State Parliament House in Sydney.

In accordance with Councillor’s Expenses and Facilities Policy, with the exception of the Mayor, Councillors will be allocated the sum of \$3,300 annually to specifically provide for professional development.

Registration

Registration for Councillors attending this conference is free with a paying delegate. The Director Infrastructure Services will be attending the Congress.

Accommodation, Travel and Sustenance

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

Accommodation is to be restricted to a maximum of NRMA 4½ star rating and where possible at the function venue so as to avoid other costs and inconvenience.

Delegate Report following Conference

Councillors attending the Congress are to provide a brief report back to Council on outcomes and issues following the Congress. The Congress will produce a communique which will be included with the report back to Council.

Financial

The Congress has successfully contributed to advocacy work to higher levels of government. This includes the introduction and/or continuation of programs such as the Australian and NSW Governments programs supporting roads and transport infrastructure (eg bridge program, fixing our country roads, roads to recovery and the like). Our local community has already benefitted from grants received under such important programs.

It is beneficial that elected Councillors are represented at the Congress to put forward views representing Eurobodalla Council and regional communities. It is also important that Council continues to advocate for continuation and improvement to funding models to better support our local community.

CONCLUSION

Council be represented at the 2015 NSW Local Roads Congress on 1 June 2015 at State Parliament House in Sydney. Council should determine the Councillor(s) to attend and include this in the final resolution of Council.

**GMR15/008 EXHIBITION OF REVISED DELIVERY PROGRAM 2013-17 AND
DRAFT OPERATIONAL PLAN 2015-16**

E12.6254

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Under Separate Cover

Strategic Objective: 8: We work together to achieve our goals

Delivery Program Link: Integrated Planning

Operational Plan Link: Develop, monitor and review Council's Delivery Program and Operational Plan.

EXECUTIVE SUMMARY

The revised Delivery Program 2013-17 sets out the activities that Council aims to deliver in its current four year term and the measures used to track their progress.

The draft Operational Plan 2015-16 shows the services, key projects, capital works and infrastructure maintenance that Council plans to deliver in the year ahead.

Both plans include budgets and timeframes and aim to meet the needs of our community in a financially responsible way while focusing on building a sustainable future for Eurobodalla.

Ongoing feedback from the community since 2012 underpins how the draft plan and program have been developed and how the activities are prioritised.

In addition, they are developed with two scenarios; one with a rate variation and one without, to acknowledge that Council will not know the outcome of its special rate variation application to IPART until mid-May.

This year, and running concurrently with the public exhibition of these documents, Council is also progressing its Fit for the Future proposal. The NSW Government has asked all councils in NSW to prepare a proposal by 30 June 2015 that sets out a 10 year plan to be financially sustainable, provide effective infrastructure and services, and become more efficient.

Eurobodalla's Fit for the Future proposal will be built from the consultations Council has already had with the community, the special rate variation proposal and further feedback from the community on this year's exhibition of the draft 2013-17 Delivery Program and 2015-16 draft Operational Plan.

To meet the Fit for the Future criteria, all councils in NSW are being asked to develop strategies that address the serious issues facing the local government sector around managing an environment where revenue is reducing, costs are rising, demand for services is increasing and there is an infrastructure backlog. Eurobodalla's geography and our three towns presents an additional challenge, when compared to some other councils with a similar population base and rate revenue, of managing more roads, libraries, swimming pools, sportsgrounds, community halls, parks and playgrounds. Even if the proposal for a special rate rise of 6.5% is

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accepted, Eurobodalla's rates will continue to be on average lower than other NSW councils of similar size and function.

The revised 2013-17 Delivery Program and 2015-16 draft Operational Plan explains the significant savings that Council has made in recent years and how we will continue to focus on efficiencies and on reducing costs by continuing to improve our procurement and asset management practices, productivity, regularly reviewing our service delivery and safety practices, using better work practices and technologies, and collaborating with neighboring councils, the ACT, NSW and Commonwealth Governments, and building regional partnerships.

Despite these savings, our Long Term Financial Plan shows the future challenges that Council continues to face in providing the current standard of infrastructure and services. In the years ahead, Council and the community will need to continue to work together and make some challenging decisions about service delivery through the four year Delivery Program and one year Operational Plan, as a way to implement strategies that will progress our aim to become Fit for the Future during the next 10 years.

The revised 2013-17 Delivery Program and 2015-16 draft Operational Plan have taken into account economic, environmental and social considerations, balancing short term priorities with longer term needs, and have been developed through consulting with our community. They demonstrate that Council is committed to continuing to listen to the community and to work towards building a sustainable future.

RECOMMENDATION

THAT:

1. The revised Delivery Program 2013-17, and draft Operational Plan 2015-16, incorporating the Budget (including base case and SRV options), Capital Works Program, Statement of Revenue Policy and Fees and Charges be endorsed and placed on public exhibition for a period of not less than 28 days.
2. A range of community engagement activities as outlined in the report be conducted throughout May 2015.
3. Following public exhibition, a further report be submitted to Council for the consideration of submissions and adoption of the revised Delivery Program 2013-17, and draft Operational Plan 2015-16.

BACKGROUND

Every four years following a local government election, Councils in New South Wales are required under the Local Government Act, 1993 to prepare a suite of documents that form the Integrated Planning and Reporting (IP&R) framework. These documents include:

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- The Community Strategic Plan (CSP);
- The Delivery Program and Operational Plan; and
- The Resourcing Strategy.

On 24 June 2014, Council adopted a revised four year Delivery Program 2013-17 and annual Operational Plan 2014-15.

The Delivery Program details the services that the Council, elected in September 2012, will deliver over its four year term and the strategies it will implement in consultation with the community and contained in the Community Strategic Plan.

The Operational Plan details the actions and activities to be undertaken during the next financial year, annual budget and is essentially an annual sub-plan of the Delivery Program.

CONSIDERATIONS

The annual activities for each of Council's services includes programs, capital works and events and are presented in the document under the four focus areas contained in the CSP as below:

- Liveable
- Sustainable
- Productive
- Collaborative.

The 2015-16 Budget has been developed with the aim of building a sustainable future, in line with the Fit for the Future local government reform process. Our Delivery Program and Operational Plan will enhance Council's ability to obtain vital Fit for the Future incentives while maintaining our focus on identified community needs and aspirations.

Council submitted a SRV application to the Independent Pricing and Regulatory Tribunal (IPART) on 16 February 2015. Council will be notified as to the outcome of the SRV application in mid-May. This notification will occur during the proposed exhibition period for the revised Delivery Program 2013-17 and draft Operational Plan 2015-16.

Given this timeframe, the Draft Operational Plan has been prepared with a Base Case budget and capital program, as well as clearly identified SRV Budget and capital program, to be undertaken only if the SRV application is successful.

As part of the preparation of these documents, they must be placed on public exhibition for a period of 28 days to allow for community feedback.

Attachment 1 provides a copy of the revised Delivery Program 2013-17 and draft Operational Plan 2015-16 incorporating the Budget (including base case and SRV options), Capital Works Program and Statement of Revenue Policy.

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Attachment 2 is the draft Fees and Charges for 2015-16.

Legal

Section 404 of the Local Government Act, 1993 requires Council to have a Delivery Program to implement the strategies established in its Community Strategic Plan, within the resources available as identified under the Resourcing Strategy.

Section 405 of the Local Government Act, 1993 requires Council to have an Operational Plan which details the activities to be engaged in by the Council during the year as part of the Delivery Program. The Operational Plan must include a statement of the Council's revenue policy for the year covered by the Plan. The statement of revenue policy must include the statements and particulars required by the regulations.

The Office of Local Government's Integrated Planning and Reporting Manual and Integrated Planning and Reporting Guidelines are comprehensive tools which have been used in the development of the revised Delivery Program 2013-17 and draft Operational Plan 2015-16.

Policy

The Delivery Program and Operational Plan draws on and implements actions contained in related Council policy documents.

Asset

The revised Delivery Program 2013-17 and draft Operational Plan 2015-16 has a strong focus on sustaining community infrastructure through renewal of assets, particularly short lived assets. Council is only able to meet short term demand for infrastructure renewal if the SRV is approved. This will be critical to maintain the current level of service to the community and protect long lived assets from premature failure (e.g. road pavements).

The revised Delivery Program 2013-17 and draft Operational Plan 2015-16 also includes new infrastructure to meet demand from growth and progressively address network deficiencies. These works are part funded by grants in some cases (e.g. shared pathways, boating facilities).

An enhanced program of works to renew existing infrastructure, support economic development and employment, and meet current community need (e.g. provision of facilities for people with disabilities) is included within the SRV case.

The SRV only partly addresses the funding shortfall for infrastructure renewal. Council will need to continue to work to develop strategies to sustain community infrastructure in the medium to long term.

Council will also continue to work with peak bodies to advocate to the NSW and Australian governments for enhanced funding models to better support regional communities across NSW.

Social Impact

The Community Strategic Plan provides the context for all other Council plans and policies. The purpose of the Community Strategic Plan is to identify the community's main priorities and aspirations for the future and strategies to achieve them.

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Economic Development Employment Potential

The revised Delivery Program 2013-17 and draft Operational Plan 2015-16 focus on building a sustainable future for Eurobodalla and delivering key services, key projects, capital works and infrastructure maintenance that support economic development and employment growth within the Shire.

Attracting people to live, work, invest and visit Eurobodalla will be achieved through providing, renewing and maintaining assets and infrastructure, managing sea change and population pressures, planning for sustainable development and balanced growth and ensuring economic growth and development.

The revised Delivery Program 2013-17 and draft Operational Plan 2015-16 sets out the activities that support Council's role in helping to grow the local economy and employment potential.

The activities will support Council to;

- advocate for funding for major projects, and legislation to support growth
- provide and maintain public infrastructure
- promote tourism and provide visitor services
- promote and support business investment and employment growth
- partner with business and industry to attract funding and investment
- provide support services, networking and training opportunities
- partner with industry to develop opportunities for job growth
- provide opportunities for cadetships, apprenticeships and work experience.

Community Engagement

Council is responsible for considering the legal, financial, environmental and social impact of its decisions and may also seek the community's views through formal or informal community engagement.

In line with Council's Community Engagement Policy (2013), plans for engaging the community about the revised Delivery Program 2013-17 and draft Operational Plan and budget 2015-16 will be based on the Public Participation Spectrum that is advocated by the International Association for Public Participation (IAP2). The spectrum outlines five different levels of community engagement – inform, consult, involve, collaborate, empower. Different levels of engaging the community are determined by the potential impact of the decision or outcome, the goals for engaging the community, and the amount of influence the community can have over the decision.

The revised Delivery Program 2013-17 and draft Operational Plan 2015-16 are assessed as having a high level of impact to all of Eurobodalla because they:

- propose how shire-wide activities and services will be delivered
- may have significant impact on the whole or a large part of Eurobodalla

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- may have a high degree of community interest
- require significant expenditure and may require significant reallocation of resources.

The goals for engaging the community on the revised Delivery Program 2013-17 and draft Operational Plan 2015-16 are to:

- give the community the opportunity to read the program and plan, and to provide their feedback to Council through a 28 day public exhibition, noting that the 28 day period meets Council's legal timeframes which requires this to be endorsed by 30 June 2015
- provide the community with information and opportunities to ask questions and provide feedback and suggestions about the revised Delivery Program 2013-17 and draft Operational Plan 2015-16.

The level of influence that the community can have over the outcome of endorsing the Delivery Program 2013-17 and the draft Operation Plan 2015-16 is most closely matched to the 'involve' level of community engagement, where the commitment to the public is:

'We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.'

Community engagement activities that have already taken place and that have been considered in the development of the revised Delivery Program 2013-17 and draft Operational Plan 2015-16 include;

- the Special Rate Variation consultation process
- previous year's public exhibition of the revised Delivery Program 2013-17 including special rate variation
- related policies and strategies that have been developed and implemented.

If the revised Delivery Program 2013-17 and draft Operational Plan and budget 2015-16 are endorsed for public exhibition, Council will continue to engage the community from 29 April 2015 to 27 May 2015 by:

- making the Delivery Program 2013-17 and draft Operational Plan and budget 2015-16 available for the community to read on Council's website, in Eurobodalla's three libraries, and at the Customer Service Centre in Moruya
- informing the community about the public exhibition and inviting the community to have their say through information on Council's website, Eurobodalla News - Council's online newsletter, social media, media release and advertisement in local newspapers
- consulting the community by recording and reviewing and sending acknowledgements of submissions received, and providing the community's feedback to Council prior to any decisions being made about the Delivery Program 2013-17 and draft Operational Plan and budget 2015-16
- involving the community through an open invitation to attend the following information sessions and provide feedback
 1. Batemans Bay Library Wednesday 13 May 6pm to 7.30pm
 2. Moruya Markets Saturday 16 May 9am to 12pm
 3. Narooma Library Monday 18 May 6pm to 7.30pm.

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Staff

Staff have contributed to the revised Delivery Program 2013-17 and draft Operational Plan 2015-16.

Financial

Overview

Council operates four separate funds, Water, Sewer, Waste and General (including Environment). Each fund must be separately budgeted. In all cases, monies for each service can only be spent on those fund activities.

The General Fund is where Council's issues of financial sustainability are magnified due to rate pegging and other internal and external factors. This fund has budgeted operating and cash deficits and remains financially challenging. Council is addressing these challenges with services reviews, asset management reviews, ongoing productivity savings and efficiencies and a SRV application.

The position of the Water, Sewer and Waste funds is more positive as they are not affected by a rate pegging environment. The consolidated view of council's finances is the total of the four funds.

The consolidated budget result for 2015-16 is both a cash and operating surplus. This is also the case for the Water, Sewer and Waste Funds. The Water and Sewer Funds are in a sound financial position with the Waste Fund requiring close monitoring in future years as the effects of significant capital works impact the bottom line.

An important issue in preparing the 2015-16 budget was Council's application to the Independent Pricing and Regulatory Tribunal (IPART) for a Special Rate Variation (SRV) which applies to the General Fund only. As with the Operational Plan, the budget reflects both the Base Case with no SRV and the SRV option. Council is expecting a decision from IPART in mid-May 2015 on whether its application is successful.

The revised Delivery Program 2013-17 and draft Operational Plan 2015-16 includes budgets for 12 months, four years and both the Base Case and the Special Rate Variation options.

Council's budget for the 2015-16 period was prepared and includes detailed information on income, expenditure, capital programs and key budget considerations.

The recently released Fit for the Future program emphasis the General Fund's financial sustainability challenges moving forward. Council will need to address the financial sustainability, effective infrastructure and service management and efficiency criteria in the program. These challenges will need to be addressed within a ten year timeframe to satisfy the Fit for the Future criteria. Whilst significant improvements have been made during this budget process, there is still work to do to satisfy all seven, Fit for the Future financial indicators.

Budget 2015-16 summary

General and Environment Fund

Achieving a break even operating result remains a challenge. The cost of local government services are rising faster than inflation, Council's income being limited by NSW Government

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rate pegging and cost shifting from other levels of government are some of the external factors facing Council. This means a shortfall in the cost of providing services and in particular funding the renewal of infrastructure and council's ability to meet community expectations. These financial challenges are demonstrated by the annual infrastructure renewal gap and the backlog of renewal works.

This year Council applied for a SRV. Financial analysis over the longer term as outlined in the Long Term Financial Plan shows this is an essential strategy to promote Council's long term financial sustainability. Council has reviewed its expenditure and has continued to focus on finding savings, internal efficiencies and reviewed asset depreciation to reduce the budget deficit position, while ensuring the continued delivery of a broad range of services and capital works.

Savings were identified by a thorough line by line review of each service area and a further \$300,000 productivity savings will be realised throughout the financial year.

One of the key Fit for the Future criteria is the Net Operating Result. As indicated below, the Net Operating Result before Capital Grants and Contributions for 2015-16 is a \$1.874 million deficit, whilst under the SRV case, it is substantially reduced to \$0.93 million.

For the Base Case (General Fund) 2015-16:

- *Total Income - \$53 million*
- *Total Expenses - \$55 million*
- *Total Capital Program - \$22 million*
- ***Net Operating Result for the Year before Capital Grants and Contributions - \$1.874 million deficit***
- *Net Operating Result for the Year after Capital Grants and Contributions - \$2.179 million surplus*
- *Cash Position - \$1.476 million decrease in unrestricted funds.*

For the SRV Case (General Fund) 2015-16:

- *Total Income - \$54 million*
- *Total Expenses - \$55 million*
- *Total Capital Program - \$27 million*
- ***Net Operating Result for the Year before Capital Grants and Contributions - \$0.93 million deficit***
- *Net Operating Result for the Year after Capital Grants and Contributions - \$3.123 million surplus*
- *Cash Position - \$3.476 million decrease in unrestricted funds.*

The Base Case uses the 'rate peg' amount to increase rates revenue. Each year the NSW Government approves a maximum percentage increase in the total income a council can receive from rates, known as the 'rate peg'. The rate peg amount applied this year is IPART's

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Local Government Cost Index of 2.4%, which is calculated using the local government cost index of 2.4% less a productivity factor of 0.03%, rounding down to 2.4%. The SRV case includes a special rate variation of 4.1% above rate peg for general rates only, with the environment fund being increased by rate peg only.

Waste Fund

The budgeted income and cash position of the Waste Fund are shown below with an operating surplus forecast for 2015-16 and a deficit in the remaining Delivery Program year.

The 2015-16 budgeted income and cash positions are shown below:

- *Total Income – \$10 million*
- *Total Expenses – \$10 million*
- *Total Capital Program – \$7.7 million*
- *Net Operating Result for the Year before Capital Grants and Contributions – \$0.380 million surplus*
- *Net Operating Result for the Year after Capital Grants and Contributions – \$0.389 million surplus*
- *Cash Position – \$0.764 million decrease in unrestricted funds*

Waste collection charges increase by 2.4% for the typical household.

All future capital works are related to cell works and will be loan funded.

The increasing environmental constraints for waste disposal and implementing new sites remains a challenge as does managing building and development waste.

Water Fund

The budgeted income statement and cash position for the Water Fund is a surplus in 2015-16 and the remaining Delivery Program year.

The 2015-16 budgeted income and cash positions are shown below:

- *Total Income – \$16 million*
- *Total Expenses – \$15 million*
- *Total Capital Program – \$3.29 million*
- *Net Operating Result for the Year before Capital Grants and Contributions – \$0.798 million surplus*
- *Net Operating Result for the Year after Capital Grants and Contributions – \$1.798 million surplus*
- *Cash Position – \$2.874 million increase in unrestricted funds*

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Water charges are determined taking account of the NSW Best Practice Pricing Guidelines. The income comes in part from the base charge and part from the usage charge, the proportion of which is determined in liaison with the NSW Office of Water.

Council has negotiated a lower proportion of the total income from usage charges which results in a fairer distribution of charges across property owners. This is more appropriate given the high percentage on non-resident ownership within Eurobodalla and the need for the water supply to be able to meet peak demand.

The actual water usage charge is impacted by the amount of water used. Eurobodalla has a lower than average usage per property resulting in a higher charge per kilolitre of water used.

Water charges will increase by 2.4% with the access charge increasing to \$289 and the water usage charge increasing to \$3.48 per kilolitre.

The budgeted cash position is a surplus of \$2.9M for 2015-16 and surpluses for the remaining years. These funds will be required for future infrastructure renewal as these fall due. Current levels of infrastructure renewal are appropriate at this time, although below the long term average anticipated.

Sewer Fund

The budgeted income statement and cash position for the Sewer Fund is a surplus in 2015-16 and the remaining Delivery Program year.

The 2015-16 budgeted income and cash positions are shown below:

- *Total Income – \$19 million*
- *Total Expenses – \$18 million*
- *Total Capital Program – \$11.5 million*
- *Net Operating Result for the Year before Capital Grants and Contributions – \$1.239 million surplus*
- *Net Operating Result for the Year after Capital Grants and Contributions – \$3.888 million surplus*
- *Cash Position – \$0.906 million increase in unrestricted funds*

The sewerage access charge has been increased by 2.4% (20mm connection access charge \$886). The sewer usage charge has also only increased by 2.4% from \$1.70 to \$1.75 per kilolitre.

Council continues to include funding for the small village sewerage schemes of Bodalla and Rosedale/Guerrilla Bay. Major construction is expected in 2015-16 for Rosedale/Guerrilla Bay and 2016-17 for Bodalla.

As with the water fund, renewals continue to be below annual depreciation which means future catch up expenditure will be required.

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Council will seek a dividend from this fund subject to results in 2015–16 and other years.

Fees and Charges Schedule for 2015 - 16

Council's Fees and Charges 2015-16 in general (not including statutory fees, fees set by management committees, fees assessed by the community services such as respite care) have been generally increased 2.4%.

Consolidated Budget position

In 2014-15 our original forecast operating result for 2015-16 was a deficit \$3.5 million before capital grants and contributions. In preparing the budget for 2015–16 Council has been able to improve this forecast by over \$4 million to a surplus of \$543,000, with a primary focus on building a sustainable future for our community.

The revised consolidated income and cash positions are shown below:

For the Consolidated Base Case:

- *Total Income – \$99 million*
- *Total Expenses – \$98 million*
- *Total Capital Program – \$45 million*
- *Net Operating Result for the Year before Capital Grants and Contributions – \$0.543 million surplus*
- *Net Operating Result for the Year after Capital Grants and Contributions – \$8.257 million surplus*
- *Cash Position – \$1.54 million increase in unrestricted funds*

For the Consolidated SRV case:

- *Total Income – \$100 million*
- *Total Expenses – \$98 million*
- *Total Capital Program – \$50 million*
- *Net Operating Result for the Year before Capital Grants and Contributions – \$1.486 million surplus*
- *Net Operating Result for the Year after Capital Grants and Contributions – \$9.2 million surplus*
- *Cash Position – \$0.46 million decrease in unrestricted funds.*

It should be noted that the Fit for the Future criteria is not based on Council's Consolidated Budget as only the General Fund is relevant.

CONCLUSION

On 25 June 2013, Council adopted a four year Delivery Program 2013-17 and annual Operational Plan 2015-16. The adopted Delivery Program 2013-17 has now been revised and a new Operational Plan developed for 2015-16.

**GMR15/008 EXHIBITION OF REVISED DELIVERY PROGRAM 2013-17 AND
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The development of the revised Delivery Program 2013-17 and draft Operational Plan 2015-16 has taken into account the Community Strategic Plan, policies and strategies, fees and charges, prioritisation of capital works projects, standards for the delivery of services and income from external sources.

It is recommended, and required by legislation, that the revised Delivery Program 2013-17 and draft Operational Plan 2015-16, incorporating the Budget (including Base Case and SRV options), Capital Works Program and Fees and Charges for 2015-16, be placed on public exhibition for 28 days, and that following the consultation a further report will be brought back to Council.

IR15/017 LOCAL TRAFFIC COMMITTEE MEETING NO 6 FOR 2014-15

E14.8002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Strategic Objective: Productive

Delivery Program Link: P2.1 Undertake advocacy activities to further the development of transport infrastructure and support future growth

Operational Plan Link: P2.1.2 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 relates to prescribed traffic control devices or traffic control facilities for which Council has delegated authority.

This report represents the minutes of the Eurobodalla Local Traffic Committee meeting that convenes on a monthly basis. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 12 March 2015 were as follows:

- Signage – Beach Road, Denhams Beach
- Signage – Perry Lane, Batemans Bay
- Signage and Linemarking – Orient Street and Princes Highway, Batemans Bay
- Signage and Linemarking – Punkalla Tilba Road, Tilba Tilba
- Signage and Linemarking – South Head Road, Moruya
- Special Event Application – Narooma Oyster Festival
- Special Event Application – Tilba Easter Festival
- Special Event Application – ANZAC Day Marches, Various Locations

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 6 of 2014-15 held on 12 March 2015 be received and noted.
2. Council Plan No 5156 Set L Sheet 01 showing the proposed signage associated with the bus zone along Beach Road, Denhams Beach be approved.
3. Council Plan No 5156 Set G Sheet 01 showing the proposed signage to facilitate loading to businesses on Perry Lane, Batemans Bay be approved.
4. Council Plan No 5006 Set B Sheet 17 showing the proposed signage and linemarking on Orient Street and Old Princes Highway, Batemans Bay be approved.
5. Council Plan No 4644 Set D Sheet 08 showing the proposed signage and linemarking on Punkalla Road, Central Tilba be approved subject to modification to the plans outlined in this report.

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E14.8002

6. Plan No 13226-2 Sheet 42 showing the proposed signage and linemarking for the proposed intersection of South Head Road and Breamar Homestead development, Moruya be approved subject to the amendments outlined in this report.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 6 for 2014-15 was held on 12 March 2015 in Council's Committee Room. It was attended by Councillor Neil Burnside (Chairperson), Mrs Danielle Brice (representative for the Hon Andrew Constance MP), Nicole Brodie (Roads and Maritime Services), Dave Hunter (Traffic Officer) and Annette Thomas (Minute Secretary).

Apologies were received from Councillor Milton Leslight and Sargent Angus Duncombe (NSW Police Force).

MINUTES OF PREVIOUS MEETING

The Minutes of the Eurobodalla Local Traffic Committee Meeting No 5 for 2014-15 held on Thursday 12 February 2015 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

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

2014.RT.027 Bus Stops – Raymond Street, North Narooma

The Traffic Officer will contact Symons Bus Co to discuss the potential for Hillcrest Avenue to be added to their school bus route to avoid the need to pick-up and drop-off on the Princes Highway adjoining Raymond Street. Feedback will be brought back to a future meeting of the Committee.

2015.IN.009 Speed Zone Review – Beach Road, George Bass Drive

The RMS representative informed the Committee that they are reviewing the 5km stretch of road from Batehaven shops through to Surf Beach roundabout at George Bass Drive to determine if it is warranted to change the speed limit from 60km/h down to 50km/h. The RMS are responsible for undertaking the review of speed zones and are the determining authority on such matters. They have however asked if Council is aware of any specific safety issues to assist in their review.

2015.RT.009 Signage and Linemarking – Riverside Drive, Narooma

The Traffic Officer advised that in February 2015 all the signs were reinstalled in the parking area adjoining the restaurants in Riverside Drive in accordance with the traffic warrant issued in 1999. No objections have been received since the signs have been reinstalled.

2015.RT.011 Parking – Princes Highway, Bodalla

The representative for the Hon Andrew Constance MP asked about the status of the parking review in Bodalla. At the Local Traffic Committee meeting held on 11 December 2014 it was recommended that Council consult with the affected owners, residents and business occupants on the Princes Highway side road, Bodalla regarding the proposed changes to regulatory parking. Council staff are currently assessing road safety concerns raised as part of the

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consultation process and this includes discussions with RMS. This will be brought back to the Local Traffic Committee when all details have been reviewed.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT ITEMS FOR DETERMINATION

2015.RT.016 Signage Beach Road, Denhams Beach

A request has been received from Priors Bus Company for the installation of a bus zone at the existing north bound bus stop just north of Nippersville Childcare Centre. The bus company maintains that cars often park at the bus stop which in turn forces drivers to stop buses on the bend before the bus stop and as a result, rear vision to approaching vehicles is compromised.

The owners and occupiers of the adjoining houses on Beach Road have been written to and feedback sought. One of the owners replied and is not in favour of the bus zone as they will lose on-street parking.

Once a designated bus zone is in place, adequate sight lines will be available. The bus zone will also create certainty around where the public can park to access the local childcare facility.

The Committee was shown Plan No 5156 Set L Sheet 01 showing the proposed bus zone on Beach Road, Denhams Beach. The Committee supported the plan as presented.

Recommendation:

That Council Plan No 5156 Set L Sheet 01 showing the proposed signage associated with the bus zone along Beach Road, Denhams Beach be approved.

2015.RT.0010 Signage – Perry Lane, Batemans Bay

A letter has been received from a business that has private parking within Perry Lane saying that delivery vehicles often block the lane and their staff cannot drive in or out.

Letters were delivered to property owners and business operators seeking their feedback on the proposal to install loading zone and no stopping signs to facilitate loading to businesses. The proposal was well supported by the business community. Some comments were received about the desire to have all day parking close by for staff and owners. One person raised concerns that some small commercial vehicles may overstay the loading zone area.

The Committee reviewed Plan No 5156 Set G Sheet 01 showing the proposed signage to facilitate loading to businesses on Perry Lane, Batemans Bay. The Committee supported the plan as presented.

Recommendation:

That Council Plan No 5156 Set G Sheet 01 showing the proposed signage to facilitate loading to businesses on Perry Lane, Batemans Bay be approved.

2015.RT.017 Signage and Linemarking – Orient Street and Old Princes Highway, Batemans Bay

Council is commencing work to rebuild sections of Orient Street and Old Princes Highway, Batemans Bay. This work includes widening of some sections of road to provide more on-street parking as well as the realignment of the intersection so that the streets meet at 90 degrees, improving safety.

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The intersection with Crown Street will be “in only” from Old Princes Highway. Low volumes turn out of Crown Street and these can be more safely catered for at the Orient Street/Old Highway junction. No Through Road signs at the intersection of Crown Street and Orient Street to advise people driving down Crown Street back towards Old Princes Highway.

The project also includes new pedestrian pathways improving accessibility and safety.

The Committee was shown Plan No 5006 Set B Sheet 17 showing the proposed signage and linemarking on Orient Street and Old Princes Highway, Batemans Bay. The Committee supported the plan as presented, noting that Council had already had on-site meetings to outline the plans to the community and will also write a follow-up letter to all affected residents advising the outcome.

Recommendation:

That Council Plan No 5006 Set B Sheet 17 showing the proposed signage and linemarking on Orient Street and Old Princes Highway, Batemans Bay be approved.

2015.RT.018 Signage and Linemarking – Punkalla Tilba Road, Tilba Tilba

Council is undertaking an upgrade on a section of Punkalla Tilba Road, Tilba Tilba. The new work will mean that the last section of the 4.5km of road from Central Tilba township north to Ridge Road will now be sealed. The road currently has an unrestricted speed limit, parts of which are windy and have advisory speed signs. Placing similar signs on the upgraded section will ensure consistency. The adjoining properties are mainly small rural holdings.

The representative for Roads and Maritime Services advised that the speeds placed on the advisory speed signs at the bends should be assessed after construction using a speed assessment tool and that an additional advisory speed sign be placed on the south bound lane.

Recommendation:

That Council Plan No 4644 Set D Sheet 08 showing the proposed signage and linemarking on Punkalla Road, Tilba Tilba be approved and subject to:

1. confirmation of the advisory speed placed on the curve advisory speed signs to be undertaken upon completion of reconstruction
2. an additional curve advisory speed sign be placed on the south bound lane.

2015.RT.019 Signage and Linemarking – South Head Road, Moruya

The plans for the proposed intersection of South Head Road and Breamar Homestead subdivision, Moruya to access the initial 42 lot urban subdivision was reviewed by the Committee. The work includes left and right turn lanes. This will require widening of the pavement on South Head Road. The plan submitted is part of a set of engineering construction plans approved by Council DA 346/12. The linemarking components of the plan lacked sufficient detail and require modification to comply with standards in some areas. The Committee agreed to approve the plan subject to the appropriate amended plans being submitted and implemented prior to the opening of the intersection.

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Recommendation:

That Plan No 13226-2 Sheet 42 showing the proposed signage and linemarking for the proposed intersection of South Head Road and Breamar Homestead development, Moruya be approved subject to the following amendments:

1. The intersection be amended to show appropriate linemarking in accordance with Austroads Guide to Road Design – Part 4A, RMS Delineation Guide and Council Plan 4950 Set A Sheet 7 (typical layout).
2. Indicate appropriate pavement widths, including distance from the E1 edge lines to bitumen edges.
3. The size of the concrete pedestrian refuge on the western side to be increased to 8 metres long and the keep left sign located in accordance with RMS Technical Direction TDT 2011/01a.
4. The painted median between the intersection and pedestrian refuge to include diagonal markings.
5. Indicate three right turn arrows RA2(R) and two left turn arrows RA2(L) at appropriate positions.
6. The lighting for the pedestrian refuge to be designed to AS 1158.4:2009 lighting of pedestrian crossings, category V5.

INFORMAL ITEMS FOR DISCUSSION

2015.SE.012 Special Event Application – Narooma Oyster Festival

A special event application has been received for the 2015 Narooma Oyster Festival to be conducted in Riverside Drive, Narooma on Saturday 2 May 2015. This is an annual event and essentially comprises of stalls and events conducted around the foreshore area in Riverside Drive. Closure of a section of Riverside Drive is required. The proposed traffic arrangements are the same as at last year's event with minor amendments. The traffic management plan and associated traffic control plan were reviewed.

The committee raised no objections to the proposal.

Recommendation:

That the 2015 Narooma Oyster Festival to be held on Riverside Drive on Saturday 2 May 2015 be approved, based upon the submitted traffic management plan and associated traffic control plan No 5156 Set N Sheet 01.

2015.SE.013 Special Event Application – Tilba Easter Festival

A special event application has been received for the 2015 Tilba Easter Festival to be conducted in Central Tilba on Saturday 4 April 2015. This is an annual event that is conducted by the Tilba Progress Association and consists of stalls and activities set up using the length of Bate Street in Central Tilba. The traffic management plan and associated traffic control plans were reviewed. The plans are based on measures put in place during previous years that were conducted successfully. Bate Street Central Tilba will be closed to traffic during the event. Corkhill Drive

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E14.8002

between Central Tilba and Tilba Tilba will become one-way southbound. A shuttle bus will be provided to transport people between the parking areas and the event area.

The committee raised no objections to the proposal.

Recommendation:

That the Tilba Easter Festival event to be conducted in Central Tilba on 4 April 2015 be approved, based upon the submitted traffic management and associated traffic control plan No 5156 Set M Sheets 1 and 2.

2015.SE.014 Special Event Application – ANZAC Day Marches, Various Locations

ANZAC Day marches will be conducted at various towns and villages in the Shire on Saturday 25 April 2015. The marches held within the villages of Tomakin and Tuross Head have minimal impact on the road network and have been run successfully in previous years without the need of traffic management plans.

The marches in Batemans Bay, Moruya and Narooma affect the major road networks, with the NSW Police assisting with the marches. The marches are determined to be Class 4 special events within the “Guide to Traffic and Transport Management for Special Events” document. Traffic control plans have been developed by Council to assist. The plans are based on the previous year’s plans with some minor amendments. Council will assist with the appropriate notifications to the RMS for Moruya and Narooma as these marches require the use of the Princes Highway.

Recommendation:

That the traffic management plans for the ANZAC Day marches for Batemans Bay, Moruya and Narooma be approved, subject to approval by the NSW Police for a Class 4 special event.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee is to be held on Thursday 9 April 2015 in the Council’s Committee Room commencing at 9.30am.

IR15/018 CLEANING OF PUBLIC TOILETS - TENDER

E95.9163

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Cleaning Schedule Options
2. Confidential - Tender Assessment

Strategic Objective: Liveable

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

Operational Plan Link: 5.2.2 Provide Facilities Management services

EXECUTIVE SUMMARY

The cleaning of public toilets is an important service aimed at providing a reasonable level of service to the community. This service is undertaken by contract.

Tenders have been called to undertake this service for a two year period with an option to extend for a further one year.

This report outlines the results of the tenders for the cleaning of Council's public toilets and to recommend acceptance of the preferred tenderer.

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

RECOMMENDATION

THAT a two year contract with a one year option, commencing on 1 June 2015, be awarded to the preferred tenderer ranked 1 in Option 2 for the cleaning of Council's public toilets in both north and south locations, as outlined in the confidential attachment.

BACKGROUND

Tenders have been called for the cleaning of public toilets for a period of two years with an option to extend for an additional one year.

The tender is to service and clean Council's nominated public toilets (66 in total) increasing to 67 in 2015. Works will include paper replenishment, defect reporting, cleaning activities, record keeping and minor graffiti treatment. The cleaning task will require a combination of physical labour, cleaning implements, chemicals and monthly pressure cleaning to the required standard and schedule.

The tender was available as either two separate parts, North (South Durras – Mogo - Broulee) 31 toilets, South (Moruya North Heads – Tilba) 36 toilets or as one part (South Durras-Tilba). There are two cleaning schedule options to price for north and south areas.

The two options considered were:

Option 1 – Tuesday cleaning was removed with the exception of two high profile toilets.

Option 2 – Includes Tuesday cleans

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E95.9163

These scheduled options are as per the Councillors' attachment.

Option 1 was considered at the suggestion of a cleaning contractor, who observed that if it is possible to give the cleaning crews a "day off" that this would be preferred by tenderers and may result in a subsequent more competitive price.

CONSIDERATIONS

A total of six tenderers responded to the Request for Tender as follows:

- Kenneth James Tetley
- Mow Me Lawns
- Quad Cleaning
- International Cleaning Services
- Ashcroft Cleaning Services
- Radiant

All tenderers were evaluated using weighted price and non-price criteria. The cleaning schedule options and the confidential evaluation summary are attached for Councillors' information. The preferred tenderer for each option was assessed to represent the best value for money outcome for the community.

Legal

Request for Tender No 2015/ISD030 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 on 3 February 2015 and closed on 25 February 2015.

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).

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 effective implementation of the toilet cleaning contract has a number of environmental benefits. Clean, well-kept toilets demonstrates to the public a commitment to keeping the shire clean, which encourages the public to respond in a manner reflecting this, eg use of rubbish bins.

Asset

An important aspect of the cleaning contract is reporting defects, vandalism and graffiti back to Council's Infrastructure Services team.

Under the new contract, Council will be introducing an electronic real time reporting system, which will significantly improve the contractor's ability to provide immediate advice to the

IR15/018 CLEANING OF PUBLIC TOILETS - TENDER

E95.9163

works team allowing an improved response to vandalism, minor damage and maintenance issues.

Social Impact

The cleanliness of Council's public toilets is important to providing safe facilities for the community and visitors to use. The public toilet environment is difficult to control as misuse can occur following cleaning. However the standard of cleaning must remain at a high level to present the public toilets in the best light possible.

Council will be overseeing the selected tenderer to ensure the requirements of the specification and contract are met.

Economic Development Employment Potential

The cleaning of the toilets will require sufficient local human resources to effectively fulfill the obligations of the contract. This will support local employment.

The presentation of the area, including public toilets, is important particularly in business districts and for visitors, supporting the Eurobodalla economy and employment outcomes.

Financial

The tendered prices submitted for the cleaning of Council's public toilets is higher than previous contracts. An allowance has been made in the 2015/16 budget for the anticipated increase in costs associated with delivering this service.

CONCLUSION

After evaluation of all tenders, it is recommended that cleaning schedule Option 2 would best meet the community's expectations. It is therefore recommended that the preferred tenderer ranked 1 in the confidential attachment be awarded the contract for both the north and south areas.

The savings made by using the Cleaning Schedule Option 1 (Tuesdays excluded for a number of toilets) comes at a significant reduction in the level of service. This option is therefore not supported.

**IR15/019 TENDER FOR THE ROOFING UPGRADE OF NAROOMA SPORT AND
LEISURE CENTRE**

E80.1837

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Tender Assessment

Strategic Objective: Liveable

Delivery Program Link: L5.1 Implement Council's recreation and open space strategy, priority plans of management and master plans

Operational Plan Link: L5.1.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

The Narooma Sport and Leisure Centre is a well-used and important community facility in a prominent position in Narooma. The roof structure has reached the end of its useful life and is in need of replacement.

This report recommends that Council accept the preferred tenderer as per the confidential attachment to undertake to replace the roof and ancillary components at the Narooma Sport and Leisure Centre.

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

RECOMMENDATION

THAT council accept the preferred tenderer for the Roofing Upgrade of Narooma Sport and Leisure Centre as identified in the confidential attachment to this report.

BACKGROUND

In 2008, Council undertook a significant internal upgrade of the Narooma Sport and Leisure Centre, including the addition of disabled accessible toilets, upgrade of the kitchen and new high-quality sports flooring. Significant consultation was undertaken prior to this upgrade, with many local sporting and recreation groups participating and encouraging the upgrade to allow them to run activities within the centre.

In the last 12 months, the Police Citizens Youth Club (PCYC) has taken up residence in the facility with two new offices built; one to accommodate the PCYC area manager and the other provides office space for two uniformed police.

The roof was originally constructed in the early 1980's and due to its close proximity to salt water has started to deteriorate to the point that leaks are becoming more prominent and no longer able to be managed within routine maintenance programs and budgets. Other components such as facias have also reached the end of their useful life and are detracting from the overall appearance of the building.

**IR15/019 TENDER FOR THE ROOFING UPGRADE OF NAROOMA SPORT AND
LEISURE CENTRE**

E80.1837

CONSIDERATIONS

In March 2015, Council advertised for the tender for the Roofing Upgrade of the Narooma Sport and Leisure Centre which closed on 1 April 2015. On closure of the tender period, four tenders were received from the following companies:

- Aust Tech Engineering Supplies Pty Ltd
- Bay and Coast Metal Roofing
- Cercol Construction Services Pty Ltd
- Narooma Plumbing Services Pty Ltd

The confidential attachment provides an assessment of the tenders received and recommends the preferred tenderer be accepted to undertake this work.

During the process of replacing the roofing and ancillary components, the facility will be closed for a period of approximately four weeks (weather permitting). Staff will liaise with the PCYC and other users to find alternate venues where possible, such as the Dalmeny Hall, during this construction period.

It is proposed to commence the works following the Huntfest event (which is to be held on the June long weekend).

Legal

Request for Tender (RFT) No 2015/ISD037 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 on 11 March 2015 and closed on 1 April 2015.

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).

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.

Asset

The existing roof and related components has reached the end of its useful life and needs to be replaced. The proposed reroofing work will also protect the remainder of the building from potential damage (eg water damage).

The Narooma Sport and Leisure Centre is in a high profile location at the intersection of the Princes Highway and Bluewater Drive, Narooma. This area of Narooma was part of the recent extensive streetscape upgrade, which has vastly improved the appearance and appeal to locals and visitors alike. However, the Narooma Sport and Leisure Centre still retains the appearance of an older building. This upgrade will significantly improve the appearance of not only the facility, but will also add to the quality of the streetscape.

**IR15/019 TENDER FOR THE ROOFING UPGRADE OF NAROOMA SPORT AND
LEISURE CENTRE**

E80.1837

Social Impact

Council's community buildings provide the infrastructure to support local social activities and to help maintain a healthy community. This facility is used by a wide range of age groups.

The completion of the reroofing work will mitigate adverse impacts from leaks, reducing the risk to the community.

Communication/Consultation

Existing patrons of the Narooma Sport and Leisure Centre have been advised of the pending works with positive feedback from all users. Additionally, once a works program is established, thorough community consultation will take place including writing to user groups, providing information on Council's website; Online News; advertising on Council's noticeboard page in two local newspapers; distributing a media release.

Financial

This project is essential renewal work which will be funded from the internally restricted infrastructure fund. The final timing of the work will be determined once the successful tenderer has been determined. There may be an opportunity to undertake part of the works within 2014/15. Once this has been confirmed the appropriate budget adjustments will be made within the quarterly budget review.

CONCLUSION

The roof on the Narooma Sport and Leisure Centre needs to be replaced.

Tenders have closed for the Roofing Upgrade of Narooma Sport and Leisure Centre. All tenders have been assessed and the preferred tenderer as shown in the confidential attachment has provided a complying tender and is recommended for acceptance.

IR15/020 TENDER FOR DESIGN AND CONSTRUCT FLOATING PONTOON - APEX PARK BOAT LAUNCHING RAMP, NAROOMA E06.0096

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Tender Assessment

Strategic Objective: Liveable

Delivery Program Link: L5.1 Implement Council's recreation and open space strategy, priority plans of management and master plans

Operational Plan Link: L5.1.2 Seek grant funding and partnership opportunities to develop community spaces

EXECUTIVE SUMMARY

A major upgrade is proposed to the Apex Park boat ramp including widening of the existing ramp, provision of a new central pontoon and refurbishment of the existing timber jetty.

Council was successful in securing grant funding of \$100,000 under the Better Boating Program and this was previously reported to Council with Minute FM13/14 as follows:

THAT Council secure the grant of \$100,000 from the Transport Roads & Maritime Services under their 2012/13 Better Boating Program for the removal and replacement of the timber jetty with a floating pontoon, located at the Apex Park Boat Ramp, Centenary Drive, Narooma.

Council also allocated funding of \$100,000 for this project from the Infrastructure Fund.

On 3 March 2015 a Press Release from the Hon Andrew Constance MP advised that the NSW Government would invest \$693,000 on five key boating projects in the Eurobodalla to boost safety and accessibility for boaters. These projects would be delivered as part of the Far South Coast Regional Boating Plan. One of these projects was the upgrading of the boat ramp and installing a new pontoon at Apex Park, Narooma with an additional amount of \$150,000 allocated to the overall upgrade project.

The design of the new facility has the concurrence of the funding authority and permit approvals have been agreed with NSW Fisheries and Batemans Bay Marine Parks.

Council teams will undertake the civil works associated with the project this financial year with the new pontoon to be installed under contract early in 2015/16. Funding for the project has therefore been split across the two financial years.

Tenders were called for the design and construction of the new floating pontoon for Apex Park. This report considers the tenders received and recommends acceptance of the preferred tenderer.

**IR15/020 TENDER FOR DESIGN AND CONSTRUCT FLOATING PONTOON - APEX E06.0096
PARK BOAT LAUNCHING RAMP, NAROOMA**

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

RECOMMENDATION

THAT the tender from the tenderer ranked 1 in the confidential attachment to this report be accepted for design and construct floating pontoon at Apex Park Boat Launching Ramp, Narooma.

BACKGROUND

Tenders have been invited for a contract to undertake the design and construction of a floating pontoons at the boat launching ramp at Apex Park, Narooma.

The following contractors have submitted tenders for the projects:

- 1 Clement Marine Constructions
- 2 Seaslip
- 3 Bell Rock Marine

Tenders for the construction of the pontoons were received and a tender assessment is summarised in the confidential attachment to this report.

CONSIDERATIONS

A request for tenders was advertised in the Sydney Morning Herald, the local newspaper and on the internet through Tenderlink.

Upon close of tenders on 31 March 2015, three tenders were received and a formal tender evaluation process was carried out by Infrastructure Services team members and verified by the Senior Projects Engineer. The tenders received are on file E06.0096.

Legal

Request for Tender (RFT) No 2015/ISD036 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 on 11 March 2015 and closed on 31 March 2015.

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).

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.

**IR15/020 TENDER FOR DESIGN AND CONSTRUCT FLOATING PONTOON - APEX
PARK BOAT LAUNCHING RAMP, NAROOMA**

E06.0096

Environmental

A new pontoon has been designed to minimize impacts on the marine environment whilst maximizing outcomes for boating enthusiasts utilizing the Apex Park boat ramp. In particular, NSW Government approvals were required from NSW Fisheries and Marine Parks to undertake works within the marine environment. The contractor is required to perform the works in accord with these permits and approvals.

Asset

The overall project will see the existing boat ramp replaced providing a complete renewal of the existing asset. Similarly, the funding permits the refurbishment of the existing timber jetty assisting with the renewal of key components of this asset.

The proposed pontoon is a new asset. This will require an increase in the maintenance budgets for boat ramps of \$1,500 per annum and an increase in depreciation costs of \$4,800 per annum from 2015/16 onwards.

These increased costs are supported due to the significant role this regional boating facility plays in servicing the local community and the tourism industry.

Social Impact

The provision of a floating pontoon at select major boating facilities significantly improves accessibility for the elderly and people with disabilities. This supports our demographic and helps attract visitors to Eurobodalla.

Economic Development Employment Potential

Provision of high quality boating facilities helps support our tourism industry, aiding economic development and employment within the region.

Communication / Consultation

Local fishing clubs, boat ramp users and government agencies were consulted to determine the most suitable location for the pontoon wharf. This ensured the design for the pontoon wharf will minimise environmental impacts and ensure improved safety and accessibility for boatramp users.

Financial

The works at Apex Park Narooma will involve the replacement of the existing facility with a new double concrete boat ramp, upgrading of the existing timber jetty and the design and construction of a new pontoon wharf.

The overall project is funded by the NSW Government through Roads and Maritime Services (\$250,000) and Council (\$100,000).

The cost of the preferred tenderer in the context of the overall project is able to be met from the internally restricted Infrastructure Fund.

IR15/020	TENDER FOR DESIGN AND CONSTRUCT FLOATING PONTOON - APEX PARK BOAT LAUNCHING RAMP, NAROOMA	E06.0096
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CONCLUSION

The tender from the tenderer ranked 1 is considered the most suitable on a value for money basis for the design and construction of a new pontoon at Apex Park Narooma regional boat ramp.

**IR15/021 TENDER FOR SUPPLY AND LAY ASPHALT - BEACH ROAD/BAVARDE
AVENUE ROUNDABOUT, BATEMANS BAY**

E11.5478

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Tender Assessment

Strategic Objective: Productive

Delivery Program Link: P2.2 Develop, renew and maintain the road network

Operational Plan Link: P2.2.1 Deliver capital and renewal works program

EXECUTIVE SUMMARY

Council has include pavement renewal works on Beach Road in the 2014/15 Operations Plan. Part of this work involves asphaltting sections including the Beach Road/Bavarde Aevnue roundabout, Batemans Bay.

Tenders were sought for the supply and lay of asphalt for Beach Road/ Bavarde Avenue roundabout, Batemans Bay. This report considers the tenders submitted and recommends a preferred tenderer.

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

RECOMMENDATION

THAT the tenderer ranked number 1 in the confidential attachment to this report for the supply and lay of asphalt at Beach Road/Bavarde Avenue roundabout, Batemans Bay be accepted.

BACKGROUND

Tenders have been invited for a contract to undertake asphaltting works at Beach Road/Bavarde Avenue roundabout and approaches in Batemans Bay. The works are funded from existing pavement renewal budgets.

Tenderers were requested to tender on a schedule of rates basis and to provide a methodology on how the work would be undertaken causing the least disruption to traffic and pedestrians at this very busy intersection. All tenderers opted to undertake the work at night due to the reduced traffic volumes.

The following contractors have submitted tenders for the works:

- Downer EDI
- Patches Asphalt
- Fulton Hogan

**IR15/021 TENDER FOR SUPPLY AND LAY ASPHALT - BEACH ROAD/BAVARDE
AVENUE ROUNDABOUT, BATEMANS BAY**

E11.5478

CONSIDERATIONS

The evaluation of tenders was carried out by a panel comprising of three staff. The tenders were assessed on criteria including cost, methodology and capability to deliver. For each tender to be conforming the contractor had to demonstrate suitable environmental, safety and quality management systems.

Following the assessment the tenderers were ranked 1-3 for each option and it is recommended that the tenderer ranked 1 be accepted.

A summary of the tender amounts and evaluation process is attached as a confidential attachment.

Legal

Request for Tender (RFT) No 2015/ISD029 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 on 25 March 2015 and closed on 15 April 2015.

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).

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

This work will result in the generation of excess material suitable to other road construction works. This will be recycled for use in a low traffic area, representing a significant reduction of waste, as compared to taking this material to landfill.

Asset

This work will be undertaken as part of council's ongoing program for capital renewal. The outcome of this work will be the renewal of the pavement surfacing at the roundabout including the repair of pavement defects and correction of surface issues.

Communication/Consultation

The community will be informed through providing information on Council's website; Online News; advertising on Council's noticeboard page in two local newspapers; distributing a media release. Letters will also be written to adjoining landowners and residents.

In addition variable message boards will be placed on the approaches to the roundabout to inform motorist of the upcoming works a week in advance.

Financial

The tendered prices are within the available budget for the works.

IR15/021	TENDER FOR SUPPLY AND LAY ASPHALT - BEACH ROAD/BAVARDE AVENUE ROUNDABOUT, BATEMANS BAY	E11.5478
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CONCLUSION

The tender from the tenderer ranked 1 in the confidential attachment is recommended as offering the most suitable on a value for money basis and is also the least cost option offered.

FBD15/030 INVESTMENTS MADE AS AT 31 MARCH 2015

E99.3517

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

Attachments: Nil

Strategic Objective: Support Services

Delivery Plan 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 the Council's investments in financial instruments have been made in accordance with the legal and policy requirements.
- Provide information on and details of investments.
- Raise other matters relevant to investing as required.

RECOMMENDATION

THAT the certification that the investments as at 31 March 2015 have been made in accordance with the Act, the Regulations and Council's investment policies, in accordance with the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

Legal

Actual investment legal costs for the financial years 2008-2014 are \$0.37M. Budgeted legal fees are \$0.03M for 2014-2015 with only minor net expenditure incurred year to date.

Policy

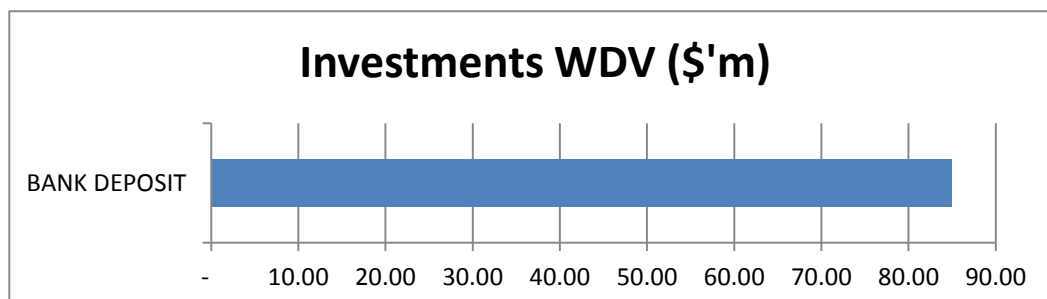
Investments comply with Council policy with the exception of government guaranteed deposits which are under the 20% required by the current investment policy. The Territory Insurance Office has now been sold and all deposits have been redeemed. These investments were government guaranteed. Amendments to the Council policy have been approved by Council for public exhibition which ends 24 April 2015.

FBD15/030 INVESTMENTS MADE AS AT 31 MARCH 2015

E99.3517

Financial

Council Investing Overall



Type	Bank Deposits	Government Deposits	Grand Total
Investments WDV (\$'m)	84.93	0.00	84.93
WDV %	100.00	0.00	100.00

Council has 100% (\$84.93M) invested in bank deposits. Bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$6.75M with IMB (Rated BBB+), \$7.75M with ING Bank (Rated A-) and \$7.75M with the Bank of Queensland (Rated A-)). Investment in Government Guaranteed Deposits is \$2.00M and represents 2.35% of the portfolio.

The weighted average return for all investments for the month is 3.33% which is above the Council policy benchmark of Bank Bill Swap rate ("BBSW") + 0.25% (2.53%).

Collateralised Debt Obligation ("CDO")

A Proof of Claim has been lodged on behalf of Council in respect of the scheme of arrangement (Scheme) between Lehman Brothers Australia Limited (in liquidation) and its Scheme Creditors. This matter will now proceed to finalisation and the latest information suggests that it could be substantially finalised by the end of this financial year. Legal action against the Commonwealth Bank and Standard and Poors is proceeding and any developments will be advised when information is received.

Summary Investment Information

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

CATEGORY	WDV (\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	3,176,228
Term Deposits	79,750,000
Term Deposits Government Guaranteed	1,750,000
	\$84,926,228

FBD15/030 INVESTMENTS MADE AS AT 31 MARCH 2015

E99.3517

<i>Weighted Average Interest %:</i>	3.33%
<i>Average 90 day BBSW + 25%:</i>	2.53%

Policy and Liquidity Risk

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

Policy Risk	Low Liquidity Risk %	Medium Liquidity Risk %	High Liquidity Risk %	Total % WDV
Remote Risk	2.32	0.00	0.00	2.32
<i>Policy Limit</i>	<i>100.00</i>	<i>70.00</i>	<i>50.00</i>	
Near Risk Free	71.46	0.00	0.00	71.46
<i>Policy Limit</i>	<i>80.00</i>	<i>50.00</i>	<i>30.00</i>	
Some Limited Risk	26.22	0.00	0.00	26.22
<i>Policy Limit</i>	<i>30.00</i>	<i>20.00</i>	<i>10.00</i>	
At Risk	0.00	0.00	0.00	0.00
<i>Policy Limit</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	
Grand Total:	100.00	0.00	0.00	100.00

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Department of Local Government suggests 1.5:1 and the audited unrestricted current ratio as at the 30 June 2014 is 2.85:1. Council therefore has approximately \$2.85 of current assets for each \$1 of current liabilities.

CONCLUSION

Certification

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

FBD15/031 RATES AND DEBTORS HARDSHIP POLICY

E13.7095

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

Attachments: 1. Rates and Debtors Hardship Policy

Strategic Objective: Support Services

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

Operational Plan Link: SS1.1.3 Levying and collection of rates and charges

EXECUTIVE SUMMARY

Eurobodalla Shire Council complies with *the Local Government Act (NSW) 1993* which makes provision for debtor hardship arrangements under sections 564(2), 567, 582 and 601.

Council's current Rates and Debtors Hardship policy was adopted on the 10 September 2013.

The policy has been reviewed following Council's resolution Minute no. 14/372 of 9 December 2014 which, in part, states:

'Review its Rates and Debtors Hardship policy to assist any members of the community who may experience hardship as a result of a Special Rate Variation, by developing a range of strategies to address specific situations'.

The reviewed policy was presented to Council on 10 February 2015 and placed on public exhibition for 28 days with no submissions received.

RECOMMENDATION

THAT Council adopt the reviewed Rates and Debtors Hardship Policy

BACKGROUND

Council understands that some members of the community will at times experience financial hardship. The purpose of the Rates and Debtors Hardship policy is to enable Council to provide assistance to ratepayers and other debtors who are experiencing financial hardship, whilst balancing the impact of outstanding debts on Council's financial position.

The policy aims:

- to ensure compliance with legislative requirements and financial industry guidelines
- to ensure consistency and fairness in the way Council deals with hardship provisions
- to take such steps as are appropriate to minimize the impact of outstanding debts on Council's financial position.
- to promote a clear guideline for administering rate and debtor hardship provisions
- to make Council's policy and requirements regarding hardship readily accessible and understandable to the public.

FBD15/031 RATES AND DEBTORS HARDSHIP POLICY

E13.7095

CONSIDERATIONS

The policy has been reviewed to ensure the provisions will assist ratepayers that experience genuine hardship.

Legal

The policy is governed by the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Policy

The existing Rates and Debtors Hardship policy required amendment. The amendment is specific to its application Clause 1, which now clearly identifies each circumstance on how ratepayers may be assisted by the policy.

There are no changes to the exhibited policy.

Social Impact

This policy allows Council's requirements regarding hardship to be readily accessible and understandable to the public.

Communication / Consultation

We have consulted with the community by seeking feedback through a 28 day Public Exhibition where the Rates and Debtors Hardship policy was on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

The reviewed policy was presented to Council on 10 February 2015 and placed on public exhibition for 28 days with no submissions received. The policy is now presented to Council for adoption.



POLICY

Policy name	Rates & Debtors Hardship
Responsible manager(s)	General Manager
Contact officer(s)	Director Finance and Business Development
Directorate	Finance and Business Development
Approval date	10 September 2013
Community Strategic Plan Objective	Objective 8: We work together to achieve our goals
Delivery Program	Finance and Governance
Operational Plan	6. Levying and collection of rates and charges

Purpose

This policy applies to Eurobodalla Shire Council and its ratepayers and debtors and provides a framework for responding to applications from owners/ratepayers experiencing genuine hardship with the payment of the rates and charges in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

The policy aims:

- To promote a clear guideline for administering rate and debtor hardship provisions.
- To ensure consistency and fairness in the way Council deals with hardship provisions.
- To ensure compliance with legislative requirements and financial industry guidelines.
- To take such steps as are appropriate to minimise the impact of outstanding debts on Council's financial position.
- To make Council's policy and requirements regarding hardship readily accessible and understandable to the public.

Policy statement

1 Application

A ratepayer may be eligible for consideration for hardship assistance in the payment of overdue rates, annual charges, debtors and interest, where:

- The person is unable to pay rates or accrued interest when due and payable for reasons beyond the persons control (Section 567); or
- Payment of the accrued interest would cause the person hardship (Section 567)
- Periodical payment arrangements for overdue rates and charges. (Section 564)
- Writing off or reducing interest accrued on rates or charges (Section 564 & 567)
- Waiving, reducing or deferring the payment of the increase in the amount of rate payable because of hardship resulting from the general revaluation of land in the Local Government Area (Section 601)
- Waiving, or reducing rates, charges and interest for eligible pensioners (Section 575 & 582)

Council will consider applications for assistance in accordance with the following principles:

- Council will individually assess cases of financial hardship.
- Council will not reduce rates or annual charges, but will consider alternative available approaches to dealing with cases of financial hardship.
- Council will consider a scheme of periodical payment outside the due dates in cases of hardship or extenuating circumstance.



2	<p>Legislation</p> <p>Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> as follows ;</p> <p>Section 564(2): Arrangements</p> <p>This enables Council to write off or reduce interest accrued on rates or charges if the person complies with an agreement made with Council as to periodical payment of those rates and charges.</p> <p><i>The policy is not to write off interest on rates or charges as a result of a person complying with an arrangement or agreement unless a hardship application is approved pursuant to section 567 of the LGA. For the avoidance of any doubt this policy also applies to debtors for fees other than rates and charges.</i></p> <p>Section 567: Interest Charges</p> <p>This enables Council to write off accrued interest on rates or charges payable by a person if, in Council's opinion, the person is unable to pay "for reasons beyond the person's control" or payment of the accrued interest would cause the person "hardship".</p> <p>Section 582: Eligible Pensioners</p> <p>Enables Council to waive or reduce rates, charges and accrued interest due by any person prescribed by the regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991. Thus, Council may, in its absolute discretion, further reduce on a voluntary basis (with no subsidy from the state government) rates and charges otherwise payable by an eligible pensioner.</p> <p>The council will waive all interest charges for eligible pensioners that pay their rates by the 30 June each year.</p> <p>Section 601: Valuations</p> <p>Any ratepayer who incurs a rate increase in the first year following a revaluation of land values can apply to council for rate relief if the increase in the amount of rates payable would cause them substantial hardship.</p> <p>Council has discretion to waive reduce or defer payment of the whole or any part of the increase in the amount of rate payable.</p> <p>Council can set the period of time for when applications can be made under this section. Applications must be made in the first year following the use of the new valuations used for rating.</p> <p>Local Government (General Regulation) 2005: Write offs requiring Council Resolution.</p> <p>This requires the Council to resolve the amount of an individual rate or charge above which a resolution is required to write off an individual amount. This amount then applies to all policies and codes of practice enabling write offs, not only this hardship policy.</p> <p><i>Rate, charges and fees can only be written off in accordance with legal and policy requirements. Individual fees, rates or charges above \$10,000 can only be written off by resolution of Council. Amounts of \$10,000 or less can be written off by order in writing of the Council's General Manager (or nominee/s).</i></p>
3	<p>Provisions</p> <p>All applications for hardship must be submitted on councils prescribed application. For applications to be given full consideration, evidence of hardship must be supplied by the applicant. This evidence may take the form of social security information, tax returns or workers compensation details.</p>



Hardship will only apply to the ratepayer's primary place of residence.
 If it is found that incorrect disclosures were deliberately made, Council reserves the right to cancel the agreement and collect any amount previously waved in accordance with this policy.

Implementation

Implementation steps		Responsibility
1	Coordination and Enforcement The Revenue Accountant (under Director, Finance and Business Development) is responsible for coordinating / enforcing the policy.	Revenue Accountant
2	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
3	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 to help determine follow up actions.	Council Officers
4	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
5	Consultation 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.	As required

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 when legislation changes; or when council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Hardship.

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

Performance indicator	Data source(s)
Public Concerns, Customer Feedback Survey Responses	Council Records, Surveys
Audit (Internal or External)	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/

Related external references

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

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated.

Internal use

Responsible officer		General Manager	Approved by	Council	
Min No	13/272	Report no	O13/56	Effective date	10 Sep 2013
File no	E13.7095	Review date	Sep 2016	Pages	4

FBD15/032 LICENCE FOR FOOTPATH TRADING - MORUYA

90.1118.D

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

Attachments: Nil

Strategic Objective: Support Services

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

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

EXECUTIVE SUMMARY

An application has been received from a retail business in Vulcan Street, Moruya to display goods for sale on the footpath adjacent to the premises. The proposal does not comply with the provisions of Council's Footpath Trading Code, however this report recommends approval of the application and granting of a three-year licence. The variation to the Code is considered reasonable in this case.

RECOMMENDATION

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone of 0.6m adjacent to the property boundary of Lot 1 DP 1017071 No. 42 Vulcan Street, Moruya.
2. A licence be granted to the proprietors of Polly's with terms and conditions including:
 - (a) A three-year term.
 - (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
 - (c) Rent in accordance with Council's adopted fees and charges.
 - (d) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
 - (e) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.

BACKGROUND

An application has been received from the proprietors of Polly's Newsagency in Moruya, Pollyrob Pty Limited, for a licence to display goods for sale on the footpath adjacent to the property boundary of their premises at 42 Vulcan Street, Moruya.

CONSIDERATIONS

Council's Footpath Trading Code was developed on the basis of best practice in ensuring safe and unhindered access for all pedestrians, including those with impaired sight.

FBD15/032 LICENCE FOR FOOTPATH TRADING - MORUYA

90.1118.D

In this case whilst the width of the footpath is sufficient to comply with the Footpath Trading Code it is impractical to display goods close to the kerb. Unlike footpath dining where tables and chairs can easily remain stable, goods displayed near the kerb are subject to increased wind and traffic.

Both outdoor eating and display stands have previously been approved in Vulcan Street with exemption to the Footpath Trading Code.

The photograph below shows the zones according to the Footpath Trading Code and the proposed location of the display of goods for sale.



Legal

There is no legislative imperative preventing an exemption to the Code.

In accordance with Section 139A of the Roads Act 1993 Council can give approval for footpath trading and grant a licence over part of a public road for which Council is the Roads Authority.

Policy

The location of the proposed trade zone does not comply with Council's Footpath Trading Code as it is adjacent to the shop front.

Economic Development Employment Potential

Additional trading space for retail businesses allows development of those businesses, enhancing their financial viability.

Financial

Council has adopted fees and charges in relation to the granting of licences for display of goods on footpaths and these should be reflected in the licence agreement.

FBD15/032 LICENCE FOR FOOTPATH TRADING - MORUYA

90.1118.D

CONCLUSION

The proposed display of goods for sale adjacent to Lot 1 DP 1017071 42 Vulcan Street, Moruya does not comply with Council's Footpath Trading Code; however, an exemption to the Code in terms of permitting the trade area adjacent to the property boundary is considered to be a reasonable exception to the Code as it is consistent with other licences previously granted in Vulcan Street.

**CAR15/004 ACCEPTANCE OF TRANSITIONAL FUNDS FOR NATIONAL RESPITE
FOR CARERS PROGRAM**

E05.9430

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

Attachments: Nil

Strategic Objective: Liveable

Delivery Program Link: L2.3 Provide support and information for carers

Operational Plan Link: L2.3.1 Provide flexible respite, aged parent carers and in-home respite

EXECUTIVE SUMMARY

Council's Community Care services has received a four month extension offer of \$123,648.20 from the Commonwealth Department of Social Services (DSS), to continue the provision of Respite for Carer services until 31 October 2015. This funding will enable Council to continue service and prepare for new contractual arrangements and program requirements under the Commonwealth Home Support Program (CHSP), due to commence 1 November 2015.

Acceptance of this funding extension is required to ensure that Council can continue to receive future funding from the Commonwealth and provide services under the new Commonwealth Home Support Program.

RECOMMENDATION

THAT Council:

1. accept the transitional funding of \$123,648.20 from the Department of Social Services for the extension of Respite for Carers program for the period 1 July - 31 October 2015; and
2. sign and affix the Common Seal to two copies of the Variation of Grant Agreement.

BACKGROUND

A current funding agreement exists between Council and the DSS to provide Respite for Carers under the National Respite for Carers Program (NRCP). This grant is due to expire on 30 June 2015 and the Commonwealth Government is in the process of transitioning NRCP activities to the Commonwealth Home Support Program (CHSP). This will commence in November 2015. To support this transition the Commonwealth wishes to offer Council an extension to the existing agreement to 31 October 2015.

CONSIDERATIONS

This extension is being offered to the majority of existing providers and is based on current contracted outputs and pro-rata funding.

Social Impact

Respite programs provide many benefits, including regular alternate support arrangements to enable carers to take a break, pursue hobbies and interests, and simultaneously provide meaningful activities for the person they are caring for.

**CAR15/004 ACCEPTANCE OF TRANSITIONAL FUNDS FOR NATIONAL RESPITE
FOR CARERS PROGRAM**

E05.9430

Failure to accept this funding would result in the 30 carers currently receiving regular support being without Respite services at 1 July. Accepting the funding extension would ensure that these carers would not:

- require referral on to other providers,
- lose their relationship with consistent and trusted coordination staff and support workers; and
- be placed on waiting lists and without regular services for extended periods whilst their transfer takes place.

Communication / Consultation

We will inform the community through providing information on Council's website and distributing a media release.

Staff

Current staffing levels will be maintained for the duration of the transition period and reviewed once further advice is received on the new funding grants for the CHSP.

Financial

Commonwealth grant funding of \$123,648.20 (incl. GST) will be provided to continue core respite and flexible respite services for four months from 1 July 2015 to 31 October 2015. This will be paid in advance in four monthly installments of \$31,662.05.

CONCLUSION

In order to receive this four month extension of funding, Council is required to sign and affix the Common Seal to two copies of the Variation of Grant Agreement. Organisations must accept this funding extension in order to continue to receive future funding agreements from the Commonwealth and provide services under the new Commonwealth Home Support Program.

19. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

RECOMMENDATION

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

CON15/007 Narooma Golf Club Lease

Item CON15/007 is confidential in accordance with s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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