



# **AGENDA**

**Ordinary Meeting of Council**

**11 August 2015**



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

**ON TUESDAY 11 AUGUST 2015**

**COMMENCING AT 10.00AM**

**AGENDA**

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

- 1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE**
- 2. APOLOGIES**  
Nil
- 3. PUBLIC FORUM (AGENDA ITEMS ONLY)**
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 28 July 2015
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)

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- 6. MAYORAL REPORTS**
- 7. NOTICES OF MOTION**  
Nil
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
- 9. PETITIONS**  
Nil
- 10. GENERAL MANAGER'S REPORTS**  
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| CON15/012  | Property Matter<br><i>Item CON15/012 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i> |           |

**DR CATHERINE DALE**  
**GENERAL MANAGER**

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**GMR15/015 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 2015**

**E15.9021**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: Nil  
Strategic Objective: Collaborative Communities  
Delivery Plan Link: C1.1 Conduct the business of Council in an inclusive, responsive and transparent manner  
Operational Plan Link: C1.1.1 Support the councillors in meeting their statutory obligations and roles as community representatives

**EXECUTIVE SUMMARY**

This report presents details of the Local Government NSW Annual Conference to be held at Rosehill Gardens Racecourse, Rosehill from 11-13 October 2015. The report also seeks nominations of delegates to attend the Conference and identification of issues together with proposed solutions/motions to be considered at the Conference.

**RECOMMENDATION**

THAT Council determine whether it wishes to be represented at the Local Government NSW Annual Conference 2015 to be held at Rosehill from 11-13 October 2015 and if it so determines:

1. The Mayor be nominated as one voting delegate and Council nominate other voting delegates, together with observers as determined, to attend the Conference;
2. Council's delegates and observers be reimbursed out of pocket expenses in accordance with Council's policy;
3. Council consider issues and proposed solutions/motions for submission to the Local Government NSW Conference.

**BACKGROUND**

Local Government NSW (LGNSW) is the peak industry association that represents the interests of all 152 NSW general purpose councils, as well as 12 special purpose councils and the NSW Aboriginal Land Council. The Annual Conference is the policy making event for the 152 general purpose councils, where local councillors can come together to share ideas and debate issues that shape the way we are governed.

**CONSIDERATIONS**

A draft program and details of the 2015 Conference are available on the Local Government NSW website at: [www.lgnsw.org.au/events-training/local-government-nsw-annual-conference](http://www.lgnsw.org.au/events-training/local-government-nsw-annual-conference)

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**GMR15/015 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 2015**

**E15.9021**

Delegates

Council's policy on Councillors' Expenses and Facilities provides that all Councillors can attend the Local Government NSW Annual Conference if they wish. Councillor Rob Pollock has indicated that he wishes to attend the conference.

As a full member of Local Government NSW, Council is entitled to vote at the Conference.

This year the Conference will involve two types of voting – one for voting in the elections for Office Bearers and the Board and a separate roll of voters for voting on motions.

Member councils will need to separately nominate the names of their voting delegates for voting on motions, and the names of their voting delegates for voting in the elections. The association has stated that the number of voting delegates for motions is three and the number of voting delegates in the elections is also three.

Issues for Consideration at Conference

Councils can submit motions for consideration at the Conference. The Board has resolved that motions will be included in the Business Paper for the Conference where they:

1. Are consistent with the objects of the Association (see Rule 4 of the Association's rules)
2. Relate to Local Government in NSW and/or across Australia
3. Concern or are likely to concern Local Government as a sector
4. Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association
5. Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws)
6. Are clearly worded and unambiguous in nature
7. Do not express preference for one or several members over one or several other members.

Further, for a motion to be included in the Business Paper for the Conference the submitting member council needs to provide evidence of its support for the motion to be included. Such evidence should be in the form of an attachment or addendum and may include an extract of the minutes of the meeting at which the member resolved to submit the motion for consideration by the Conference.

To allow printing and distribution of the business paper, members are strongly encouraged to submit their motions by 24 August 2015.

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**GMR15/015 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 2015**

**E15.9021**

Councillors are asked to consider what issues are affecting Eurobodalla and a proposed solution or motion for submission to the Conference.

Registration

Registration for the conference is \$899 if received prior to 31 August 2015, or \$999 if received after that date.

Accommodation, Travel and Sustenance

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

Accommodation is restricted to a maximum NRMA 4 ½ star rating and where possible at the conference venue to avoid other costs and inconvenience.

**CONCLUSION**

The Local Government NSW Annual Conference is the annual policy making event for the 152 general purposes councils in NSW. Council's attendance at the Conference enables it to share ideas and debate issues that shape the way local government operations in New South Wales.

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**GMR15/016 AUSTRALIAN COASTAL COUNCILS ASSOCIATION, ANNUAL  
GENERAL MEETING**

**E04.8493**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: Collaborative Communities

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

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

### **EXECUTIVE SUMMARY**

The Annual General Meeting of the Australian Coastal Councils Association Inc (formerly Sea Change Taskforce) will be held in Sydney on Thursday 17 September 2015. Council as a member of the Association is able to nominate an elected representative as a candidate and vote for the NSW representative on the Association's Board of Management.

Following the AGM, the NSW launch of the newly established Australian Coastal Councils Association will be held at Parliament House.

### **RECOMMENDATION**

THAT Council:

1. Nominate a delegate to attend the Australian Coastal Councils Association Annual General Meeting and launch of the newly established Association to be held in Sydney on Thursday 17 September 2015;
2. Determine if it wishes to nominate an elected representative to stand as a candidate for NSW representative on the Association's Board of Management.

### **BACKGROUND**

The Annual General Meeting of the Australian Coastal Councils Association will be held in Sydney on 17 September 2015. Following the AGM, the NSW launch of the Association will be held at Parliament House.

Nominations are sought from each State for representatives to sit on the Association's Committee of Management for the period 2015-17. Nominations from representatives of Association member councils must be lodged by Friday 4 September 2015 and will be voted on at the AGM.

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

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**GMR15/016 AUSTRALIAN COASTAL COUNCILS ASSOCIATION, ANNUAL  
GENERAL MEETING**

**E04.8493**

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

The organisation has made substantial progress in relation to issues of concern to Australia's coastal communities, including facilitating the exchange of information and experiences between Australia's coastal councils; commissioning various research projects including research into the impact of non-resident populations on coastal communities which has led to the Bureau of Statistics including an additional topic in the 2016 Census on the ownership and use of second residences; and continuing to make strong representations at Federal and State level on coastal management issues.

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

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

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

**CONCLUSION**

Council is a financial member of the Australian Coastal Councils Association. As such, Council is entitled to attend the AGM, and nominate and/or vote for a candidate for NSW to sit on the Board of Management for 2015-16.

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**GMR15/019 COUNCILLOR EXPENSES AND FACILITIES POLICY**

**E08.2108**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Councillor Expenses and Facilities Policy

Focus Area: Collaborative Communities

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

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

**EXECUTIVE SUMMARY**

The purpose of this policy is to comply with the provisions of Section 252 of the *Local Government Act 1993*, and adopt policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and councillors in relation to discharging the functions of civic office. The Councillor Expenses and Facilities policy should allow for councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties as elected representatives of their local communities.

The preparation and review of these policies on an annual basis by Council is a mandatory requirement to ensure:

- accountability and transparency in the reasonable and appropriate provision of facilities to councillors, and the reimbursement of expenses incurred by councillors;
- that the facilities provided to assist councillors to carry out their civic duties are reasonable;
- compliance with and awareness of legislative requirements under the Local Government Act 1993 with respect to councillor's expenses and facilities;
- consistency and fairness in the manner in which Council deals with councillor's expenses and facilities and;
- Council's requirements are readily accessible and understandable to the public.

There are no changes recommended to the current Councillor Expenses and Facilities policy.

**RECOMMENDATION**

THAT

1. The Councillor's Expenses and Facilities policy be placed on public exhibition for a period of 28 days commencing Wednesday 19 August 2015
2. A further report be presented to Council following considerations of any submissions received.

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**GMR15/019 COUNCILLOR EXPENSES AND FACILITIES POLICY**

**E08.2108**

**BACKGROUND**

Councillor expenses and facilities policies should allow for councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties as elected representatives of their local communities.

The preparation and review of these policies on an annual basis by Council is a mandatory requirement to ensure:

- accountability and transparency in the reasonable and appropriate provision of facilities to councillors, and the reimbursement of expenses incurred by councillors;
- that the facilities provided to assist councillors to carry out their civic duties are reasonable;
- compliance with and awareness of legislative requirements under the Local Government Act 1993 with respect to councillor's expenses and facilities;
- consistency and fairness in the manner in which Council deals with councillor's expenses and facilities and;
- Council's requirements are readily accessible and understandable to the public.

**CONSIDERATIONS**

No changes have been made to the policy.

**Community Consultation**

Council will place the draft Councillor Expenses and Facilities policy on public exhibition for a period of not less than 28 days commencing on Wednesday 19 August 2015 until Wednesday 16 September 2015. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

The policy for the payment of Councillor Expenses and Facilities is recommended to Council in accordance with the Local Government Act and Regulations and Guidelines issued by the Office of Local Government.



## Policy

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| <b>Policy name</b>                         | Councillor's Expenses and Facilities  |
| <b>Responsible manager(s)</b>              | General Manager   |
| <b>Contact officer(s)</b>                  | Director, Finance and Business Development  |
| <b>Directorate</b>                         | Office of the General Manager   |
| <b>Approval date</b>                       | 25 November 2014  |
| <b>Community Strategic Plan Objectives</b> | 7. We are an engaged and connected community<br>8. We work together to achieve our goals  |
| <b>Delivery Program/ Operational Plan</b>  | Office of the General Manager /<br>Support the councillors in meeting their statutory obligations and roles as community representatives. |

### Purpose

The purpose of this policy is to comply with the provisions of Section 252 of the *Local Government Act 1993*, and adopt policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and councillors in relation to discharging the functions of civic office. Councillor expenses and facilities policies should allow for councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties as elected representatives of their local communities.

The preparation and review of these policies on an annual basis by Council is a mandatory requirement to ensure:

- accountability and transparency in the reasonable and appropriate provision of facilities to councillors, and the reimbursement of expenses incurred by councillors;
- that the facilities provided to assist councillors to carry out their civic duties are reasonable;
- compliance with and awareness of legislative requirements under the *Local Government Act 1993* with respect to councillor's expenses and facilities;
- consistency and fairness in the manner in which Council deals with councillor's expenses and facilities;
- Council's requirements are readily accessible and understandable to the public.

### Policy statement

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| <b>1</b>   | <p><b>Application</b></p> <p>This policy applies to all councillors of Eurobodalla Shire Council, and to council staff involved in the provision of councillor's expenses and facilities.</p> <p>This policy does not deal with matters associated with the setting and payment of councillors' annual fees, which are a matter for the Local Government Remuneration Tribunal. The Tribunal (constituted under Chapter 9, Division 4 of the <i>Local Government Act 1993</i>) is responsible for categorising councils to determine the maximum amounts of fees to be paid to councillors and mayors.</p> |
| <b>1.1</b> | <p><b>Relevant Legislation</b></p> <p>Council complies with NSW State legislative provisions as follows (extracts from the relevant legislation are included here):</p> <p><b>Local Government Act 1993</b></p> <p><b>252 Payment of expenses and provision of facilities</b></p> <p>1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the</p>  |



## Policy

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|              | <p>provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.</p> <ol style="list-style-type: none"> <li>2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.</li> <li>3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.</li> <li>4) A council may from time to time amend a policy under this section.</li> <li>5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.</li> </ol> <p><b>Local Government (General) Regulation 2005</b></p> <p><b>403 Payment of expenses and provision of facilities</b></p> <p>A policy under section 252 of the Act must not include any provision enabling a council:</p> <ol style="list-style-type: none"> <li>a) to pay any councillor an allowance in the nature of a general expense allowance, or</li> <li>b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.</li> </ol> <p>Other legislation relevant to this policy includes:</p> <ul style="list-style-type: none"> <li>• <i>Independent Commission Against Corruption Act 1988</i></li> <li>• <i>Anti-Discrimination Act 1977</i></li> <li>• <i>Income Tax Assessment Act 1997</i></li> </ul> |
| <b>1.2</b>   | <p><b>Other government policy provisions</b></p> <p>Council complies with other government policy provisions, as follows:</p>   |
| <b>1.2.1</b> | <p><b>Office of Local Government (OLG) Guidelines for payment of expenses and provision of facilities for Mayors and councillors for local councils in NSW</b></p> <ul style="list-style-type: none"> <li>• Councillor expense and facility guidelines are binding and must be considered.</li> <li>• The policy must be acceptable to, and meet expectations of local community.</li> <li>• Consideration should be given to participation, equity and access (special needs).</li> <li>• There may be recognition of local differences compared to other Councils.</li> <li>• All expenses/ payments must be either reimbursed after the event or reconciled if an advance payment is made.</li> <li>• Expenses must be reasonable.</li> <li>• The policy must set limits (i.e. should not be open-ended).</li> <li>• May provide to pay a Deputy Mayor part of the Mayor's annual fee (any amount thus paid to be deducted from Mayor's annual fee).</li> <li>• Advance payments may be allowed subject to future reconciliation.</li> <li>• Council should establish suitable rates for private use over and above anything which is minor and incidental.</li> <li>• In certain limited circumstances Councils may meet reasonable costs incurred by Councillors on behalf of their spouses, partners or accompanying person(s).</li> </ul> <p>This Guideline can be found on the OLG website at <a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a></p>  |
| <b>1.2.2</b> | <p><b>Model Code of Conduct for Local Councils in NSW (March 2013, Office of Local Government)</b></p>  |



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|       | <p>The Model Code of Conduct is found at the OLG website: <a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a></p> <p><i>Extract from the Model Code of Conduct:</i></p> <p><b>Use of Council Resources</b></p> <p>10.12 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.</p> <p>10.13 Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) the representation of members with respect to disciplinary matters;</li> <li>b) the representation of employees with respect to grievances and disputes;</li> <li>c) functions associated with the role of the local consultative committee.</li> </ul> <p>10.14 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.</p> <p>10.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.</p> <p>10.16 The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for these purposes.</p> <p>10.17 You must not convert any property of the Council to your own use unless properly authorised.</p> <p>10.18 You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.</p> <p><b>Councillor access to Council buildings</b></p> <p>10.19 Councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors needing access to these facilities at other times must obtain authority from the general manager.</p> <p>10.20 Councillors must not enter staff-only areas of Council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and Council staff.</p> <p>10.21 Councillors must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.</p> |
| 1.2.3 | <p><b>Office of Local Government Circulars to councils</b></p> <p>This policy takes into account the OLG Circular 05/80 'Legal Assistance for Councillors and Council Employees', Circular 02/34 'Unauthorised use of Council</p>  |



## Policy

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|       | <p><i>Resources</i>, and Circular 05/08 <i>Legal Assistance for Councillors and Council Employees</i>;</p> <p>Copies of these documents are found on the OLG website: <a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a></p>  |
| 1.2.4 | <p><b>Independent Commission Against Corruption (ICAC) publications</b></p> <p>This policy takes account of the ICAC publication <i>No Excuse for Misuse, Preventing the Misuse of Council Resources</i> (Guidelines 2) 19 November 2002, which is found on the ICAC website: <a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a></p>  |
| 1.3   | <p><b>Approval arrangements</b></p> <ul style="list-style-type: none"> <li>• In determining compliance with monthly limits, claims for services (such as landline plus mobile) with the service period ending within a month will be added together. If they cover more than one month the amounts will be calculated pro rata or based on the evidence of timing provided.</li> <li>• Except where specifically permitted by this policy, approvals for travel and functions beyond the Shire and/or costs of spouse/partner attendance are to be by resolution of the Council. In extenuating circumstances the approval may be jointly by the Mayor and General Manager with retrospective advice to Council.</li> <li>• Travel within the Shire may be approved by the General Manager. Travel to and from meetings including workshops and any travel resulting from an appointment as a representative of Council for particular purposes does not require General Manager's approval and can be approved and processed as set out below.</li> <li>• Any concerns are to be referred to the General Manager who may consult with the Mayor before making a decision.</li> <li>• Approved requests will be forwarded to Accounts Payable for payment by Electronic Funds Transfer (EFT) to the Councillors or as the case may be, the relevant supplier's bank account.</li> <li>• This Policy does not require the payment of requests relating to past financial years that are not received within 30 days of the financial year end, these are deemed to be out of time (appropriate reminder/s and forms are to be provided to Councillors in advance of this deadline).</li> <li>• All requests for reimbursement of expenses must be approved by the General Manager and provided on the <i>Councillors Expense Claim/ Application for Advances</i> form attached to this policy. (<a href="#">Appendix A</a>)</li> </ul> |
| 2     | <p><b>Payment of expenses</b></p>   |
| 2.1   | <p><b>General provisions</b></p> <p>The relationship between the annual fees paid to the Mayor and Councillors and the level and scope of expenses paid to councillors is a basic issue considered in this policy. The Local Government Remuneration Tribunal has adopted the principle that expenses reasonably incurred by councillors are outside provisions made under the annual fee determinations.</p> <p>Fees are not covered within this policy and must be separately adopted by Council subject to the maximum amounts allowed by determination of the Remuneration Tribunal.</p>  |
| 2.2   | <p><b>Payment of expenses generally</b></p>   |
| 2.2.1 | <p><b>Allowances and expenditure</b></p> <p>Where any costs are already covered from any other source whatsoever they should not be claimed again from the Council.</p>   |
| 2.2.2 | <p><b>Reimbursement and reconciliation of expenses</b></p>  |



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|              | <p>All reimbursements are to be based on actual and reasonable costs. Therefore requests for reimbursement must provide adequate supporting documentation including suppliers' tax invoices and receipts etc. The Policy does not provide for any non-vouchered subsistence allowance. Councillors must ensure that costs are reasonable.</p>  |
| <b>2.2.3</b> | <p><b>Payment in advance</b></p> <p>Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. However, councillors must fully reconcile all expenses against the cost of the advance when they return within 30 days of the event/ function/ conference and any amounts not properly supported, e.g. by receipts/ tax invoices, may be required to be refunded to Council.</p> <p>All requests for advanced payments must be provided on the <i>Councillors Expense Claim/ Application for Advances</i> Form as attached to this policy. (<a href="#">Appendix A</a>)</p>  |
| <b>2.2.4</b> | <p><b>Submitting claims</b></p> <p>All requests for reimbursement of travel expenses should be provided by the 5<sup>th</sup> working day following the end of the month in which the claim occurred. Requests for reimbursement of all other expenses must be lodged within 30 days of the end of the month being claimed for. Claims lodged outside these time limits will not be paid.</p>  |
| <b>2.3</b>   | <p><b>Establishment of monetary limits and standards</b></p> <p>This policy establishes limits for the specific expenses/ facilities within the relevant sections and payments must not exceed these amounts. In the case that Council has paid any amount on behalf of a councillor that exceeds the limits the councillor must accordingly compensate Council for that amount.</p> <p>Except for the Mayor, all councillors will be allocated the sum of \$3,385 (including CPI) annually to specifically provide for their professional development. The registration, travelling and accommodation costs associated with the annual Local Government Association Conference are excluded from this amount.</p> <p>Where a councillor is required to attend conferences (including the annual Local Government Association Conference) and seminars, professional development training programs, elected member courses outside of the Local Government Area (LGA) it will be necessary for the Council to authorise the attendance of councillors at these events to be affected by way of a resolution of an Ordinary Meeting of the Council. Payment for attendance shall be made from the Councillor Professional Development Discretionary Vote. The amount of the vote shall be reviewed annually as part of the creation of the budget and Delivery Program/ Operational Plan.</p> <p>Amounts remaining unexpended as at 30 June each year will expire and any unexpended amounts will not be carried over or available for expenditure in successive years.</p> |
| <b>2.4</b>   | <p><b>Spouse and partner payments</b></p> <p><i>Within the LGA</i></p> <p>Meeting the costs of spouses and partners or accompanying person(s) is considered appropriate for attendance at officially-supported Council functions that are of a formal and ceremonial nature, when accompanying councillors within the LGA.</p> <p><i>Out of LGA</i></p> <p>Council may pay limited expenses of spouses, partners or accompanying persons for councillors attending the NSW Local Government Association Conference or any</p>  |



## Policy

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|                 | <p>other required out-of-LGA events/ functions. These expenses will be limited to the cost of registration and official conference dinner. Any additional travel, accommodation and accompanying person tours are not covered and are a personal responsibility.</p> <p><i>Other instances</i></p> <p>Any other instances where Council will pay limited expenses of accompanying persons are subject to resolution of Council.</p> |
| <b>2.5</b>      | <b>Specific expenses for Mayors and councillors</b>   |
| <b>2.5.1</b>    | <b>Attendance at seminars and conferences</b>   |
| <b>2.5.1.1</b>  | All councillors can attend the NSW Local Government Association and/or Shires Association Conference if they wish. The costs associated with travel, accommodation and registration shall be covered by Council, separate to the Professional Development Discretionary Vote as outlined in 2.3 above.  |
| <b>2.5.1.2</b>  | Attendance at any other conference and seminars is to be determined by resolution of Council.   |
| <b>2.5.1.3</b>  | Attendance will normally be limited to two. The principle of having one councillor and an appropriate staff member attend will be considered as "best practice" for attending seminars and conferences. This may be varied from time to time by resolution of Council.  |
| <b>2.5.1.4</b>  | Councillors should advise of any inability to attend at the earliest opportunity so as Council can seek a refund of any costs incurred or alternatively seek to transfer the registration.  |
| <b>2.5.1.5</b>  | Councillors attending training, seminars and conferences are to provide a detailed report to Council on the outcome and issues. Councillors not meeting these criteria without reasonable explanation may not receive priority or opportunities for future events.  |
| <b>2.5.1.6</b>  | Council will reimburse or pay registration fees, accommodation, meals, parking, telephone and travel expenses associated with attendance at training, seminars and conferences, plus any other reasonable and directly related out-of-pocket expenses.  |
| <b>2.5.1.7</b>  | Accommodation is to be restricted to a maximum of NRMA 4 1/2 star rating unless otherwise approved by the General Manager as necessary to enable accommodation at the function venue and avoid other costs/ inconvenience.  |
| <b>2.5.1.8</b>  | Daily costs other than accommodation and travel are not to exceed \$100.00 (i.e. food and out of pocket expenses etc.), unless otherwise approved by the General Manager. This is to be reconciled with appropriate receipts.   |
| <b>2.5.1.9</b>  | Councillors are to be provided where possible with a pool vehicle if this is a cost effective and appropriate means of travel. Where a councillor elects to use a private vehicle the maximum cost of the use of the pool vehicle will be reimbursed.   |
| <b>2.5.1.10</b> | Council will pay or reimburse other forms of transport accepted by the General Manager as a cost effective means of travel and requested by the councillor concerned.   |
| <b>2.5.1.11</b> | Bookings for accommodation and travel are to be arranged via Executive Support.   |
| <b>2.5.2</b>    | <p><b>Training and educational expenses</b></p> <p>Councillors will be encouraged to attend at least one relevant training and development course each year offered by the NSW Local Government Association.</p>  |



## Policy

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|              | Additional courses may be attended subject to approval by the Mayor or General Manager and budgetary constraints.  |
| <b>2.5.3</b> | <p><b>Local travel arrangements and expenses</b></p> <p>Travelling and any other actual and reasonable out of pocket costs will be reimbursed in relation to the following:</p> <ul style="list-style-type: none"> <li>• Council meetings;</li> <li>• Council committee meetings;</li> <li>• Working Group meetings which the Councillor is the nominated delegate;</li> <li>• Section 355 Management Committee meetings;</li> <li>• External Organisations/Committee Meeting, which the Councillor is the nominated Delegate, except where fees are paid to the Councillor by the external organisation;</li> <li>• Workshops convened by Council;</li> <li>• Public meeting convened by Council;</li> <li>• Training programs relating to the role of the Council;</li> <li>• Inspections within the area of the Council, undertaken according to a resolution of Council; and</li> <li>• To attend a formal function or meeting where a formal invitation to attend arises only as a result of the position as a Councillor.</li> </ul> |
| <b>2.5.4</b> | <p><b>Travel outside the Local Government Area (LGA) including interstate travel</b></p> <p>Travel and expenses beyond the LGA not authorised elsewhere in this policy will not be paid/ reimbursed unless approved in advance by a resolution of the Council or in extenuating circumstances by the Mayor or General Manager.</p>   |
| <b>2.5.5</b> | <p><b>Travel overseas</b></p> <p>Councillors may only undertake overseas travel where the Council has specifically authorised a councillor's itinerary and specifically authorised reimbursement by way of a council resolution made prior to the trip being taken.</p> <p>The resolution must specifically name any councillor/s authorised to undertake overseas travel, indicate the reason the travel has been deemed to be necessary and include a determination of any reimbursement of expenses.</p>  |
| <b>2.5.6</b> | <p><b>Travel – pool cars</b></p> <p>Councillors must take reasonable steps to use the most cost effective means of travel. Councillors should use the Council's pool car fleet when travelling out of the shire if it is cost effective. Councillors are encouraged to share a vehicle when travelling on behalf of Council.</p> <p>Where councillors choose to take their own vehicles, the reimbursement will be at the lower of:</p> <ul style="list-style-type: none"> <li>• Council's plant operations account internal hire rates, or;</li> <li>• local rental car equivalent, or;</li> <li>• return air fares, or;</li> <li>• current Australian Taxation Office approved rates.</li> </ul>   |
| <b>2.5.7</b> | <p><b>Telephone &amp; internet expenses</b></p> <p>Council will supply each councillor with an iPhone 4s, iPad 3 (16GB, 3G &amp; Wi Fi capability) &amp; Air Printer or any comparable technology Council believes suitable at the time. Both the iPhone &amp; iPad have a download of 3GB each and will be connected to Council's Telecommunication Account. There will be a maximum download per month per device of 3GB.</p>  |



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|                | <p>Downloads exceeding the 3GB per months will be charged back to councillors. Councillors must declare any private benefits that are more substantial than merely “incidental” and these will be charged back to the councillor.</p> <p>Additional costs may be permitted in extenuating circumstances, subject to Mayoral or General Manager’s approval.</p>   |
| <b>2.5.8</b>   | <p><b>Sustenance</b></p> <p>Meals and refreshments will be provided for councillors’ attendance at Council and Committee meetings where deemed appropriate.</p>  |
| <b>2.5.9</b>   | <p><b>Care and other related expenses</b></p>  |
| <b>2.5.9.1</b> | <p>In accordance with the principles of participation, access and equity the guidelines strongly encourage Councils to make provision for the reasonable cost of carer arrangements to allow Councillors to undertake their Council business obligations.</p>  |
| <b>2.5.9.2</b> | <p>Council will meet the cost of childcare expenses whilst councillors attend council or committee meetings to a maximum of \$500 per annum.</p>   |
| <b>2.5.9.3</b> | <p>Consideration will be given to any other extenuating carer circumstances that might warrant reimbursement subject to the resolution of Council.</p>   |
| <b>2.5.9.4</b> | <p>Consideration will be given to any special requirements of councillors such as disability and access needs based on particular merits subject to resolution of Council.</p>   |
| <b>2.5.10</b>  | <p><b>Insurance expenses and obligations</b></p> <p>Council will provide, at its cost, insurance to protect the interest and welfare of all councillors in carrying out the duties of civic office (and acting in good faith). Council currently provides the following insurance policies (protection is limited to the terms and exclusions of the relevant policies):</p> <ul style="list-style-type: none"> <li>• <i>Councillors and Officer Liability.</i> Provides indemnity to any person who was, is presently, or in the future becomes an elected Member of Council, or a Committee Member of a legally constituted committee under the <i>Local Government Act 1993</i>, in the event of personal litigation being instigated against them for any action arising whilst that person was exercising their duty.</li> <li>• <i>Professional Indemnity.</i> Provides indemnity to an individual against litigation resulting from the exercise of their official professional duties.</li> <li>• <i>Statutory Liability.</i> Provides indemnity for fines and penalties arising out of the conduct of the business of Council.</li> <li>• <i>Personal Accident.</i> Provides for the payment of non-medical expenses and compensation towards the loss of wages resulting from an accident whilst on official business for Council and a capital payment if the accident resulted in death. This cover extends to councillors and their partners whilst on official business of Council.</li> </ul> |
| <b>2.5.11</b>  | <p><b>Legal expenses and obligations</b></p> <p>This section of the policy is in accordance with the Division of Local Government Circular 05/08 ‘<i>Legal Assistance for Councillors and Council Employees</i>’.</p> <p>Where Council’s insurance policies do not cover a Councillor’s legal expenses in relation to a matter arising directly as a result of the Councillor’s actions in the civic office, Council will determine by resolution if the councillor is to be reimbursed for reasonable solicitor/ client costs, as long as:</p> <ul style="list-style-type: none"> <li>• They relate to conduct arising from the execution of a councillor’s civic duties;</li> <li>• The matter is finalised;</li> </ul>  |



## Policy

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|              | <ul style="list-style-type: none"> <li>• Council authorises by specific resolution naming the councillor and determining the amount to be reimbursed in accord with these provisions:                         <ol style="list-style-type: none"> <li>a) Council will not meet the costs of an action in defamation taken by a councillor or council employee as plaintiff, nor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.</li> <li>b) The General Manager will report to Council for ratification, any legal advice sought in relation to this policy.</li> <li>c) Councillors can ask the General Manager to obtain legal opinion on any matter that is relevant to business before Council.</li> </ol> </li> </ul> <p>If the General Manager declines he/she must provide reasons to the councillor concerned who may then, through a Notice of Motion, request the support of Council for the obtaining of the legal opinion.</p>  |
| <b>3</b>     | <b>Provision of facilities</b>   |
| <b>3.1</b>   | <b>General provisions</b>  |
| <b>3.1.1</b> | <p><b>Provision of facilities generally</b></p> <p>Facilities, equipment and services appropriate to support the Mayor and Councillors in undertaking their role as elected members of Council will be provided. Incidental private usage of facilities and equipment is not subject to a compensatory payment by the councillor. Where more substantial private use has occurred, compensation is required, unless otherwise stated this is to be based on the assessed degree of private usage applied to the actual cost.</p> <p>Councillors are required to declare any private benefits that are more substantial than minor and/or incidental.</p>   |
| <b>3.1.2</b> | <p><b>Private use of equipment and facilities</b></p> <p>Councillors must use council resources ethically, effectively, efficiently and carefully in the course of their official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.</p> <p>Council facilities, equipment and services are not to be used to produce election material or for any other political purpose.</p>   |
| <b>3.2</b>   | <b>Provision of equipment and facilities for councillors</b>   |
| <b>3.2.1</b> | <p><b>Councillors' Room</b></p> <p>A furnished room will be made available for councillors to conduct Council related business. The room will be equipped with a telephone, desk, library and access to the Internet. Access to the councillors' room will be available during normal office hours, and special arrangements may be made for access outside normal office hours.</p> <p>Whilst hard copies of current consultancy reports, studies, industry management journals, publications and selected readings will be provided, councillors will be encouraged to use the internet resource for individual research projects for access to such things as:</p> <ul style="list-style-type: none"> <li>• <i>Local Government Act 1993</i> and related legislation</li> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• Council's adopted <i>Code of Conduct</i></li> <li>• ICAC and Ombudsman Reports</li> <li>• Local Environmental Plans ('LEP')</li> <li>• Council's adopted <i>Code of Meeting Practice</i> and various Policies</li> </ul> |



## Policy

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| <b>3.2.2</b> | <p><b>Equipment and Other Resources</b></p> <p>Councillors will be provided with the following equipment and services (supplied on once-off basis for the councillor's term):</p> <ul style="list-style-type: none"> <li>• security name tag for access to the Council building;</li> <li>• magnetic name tag;</li> <li>• a two-drawer filing cabinet;</li> <li>• protective clothing e.g. vests or head-wear for on-site inspections &amp; the like.</li> </ul> <p>At the beginning of each council term, upon request, each councillor will be issued with appropriate stationery as follows (such stationery not to be used for election purposes):</p> <ul style="list-style-type: none"> <li>• Business cards (500);</li> <li>• "With Compliments" slips (250);</li> <li>• Envelopes (250) pre-paid for postage through Council's records section where communication is in discharge of councillor's functions of civic office;</li> <li>• Councillor letterhead or template on PC (appropriately worded "From the Councillor's Room")</li> </ul> |
| <b>3.3</b>   | <b>Provision of additional equipment and facilities for Mayor</b>   |
| <b>3.3.1</b> | <p><b>Mayoral Car</b></p> <p>The Mayor will be provided with a prestige motor vehicle to discharge the function of civic office and the performance of council business. In accordance with the Office of Local Government Guidelines, incidental private usage is permitted. The vehicle will be made available to the Mayor for private usage, if required, subject to the payment of \$4,000.00 annually.</p>  |
| <b>3.3.2</b> | <p><b>Mobile phone</b></p> <p>Council will supply and pay for an iPhone 4s for mayoral purposes with an appropriate costs effective usage plan/ package (see 2.5.7). Incidental private benefit is permitted. Additional charges resulting from private usage that do not fall within minor incidental must be repaid to Council.</p>   |
| <b>3.3.3</b> | <p><b>Mayoral office</b></p> <p>The Mayor is to be provided with appropriate separate office facilities and administrative support.</p>   |
| <b>3.3.4</b> | <p><b>Credit card</b></p> <p>Council will supply the Mayor with a credit card to be used in accordance with the provisions of this policy. The provision of a card is also subject to the Mayor agreeing to, signing and adhering to the current code of conduct for use of credit cards.</p>   |
| <b>4</b>     | <b>Other matters</b>  |
| <b>4.1</b>   | <p><b>Acquisition and returning of facilities and equipment by councillors</b></p> <p>The equipment issued to councillors remains the property of Council and shall be returned on completion of the term of office. However, councillors will be provided with an opportunity to purchase any equipment or other facilities provided to them personally for use in relation to their councillor duties, after the completion of their term of office, or at cessation of their duties.</p> <p>The General Manager may sell such items to councillors at written down/ book value or fair/ market value. Any items not purchased must be returned as soon as possible.</p>  |
| <b>4.2</b>   | <b>Status of the policy</b>   |
| <b>4.2.1</b> | <p><b>Public reporting of expenditure</b></p> <p>Expenditure by Mayor and councillors for seminars, conferences, telephone and</p>  |



## Policy

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|              | other facilities will be publicly reported in conjunction with the quarterly financial reviews and annual report.   |
| <b>4.2.2</b> | <p><b>Taxation arrangements</b></p> <p>It is each councillor's responsibility to meet any taxation obligations. If necessary councillors should seek their own taxation advice. Under current arrangements councillors are not defined as employees for taxation purposes, they are not subject to Fringe Benefits taxation and the ability to enter into effective sacrifice arrangements may be limited.</p> <p>The Australian Taxation Office has issued rulings allowing councillors to enter into effective sacrifice arrangements for at least superannuation. Accordingly council will administer complying arrangements if requested by individual councillors.</p> <p>Councillors may also require funds payable to them to be transferred by EFT to any nominated valid bank account(s) via the Director, Finance &amp; Business Development.</p> |

## Implementation

| Implementation steps |   | Responsibility  |
|----------------------|---|---|
| <b>1</b>             | <p><b>Office of Local Government</b></p> <p>The Office of Local Government will be advised of the commencement of this policy.</p>  | General Manager   |
| <b>2</b>             | <p><b>Transparency and awareness</b></p> <p>Council is committed to ensuring that the community, all councillors and staff are aware of this policy. Councillors receive training on this policy during their induction. The policy is published on Council's website and notice of any change to this policy is advertised in the local press, with public comment invited during the exhibition period.</p> | Council officers<br>Councillors<br>Local press          |
| <b>3</b>             | <p><b>Staff responsibilities</b></p> <p>Under supervision, applicable Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received relevant training.</p>  | Council officers  |
| <b>4</b>             | <p><b>Resolution of disputed decisions</b></p> <p>Where a councillor disputes matters contained in this policy, this should be detailed in writing to the General Manager. The matter will be reviewed by the Mayor, Deputy Mayor and General Manager (or their representative) and a report made to Council.</p>   | Councillors,<br>Mayor, Deputy Mayor,<br>General Manager |
| <b>5</b>             | <p><b>Complaints</b></p> <p>Complaints received regarding this policy will be recorded on council's records system and handled in accordance with council's Complaints Policy. They will be used to analyse the history of concerns and to help determine follow up actions.</p>  | Public Officer  |
| <b>6</b>             | <p><b>Consultation</b></p> <p>Consultation regarding this policy will occur with key stakeholders as relevant and may include legislative bodies, reports of the Remuneration Tribunal, relevant legislation, sector guidelines, and exhibition for public comment.</p>   | As applicable   |



## Policy

### Review

This policy is reviewed annually and 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 will also be reviewed and updated as necessary when council's functions, structure or activities change or when technological advances or new systems change the way that Council manages councillor's expenses and facilities.

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

| Performance indicator                                      | Data source(s)        |
|--|-----------------------|
| Budget achieved and Internal Audit/ legal requirements met | Financial data, Audit |
| No unwarranted adverse media/ publicity                    | Local Media           |

### Governance

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

#### Related legislation and policies

| Name                                       | Link   |
|--|--|
| Policies and Code of Conduct               | <a href="http://www.esc.nsw.gov.au/inside-council/council/council-policies">www.esc.nsw.gov.au/inside-council/council/council-policies</a> |
| Local Government Act 1993                  | <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/</a>         |
| Local Government Regulation (General) 2005 | <a href="http://www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328/">www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328/</a>         |

#### Related external references

| Name   | Link   |
|--|--|
| Office of Local Government (OLG)                 | <a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>   |
| NSW Local Government Remuneration Tribunal       | <a href="http://www.olg.nsw.gov.au/commissions-and-tribunals/remuneration-tribunal">www.olg.nsw.gov.au/commissions-and-tribunals/remuneration-tribunal</a> |
| Independent Commission Against Corruption (ICAC) | <a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>   |

#### Supporting documents

| Name                           | Link                       |
|--------------------------------|----------------------------|
| Councillors Expense Claim Form | <a href="#">Appendix A</a> |

#### Definitions

| Word/Term | Definition  |
|-----------|---|
| OLG       | Office of Local Government  |
| ICAC      | Independent Commission Against Corruption                               |
| LGA       | Local Government Area represented by the council i.e. Eurobodalla Shire |



## Policy

### *Change history*

| Version | Approval date | Approved by | Min No | File No              | Change   |
|---------|---------------|-------------|--------|----------------------|--|
| 1       | 7 Jan 2011    | Council     | 11/172 | E08.2108             | Policy commenced   |
| 2       | 27 Sep 2012   | Council     | 12/219 | E08.2108<br>E13.7095 | Reviewed, updated, reformatted   |
| 3       | 25 Nov 2014   | Council     | 14/321 | E08.2108             | Reviewed, updated clause 2.3 to include CPI, updated references to OLG |

### *Internal Use Only*

|                     |          |                 |           |                |             |
|---------------------|----------|-----------------|-----------|----------------|-------------|
| Responsible officer |          | General Manager |           | Approved by    | Council     |
| File                | E08.2108 | Report no       | GMR14/034 | Effective date | 25 Nov 2014 |
| Min no              | 14/321   | Review date     | Sep 2015  | Pages          | 14          |



## Policy

### Appendix A: Councillor's expense claim / application for advances

Reason/ Conference/  
Seminar/ Event:

Council endorsement: \_\_\_\_\_ Minute  
 \_\_\_\_\_ Date

Estimated reasonable minor requirements (not able to be covered by councillor's credit card, fee for conference/ seminar, purchase order, etc.):

|                                    | No. | Each | Total Est. incl GST |
|------------------------------------|-----|------|---------------------|
| Taxi/ Travel                       |     |      |                     |
| Breakfast(s)                       |     |      |                     |
| Lunch(es)                          |     |      |                     |
| Dinner(s)                          |     |      |                     |
| Other refreshments                 |     |      |                     |
| Other (specify)                    |     |      |                     |
|                                    |     |      |                     |
|                                    |     |      |                     |
|                                    |     |      |                     |
| TOTAL including GST (10100 ZOCTBS) |     |      |                     |

Date/ time required by: \_\_\_\_\_

#### Councillor's certification:

1. That I have requested the amount above to be paid to my bank account by EFT.
2. That any monies not supported by actual receipts for reasonable expenditure in accordance with the Councillor's Expenses and Facilities Policy, can be deducted from my future entitlements if not accounted for and repaid by me to Council within 30 days of my return.
3. That I will ensure that any costs are reasonable and that Council gets value for money in accordance with its policies and codes of practice.

Councillor's signature \_\_\_\_\_

Councillor's name (please print) \_\_\_\_\_

#### Authorised by:

Signature \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

*Attach to "Payment Request" and forward to Finance - Creditors.*

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**GMR15/020 DETERMINATION OF NUMBER OF COUNCILLORS FOR 2016-2020 TERM OF OFFICE E15.9129**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: Collaborative Communities

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

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

### **EXECUTIVE SUMMARY**

Council is required under Section 224 of the Local Government Act 1993 to determine the number of Councillors for the 2016-2020 term of office. This report recommends that Council retain the current number of Councillors.

### **RECOMMENDATION**

THAT in accordance with Section 224 (2) of the Local Government Act 1993, Council determine the number of Councillors for the 2016-2020 term of office to be nine (one of whom is the popularly elected Mayor).

### **BACKGROUND**

The Local Government Act 1993 (the Act) requires Council to determine the number of Councillors for the 2016-2020 term of office not less than 12 months before the next ordinary election i.e. before 9 September 2015.

The Act requires the number of Councillors to be at least 5 and not more than 15 (one of who is the Mayor).

Since 1970, the Eurobodalla community has been represented by nine Councillors.

One of the most recent comprehensive review of Councillor numbers occurred in Tasmania, and included national figures and averages in a variety of population based categories.

For an urban medium Council (population 30,001-70,000) the national Councillor average is 10 (minimum number of 7 and maximum number 15), based on an average population of 46,970. The average population per Councillor is 4,591.

Eurobodalla currently has nine Councillors and a population of 37,643. The average population per Councillor is therefore 4183, which is slightly below the national average for comparable councils.

*From: Review of Councillor Numbers Report, Local Government Board, Tasmanian Government, July 2012. Reproduced on the NSW OLG website.*

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**GMR15/020 DETERMINATION OF NUMBER OF COUNCILLORS FOR 2016-2020  
TERM OF OFFICE**

**E15.9129**

If it is proposed to change the number of Councillors, Section 224 (3) of the Act requires Council to obtain approval for the change at a constitutional referendum. The practical effect of this provision of the Act is that, if it is proposed to change the number of Councillors, a constitutional referendum would be conducted in conjunction with the September 2016 election seeking approval for the change in the number of Councillors for the 2020-2024 term of office. In this regard, it should be noted that a decision made at a constitutional referendum binds the Council until changed by a subsequent constitutional referendum.

**CONSIDERATIONS**

**Policy**

Under Section 224 of the Local Government Act 1993 Council is required to determine the number of Councillors for the following term of office.

**Social Impact**

In terms of representative democracy, it is considered that nine Councillors facilitates appropriate representation for the community.

**Financial**

Preliminary estimated costs for the NSW Electoral Commission to conduct the 2016 elections is \$260,000. If a constitutional referendum was held in conjunction with the 2016 elections, additional costs of approximately \$26,000 would be incurred.

The average annual cost for each Councillor, based on figures for the past three years, is approximately \$25,000.

**CONCLUSION**

Council is required by the Local Government Act 1993 to determine the number of Councillors for the 2016-2020 term of office and it is recommended that the current number of Councillors be retained.

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**GMR15/021 VACANCY IN CIVIC OFFICE**

**E96.0044**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: Collaborative Communities

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

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

**EXECUTIVE SUMMARY**

Following the passing of Councillor Fergus Thomson OAM, Council is required to consider options on ways to deal with the vacancy in civic office.

The next ordinary election of Council is due to occur on 10 September 2016 and as the vacancy has occurred within the 18 month timeframe preceding this election, Council has the option of either making application to the Minister for Local Government to order that the vacancy not be filled or order the holding of a by-election to fill the vacancy.

**RECOMMENDATION**

THAT Council determine, in accordance with section 294(2) of the Local Government Act 1993, to apply to the Minister for Local Government to either:

1. order that the vacancy not be filled; or
2. order the holding of a by-election to fill the vacancy.

**BACKGROUND**

The passing of Councillor Thomson has resulted in a vacancy occurring in civic office, with the following sections of the Local Government Act 1993 applying.

**234 When does a vacancy occur in a civic office?**

*(1) A civic office becomes vacant if the holder:*

*(a) dies, ....*

**291 By-elections**

*If a casual vacancy occurs in a civic office, the office is to be filled by a by-election, subject to this Part.*

*Note. The circumstances in which casual vacancies occur are specified in Chapter 9.*

**292 When is a by-election to be held?**

*A by-election to fill a casual vacancy in the office of a councillor or a mayor elected by the electors of an area is to be held on a Saturday that:*

*(a) falls not later than 3 months after the vacancy occurs, and*

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**GMR15/021 VACANCY IN CIVIC OFFICE**

**E96.0044**

*(b) is fixed by the general manager (in relation to an election administered by the general manager) or the Electoral Commissioner (in relation to an election administered by the Electoral Commissioner).*

**293 Delayed by-elections**

- (1) If the Minister is of the opinion that it would be impractical or inconvenient to hold a by-election as provided by section 292, the Minister may, by order published in the Gazette, appoint a subsequent Saturday for the by-election.*
- (2) The subsequent Saturday must not be more than 28 days later than the day when the by-election should have been held.*

**294 Dispensing with by-elections**

- (1) This section applies if a casual vacancy occurs in the office of a councillor, including a mayor elected by the electors of an area, within 18 months before the date specified for the next ordinary election of the councillors for the area.*
- (2) If such a casual vacancy occurs in the office of a councillor (but not the office of a mayor elected by the electors), the Minister may, on the application of the council:*
  - (a) order that the vacancy not be filled, or*
  - (b) order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a).*

**CONSIDERATIONS**

The next ordinary election of Council is due to occur on 10 September 2016 and as the vacancy has occurred within the 18 month timeframe preceding this election, there are now two courses of action that can be taken by Council:

- (2) If such a casual vacancy occurs in the office of a councillor (but not the office of a mayor elected by the electors), the Minister may, on the application of the council:*
  - (a) order that the vacancy not be filled, or*
  - (b) order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a).*

Accordingly, Council can apply to the Minister for Local Government to either:

- (a) order that the vacancy not be filled, or*
- (b) order the holding on a stated day of a by-election to fill the vacancy).*

If a by-election was to be held, it must fall not later than three months after the vacancy occurs. There is no allowance within the current budget for expenditure associated with the conduct of a by-election.

An estimate of approximately \$238,000 has been obtained for the conduct of a by-election, based on the best available information and assumptions based on the 2012 ordinary election.

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**GMR15/021 VACANCY IN CIVIC OFFICE**

**E96.0044**

**Legal**

The application of relevant sections of the Local Government Act 1993 and clauses of the Local Government (General) Regulation 2005 that apply to elections and by-elections.

**Financial**

There is no allowance within the current budget for expenditure associated with the conduct of a by-election.

An estimate of approximately \$238,000 has been obtained for the conduct of a by-election.

**Community Engagement**

We will inform the community of Council's decision through providing information on Council's website; Online News; advertising on Council's noticeboard page in two local newspapers and distributing a media release.

**CONCLUSION**

The Local Government Act was amended in 2005 to permit councils to make application to the Minister for Local Government to order that a vacancy not be filled if such vacancy occurs within 18 months of the next ordinary election of Council. This amendment allows councils to avoid the significant expense of holding a by-election to fill vacancies that occur within this period. As the next ordinary election is due to occur on 10 September 2016 it is recommended that Council apply to the Minister for such an order.

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**GMR15/022 APPOINTMENTS TO COUNCIL COMMITTEES AND EXTERNAL BODIES**

**E81.1928;  
E93.5498;  
E07.3171;  
E05.9427;  
E00.4687;  
E10.4144**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. TOR Heritage Advisory Committee  
2. TOR Aboriginal Advisory Committee  
3. TOR Bushfire Management Committee  
4. TOR South East Arts  
5. Background Gulaga Board of Management

Focus Area: Collaborative Communities

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

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

### **EXECUTIVE SUMMARY**

This report seeks appointment of delegates to vacancies on Council non-principal committees and other external bodies for the period to September 2016.

### **RECOMMENDATION**

THAT:

1. Council appoint delegates to the following Advisory Committees:
  - (a) Eurobodalla Aboriginal Advisory Committee (alternate delegate);
  - (b) Eurobodalla Heritage Advisory Committee.
2. Council appoint a Chair to the Eurobodalla Heritage Advisory Committee.
3. Council appoint delegates to the following External Committees:
  - (a) Eurobodalla Bushfire Management Committee;
  - (b) South East Arts (SEA).
4. Council nominate a representative and alternate representative for appointment to the Gulaga National Park Board of Management in accordance with Section 71AN(3)c of the National Parks and Wildlife Act.

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|                  |   |   |
|------------------|---|---|
| <b>GMR15/022</b> | <b>APPOINTMENTS TO COUNCIL COMMITTEES AND EXTERNAL BODIES</b> | <b>E81.1928;<br/>E93.5498;<br/>E07.3171;<br/>E05.9427;<br/>E00.4687;<br/>E10.4144</b> |
|------------------|---|---|

## **BACKGROUND**

Following the passing of Councillor Fergus Thomson OAM, it is necessary to appoint delegates to the positions he previously held on Council's non principal committees and other external bodies.

At its meeting held on 14 October 2014, Council appointed delegates to its non-principal committees and other external bodies for the period October 2014 to September 2016. Councillor Thomson was appointed to the Eurobodalla Aboriginal Advisory Committee (alternate delegate), Eurobodalla Heritage Advisory Committee (Chair), Eurobodalla Bushfire Management Committee and South East Arts (SEA).

In addition, in April 2012 Councillor Thomson was nominated by Council and subsequently appointed by the Minister for the Environment as Council's representative on the Gulaga National Park Board of Management.

The National Parks and Wildlife Service, which administers the Gulaga National Park Board of Management, has advised that Council should nominate a replacement for the remainder of the Board's term and has also requested that Council nominate an alternate representative. Such nominations will be forwarded to the Minister for approval and appointment.

The local position on the Board of Management is covered by Section 71AN(3)c of the National Parks and Wildlife Act and provides that:

*One (member of the board) is to be a person appointed to represent the local council or councils (if any) whose area or areas comprise, or adjoin, the lands.*

## **CONSIDERATIONS**

Terms of Reference and/or background information for the Eurobodalla Aboriginal Advisory Committee, Eurobodalla Heritage Advisory Committee, Eurobodalla Bushfire Management Committee, South East Arts (SEA) and the Gulaga National Park Board of Management are attached.

## **CONCLUSION**

Individual Councillors are appointed to represent Council on community committees and other organisations. Council should now determine delegates to fill vacant positions on Council's non-principal committees and external committees.

# Heritage Advisory Committee

## Terms of Reference

September 2013

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### **Introduction and Background**

The Community Strategic Plan 'One Community' identifies 'sustainable communities' as a key objective with the aim that our community and environment are in harmony and we use and manage our resources wisely.

The 2013-2017 Delivery Program further identifies the need to plan for and support the sustainable growth and development of our community.

The Operational Plan further identifies the need to provide policy and planning to achieve quality land use outcomes which meet quadruple bottom line objectives, relevant legislation, State Government planning requirements.

### **Values and Vision**

Refer to Heritage Strategy - <http://www.esc.nsw.gov.au/inside-council/community-and-future-planning/strategies/eurobodalla-heritage-strategy/Eurobodalla-Heritage-Strategy-2014-2017.pdf>

### **TERMS OF REFERENCE**

#### **Purpose of the Heritage Advisory Committee**

The key terms of reference for the Eurobodalla Heritage Advisory Committee are:

- Assist council in the development of policies and strategies in response to Council's adopted Heritage Strategy and the management of natural and cultural heritage generally in the Eurobodalla local government area.
- Advise Council staff, the Heritage Adviser and the Council on matters relating to the ongoing implementation of the Heritage Strategy.
- Assist Council to procure and allocate funding assistance and to recommend projects for which funding should be sought in line with the Heritage Strategy.
- Provide access to the general community to distribute information and for public input into heritage management, eg, to nominate additional properties for assessment of heritage significance.
- Advise Council on a range of heritage-related matters which are of interest to the community, in particular, by providing expertise, local knowledge and guidance on heritage matters and in relation to heritage assessments.

#### **Title and Delegations**

The Committee shall be referred to as the Eurobodalla Heritage Advisory Committee (HAC).

The Committee shall function as a non-delegated advisory committee established under Section 355 of the *Local Government Act 1993*.

### **Objectives**

- To support Council in advancing the aims of the Heritage Strategy and in the development and implementation of strategies, policies and programs related to heritage conservation
- Promote the natural, cultural and historic heritage of the Eurobodalla and to ensure it continues to develop a strong sense of place and identity.

### **Membership**

The Committee shall consist of the following voting representatives:

- Two councillors
- Three delegates representing each of the three district historical societies
- The chairperson of the Eurobodalla Aboriginal Advisory Committee
- Three community representatives preferably from the north, central and southern areas of the shire

Staff from Council and Council's Heritage Advisor will attend to provide technical advice and guidance but will not have voting rights on the committee.

### **Tenure to the Committee**

In the case of a Councillor, as determined by Council in accordance with the provisions of the *Local Government Act 1993*;

In the case of community representatives, the tenure of membership will be three years. Members may renominate for further terms;

A member absent from three consecutive meetings without acceptable apology will be replaced.

### **Recruitment process**

Expressions of Interest to participate on the Heritage Advisory Committee will be called for through the Council notices posted in the local media and Council's web site.

Nominations must be received in writing before the due date nominated within the Expression of Interest.

Nominations for membership of the Heritage Advisory Committee will be assessed according to their ability to meet the objectives and Terms of Reference of the HAC as adopted by Council and against the following selection criteria:

- Historical society representatives must be nominated by the relevant society;
- members must reside full-time in the Eurobodalla Shire;
- residence within the Eurobodalla Shire is also preferred for members of working groups; and
- Nominees must be willing to abide by the terms of reference of the Committee.

Final determination for appointment to the Committee shall be made by Council.

#### **Contact Officer**

The contact officer for the Heritage Committee is Council's Strategy and Heritage Planner.

#### **Reporting Hierarchy**

Recommendations of the Heritage Advisory Committee shall be conveyed to Council in a report prepared by the Strategy and Heritage Planner.

#### **Responsibility of Committee Members**

- Give advice to the best of their knowledge and ability that will help achieve the objectives of the Committee;
- Facilitate in a timely way any tasks allocated to and accepted by them;
- Behave in a manner that respects the interests and viewpoints of other members;
- Declare any potential or actual conflicts of interests on matters that are brought before the Committee;
- All Committee members will abide by Council's Policy for Code of Meeting Practice (available on Council's web site at [www.eurocoast.nsw.gov.au](http://www.eurocoast.nsw.gov.au). Select *Publications*, then *Policies*, then *Code of Meeting Practice*).

#### **Responsibilities of the Chairperson**

- To chair the meeting and exercise functions, as determined by the committee
- To be the spokesperson for the committee

#### **Responsibilities of Council**

- Council will provide secretarial support, including minute taking and professional officer support as appropriate;
- Pertinent matters will be referred to the Committee for its consideration and information will be provided on actions arising from adopted Committee recommendations;
- Recommendations of the Committee are communicated in reports to Council by Council's Strategy and Heritage Planner;
- The Committee's ongoing role will be reviewed annually in June;
- The Committee is formed under s355 of the *Local Government Act 1993*. Council has the discretion to review the role, re-organise or disband the Committee.

### **General meetings**

- A councillor is elected chairperson. A deputy chairperson is elected from the Committee.
- The Committee will meet a minimum of three (3) times per year;
- Council's heritage officer will be able to call special meetings of the Committee as necessary for the effective conduct of the Committee and establish limited working parties as required;
- A quorum of the Committee shall be half plus one of the members with voting rights;
- Replacement of members through resignation, expulsion or failure to attend meetings will be determined by the process outlined in (6.0);
- If a historical society representative is no longer associated with their representative society they must resign from the Committee and be replaced by the process outlined in (6.0);
- In the event of death, illness or unavoidable circumstances visited upon a member, the historical society may forward another representative;
- Each member is entitled to appoint another member of their society as proxy by notice given to the Chair no later than 24 hours before the time of the meeting to which the proxy is to be appointed;
- Pursuant to Section 10(2) of the *Local Government Act 1993*, the Chairperson of the Committee can exercise the power of expulsion of persons not recognised as being entitled to be present at a meeting of the Committee.

### **Variation to the Terms Of Reference**

The 'Key Terms of Reference' may be added to, repealed or amended by resolution of the Council in consultation with the Committee.

### **Media**

Media releases are prepared by Strategic Services staff and approved by the Director - Planning and Sustainability Services before being issued. All media releases are forwarded through Council's Media Officer who is able to put them into a newspaper friendly format to ensure publication.

Individual Committee members may not issue a media release on behalf of the Committee without prior approval of the Committee and the Director.

The following protocol details how members of the Heritage Advisory Committee deal with the media in other circumstances:

1. If the media approaches a member of the Committee for comment, the member should refer them to the Media Officer.
2. If a member wants to express an opinion publicly, the member should *not* identify themselves as a member of the Committee;
3. Whenever a member expresses a view, it must be made clear that they are not expressing a view of Eurobodalla Shire Council.

## **APPENDIX 1 - WEBSITES**

Eurobodalla Shire Council

<http://www.esc.nsw.gov.au/>

Eurobodalla Shire Council's Code of Meeting Practice

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Division of Local Government Model Code of Conduct for Local Councils in NSW

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Strategies

<http://www.esc.nsw.gov.au/inside-council/community-and-future-planning/strategies>

# Eurobodalla Aboriginal Advisory Committee

## Terms of Reference

September 2014



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### **Introduction and Background**

The Community Strategic Plan 'One Community' identifies we are healthy and active and our community is a great place to live.

The Delivery Program identifies then need to enable a sense of belonging through the provision of child, youth and social development initiatives and services.

The Operational Plan further identifies the need to work in partnership with State and Federal government and local agencies to deliver child and youth development services and social inclusion initiatives and programs.

### **TERMS OF REFERENCE**

#### **Purpose of the Eurobodalla Aboriginal Advisory Committee**

The role of the committee is to promote Aboriginal Culture within the Eurobodalla Shire through awareness campaigns, tourism, projects, networking and partnerships. Develop strategies for designated and mainstream employment for Aboriginal people and to enhance social and economic outcomes. Initiate and facilitate the development of initiatives contributing to the social and economic benefits of Aboriginal communities and proactively seek funding from multiple sources to achieve the aims and objectives of the Committee.

#### **Title and Delegations**

- The committee shall be referred to as the Eurobodalla Aboriginal Advisory Committee.
- The committee shall function as a non delegated advisory committee.

#### **Objectives**

To facilitate ongoing development, implementation and review of Aboriginal protocols, to enable the incorporation into operations of Council and relevant Aboriginal organisations and provide input into the implementation of Council's corporate plans. To achieve better understanding, appreciation and respect for Aboriginal Culture through building partnerships, projects and networking capacity of Aboriginal Communities and promote Aboriginal culture through awareness campaigns.

To assist in the provision of services and facilities within Local Government and community organisations and advise and liaise with council regarding issues impacting on the local Aboriginal communities supporting/assisting initiatives undertaken by the ESC Aboriginal Community Projects Officer.

#### **Membership of the Committee**

A quorum of the committee shall be 5 and members will have voting rights. The Chairperson has voting rights. Eurobodalla Shire Council staff do not have voting rights.

#### **Tenure to the Committee**

- Representatives to participate on the Eurobodalla Aboriginal Advisory Committee will be given formal notification by Council in writing.
- Councillor representatives, as determined by Council every two years.
- Community representatives, the tenure of membership will be four years in line with Council elections.
- A member absent from three consecutive meetings without acceptable apology will be replaced.
- Representatives must be willing to abide by terms of reference for the committee.

#### **Composition**

- Land Council nominees, one from each group (6), plus 1 designated alternate representative from each Land Council.
- Elders Groups – 1 x Djuwin Women's Lore Council, 1 x Gadu Elders and 1 x Walbunja plus 1 designated alternate representative from each Group.
- Health, Education, Employment, Law and Justice and Housing. 1 representative from each service plus (1) alternate representative from each service.
- Youth representatives (1) plus 1 designated alternate representative.
- Council nominees, one Councillor plus 1 designated alternate.

In the event of a resignation of either the Chair or Deputy Chairperson the position will be filled at the next Eurobodalla Aboriginal Advisory Committee meeting.

Chairperson is to be elected by Committee. Councillors cannot be Chair or Deputy Chairperson.

#### **Recruitment process**

Council will advertise positions on the committee through media and corporate communication channels.

#### **Delegations of Committee**

To advise Council.

#### **Reporting Hierarchy**

Minutes of each meeting will be distributed to Councillors through the councillor newsletter.

Recommendations and Council response will be communicated through the General Manager.

### **Contact Officer**

Contact officer for the committee is Coordinator, Community Development and Participation.

### **Responsibilities of Committee Members**

- To advise and make recommendations to Council on matters relating to promote Aboriginal culture.
- To give advice to the best of their knowledge and ability that will help achieve the objectives of the committee.
- To provide general advice to the Director, Community, Arts and Recreation Services.
- Facilitate in a timely way any tasks allocated to and accepted by them.
- Behave in a manner that respects the interests and viewpoints of other members.
- To declare any potential or actual conflicts of interests on matters that are brought before the committee.
- All committee members will abide by the Council's Policy for Code of Meeting Practice and the Division of Local Government Model Code of Conduct for Local Councils in NSW.

### **Responsibilities of the Chairperson**

- To chair the meeting and exercise functions, as determined by the committee.
- To be the spokesperson for the committee, as directed by the committee.
- To advocate for the committee and represent its decisions.
- To sign off minutes endorsed by the committee.
- Extraordinary meetings may be called by the Chairperson.

### **Responsibilities of Council**

Council will provide secretarial support, including minute taking, and professional officer support, as appropriate.

Matters concerning Council activities that may affect the Aboriginal community will be referred to the Committee for its consideration.

The ongoing role of the committee will be reviewed annually. Relevant matters will be referred to the committee for consideration. Committee recommendations will be referred to Council for action.

Council at its discretion may review the role or structure of the committee.

### **General meetings**

- The Chairperson will be elected by the committee. Councillors cannot be Chair or Deputy Chairperson. Another member nominated by the committee at the meeting will Chair in the event of the Chairperson being absent.
- The committee is to meet a minimum 4 times per annum.
- Replacement of members between terms will be nominated by vote of the committee.
- Other interested individuals may be invited to attend meetings as irregular observers, or be invited to present to the meeting, however they will only be recognised by consent of the Chairperson.
- The Chairperson of the committee will be able to call special meetings of the committee as necessary for the effective conduct of the committee and establish limited working parties as required.
- A quorum of the committee shall be a total of 5 (Committee members or Councillors) with voting rights.
- Pursuant to Section 10(2) of the Local Government Act 1993, the Chairperson of the Committee can exercise the power of expulsion of persons not recognised as being entitled to be present at a meeting of the Committee.

### **Distribution of Information**

Recommendations of the committee are to be reported to Council and minutes distributed to Councillors through the Councillor newsletter.

Media releases are approved by the Chairperson of the committee and distributed by Council according to Council's Media Policy.

The Chairperson is the spokesperson for the committee.

Individual committee members may not issue a media release on behalf of the committee.

### **Variation to the Terms of Reference**

The *Terms of Reference* may be added to, repealed or amended by resolution of the Council, in consultation with or upon the recommendation of the committee.

## **APPENDIX 1 - WEBSITES**

Eurobodalla Shire Council

<http://www.esc.nsw.gov.au/>

Eurobodalla Shire Council's Code of Meeting Practice

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Division of Local Government Model Code of Conduct for Local Councils in NSW

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Strategies

<http://www.esc.nsw.gov.au/inside-council/community-and-future-planning/strategies>

**Eurobodalla Shire Council  
Committees**

|  |   |   |
|--|---|---|
| <b>Name of committee:</b>                  | Eurobodalla Bushfire Management   |   |
| <b>File Number:</b>                        | E05.9427  |   |
| <b>Hierarchical standing of committee:</b> | Reports to the Bush Fire Coordinating Committee who report to the State Government through the Commissioner of the NSW Rural Fire Service   |   |
| <b>Membership:</b>                         | Chairperson:<br>Executive Officer:<br>Currently includes one Councillor delegate and one Councillor alternate<br>NSW RFS:<br>NPWS Far South Coast (DECCW):<br>NPWS Ulladulla (DECCW):<br>Police NSW:<br>Fire & Rescue NSW:<br>NSW Ambulance:<br>Nature Conservation Council:<br>RMS:<br>State Rail Authority: N/A Eurobodalla<br>Forests NSW:<br>Essential Energy:<br>LPMA<br>Telstra:<br>South East Livestock Health & Pest Authority:<br>NSW RFS Volunteers:<br>NSW Farmers Association:<br>LALC:<br>Southern Rivers CMA:<br>ESC Director, Infrastructure Services:<br>ESC Fire Mitigation Officer:<br>ESC Strategic Planning Coordinator:<br>ESC Strategic Services Manager: |   |
| <b>Chairperson</b>                         | Appointed annually  | <b>How:</b> By Bush Fire Management Committee |
| <b>Quorum:</b>                             | Half of BFM Committee members   |   |
| <b>Frequency of meetings:</b>              | Quarterly (minimum one per year)  |   |
| <b>Committee Administration Officer:</b>   | Eurobodalla – RFS District Administration Officer   |   |

***Role of Committee:***

**Rural Fires Act 1997 – Division 3 Section 50**

**Bush Fire Management Committees**

- (1) The Bush Fire Co-ordinating Committee must constitute a Bush Fire Management Committee for the whole of the area of any local authority for which a rural fire district is constituted.

- (1A) The Bush Fire Co-ordinating Committee must constitute a Bush Fire Management Committee for the area of a local authority for which a fire district is constituted if there is a reasonable risk of bush fires in that area.
- (2) The Bush Fire Co-ordinating Committee may constitute a Bush Fire Management Committee for a part of the State other than a rural fire district or a fire district.
- (3) Committees may be constituted for separate rural fire districts or groups of rural fire districts and for separate fire districts or groups of fire districts.
- (4) A Bush Fire Management Committee is to be constituted in accordance with the regulations.

## **Rural Fires Act 1997 No 65**

### **51 Functions of Bush Fire Management Committees**

- (1) A Bush Fire Management Committee has such functions as are conferred or imposed on it by or under this or any other Act.
- (1A) A Bush Fire Management Committee must, within 2 months after the end of each financial year, report to the Bush Fire Co-ordinating Committee on implementation of each bush fire risk management plan in force for the rural fire district or other part of the State for which the Bush Fire Management Committee is constituted.
- (2) A Bush Fire Management Committee is to have regard to the principles of ecologically sustainable development described in section 6 (2) of the [Protection of the Environment Administration Act 1991](#) in carrying out any function that affects the environment.

#### ***Powers of committee:***

Nil

#### ***Reporting hierarchy:***

The Bush Fire Management Committee reports to the Bush Fire Coordinating Committee via the Executive Officer.

#### ***Rules for filling casual vacancies:***

The council can change its nominated representative by notice to the Executive Officer at any time.

#### ***Representatives' obligations to report:***

Written report to be submitted, by all representatives, to the Executive Officer at each meeting of the Bush Fire Management Committee

#### ***Sunset (define the duration of operation):***

N/A

**Eurobodalla Shire Council  
 Committees**

|  |  |                                  |
|--|--|----------------------------------|
| <b>Name of committee:</b>                  | South East Arts (SEA)  |                                  |
| <b>File Number:</b>                        | 00.4687  |                                  |
| <b>Hierarchical standing of committee:</b> | External Committee   |                                  |
| <b>Membership:</b>                         | <p>The Board of South East Arts Region consists of no more than 10 positions with two categories of membership:</p> <p>i) Five (5) Council appointees, one each from the five participating LGAs;</p> <p>ii) Up to Five (5) skill-based co-opted members.</p> <p>Council delegates are appointed for a maximum of three x two year terms</p> |                                  |
| <b>Chairperson:</b>                        | Member of committee  | <b>How:</b> Elected by Committee |
| <b>Quorum:</b>                             | 6 members  |                                  |
| <b>Frequency of meetings:</b>              | Quarterly  |                                  |
| <b>Committee Administration Officer:</b>   | Executive Officer  |                                  |

***Objective (in accordance with Delivery Program):***

To support the growth of a diverse and vibrant community life.

***Role of Committee:***

Supports arts and cultural development in the region by providing advice and assistance across all art forms and undertaking strategic initiatives for the communities, artists and Councils of Bega Valley, Bombala, Cooma Monaro, Eurobodalla and Snowy River. The Committee, its budget and structure, is independent of Council.

***Powers of committee:***

Set by its constitution.

***Meeting rule/practices:***

The Committee must meet at least 4 times in each period of 12 months at such place and time as the Committee may determine.

***Rules for filling casual vacancies:***

Council vacancies to be re-elected by Council.

***Representatives' obligations to report:***

SEA presents annually to Council. Minutes of meeting to be placed in Councillor newsletter.

***Sunset (define the duration of operation):***

N/A

GMR15/022 APPOINTMENTS TO COUNCIL COMMITTEES AND  
EXTERNAL BODIES  
ATTACHMENT 5 BACKGROUND GULAGA BOARD OF MANAGEMENT

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**GULAGA NATIONAL PARK BOARD OF MANAGEMENT**

Biamanga and Gulaga national parks on the far south coast are important places to the Yuin people. Mumbulla Mountain within Biamanga National Park and Gulaga Mountain within Gulaga National Park are sacred to them. On 6 May 2006 a celebration was held to mark the return of Biamanga and Gulaga national parks to their Aboriginal owners, the Yuin people, by then Minister for Environment Mr Bob Debus. These parks were the third and fourth parks to be returned to Aboriginal ownership in NSW and the first on the eastern seaboard.

The parks are leased back to the National Parks and Wildlife Service (NPWS) under a rental agreement. The parks will be jointly managed by the Aboriginal owners and NPWS through two boards of management. The boards have a majority of Aboriginal owners along with community and Office of Environment and Heritage representation.

'They'll still be run as national parks,' said Preston Cope, Area Manager NPWS. 'The rent money that's paid must be spent on the land and for the management of the parks but NPWS won't be calling the shots. It'll be the majority Aboriginal management board that will actually be making the decisions and the policies etc for the parks.'

The leases recognise the cultural significance of the lands and the cultural connection between the two mountains. The two boards of management will jointly manage the parks and will work together to make sure those connections are maintained. The preamble to the leases sum up the importance of these mountains to the Aboriginal owners with the following words: 'Future generations should be proud to stand where their ancestors stood, to drink from where their ancestors drank, and to take in the views, just as their ancestors did. Through cooperation we can achieve anything as these mountains are our heart and soul.'

The leases also talk about employment and training of Aboriginal people and other economic opportunities associated with management of the lands. 'I believe that it's going to make a big difference to employment and training,' said Aboriginal owner and project officer with NPWS, Trisha Ellis. 'A lot more Aboriginal people will have the opportunity to be involved in the management of these parks through the management board. In a sense 28 Aboriginal people will have input into the management of the park and the projects that happen in the park ... the spin-off will be that more Aboriginal people will be trained and more Aboriginal people will be employed.'

'It's what you would call practical reconciliation,' said Mr Debus at the handback ceremony. 'Gulaga is an especially sacred place for Aboriginal people that is extraordinarily significant in spiritual terms. What we are able to do today is to balance the books, to restore some sense of justice following the dispossession of the last 240 years.'

A majority of the members of the board of management must be chosen from the Register of Aboriginal Owners. This register is established and kept by the [Registrar, Aboriginal Land Rights Act 1983](#), pursuant to Part 9 of the ALR Act.

Source:

<http://www.environment.nsw.gov.au/jointmanagement/biamangagulagahandback.htm>

August 2015

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**GMR15/023 2015/16 DETERMINATION OF THE LOCAL GOVERNMENT  
REMUNERATION TRIBUNAL**

**E95.8749**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: Nil  
Strategic Objective: Collaborative Communities  
Delivery Plan Link: C1.2 Manage the organisation to effectively and efficiently meet our statutory obligations  
Operational Plan Link: C1.2.1 Respond to legislative and policy requirements set by the Department of Local Government

**EXECUTIVE SUMMARY**

The Local Government Remuneration Tribunal has set the mayoral and councillor fees for the 2015-16 financial year, with effect from 1 July 2015. The increase is 2.5%.

**RECOMMENDATION**

THAT Council:

1. Make a determination in regard to the Remuneration Tribunal's determination of a 2.5% increase in fees for Councillors and the additional Mayoral allowance;
2. Note that the maximum fees for Regional Rural councils for 2015-16, including the full Tribunal determination, are set at \$18,380 for Councillors and \$40,090 for the additional Mayoral allowance.

**BACKGROUND**

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

Eurobodalla Shire Council is classified as a Regional Rural council.

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

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

**CONSIDERATIONS**

Categorisation of Councils

The Local Government Remuneration Tribunal is required under section 239 of the Local Government Act to determine the categories of councils and mayoral offices at least once every three years. In accordance with the Act, the Tribunal has reviewed the categories of councils as part of its 2015 annual review and determined that no change to categories is warranted at this time.

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**GMR15/023 2015/16 DETERMINATION OF THE LOCAL GOVERNMENT  
REMUNERATION TRIBUNAL**

**E95.8749**

Fees for Councillors and the Mayor

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

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

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

As a result, the minimum and maximum fees for a Regional Rural council for 2015-16 are determined as follows:

|                       | Councillor Annual Fee |          | Mayoral Annual Fee |          |
|-----------------------|-----------------------|----------|--------------------|----------|
|                       | Minimum               | Maximum  | Minimum            | Maximum  |
| <b>Regional Rural</b> | \$8,330               | \$18,380 | \$17,740           | \$40,090 |

**Financial**

At the time Council's Delivery Program 2013-17 and Operation Plan and Budget 2015-16 was adopted, the Local Government Remuneration Tribunal had not brought down its determination. The Remuneration Tribunal has now determined the increase applicable and the amounts are within the current budget.

**CONCLUSION**

The Local Government Remuneration Tribunal has determined an increase to the minimum and maximum mayoral and councillor fees of 2.5% for the 2015-16 financial year, with effect from 1 July 2015.

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

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**PSR15/033 HERITAGE ADVISORY COMMITTEE - NOMINATIONS AND MINOR  
AMENDMENTS TO TERMS OF REFERENCE**

**E07.1371**

Responsible Officer: Gary Bruce - Acting Director, Planning and Sustainability Services

Attachments: 1. Confidential - HAC Nominations summary and recommendations  
2. Confidential - HAC Nominations  
3. Under Separate Cover - Terms of Reference Heritage Advisory Committee July 2015

Focus Area: Sustainable Communities

Delivery Program Link: S7.3 Manage and promote our Aboriginal and Non-Aboriginal Heritage

Operational Plan Link: S7.3.1 Coordinate the Heritage Advisory Committee

### **EXECUTIVE SUMMARY**

The current term of the Eurobodalla Heritage Advisory Committee (HAC) for 2012-15 has concluded. In May 2015, Council called for nominations for the three community representative positions on the committee for 2015-18. The remaining positions are chosen by the organisations they represent.

This report presents the nominations received by Council, a summary of the nominations and recommends three of the nominees for appointment as community representatives for the new term.

The report also submits amended terms of reference for the committee for Council's adoption. The minor amendments include the removal of duplications in wording, updating position titles and the ability for the Eurobodalla Aboriginal Advisory Committee to elect a representative other than its chairperson.

### **RECOMMENDATION**

THAT Council

1. Adopt the amended terms of reference for the Eurobodalla Heritage Advisory Committee.
2. Appoint the recommended nominees to the Eurobodalla Heritage Advisory Committee, as contained in confidential information provided to councillors, for the term 2015 to 2018.
3. Thank those people who expressed an interest in being a member of the Eurobodalla Heritage Advisory Committee who were not successful on this occasion.
4. Make public the list of members of the Eurobodalla Heritage Advisory Committee as determined by Council.
5. Thank the members of the 2012-15 Eurobodalla Heritage Advisory Committee for their valuable contribution to the conservation and promotion of Eurobodalla Shire's heritage.

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**PSR15/033 HERITAGE ADVISORY COMMITTEE - NOMINATIONS AND MINOR  
AMENDMENTS TO TERMS OF REFERENCE**

**E07.1371**

**BACKGROUND**

Eurobodalla Shire Council established the HAC in 2000 to advise Council on heritage matters and support Council's Heritage Advisor. It was also intended to provide a reference point to the community for the distribution of heritage-related information.

The HAC meets a minimum of three times a year and membership is made up of two councillors, three community representatives, a representative of the Eurobodalla Aboriginal Advisory Committee and representatives of the Clyde River and Batemans Bay, Moruya and District, and Narooma historical societies. The term of office for each committee is three years.

The term of the current committee ended on 30 June 2015. On 19 May 2015, expressions of interest were called for the three community representatives of the Eurobodalla Heritage Advisory Committee (HAC) for 2015-18. Other members are chosen by the organisations that they represent.

Members of the public who wished to contribute to the conservation of Eurobodalla's environmental heritage as a committee member, had until 5 June 2015 to apply. The HAC Terms of Reference specify that the three community representatives should preferably be from the north, central and southern areas of our Shire and that nominations must be received in writing before the due date nominated in the Expression of Interest (ie 5 June 2015).

Six nominations were received for the three community representative positions. Two of the six nominations were received after the due date. Notwithstanding, all six submissions were assessed on merit. A summary of the nominees are contained in confidential Attachment 1 to this report. The nominations as submitted are contained in confidential Attachment 2.

Attachment 3 is the draft Heritage Advisory Committee - Terms of Reference 2015. Minor amendments have been made to the wording such as details updating position titles, hyperlinks and relevance to the *Local Government Act 1993*.

**CONSIDERATIONS**

Recommendations for appointment to the committee have been made on the basis of the nomination being received by the due date, the nominees' genuine interest, skills and experience in heritage conservation generally or within Eurobodalla. Thanks to the broad skills and experience of this year's nominees, the recommended community representatives have a strong mix of local and/or particular heritage expertise.

**Legal**

The committee has an advisory role only and does not have any delegated authority to make decisions on behalf of the Council.

The amended terms of reference remove an incorrect reference to section 355 of the *Local Government Act 1993*. Section 355 allows Council to delegate certain powers to committees. This is not the case with advisory committees and the HAC had not been appointed as a section 355 committee.

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**PSR15/033 HERITAGE ADVISORY COMMITTEE - NOMINATIONS AND MINOR  
AMENDMENTS TO TERMS OF REFERENCE**

**E07.1371**

**Policy**

The HAC is a committee established pursuant to a recommendation of the Eurobodalla Heritage Strategy 2014-17 adopted by Council on 11 February 2014. The operation of the committee will be in accordance with Council's Code of Meeting Practice.

**Social Impact**

The work of the HAC in supporting the preservation of our shared heritage, helps to promote a sense of place and community within Eurobodalla.

**Economic Development Employment Potential**

HAC projects such as the Local Heritage Places Grants and the new heritage tourism map encourage economic benefits to Eurobodalla through the support of building projects and the promotion of heritage based tourism.

**Financial**

The committee operates within the existing budget allocations.

**Selection Criteria**

The HAC Terms of Reference specify that the three community representatives should preferably be from the north, central and southern areas of Eurobodalla Shire and that nominations must be received in writing before the due date nominated within the Expression of Interest (ie 5 June 2015). Candidates were shortlisted for appointment according to their ability to meet the objectives and Terms of Reference of the HAC (see Attachment 3).

**Terms of Reference**

Minor amendments have been made to the wording of the HAC terms of reference to bring it up to date with regard to:

- position titles
- hyperlinks
- allowing the EAAC to elect a representative other than the chairperson
- removal of duplications
- a link to the Community Strategic Plan and
- relevance to the *Local Government Act 1993*.

Please refer to the attached amended HAC terms of reference (Attachment 3).

**CONCLUSION**

The current term of Council's Heritage Advisory Committee ended on 30 June 2015. The call for expressions of interest in membership of the Eurobodalla Heritage Advisory Committee (HAC) for 2015-18 resulted in six nominations from the public for three positions as community representatives. Two of the nominations were received after the nomination due date.

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**PSR15/033 HERITAGE ADVISORY COMMITTEE - NOMINATIONS AND MINOR  
AMENDMENTS TO TERMS OF REFERENCE**

**E07.1371**

Notwithstanding, all six submissions were assessed on merit. Three of the nominations are recommended to be appointed to the committee.

The amended terms of reference have been updated to correct position titles and incorrect references to legislation.

---

**IR15/032 FUNDING OFFER - FOOTPATH - TRAIN STREET, BROULEE**

**E96.0060**

Responsible Officer: Lindsay Usher - Acting Director Infrastructure Services

Attachments: Nil

Focus Area: Liveable Communities

Delivery Program Link: L5.3 Provide and develop Council's shared pathway and cycleway network

Operational Plan Link: 5.3.2 Seek grant funding and partnership opportunities to develop network

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek endorsement of actions taken to accept a grant from the Roads and Maritime Service's Safety Around Schools Program 2015-16 for \$10,800.

Each year, Council is invited to nominate projects for possible funding that will improve safety for school students within the 40km/h school speed zone.

In March 2015, an application was lodged for a footpath in Train Street, Broulee near St Peters Anglican College. The new section of footpath would provide a missing link in the footpath network and provide a safe passage of travel for students and the broader community directing them to a safe crossing point in Train Street.

Council was formally advised in June 2015 that the funding application for \$10,800 was successful and would require a 50% contribution by Council. Council's contribution has been allocated within the Operational Plan and Budget 2015-16.

### **RECOMMENDATION**

THAT Council endorse the actions taken to accept the offer of \$10,800 in grant funding from the Roads and Maritime Services Safety Around Schools Program 2015-16 for a footpath in Train Street, Broulee.

### **BACKGROUND**

Each year, Council is invited to nominate projects for possible funding under the Roads and Maritime Services' Safety Around Schools Program 2015-16.

The criteria for any nomination must clearly demonstrate how the project will improve safety for school students within the 40km/h school speed zone and that preference would be given to low cost treatments on a 50/50 basis.

In March 2015, Council lodged a nomination for the installation of concrete footpath measuring 180 metres in length to extend from outside St Peters Anglican College to the intersection of Zanthus Drive. This would provide a missing link within the footpath network and allow students and the broader community to walk safely to and from school to the preferred crossing point being a pedestrian refuge located near the Zanthus Drive intersection.

The total project cost is \$21,600 and Council applied for \$10,800 in funding in line with the 50/50 funding criteria.

---

**IR15/032 FUNDING OFFER - FOOTPATH - TRAIN STREET, BROULEE**

**E96.0060**

**CONSIDERATIONS**

The RMS has written to Council advising that the grant is successful and that formal acceptance is required. The grant has been formally accepted by staff with design plans and schedule of works completed. This report seeks endorsement of the action taken to accept the grant.

**Asset**

The provision of this pathway is included within the adopted Pathways Strategy. The grant funding assists with the up-front capital costs of the project of providing this important asset.

Provision has already been made in the long-term financial plan for the growth of the pathway network that will provide the funds needed to cover depreciation (approximately \$300 per annum) and on-going maintenance.

**Social Impact**

The Safety Around Schools Program targets safety for school students within 40km/h school speed zones.

Providing a missing link within our footpath network will have a positive impact on the safety of school students, parents and other pedestrians in an area that accommodates two schools.

The installation of the missing footpath link should improve pedestrian behaviours during school zone hours as well as providing motorised wheelchair users a safe path to travel.

**Financial**

This funding has been offered under the condition that Council contributes 50% of the costs. There is sufficient funding in the Operational Plan and Budget 2015-16 allocated towards this project to meet the 50% matching funding requirement.

**CONCLUSION**

Council has been successful in gaining \$10,800 in grant funding through the RMS Safety Around Schools Program 2015-16 for the installation of a footpath in Train Street, Broulee.

The installation of the missing link in the footpath network near St Peters Anglican College will improve the safety of school students and other pedestrians within the 40km/h school speed zone.

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**IR15/033 FORMATION OF BATEMANS BAY STREETSCAPE SUNSET ADVISORY COMMITTEE**

**E.15.9271**

Responsible Officer: Lindsay Usher - Acting Director Infrastructure Services

Attachments: 1. Terms of Reference

Focus Area: Liveable Communities

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 purpose of this report is to seek Council's approval to form a sunset advisory committee to help facilitate engagement with the community and business sector during the design and construction phase of the project.

The \$1.25M project is identified as a Special Rate Variation project in the 2013-17 Delivery Plan, with \$500,000 allocated in 2015-16, and \$750,000 proposed to be allocated in 2016-16.

The project will include works in the area on the south side of North Street between Perry and Orient Streets and in Orient Street between North Street and Beach Road.

The new committee would be invited to contribute to the design plan which will focus on creating a vibrant centre to encourage development, outdoor dining and social spaces. Consideration may be given to upgrading assets such as footpath pavements, road resurfacing, landscaping and street furniture and it is hoped that the plan will incorporate ways to recycle and reuse exiting pavement and other material.

The committee will assist Council develop and deliver an effective community engagement plan to ensure that the community is involved in the project.

The formation of a Batemans Bay Streetscape Sunset Advisory Committee will ensure a collaborative approach to this project and it is expected to achieve the same successful outcomes that were evident in the recently completed Narooma Streetscape project.

**RECOMMENDATION**

THAT:

1. The Batemans Bay Streetscape Sunset Advisory Committee be formed to undertake the role detailed in the terms of reference.
2. The committee remain in place until the project is completed.
3. The Batemans Bay Streetscape Sunset Advisory Committee consist of the following representatives:
  - a. two Councillors – one to be the Mayor as Chair
  - b. the Batemans Bay Chamber of Commerce President or his delegate
  - c. two community representatives

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**IR15/033 FORMATION OF BATEMANS BAY STREETSCAPE SUNSET ADVISORY COMMITTEE**

**E.15.9271**

- d. two business representatives.
4. Council appoint a Councillor, in addition to the Mayor, as its representative on the Batemans Bay Streetscape Sunset Advisory Committee.
  5. Expressions of interest be sought for the community and business representatives and this be advertised for a period of 21 days.
  5. The Terms of Reference for the Batemans Bay Streetscape Sunset Advisory Committee be adopted.

**BACKGROUND**

Council has provided \$1.25M in funding for the upgrade of the Batemans Bay CBD with \$500,000 allocated in 2015-16 and \$750,000 proposed to be allocated in 2016-17.

The proposed works in the CBD include:

- North Street south side (Perry Street to Orient Street); and
- Orient Street (North Street to Beach Road).

It is proposed to undertake these works over two financial years.

**CONSIDERATIONS**

It is proposed to establish a sunset advisory committee to help facilitate engagement with the community and business sector during the design and construction phases of the project.

**Terms of Reference**

The key role of the sunset advisory committee would be to oversee the engagement process and design of the CBD works, including broader community consultation on the draft plans. The committee will also assist during the construction phase. This approach has worked well on other significant community projects such as the recently completed Narooma Streetscape project.

The draft Terms of Reference is attached.

**Formation of an Advisory Committee**

It is proposed that the Batemans Bay Streetscape Sunset Advisory Committee consist of the following representatives:

- a. two Councillors – one to be the Mayor as Chair
- b. the Batemans Bay Chamber of Commerce President or his delegate
- c. two community representatives
- d. two business representatives.

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**IR15/033 FORMATION OF BATEMANS BAY STREETSCAPE SUNSET ADVISORY COMMITTEE**

**E.15.9271**

The two community members and two business members would be sought by advertising for expressions of interest to participate on the sunset advisory committee. The nominations would be considered and reported back to Council for final determination.

Council officers will support the sunset advisory committee via the Infrastructure Services team, who are charged with the design and delivery of the project.

**Asset**

The proposed works will enhance the Batemans Bay CBD and revitalize this section of the business precinct in Batemans Bay. The works will include renewal of key assets assisting Council meet its renewal targets and allowing these assets to remain fit for purpose.

**Social Impact**

The improved streetscape will assist in making the township an attractive destination in keeping with the natural beauty of the area.

**Economic Development Employment Potential**

The streetscaping upgrade will provide a significant enhancement to Batemans Bay township bringing additional vitality to the town. The potential for additional angled parking within Orient Street will be considered in the options for the proposed work.

This proposal extends the good work already being undertaken across the three main CBDs to enhance our business precincts and associated parking areas to support economic development and employment.

**Financial**

The provision of additional funding under the recently approved rate variation offers the opportunity to undertake these key works to support our business sector.

**Community Engagement**

This report recommends the establishment of the Batemans Bay Streetscape Sunset Advisory Committee to work with Council to develop and oversee the community engagement process. It is anticipated this process will provide opportunity for broad community consultation with more specific involvement of the businesses and landowners most impacted.

**CONCLUSION**

The formation of the Batemans Bay Streetscape Sunset Advisory Committee will help facilitate engagement with the community and business sector during the design and construction phases of the project.

The Committee is proposed to consist of two Councillors, the President of the Batemans Bay Chamber of Commerce or his delegate, two community representatives and two business representatives.

# Batemans Bay Streetscape Sunset Advisory Committee

## Terms of Reference

August 2015

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## **Introduction and Background**

The Community Strategic Plan 'One Community' identifies we are healthy and active and our community is a great place to live.

The Delivery Program includes:

*We help our local economy grow:*

- *Plan and develop the right assets and infrastructure*
- *Support the growth of our business community*

The Operational Plan further identifies that Council will:

- *facilitate growth and development of our business community*
- *manage and maintain a safe, sustainable and accessible range of community facilities*

## **Purpose of the Batemans Bay Streetscape Sunset Advisory Committee**

To oversee the public engagement process with the community and business sector during the design and construction phases of the Batemans Bay CBD streetscape project.

## **Title and Delegations**

- The committee shall be referred to as the Batemans Bay Streetscape Sunset Advisory Committee.
- The committee shall function as a non-delegated advisory committee.

## **Objectives**

- Develop and oversee the community engagement process during the design and construction of the project.
- Oversee the development of a detailed design plan.
- Provide advice back to Council on the adoption of a detailed design plan for the Batemans Bay CBD works.

## **Quorum and Voting Rights**

A quorum of the committee shall be four. All members will have voting rights. The Chairperson has a casting vote. Eurobodalla Shire Council staff do not have voting rights.

## **Tenure of the Committee**

The tenure of the Batemans Bay Streetscaping Sunset Advisory Committee will conclude when this project is complete.

### **Composition**

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

- two Councillors – one to be the Mayor as Chair
- the Batemans Bay Chamber of Commerce President or his delegate
- two community representatives
- two business representatives.

The Director Infrastructure Services will be Council's contact for this committee. The committee will be supported by personnel from Infrastructure Services.

### **Chairperson**

Mayor will be the Chair. In the absence of the Mayor, the other Councillor on this Committee shall be the Chair.

### **Delegations of Committee**

Nil.

### **Reporting Hierarchy**

Minutes of each meeting will be distributed to Councillors and the General Manager. Council responses will be communicated through the Director Infrastructure Services.

### **Contact Officer**

Contact officer for the committee is the Director Infrastructure Services.

### **Responsibilities of Committee Members**

1. Give advice to the best of their knowledge and ability that will help achieve the objectives of the committee in accord with their role.
2. Review results and recommendations of the project or provide general advice.
3. Behave in a manner that respects the interests and viewpoints of other members, community and Council officers.
4. Declare any potential or actual conflicts of interest on matters that are brought before the committee.
5. All members will abide by Council's Code of Conduct and Council's Code of Meeting Practice.

ATTACHMENT 1 TERMS OF REFERENCE

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**Responsibilities of the Chairperson**

1. To chair the meeting and exercise functions, that are determined by the committee.
2. To be the spokesperson for the committee.
3. To advocate positively for the committee and represent its decisions.
4. Extraordinary meetings may be called by the Chairperson.

**Responsibilities of Council**

1. Council will provide secretarial support, including minute taking, distribution of related correspondence and professional officer support.
2. Council will be responsible for providing suitable venues and related support to Committee members including refreshments.
3. Matters will be referred to the committee for its consideration and information will be provided on actions arising from adopted committee recommendations.
4. Council has the discretion to review the role, re-organise or disband the committee at any time.
5. Council will facilitate liaison with Councillors, Executive Leadership Team and Government.
6. Only the Chair can speak on behalf of the committee with the media unless otherwise approved.

**General Meetings**

It is anticipated that committee meetings will be required for the following purpose:

1. To develop and oversee community engagement.
2. To oversee the development of a detailed design plan for the works in the Batemans Bay CBD.
3. To review results from the community engagement process.
4. To make recommendations following the community engagement process to allow for finalisation of the detailed design.
5. To oversee community engagement during the construction phase.

A calendar of meetings will be prepared.

Meetings will ordinarily take place at Council's office in Moruya, however alternate venues may be arranged.

**Distribution of Information**

1. Committee minutes will be distributed to Councillors through the Councillor newsletter and to all committee members.
2. Recommendations of the committee requiring a Council resolution will to be reported to Council.

ATTACHMENT 1 TERMS OF REFERENCE

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3. Media releases are approved by the Chairperson of the committee and distributed by Council according to Council's Media Policy.
4. The Chairperson is the spokesperson for the committee.
5. Individual committee members may not issue a media release or speak with the media on behalf of the committee.
6. Individual committee members will be required to sign a confidentiality agreement.

**Variation to the Terms of Reference**

The *Terms of Reference* may be added to, repealed or amended by resolution of the Council, or in consultation with or upon the recommendation of the committee.

**APPENDIX 1 - WEBSITES**

Eurobodalla Shire Council

<http://www.esc.nsw.gov.au/>

Eurobodalla Shire Council's Code of Meeting Practice

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Division of Local Government Model Code of Conduct for Local Councils in NSW

<http://www.esc.nsw.gov.au/inside-council/council/council-policies>

Strategies

<http://www.esc.nsw.gov.au/inside-council/community-and-future-planning/strategies>

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**FBD15/061 INVESTMENTS MADE AS AT 31 MAY 2015**

**E99.3517**

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

Attachments: Nil

Focus Area: Support Services

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

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

**EXECUTIVE SUMMARY**

The purpose of this report is to:

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

**RECOMMENDATION**

THAT the certification that the investments as at 31 May 2015 made in accordance with the Act, Council's investment policy and the provision of Clause 1 (Reg212) of the Local Government (General) Regulation 2005, be received.

**CONSIDERATIONS**

**Legal**

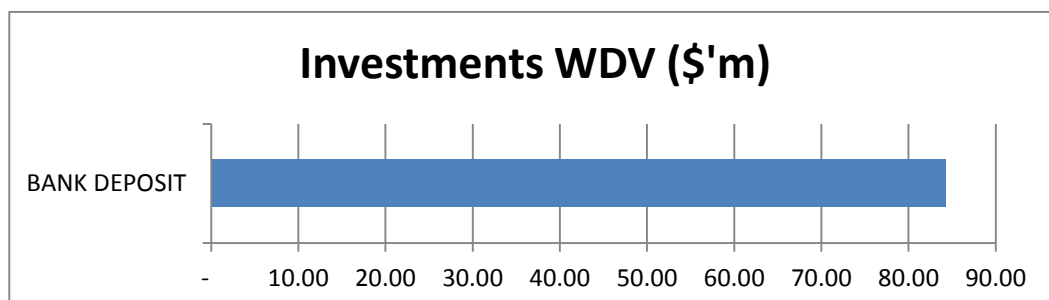
Budgeted legal fees for 2014-2015 are \$0.03m with only minor net expenditure incurred this year to date. Credit crisis related legal costs for the financial years 2008-2014 are \$0.37m.

**Policy**

Investments comply with Council's Investment policy.

**Financial**

Council Investing Overall



Council has 100% (84.24m) invested in bank deposits. Bank deposits are in banks rated A or greater or covered by the AAA rated Government Guarantee (except \$4.75m with IMB (Rated BBB+)). Investment in Government Guaranteed Deposits is \$2.25M and represents 2.67% of the portfolio.

**FBD15/061 INVESTMENTS MADE AS AT 31 MAY 2015**

**E99.3517**

The weighted average return for all investments for the month is 3.10% which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.40%).

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 table summarises investment categories and balances at month end.

| <b>CATEGORY</b>                       | <b>WDV (\$)</b>     |
|---------------------------------------|---------------------|
| At Call Deposit Government Guaranteed | 250,000             |
| At Call Deposit                       | 3,488,887           |
| Term Deposits                         | 78,500,000          |
| Term Deposits Government Guaranteed   | 2,000,000           |
|                                       | <b>\$84,238,887</b> |
| <i>Weighted Average Interest %:</i>   | <i>3.10%</i>        |
| <i>Average 90 day BBSW + 25%</i>      | <i>2.40%</i>        |

Policy and Liquidity Risk

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

| <b>Policy Risk</b>       | <b>Low Liquidity Risk %</b> | <b>Medium Liquidity Risk %</b> | <b>High Liquidity Risk %</b> | <b>Total % WDV</b> |
|--------------------------|-----------------------------|--------------------------------|------------------------------|--------------------|
| <b>Remote Risk</b>       | <b>2.70</b>                 | <b>0.00</b>                    | <b>0.00</b>                  | <b>2.70</b>        |
| <i>Policy Limit</i>      | <i>100.00</i>               | <i>70.00</i>                   | <i>50.00</i>                 |                    |
| <b>Near Risk Free</b>    | <b>91.66</b>                | <b>0.00</b>                    | <b>0.00</b>                  | <b>91.66</b>       |
| <i>Policy Limit</i>      | <i>100.00</i>               | <i>50.00</i>                   | <i>30.00</i>                 |                    |
| <b>Some Limited Risk</b> | <b>5.64</b>                 | <b>0.00</b>                    | <b>0.00</b>                  | <b>5.64</b>        |
| <i>Policy Limit</i>      | <i>30.00</i>                | <i>20.00</i>                   | <i>10.00</i>                 |                    |
| <b>At Risk</b>           | <b>0.00</b>                 | <b>0.00</b>                    | <b>0.00</b>                  |                    |

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**FBD15/061 INVESTMENTS MADE AS AT 31 MAY 2015****E99.3517**

|                     |               |             |             |               |
|---------------------|---------------|-------------|-------------|---------------|
| <i>Policy Limit</i> | <i>0.00</i>   | <i>0.00</i> | <i>0.00</i> |               |
| <b>Grand Total:</b> | <b>100.00</b> | <b>0.00</b> | <b>0.00</b> | <b>100.00</b> |

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1 and the audited unrestricted current ratio as at 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.

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**DR15/032 2015 NSW LOCAL ROADS CONGRESS**

**E04.8291**

Responsible Officer: Lindsay Brown - Mayor and Councillor Neil Burnside

Attachments: 1. Congress Communiqué  
2. Media Release - Crumbling Roads in NSW

Focus Area: Productive Communities

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

Operational Plan Link: P2.1.1 Advocate for improved infrastructure and increased levels of funding

### **EXECUTIVE SUMMARY**

To provide Council with an overview of the 2015 NSW Local Roads Congress and recommend that Council promotes the outcomes from the Communiqué.

This report is a combined delegates report from Mayor Lindsay Brown and Councillor Neil Burnside.

### **RECOMMENDATION**

THAT:

1. The Delegates Report on the 2015 NSW Local Roads Congress be received and noted.
2. Eurobodalla Shire Council formally endorse the Congress Communiqué.
3. Council write to the following highlighting the issues raised at the 2015 NSW Local Roads Congress and seeking their support:
  - a. The Hon Andrew Constance MP, Minister for Transport and Infrastructure and Member for Bega
  - b. The Hon Duncan Gay MLC, Minister for Roads, Maritime and Freight
  - c. The Hon Michael Baird MP, Premier of NSW
  - d. Dr Peter Hendy MP, Member for Eden-Monaro
  - e. The Hon Warren Truss MP, Deputy Prime Minister and Minister for Infrastructure and Regional Development
  - f. The Hon Jamie Briggs MP, Asst Minister for Infrastructure and Regional Development
  - g. Gareth Ward MP, Parliamentary Secretary to the Premier, Illawarra and South Coast.
4. The key findings of the 2015 NSW Local Roads Congress be discussed formally at the next South East Australian Transport Strategy Inc meeting to formulate further regional strategies to promote the Congress outcomes to all sitting Parliamentary members.

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**DR15/032 2015 NSW LOCAL ROADS CONGRESS**

**E04.8291**

**BACKGROUND**

The NSW Roads & Transport Directorate, a partnership between the Institute of Public Works Engineering Australia (IPWEA) and Local Government NSW held the 2015 NSW Local Roads Congress in Sydney on 1 June 2015.

Mayor Lindsay Brown and Councillor Neil Burnside represented Council at the Congress.

Council's Director of Infrastructure Services, Warren Sharpe OAM is the current President of IPWEA (NSW) and chairs the NSW Roads & Transport Directorate Executive Management Committee in that role.

**CONSIDERATIONS**

Delegates including Mayors (25), Councillors, General Managers, Infrastructure Directors and other Engineers from across NSW attended the Congress.

Warren Sharpe OAM, President IPWEA (NSW) welcomed the delegates to the Congress, followed by the opening address from Cr Keith Rhoades, President of Local Government NSW.

The keynote address to the congress was delivered by the Hon Duncan Gay MLC, Minister for Roads and Freight. The presentation covering current State and Local Government road management, transport and freight subjects was a highlight of the congress. The Minister indicated a strong interest in providing support to Councils, particularly in regional areas for area of bridges and removal of freight pinch points.

The conference also saw the launch of the 2014 Asset Benchmarking Project Reports - Road Management Report and Timber Bridge Management Report.

The following presented at the Congress and their presentations can be viewed on the link below:

<http://www.ipwea.org/RoadsTransportDirectorate/AboutRD/Congress/>

Warren Sharpe OAM, President IPWEA (NSW) – *Fit for Future – Fit for Purpose for our Community*

Jeff Roorda, Executive Director Jeff Roorda & Associates – *Road Asset Benchmarking Project - Implications of the 2014 Reports*

Steve Orr, Deputy Executive Officer, Local Government – *Local Government Reform – The Changing Face of NSW councils*

David Carlisle, Executive Director, Access Connect and Peter Capriolli, Director Access – *Background about the National Heavy Vehicle Regulator*

Associate Professor Roberta Ryan, Director ACELG – *Why Local Government Matters*

Mick Savage, Manager Roads & Transport Directorate – *2014 Road Asset Benchmarking Reports – Road Management Report and Timber Bridge Management Report*

Kyle Loades, current President of NRMA was the guest dinner speaker. This provided an opportunity to discuss alignment of key advocacy strategies going forward.

Jodi McKay MP, Shadow Minister for Roads also attended the Congress and engaged with attendees regarding the needs of local communities and their councils.

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**DR15/032 2015 NSW LOCAL ROADS CONGRESS**

**E04.8291**

A key outcome of the Congress is the production of the Congress Communique. This Communique represents a summary of the collective views of Local Government and guides the advocacy activities of the NSW Roads & Transport Directorate and LGNSW over the coming year. A copy of the Congress Communique is attached.

Mayor Lindsay Brown has already presented the Communique to the Country Mayors Association who have also endorsed the content.

The President IPWEA (NSW) has already met and discussed the Communique with the Australian Local Government Association as a prelude to the upcoming National Roads Congress in Ballarat later this year.

A media release promoting the Congress findings was also issued (see attached). This was picked up by Radio National, Sydney Morning Herald and Channel 7.

Advocacy discussions have also been held with the South East Australian Transport Strategy Inc to incorporate the Congress Communique into the next agenda and newsletter.

**Asset**

The NSW Roads Congress is a key advocacy forum aimed at developing a united position for improving the funding model to Councils from the NSW and Australian Government. The collaborative approach provides both collated evidence based reports to better inform advocacy.

The successes of previous advocacy is outlined in the Communique.

Eurobodalla has benefitted from the Government funding programs now in place for transport infrastructure with the most recent examples being:

- Funding from the NSW & Australian Governments for Candlagan Bridge (\$1.125M and \$1.097M respectively)
- Funding from the NSW Government for the testing of bridges (\$225,000)
- Additional Roads to Recovery Funding from the Australian Government over 2015-16 and 2016-17).

This funding is vital to sustain and upgrade transport infrastructure within Eurobodalla (and across NSW), assisting to maintain the existing infrastructure network.

**Social Impact**

The Congress Communique identifies the need to provide social equity both between city and regional areas, and within Council areas to ensure an appropriate level of service to all residents. The Communique discussed funding changes to facilitate redistribution of current grant funding to the areas of highest need.

The provision of appropriate supporting grant funding from the NSW and Australian Governments recognized the task of funding infrastructure is greater than can be provided from rates.

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**DR15/032 2015 NSW LOCAL ROADS CONGRESS**

**E04.8291**

**Economic Development Employment Potential**

The advocacy work undertaken for local and regional roads seeks to align with the NSW and Australian Governments strategic direction of driving the economic development and employment through improved transport efficiency.

The injection of government grants into regional economies via Councils also has a positive impact on employment during the planning and construction phases of projects.

**Financial**

Grants obtained through the various programs flowing from advocacy activities assist Council fund appropriate services to the local community.

**CONCLUSION**

The issues identified at the NSW Local Roads Congress are highly applicable to all Councils across NSW including Eurobodalla Shire Council.

Council should formally support the outcomes as outlined in the Congress Communique and lobby government to address the issues identified for the benefit of our own local community and the NSW and Australian economy.

## NSW LOCAL ROADS CONGRESS

1 June 2015

### Congress Communiqué

The NSW Roads & Transport Directorate, a partnership between the Institute of Public Works Engineering Australia (IPWEA) and Local Government NSW, in holding the 2015 NSW Local Roads Congress resolved to announce the following communiqué.

The Congress applauds the positive response of Governments to the 2014 NSW Roads Congress Communiqué to assist councils drive the NSW and regional economy, address social equity and improve road safety through improved transport infrastructure including:

- \$42.5 million from the NSW Government through the Fixing Country Roads Programme for roads in regional NSW
- \$25.8 million from the Australian Government for 29 projects through the Bridges Renewal Programme and \$119.6 million for 27 projects under the Heavy Vehicle Safety and Productivity Programme
- \$53.5 million from the Australian Government under the Black Spot Programme in 2015-16
- An extra on-off allocation of \$350 million from the Australian Government for Councils across Australia in 2015-16 under the Roads to Recovery Programme.

On the downside, calls for the NSW Government to either increase the rate pegging limit for the current year or to remove it completely have gone unheeded. Likewise the Australian Government has not acceded to the request by the 2014 Congress, and ALGA on a national basis, to restore the CPI increase in Financial Assistance Grants to Local Government.

The release of the *Road Management Report* and the *Timber Bridge Management Report 2014* published under the NSW Roads & Transport Directorate's Road Asset Benchmarking Project comes at an opportune time, given the discussion on sustainability as part of the NSW Government's Fit for the Future reforms.

The *Road Management Report* shows that the long term underfunding of roads and bridges has decreased from \$783 million in 2006 to \$447 million per annum in 2014. This reduction demonstrates that Local Government is pulling their weight in addressing the infrastructure challenges through targeted infrastructure funding programs, the application of engineering skills and improved asset management.

The report highlights that the sustainability of transport infrastructure requires new funding to support regional NSW communities who have long lengths of roads, lower population densities yet produce high value product, feed the nation, drive exports and provide the playground for our cities.

The *Timber Bridge Management Report* shows that despite an increased level of expenditure by Councils since 2006, the State's timber bridge stock is still in a less than satisfactory condition. Further allocation of resources must be focused in this high risk area.

To help drive the NSW economy, address social equity issues (particularly within regional NSW) and improve road safety outcomes, the Congress calls on the Governments to take the following measures:

#### **NSW Local Government**

The Congress calls on Local Government in NSW to:

1. advocate for their communities by writing to the relevant Ministers and their local NSW and Australian Government MPs seeking their support for the Congress outcomes
2. investigate solutions to the equity issues surrounding the rating of rural properties
3. continue to improve asset management performance identified in the *Road Management Report* released today by:
  - a. developing a common road hierarchy for NSW local and regional roads
  - b. working with the Office of Local Government to improve the transparency and consistency of infrastructure measures within the Integrated Planning & Reporting framework
  - c. building capacity within the Local Government industry by supporting ongoing training and knowledge sharing
  - d. taking responsibility for developing skilled professionals for tomorrow through cadetships and experiential development programmes
4. seek further improvements in efficiency and effectiveness in service delivery, including the development of new techniques and innovative technologies in co-operation with industry
5. avoid internal cost shifting by ensuring that Government grants for infrastructure maintenance and renewal are expended in addition to the current levels of funding to ensure Local Government's credibility is maintained.

#### **NSW Government**

The Congress calls on the NSW Government to:

1. remove rate pegging in NSW to allow Councils to determine appropriate rating increases, in conjunction with their own communities, using the Integrated Planning and Reporting framework
2. redistribute Federal Assistance Grants to regional NSW to address social equity and reduce the infrastructure funding gap (in association with 3 below)
3. implement the recommendations of the *Revitalising Local Government* Report to improve the NSW rating system to better account for medium and high density development and encourage Councils to meet NSW Government growth targets, particularly in our cities
4. establish a Government finance authority to provide a low interest loan scheme to all Councils to help them become Fit for Future
5. produce guidelines for Local Government on the effective use of borrowing to address short and long term funding needs, including renewal and upgrade of local and regional roads
6. provide additional resources to Local Government for the management and upgrade of transport infrastructure, particularly to address the declining condition of bridges

7. implement a programme through the Department of Planning to develop strategies to determine and mitigate the cumulative impact of State Significant Development, e.g. mining, on communities and transport infrastructure beyond the immediate development area
8. improve consultation with Local Government to develop strong links between regional transport plans and infrastructure priorities.

#### **NSW & Australian Governments**

The Congress calls on the NSW and Australian Governments to:

1. increase the funding to Local Government under grant programmes such as *Fixing Country Roads* and the *Bridges Renewal Programme* to provide resources to reduce the current unfunded renewal and upgrade of infrastructure assets
2. build upon the \$200 million provided for rail upgrading in the current year to reduce the increasing freight loads on local and regional roads, including resolving institutional impediments for access to existing rail
3. provide consistent levels of funding from year to year to provide greater certainty in planning infrastructure delivery and resourcing strategies to allow development and retention of a local skill base.
4. ALGA work with COAG, informed by State LG peak bodies and IPWEA, to develop a new National Infrastructure Partnership for the three tiers of Government for smarter long term investment planning in transport and community infrastructure.

#### **Australian Government**

The Congress calls on the Australian Government to:

1. restore the CPI increase in Financial Assistance Grants to Local Government
2. review the distribution of Federal Assistance Grants, having regard to social equity for local councils having low populations
3. extend the additional \$350 million proposed for the 2015-16 Roads to Recovery Programme until the 2018-19 financial year and thereafter make Roads to Recovery permanent
4. progressively increase funding to Local Government tied to a percentage of the GST equivalent to 1% of National GDP
5. investigate the establishment of a dedicated Federal Government Bridge Subsidy Scheme targeting economic, social equity and environmental outcomes.

#### **Australian Local Government Association**

The NSW Congress seeks the support of ALGA to deliver the NSW Roads Congress outcomes.

Further enquiries:

Warren Sharpe OAM, President IPWEA (NSW) - 0409 398 358

Garry Hemsworth, Director IPWEA (NSW) - 0408 769 000

Mick Savage, Manager Roads & Transport Directorate - 0418 808 085

Institute of Public Works Engineering Australasia  
Limited NSW Division



### **IPWEA NSW Media Release 9 June 2015**

## **Crumbling roads demand urgent action, say NSW engineers**

New South Wales roads and bridges risk falling into further disrepair if urgent action isn't taken by all levels of government, according to the state's top local government engineers.

State MPs, Councillors and Engineers gathered at State Parliament on Monday 1 June 2015 to discuss how best to deliver better outcomes for NSW communities.

According to Mick Savage, Manager of the NSW Roads & Transport Directorate, more than 85% of all roads and bridges across NSW are looked after by local Councils.

"What's really clear is that this issue demands urgent action to implement a new funding model across the three tiers of government to keep NSW moving and address the huge challenges faced by Councils, particularly in regional NSW", Mr Savage said.

"The current \$447M annual funding gap faced by Councils means urgent action is needed to stop the decline in our roads and bridges," said Mr Savage.

"We've been undertaking independent reviews of the funding needed for Councils to manage their transport infrastructure since 2006. The results show that local Councils and their Engineers have aggressively pursued positive actions to address road safety, help support the economy and provide social equity, by reducing the annual funding gap by almost \$271M. Despite this more than a quarter of timber bridges remain in poor condition, presenting a real risk to our communities", said Mr Savage.

NSW IPWEA President Warren Sharpe OAM backed Mr Savage's calls for action.

"We've seen positive moves by both the Australian and NSW Governments to get things back on track. However, our latest research confirms new funding models are needed to provide solutions that will stand the test of time", said Mr Sharpe.

"We need to recognise that our regional communities have long lengths of roads and 10,067 bridges to look after, with low population densities. It is simply not reasonable to expect that local ratepayers will provide the resources needed to keep our communities safe and provide the network upgrades to improve national productivity, feed the nation and help keep our agricultural and mining industries internationally competitive", said Mr Sharpe.

"We're really heartened by the wisdom demonstrated by the Hon. Duncan Gay MLC Minister for Roads, Maritime and Freight in his address to the NSW Congress. He recognises that the NSW and Australian governments will need to step up to help local communities meet the many challenges and keep NSW moving ahead", said Mr Sharpe.

"We're calling on the NSW Government to take advantage of the current opportunity to convert the lease of poles and wires to deliver real change in our transport network by helping local Councils deal with high risk assets such as poor road pavements and bridges in poor condition", said Mr Sharpe.

"We're also calling on the NSW Government to put in place a new rating system that acts as an incentive for NSW Councils to increase density to meet the growth forecasts in our cities and allow much need Federal Assistance Grants to be released to support regional communities where it's really needed", said Mr Sharpe.

**END**

**Contacts:**

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Phone: 02 8267 3000

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## 17. 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:

#### **CON15/012 Property Matter**

Item CON15/012 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

#### A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

## AGENCY ADVICE

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

| CONTACT                                     | PHONE                               | EMAIL                        | WEBSITE             |
|---|-------------------------------------|------------------------------|---------------------|
| Eurobodalla Shire Council<br>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<br>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<br>S94A | S94 Contributions Plan<br>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.<br><br>Scientific research behind assessment of capacity of land and waterways in rural residential and urban expansion lands to sustain human settlement.  |
| SEPP    | State Environmental Planning Policy            | Outlines compulsory state planning objectives.   |
| SNSWLHD | Southern NSW Local Health Districts            | State board commissioned with oversight of health care in Highlands, Monaro and Far South Coast.   |
| SoER    | State of the Environment Report                | Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social, economic and environmental features of the Shire and appropriate responses to address or preserve those issues.   |
| SP      | Social Plan                                    | Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social framework of the community, their services and facilities and economic interactions.   |
| .....SP | Structure Plan                                 | Plan promoting landuses and siting of infrastructure and facilities in towns (eg, BBSP – Batemans Bay Structure Plan).   |
| SRCMA   | Southern Rivers Catchment Management Authority | State agency commissioned with assessment and monitoring of health and qualities of catchments from Wollongong to the border, and determine directions and priorities for public and private investment or assistance with grants.   |
| STP     | Sewer Treatment Plant                          | Primary, secondary and part tertiary treatment of sewage collected from sewers before discharge into EPA approved water ways or irrigation onto land.  |
| TAMS    | Total Asset Management System                  | Computer aided system recording condition and maintenance profiles of infrastructure and building assets.  |
| TBL     | Triple Bottom Line                             | Commercial term coined to encourage business to consider and disclose social and environmental risk, benefit and costs in the conduct of business to guide investors as to the long term sustainability and ethics of a business. Taken up by Council to record the basis of prioritisation, the review of condition, the monitor of progress and the financial disclosure of preventative or maintenance investment in council based social and environmental activities. |
| ToR     | Terms of Reference                             |  |
| TSC     | Threatened Species Conservation Act 1995       | State law governing the protection of nominated species and relevant assessment and development controls.  |

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| 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. |