

AGENDA

Ordinary Meeting of Council

14 June 2022

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

ON TUESDAY 14 JUNE 2022

COMMENCING AT 11.00AM

AGENDA

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

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**
Nil
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
4.1 Ordinary Meeting held on 24 May 2022
- 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**
Nil
- 7. NOTICES OF MOTION**
Nil
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil
- 9. PETITIONS**
Nil

- 10. GENERAL MANAGER'S REPORTS**
GMR22/062 2022-23 Determination of the Local Government Remuneration

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DR CATHERINE DALE
GENERAL MANAGER

**GMR22/062 2022-23 DETERMINATION OF THE LOCAL GOVERNMENT
REMUNERATION TRIBUNAL**

**S012-
T00010**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.3 Assist the Councillors in meeting their statutory obligations and roles

EXECUTIVE SUMMARY

The Local Government Remuneration Tribunal (the Tribunal) has set the mayoral and councillor fees for the 2022-23 financial year, with effect from 1 July 2022, and has determined that an increase of 2% should apply.

RECOMMENDATION

THAT Council:

1. Make a determination in regard to the Remuneration Tribunal's determination of a 2% increase in fees for Councillors and the additional Mayoral allowance.
2. Note that the maximum fees for Regional Rural councils for 2022-23, including the full Tribunal determination, are set at \$21,100 for Councillors and \$46,040 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.

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

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 1993* to determine the categories of councils and mayoral offices at least once every three years. In 2020 the Tribunal undertook a significant review of the categories and the allocation of councils into each category. The next review will be undertaken in 2023.

Eurobodalla Shire Council continues to be classified as a Regional Rural council.

**GMR22/062 2022-23 DETERMINATION OF THE LOCAL GOVERNMENT
REMUNERATION TRIBUNAL**

**S012-
T00010**

Fees for Councillors and the Mayor

Under the provisions of the *Local Government Act 1993*, 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 Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and finds that the full increase of 2% available to it is warranted.

The fees for a Regional Rural council for 2022-23 are determined as follows:

	Councillor Annual Fee		Mayoral Annual Fee	
	Minimum	Maximum	Minimum	Maximum
Regional Rural	\$9,560	\$21,100	\$20,370	\$46,040

Financial

The 2% determination will require a minor variation to the September quarterly review 2022 of \$1,123.

CONCLUSION

The Local Government Remuneration Tribunal has determined an increase to the minimum and maximum mayoral and councillor fees of 2% for the 2022-23 financial year, with effect from 1 July 2022 .

Under the provisions of the *Local Government Act 1993*, 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.

GMR22/063 POLICY ADOPTION - MARCH REVIEW

**S004-
T00060**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Policy Adoption - March review

Focus Area: 9 Innovative and Proactive Leadership

Delivery Program Link: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision

Operational Plan Link: 9.1.2 Implement effective governance

EXECUTIVE SUMMARY

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

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The following policies have been reviewed and placed on public exhibition from 23 March 2022 to 20 April 2022. During this time, no submissions were received.

- Collection Domestic Waste Bins
- Collection Litter Bins
- Community Gardens
- Compliance
- Copper Chrome Arsenate (CCA) Management
- Councillor Professional Development, Expenses and Facilities
- Creative Arts Services

This report recommends the adoption of the draft policies.

RECOMMENDATION

THAT the following policies be adopted.

- Collection Domestic Waste Bins
- Collection Litter Bins
- Community Gardens
- Compliance
- Copper Chrome Arsenate (CCA) Management

GMR22/063 POLICY ADOPTION - MARCH REVIEW

**S004-
T00060**

- Councillor Professional Development, Expenses and Facilities
- Creative Arts Services

BACKGROUND

Collection Domestic Waste Bins

This policy defines the size of waste bins allocated by Council for domestic waste collection services, promotes awareness of domestic waste services to the community and ensures compliance with legislative requirements.

Collection Litter Bins.

Littering of public places is managed by providing litter bins. Litter bins have been provided at sports grounds, foreshore locations, parks, town and villages centres to ensure compliance with the requirements of the *Protection of the Environment Operations Act 1997*.

Community Gardens

The purpose of this policy is to outline Council's position on community gardens and to clarify the roles of Council and community groups who are interested in establishing community gardens on Council owned or managed land within the Eurobodalla Shire.

This policy applies to Council owned community land as classified under the Act and Council managed Crown land. In accordance with the Act and the *State Environmental Planning Policy (Infrastructure) 2007*, development consent is not required for community gardens on community land.

A licence agreement must first be established between Council and the eligible community group for the purpose of establishing and operating a community garden on community land. The community group is responsible for all costs related to the community garden and Council approval is required for any structures proposed to be placed on site, including rainwater tanks, sheds, fencing, etc.

Compliance

The purpose of this policy is to provide a structure for consistency and transparency in decision making, and to facilitate a balanced approach to compliance and enforcement activities for which Council is responsible. It is also intended to assist Council staff to act promptly, effectively and consistently in response to allegations of unlawful activity.

This policy outlines matters to be considered at the various stages of the enforcement process from the receipt and investigation of reports alleging unlawful activity, through to what enforcement option Council will choose and whether to commence criminal or civil proceedings.

This policy is guided by the Ombudsman's Model Compliance Policy, the Independent Commission Against Corruption and reviewed against the Environment Protection Authority and other council's policies.

GMR22/063 POLICY ADOPTION - MARCH REVIEW

**S004-
T00060**

Copper Chrome Arsenate (CCA) Management

This Policy clarifies Copper Chrome Arsenate (CCA) Management within Council controlled lands.

Councillor Professional Development, Expenses and Facilities Policy

Council must comply with the provisions of Section 252 of the *Local Government Act 1993*, and adopt a 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. It also must comply with Office of Local Government's (OLG) Guidelines for the payment of expenses and provision of facilities for mayors and councillors in NSW.

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.

Creative Arts Services Policy

This policy is designed to position the role of creative arts as instrumental to engaging communities, cultivating new industries, celebrating, promoting and developing the Eurobodalla's distinctive characteristics, economy and reputation as a strong and vibrant community.

CONSIDERATIONS

The draft policies have been reviewed and minor formatting and changes to links in the governance section of the policies were undertaken as a result of Council resolution 22/66.

Community Engagement

The draft policies were placed on public exhibition for a period of no less than 28 days commencing on Wednesday 23 March 2022 until Wednesday 20 April 2022.

During this time, no submissions were received.

CONCLUSION

The draft policies were placed on public exhibition for 28 day and no submissions were received. They are now presented to Council for adoption.

GMR22/064 POLICY REVIEW - COMPETITIVE PROVISION OF SERVICES

S004-T00060

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Competitive Provision of Services Policy

Outcome: 9 Innovative and Proactive Leadership

Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations

Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

Operational Plan Link: 9.2.4.2 Provide financial management and reporting

EXECUTIVE SUMMARY

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

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The draft Competitive Provision of Service Policy has been reviewed and was placed on public exhibition from 23 March 2022 to 19 April 2022. During this time, one submission was received.

This report recommends adoption of the Competitive Provision of Services Policy with a minor change to the section of the policy headed 'Concerns'.

RECOMMENDATION

THAT the Competitive Provision of Services Policy be adopted.

BACKGROUND

This policy outlines Council's position on the competitive provision of services. Council will continually strive to deliver services to our community that provide value for money on a quadruple bottom line basis. This policy seeks to balance the cost of service provision with the social and economic costs of the method of delivery.

Council will continue to strive to improve the level of service delivered to its customers through undertaking service level reviews, benchmarking, continuous improvement, and where practicable, Regional/State procurement of services e.g., electricity purchase, borrowing arrangements.

CONSIDERATIONS

The draft Competitive Provision of Service Policy has been reviewed and was placed on public exhibition from 23 March 2022 to 19 April 2022. Copies were available for viewing on Council's website.

GMR22/064 POLICY REVIEW - COMPETITIVE PROVISION OF SERVICES

**S004-
T00060**

During the exhibition period, one submission was received. Below is a summary of the questions raised in the submission and a response.

Document No	Issues raised in submission	Response
4765562	In 2013/14 Council undertook Customer Service benchmarking through the Mystery Shopper Program. Community concerns were expressed about the on-going cost. Is this program still running? If so, what is the costs? If not, is Council running a new customer service benchmarking program? What is it, did councillors approve the expenditure, when, and what is the cost?	The Mystery Shopper Program was completed in December 2020. In November 2021 Council participated in contributing information to the National Benchmarking Snapshot Report 2020-2021. The program is conducted by National Local Government Customer Service Network and was at a cost of \$380.00.
	Under 'Concerns' in the policy it refers to Council's Customer Service Request Policy. I cannot find the 'Customer Service Request Policy' on Council's website. Why does it not say, in this section, that inquiries "will be responded to"?	There has been a typographical error. It should read Customer Service Request Procedure not policy. This section of the policy will be rewritten to reflect the module in the Technology One System which is Customer Request Management System. A reference to the Customer Request Management Procedure will be made and include a statement that enquires will be responded to.

Community and Stakeholder Engagement

The draft Competitive Provision of Service Policy has been reviewed and was placed on public exhibition from 23 March 2022 to 19 April 2022. Copies were available for viewing on Council's website.

During the exhibition period, one submission was received.

CONCLUSION

The Competitive Provision of Services Policy was placed on exhibition for 28 days, with one submission received. The draft policy is presented to Council for adoption.



Policy

Policy title	Competitive Provision Of Services
Responsible manager(s)	General Manager
Contact officer(s)	All Directors
Directorate	Office of the General Manager
Approval date	
Outcome area	9. Innovative and proactive leadership
Strategy	9.1 Provide strong leadership and work in particular to strategically plan for the future and progress towards the community vision
Delivery Program	9.1.1 Undertake sound, best practice long term community and corporate planning
Operational Plan	9.1.1.1 Review Council's Delivery Program and prepare the Operational Plan

Purpose

This policy outlines Council's position on the competitive provision of services. Council will continually strive to deliver services to our community that provide value for money on a quadruple bottom line basis. This policy seeks to balance the cost of service provision with the social and economic costs of the method of delivery.

Policy aims

Council continues to deliver quality services through a mix of delivery mechanisms including:

- direct employment of Council staff;
- direct employment of Council staff working with sub-contractors and materials provided through competitive procurement; and
- fully contracted services.

This approach provides:

- competitive service delivery;
- community resilience with Council having a highly skilled workforce able to assist the community in times of emergency e.g. floods, storms, bushfire; and
- service delivery which is directly accountable to the community.

Council will continue to strive to improve the level of service delivered to its customers through undertaking service level reviews, benchmarking, continual improvement and where practicable, Regional/State procurement of services e.g. electricity purchase, borrowing arrangements.

Council is committed to continuing employment of its full-time and part-time staff where the current services are to be delivered on an on-going basis. Casual staff will be used to supplement permanent staff for peak operating periods or specific projects.

Competitive tendering in the market place (open tender with in-house bids) for the current services provided by Council staff will not be pursued unless otherwise determined by Council. Tenders for services currently provided by Council staff can only be accepted by Council in accordance with section 377 (i) of the *Local Government Act 1993*. Council reserves the right to put to competitive tender work surplus to the program that would fully occupy permanent full-time and part-time staff, or works requiring specialised skills and knowledge not currently available to Council.



Policy

Council will continue to undertake private works (refer separate policy). Private works will however only be pursued where Council's normal activities are not compromised, or the undertaking of such works is in the community interest.

This policy aims to:

- Promote an integrated framework for the competitive delivery of services;
- Ensure consistency and fairness in the manner in which the competitive provision of services is delivered;
- Ensure compliance with legislative requirements under the *Local Government Act 1993*;
- Promote awareness of the requirements of the Act with respect to the delivery of services for the community;
- Take such steps as are appropriate to ensure the services delivered provide our community with value for money; and
- Make the Council's policies and requirements for the competitive delivery of services readily accessible and understandable to the public.

Policy statement

1	Application This policy applies to all services delivered by or on behalf of Council for our ratepayers, residents and customers.
2	<p>Council shall seek to deliver quality services to our community that provide value for money on a quadruple bottom line basis. Council shall continue to support the service delivery arrangements through a mix of:</p> <ul style="list-style-type: none"> • direct employment of Council staff; • direct employment of Council staff working with sub-contractors and materials provided through competitive procurement; and • fully contracted services. <p>Council will continue to undertake service level reviews, benchmarking and continual improvement to ensure the services delivered provide the community with value for money. Council will also pursue Regional, State and National procurement of services e.g. electricity purchases, borrowing arrangements.</p> <p>Competitive tendering in the market place (open tender with in-house bids) for the current services provided by Council staff will not be pursued. Council reserves the right to put to competitive tender work surplus to the program that would fully occupy permanent full-time and part-time staff, or works requiring specialised skills and knowledge not currently available to Council.</p> <p>Council may review the services delivered to the community in consultation with the community. Where Council determines a change in service, Council will manage its employment responsibilities in a manner consistent with the current Awards relevant to Local Government employment in NSW.</p>
3	Legislation Council will comply with the <i>Local Government Act 1993</i> including Chapter 3 (Section 8A) which in part says: <ol style="list-style-type: none"> 1. <i>Guiding principles for councils</i> <ul style="list-style-type: none"> • <i>Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.</i> • <i>Have regard to the long term and cumulative effects of its decisions.</i>



Policy

- *Be a responsible employer.*

Implementation

Requirements		Responsibility
1	Service Delivery Council will determine the nature of services to be delivered in consultation with its community and in accord with the <i>Local Government Act, 1993</i> . These services shall be outlined within Council's Delivery Program and Operational Plan. Council aims to deliver quality services taking account of the quadruple bottom line including social, economic and environment factors and the need for good governance.	Council
2	Service Reviews Council will undertake a review of the services to be delivered to the community, at least every four years, as part of establishing the Delivery Program.	Council
3	Benchmarking and Continual Improvement Council will undertake on-going benchmarking and continual improvement programs to improve the service delivery to our community. The outcomes of this work will be incorporated into the service review undertaken to establish the Delivery Program.	Council officers
4	Regional, State and National Procurement Council will continue to work regionally and on a state and nation- wide basis to share resources and pursue economies of scale in procurement of services e.g. electricity supply, borrowing arrangements. Council will continue to work collaboratively with other Councils and peak bodies to pursue efficiencies through shared knowledge and systems.	Council Council officers
5	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
6	Concerns Customer inquiries received regarding the application of the Competitive Provision of Services policy will be recorded on the Customer Request Management system and handled in accordance with Council's Customer Requests Management Procedure so inquiries can be responded to.	Council Officers
7	Consultation Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. Substantive changes to this policy will be placed on public exhibition for 28 days for community comment and submissions to be considered.	As required

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities



Policy

change; or when technological advances or new systems change the way that Council manages competitive provision of services.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner. **Note:** *The next general local government election is expected to be held in September 2026.*

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

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

Governance

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

Related legislation and policies

Name	Link
Code of Practice	www.esc.nsw.gov.au
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182

Related external references

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

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Apr 1998	Council		06.0380	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095	Policy reviewed and updated.
3	12 Sep 2017	Council	17/291	E16.0297	Reviewed and updated (start of new Council term)
4	TBA	Council	TBA	TBA	Reviewed & updated at new Council term. Report

Internal use

Responsible officer	General Manager			Approved by	Council
Minute	TBA	Report no	TBA	Effective date	TBA
File No	E06.0380 E16.0297	Review date	Mar 2022	Pages	4

GMR22/065 POLICY REVIEW - CODE OF CONDUCT

S004-T00060

Responsible Officer: Dr Catherine Dale - General Manager

Attachments:

1. Code of Conduct Policy
2. Under Separate Cover - Model Code of Conduct for Local Councils in NSW 2020
3. Under Separate Cover - Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020

Outcome: 9 Innovative and Proactive Leadership

Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.4 Review Council policies

EXECUTIVE SUMMARY

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

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

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

The Code of Conduct Policy is an overarching document that allows the Model Code of Conduct for Local Councils in NSW 2020 to be applied Council's advisory committees, reserves trusts, contractors and volunteers.

The draft Code of Conduct Policy has been reviewed and was placed on public exhibition from 28 February 2022 to 28 March 2022. During this time, one submission was received.

This report recommends adoption of the policy with no changes.

RECOMMENDATION

THAT

1. The Code of Conduct Policy be adopted.
2. The *Model Code of Conduct for Local Councils in NSW 2020* and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020* be adopted.

GMR22/065 POLICY REVIEW - CODE OF CONDUCT

S004-T00060

BACKGROUND

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

The Code of Conduct Policy is an overarching document that allows the Model Code of Conduct for Local Councils in NSW 2020 to be applied Council's advisory committees, reserves trusts, contractors and volunteers.

OLG has advised that councils should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures.

Councils cannot dilute or weaken the standards prescribed in the Model Code of Conduct in their adopted code of conduct. If standards are less onerous than those prescribed under the Model Code of Conduct, they will be invalid, and the equivalent provisions of the Model Code of Conduct will override them through the operation of section 440 of the LGA.

CONSIDERATIONS

The draft Code of Conduct Policy has been reviewed and was placed on public exhibition from 28 February 2022 to 28 March 2022. The policy was available for viewing on Council's website.

During the exhibition period, one submission was received. Below are the three changes that were recommended in the submission and an appropriate response. No changes are recommended from the submission received.

Document No	Issues raised in submission	Response
4757875	Under the provisions of clause 3.2 of OLG's prescribed ' <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020</i> ' (OLG procedures), the Council will adopt, as its panel of reviewers, the panel of reviewers established by the Canberra Region Joint Council. Following the adoption of the Council's panel, a list of names of the panel members will be compiled by the Council. The order of names on the list shall be drawn by lot. When selecting reviewers in accordance with 6.2 and 3.6 of the Procedures for the Model Code of Conduct for Local	This recommendation seeks to restrict Council's ability to establish a panel. The recommendation only allows for a panel to use when established by the Canberra Region Joint Organisation. Therefore, Council would not have a choice to establish its own panel. Currently a number of conduct reviewers on the panel are engaged. In the last Code of Conduct Complaints Statistics Report (1 September 2020 to 31 August 2021) there were ten complaints involving five different reviewers with two reviewers dealing with a number of complaints for the same issue. At present, if Council receives a number of complaints about the same issue, they are sent to one reviewer who deals with the complaint as a single matter but takes into account all complaints. This practice saves

GMR22/065 POLICY REVIEW - CODE OF CONDUCT

S004-T00060

	<p>Councils in NSW 2020, the Council's complaints coordinator shall select reviewers from the panel in accordance with the following steps.</p> <ul style="list-style-type: none"> • Reviewer will be selected in order in which the reviewers' names appear on the list of panel members. • If the complaints coordinator believes a reviewer is unsuitable the complaints coordinator must notify the reviewer of the reasons. The complaints coordinator is to give the reviewer the right of reply on why they are suitable. If the complaints coordinator still believes the review is still unsuitable then they select the next reviewer. 	<p>additional costs and provides a reviewer with a holistic context of the various aspects of the particular complaint. The Complaints Coordinator will determine the appropriate conduct reviewer's expertise in relation to the complaint. No change is recommended.</p>
	<p>Complaints about the General Manager should be performed by an alternative complaints coordinator under clause 3.18 Procedures for the Model Code of Conduct for Local Councils in NSW 2020. This person should not be a staff member of Council.</p>	<p>The General Manager has no role or involvement in the process if a complaint is made against them. Under section 12.1 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020 it states: <i>"Information about code of conduct complaints and the management and investigation of the code of conduct complaint is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures"</i>. Therefore, the Complaints Coordinator is bound by this section, not to discuss any complaint with the person concerned. In addition, a conduct reviewer is likely to require internal documents, which would need the assistance of the internal</p>

GMR22/065 POLICY REVIEW - CODE OF CONDUCT

S004-T00060

		<p>complaints coordinator of the Council concerned.</p> <p>Clause 3.18 of the <i>Procedures for the Model Code of Conduct for Local Councils in NSW 2020</i> states:</p> <p><i>“The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with council), to act as alternates to the complaints coordinator”.</i></p> <p>OLG has advised that this clause is intended to be used when the complaints coordinator is not available (e.g. annual leave or sick leave) or the complaint involves the complaint coordinator.</p> <p>It should also be noted Council’s Code of Conduct complaints procedure is to distribute all code of conduct complaints to one of the Conduct Reviewers from the Conduct Reviewer Panel. The Complaints Coordinator will determine the appropriate conduct reviewer’s expertise in relation to the complaint.</p> <p>Council staff do not determine Code of Conduct complaints.</p> <p>No change is recommended.</p>
	<p>Any documents provided to the conduct reviewer by the complaints coordinator in accordance with clauses 6.7 or 6.16 of the <i>Procedures for the Model Code of Conduct for Local Councils in NSW 2020</i>, must be copied and forwarded to the complainant. Where necessary, redactions may be made to those copies in order to avoid breaches of confidentiality or privacy.</p>	<p>Under section 12.1 of the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020</i> it states:</p> <p><i>“Information about code of conduct complaints and the management and investigation of the code of conduct complaint is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures”.</i></p> <p>The Model Procedure does not require Council or the conduct reviewer to provide information to a complainant. A complainant could request information</p>

GMR22/065 POLICY REVIEW - CODE OF CONDUCT

S004-T00060

		under the Government Information (Public Access) Act 2009 (NSW) where the release of any information would determine. No change is recommended.
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Legal

Under Section 440 of the Local Government Act 1993, Council must adopt a code of conduct that incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW 2020* (Conduct) and procedures that incorporate the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020* as published by the OLG.

Policy

The Code of Conduct Policy is an overarching document that allows the Model Code of Conduct for Local Councils in NSW 2020 to be applied to Council's advisory committees, reserves trusts, contractors and volunteers.

Community and Stakeholder Engagement

Council placed the draft Code of Conduct Policy on public exhibition for a period of 28 days from 28 February 2022 to 28 March 2022. Copies were available for viewing on Council's website.

One submission was received.

CONCLUSION

The draft Code of Conduct Policy was publicly exhibited for 28 days. One submission was received. No changes are recommended to the draft policy which will be presented to Council for adoption, along with the *Model Code of Conduct for Local Councils in NSW 2020* and *Procedures for the Model Code of Conduct for Local Councils in NSW 2020*.



Policy

Policy title	Code of Conduct
Responsible manager(s)	General Manager
Contact officer(s)	Complaints Coordinator
Directorate	Finance and Business Development
Approval date	
Outcome area	9. Innovative and proactive leadership
Strategy	9.1 Provide strong leadership and work in particular to strategically plan for the future and progress towards the community vision
Delivery Program	9.1.2 Implement effective governance
Operational Plan	9.1.2.3 Assist the Council in meeting their statutory obligations and roles

Purpose

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

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

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

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

It is the personal responsibility of all of these Council officials to comply with the standards in the Code, and regularly review their personal circumstances with this in mind.

Policy aims:

- To promote a clear guideline for the conduct of councillors, staff, delegates, reserve trusts, committees, contractors, volunteers and relevant parties when acting as public officials of Council;
- To ensure consistency and fairness in the manner in which the Council deals with matters and complaints relating to the Code of Conduct;
- To ensure compliance with legislative and statutory requirements;
- To promote awareness of the requirements of the Code of Conduct;
- To take such steps as are appropriate to ensure that the Code of Conduct is followed;
- To make Council's requirements and procedures regarding its Code of Conduct readily accessible and understandable to the public.



Policy

Policy details

1	<p>Application</p> <p>This policy applies to all councillors, members of staff, delegates, community representatives on committees, contractors and volunteers of Eurobodalla Shire Council, and to the following reserve Trusts: Eurobodalla (North), Eurobodalla (Central) and Eurobodalla (South).</p>
2	<p>Legislation</p> <p>Eurobodalla Shire Council complies with section 440 and 440AA of the <i>Local Government Act 1993</i> by adopting as its Code of Conduct the most current version of the <i>Model Code of Conduct for Local Councils in NSW</i> as published by the Office of Local Government (OLG), and by adopting as its procedure for administration of the Code of Conduct the most current version of the <i>OLG Procedures for Administration of the Code of Conduct</i>.</p>
3	<p>Breaches</p> <p>Failure by a councillor to comply with an applicable requirement of Council's Code of Conduct constitutes misconduct under the provisions of the LG Act.</p> <p>Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.</p> <p>Failure by a committee member or committee to comply with Council's Code of Conduct will be addressed in the terms of reference for that committee.</p> <p>Failure by a contractor or volunteer to comply with Council's Code of Conduct will be addressed in the contract or terms of engagement.</p>
4	<p>Code of Conduct complaints</p> <p>A Code of Conduct complaint is defined as:</p> <p><i>"A complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct"</i></p> <p>Allegations of suspected breaches of the Code of Conduct by councillors, members of staff of Council (excluding the General Manager), delegates or reserve trusts should be reported to the General Manager in writing.</p> <p>Allegations that the General Manager has breached the Code of Conduct should be reported to the Mayor in writing.</p> <p>Council's Code of Conduct Complaint form should be used for these reports (see Appendix 1. Also available on Council's website at: www.esc.nsw.gov.au).</p> <p>The current <i>OLG Procedures for Administration of the Code of Conduct</i> will be followed for the investigation of any alleged breaches of the Code (see Implementation below).</p>



Policy

5	<p>Complaints not related to Code of Conduct</p> <p>The following matters are <i>not</i> considered to be Code of Conduct complaints, and will be referred as below in accordance with Council's statutory obligations and Complaints policy:</p> <table border="1"> <thead> <tr> <th>Complaint is about...</th><th>Refer to...</th></tr> </thead> <tbody> <tr> <td>pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily</td><td>Office of Local Government</td></tr> <tr> <td>maladministration, serious or substantial waste of public resources</td><td>NSW Ombudsman</td></tr> <tr> <td>corrupt conduct</td><td>ICAC</td></tr> <tr> <td>criminal activity</td><td>Police</td></tr> <tr> <td>public interest disclosure</td><td>PID Coordinator</td></tr> <tr> <td>information (access to, copyright, or privacy)</td><td>Public Officer</td></tr> <tr> <td>competitive neutrality</td><td>Public Officer</td></tr> <tr> <td>customer dissatisfaction with Council service, activity, or action</td><td>Relevant officer or their supervisor</td></tr> <tr> <td>policy, procedure, or decision of Council</td><td>Relevant Director or Public Officer</td></tr> <tr> <td>other complaint about Council (not Code of Conduct related)</td><td>Public Officer</td></tr> </tbody> </table>	Complaint is about...	Refer to...	pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily	Office of Local Government	maladministration, serious or substantial waste of public resources	NSW Ombudsman	corrupt conduct	ICAC	criminal activity	Police	public interest disclosure	PID Coordinator	information (access to, copyright, or privacy)	Public Officer	competitive neutrality	Public Officer	customer dissatisfaction with Council service, activity, or action	Relevant officer or their supervisor	policy, procedure, or decision of Council	Relevant Director or Public Officer	other complaint about Council (not Code of Conduct related)	Public Officer
Complaint is about...	Refer to...																						
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policy, procedure, or decision of Council	Relevant Director or Public Officer																						
other complaint about Council (not Code of Conduct related)	Public Officer																						
6	<p>Gifts and Benefits</p> <p>Guidance for councillors and staff regarding the standards of behaviour and procedures to be followed, in relation to the acceptance of gifts or benefits which may be offered to them in the course of their duties.</p>																						
6.1	<p>Token Gifts and Benefits</p> <p>In general, gifts and benefits of a token value that cannot reasonably be returned may include:</p> <ul style="list-style-type: none"> (a) Gifts of single bottles of reasonably priced alcohol. This could be at end of year functions, public occasions, or in recognition of work done such as providing a lecture or training session address. (b) Free or subsidised meals, of a modest nature, and/ or beverages provided infrequently (and/ or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business. (c) Free meals, of a modest nature, and/ or beverages provided to Council officials who formally represent Council at work related events such as training, education sessions, or workshops. (d) Refreshments, of a modest nature, provided at conferences where representing Council officially as a speaker. (e) Ties, scarves, coasters, tie pins, diaries, chocolates, flowers, and small amounts of fresh produce or beverages of a modest value. (f) Infrequent invitations to appropriate out-of-hours "cocktail parties" or social functions organised by groups, such as, council committees and community organisations. 																						



Policy

6.2	<p>Non-Token Gifts and Benefits of value</p> <p>In general, all non-token gifts that are accepted are to be recorded in the Council's publicly available Gifts & Benefits Register. Gifts and benefits of non-token value and benefit may include:</p> <ul style="list-style-type: none"> (a) Quantities of alcohol. (b) Corporate hospitality at a theatre and/ or sporting event. (c) Discounted products for personal use. (d) Frequent use of facilities such as gyms. (e) Use of holiday homes, free or discounted travel.
6.3	<p>Disclosure</p> <p>Where a gift or benefit is received of more than token value, in circumstances where it cannot reasonably be refused or returned, once accepted the gift or benefit should be disclosed promptly to the following people:</p> <ul style="list-style-type: none"> • Staff to advise their Director. • Directors to advise the General Manager. • The General Manager to advise the Mayor. • Councillors to advise the Mayor. • The Mayor to advise the General Manager. <p>Once disclosure is made to the relevant person the gift or benefit will be recorded on Council's Gifts & Benefits Register. After the gift or benefit is registered the recipient will be advised if they can keep the gift or benefit or if it has to be provided to Council.</p>

Implementation

Implementation steps		Responsibility
1	<p>Model Code of Conduct and Procedures</p> <p>This policy will be implemented by adopting and complying with the current version of the <i>Model Code of Conduct for Local Councils in NSW</i> and <i>Procedures for Administration of the Code of Conduct</i> as published by the OLG, and as described below.</p>	General Manager Councillors Complaints Coordinator
2	<p>Reporting a Code of Conduct complaint</p> <p>The Code of Conduct Complaint form should be used to report an alleged breach of the Code of Conduct to the General Manager, or (if the complaint is about the General Manager) to the Mayor.</p>	General Manager Mayor
3	<p>Code of Conduct complaints</p> <p>Code of Conduct complaint or breach are referred to the Complaints Coordinator to engage a Conduct Reviewer for determination and recommendation (as per the OLG Procedures).</p>	General Manager Mayor Complaints Coordinator Conduct Reviewer



Policy

	<p>Council will select a Conduct Reviewer from a panel that have been determined by the Canberra Region Joint Organisation of which Council is a member.</p> <p>If the complaint is NOT a Code of Conduct Complaint, it will be dealt with according to the complaint type (see 'Complaints not related to Code of Conduct' above).</p>	Other (referral as clause 5 above)
4	<p>Enforcement and Coordination</p> <p>The General Manager and Executive Leadership Team are responsible for enforcing the policy and Code of Conduct.</p> <p>The Complaints Coordinator supports the General Manager in coordinating the policy and dealing with any complaints which must be referred to a Conduct Reviewer.</p>	General Manager Executive Leadership Team Complaints Coordinator
5	<p>Staff</p> <p>All staff are responsible for their own compliance with the standards of the Code of Conduct.</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council Officers
6	<p>Consultation</p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	Key Stakeholders

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; when the *Model Code of Conduct for Local Councils in NSW* is reviewed, updated and/ or republished by the OLG; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages its Code of Conduct

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

Note: The next general local government election is expected to be held in September 2024.

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

Performance indicator	Data source(s)
Complaints received, Number of breaches	Council Records
Audit (Internal or External)	Audit
DP/ OP objectives achieved	Council reporting



Policy

Governance

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

Related legislation, policies, codes, guidelines

Name	Link
Model Code of Conduct (current version)	www.olg.nsw.gov.au/strengthening-local-government/conduct-and-governance/model-code-of-conduct
Procedures for Administration of Model Code of Conduct (current version)	www.olg.nsw.gov.au/sites/default/files/Procedures-for-Administration-of-Model-Code-of-Conduct.pdf
Local Government Act 1993	www.legislation.nsw.gov.au/#/view/act/1993/30
Complaints Policy Code of Meeting Practice	www.esc.nsw.gov.au/inside-council/council/council-policies

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Independent Commission Against Corruption (ICAC)	www.icac.nsw.gov.au
NSW Ombudsman	www.ombo.nsw.gov.au

Supporting documents

Name	Link
Code of Conduct Complaint form	www.esc.nsw.gov.au/inside-council/council/council-policies/code-of-conduct

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	14 June 2016	Council	16/169	E06.0380	New Policy commenced, and current Model Code of Conduct (Nov 2015) adopted.
2	28 Feb 2017	Council	17/31	E06.0380 E16.0297	Reviewed at start of new Council term. Updated referencing and added 'Gifts and Benefits' section (with repeal of the previous Gifts and Benefits policy). GMR17/006
3	DD MM YYYY	Council	TBA	TBA	Reviewed & updated at new Council term. Report

Internal use

Responsible officer	General Manager	Approved by	Council
Min no	TBA	Report no	TBA
File no		Review date	Feb 2022
		Pages	6

**GMR22/066 REQUEST FOR TENDER (RFT) - 2122/067 BULK CLEANING OF
COUNCIL BUILDINGS**

**S004-
T00062**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Confidential - Request for Tender - 2122/067 Bulk Cleaning of Council Buildings

Outcome: 9 Innovative and Proactive Leadership

Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations

Delivery Program Link: 9.2.3 Provide administrative, technical and trade services to support the organisation

Operational Plan Link: 9.2.3.3 Manage fleet and procurement services

EXECUTIVE SUMMARY

This report outlines the associated evaluation process for Request for Tender (RFT) No. 2122-067 - Bulk Cleaning of Council Buildings, that was advertised on 29 March 2022 for the purpose of establishing a three (3) year Bulk Cleaning of Council Buildings contract with an option to extend by a further two (2) twelve-month periods.

This report outlines the associated evaluation process involved in the tender.

RECOMMENDATION

THAT:

1. Council endorses the selection of the preferred supplier for RFT No: 2122/067 with the Confidential Attachment.
2. Accordingly approves entering into a Deed of Standing Offer with the preferred supplier as detailed within the Confidential Attachment.
3. Accordingly approves entering into negotiations and a Deed of Standing Offer with the second highest scoring supplier if a Deed of Standing Offer is not able to be agreed to with the preferred supplier.

BACKGROUND

Council requires the cleaning services of many of its buildings to ensure a safe and hygienic workplace as well as for the community as many of these facilities are hireable and must be presented in a clean and useable state.

Request for Tender (RFT) No. 2122/067 – Bulk Cleaning of Council Buildings, was advertised for the purpose of renewing an existing contract and on-going requirement. Establishing a contract will provide the following benefits to Council:

- Meeting the tendering requirements of Section 55 of the Local Government Act and removing the risk of spending above the \$250,000 threshold with individual service providers;
- general;
- Obtaining best value for money for Council;
- Achieve considerable efficiencies in both administration and cost;

**GMR22/066 REQUEST FOR TENDER (RFT) - 2122/067 BULK CLEANING OF
COUNCIL BUILDINGS**

**S004-
T00062**

- Removing the need for costly and time-consuming individual quotation and compliance screening processes for every requirement; and
- Better contract management by having a Deed of Standing Offer.

The existing contract for cleaning will expire on 30 June 2022.

A summary of the evaluation including each level of compliance against the evaluation criteria is provided with the confidential attachment.

Council received seven submissions.

CONSIDERATIONS

This report outlines the associated evaluation process for Request for Tender (RFT) No. 2122-067 - Bulk Cleaning of Council Buildings, that was advertised on 29 March 2022 for the purpose of establishing a three (3) year Bulk Cleaning of Council Buildings contract with an option to extend by a further two (2) twelve-month periods.

Seven (7) Submissions were received as follows:

- B.J & P.L Pincott T/A Alpha Commercial Cleaning Services
- Fast Facilities Services Pty Ltd
- ICS Services Solutions (International Cleaning Services)
- Principal Asset Service Pty Ltd
- SKG Cleaning Services Pty Ltd
- Storm International Pty Ltd
- Vector Group Australia

Legal

RFT No. 2122/067 was advertised in accordance with *Local Government (General) Regulation 2021 REG 167* and *Local Government Act 1993*.

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

Prior to the RFT closing, a Tender Evaluation Plan was approved and distributed amongst the Tender Evaluation Panel. Declarations of Confidentiality and Interest Forms were completed and signed by the Tender Evaluation Committee.

**GMR22/066 REQUEST FOR TENDER (RFT) - 2122/067 BULK CLEANING OF
COUNCIL BUILDINGS**

**S004-
T00062**

Policy

The tendering activity and associated evaluation for which this tender applies has been administered in compliance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, *Local Government (General) Regulation 2021* and *Section 55 of the Local Government Act 1993*.

Financial

Funds have been allocated within individual areas existing budgets for these services.

Community and Stakeholder Engagement

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

Subject to the resolution of Council to the Bulk Cleaning of Council's Buildings, the community will be informed of the panel via Council's contract register found on Council's website.

CONCLUSION

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

The preferred supplier as identified in the Confidential Attachment is therefore recommended for the award of the contract.

PSR22/016	LICENCE RENEWAL - SOUTHERN NSW HEALTH FOR CORRIGANS BEACH RESERVE, MALONEYS BEACH AND GEORGE NOBEL PARK, DALMENY	S023-T00017
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Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to renew the licence to Southern NSW Local Health District (SNSWLHD) to operate outdoor exercise programs on Council managed land. SNSWLHD has expressed an interest in renewing the licence to hold outdoor exercise classes. SNSWLHD can continue operating under their current licence on a carryover basis until 30 June 2022.

Southern NSW Local Health District has facilitated outdoor exercise programs within various reserves since April 2012. These reserves are Crown Reserve R66122-Lot 7 DP 1041103 Corrigan Beach, Batehaven and Council owned community land Lot 245 DP 569875 Maloneys Beach and Lot 204 DP 752162 Dalmeny.

Public notice was undertaken in accordance with the *Local Government Act 1993* and Council's Community Engagement Framework, and no submissions were received.

It is recommended that Council grants a further five-year licence renewal to the Southern NSW Local Health District to facilitate outdoor exercise programs at Corrigan Beach Reserve, Maloneys Beach and Dalmeny.

RECOMMENDATION

THAT

1. Council grant a five-year licence renewal to Southern NSW Local Health District to operate outdoor exercise programs within Crown Reserve R66122 Lot 7 DP 1041103 Corrigan Beach Reserve, Batehaven and Council owned community land Lot 245 DP 569875 Maloneys Beach and Lot 204 DP 752162 Dalmeny, including the following conditions:
 - (a) The licence fee be in line with the Statutory Crown minimum increased annually in line with the CPI.
 - (b) The licence area is to be left clean and tidy after use and any damage caused is to be rectified by the licence holder.
 - (c) Provisions of evidence of public liability insurance to cover the amount of at least \$20 million

**PSR22/016 LICENCE RENEWAL - SOUTHERN NSW HEALTH FOR CORRIGANS
BEACH RESERVE, MALONEYS BEACH AND GEORGE NOBEL PARK,
DALMENY**

**S023-
T00017**

(d) Conditions generally be in line with similar licences.

2. The General Manager be given delegated authority to negotiate further licences.

BACKGROUND

Southern NSW Local Health District were first granted a licence in April 2012 and have been conducting outdoor exercise programs at Corrigans Beach Reserve, Maloneys Beach and Dalmeny since that time.

SNSWLHD can continue operating under their current licence on a carryover basis until 30 June 2022.

The licence to facilitate outdoor exercise programs is due for renewal. Southern NSW Local Health District has expressed an interest in renewing their licence.

CONSIDERATIONS

Council's Property Team facilitate the leasing and licensing of Council owned operational and community land, together with Crown Land under Council management.

Conditions for the licence should be generally in line with the previous licence including that the licensee shall ensure that the areas are kept clean and tidy and in good order and condition.

All exercise sessions are booked through Council's Facilities Booking Officer, selecting an available site within the licence area.

The licence areas are shown in the sketches below.



**PSR22/016 LICENCE RENEWAL - SOUTHERN NSW HEALTH FOR CORRIGANS
BEACH RESERVE, MALONEYS BEACH AND GEORGE NOBEL PARK,
DALMENY**

**S023-
T00017**



Part Lot 204 DP 752162, Dalmeny



Part Lot 245 DP 569875, Maloney's Beach

Legal

Lot 245 DP 569875, Maloneys Beach and Lot 204 DP 752162, Greg Noble Park, Dalmeny are Council public reserves classified as community land.

**PSR22/016 LICENCE RENEWAL - SOUTHERN NSW HEALTH FOR CORRIGANS
BEACH RESERVE, MALONEYS BEACH AND GEORGE NOBEL PARK,
DALMENY**

**S023-
T00017**

Lot 7 DP 1041103 Corrigan Beach, being part Crown Reserve R66122 is under the management of Council as Crown Land Manager.

The Crown Land Management Act 2016 commenced on 1 July 2018. A Crown Land Manager (CLM) is responsible for the care, control and management of appointed Crown Reserves on behalf of the people of NSW. CLMs oversee the appointed reserves, buildings, assets and infrastructure, along with administering the crown leases and licences for these locations.

<https://legislation.nsw.gov.au/view/pdf/asmade/act-2016-58>

Council can only issue a licence for a period of up to five years for public reserves classified as community land and Crown reserves for which Council is Crown Land Manager, after giving public notice and considering any submissions in accordance with Section 47A of the *Local Government Act 1993*.

www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div2/sec47a

Policy

The licence will be issued in line with the provisions of Council's Code of Practice – Licensing of Council Controlled Public Reserves and Associated Buildings.

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0018/144225/Licensing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

Environmental

The licence area is to be left clean and tidy after use and any damage caused is to be rectified by the licence holder.

Asset

The proposed activity has a very small impact on the reserves being used.

Social Impact

The exercise programs are aimed at those Shire residents who suffer with arthritis and assists in their wellbeing.

Financial

Council's minimum licence fee is in line with the Crown Lands statutory minimum, which is currently \$526 plus GST, increased annually by CPI, and is considered appropriate.

Community and Stakeholder Engagement

In accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework the intention to grant licences to Southern NSW Local Health District over Council managed reserves was publicly notified for 28 days. No submissions were received.

CONCLUSION

The five-year licence to Southern NSW Local Health District has expired however the licence holders can continue operating under that licence on a carryover basis until 30 June 2022.

PSR22/016	LICENCE RENEWAL - SOUTHERN NSW HEALTH FOR CORRIGANS BEACH RESERVE, MALONEYS BEACH AND GEORGE NOBEL PARK, DALMENY	S023- T00017
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All exercise sessions are booked through Council's Facilities Booking Officer, selecting an available site within the licence area.

It is recommended that Council renew the licence to Southern NSW Local Health District at Corrigans Beach Reserve, Maloneys Beach and Dalmeny.

IR22/015	ACCEPTANCE OF FUNDING - SANDY POINT BEACH ACCESS TUROSS HEAD AND MOSSY POINT JETTY UPGRADE AND WAGONGA INLET LIVING SHORELINE JETTY AND PONTOON - RECREATIONAL FISHING AND CAMPING FACILITIES PROGRAM	S014- T00019
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Responsible Officer: Carlyle Ginger - Acting Director Infrastructure Services

Attachments: Nil

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.3 Encourage and enable healthy lifestyle choices

Delivery Program Link: 1.3.2 Plan for and provide a safe and accessible network of recreation and community facilities

Operational Plan Link: 1.3.2.2 Progress the implementation of the Recreation and Open Space Strategy 2018

EXECUTIVE SUMMARY

Council has been successful in securing grant funding under the NSW Government's Recreational Fishing and Camping Trust program for two projects:

- Sandy Point Beach Access, Tuross Head - \$129,290
- Mossy Point Jetty Upgrade, Mossy Point - \$40,000
- Wagonga Inlet Living Shoreline – jetty and pontoon - \$310,000.

All projects are to be delivered in the 2022-23 financial year.

RECOMMENDATION

That Council endorse the acceptance of \$169,290 in grant funding under the NSW Government's Recreational Fishing and Camping Facilities program for:

- Sandy Point Beach Access, Tuross Head - \$129,290
- Mossy Point Jetty Upgrade, Mossy Point - \$40,000.
- Wagonga Inlet Living Shoreline – jetty and pontoon - \$310,000.

BACKGROUND

Sandy Point Beach Access, Tuross Head

The project at Sandy Point is to improve the access for all users. The access improvements for a fishing pathway and parking are as below:

- gravel and seal two right angled parking spaces, one designated accessible, one for kayak launching
- provide Replaz or similar roll-out pathway to allow access to the deep-water drop-off for people with a disability, elderly, young families with prams and kayakers.

Tuross Lake is a recreation fishing haven. Sandy Point is heavily used, has toilets and picnic facilities close by as well as cafe and restaurants.

IR22/015	ACCEPTANCE OF FUNDING - SANDY POINT BEACH ACCESS TUROSS HEAD AND MOSSY POINT JETTY UPGRADE AND WAGONGA INLET LIVING SHORELINE JETTY AND PONTOON - RECREATIONAL FISHING AND CAMPING FACILITIES PROGRAM	S014- T00019
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The project is supported by the Tuross Head Progress Association, addressing the need to create better inclusion access for users of all abilities. Improving the access to Sandy Point for all users will enable families and the elderly, along with disabled users to enjoy all aspects of the area, not just the main paths. This will provide users with additional allocated parking within distance to the new roll out fishing path.

Mossy Point Jetty Upgrade

Mossy Point Jetty upgrade will see the current timber deck replaced with a plastic mesh deck and the installation of a handrail.

The current timber deck has reached its end of life, and is one metre wide. The new deck will have an increased width of 1.2 metres. Replacement of girders in a poor condition will also be included within the project. Council will install a new stainless-steel handrail (currently there is no handrail) and further improve access by constructing a footpath leading to the jetty.

The project improves safety for users of the jetty, such as fishers and swimmers. The wider deck and handrail will make it more comfortable for users. These improvements are expected to extend the life of the existing structure by 10 to 15 years.

Members of the community outlined the need for the replacement, being such a heavily used location for locals and tourists.

Wagonga Inlet Living Shoreline – jetty and pontoon

Council has been successful in seeking grant funding for the detailed design, construction and installation of an accessible fixed jetty, access gangway and floating ponton that forms part of the Wagonga Inlet Living Shoreline project.

The Wagonga Inlet Living Shoreline (WILS) project is a collaborative project between Council, NSW DPI Fisheries, The Nature Conservancy Australia and the Australian Government. The WILS project involves transforming and restoring a section of the Wagonga Inlet shoreline between the Narooma Swimming Centre and Ken Rose Park.

The outcome is an innovative solution to coastal management to protect this valuable section of the Inlet, long-term. The accessible jetty and pontoon, located adjacent to the Narooma Easts Holiday Park, will provide year-round improved access to the waters of Wagonga Inlet for residents and visitors to enjoy swimming, fishing, SUPing and kayaking.

IR22/015	ACCEPTANCE OF FUNDING - SANDY POINT BEACH ACCESS TUROSS HEAD AND MOSSY POINT JETTY UPGRADE AND WAGONGA INLET LIVING SHORELINE JETTY AND PONTOON - RECREATIONAL FISHING AND CAMPING FACILITIES PROGRAM	S014- T00019
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CONSIDERATIONS

These projects will contribute to providing improved access to Eurobodalla's waterways. Access for both Tuross Head and Mossy Point can be improved by providing safer access to popular fishing and recreational locations.

The jetty and pontoon that form part of the Wagonga Inlet Living Shoreline will be fully accessibly for all abilities, providing direct access for users to the 'Deep Hole'.

Council's teams worked with the community to deliver structures that will enhance accessibility, have a low environmental impact and low ongoing costs to maintain.

Asset

These projects are grant funded and have been designed with a low ongoing cost. The assets will be added to Council's asset register, inspected and maintained through routine activities already occurring within Tuross Head, Mossy Point and Narooma.

Social Impact

Improving the access to Sandy Point will make the area a more attractive place to live and visit, with a safer facility to enjoy the many benefits of fishing. This will be easier to access for young people, people with a disability and older residents.

Replacing the current timber jetty at Mossy Point will allow for safer usage for fishers and recreational users, encouraging more users within the area.

The addition of a fully accessible jetty and pontoon on the Wagonga Inlet Shoreline will make Narooma a more attractive destination for people with a disability or low mobility who have an interest in water-based activities.

Financial

These projects are fully grant funded by the NSW Government's Recreational Fishing and Camping Facilities Program. The ongoing costs will be borne by Council within existing maintenance budgets.

Community and Stakeholder Engagement

Council consulted with the Eurobodalla Fishing and Boating Network and the Tuross Head Progress Association prior to the grant application process. We will advise these groups during project delivery.

Council has also been contacted directly by the Mossy Point Community regarding the upgrade for the jetty.

Community consultation has been undertaken for the Wagonga Inlet Living Shoreline project through council's website, media channels, social media, an online survey and community drop-in sessions at the site. The strong majority of respondents are supportive of the project and recognise the value of improving the natural environment in this area.

IR22/015	ACCEPTANCE OF FUNDING - SANDY POINT BEACH ACCESS TUROSS HEAD AND MOSSY POINT JETTY UPGRADE AND WAGONGA INLET LIVING SHORELINE JETTY AND PONTOON - RECREATIONAL FISHING AND CAMPING FACILITIES PROGRAM	S014- T00019
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We will inform the broader community of the projects by providing the information on Council's website and other communication channels, and by distributing a media release.

CONCLUSION

Council has been successful in securing grant funding to improve beach access at Sandy Point Tuross Head, upgrade the Mossy Point Jetty and for the installation of an accessible jetty and pontoon that forms part of the Wagonga Inlet Living Shoreline project in Narooma. These three grants have been accepted.

This report recommends that Council endorse the acceptance of \$479,290 in grant funding under the NSW Government's Recreational Fishing and Camping Facilities Program.

IR22/016 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2021-22

S030-T00018

Responsible Officer: Carlyle Ginger - Acting Director Infrastructure Services
Attachments: Nil
Outcome: 7 Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network
Operational Plan Link: 7.1.2.4 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report. The main issues covered at the Eurobodalla Local Traffic Committee meeting, held 5 May 2022, are as follows:

- Signage and line marking – Accessible Parking in Canty Street Carpark, Narooma
- Signage – Change signage from ‘No Stopping’ to ‘No Parking’ in Ainslie Parade, Tomakin
- Signage and line marking – Raised Pedestrian Crossing and extension to the No Stopping zone in Train Street, Broulee
- Signage and line marking – Clyde Street west resulting from Princes Highway bridge replacement, Batemans Bay
- Discussion with Council development staff
- Special Event Application – Rally of the Bay
- Special Event Application – Narooma Forest Rally.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 8 for 2021-22 be received and noted.
2. Installation of an accessible parking space next to the public toilets located in the public carpark off Canty Street, Narooma be approved.
3. ‘No Stopping’ signage be changed to ‘No Parking’, from the bus zone to half way between the in/out driveways into the Rally to Recovery building on Ainslie Parade, Tomakin be approved.
4. Plan No. 5156 Set BH Sheet 05 detailing the signage and line marking associated with the raised pedestrian crossings and extended No Stopping zone in Train Street, Broulee be approved.

IR22/016 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2021-22

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5. John Holland Plan No. DS2018/001352 Sheet RF-0015 Rev A detailing the signage and line marking associated with the changes due to bridge replacement with the addition of timed 8.30am-6pm M-F and 8.30am-12.30pm Sat to the 2P signs in Clyde Street west, Batemans Bay be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 8 for 2021-22 was held on 5 May 2022. The meeting was attended by Councillor Amber Schutz (Chair), Senior Constable Scott Britt NSW Police), Emma Pietruska (Transport for NSW), Andrew Gaudiosi (Transport for NSW), Dave Hunter (Traffic Coordinator), Sara Kerkham (representative for the Hon Michael Holland MP) and Daniel Weekes (Maintenance Planning Officer).

The Committee welcomed Sarah Kerkham, the new representative for Dr Michael Holland MP.

APOLOGIES

Kate McDougall (Road Safety Officer)

DEPUTATIONS

Nil.

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 7 for 2021-22 held on 7 April 2022 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

2021.RT.027 Batemans Bay Pavilions centre will open soon. Signage and line marking plans approved by the Local Traffic Committee on 10 June 2021 will be verified as built by the Traffic Coordinator prior to opening. A Transport for NSW representative will arrange for the new left turn slip lane and other changes to be updated on their traffic signal plans.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2022.RT.014 Signage and Line Marking - Accessible Parking in Canty Street Carpark, Narooma

A Council staff member working in community engagement has advocated on behalf of a client with a disability to install an accessible parking space next to the public toilet located in the public carpark off Canty Street, Narooma.

This 'off-street' carpark on the corner of Wagonga Street (Princes Highway) and Canty Street contains 54 car spaces and has 2 accessible parking spaces at the lowest level, on the northern side.

The topography is generally steep and it would be a difficult task for many people with a disability to travel from the existing accessible parking spaces up to the toilet block, located in the south east corner of the carpark.

It is proposed to install a 3rd accessible parking space immediately adjacent to the public toilets. The cross hatched line marked space will be immediately adjacent to the toilet block.

IR22/016 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2021-22

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Recommendation:

That Installation of an accessible parking space next to the public toilets located in the public carpark off Canty Street, Narooma be approved.

2022.RT.014 Signage— Change signage from ‘No Stopping’ to ‘No Parking’ in Ainslie Parade, Tomakin

The Traffic Coordinator observed on a Wednesday morning that several cars with trailers were queuing on the northern side of Ainslie Parade, waiting to access the in/out driveway to the Rally to Recovery building. This section of road is designated as ‘No Stopping’.

This building on Ainslie Parade, next to Tomakin Hall and opposite the intersection of Sunpatch Parade operates as a charity sale centre, collecting and selling second hand goods. Called Rally to Recovery, this not for profit business raises funds for research into childhood cancers in conjunction with The Sydney Children's Hospital Foundation.

It is usually only Wednesday and Saturday mornings when there is a high demand for queue parking and there is minimal impact on the adjoining bus stop at these times.

It is proposed to change a section of No Stopping zone to No Parking, from the bus zone to half way between the in/out driveways into the Rally to Recovery building. This will allow drivers to park for up to 3 minutes so long as they stay in or within 2 metres of their vehicle.

Recommendation:

That ‘No Stopping’ signage be changed to ‘No Parking’, from the bus zone to half way between the in/out driveways into the Rally to Recovery building on Ainslie Parade, Tomakin be approved.

2022.RT.015 Signage and line marking – Raised Pedestrian Crossing and extension to the No Stopping zone in Train Street, Broulee

As part of governments’ continuing program to improve road safety around schools, Council has received funds under the Federal Stimulus Road Safety Program to improve road safety around various schools in the Eurobodalla. This is a joint funding venture between the Australian and NSW Governments.

In Broulee, the road along Train Street adjoining St Peters Anglican College has been identified as a site suitable for a permanent (wombat) raised pedestrian crossing.

The crossing will be 25 metres from the exit leg of the roundabout that accesses the College. This configuration is identified in Austroads – reference to be supplied at the meeting.

The pedestrian crossing facilities will include a raised (road hump) platform with signage and line marking to increase pedestrian prominence and encourage motorists to reduce speed on approaches. The crossings will be similar to those recently installed in Moruya at St Marys Primary School under the same program.

There is an added benefit to the wider community that as vehicles will be travelling at lower speeds this should significantly reduce the risk of major trauma in any crashes involving pedestrians.

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Additionally, Council has received feedback from the community over several years that Train Street presents a high traffic risk during school morning and afternoon peaks.

In 2018 the Broulee Mossy Point Community Association contacted Council with their concerns on traffic. Council has ongoing communications with the Association including providing the current plan for feedback.

Train Street is 11 metres wide with a double barrier (BB) line marked centreline and at this location the road curves. It is within a 40km/h School Zone. For most of the 200 metre length of Train Street between the roundabout into the school and heading east to an existing pedestrian refuge past Cambridge Avenue, parking is allowed on both sides of the road.

The Traffic Coordinator has observed during several morning peaks that a mix of cars, light trucks and school buses pass very close to each other or parked cars. On one occasion, a school bus travelling out of Cambridge Street west bound from Broulee Public School crossed the BB centreline then stopped to allow a second east bound bus to pass.

The Traffic Coordinator observed at each site visit that very few vehicles parked on the inside of this Train Street curve.

A day care centre accesses the street from this inside of the curve with a dual driveway system. It was observed that all vehicles used the in / out driveways and did not stop on the street.

No vehicles were observed dropping students off in the street. The College has a separate road and carpark system that accesses Train Street at the roundabout.

The south side of Train Street between the roundabout and Cambridge Avenue is adjoined by various commercial facilities including units, shops and a second childcare centre. Apart from a short section near the proposed raised pedestrian crossing, there is no additional No Stopping proposed along this side of the road. The childcare centre has ample off-street parking.

To further reduce the risk to all road users, it is planned to extend the No Stopping zone at the existing pedestrian refuge on the northern side of Train Street to include the inside of the curve to the west (toward St Peters Anglican College). To separate on-coming traffic, an 800mm wide (BB2) centreline will be installed around the curve.

St Peters Anglican College and other adjoining owners and occupiers directly affected by the proposed works have been provided with the current plan.

Feedback has been positive and Council has received no objection to the plan.

Plan No. 5156 Set BH Sheet 05 detailing the raised pedestrian crossings was reviewed by the Committee.

Recommendation:

That Plan No. 5156 Set BH Sheet 05 detailing the signage and line marking associated with the raised pedestrian crossings and extended No Stopping zone in Train Street, Broulee be approved.

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2022.RT.016 Signage and line marking – Clyde Street west resulting from Princes Highway bridge replacement, Batemans Bay

As part of the Princes Highway Batemans Bay bridge replacement Clyde Street has been reconfigured.

The changes to this Council Road are nearly complete and contractor John Holland has modified signage and line marking as required by Transport for NSW and agreed in principle by Council.

The 'No Stopping' signage at the west end cul-de-sac was approved by the Local Traffic Committee on 13 July 2022 (2021.RT.030). This was for 'No Stopping' signage, primarily to keep sections of the kerb unobstructed to allow buses and coaches to turn around.

The bridge contractor installed 2P signage several months ago.

Since installation Council has received several objections to the 2P signage around the cul-de-sac and adjoining the south west unit properties' side (5 spaces).

Council instructed the contractor to remove this signage.

The straight on the east side has always been 2P however with the addition of timed 8.30am-6pm M-F and 8.30am-12.30pm Sat. This timing is consistent with the rest of Batemans Bay CBD.

Plan No. DS2018/001352 Sheet RF-0015 Rev A detailing the signage and line marking associated with the changes due to bridge replacement in Clyde Street west, Batemans Bay, was reviewed by the Committee.

Recommendation:

That John Holland Plan No. DS2018/001352 Sheet RF-0015 Rev A detailing the signage and line marking associated with the changes due to bridge replacement with the addition of timed 8.30am-6pm M-F and 8.30am-12.30pm Sat to the 2P signs in Clyde Street west, Batemans Bay be approved.

INFORMAL ITEMS FOR DISCUSSION

2022.IN.008 Discussion with Council Development staff

The Committee invited key staff from Planning and Sustainability to discuss how the Traffic Committee could proactively assist in early planning for large subdivisions and development control plans.

Gary Bruce (Divisional Manager Development Services) and Lindsey Stewart (Senior Development Engineer) attended.

The roles of the Traffic Coordinator and the Local Traffic Committee were clarified and ways to streamline the communication process was explored.

Key issues that the Local Traffic Coordinator could advise on include:

- Signage and line marking plans for regulatory devices. Early assessment at the Development Application stage is encouraged. It is sometimes difficult to get the best outcome if plans are reviewed at the Construction Certificate stage.
- Optimum road and road corridor widths. These widths should be in line with Council's Infrastructure Design Guide (IDS). It is noted that some subdivisions are conditioned

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under a state planning approval process and Council's IDS was not required to be followed.

- Bus routes, shelters and parking.
- Traffic calming devices such as roundabouts, chicanes and blisters. Introducing these calming devices at the Development Application stage would make it easier to incorporate them into the overall design.
- Concerns from customers that new roads (usually collector status) have a high percentage of speeding vehicles. Council sometimes retrospectively installs devices however there is a limited budget.

Note below items 2022.SE.006 and 2022.SE.007 are late submissions assessed by the Committee on Tuesday 31 May 2022

2022.SE.006 Special Event Application – Rally of the Bay

A Special Event Application including Traffic Management and Control Plan documentation has been received for the Rally of the Bay car rally to be conducted within State Forests and on Council roads, located from the south west to the north west of Batemans Bay, on Saturday 13 August 2022.

This car rally has been conducted successfully in previous years. The service area will be located at Corrigans Reserve, Batehaven. The rally involves several stages using a mixture of State Forest and public roads.

Council public roads which are proposed to be closed under race conditions within Eurobodalla are:

- Runnyford Road from Saltwater Road north to Bolaro Mountain Road
- Buckenbowra Road from west side of Mogo Village to Bolaro Mountain Road
- Bolaro Mountain Road from Buckenbowra Road to Sugarloaf Road
- Ross Ridge Road from Buckenbowra Road to Quart Pot Road
- The Ridge Road from Dog Trap Road to forest road 141/1.

These public road closures will be advertised by Council. Additional road closures are proposed further north within the Shoalhaven Local Government area.

Additionally, State Forest roads within Eurobodalla to be closed under race conditions include Ross Ridge Road, Dog Trap Road, Lyons Road, Clyde Ridge Road and Western Distributor Road.

Consultation is underway between the event organiser and rural property owners. Letters will be sent to all affected residences and a copy of this letter along with other relevant documents including the Traffic Management and Control Plans and a map were reviewed by the Committee.

Recommendation:

That the Rally of the Bay, to be conducted in State Forests from the south west to the north west of Batemans Bay on Saturday 13 August 2022 based on the submitted Traffic Management and Control Plans be approved.

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2021.SE.008 Special Event Application – Narooma Forest Rally

A Special Event Application has been received for the Narooma Forest Rally car rally to be conducted within State Forests to the west of Narooma on Saturday 10 September 2022.

This proposed car rally has been conducted successfully in previous years. The service area will be located at Nata Oval with the HQ and Finish at Bill Smyth Oval and no special traffic management arrangements are required in this area.

No Council public roads are proposed to be closed. The competition sections of the rally are to be solely on State Forest roads.

The Traffic Management and route map were reviewed by the Committee.

Recommendation:

That the Narooma Forest Rally to be held on Saturday 10 September 2022, to be conducted on State Forest roads, based upon the submitted Traffic Management Plans be approved.

GENERAL BUSINESS

Nil

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 2 June 2022 in Council's Glass Meeting Room and via MS Teams, commencing at 9.30am.

CAR22/008 DRAFT DISABILITY INCLUSION ACTION PLAN 2022

S003-T0022

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

Attachments: 1. Draft Disability Inclusion Action Plan 2022 summary of submissions
2. Under Separate Cover - Confidential - Draft Disability Inclusion Action Plan submissions - confidential
3. Under Separate Cover - Draft Disability Inclusion Action Plan 2022

Outcome: 9 Innovative and Proactive Leadership

Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.2 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

This report is seeking Council's endorsement of the recommendation to adopt the Draft Disability Inclusion Action Plan (DIAP) 2022.

This report also provides a summary of submissions received in the final phase of community engagement along with Council's responses to the issues and opportunities that have been identified by the Eurobodalla community.

The final engagement period coincided with the exhibition of the draft DIAP from 16 March to 26 April 2022. During this time, eight (8) submissions were received, and two online workshops were held involving 14 community members.

Feedback from Councillors was received at briefings held in September 2021 and February and March 2022. Council staff also contributed technical advice for the final draft DIAP.

Attachments to this report are:

1. Final draft DIAP
2. Confidential scan of original submissions
3. Summary of Submissions.

RECOMMENDATION

THAT Council:

1. In accordance with the *Disability Inclusion Act 2014 (NSW)*, adopts the Disability Inclusion Action Plan 2022
2. Forward a copy of the adopted plan to the relevant NSW Minister by 30 June 2022
3. Replies to all submission writers to thank them and provide a written response to any questions or suggestions made.

CAR22/008 DRAFT DISABILITY INCLUSION ACTION PLAN 2022

S003-T0022

BACKGROUND

Council operates with legislative and social obligations to drive inclusion in our shire by removing barriers, so that people with disability have better life opportunities and enjoy the full benefits of participation in our community.

Council will meet these obligations by reviewing and adopting a new Disability Inclusion Action Plan (DIAP) by 30 June 2022.

CONSIDERATIONS

Council can support people with disability with access and inclusion by ensuring that, as far as is practical, all people can access the full range of public services and facilities.

A profile of our residents in 2021 shows that our community is growing and ageing with increased numbers of people with mobility, cognitive and sensory disabilities. The statistics provided below¹ are based on a total population estimate in 2021 of 39,757.

- 12,100 people or 30.4% of residents are aged 65+
- 11,460 people or 28.8% of all residents have a disability
 - 3,000 people or 7.6 % of residents have a profound or severe disability including 1,350 people with dementia
 - 7.7% of residents need assistance due to disability (9.1% for the Eurobodalla Aboriginal population)
- 11.7% of all children are considered as being developmentally vulnerable
- 13.4% of residents provide unpaid assistance for a person with a disability (17% for the Eurobodalla Aboriginal population)
- 14.9% of residents are employed in health care and social assistance.

Legal

The *Disability Inclusion Act 2014 (NSW)* requires Council to adopt a new Disability Inclusion Action Plan by 30 June 2022.

All Councils in NSW are required to annually monitor and report progress in delivering actions across the four key outcome areas listed below.

- Attitudes and behaviours
- Liveable communities
- Employment
- Systems and processes.

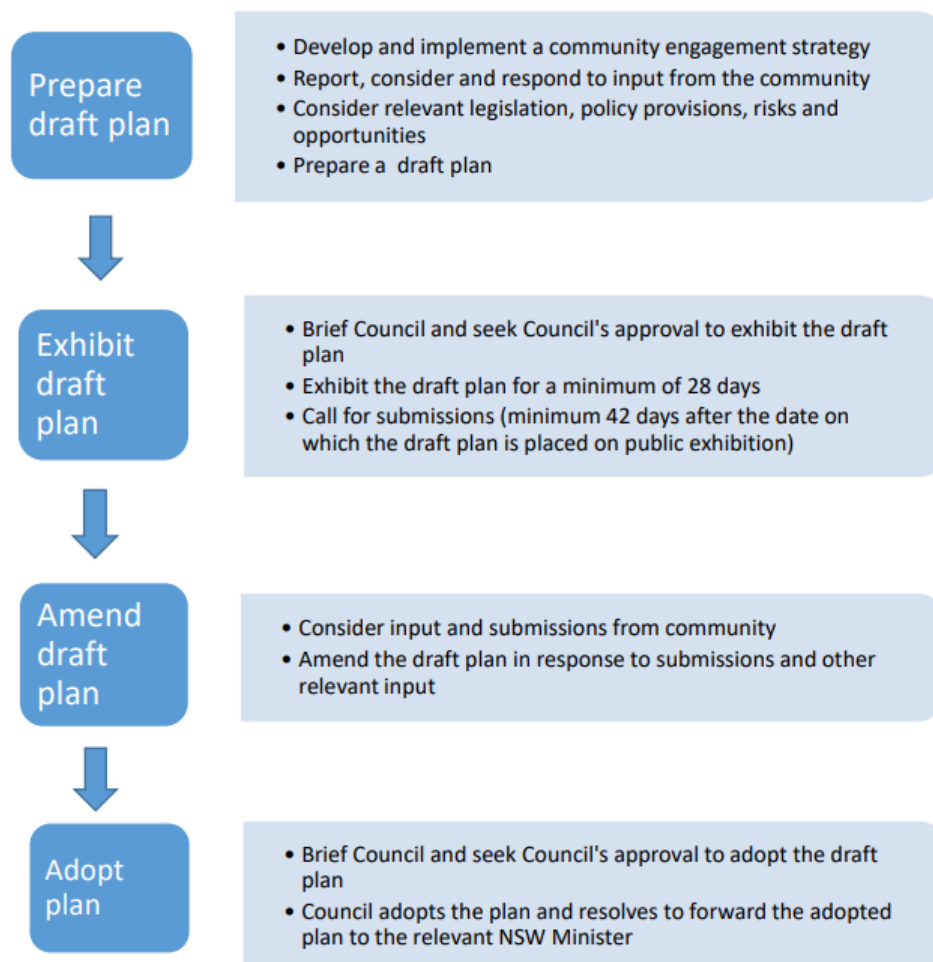
The process endorsed for the development of the DIAP is provided below in Figure 1. The development process is consistent with the requirements of the NSW Local Government Act 1993 for the development of community plans.

¹ Statistics derived from profile.id (ABS), COORDINARE - South Eastern NSW PHN, and Dementia Australia

CAR22/008 DRAFT DISABILITY INCLUSION ACTION PLAN 2022

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Figure 1 - DIAP development process



Social Impact

The DIAP 2022 cumulatively builds on the achievements of previous disability action plans that spans over 20 years. Through these plans, Council has delivered a platform that responds to the legislative requirements and the needs and aspirations of the Eurobodalla community.

By implementing these plans, Council has delivered more accessible buildings, amenities and access routes; increased awareness and information sharing and engendered greater participation by people with disability through the Disability Inclusion Advisory Committee and various sunset committees.

Economic Development Employment Potential

The DIAP includes actions to support people with disability to gain meaningful employment, to manage an organisation or business and to obtain and retain individual support via the National Disability Insurance Scheme (NDIS).

The DIAP endorses the continued rollout of the Good Access Means Good Business that ensures that local businesses have practical guidance to deliver compliant services and facilities.

CAR22/008 DRAFT DISABILITY INCLUSION ACTION PLAN 2022

S003-T0022

The DIAP supports a continuation of access upgrades to existing public facilities and mandates that all new public facilities comply with State and Commonwealth Building Codes and Standards.

Community and Stakeholder Engagement

The development of the DIAP has occurred in two phases that are summarised below.

Phase 1

During the initial engagement period in November 2021, 110 people completed a community survey while a further 42 people participated in six online workshops.

The results of this phase were presented to Council at Briefings on 1 February and 1 March 2022 along with a Council Report on 8 March 2022 where a recommendation to publicly exhibit the draft DIAP for 42 days was endorsed.

Phase 2

The methodology for publicising the draft DIAP and engaging with the community during the public exhibition period for the draft DIAP was as follows:

- Re-engage with the mailing list of 433 individuals and groups by sending a link to the draft DIAP and invitation to comment
- Additional emphasis was placed on engagement with cohorts that were silent in the initial round of engagement such as schools and aged care
- Dedicated page was set up on Council's website
- A media release, two social media posts, a noticeboard item
- Other newsletters such as Council's Business Newsletter and Library News
- Hard copies of the draft DIAP placed in Libraries for the exhibition period.

Submissions to the draft DIAP

Eight (8) submissions were received, and two online workshops were held involving 14 community members assisted by Council staff and an AUSLAN Interpreter.

All submissions were registered and examined in the context of the process in readiness for this briefing.

A confidential scan of all submissions along with a summary of all submissions and recommendations is presented to Council for consideration at this time.

Recommended amendments to the draft DIAP

1. Modify Action 1.2 to include dementia awareness training for frontline staff in addition to disability awareness training (in response to submission 1).
2. Merge Actions 2.6 and 2.7 into one simple action.
3. Modify Action 4.4 to create an Easy English version of the Disability Inclusion Action Plan 2022 and engage a specialist consultant to produce the translated document by 1 August 2022 (in response to submission 2).

In addition to the amendments listed above, Council Divisions will undertake the following actions.

CAR22/008 DRAFT DISABILITY INCLUSION ACTION PLAN 2022

S003-T0022

- In a review of Council's Procurement Policy in 2022-23, consider how existing practices can be improved to support people with disability.
- In a review of the Marine Infrastructure Strategy, consider accessibility improvements and innovations at public wharves, pontoons, boat ramps and fish cleaning tables.
- Consider the merits of a trial installation of a communication board at a key location.
- The matter of safe access across the Princes Highway north of Narooma Bridge will be investigated by Council's Technical Services Division.

Once adopted, each submission writer will receive a detailed response.

CONCLUSION

To meet the requirements of *Disability Inclusion Act 2014 (NSW)*, Council must develop and adopt a new Disability Inclusion Action Plan (DIAP) in consultation with the Eurobodalla community by 30 June 2022.

This report provides an overview of community engagement that was carried out in November 2021 and in the period March to April 2022 along with recommended amendments to the draft DIAP for consideration by Council.

The final draft Disability Inclusion Action Plan 2022 is presented to Council along with a recommendation to adopt the plan.

Attachment 1 – Summary of submissions to the draft Disability Inclusion Action Plan

Submission Number	DIAP Outcome Area	Submission detail	Proposed recommendation and response
1	Attitudes and behaviours	<p>Councillors and front line staff participate in Dementia Friends online dementia awareness raising training.</p> <p>When thinking about accessibility of public areas, buildings and facilities in Eurobodalla, refer to the documents 'Local Government Brief on Dementia-Friendly Environmental Guidelines' and 'Physical Environments Checklist'.</p> <p>Support staff and employers with information on how to create an accessible and inclusive workplace for people living with dementia.</p> <p>Dementia Australia recommends reaching out to people living with dementia and carers in the Eurobodalla Shire to find out how user-friendly the current communication systems are for them.</p>	<p>The proposal is endorsed.</p> <p>Modify Action 1.2 to include dementia awareness training for frontline staff in addition to disability awareness training.</p>
2	Systems and processes	<p>Have an Easy English version (sometimes also referred to as easy read) of the plan</p>	<p>The proposal is endorsed.</p> <p>Modify Action 4.4 and a specialist consultant has been engaged to create an Easy English version of the Disability Inclusion Action Plan.</p>
3	Liveable communities	<p>That Council fit hand railing, steps and or ladders to floating pontoons as required on pre or post installation.</p>	<p>While the existing action in the DIAP supports the intent of the submission, the submission will be considered as part of the development of the Marine Infrastructure Strategy in the next financial year.</p>

Attachment 1 – Summary of submissions to the draft Disability Inclusion Action Plan

Submission Number	DIAP Outcome Area	Submission detail	Proposed recommendation and response
4	Liveable communities	Council to consider a trial Communication Board in a key location. The City of Bunbury in Western Australia has installed them in two playgrounds. Communication Boards offer visual methods of communication for children and people with communication disability. Submission received via telephone.	The proposal is being assessed by Council's Communications Team.
5	Systems and processes	Council modifies its purchasing policy (particularly in respect of high value tenders) to include provision for purchasing from businesses that: 1. Welcome people with a disability 2. Provide accessibility for people with a disability 3. Have employment policies and practices that provides people with a disability with employment opportunities including, Traineeships, Apprenticeships, Work placements, Work experience, Full and Part-time and Casual employment.	The proposal in full will be considered as part of a review of Council's Procurement Policy in 2022-23.

Attachment 1 – Summary of submissions to the draft Disability Inclusion Action Plan

Submission Number	DIAP Outcome Area	Submission detail	Proposed recommendation and response
6a	Liveable communities	<ul style="list-style-type: none"> • More lighting in public spaces • Increased security in public spaces • Partnership between ESC and the police force e.g., Disability Liaison officer • Community awareness and training workshops on how to best support people with a disability to feel safe and included – the suggestion was that people with disability contribute to the development of any training provided to the community or ESC staff • Wider footpaths so that scooters and wheelchairs have ease of access to the community • Increased pedestrian crossings across the Eurobodalla • Partnership between ESC and State Government to facilitate discussions surrounding safe social housing for people with a Disability in the Eurobodalla. 	<p>The submission is noted, and the following responses will be provided to the submission writer.</p> <p>Each year, Council evaluates the areas in need of additional lighting with priority placed at intersections on urban roads and along shared pathways.</p> <p>While Council does advocate for individuals receiving direct support, regarding social housing and interface with NSW Police on a 1:1 basis, the submission will be referred to Council Disability Inclusion Advisory Committee for further discussion.</p> <p>Footpaths, cycleways and pedestrian crossings are installed in line with the Eurobodalla Pathway Strategy and Road Safety Plan. Submission from the community about specific locations can be referred to Council at any time for review.</p>

Attachment 1 – Summary of submissions to the draft Disability Inclusion Action Plan

Submission Number	DIAP Outcome Area	Submission detail	Proposed recommendation and response
6b	Systems and processes	<p>1. Talking website – updates to ESC website where content can be listened to as opposed to read</p> <p>2. Larger font sizes on ESC website and less colour</p> <p>3. Pictures where talking website cannot be used and easy read documents and newsletters</p>	<p>The submission is noted, and the following responses will be provided to the submission writer.</p> <p>1. Any internet user can install a free browser extension to hear website content spoken out loud. This can be used across lots of websites, not just Council's. Some free examples include:</p> <ul style="list-style-type: none"> • For Microsoft Edge browser and Firefox browser, Microsoft Pericles: Text to speech reader • For Google Chrome: Read Aloud: A text to speech voice reader <p>There are other extensions available with different functions to suit different user preferences. Anyone interested in getting a screen reading browser extension can see what's available and find their preferred option by using a search engine with a phrase like 'screen reader browser extension'.</p> <p>2. Users can control the size/zoom and colour of text in some browsers.</p> <ul style="list-style-type: none"> • This handy article from the Web Accessibility Initiative has some detailed instructions: https://www.w3.org/WAI/meta/customize/ <p>In short, the user can use [ctrl] and [+] on their keyboard to zoom in and [ctrl] and [-] to zoom out.</p> <ul style="list-style-type: none"> • Text colours on Council's website have been deliberately kept to a minimum, with dark grey, dark teal, and white used across the site for text. Most colour comes from photographs accompanying news articles and events/header images. • Some internet browsers have dedicated features that allow the user to change text colour, including: <ul style="list-style-type: none"> o Mozilla Firefox - Change the fonts and colours websites use o Opera - Look and feel > Fonts o Microsoft Internet Explorer - Ease of Access Options

Attachment 1 – Summary of submissions to the draft Disability Inclusion Action Plan

Submission Number	DIAP Outcome Area	Submission detail	Proposed recommendation and response
			<p>3. The Web Content Accessibility Guidelines (WCAG) that we aim to follow encourage the use of text rather than images wherever possible so users with vision impairment are able to access all information using screen-reading software.</p> <ul style="list-style-type: none"> • Council aims to provide text-based content, which is compatible with screen reading software/talking websites, wherever possible. • Council deliberately avoids providing information within images because this can be exclusive of people with vision impairments. • Where images are required, Council aims to provide a text-alternative description so the content within images can still be read out/accessed by screen reading software. • Easy read documents and newsletters refer to using plain English/easy language, which Council strives to do through all its communications. Some documents, such as Council reports and strategies, may be written in language that is not as easy to read.
6c	Employment	<ol style="list-style-type: none"> 1. Workshops for people with disability who are job seeking through the Job Shop at ESC 2. ESC to facilitate specialist employment networks for people with a disability via job shop, TAFE, Adult Education, and the University of Wollongong 3. Appointed disability inclusion officer for people and culture 4. Increased traineeships via ESC for people with a disability with no age limits 	<p>The submission is noted, and the following responses will be provided to the submission writer.</p> <ol style="list-style-type: none"> 1. Council's Employment Projects program includes free job seeking support to people with disability as part of their regular employment and training program offerings. The Employment Projects team work closely with NDIS, Disability Employment Services providers, Student Support Officers, Independent Disability Support organisations and training providers to offer tailored skills based programs and employment supports based on the employment goals of the individual job seeker. 2. Council's Employment Projects program includes working with job seekers and their representatives/support agents, to link them to appropriate activities, programs and services as part of an holistic and staged employment support plan. We facilitate monthly Employment

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			<p>Stakeholder meetings with local services with a focus on identifying and responding to specialist employment supports for people with disability. We engage specialist employment services to assist us to plan, develop, implement and review training and employment programs designed to address the needs of people with disability seeking to enter, re-enter or remain in the local workforce. We have a network of employment specialists that we link people with a disability to via the Job Shop, working collaboratively with specialist services and individuals to access identified supports in response to the individual job seekers wants and needs.</p> <p>3. Diversity and Inclusion is the responsibility of the Human Resources Coordinator and the Corporate Manager People and Culture and at this time there is no plan to appoint a dedicated resource.</p> <p>4. ESC will become a member of Australian Network of Disability (AND) and progress training through this organisation to guide and support a culture to encourage increased opportunities for work within the Council for people with a disability. This may result in increased traineeships.</p>
7	Liveable communities	Lay more conveyor belt matting to enable beach access for all people.	<p>The submission is noted, and the following responses will be provided to the submission writer.</p> <p>Action 2.1 of the DIAP ensures that each of the shire's three main towns has at least one accessible beach.</p>
8	Liveable communities	<p>1. Need for safe disability access crossing the Princes Highway at the Riverview Road northern end of Narooma Bridge</p> <p>2. Need for regular mowing of the grass on the inlet side of Riverside Road in North Narooma.</p>	<p>1. The matter of safe access across the Princes Highway north of Narooma Bridge will be investigated by Council's Technical Services Division. Once investigated, a response will be provided to the submission writer.</p>

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Submission Number	DIAP Outcome Area	Submission detail	Proposed recommendation and response
			2. The request for grass mowing along Riverside Drive, North Narooma has been lodged as a Customer Service Request.

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DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

- Setback* Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);
- Envelope* taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;
- Footprint* the percentage of a lot taken up by a building on a site plan.