



AGENDA

Ordinary Meeting of Council

22 May 2018

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

ON TUESDAY 22 MAY 2018

COMMENCING AT 10.00AM

AGENDA

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

1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE

2. APOLOGIES

Nil

3. PUBLIC FORUM (AGENDA ITEMS ONLY)

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Ordinary Meeting held on 24 April 2018

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

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Nil

9. PETITIONS

Nil

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Nil

11. PLANNING AND SUSTAINABILITY REPORTS

Nil

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**DR CATHERINE DALE
GENERAL MANAGER**

NOM18/007 RECYCLING - CHINA'S NATIONAL SWORD POLICY

E91.2036

Responsible Officer: Phil Constable - Clr

Attachments: Nil

Councillor Phil Constable has given notice that at the Ordinary Meeting of Council on 22 May 2018 he will move the following motion.

MOTION

THAT Council:

1. Lobby all levels of government to work with industry to find immediate and sustainable solutions to respond to China's National Sword initiative.
2. Lobby all levels of government for leadership in developing a circular economy in Australia, by developing and mandating sustainable procurement e.g. use of recycled plastic to manufacture park benches and play equipment, use of recycled paper in offices etc.
3. Lobby NSW Government to utilise the millions of dollars collected in Waste Levies on recycling initiatives.

BACKGROUND

China's National Sword policy has had an impact on recycling in Australia. In July 2017 China advised that from March 2018 they would implement a system that would reject material for reprocessing that had a contamination rate greater than 0.5% (for some commodities). As a result the commodity prices have dropped and recycling opportunities have decreased. The result of which has been the stockpiling of material or disposal to landfill.

Eurobodalla has not yet been impacted by this change. Our recycling is processed at the material recovery facility (MRF), in Shelley Road Moruya, and produces a relatively clean mixed paper product, currently recycled in Australia. The plastic is also pelletised in Australia. This material can then be reused to make new products. The glass is processed into a glass sand product at the MRF in Moruya and is utilised in Council's operations and other contractors as a replacement for sand, to close the loop locally.

A recent audit of the yellow lid recycling bin, in the Eurobodalla, indicated that the contamination rate was 12.7%, this shows improvement is needed. There is an opportunity for everyone to pay closer attention to what they put in each bin.

The dropping commodity prices will need to be closely monitored over the coming months. The competition between MRF's to have their material accepted in Australia will increase. Improving the quality of the material coming out of the Eurobodalla MRF will assist in maintaining markets and preventing cost increases.

This change can be seen as an opportunity for Australia to address the challenges and grow industry to provide solutions. This could include establishing secondary markets in Australia, extended producer responsibility and sustainable procurement which will promote creation of jobs and local industry.

NOM18/007 RECYCLING - CHINA'S NATIONAL SWORD POLICY

E91.2036

The NSW Government collected \$659 million in waste levies in 2016/17, yet only 18% of the waste levies paid by local government were returned to local government. Allocation of these funds to assist with more recycling initiatives would provide ongoing support for the material generated by the kerbside collections.

NOM18/008 FIX IT NOW CAMPAIGN - PRINCES HIGHWAY

E17.1041

Responsible Officer: Anthony Mayne - Councillor

Attachments: Nil

Councillor Anthony Mayne has given notice that at the Ordinary Meeting of Council on 22 May 2018, he will move the following motion.

MOTION

THAT:

- i) Council support the 'Fix It Now' campaign being advocated by the South East Australian Transport Strategy Inc (SEATS) to seek major upgrading of the Princes Highway south of Nowra to the Victorian border.
- ii) Write to the Member for Gilmore Ann Sudmalis MP and Member for Eden Monaro Dr Mike Kelly MP advocating to the Australian Government to provide a funding deal to match the NSW Government on an 80/20 basis to deliver major upgrading of the Princes Highway south of Nowra with a key focus on:
 - a. Provision of funding to undertake detailed route audit and planning for the Princes Highway and road corridor acquisition from south Nowra to Moruya, and subsequently from Moruya to the Victorian border.
 - b. Priority be given to the section of the Princes Highway between Cullendulla Drive and Mogo township, inclusive of:
 - an appropriate intersection treatment to connect the Princes Highway and South Batemans Bay Link Road
 - provision of four through lanes continuously through Batemans Bay
 - provision of additional right turn capacity at the Princes Highway and Cranbrook Road intersection
 - provision of an off-road shared pathway from Surfside Primary School along the Princes Highway to the South Batemans Bay Link Road
 - c. Priority be given to delivering a comprehensive bridge widening and strengthening program to enable safer road travel, a better working environment for transport operators and 26m HML B-double access from Nowra to Eurobodalla and then onto Bega with more immediate attention given to:
 - i. Narooma bridge, Wagonga Inlet
 - ii. Mogo bridge, Mogo
 - iii. Alsops bridge, Brogo
 - d. Priority be given by to provision of appropriate traffic facilities along the Princes Highway to provide a more pedestrian friendly environment and intersection

NOM18/008 FIX IT NOW CAMPAIGN - PRINCES HIGHWAY

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upgrades within in the townships of Batemans Bay, Mogo, Moruya, Bodalla and Narooma

- iii) Council write to the local State member, Andrew Constance MP, thanking him for his strong advocacy and support to secure funding and upgrading of the Princes Highway and for his ongoing efforts to secure funding to complete the intersection to connect the Princes Highway and South Batemans Bay Link Road.
- iv) Council write to SEATS thanking them for their strong advocacy and support to secure funding and upgrading of the Princes Highway including through the Fix it Now campaign.

BACKGROUND

In a region with limited public transport, roads are a lifeline for community, investment, development and employment opportunities. A holistic approach is required to ensure that ensures that our community is afforded the safe and efficient transport infrastructure necessary to see our regional area prosper.

The South East Australian Transport Strategy Inc has been a strong advocate working with Council along the NSW and Victorian coastline to see deliver major upgrades to the Princes Highway.

The NSW Government has made the Princes Highway a priority with unprecedented investments on:

- i) the duplication of the highway between Gerringong and Bomaderry (including Berry by-pass)
- ii) new bridge crossings at Burrill Lake
- iii) realignment of notorious sections of the highway at Victoria Creek, Termeil and now Dignams Creek
- iv) the proposed by-pass of Albion Park, new Nowra bridge and of course the proposed new bridge at Batemans Bay

The NSW Government is to be congratulated for their foresight in pro-actively pursuing these essential highway upgrades.

More recently the NSW Minister for Transport, Hon Andrew Constance MP and Minister for Roads Freight and Maritime, Hon Melinda Pavey MP, led a case to Canberra seeking support for a partnership to secure Commonwealth funding deal similar to that provided for the Pacific Highway on the North Coast.

This Notion of Motion is consistent with our advocacy and other works as outlined in our Community Strategic Plan 2017, Delivery Program 2017-21 and Operational Plan 2017-18.

7.4 Enhance connectivity into and out of Eurobodalla through improved air, road and marine transport links

7.4.2 Advocate for improved road and freight access into and out of Eurobodalla

NOM18/008 FIX IT NOW CAMPAIGN - PRINCES HIGHWAY

E17.1041

7.4.2.1 Works with key partners to advocate for the progressive upgrade of the Princes and Kings Highway

CONSIDERATIONS

On 16 March 2018, the Fix It Now campaign was launched by Fairfax Media's south coast newspapers. Speakers at the launch included South East Australian Transport Strategy Chairperson Cllr Patricia White, Member for the South Coast Hon Shelley Hancock MP and former Gilmore MP Joanna Gash.

The Fix It Now campaign aims to place pressure on NSW and Australian Government politicians to immediately upgrade the Princes Highway from south of Nowra to the Victorian border. Funding for such safety upgrades are proposed to be based on a partnership between the Australian Government and the NSW Government using an 80-20 funding formula (as used for the upgrade of the Pacific Highway).

The Pacific Highway upgrades are due for completion in 2020. Now is a prudent and opportune time for Council to advocate to the Australian government to apply the same funding principles to the Princes Highway.

In 2016, Roads and Maritime Service developed the Princes Highway Corridor Strategy that outlines a 20 year plan to manage and guide improvements to safety, traffic efficiency and sustainability. This strategy provides useful background information yet the proposals lack the vision and drive now being displayed by the relevant NSW Government Ministers.

Crash data for the Princes Highway within the Eurobodalla reveals a shocking trend. For the period 2012 to 2016, Transport for NSW data reveals there have been 301 crashes outlined below:

- 6 fatal crashes
- 91 serious injury crashes
- 69 moderate injury crashes
- 20 minor/other injury crashes
- 115 non-casualty tow-away crashes.

It is important that Council formally adopts a position to unanimously support the current push by SEATS, the Minister for Transport and Infrastructure and the Minister for Roads, Freight and Maritime to secure the funding support required from the Australian Government. I urge my fellow Councillors to support this approach.

Priorities for realignment and rebuilding works

It is also critical that the delivery of a realigned highway is not blindly rolled out from the north to the south. Analysis of the traffic volumes and crash history along the highway quite clearly shows a need to treat specific areas as an urgent priority.

The NSW Government Batemans Bay bridge has already recognised this by identifying the fundamental role the proposed new Batemans Bay bridge will provide in addressing major congestion issues and enabling economic development of Batemans Bay and the region.

NOM18/008 FIX IT NOW CAMPAIGN - PRINCES HIGHWAY

E17.1041

Beyond the Batemans Bay bridge, the section of the Princes Highway between Cullendulla Drive to Mogo township, and particularly from South Batemans Bay to Mogo (including Mogo village) must be an urgent priority.

For too long now we have waited for a solution to the awful accident toll associated with the 'Mad Mile' south of Batemans Bay. When the crash history is more appropriately analysed, the 4km section of the Princes Highway south of Batemans Bay has a crash rate more than twenty times that of comparable highways across NSW. The current interim central island measures provide a band-aid solution at best and limit access for emergency response vehicles.

The RMS also needs to progress the realigning of this section and making the connection to the South Batemans Bay Link Road. The NSW Government has rightly invested \$10m for Council to build the by-pass up to the highway. It is now important that the RMS got on with delivering our community the intersection and connecting road to finalise these works.

There are also simple measures that can be done with the Batemans Bay bridge that will significantly contribute to vastly improved outcomes. For instance, simply connecting the southbound overtaking that ends south of Berrima Parade to the Kings Highway roundabout will remove a challenging merge on a tight bend and allow two south bound lanes to be continuous from just south of Cullendulla Drive to across the new bridge to Guy Street. Done with the bridge this would be a significant safety and capacity upgrade for limited extra funds, and it would allow the RMS to deliver these works more cost effectively.

Priority Bridges

We are only too aware of the challenges faced by our transport operators in delivering goods and services along the Princes Highway. Narrow unsafe bridges await them every day when they go about their work in servicing our community, business and our economy. The replacement bridge at Termeil, the replacement underway at Dignams Creek and the proposed replacement of the Batemans Bay bridge are fantastic initiatives by the NSW Government but more is needed. There are bridges that really stand out as needing urgent widening or replacement including:

- Narooma bridge across Wagonga Inlet
- Mogo bridge (including consideration of the intersection with Tomakin Road)
- Alsops Creek bridge at Brogo

These bridges are very narrow and the curvature of the road requires trucks to cross over the centreline of the road. This is unacceptable in 2018 and places the truck drivers and the remainder of the community at risk. Brogo bridge is another long narrow structure in need of replacement. The remainder of the bridge constraints are identified within the Corridor Strategy Section 5.3 which can be found at the following link.

<https://www.transport.nsw.gov.au/sites/default/files/media/documents/2017/princes-highway-corridor-strategy.pdf>

NOM18/008 FIX IT NOW CAMPAIGN - PRINCES HIGHWAY

E17.1041

Other Priorities

Council's priorities for the Princes Highway is laid out in our submission to the NSW Future Transport Plan 2056 including various intersection treatments and pedestrian/cycling improvements within towns.

It is particularly important that key elements within our towns are given a high priority to better manage the conflict and risk associated with highway traffic and pedestrians. This includes the RMS providing appropriate intersection treatments and shared pathways. The latter issue was also raised in our submission to the NSW Road Safety Plan 2021 and our submission to the proposed Batemans Bay bridge, where Council called on the NSW Government to at least connect Surfside Primary School to the Mackay Precinct in association with the new bridge work. Our submissions can be found at the following link.

<http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/advocacy/infrastructure-priorities>

The RMS need to develop and deliver on improved outcomes for pedestrians and cyclists at Batemans Bay, Mogo, Moruya, Bodalla and Narooma. These actions can be delivered sooner.

We are aware that the RMS is including some measures with the proposed new Batemans Bay bridge, is seeking funding to undertake the necessary investigation work at Mogo, and has already worked with Council to develop a pedestrian access mobility plan for Narooma (which has been partially implemented).

I am calling on my fellow Councillors to support the Fix It Now campaign and actively advocate for the Australian government to establish an 80% Australian Government/20% NSW Government funding arrangement to see the Princes Highway upgraded for our community and the South Coast region.

**NOM18/009 SUPPORT TO ADVOCATE FOR THE PRINCES HIGHWAY TO BE INCLUDED AS A
ROAD OF NATIONAL IMPORTANCE**

00.4623

Responsible Officer: Phil Constable - Clr

Attachments: Nil

Councillor Phil Constable has given notice that at the Ordinary Meeting of Council on 22 May 2018, he will move the following motion.

MOTION

THAT Council support, the motion recently endorsed by the Bega Valley Shire Council to be put to the 2018 National General Assembly for Local Government, to advocate to the Australian Government, through the Minister for Transport and Infrastructure and also the Minister for Regional Development, for appropriate funding for the Roads of National Importance, and that a review of significant corridors in all States be undertaken so that routes such as the Princes Highway between Sydney and Melbourne, would then attract Australian Government funding.

BACKGROUND

The National General Assembly (NGA) of Local Government is the peak national body representing local councils across Australia. The 2018 National General Assembly of Local Government will be held in Canberra from 17 -20 June 2018. Council will be represented at this conference.

The theme of the NGA is 'Australia's Future, Make it Local'. The program for the NGA will cover a wide range of issues, reflecting the diversity of local government and its interest across Australia.

The primary focus of all motions should be to strengthen the capacity of local government to provide services and infrastructure in Australia.

Bega Valley Shire Council have endorsed a motion to be presented at the NGA to advocate to the Australian Government, through the Minister for Transport and Infrastructure and also the Minister for Regional Development, that the Princes Highway between Sydney and Melbourne be considered as a Road of National Importance which would then attract Australian government funding.

Much research has been done on the increase in international tourism to Australia. The Sydney to Melbourne Coastal Drive is marketed widely overseas but much of the route is not identified as a Road of National Importance and does not attract Australian Government funding for its improvement.

There is also an increase of road freight between the two cities and from the coast to Canberra at the international airport. Much of the road is not B-Double (truck) accessible and there are many pinch points across the network which require immediate action.

IR18/026 LOCAL TRAFFIC COMMITTEE NO. 7 FOR 2017-18

E16.0002

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: Nil
Outcome: 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: 7.1.2.5 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 for the Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting of 5 April 2018 were as follows:

- Concept Design – Roundabout at the Intersection of George Bass Drive and Tomakin Road, Tomakin
- Concept Design – Widening of Beach Road between Vesper Street and Orient Street, Batemans Bay
- Concept Design – Shared Path on South Head Road, between Halyard Drive and The Anchorage, Moruya Heads
- Concept - Local Area Traffic Management Scheme – Moruya CBD east of Vulcan Street.

RECOMMENDATION

THAT

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 6 of 2017-18 held on 8 March 2018 be received and noted.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 7 for 2017-18 was held on 5 April 2018 in Council's meeting room. The meeting was attended by Danielle Brice (representative for the Hon Andrew Constance MP), Kristian Pinochet (Roads and Maritime Services), Senior Constable David Smart (NSW Police), Dave Hunter (Traffic Officer), Geoff Armstrong (Design Coordinator) and Matt Cormick (Minute Taker).

APOLOGIES

Councillor Anthony Mayne, Kate McDougall (Road Safety Officer). The Traffic Officer Chaired the meeting in Councillor Mayne's absence.

IR18/026 LOCAL TRAFFIC COMMITTEE NO. 7 FOR 2017-18

E16.0002

DEPUTATIONS

Nil

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 6 for 2017-18 held on Thursday 8 March 2018 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

There were no outstanding items discussed.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

There were no Road Transport matters to be discussed.

INFORMAL ITEMS FOR DISCUSSION

2018.IN.004 Concept Design – Roundabout at the Intersection of George Bass Drive and Tomakin Road, Tomakin

Leading into the last Australian Government elections in 2016, Council advocated strongly on behalf of the community for funding to be provided toward major upgrade projects on the local road network. The Australian Government made a grant funding offer of \$3.5 million for a proposed roundabout at the Tomakin Road and George Bass Drive intersection, Tomakin under the Federal Election Commitment Program that included several other projects. The grant has been accepted.

This project seeks to improve the efficiency and safety of the intersection of Tomakin Road and George Bass Drive, Tomakin.

The construction of a new 4-leg roundabout at the intersection will provide a new entrance road into Tomakin village linking directly to Sunpatch Parade. Works will include:

- realignment of Tomakin Road
- reconfiguration of property accesses associated with the altered road alignments and additional widths
- construction of road including pavements and bitumen/asphalt surfacing treatment
- new kerb and gutter, concrete pathways, concrete medians, line marking and signage
- relocation of services and provision of street lighting for the altered road alignments and new roundabout.

The project is 100% funded by the Australian Government as an election commitment. The grant was accepted by Council on 28 February 2018.

Community consultation has commenced and work is expected to commence in mid-2018 and is planned to finish in 2019-2020.

Council's Design Coordinator presented the concept plan, giving information on how the roundabout will improve safety and traffic flow. The RMS representative asked about a proposed gap in the centre island on George Bass Drive adjoining the service station. It was

IR18/026 LOCAL TRAFFIC COMMITTEE NO. 7 FOR 2017-18

E16.0002

explained this gap was for exit only traffic from the service station, to allow fuel delivery vehicles to return back to the Princes Highway via Tomakin Road.

The RMS representative agreed to pass the concept plans on to the RMS design team and provide feedback to Council's design team.

Note since the LTC meeting, on 10 April 2018 at its Ordinary Meeting Council accepted the \$3.5 million funding offer from the Australian Government.

Recommendation:

That the Committee supports the proposal to construct a roundabout at the intersection of George Bass Drive and Tomakin Road, Tomakin, based on the concept design plan No.2735, Set F, Sheet 1 Draft 28/03/18.

2018.IN.005 Concept Design – Widening of Beach Road between Vesper Street and Orient Street, Batemans Bay

The Australian Government made a grant funding offer of \$3.0 million for the Beach Road upgrade between Orient Street and the Princes Highway (also known as Vesper Street) under the Federal Election Commitment Program. The grant has been accepted.

This project seeks to improve traffic flow and provide an essential building block to meet future development and economic growth in Batemans Bay. Once complete, significant benefits to the community will include improved road safety and road network capacity, and a reduction in traffic congestion and travel times.

The provision of additional lanes along Beach Road was identified in the Batemans Bay Traffic and Transport Study (2010).

Work will include widening of the existing roadway between Vesper and Orient Streets for construction of the additional lanes. It will also include widening of the access road to McKay Park to provide an additional lane at the existing traffic signals.

Outcomes of the project include:

- an additional left turn lane from Beach Road on to the Princes Highway
- an additional left turn lane from the Mackay Park precinct on to the Princes Highway
- a wider median on Beach Road from the Princes Highway to Orient Street
- pedestrian fencing and landscaping to direct pedestrians to a safer crossing point
- an additional right turn lane from Beach Road on to Orient Street south
- reconfigured splitter islands at the Beach Road/Perry Street roundabout to improve pedestrian safety
- an additional left turn lane from Perry Street on to Beach Road.

Work is expected to start in mid-2018 and to be completed in 2019.

Council's Design Coordinator presented the concept plan, giving information on how the additional lanes will improve safety and traffic flow. It was explained that pedestrian barrier fencing is proposed between Vesper Street and Perry Street so that crossing will occur only at

IR18/026 LOCAL TRAFFIC COMMITTEE NO. 7 FOR 2017-18

E16.0002

the traffic signals or the roundabout splitter islands. Fencing is not proposed between the roundabout and Orient Street traffic signals as this would impede driver's clear sight lines.

Note: Since the LTC meeting, on 10 April 2018 at the ordinary meeting Council accepted the \$3.0 million funding offer from the Australian Government.

Recommendation:

That the Committee supports the proposal to widen Beach Road between Vesper Street and Orient Street, Batemans Bay, based on the concept design plan No.5178, Set A, Sheet 1 Draft 27/02/18.

2018.IN.006 Concept Design – Shared Path on South Head Road, between Halyard Drive and The Anchorage, Moruya Heads

The installation of a 2.5 metre wide shared path on South Head Road, between Halyard Drive and The Anchorage, Moruya Heads will provide a safe off-road transportation facility for pedestrians and cyclists within the suburb of Moruya Heads and as a link to the residential area to the east.

The existing shared path to the east of The Anchorage is located on the northern side of South Head Road. To provide a safe solution to allow access to Halyard Drive on the south of the road, a crossing point will be provided to the east of The Anchorage where sight lines are sufficient to enable safe crossing of South Head Road. A pedestrian refuge will be provided at this location. This will also provide an entrance to Moruya Heads, better delineating the lower speed environment.

To further support this change, an application has been made to the RMS to move the commencement of the 80km/hr speed zone to just west of The Anchorage. The consideration of the proposed speed zone change is a matter for separate consideration by the RMS.

Direct engagement with the Moruya South Head Cycle/Pathway Committee on the pathway design is underway. The work from The Anchorage to Halyard Drive is expected to start in mid-2018.

The representative for the Hon Andrew Constance MP explained that, as part of her role within the volunteer Moruya South Head Cycle/Pathway Committee, discussions have commenced with Council staff on how this committee can assist in construction of the shared path.

The NSW Government under the Active Transport Program has provided funding of \$750,000 toward this work. The design of the remainder of the route for a shared pathway from Keightley Street to Halyard Drive will be investigated during 2018-19.

Recommendation:

That the Committee supports the proposal to construct an off-road shared path on South Head Road, between Halyard Drive and The Anchorage, Moruya Heads, based on the concept design plan No.4563, Set G, Sheet 3 Draft 20/03/18.

IR18/026 LOCAL TRAFFIC COMMITTEE NO. 7 FOR 2017-18

E16.0002

2018.IN.007 Concept – Local Area Traffic Management Scheme – Moruya CBD east of Vulcan Street

Recent observations have indicated that a more pedestrian friendly Moruya CBD can be achieved with targeted engineering structures at key points, for relatively low cost. An initial approach has been made to the RMS in this respect by the Director Infrastructure Services.

The Traffic Officer spoke on a conceptual proposal to review the East Moruya CBD to improve pedestrian safety. This is achievable whilst allowing traffic flow and without impacting residential properties due to the nature of the streets and development types. With the population of Moruya consisting of a higher than average elderly population and families with young children, the need for this change is supported by observations of pedestrians continually trying to make judgements with multiple distractions, or experiencing physical limitations such as sight and movement.

This proposal would also support the larger than normal pedestrian movements associated with the weekly markets at Moruya Riverside Park.

A designated 40km/hr zone throughout the CBD is also proposed to support the proposed physical constraints. The consideration of the proposed 40km/hr speed zone is a matter for separate consideration by the RMS.

The timed parking zones within this precinct could also be reviewed in association with this proposal.

GENERAL BUSINESS

Driver Education

The representative for the Hon Andrew Constance MP spoke on the importance of driver education, and that the Rotary Youth Driver Awareness Program, run for many years, is extremely successful.

The Traffic Officer advised the Committee that Council continues to support driver (and pedestrian) education through various programs coordinated by Council's (RMS sponsored) Road Safety Officer.

Note the LTC received a report at the 13 October 2017 meeting detailing the Road Safety Officer tasks which include:

- Child Road Safety
- Motorcycle awareness
- Look Out Before You Step Out
- Kings Highway Road Safety Partnership
- Graduate Licencing Scheme Workshops.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 3 May 2018 in Council's Committee Room.

**IR18/024 FUNDING OFFER - ACTIVE TRANSPORT PROGRAM - SHARED PATH,
SOUTH HEAD ROAD, MORUYA**

E01.5635

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: Nil
Outcome: Connected and Accessible Places
Focus Area: 7.2 Improve provision and linkages of our pathway network
Delivery Program Link: 7.2.1 Provide and enhance the pathway network
Operational Plan Link: 7.2.1.1 Build, renew and maintain pathway network

EXECUTIVE SUMMARY

This report seeks to inform Council of the offer of \$750,000 in grant funding from the NSW Government under the Active Transport program for a shared pathway from The Anchorage to Halyard Drive and from Keightley Street towards Halyard Drive along South Head Road, Moruya. This report seeks Council's endorsement of the actions taken to accept the grant.

The offer of grant funding was made by the Hon Andrew Constance MP, Member for Bega and Minister for Transport and Infrastructure. This offer of funding follows extensive advocacy by the Moruya South Head Cycle/Pathway Committee for a shared off-road pathway from Moruya to South Head, and the Committee is to be congratulated for their ongoing advocacy. Representatives of the Committee, Mr John Seltenrych and Mrs Danielle Brice were present for the announcement of the funding by the Minister.

The funding offered will be sufficient to:

- i) complete the section identified within the adopted Eurobodalla Pathways Strategy 2017 from east of The Anchorage to Halyard Drive
- ii) undertake the detailed design, environmental approvals and land acquisition for the section between Keightley Street and Halyard Drive, and prepare estimates for the whole of the project
- iii) allow commencement of work from Keightley Street toward South Head.

The Pathways Strategy 2017 has documented the development and implementation of new pathway facilities for pedestrians and cyclists on a point scoring system connecting existing footpaths and shared pathways and integrating the transport network within Eurobodalla. The Anchorage to Halyard Drive section has been identified as a low priority. The link from Keightley Street to Halyard Drive has been considered as a long term objective within the Long Term Financial Plan ending 2027.

The funding offer has been split across the two financial years with \$300,000 allocated within 2017-18 and \$450,000 allocated within 2018-19.

RECOMMENDATION

THAT:

1. Council endorse the actions taken to accept the offer of funding of \$750,000 from the NSW

**IR18/024 FUNDING OFFER - ACTIVE TRANSPORT PROGRAM - SHARED PATH,
SOUTH HEAD ROAD, MORUYA**

E01.5635

Government under the Active Transport Program toward a shared pathway along South Head Road.

2. Council write to the local State Member for Bega, Andrew Constance MP, thanking him for the advocacy to secure the grant funding.
3. Council write to John Seltenrych, President, and Danielle Brice, Member, Moruya South Head Cycle/Pathway Committee, thanking them for their role in gaining the grant for a pathway along South Head Road.

BACKGROUND

The Eurobodalla Pathways Strategy 2017 was adopted by Council on 27 June 2017 following extensive community engagement. This strategy guides the development and implementation of new pathway facilities for pedestrians and cyclists within Eurobodalla. This includes both formal footpaths and shared pathways.

The strategy identifies over \$11.7 million (2016-17 dollars) worth of pathway projects with Council allocating approximately \$3.5 million over the next ten years.

Council actively pursues grant funding from the Active Transport program from Roads and Maritime Services to support delivery of our Eurobodalla Community Strategic Plan 2017 which includes:

7. Connected and Accessible Places

Our integrated accessible transport system grows to ensure social and economic needs are met now and in the future.

- i) Work in partnership to provide an integrated transport system*
- ii) Improve provision and linkages of our pathway network.*

Council's adopted 2017-21 Delivery Program includes:

7.1 Work in partnership to provide an integrated transport network

7.1.1 Partner with peak bodies to advocate for improved and on-going funding programs for local transport infrastructure

7.1.2 Seek grant and other funds to sustain and improve the local and regional transport network.

7.2 Improve provision and linkages of our pathway network

7.2.1 Provide and enhance the pathway network

7.2.1.1 Build, renew and maintain pathway network.

The offer of grant funding assists Council in delivering on these strategic outcomes.

**IR18/024 FUNDING OFFER - ACTIVE TRANSPORT PROGRAM - SHARED PATH,
SOUTH HEAD ROAD, MORUYA**

E01.5635

Council should be aware however, that Council has previously resolved (Motion 17/209) as follows:

THAT:

1. *Council adopt the Eurobodalla Pathways Strategy June 2017 attached to this report, subject to the following amendments:*

i) *In Appendix A1-24 the wording be changed to read as follows:*

‘The Moruya to South Head off-road pathway linkage will be reconsidered when the pathways strategy is next reviewed in five years, unless the project is fully funded through grants (outside of the Active Transport Program) and/or community funding’.

This resolution applied to the section of off-road shared pathway between Halyard Drive and Keightley Street. Council would have pursued grant funding for the section between The Anchorage and Halyard Drive under the Active Transport Program (on a priority basis).

Nevertheless, the direct advocacy by the Moruya South Head Cycle/Pathway Committee to, and involvement of, our local member Andrew Constance MP has resulted in an offer of \$750,000 in additional funding under the Active Transport Program. This is in addition to the grants already secured by Council under this program (previously reported to Council on 12 April 2016 and 26 September 2017).

We therefore welcome this additional allocation of grant funding toward the provision of a shared pathway along South Head Road.

CONSIDERATIONS

Council continues to provide strong support to improving pathway and cycling facilities based on the adopted Eurobodalla Pathways Strategy 2017. This includes actively pursuing grants and working with community organisations to advance the pathway program.

The funding offered will be sufficient to:

- i) complete the section identified within the adopted Eurobodalla Pathways Strategy 2017 from east of The Anchorage to Halyard Drive
- ii) undertake the detailed design, environmental approvals and land acquisition for the section between Keightley Street and Halyard Drive, and prepare estimates for the whole of the project
- iii) allow commencement of work from Keightley Street toward South Head.

Upon completion of the above work, Council will be able to re-assess further stages against other priorities across Eurobodalla.

Legal

The land acquisition is needed for the proposed pathway at various locations along the route. This will be more accurately identified upon completion of the detailed designs for each section of the proposed pathway.

**IR18/024 FUNDING OFFER - ACTIVE TRANSPORT PROGRAM - SHARED PATH,
SOUTH HEAD ROAD, MORUYA**

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For the section from Halyard Drive to The Anchorage a small portion will need to be acquired from Lot 2 DP 534555. This will be reported to Council later under separate cover. The landowner's consent to undertake the works involved in stage one has already been obtained.

Environmental

The first stage of the project will be undertaken following completion of a Review of Environment Factors and appropriate due diligence in relation to fauna, flora and heritage.

Future stages impact designated wetland areas and are likely to require a full environmental impact statement to be prepared to assess the potential impacts of the proposed work. This will be advanced concurrently with the detailed designs.

Asset

There is currently a shared path on South Head Road from Charles Moffitt Drive to The Anchorage within Moruya Heads. A shared path exists from the intersection with Keightley Street to the Princes Highway and on to the Moruya CBD, Moruya Hospital and back to Moruya TAFE. Council is currently constructing an additional link in Bergalia Street, Moruya, further enhancing the integrated shared pathway network in high use areas.

The section of shared pathway from The Anchorage to Halyard Drive is being designed and planned to commence construction this financial year using the grant funding now available.

The link from Keightley Street to Halyard Drive is being investigated. The challenges within this section have been previously identified and include environmental approvals, land acquisition, potential service issues as well as the required civil works.

The proposed works are consistent with overall direction outlined in the Community Strategic Plan, and our asset management and pathway strategies. The available grant funding has resulted in these works being brought forward significantly.

The final connection between Keightley Street and Halyard Drive will require additional funding to complete. This will be further assessed upon completion of the design and associated environmental studies.

Social Impact

Pathways provide the following benefits by:

- increasing the safety of pedestrians and cyclists through separation with vehicles
- encouraging walking and cycling as alternative modes of transport
- encouraging greater use of public transport
- developing a practical network of facilities with continuous links to key destinations that reduce demand for motor vehicle use and parking
- improving accessibility for people with differing abilities and ages
- improving social outcomes for young people and those without access to a motor vehicle
- allowing people improved opportunities to get out for a walk or bicycle ride to socialise with others, thereby helping their mental and physical well-being, and

**IR18/024 FUNDING OFFER - ACTIVE TRANSPORT PROGRAM - SHARED PATH,
SOUTH HEAD ROAD, MORUYA**

E01.5635

- promoting the environmental, recreational and economic benefits of walking and cycling.

Once completed, pedestrians and cyclists of all ages and abilities will benefit from a fully linked off-road shared pathway network on South Head Road from Moruya to Moruya Heads. This will also allow access to the integrated pathway network already built and proposed within Moruya township and the destinations serviced by this network.

Economic Development Employment Potential

The additional grant funding will result in extra economic activity within Eurobodalla during construction with the works delivered through a combination of day labour personnel and local sub-contractors and suppliers (working with the Moruya South Head Cycle/Pathway Committee).

Financial

The available funding offer of \$750,000 under the Active Transport program from the NSW Government toward the shared pathway from Keighley Street to The Anchorage is welcome.

The Moruya South Head Cycle/Pathway Committee has also committed to fundraise toward the completion of the project, and volunteer resources permitting, assist with some works. The Committee's ongoing support is to be commended.

The grant funding has been allocated across 2017-18 (\$300,000) and 2018-19 (\$450,000) to permit the project outcomes to be achieved in stages.

This funding will not be sufficient to complete the whole of the route and future stages will need to be assessed against other priorities across Eurobodalla. This will be better assessed following completion of the detailed design, environmental approvals, and preparation of associated estimates of cost.

The grant offer does not require a matching contribution. Council is however undertaking the survey and design of stage one of the work using in-house resources as in-kind support for the project.

Council's budgets beyond 2018-19 will need to be adjusted to provide for the ongoing maintenance and depreciation of the asset. The values of depreciation will be determined upon completion of the detailed design.

Community and Stakeholder Engagement

Council will continue to work closely with the Moruya South Head Cycle/Pathway Committee to maximize the outcomes from the project.

Council will inform the broader community about the project through an appropriate communications plan. This will include, amongst other components, providing information on Council's website, Facebook page, writing to affected residents, personally meeting with affected landowners, advertising on Council's noticeboard in two local newspapers and suitable media releases.

**IR18/024 FUNDING OFFER - ACTIVE TRANSPORT PROGRAM - SHARED PATH,
SOUTH HEAD ROAD, MORUYA**

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CONCLUSION

Council has been offered \$750,000 in grant funding toward the provision of a shared pathway on South Head Road, Moruya from Keightley Street to The Anchorage under the NSW Government's Active Transport Program. This grant has been accepted.

The efforts of the Moruya South Head Cycle/Pathways Committee in securing this funding is to be commended.

Works on the first stage of the project between Halyard Drive and east of The Anchorage are expected to commence this financial year.

The funding will permit Council to design and seek environmental approvals for the whole of the route. The funding available under the grant is not sufficient to complete the whole project. The funding will, however, permit preparation of estimates of cost and the further assessment of future funding requirements against other priorities across Eurobodalla.

This report seeks Council's endorsement of the action taken to accept the grant funding.

**IR18/027 REQUEST FOR TENDER NO. 2018/ISD030 - CLEANING OF PUBLIC
TOILETS**

E95.9163.T

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: 1. Confidential - Public Toilet Cleaning Tender
Outcome: 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: 1.3.2.3 Build, renew, operate and maintain recreation and community facilities

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 2018/ISD030 Cleaning of Public Facilities (toilets), and provides a recommendation for the preferred source of service provider.

The cleaning of public toilets is an important service provided to the community. This service is undertaken by contract.

Tenders have been called to undertake this service for a two year period commencing 1 July 2018, with an option to extend for a further one year.

RFT 2018/ISD030 Cleaning of Public Facilities (toilets) closed on 28 February 2018.

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

RECOMMENDATION

THAT

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. 2017/ISD030 Cleaning of Public Facilities (toilets) within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.
3. Council allocate an additional \$23,400 in the 2018-19 Operational Plan for toilet cleaning to allow for the tendered prices submitted.

BACKGROUND

A requirement exists for the provision of services to clean Council's nominated public toilets (68 in total including toilets within recreation amenities). Works covered by the contract will include paper replenishment, cleaning activities, defect reporting, record keeping and minor graffiti treatment.

**IR18/027 REQUEST FOR TENDER NO. 2018/ISD030 - CLEANING OF PUBLIC
TOILETS**

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The cleaning task requires a combination of physical labour, cleaning implements, chemicals and monthly pressure cleaning to the required standard and schedule. The cleaning schedule consists of a peak cleaning schedule and an off peak cleaning schedule. The frequency of cleaning for any one toilet varies from twice a day, to as required when a facility booking is made (in the case of the Mogo and Tilba Sports Grounds), depending on the usage of that toilet. The schedules are a reflection of the service levels in place across Eurobodalla.

The tender was available as either of two separate parts:

- i) Northern sector – South Durras to Mogo and Broulee – 32 toilet facilities
- ii) Southern sector – Moruya North Heads to Tilba Tilba – 36 toilet facilities.

RFT No. 2017/ISD030 was advertised on 23 January 2018 with a closing date of 28 February 2018. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 23 January 2018:

- International Cleaning Services – South Australia
- Leanne Tetley – Malua Bay
- NJ and SC Nasser – Surfside.

Compliant tenders were evaluated using weighted price and non-price criteria. The preferred tenderer was assessed as representing the best value for money outcome for the community.

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2018/ISD030 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertised on Council's noticeboard page, in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal:

(www.tenderlink.com/eurobodalla).

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to meeting all compliance criteria, and scored best in the evaluation of both non-price and price criteria.

Policy

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

**IR18/027 REQUEST FOR TENDER NO. 2018/ISD030 - CLEANING OF PUBLIC
TOILETS**

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Asset

An important aspect of the cleaning contract is reporting defects, vandalism and graffiti back to Council's Infrastructure Services team. The contractor is required to report all instances of graffiti, and where the affected area comprises one square meter or less, the contractor is required to treat it as part of the cleaning activity.

Council has now introduced real time reporting of defects via our electronic record keeping system. This will significantly improve the cleaning contractor's ability to provide immediate advice to the works team allowing an improved response to vandalism, minor damage and maintenance repairs.

Social Impact

The cleanliness of Council's public toilets is important to providing safe facilities for the community and visitors to use. Council will be overseeing the selected tenderer to ensure the requirements of the specification and contract are met.

The public toilet environment is difficult to control as misuse and vandalism can occur following cleaning. However the standard of cleaning must remain at a high level to present the public toilets in the best light possible.

To limit vandalism and damage to our public toilet facilities, only 44 toilets are now kept open on a 24 hours basis. All accessible toilets are available on a 24 hour basis to users with an MLAK key.

Economic Development Employment Potential

The cleaning of the toilets will require sufficient local human resources to effectively fulfill the obligations of the contract. This requires people living within close proximity to undertake the works, resulting in local employment.

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

Encouraging greater inclusion of toilet facilities within commercial developments (eg Village Centre, Bridge Plaza and the like) increases the overall availability of toilet facilities to the community. This is now accepted as essential to the success of many businesses, allows a greater level of natural surveillance and reduces costs to Council.

Financial

The tendered prices submitted for the cleaning of Council's public toilets is higher than the existing contract by approximately 8.0%. After consideration of CPI increases over the last two financial years and the cost of establishing new contract arrangements, including the increased contract performance management provisions, the increase is considered reasonable.

This does however highlight once again that the cost to maintain such facilities, even by contract, continues to be higher than the rate peg amount set by IPART NSW.

An additional allowance of \$23,400 will need to be made in the 2018-19 Operational Plan and budget for the anticipated increase in cleaning costs for toilets compared to the amount shown in the draft 2018-19 Operational Plan.

**IR18/027 REQUEST FOR TENDER NO. 2018/ISD030 - CLEANING OF PUBLIC
TOILETS**

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Communication / Consultation

A pre-tender briefing was held on 7 February 2018 to communicate the expectations of a high quality service delivery to tenderers, reinforce the tender schedule and outline the tendering requirement.

No additional matters were raised by tenderers as a result of this pre-tender briefing process.

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

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the preferred tenderer has been assessed, through an extensive evaluation, as representing best value for money and capable of undertaking the work as outlined in the tender documents to the required standard.

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

CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

E05.9535

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments:

1. Under Separate Cover - Attachment 1(a) - Fund Flow Statement
2. Under Separate Cover - Attachment 1(b) - Consolidated Income Statement
3. Under Separate Cover - Attachment 1(c) - Capital Program Statement
4. Under Separate Cover - Attachment 1(d) - Projected Fund Balances Statement
5. Under Separate Cover - Attachment 1(e) - Budget Amendments Report
6. Under Separate Cover - Attachment 1(f) - Special Rate Variation Projects
7. Under Separate Cover - Attachment 2 - Consultancy, Legal and Contractors Report
8. Under Separate Cover - Attachment 3 - Key Performance Indicators
9. Under Separate Cover - Attachment 4 - Mayoral and Councillor Expenditure.

Outcome: 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 Monitor and report on key financial results

EXECUTIVE SUMMARY

This Budget Review reports on Council's performance against the current Operational Plan budget for the quarter ending 31 March 2018. Major variations are highlighted.

The original Operational Plan budget, on a consolidated basis (which includes all of Council's funds), for 2017-18 forecast:

- Income Statement surplus, before capital revenue, of \$3.99 million
- Income Statement surplus, after capital revenue, of \$16.78 million
- Use of \$(0.62) million of unrestricted funds.

The revised annual budgets for the quarter ending 31 March 2018 are:

- Income Statement deficit, before capital revenue, of \$(0.22) million
- Income Statement surplus, after capital revenue, of \$15.18 million
- Increase of \$4.96 million of unrestricted funds.

The revised, consolidated annual budget for 2017-18 has been impacted during the March quarter through amendments to the current operational and capital works program and also the carrying forward (revoting) of some projects to the 2018-19 financial year.

CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

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The current March review adjustments result in:

- Favourable variation to the operating statement before capital of \$1.16 million
- Unfavourable variation to the operating statement after capital of \$(0.73) million
- Variation to increase in the amount of unrestricted funds available of \$4.70 million as per the Consolidated Fund Flow Statement.

There are no material concerns at the quarterly review about Council meeting budget targets for 2017-18.

RECOMMENDATION

THAT

1. The budget review for the quarter ended 31 March 2018 be received and noted.
2. The unfavourable variation for the Income Statement after capital revenue of \$(0.73) million and favourable fund flow variations of \$4.70 million as per the Consolidated Fund Flow Statement for the quarter ended 31 March 2018 be adopted.
3. Loans of up to \$15.70 million (new loans of \$12.97 million and renewals of \$2.73 million) be raised in accordance with the Council's borrowing policy and the Council seal be affixed to the loan agreement documentation.

BACKGROUND

Council reviews its performance and financial results against the adopted Operational Plan quarterly, authorises adjustments to budget items, and highlights variations from its original budget strategy.

It should be noted that the results referred to in this report are unaudited.

The attachments to this report are as follows:

Financial reports (Attachment 1)

These reports provide information on Council's performance against its financial objectives contained in the Operational Plan, presented for the consolidated entity.

Financial reports include:

- a) Consolidated Fund Flow Statement – This report shows the impact of operating, financing and investing activities on Council's unrestricted working capital.
- b) Consolidated Income Statement – Provides sources of income and expenditure, including depreciation, in the program areas and associated services.
- c) Consolidated Capital Program Statement – Provides capital expenditure information for each program area and associated services.
- d) Projected Fund Balance Statement – Provides information on the balances and movements in both unrestricted and restricted fund accounts.

CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

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- e) Budget Amendment Report – Provides details of proposed significant adjustments to budgets.
- f) Special Rate Variation Projects Schedule – Provides capital expenditure information for each of the projects in the SRV program of works for 2017-18.

Consultancy, Legals and Contractors Expenses Report (Attachment 2)

This attachment provides information on major contracts entered into, legal fees incurred and consultancy costs for the quarter ended 31 March 2018.

Key Financial Indicators (Attachment 3)

This attachment provides information about key financial indicators designed to assist in monitoring Council's financial sustainability. The indicators are for the consolidated entity.

Mayoral and Councillor Expenses (Attachment 4)

Provides information about Mayoral and Councillor expenditure for the quarter ended 31 March 2018.

CONSIDERATIONS

Consolidated Fund flow Statement (Attachment 1(a)):

Council requires sufficient funds to pay for its debts as and when they fall due. The Fund Flow Statement shows the change in Council's freely available funds or working capital.

It includes all transactions having an impact on Council's funds i.e. income and expenses from its operating activities, capital programs and borrowing activities. It also includes the transfer into, or use of restricted funds for capital or non-recurrent projects. Depreciation is not included as it does not represent a cash flow.

The net fund flow shows the amount of unrestricted funds that will be used to deliver the agreed Operational Plan outcomes for 2017-18. The consolidated original budget forecast the use of \$0.62 million in unrestricted funds. As a result of the previously tabled September and December quarterly budget reviews this forecast was revised to an anticipated increase of \$0.26 million of unrestricted funds. The use of unrestricted funds for 2017-18 has been further revised during the March quarter to a \$4.96 million increase in unrestricted funds by the end of the financial year (per Table 1.1a and 1.1b and Graph 1.1 below). The use of council funds are impacted by amendments to operational activities, capital revenue and expenditure forecasts, and the subsequent changes to use of restricted funding to deliver the outcomes of the 2017-18 Operational Plan.

CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

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Table 1.1a Net fund flow (unrestricted) per fund

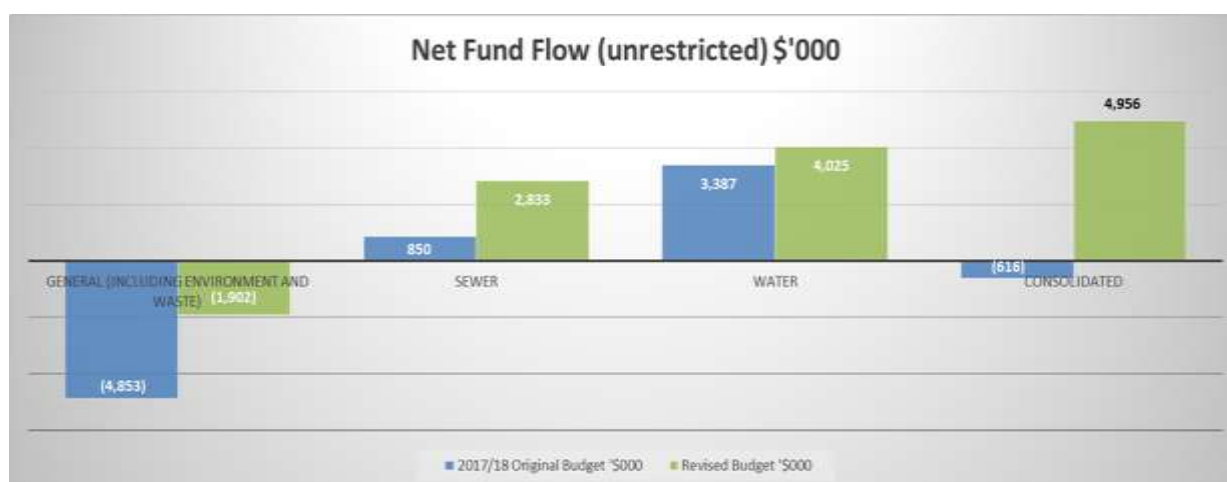
Fund	2017/18 Original Budget '\$000	Previous Reviews '\$000 *	March Review '\$000	March Revotes '\$000	Revised Budget '\$000
General	(3,025)	1,242	579	757	(447)
Environment*	(24)	(61)	17	29	(40)
Waste*	(1,804)	49	340	0	(1,415)
Sewer	850	(79)	2,062	0	2,833
Water	3,387	(280)	917	0	4,025
Consolidated Total	(616)	871	3,915	785	4,956

*Waste and Environment form part of the General Fund but have been listed separately in this table to show how much unrestricted cash is being utilised in each area.

Table 1.1b Net fund flow (unrestricted) per fund

Fund	2017/18 Original Budget '\$000	Revised Budget '\$000
General (including Environment and Waste)	(4,853)	(1,902)
Sewer	850	2,833
Water	3,387	4,025
Consolidated	(616)	4,956

Graph 1.1 Net fund flow (unrestricted) per fund



Consolidated Income Statement (Attachment 1(b)):

The Consolidated Income Statement shows the types of income and the expenditure, per Council Service area. This result can indicate whether Council is able to raise sufficient revenue to cover the operational cost (including depreciation which measures the wear and tear of Council assets) of delivering services to the community before considering its capital revenues.

CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

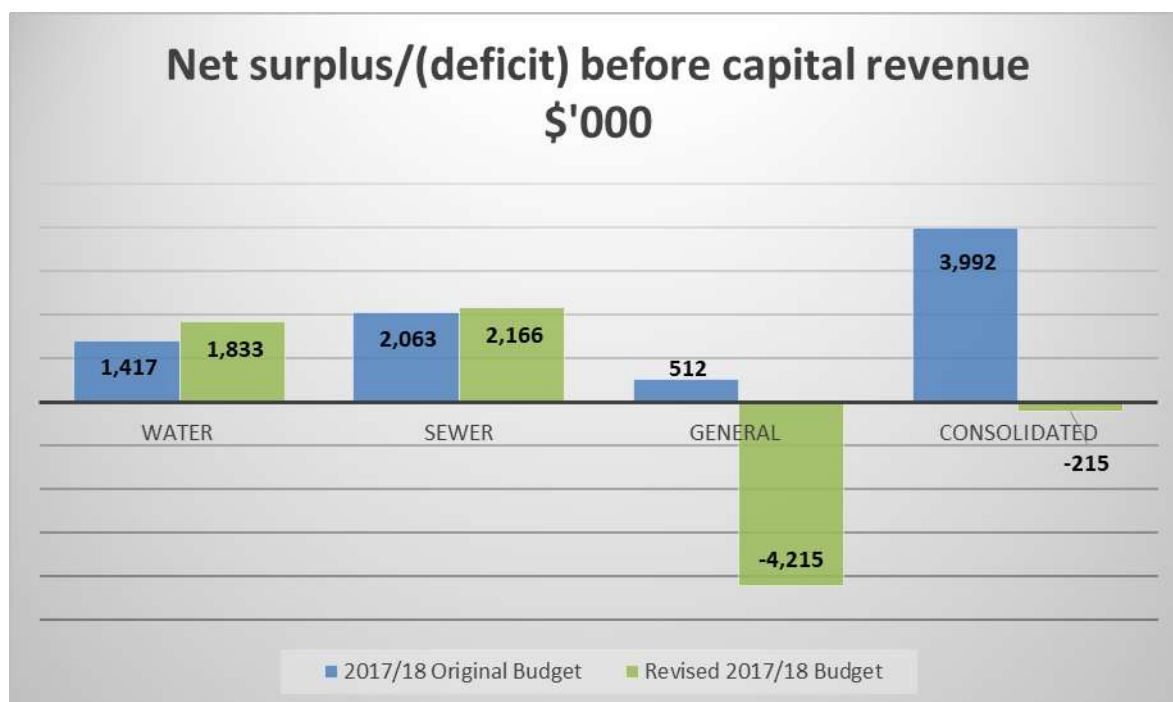
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Operating Result before Capital Revenue

Table 1.2 Net surplus/(deficit) before capital revenue

Fund	2017/18 Original Budget '\$000	Previous Reviews '\$000 *	March Review '\$000	March Revotes '\$000	Revised Budget '\$000
Water	1,417	(32)	448	-	1,833
Sewer	2,063	41	62	-	2,166
General (including Environment & Waste)	512	(5,381)	625	29	(4,215)
Consolidated	3,992	(5,372)	1,135	29	(215)

Graph 1.2 Net surplus/(deficit) before capital revenue



The original budget for 2017-18 forecast an income statement surplus of \$3.99 million before capital revenue. As a result of the previously tabled September and December reviews this forecast was revised to a deficit of \$(1.38) million. The operating performance has further been revised during the March quarter to a deficit of \$(0.22) million (per Table 1.2 and Graph 1.2).

The following items are a summary of the March review. The impact of these adjustments is favourable to the operating statement before capital revenue of \$1.16 million.

Current Year Budget Adjustments (operational)

Significant adjustments to operational items in the Water Fund of \$0.45 million including:

- Unfavourable adjustment to investment revenues based on current cash and developer contribution balances \$0.09 million.

CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

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- Favourable reduction to employee costs due to staff vacancies of \$0.10 million.
- Favourable reductions to maintenance estimates for the water reticular mains, water services and the water booster pumping station as a result of asset inspections and current year trends \$0.30 million; Capitalisation of operational costs \$0.10 million; and reduced scope of Water Storage embankment safety review works pending changes in legislation \$0.05 million.

Significant adjustments to operational items in the Sewer Fund of \$0.06 million including:

- Unfavourable adjustment for investment revenues based on current cash and developer contribution balances \$0.17 million.
- Favourable reduction employee costs due to staff vacancies of \$0.10 million.
- Favourable reductions in operating and maintenance costs due to delayed commencement of Bodalla Sewerage \$0.10 million; Capitalisation of operational costs \$0.10 million; deferral of business planning projects \$0.10 million; and decrease in mains maintenance required \$0.10 million.
- Unfavourable increases in operating and maintenance costs due to increased pumping station maintenance required \$0.20 million, and other minor operational adjustments of \$0.07 million.

Significant adjustments to operational items in the General Fund of \$0.63 million including:

- Favourable adjustments to user fees and charges relating to enhanced trading performance anticipated at the Dalmeny and Mystery Bay Campgrounds \$0.09 million; Increased Building Certification and Development Application revenue due to increased activity based on current trends \$0.30 million; Increased revenue from ranger services \$0.10 million due to higher than anticipated parking fines and animal control activity; increased usage trends at Surf Beach Landfill \$0.20 million
- Favourable adjustment for investment revenues based on current cash and developer contribution balances \$0.07 million.
- Recognition of various grants and contributions, with these being offset by corresponding increases in operational expenditure for a variety of projects including:
 - \$0.42 million received for Wallaga Lake Cemetery Plan, Yuin Art Project, My Health Records, Cigarette Butt Litter reduction, Flood Studies, Narooma Flood Risk Plan, Reducing Take-Away Containers, Museum Advisor Program and additional funding for Community Transport
- \$0.07 million additional funding received on WHS premium incentives, offset by matching expenditure on safety management systems
- Contribution from RMS for Kings Highway Infrastructure Works of \$0.12 million offset by \$0.09 million of corresponding works
- Favourable adjustment due to staff vacancies and efforts towards corporate business system implementation from the Finance department \$0.20 million

CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

E05.9535

- The return of unspent grants for Community Care services as clients transition to NDIS Services \$(0.33) million
- Various other minor adjustments totaling \$0.30 million.

Carry Forward from 2017-18 to 2018-19 (operational)

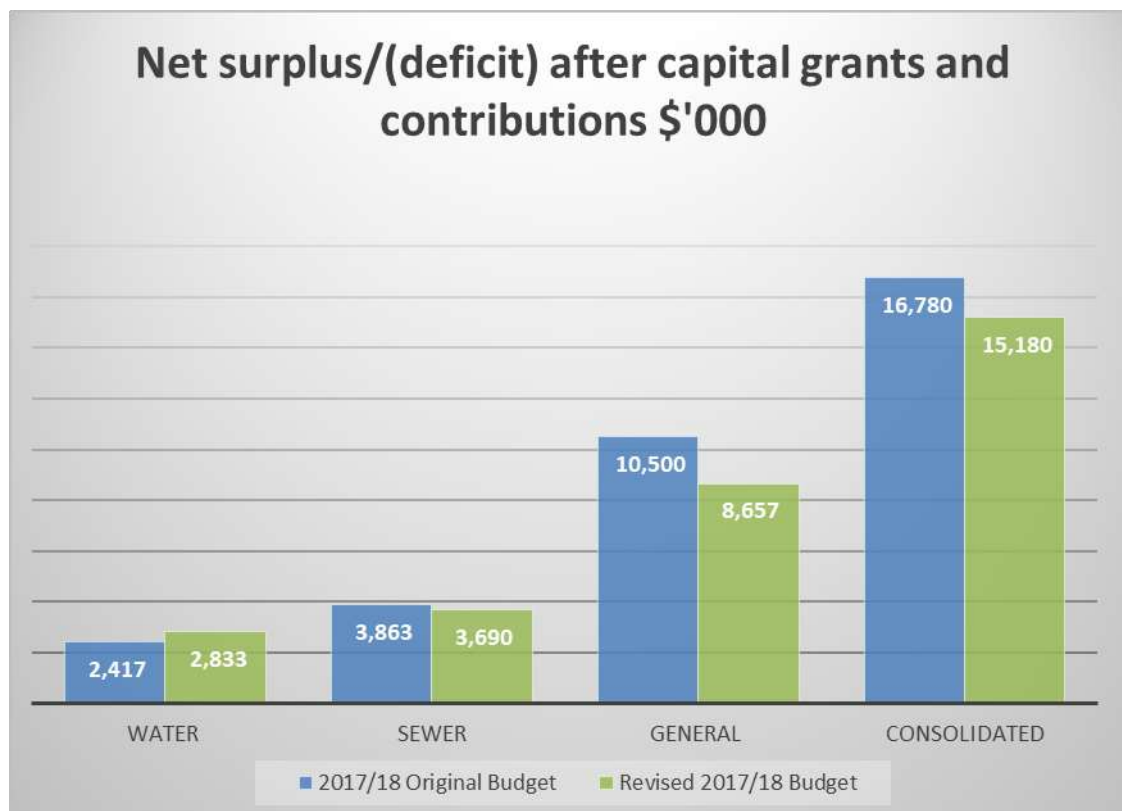
The impact of operational carry forward amendments during the March review results in a favourable adjustment to the operating statement before capital revenue of \$0.03 million. This adjustment relates to expenditure for Coastal, Estuary and Waterway management being deferred to 2018-19 to match anticipated grant funded works. These works will be added to the exhibited Operational Plan 2018-19, Delivery Program 2017-21.

Operating Result after Capital Revenue

Table 1.3 Net surplus/(deficit) after capital revenue

Fund	2017/18 Original Budget '\$000	Previous Reviews '\$000 *	March Review '\$000	March Revote '\$000	Revised Budget '\$000
Water	2,417	(32)	448	-	2,833
Sewer	3,863	(235)	62	-	3,690
General (including Environment & Waste)	10,500	(605)	2,027	(3,265)	8,657
Consolidated	16,780	(872)	2,537	(3,265)	15,180

Graph 1.3 Net surplus/ (deficit) after capital revenue



CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

E05.9535

The original budget for 2017-18 forecast an income statement surplus of \$16.78 million after capital revenue. As a result of the previously tabled September and December reviews this forecast was revised to a surplus of \$15.91 million. The operating performance after capital revenue has further been revised during the March quarter to a surplus of \$15.18 million (per Table 1.2 and Graph 1.2).

Current Year Budget Adjustments (Capital Revenue)

The March review adjustment includes abovementioned amendments to operations before capital revenue; and also movements in capital income in the General Fund. Capital grants and contributions totalling \$1.13 million were received during the March quarter for the following projects:

- \$0.55 million Foothpaths and Shared Pathways
- \$0.25 million Tomakin Roundabout and Beach Road works
- \$0.12 million received from RMS for June 2016 Flood recovery works
- \$0.10 million Moruya Showground drainage and car park works
- \$0.10 million Minor amounts for public amenities and sporting infrastructure.

Carry Forward from 2017-18 to 2018-19 (Capital Revenue)

During the March quarter funding relating to capital works of \$3.24 million was requested to be carried forward to 2018-19. Funding relating to the expansion and upgrade of the Moruya Airport (\$2.50 million), construction of the Moruya Cultural Precinct (\$0.50 million) and construction of the Tuross Head RFS Shed (\$0.24 million) to be carried forward.

Consolidated Capital Program Statement (Attachment 1(c)): Capital Program

Table 1.4 2017-18 Capital Program per fund

Fund	2017/18 Original Budget '\$000	Previous Reviews '\$000 *	March Review '\$000	March Revote '\$000	Revised Budget '\$000
General	33,761	6,327	1,406	(6,974)	34,519
Waste	3,770	76	0	0	3,845
Water	4,268	304	(489)	0	4,083
Sewer	13,140	(1,497)	(2,250)	0	9,394
Total	54,939	5,210	(1,333)	(6,974)	51,841

**Waste and Environment Funds form part of the general fund but have been shown separately to highlight the large capital works forecast this year.*

CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

E05.9535

Graph 1.4 Capital Works Program 2017-18



The original capital budget for 2017-18 was \$54.94 million. As a result of the previously tabled September and December quarterly budget reviews this forecast was revised to \$60.15 million. The capital program for 2017-18 has been further revised during the March quarter to \$51.84 million (per table 1.4, graph 1.4) as a result of changes to the current works, including:

Current Year Budget Adjustments (Capital Expenditure)

- A reduction in Water Fund capital works program of \$0.49 million due to no significant water pump refurbishments being required (\$0.10 million); revision of the survey and design phase of Nelligen Water Supply scheme (\$0.10 million); a reduction in water mains asset renewals (\$0.30 million) and other minor adjustments.
- A reduction in the Sewer Fund capital works program of \$2.25 million due to delays in Bingie (\$0.45 million) and Tomakin (\$0.25 million) Treatment Works upgrades; deferral of the Batemans Bay Sewer Treatment Plant upgrade (\$1.30 million); Potato Point Sewerage Scheme costs incurred lower than anticipated (\$0.25 million) and revision of the survey and design phase of Nelligen Sewerage Scheme (\$0.15 million). Offset by an increase to Tomakin Sewer upgrade of \$0.15 million to facilitate design of Broulee Regional Sewerage Pumping Station due to the progress of residential development.
- An increase of the General Fund capital works program of \$1.40 million due to the introduction of grant supported works for Tomakin Road Roundabout of \$0.15 million; Beach Road works of \$0.15 million; Footpath and Cycleway works at Annetts Parade Mossy Point, Bergalia Street, Moruya, Durras Drive, Durras and South Head Drive, Moruya of \$0.55 million; recognition of further flood recovery works of \$0.38 million;

CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

E05.9535

additional server storage for information technology system of \$0.13 million and other minor adjustments.

Carry Forward from 2017-18 to 2018-19 (Capital Expenditure)

- A reduction in the General Fund capital works program due to the carrying forward (revote) of \$6.97 million of works including:
 - Airport redevelopment works due to delays in the approval and permits of \$2.90 million
 - Basil Sellers Exhibition Centre works due to revised project timing of \$1.48 million
 - Fleet purchases due to the delayed assembly of replacement trucks of \$0.90 million.
 - Recreation Outdoor Space Strategy (ROSS) works due to delayed introduction of ROSS strategy of \$0.36 million
 - Gundry Oval works to align with additional funded works occurring 2018-19 of \$0.31 million
 - Nelligen Boat Ramp due to delayed land acquisition of \$0.29 million
 - Tuross Fire Shed construction due to revised project timing of \$0.25 million
 - Administration Building lift project due to revised project timing of \$0.22 million
 - Moruya Library renewal works due to revised project timing of \$0.12 million
 - Other minor works of \$0.12 million.
- These works (and associated funding from capital grants and Council reserves) will be added to the exhibited Operational Plan 2018-19, Delivery Program 2017-21.

Special Rate Variation (SRV) – progress update (Attachment 1 (f)):

2017-18 is the third year of the SRV program and approximately \$8.92 million of infrastructure works for the year are underway. \$5.15 million of SRV designated funds are being utilised on these works. The majority of the projects have commenced with a due date for completion by the end of the fourth quarter. *Attachment 1 (f)* reports the detailed progress of the capital program showing individual project budgets and expenses with updates as at 31 March 2018. Total expenditure on the SRV designated projects as at 31 March 2018 is \$3.95 million (per Table 1.5 and Graph 1.5 below).

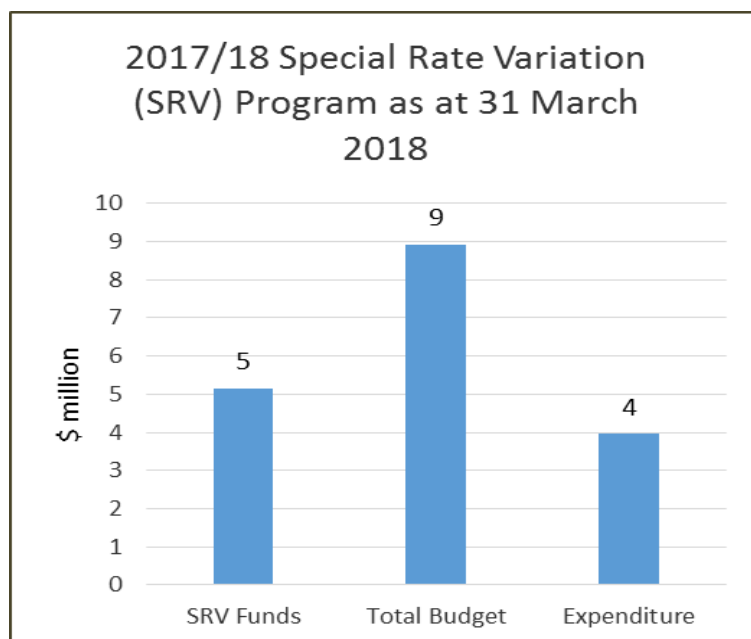
Table 1.5 2017-18 Special Rate Variation Capital Program

2017/18 Special Rate Variation (SRV) Capital Program	\$
SRV Funds	5,153,646
Total Budget	8,921,216
Expenditure	3,950,835
Percentage SRV funding spent	77%

CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

E05.9535

Graph 1.5 2017-18 Special Rate Variation Capital Program



Legal

This review is based on the Quarterly Budget Review Statement Guidelines issued December 2010, pursuant to the provisions of the *Local Government Act 1993* relating to integrated planning.

Policy

The accounting policies being used are based on those detailed in the financial statements for the year ended 30 June 2017.

“Variations” in the Fund Flow Statement are changes in the funding requirements where “funds” are net current assets (working capital) excluding both internally and externally restricted funds.

Financial

Council’s 2017-18 borrowing program will be completed in the final quarter and will be based upon the revised projected capital spend as per the results of the March Quarterly Budget Review. Loans of up to \$15.70 million (new loans of \$12.97 million and renewals of \$2.73 million) be raised in accordance with the Council’s borrowing policy and depending upon the needs of the loan provider, the Council seal may be required to be affixed to the loan agreement documentation.

CONCLUSION

There are no material concerns at this quarterly review about meeting budget targets for 2017-18.

CCS18/017 BUDGET REVIEW FOR THE PERIOD ENDED 31 MARCH 2018

E05.9535

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

As the Responsible Accounting Officer it is my opinion that the March Quarterly Budget Review for Eurobodalla Shire Council indicates that Council's projected financial position as at 30 June 2018 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2017-18 financial year.

CCS18/016 INVESTMENTS MADE AS AT 31 MARCH 2018

E99.3517

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: Nil

Outcome: 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: 9.2.4.3 Provide financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

THAT the certification that the investments as at 31 March 2018, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

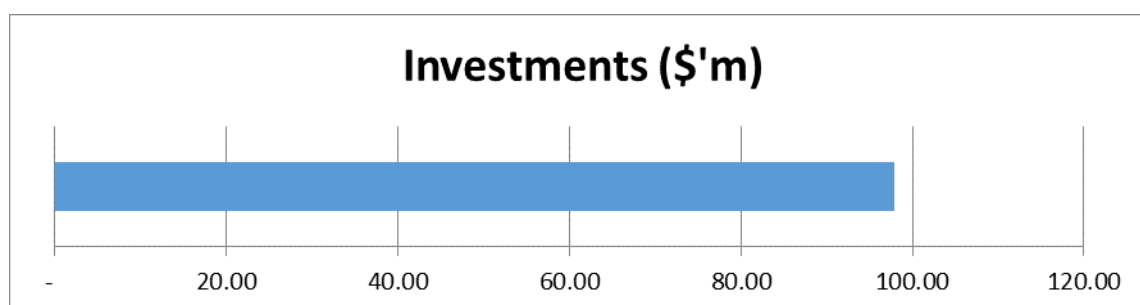
CONSIDERATIONS

Policy

The portfolio is compliant with Council's Investment Policy.

Financial

Council investing overall



CCS18/016 INVESTMENTS MADE AS AT 31 MARCH 2018

E99.3517

Council has 100% (\$97.96m) invested in Bank Deposits. The Bank Deposits are held in banks rated A or greater, or covered by the AAA rated Government Guarantee, except for \$21.75m invested in banks rated below A, and in the 'some limited risk' category of the policy.

The 'some limited risk' category is now separated into two categories, the first being BBB+ rating institutions which allows up to 60% of all investments and the other is BBB which is restricted to 20% maximum. Currently there is 17.86% invested in BBB+ and 4.34% in BBB which complies with the policy. Investment in Government Guaranteed Deposits is \$2.25m and represents 2.30% of the portfolio.

There are \$38.5m (39.30%) of funds invested in claimed fossil fuel free institutions and has not altered since the last report. Council policy now allows for this amount to be increased.

The weighted average return for all investments for the month is 2.51%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.18%).

Collateralised Debt Obligation (CDO)

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

Summary investment information

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

CATEGORY	(\$)
At Call Deposit Government Guaranteed	250,000
At Call Deposit	2,718,093
Term Deposits	93,000,000
Term Deposits Government Guaranteed	2,000,000
	97,968,093
<i>Weighted average interest %:</i>	2.51%
<i>Average 90 day BBSW + 25%</i>	2.18%

Policy and liquidity risk

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

CCS18/016 INVESTMENTS MADE AS AT 31 MARCH 2018

E99.3517

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	2.30	2.30	100.00
Near risk free	75.50	75.50	100.00
Some limited risk (BBB+)	17.86	17.86	60.00
Some limited risk (BBB)	4.34	4.34	20.00
Grand total	100.00	100.00	

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2017 is 2.38:1. Council therefore has approximately \$2.38 of current assets for each \$1 of current liabilities.

CONCLUSION

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

CCS18/018 INVESTMENT POLICY AMENDMENT

E00.4623/E99.3517

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: 1. Draft Amended Investment Policy

Outcome: 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 Monitor and report on key financial results

EXECUTIVE SUMMARY

The Investment Policy was recently amended and adopted by Council on 27 March 2018.

Subsequent to this amendment, New South Wales Treasury Corporation (TCorp), the financial markets partner for New South Wales public sector agencies, has advised that it has reviewed Council's revised policy in line with its policy guidelines. This requires the recently amended Investment Policy to be updated to align with these guidelines.

The ability to invest in the fossil free fuel industry will still be possible with these proposed amendments but at a reduced potential target of 50%, lower than the 66% goal. TCorp has however also advised it is currently developing investment alternatives in the fossil free fuel space such as an unrated Green Bond. Once developed and released Council's Investment Policy will be brought back to Council for further consideration. Unrated bonds are not currently allowable under Council's investment policy.

RECOMMENDATION

THAT Council's Investment Policy:

1. be amended to reduce the level of investment in BBB+ rated institutions to a maximum of 30% and restrict the investment in BBB and lower rated institutions to nil after current investments have matured.
2. as amended, be advertised for 28 days from 23 May 2018 to 20 June 2018 and a further report be presented to Council at the conclusion of the exhibition period.

BACKGROUND

At the Council meeting of 12 December 2017 a Notice of Motion *NOM17/013 Divestment of Council Investments in Fossil Fuel Supporting Financial Institutions* was approved by Council.

The intent of the NOM was aimed at environmental protection by taking action to combat climate change. Carbon emissions through the use of fossil fuels are, according to scientific evidence, one of the key contributors to global warming and climate change.

CCS18/018 INVESTMENT POLICY AMENDMENT

E00.4623/E99.3517

The NOM included an amendment to the Investment Policy to allow for an increase in investments in BBB+ rated institutions to a maximum 60% of Council's investment portfolio and a maximum of 20% within any one BBB+ rated institution.

The NOM also recommended the amended Investment Policy be placed on public exhibition for 28 days as soon as possible in February 2018. The amended Investment Policy was placed on public exhibition from 7 February 2018 to 7 March 2018.

Two submissions, in support of the proposed amendment were received.

The Investment Policy was subsequently adopted by Council on 27 March 2018, Minute no. 18/66.

Subsequent to this amendment, TCorp, the financial markets partner for New South Wales public sector agencies, has advised that it has reviewed Council's revised policy in line with its policy guidelines. This requires the recently amended Investment Policy to be updated to align with these guidelines.

The ability to invest in the fossil free fuel industry will still be possible with these proposed amendments but at a reduced potential target of 50%, lower than the 66% goal. TCorp has advised however it is currently developing 'Green' bonds which would, if invested in, support the achievement of the 66% goal should their rate of return be comparable to other investments.

CONSIDERATIONS

An initial motion brought to Council at the Ordinary meeting of 14 February 2017 gave staff guidance to preference investments in institutions that were free from fossil fuel investments, where the rate of interest is similar to other investments on offer.

On 22 May 2017 Standard and Poor's (S&P) downgraded the credit ratings of 23 financial institutions from category A to lower ratings. The impacts of this downgrade resulted in Council not being compliant with its Investment Policy and a rebalance of the portfolio was required. This directly impacted on the percentage of its portfolio that Council could place with institutions that were free from fossil fuel investments.

Investigations into options that allow it to meet the intention of the motion of 14 February 2017 were carried out and the findings showed that the recommended target of 66% of Council's investments being placed in institutions that have a stated intent and/or track record of non-investment in the fossil fuel industry could be achieved by:

- Increasing the maximum allowable holdings of investment in BBB+ rated institutions (S&P long term ratings) and increasing the "*some limited risk*" category, from 20% to 60% of Council's investment portfolio.
- Increase the permitted investment percentage per BBB+ rates institutions, from 15% to 20%.

CCS18/018 INVESTMENT POLICY AMENDMENT**E00.4623/E99.3517**

The Audit, Risk and Improvement Committee (ARIC) considered the findings and agreed that Council could include BBB as part of its acceptable risk profile should it believe it to be corporately responsible. The minor policy adjustments were intended to allow Council to achieve the desired target of 66%.

An additional band BBB+ was included and total investment in that area modified, resulting in minor adjustments to risk banding.

Subsequent to this TCorp has advised that it has reviewed Council's Investment Policy and has recommended amendments so as to satisfy its longer term risk profile. It is noted Council's current investments are short term (that is, less than 12 months to maturity), however TCorp has advised it believes a long term rating is more desirable. This view is not on Council's current investment portfolio, but rather what the portfolio may consist of in the future. TCorp's lending policies, as determined by its Credit Committee, would restrict Council's ability to borrow from TCorp and hence Council must review and amend its Investment Policy. TCorp, with the support of the NSW Government, provides discounted borrowing rates and it is financially responsible to pursue these rates.

TCorp has advised the main risk criteria it looks at when reviewing council investment policies is long term ratings and medium term horizons. It acknowledged Council's approach of using short term ratings, however it believes use of a long term rating more appropriate. TCorp has worked with Council to identify those institutions (specifically Bank of Queensland and Bendigo Adelaide Bank) as those that, although not normally supported in this manner by TCorp, as acceptable investments, notwithstanding they are BBB (BBB+ through BBB-) rated institutions.

TCorp has also advised it is currently developing investment alternatives in the fossil free fuel space such as an unrated Green Bond. Once developed and released Council's Investment Policy will be brought back to Council for further consideration.

Policy

The following recommendations are proposed to be adopted:

The maximum holding in each rating category for Council's portfolio shall be:

S&P Long Term Category	S&P Short Term Category	Maximum %	Risk Rating
AAA (Government guaranteed deposits)	A-1+	100%	Remote Risk
AAA to AA	A-1+	100%	Near Risk Free
A	A-1 to A-2	40%	Near Risk Free
BBB+	A-2	30%	Some Limited Risk
BBB	A-2	Nil	
ADI/Unrated		Nil	

CCS18/018 INVESTMENT POLICY AMENDMENT**E00.4623/E99.3517**

The percentage per institution will restrict amount invested in one Bank as shown below:

S&P Long Term Category	S&P Short Term Category	Maximum % per Institution	Risk Rating
AAA (Government guaranteed deposits)	A-1+	100%	Remote Risk
AAA to AA	A-1+	40%	Near Risk Free
A	A-1 to A-2	20%	Near Risk Free
BBB+	A-2	20%	Some Limited Risk
BBB	A-2	Nil	
ADI/Unrated		Nil	

Financial

The amended Investment Policy will be reported to Council on 22 May 2018 and then placed on public exhibition for 28 days from 23 May to 20 June 2018.

Community and Stakeholder Engagement

Council will place the amended Investment Policy on public exhibition for a period of 28 days commencing on 23 May 2018 until 20 June 2018. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

CONCLUSION

To continue to allow Council to remain corporately and financially responsible through adherence to TCorp's recommendations it is considered appropriate that, following the public exhibition period, Council consider the adoption of the amended Investment Policy.



Policy

Policy name	Investment Policy
Responsible manager(s)	Director Commercial and Corporate Services
Contact officer(s)	Director Commercial and Corporate Services
Directorate	Commercial and Corporate Services
Approval date	
Outcome area	9. Innovative and proactive leadership
Strategy	9.2 Provide strong leadership and work in partnership to strategically plan for the future and progress toward the community vision.
Delivery program/Operational Plan	9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

Purpose

Eurobodalla Shire Council's policy is designed to ensure that Council's investments reflect the preference to reduce risk and comply with current NSW Local Government investing policy guidelines, 'best practice' and the current Ministerial Order.

This policy is a requirement of the *Local Government Code of Accounting Practice and Financial Reporting* issued by the Office of Local Government (OLG) pursuant to section 412 of the *Local Government Act 1993 (NSW)* (LG Act) as set out below:

"Council must maintain an investment policy that complies with the Act and ensures it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds."

The *Trustee Amendment (Discretionary Investments) Act 1997 (NSW)* section 14A(2) provides further guidance on a "prudent person": *"A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would."*

The Accounting Code defines "investments" as: *"money that is not, for the time being, required by the council for any other purpose"*.

Both the policy and investing practices of the Council must comply with Section 625 of the *Local Government Act 1993* as set out below:

"625 How may councils invest?"

- 1) *A council may invest money that is not, for the time being, required by the council for any other purpose.*
- 2) *Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.*
- 3) *An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.*
- 4) *The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section."*

The Ministerial Investment Order as at 12 January 2011 was current at the date of adopting this policy and is included in this document (see [Appendix 1](#)).

In formulating this policy the Council has also considered the 'Investment Policy Guidelines' issued by the OLG in May 2010. While it is the belief of the Council that these guidelines are not binding, it is also the Council's belief that they represent best practice and should be incorporated within the adopted investment policy.



Policy

Policy aims

This policy aims to ensure that:

- Council has appropriate working capital funds available to carry out its strategic plans as outlined in its delivery program and operational plan (or management plan). Long term core investments are limited or avoided in favour of a focus on working capital investments so that funds are readily available if required;
- a reasonable level of funds are immediately accessible in the event of a disaster or unexpected failure of infrastructure;
- Council is able to meet its liability commitments as they fall due;
- legally restricted funds are appropriately accounted for and invested so as to earn reasonable income towards their purposes. Legally restricted funds include trusts, developer contributions, unexpended grants, crown reserves etc.; and
- all statutory requirements are met.

Policy statement

1	Application This policy applies to the investment of Eurobodalla Shire Council's surplus funds.
2	Legislation Eurobodalla Shire Council will comply with Section 625 of the <i>Local Government Act (NSW) 1993</i> ; <i>The Trustee Amendment (Discretionary Investments) Act 1997 (NSW)</i> section 14A(2); <i>Local Government Code of Accounting Practice and Financial Reporting and Investment Policy Guidelines</i> dated May 2010 (issued by the OLG).
3	Australian Currency All investments must be denominated in Australian Dollars and comply with the Minister's determination.
4	Order of Priorities The order of priorities is firstly the preservation of capital, and second, the maintenance of liquidity. In this context 'liquidity' refers to the speed and ease with which an asset can be converted to cash.
5	Acceptable Risk Criteria For Financial Instruments Credit risk refers to the risk of ultimately not being able to redeem the funds. The average credit risk of the portfolio should reflect the conservative approach that a 'prudent person' would take to investing. This approach should be reinforced by investing in term deposits and remote risk investments.
5.1	Remote risk Up to 100% of all invested funds may be invested in deposits issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory. Investments held in the State and Territories must be diversified. <ul style="list-style-type: none"> • Low liquidity risk 0% - 100% • Medium liquidity risk 0% - 70% • High liquidity risk 0% - 50%



Policy

5.2	<p>Near risk-free - Up to 100% of all invested funds in AAA to AA rated institutions and up to 40% in A rated institutions.</p> <p>Investments in this category must be issued by Australian authorised banks. Up to 100% of all invested funds can be invested in institutions with a Standard and Poor's (S&P) rating equal to "A-1+" short term and in the "AAA" or "AA" (+ through -) category long term and up to 40% in institutions with a S&P rating equal to "A" (+ through -) or with an equivalent Moody's or Fitch rating equivalents. Noting that "senior debt" and like investments with banks meeting the above criteria is permitted within this risk category.</p> <ul style="list-style-type: none">• Low liquidity risk 0% - 100%• Medium liquidity risk 0% - 50%• High liquidity risk 0% - 30%																																																								
5.3	<p>Some limited risk - Up to 30% of all invested funds (Limited to two counterparties)</p> <ul style="list-style-type: none">• Low liquidity risk 0% - 100%• Medium liquidity risk 0% - 20%• High liquidity risk 0% - 10% <p>Authorised banks with an S&P rating equal or better than "A-2" short term or "BBB+" category long term or with an equivalent Moody's or Fitch Rating equivalents. These investments will be limited to two counterparties being the Bank of Queensland or Bendigo Adelaide Bank.</p>																																																								
5.4	<p>Investment Parameters</p> <p>The maximum holding in each rating category for Council's portfolio shall be:</p> <table><tr><th>S&P Long Term Category</th><th>S&P Short Term Category</th><th>Maximum %</th><th>Risk Rating</th></tr><tr><td>AAA (Government guaranteed deposits)</td><td>A-1+</td><td>100%</td><td>Remote Risk</td></tr><tr><td>AAA to AA</td><td>A-1+</td><td>100%</td><td>Near Risk Free</td></tr><tr><td>A</td><td>A-1 to A-2</td><td>40%</td><td>Near Risk Free</td></tr><tr><td>BBB+</td><td>A-2</td><td>30%</td><td>Some Limited Risk</td></tr><tr><td>BBB</td><td>A-2</td><td>Nil</td><td></td></tr><tr><td>ADI/Unrated</td><td></td><td>Nil</td><td></td></tr></table> <p>The percentage per institution will restrict amount invested in one Bank as shown below:</p> <table><tr><th>S&P Long Term Category</th><th>S&P Short Term Category</th><th>Maximum % per Institution</th><th>Risk Rating</th></tr><tr><td>AAA (Government guaranteed deposits)</td><td>A-1+</td><td>100%</td><td>Remote Risk</td></tr><tr><td>AAA to AA</td><td>A-1+</td><td>40%</td><td>Near Risk Free</td></tr><tr><td>A</td><td>A-1 to A-2</td><td>20%</td><td>Near Risk Free</td></tr><tr><td>BBB+</td><td>A-2</td><td>20%</td><td>Some Limited Risk</td></tr><tr><td>BBB</td><td>A-2</td><td>Nil</td><td></td></tr><tr><td>ADI/Unrated</td><td></td><td>Nil</td><td></td></tr></table>	S&P Long Term Category	S&P Short Term Category	Maximum %	Risk Rating	AAA (Government guaranteed deposits)	A-1+	100%	Remote Risk	AAA to AA	A-1+	100%	Near Risk Free	A	A-1 to A-2	40%	Near Risk Free	BBB+	A-2	30%	Some Limited Risk	BBB	A-2	Nil		ADI/Unrated		Nil		S&P Long Term Category	S&P Short Term Category	Maximum % per Institution	Risk Rating	AAA (Government guaranteed deposits)	A-1+	100%	Remote Risk	AAA to AA	A-1+	40%	Near Risk Free	A	A-1 to A-2	20%	Near Risk Free	BBB+	A-2	20%	Some Limited Risk	BBB	A-2	Nil		ADI/Unrated		Nil	
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ADI/Unrated		Nil																																																							



Policy

6	Unacceptable investments Any investment that falls outside the Minister's order or not included in this policy.
7	Safe custody arrangements It will not be acceptable for title to Council's investments to be held by other organisations unless the following criteria are met: <ul style="list-style-type: none"> There is adequate documentation confirming the existence of the investments The institution recording and holding the assets is "ASX Limited", or "ANZ Nominees", or has an S&P rating equal or better than "A-1+" short term and "A" long term ("strong") or with an equivalent Moody's rating of "P1" short term and "A2" long term or Fitch Rating equivalents. <i>(Where Council's assets are held in safe custody by an institution, Council may be exposed to the creditworthiness of that institution.)</i>
8	Other Forms of Investment Internal loans are acceptable subject to any legal requirements noting that Ministerial approval is, at the time of adopting this policy, required for internal investing/borrowing arrangements to or from externally restricted funds, however such arrangements must not compromise liquidity or compliance with industry standards for financial ratios. Interest-free loans to community organisations and the like are covered by separate Council policies.

Implementation

Requirements		Responsibility
1	Staff Under supervision of the Responsible Accounting Officer council staff will be responsible for ensuring that policies are implemented appropriately within their work area.	Divisional Manager Finance Asset Accountant Asset Officer
2	Complaints and requests Complaints and requests received regarding the Investment Policy or investments will be recorded on Council's Records Database and handled in accordance with the Customer Service or Complaints Policy.	Council officers Public Officer
3	Consultation At least every three years, arrange a full comprehensive review of Council's policy and investing activities by an appropriately qualified (e.g. ASIC) adviser with the costs to be met by interest earnings and seek appropriate advice on other occasions as required. The Audit, Risk and Improvement committee should meet quarterly to review the investing environment and strategy.	Director Corporate and Commercial Services Audit, Risk and Improvement Committee (ARIC)



Policy

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 change; or when technological advances or new systems change the way that Council manages investment.

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 2020.

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

Performance indicator	Data source(s)
Complaints	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit
Interest exceeds the Average Bank Bill Swap Rate by 25 Basis Points	Report

Governance

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

Related legislation and policies

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182
Trustee Amendment (Discretionary Investments) Act 1997	www.legislation.nsw.gov.au/sessionalview/sessional/act/1997-102.pdf
Ministerial Investment Order 12 January 2011 Appendix A	www.olg.nsw.gov.au/sites/default/files/OLG%20-%20Code%20Update%2025%20-%20Appendices.pdf
OLG Local Government Code of Accounting Practice and Financial Reporting 2009	www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/accounting-practice
OLG Investment Policy Guidelines	www.olg.nsw.gov.au/sites/default/files/Investment-Policy-Guidelines-May-2010.pdf

Related external references

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

Supporting documents

Name	Link
OLG Circular re: Revised Ministerial Order (17 Feb 2011)	www.olg.nsw.gov.au/sites/default/files/11-01_0.pdf



Policy

Definitions

Word/Term	Definition
Prudent Person	A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would.
Credit Risk	The risk of ultimately not being able to redeem the funds.
Investments	Money that is not, for the time being, required by the council for any other purpose

Change history

Version	Approval date	Approved by	Minute	File	Change
1	22 Sep 2011	Council		E05.9513 E06.0355	Policy commenced
2	10 Sep 2013	Council	13/272	E05.9513 E06.0355 E13.7095	Report O13/56 Updated formatting, review date, references and links
3	12 May 2015	Council	15/31	E05.9513 E06.0355	Report FBD 15/034 - updated to reflect changes in banking
4	13 Jun 2017	Council	17/181	E05.9513 E06.0355 E16.0297	Reviewed, minor formatting updates
5	12 Dec 2017	Council	17/393	E00.4623	Investment review
6	27 Mar 2018	Council	18/6	E00.4623	Report CCS18/012 – amended policy adopted

Internal use

Responsible officer	Director Commercial and Corporate Services			Approved by	Council
File no	E06.0355 E05.9513	Council report	CCS18/012	Approved date	27/03/18
Min no	18/66			Pages	8



Policy

APPENDIX 1 – Ministerial Investment Order 12 Jan 2011

Extracted on 25/03/13 from:

www.nsw.gov.au/sites/default/files/Government_Gazette_11_February_0.pdf

NEW SOUTH WALES GOVERNMENT GAZETTE No. 14 pp597-598

OFFICIAL NOTICES 11 February 2011

LOCAL GOVERNMENT ACT 1993

Investment Order

(Relating to Investments by Councils)

I, the Hon. BARBARA PERRY, M.P., Minister for Local Government, in pursuance of section 625 (2) of the Local Government Act 1993 and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- a) any public funds or securities issued by or guaranteed by the Commonwealth, any State of the Commonwealth or a Territory;
- b) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW));
- c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;
- d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- i. Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- ii. Paragraph (i) only applies to these investments made before the date of this Order and does not apply to any restructuring or switching of investments or any reinvestment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations



Policy

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons. When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011.
The Hon. BARBARA PERRY, M.P.,
Minister for Local Government

**CAR18/015 STATE LIBRARY PUBLIC INFRASTRUCTURE FUNDING FOR
BATEMANS BAY LIBRARY**

E99.3143

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services
Attachments: Nil
Outcome: Celebrated Creativity, Culture and Learning
Focus Area: 2.2 Improve local access to higher education and lifelong learning opportunities, facilities and services
Delivery Program Link: 2.2.2 Provide quality library services, programs and resources
Operational Plan Link: 2.2.2.3 Maintain and improve library buildings and collections

EXECUTIVE SUMMARY

Funding of \$66,000 has been offered to Council via the NSW State Library Public Infrastructure Funding program to support improved accessibility, a creative children's space and inclusive spaces for the community at Batemans Bay library. This report to Council will request the acceptance of funding.

RECOMMENDATION

THAT Council accept the NSW State Library Infrastructure grant of \$66,000 for the refurbishment of Batemans Bay Library.

BACKGROUND

The current Batemans Bay Library and Education Campus has been operating in the Hanging Rock site since 2000 and enjoys co-location with the University of Wollongong and NSW TAFE.

A grant application was submitted to the NSW government to seeking \$66,000 to revitalise facilities, fittings and furniture inside the library.

The project seeks to:

1. **Refurbish the Children's area** to benefit the children, parents and carers in providing an engaging and imaginative space for storytelling, reading, creative arts and performance.
2. **The shop front space at the entrance of the library** – will benefit the community in providing a welcoming and relaxed space where high interest books can be browsed. In consultation with local Aboriginal representatives, and working with the strategies of *Indigenous Spaces in Library Places (SLNSW 2017)* - the project will seek to give benefit to the local Aboriginal communities in delivering an area that is both welcoming and culturally appropriate.
3. **Activation of public reading areas with accessible furniture** - will benefit the elderly and people with a physical disability, providing furniture which is compatible with wheelchairs, mobility scooters and chairs suitable for elderly patrons resulting in a more inclusive library space.

**CAR18/015 STATE LIBRARY PUBLIC INFRASTRUCTURE FUNDING FOR
BATEMANS BAY LIBRARY**

E99.3143

CONSIDERATIONS

The project, in developing the children's area, will provide a dynamic, creative and welcoming place for junior readers, enabling easier access to resources. This will build and enhance established partnerships with local artists and story tellers already operating successfully in the library.

The project supports Council's Disability Inclusion Action Plan 2017-2021 to improve accessibility to Council facilities whilst supporting new resources and infrastructure to encourage access for all at the library.

Social Impact

Less mobile community members will be able to utilise more library facilities, with the inclusion of accessible furniture and more comfortable seating for reading and library events. The furniture responds to the needs of the local demographic and will be more welcoming and inclusive to people in the community with a disability, including those people using wheelchairs and motorised scooters.

The creative children's space will provide more inspiration and engagement of children in reading and facilitate creative early childhood literacy activities.

Opening up the front entrance area of the library will create a welcoming and positive engagement space with the inclusion of artworks, new resource displays and comfortable seating areas.

Community and Stakeholder Engagement

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

CONCLUSION

The project will create an overall look and feel for the library that will be welcoming and comfortable, refreshing the facility significantly. Accessible and comfortable furniture, coordination of style and creative spaces will allow easier use of, and access to, collections and services. The refurbishment will also specifically address the needs of children, seniors and people with disabilities.

DR18/002 2018 AUSTRALIAN COASTAL COUNCILS CONFERENCE

E91.3255

Responsible Officer: Councillors - James Thomson, Rob Pollock OAM, Jack Tait

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: 9.1.3 Advocate and collaborate to advance the region and address local issues

Operational Plan Link: 9.1.3.4 Advocate to streamline government processes

EXECUTIVE SUMMARY

Councillors James Thomson, Rob Pollock OAM and Jack Tait represented Eurobodalla Shire Council at the 2018 Australian Coastal Councils Conference which was held on the 21 to 23 March 2018 in Geelong and they present their delegate's report on the Conference.

RECOMMENDATION

THAT the Delegates Report from Councillors James Thomson, Rob Pollock OAM and Jack Tait on the 2018 Australian Coastal Councils Conference be received and noted.

BACKGROUND

The 2018 Australian Coastal Councils Conference was convened by the Australian Coastal Councils Association Inc. at the Geelong Library and Heritage Centre, from 21 to 23 March 2018. It was attended by representatives of coastal councils from all states, in addition to members of the coastal research community and representatives of relevant government agencies.

Highlights of the 2018 conference included the following:

- **The Great Ocean Road and its Landscapes** – The Victorian Minister for Planning, The Hon Richard Wynne MP, presented a keynote speech outlining the work to be undertaken by the Great Ocean Road Taskforce, which is aimed at enhancing the visitor experience of people who are attracted to the region. (See keynote speech, page 14 in this report)
- **Developing a Climate Adaptation Policy** – The Shadow Minister for Climate Change and Energy, The Hon Mark Butler MP, presented a keynote speech which included a commitment to work with the Australian Coastal Councils Association in developing a climate adaptation policy to take to the next Federal election. (See keynote speech, page 20 in this report)
- **Community Engagement to Advocate for Coastal Australia** – Rebekha Sharkie, MP, the Member for Mayo in South Australia, presented a keynote speech during which she urged local government representatives to engage and mobilise community groups and

DR18/002 2018 AUSTRALIAN COASTAL COUNCILS CONFERENCE

E91.3255

organisations and to call for action from Federal MPs to address coastal issues. (See keynote speech, page 25 in this report)

- **Identifying effective planning responses to the impact of growth in listings on short-term rental accommodation platforms in coastal areas.** Professor Nicole Gurran presented the interim findings of a research project into planning responses to the impact of short-term holiday rental accommodation platforms which has been commissioned by the Association. There was also a pre-conference forum on the topic, which was held on Tuesday, 20 March.
- **Seven sustainable pathways for our coastal cities and regions** – Professor Barbara Norman, Chair of Urban and Regional Planning and Director of Canberra Urban and Regional Futures, University of Canberra, provided an outline of how current planning approaches in coastal areas can be adapted in the context of a changing climate and an uncertain future.
- **Estimating temporary populations** – Andrew Howe and Tricia Chester, two senior demographers with the Australian Bureau of Statistics, presented an update on new methodologies which are providing improved ways of developing relevant data on temporary populations in coastal areas.
- **The importance of character and sense of place in coastal settlements** - Professor Ray Green of the Faculty of Architecture, University of Melbourne, presented the findings of a study to identify how coastal residents perceive character and place in their local community.
- **Extreme coastal erosion intensified by storm wave direction** – Dr Mitchell Harley, of the School of Civil and Environmental Engineering, University of NSW presented 3 the findings of a study of a major storm and its impact on the Australian coast. The study identified a climate change hazard not previously recognised - - as storm patterns change, coastal areas once thought to be safe from the impact of extreme wave action generated by a severe storm are likely to be significantly affected.
- **Melbourne metropolitan urban forest strategy** –Martin Hartigan, Urban Conservation Manager, the Nature Conservancy, provided an outline of how cities can be places for nature as well as the built environment – not just to benefit the native wildlife, but for the benefit of people.

A Welcome Reception for delegates was held on Wednesday 21 March at The Carousel, on Eastern Beach Rd., and the Conference Dinner was held on Thursday 22 March at The Cunningham Pier.

Representatives at the conference identified a critical need for additional support from the Australian government to strengthen the capacity of local government to respond effectively to increasing climate change risks. These risks include widespread coastal erosion, more severe extreme weather events, and rising sea levels. The delegates attending the conference resolved to issue the following communique concerning this matter.

DR18/002 2018 AUSTRALIAN COASTAL COUNCILS CONFERENCE

E91.3255

A further detailed report, including a communique can be found at

<https://coastalcouncilsconference.files.wordpress.com/2018/04/report-2018-australian-coastal-councils-conference-report-31-march.pdf>

Presentations from the conference can be found at

<https://coastalcouncilsconference.org.au/2018-australian-coastal-councils-conference-ppt-presentations/>

17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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