



AGENDA

Ordinary Meeting of Council

12 February 2019

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

ON TUESDAY 12 FEBRUARY 2019

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 25 December 2018
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**
MR19/001 Funding Announcement - \$30 Million Princes Highway South
Batemans Bay Link Road 3
- 7. NOTICES OF MOTION**
Nil
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**
QON19/001 Requirements for Food and Garden Organics Processing in
Eurobodalla 7
- 9. PETITIONS**
Nil

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DR CATHERINE DALE
GENERAL MANAGER

MR19/001 FUNDING ANNOUNCEMENT - \$30 MILLION PRINCES HIGHWAY SOUTH BATEMANS
BAY LINK ROAD

File Ref: E13.7125

Attachments: 1. Flyer - Princes Highway South Batemans Bay Link Road

EXECUTIVE SUMMARY

The NSW Premier Hon Gladys Berejiklian MP and Minister for Transport and Infrastructure Hon Andrew Constance MP announced \$30 million on 8 January 2019 for the upgrade of the Princes Highway and completion of the South Batemans Bay Link Road (Glenella Road) connection. These funds have now been allocated and are available for works to proceed with the NSW Roads and Maritime Services as the delivery agency.

The project will include:

- i) critical safety upgrade work on the Princes Highway to address the poor crash record on the highway south of Cranbrook Road
- ii) provision of the necessary intersection with the South Batemans Bay Link Road (Glenella Road)
- iii) completion of the road connection from the Princes Highway to the section of the by-pass already constructed by Council (using the previous \$10 million NSW Government funds).

This funding announcement is the culmination of extensive advocacy by Council working in partnership with the Member for Bega Hon Andrew Constance MP. This was also supported through our partnership with community, business, Fairfax Media and the South East Australian Transport Strategy Inc (SEATS).

This is a major investment and vote of confidence in our region and the Eurobodalla community by the NSW Government. This investment builds on other extensive investments in our region by the NSW Government such as:

- the new Batemans Bay bridge
- major investments in the Princes Highway (eg north of Nowra, Digmans Creek)
- the new Nelligen bridge
- the Batemans Bay Regional Aquatic, Arts and Leisure Precinct
- the proposed new regional hospital
- Rosedale, Guerilla Bay, Bodalla and Potato Point sewerage schemes.

This latest funding announcement further demonstrates the fantastic community outcomes that can be achieved through a strong partnering approach between the NSW Government and Council.

The attached flyer shows a sketch plan showing the location of the works and greater detail on the significant benefits this project will provide to our region.

**MR19/001 FUNDING ANNOUNCEMENT - \$30 MILLION PRINCES HIGHWAY
SOUTH BATEMANS BAY LINK ROAD**

E13.7125

RECOMMENDATION

THAT:

1. Council write to the NSW Premier Hon Gladys Berejiklian MP and Minister for Transport and Infrastructure Hon Andrew Constance MP thanking the NSW Government for the allocation of the \$30 million of funding for the upgrade of the Princes Highway and completion of the South Batemans Bay Link Road project, inclusive of the Princes Highway/South Batemans Bay Link Road (Glenella Road) intersection.
2. Council write to the NSW Roads and Maritime Services seeking advice on the proposed delivery timelines.

South Batemans Bay Link Road intersection with Princes Highway

The project

Detailed design and construction of the proposed upgrade of the Princes Highway and connecting intersection to the South Batemans Bay Link Road.

Eurobodalla Council will complete construction of the South Batemans Bay Link Road before the end of 2018 at a cost of approximately \$10 million (NSW government funding). The new bypass is yet to be connected to the Princes Highway, with a locked gate at the western end.

The bypass will not serve its intended purpose until the connection is made with the highway.

The RMS needs to construct the highway upgrade at south Batemans Bay and a new intersection with the South Batemans Bay Link Road. There is an urgent need to address the high crash history on the highway and complete the bypass connection to enable over \$800 million worth of proposed development.

The RMS has already undertaken all preliminary design work and chosen a preferred solution.

The bypass will provide an alternative route for traffic to bypass the Batemans Bay CBD and Beach Road and will deliver significant and much needed relief to congestion and amenity issues.

Batemans Bay NSW

Location



The vision

A safer and more efficient highway and regional transport bypass to support growth, economic activity and employment.

Alignment

This project aligns with the regional development priorities of broadening the region's economic base through provision of safe and enabling transport infrastructure. The project is listed within the Far South Coast Regional Economic Development Strategy as a key transport project for our region.





Benefits

- ✓ Upgrading of the Princes Highway to address the high crash rate and road trauma at South Batemans Bay
- ✓ Provision of regional transport access to enable over \$800m of new development
- ✓ Direct connection to zoned employment lands at Surf Beach
- ✓ Provision of a heavy vehicle bypass of the Batemans Bay CBD
- ✓ Direct access to the highway for NSW Ambulance from Surf Beach and other emergency services
- ✓ Improved access from Batemans Bay industrial area to supply the new housing areas
- ✓ Reduced traffic and congestion on Beach Road through residential and foreshore precincts
- ✓ Improved pedestrian safety on Beach Road
- ✓ Fire break between the Batemans Bay urban area and the state forests

Stimulus

The project will encourage economic development activity by opening links to employment lands at Batehaven, Sunshine Bay, Surf Beach, Malua Bay and Rosedale as well as servicing existing and proposed development lands. The project will provide additional direct employment during construction as well as enabling over \$800 million in economic development.

Eurobodalla Shire Council is seeking **\$30 million** government funding to enable the NSW Roads and Maritime Services to undertake the detailed design and construction of the upgrade to the Princes Highway and the connecting intersection and roadworks to realise the \$10 million investment in the South Batemans Bay Link Road.

Contact

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**QON19/001 REQUIREMENTS FOR FOOD AND GARDEN ORGANICS PROCESSING IN
EUROBODALLA**

E91.2036

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

Attachments: Nil

The following question on notice was received from Councillor Brown:

Question

A number of residents have asked me to investigate implementation of FOGO (Food and Garden Organics).

Eurobodalla Shire Council has had at various times considered a food waste collection. Current statistics indicate that 60% of waste to landfill is food scraps. Only sixty or so councils are engaged in collecting food scraps and some of those that do, utilise their green bin, thus reducing the need for a separate collection receptacle. Two of those councils are our neighbour councils who are FOGO supporters ie: Bega Valley and Shellharbour with Penrith City Council being a long term participant in the program. For some further information Craig Reucassel's ABCTV program "War on Waste".

Can staff advise what is required for ESC to commence such a program?

Response

Council has been investigating the possibility of processing Food and Garden Organics (FOGO) for a number of years now and presented its initial findings to the Audit, Risk and Improvement Committee in November 2017.

Since that time, Council has continued to assess FOGO and other similar processes, with input from the Environment Protection Authority (EPA), members of the Canberra Region Joint Organisation of Councils (CBJO, including Bega Valley Shire) and other independent or private organisations.

At this stage, moving to FOGO processing has not proven to be feasible as a result of various environmental, infrastructure, economic and social reasons.

Environmental:

Council currently holds Environment Protection Licences for the landfill sites at Surf Beach and Brou. At each site the licence allows for composting of garden waste. There is currently no approval for the composting of other organic materials such as food organics (FO).

Council has approached the EPA and investigated the licencing requirements of moving towards FOGO processing and the steps that would need to be enacted to allow Council to conduct such activities at either of the current landfill sites. It was found that Council would need to:

- receive planning consent and
- a variation of the current Environmental Protection Licence, with major consideration required of

QON19/001 REQUIREMENTS FOR FOOD AND GARDEN ORGANICS PROCESSING IN EUROBODALLA E91.2036

- stormwater and leachate management issues
- odour issues and
- prevention of contamination of incoming and outgoing products

In order to allow for a fully functional, safe and operational FOGO facility at the current Garden Organics site at Surfbeach, the facility would need to expand the footprint of what it currently occupies. There are restrictions on this expansion due to the fact that the site at Surfbeach is surrounded by land that is subject to 'high biodiversity constraints'. This is as per the independent findings noted in the Quadro Concept Design Report for Surfbeach.

With the current operational cell at Surfbeach reaching the end of its useful life, and an impending move into the newly constructed cell, there is limited scope for expansion to other areas covered by the existing Environmental Protection Licence.

Infrastructure:

Council does not currently have the location or infrastructure to allow for the acceptance and processing FOGO at the existing landfill sites.

Different options, including moving from the current pasteurized mulching process to a higher grade compost and then at a later stage to a fully functional FOGO facility, have been investigated.

A move towards an improved or commercial grade composting facility at the existing site is feasible on the current footprint, if relevant and suitable infrastructure is acquired. Cost estimates for the additional infrastructure, site works and operational requirements are in the range of \$2 million to \$2.5 million for installation, implementation and commencement of activities in the initial stages of migrating to this type of commercial grade composting. There would also be an ongoing increase in resourcing needs.

Should the location impediments be alleviated through the purchase of additional suitable land (cost dependent upon location) or a change in the level of biodiversity constraints, a move to FOGO could be considered. In this case, there would be additional infrastructure and resourcing requirements in excess of the aforementioned option. This would vary according to the systems installed but would be significant.

A key issue identified with regards to moving to a large scale operation, is the need for a continuous and regular supply of feedstock to the facility to meet operational and quality requirements. Current indications show that the monthly supply of this source material can vary by as much as 81% in quantity depending on weather and other factors. Whilst Food Organics represent 38% of Eurobodalla's red lid bin contents and approximately 14% of overall domestic bin contents, any move to separate this resource would be susceptible to the contamination issues being experienced by those councils currently doing FOGO processing, resulting in additional decontamination work being required to avoid further operational and functionality issues.

QON19/001 REQUIREMENTS FOR FOOD AND GARDEN ORGANICS PROCESSING IN EUROBODALLA E91.2036

Economic:

Council has a current domestic collections contract that runs for close to four more years. This contract does not include a separate collection for Food Organics. Should this be required, any change in processes within this four year timeframe, would need to be consider potential variations to the contract and the financial implications thereof.

Substantial investment in infrastructure and resourcing would be required to move from the current pasteurized mulching process to an advanced composting process. Indicative figures are in the region of \$2 million to \$2.5 million for initial startup costs, with further increases in ongoing operational and resourcing costs once the infrastructure has been established. With the existing environmental and location constraints, it may not currently be feasible to move to a FOGO processing system, but if it was, then there would be significant additional financial and resourcing implications.

Council would need to recover these increased costs, with options of doing so ranging from increases in waste services rates, amended gate fees and/or the sale of the resultant compost. With 38% of Eurobodalla's rate base being non-resident ratepayers, it creates equity issues when considering how the cost of the resource is to be recovered and how the benefits can be shared equally.

Social:

Council currently does not charge an exit fee for the mulch that it creates and returns to the community. Whenever a batch of mulch has been fully cultivated and is ready for distribution, a steady stream of local residents take up the offer of 'free mulch' for use in their gardens and other direct water saving initiatives. Council is able to remove all mulched Garden Organics in this manner and thereby ensures that this does not enter landfill or contribute to an increase in onsite landfill emissions.

From a socioeconomic perspective, in Eurobodalla, more than 26% of residents are aged 65 or over and 42% of households earn less than \$600 per week. This is a major consideration to be factored into any potential pricing adjustments that could be imposed for cost recovery of any additional processes. For comparative purposes, Eurobodalla returns mulch to the community at no additional cost to the recipient whilst a neighbouring council engaged in FOGO processing, is charging customers \$31 per metre of compost and \$18 per metre of mulch.

Further to the impact on residents, from a commercial perspective, the sale of any higher grade compost would be in direct competition to local suppliers of this or similar resources.

What is Council doing in this space

In the absence of a FOGO processing service, Council is currently engaged in and utilises various other methods and initiatives to reduce the amount of organic produce entering landfill.

**QON19/001 REQUIREMENTS FOR FOOD AND GARDEN ORGANICS PROCESSING E91.2036
IN EUROBODALLA**

Council currently provides a fortnightly collection of Garden Organics (green lid bin) which is mostly turned into mulch and offered back to the community at no additional charge once sufficient quantities are available. Thus none of it remains in landfill, as residents are able to receive this resource of quality mulch for their own sustainable garden, landscaping and water saving needs.

In addition to this, Council hosts various practical and hands on workshops teaching people the benefits of composting and/or worm farming, which break down the food waste we generate at home. Attendees of these workshops are offered free compost bins and/or worm farm kits and periodic follow up support to ensure their efforts are most effective. These workshops are very well attended, with the end result being the community taking ownership of their own food waste, whilst at the same time turning it into a valuable and useful resource. This is potentially more directly beneficial to the local community than FOGO. To date (and including the currently scheduled workshops), these have been attended by approximately 1700 local residents representing 11% of our Shire's resident households. There are plans to increase the number of compost workshops to meet the large demand.

FOGO requires a concerted and committed buy-in from the community and importantly, the ongoing educational support and availability of sufficient operational space and infrastructure to implement.

The workshops partially eliminate the need for large-scale commercial FOGO processing and empower local residents with the necessary skills and knowledge to enable them to reap the direct benefits of home composting and worm farming methods.
Council will be hosting the next round of worm farming and composting workshops in March.

Conclusion

Council is still investigating its options with regard to the implementation of FOGO and the accompanying infrastructure that would be required to operate such a facility. As our Shire has two landfills, initial investigations are centered on the largest catchment area of feedstock for a FOGO plant with that being the Surfbeach Waste Management Facility. The Eurobodalla Waste Strategy is currently being reviewed and will include further investigation into FOGO options.

At this stage, moving from a system of mulching Garden Organics to full scale FOGO processing has not proven to be feasible as a result of various environmental, infrastructure, economic and social reasons. Investigations into Council's options in this regard are ongoing with a distinct focus on minimising waste to landfill whilst meeting compliance requirements and the needs and expectations of the community.

RECOMMENDATION

THAT the response to the question regarding Food and Garden Organic's (FOGO) processing raised by Councillor Brown be received and noted.

GMR19/001 2019 CONFERENCES

E91.3255

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.4 Provide professional development opportunities for Councillors

EXECUTIVE SUMMARY

Council has a commitment to continuing professional development for Councillors. Attendance at sector conferences provides the individual Councillor with new skills and knowledge on particular issues to ensure that they can perform their duties and represent residents to the best of their ability. It also provides Councillors with the opportunity to network and advocate with councillors from other local government areas.

To ensure each Councillor is given the opportunity to participate in the conferences that are of interest to them, this report has been prepared outlining a number of conferences known to be available to Councillors during 2019. The conferences included are:

1. LGNSW Tourism Conference on 17-19 March 2019.
2. Australia Local Government Women's Association NSW Conference on 4-6 April 2019.
3. Floodplain Management Australia National Conference on 14 May – 17 May 2019.
4. NSW Local Roads Congress on 3 June 2019.
5. National General Assembly (NGA) on 16-19 June 2019.
6. Australian Regional Development Conference will be held in 16-17 September 2019.
7. Local Government NSW Annual Conference on 14-16 October 2019.
8. National Local Roads and Transport Congress to be held in November 2019.
9. NSW Coastal Conference to be held in November 2019.

GMR19/001 2019 CONFERENCES

E91.3255

RECOMMENDATION

THAT:

1. Council determine which Councillors will attend each of the following Conferences being held in 2019:
 - a. LGNSW Tourism Conference on 17-19 March 2019.
 - b. Australia Local Government Women's Association NSW Conference on 4-6 April 2019.
 - c. Floodplain Management Australia National Conference on 14-17 May 2019.
 - d. NSW Local Roads Congress on 3 June 2019.
 - e. National General Assembly (NGA) on 16-19 June 2019.
 - f. Australian Regional Development Conference in 16-17 September 2019.
 - g. Local Government NSW Annual Conference on 14-16 October 2019
 - h. National Local Roads and Transport Congress in November 2019.
 - i. NSW Coastal Conference will be held in November 2019.
2. Council representatives be reimbursed out of pocket expenses in accordance with the Councillors' Expenses and Facilities Policy.

BACKGROUND

This schedule of conferences provides the opportunity for Councillors to plan their professional development and keep within the allocated budget.

Below is the detailed information of conferences available for Councillors to attend in 2019 in order of when they occur throughout the year.

The **LGNSW Tourism Conference** is being held on 17-19 March 2019 in Terrigal, NSW. The conference gives Councillors and Council staff the opportunity to meet, listen to experts and peers, and find out how other councils are engaging and managing their tourism industry. The registration cost is \$1540 or \$4400 for a group of three or more delegates. More information and a copy of the Conference program is available at: <https://www.lgnsw.org.au/events-training/lgnsw-tourism-conference>

The **Australian Local Government Women's Association (ALGWA) NSW Conference** is being held on 4-6 April 2019 in Liverpool, NSW. The conference theme is 'Make your mark'. The conference is an opportunity to come together and engage in learning and networking that will assist in personal and professional development. The registration cost for the Conference is \$1190. More information and a copy of the Conference program is available at: <http://www.algwa.org.au/manager/resources/Conferences/algwa-2019-program-and-registration-form.pdf>

GMR19/001 2019 CONFERENCES

E91.3255

The **Floodplain Management Australia National Conference** is being held on 14 – 17 May 2019 at Hotel Realm in Canberra, ACT. The theme of the conference is “A National Call to Action: Making Australia Flood Safe”, which will focus on bringing together various partners and sharing of great research and ideas to set a clear and compelling vision, mission and priorities for the flood community of Australia.

The registration cost is \$1050 if paid by 22 March 2019. More information can be found on the conference website: <https://floodplainconference.com/>

The **NSW Local Roads Congress** is being held on 3 June 2019 at NSW Parliament House in Sydney. The NSW Local Roads Congress provides an annual forum for local community representatives managing our road and freight networks to discuss better outcomes for the safe and efficient movement of passengers and freight across the extensive network of local and regional roads in NSW. Registration for Councillors attending this conference is free with a paying delegate. The Director Infrastructure Services will be attending the Congress as the paying delegate. The conference and registration brochures will be available closer to the date.

The **National General Assembly (NGA)** is being held on 16-19 June 2019 at the National Convention Centre in Canberra. This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of our councils and our communities. The registration cost is \$969 if paid by 11 May 2019. Council is a non-voting delegate of LGNSW. More information and a copy of the Conference program is available at: <https://www.nga19.com.au/>

The **Australia Regional Development Conference** is being held on 16-17 September 2019 at Novotel Twin Waters Resort, Sunshine Coast, QLD. The conference topics will include trends, funding and policy, attracting business, regional livability, regional disruption and community. The registration cost is \$945. More information and a copy of the Conference program is available at: <https://regionaldevelopment.org.au/conference-information/>

The **Local Government NSW Annual Conference** is being held on 14-16 October 2018 at the William Inglis Hotel, Warwick Farm, NSW. Council is a non-voting delegate of LGNSW. The conference and registration brochures will be available closer to the date.

The **National Local Roads and Transport Congress** will be held in November. The conference and registration brochures will be available closer to the date.

The **NSW Coastal Conference** will be held in November 2019. The conference and registration brochures will be available closer to the date.

CONSIDERATIONS

Policy

Council’s Councillor’s Expenses and Facilities Policy provides that attendance of Councillors at each conference will normally be limited to two. The principle of having one councillor attend will be considered as ‘best practice’ for attending seminars and conferences. This may be varied from time to time by resolution of Council.

GMR19/001 2019 CONFERENCES

E91.3255

Councillors attending training, seminars and conferences are to provide a report to Council on the outcome and issues. Councillors must provide a written delegate's report to Council following each conference attended, to be eligible to attend any further conference.

Section 232 (1) (g) of the Local Government Act 1993, states '*to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor*'.

Financial

Councillors are allocated the annual sum of \$3,665 to specifically provide for their professional development. This is allocated for each financial year.

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

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

CONCLUSION

It is considered appropriate that Councillors attend conferences throughout the year to enable them to be both knowledgeable and up-to-date on particular issues to ensure that they can perform the duties and represent the residents to the best of their ability.

GMR19/002 DROUGHT RELIEF COMMUNITY STEERING COMMITTEE

E18.1662

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Terms of Reference - Drought Relief Community Steering Committee

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.2 Facilitate community grants and donations

EXECUTIVE SUMMARY

In August 2018, 99.9% of New South Wales was declared drought affected, drought or intense drought. At its meeting on 14 August 2018, the Council endorsed a friendship agreement with Cobar Shire Council along with a community drought relief working group. This working group developed the community initiative '*Eurobodalla Raindance*'. This event was a huge success with an incredible amount of money raised for Eurobodalla and Cobar farmers.

At its meeting on 11 December 2018 the Council endorsed *75% of the funds raised to be transferred to Cobar Shire Council for distribution through its determined governance process and a further report detailing the governance process for the distribution of funds to Eurobodalla farmers*'.

With 2.8% of Eurobodalla residents employed by the agricultural industry it is recommended that Council develop a Steering Committee to determine the most effective governance process for the distribution of the remaining funds to Eurobodalla farmers affected by the drought.

The draft Terms of Reference are presented for the consideration of Council. Should the Terms of Reference be adopted, it is proposed that an Expression of Interest process commence to establish the Eurobodalla Drought Relief Community Steering Committee.

RECOMMENDATION

THAT Council:

1. Endorse the Terms of Reference for the Eurobodalla Drought Relief Community Steering Committee.
2. Commence an Expressions of Interest process to establish the Eurobodalla Drought Relief Community Steering Committee.

BACKGROUND

At its meeting on 14 August 2018, the Council endorsed a friendship agreement with Cobar Shire Council along with a community drought relief working group. This working group developed the community initiative '*Eurobodalla Raindance*'. This event was a huge success with an incredible amount of money raised for Eurobodalla and Cobar farmers. At its meeting on 11 December 2018 the Council endorsed *75% of the funds raised to be transferred to Cobar*

GMR19/002 DROUGHT RELIEF COMMUNITY STEERING COMMITTEE

E18.1662

Shire Council for distribution through its determined governance process and a further report detailing the governance process for the distribution of funds to Eurobodalla farmers’.

CONSIDERATIONS

The Terms of Reference for the Eurobodalla Drought Relief Community Steering Committee has been drafted and are presented for the consideration of Council. The proposed role, membership, tenure and responsibilities of the steering committee are discussed in detail below.

Role of the Drought Relief Community Steering Committee

To assist Eurobodalla Shire Council with establishing a governance process for the distribution of funds to Eurobodalla farmers from the Eurobodalla Raindance event by:

- Providing advice to Council on the most effective governance processes
- Assist in the selection of funding recipients for Council endorsement.

Membership of the Committee

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

1. The Independent Audit, Risk and Improvement Committee Chair;
2. Three (3) community members from the agricultural sector via EOI;
3. One (1) community member representatives (from community working group);
4. One (1) representatives of Council, being the Mayor (or her nominees).

To fulfil the criteria for selection of community members from the agricultural sector, the nominees must show their involvement in primary production that is commercially viable.

Council will endeavour to select community representatives from across the Shire.

Tenure of the Committee

The tenure of the Steering Committee will coincide with the distribution of the funds in the first instance. It is noted that the committee could be extended should the drought continue during 2019.

Responsibilities of Committee Members

- Provide advice to the best of their knowledge and ability that will help achieve the objectives of the Committee in accordance with their role.
- Complete in a timely way, any tasks referred to the Committee by the Council.
- Behave in a manner that respects the interests and viewpoints of other members, community, Councillors and Council officers.
- Declare any potential or actual conflicts of interests on matters that are brought before the Steering Committee.

GMR19/002 DROUGHT RELIEF COMMUNITY STEERING COMMITTEE

E18.1662

Community and Stakeholder Engagement

If the Terms of Reference are endorsed, we will advertise the expressions of interest to the community through providing information on Council's website; advertising on Council's noticeboard page in two local newspapers and distributing a media release.

CONCLUSION

The draft Terms of Reference for the Eurobodalla Drought Relief Community Steering Committee is presented for Council consideration. Should the Terms of Reference be adopted, it is proposed that an expression of interest process commence to establish the Eurobodalla Drought Relief Community Steering Committee.

Eurobodalla Drought Relief Community Steering Committee

Terms of Reference

February 2019

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Introduction and Background

In August 2018, 99.9% of New South Wales was declared drought affected, drought or intense drought. At its meeting on 14 August 2018, the Council endorsed a friendship agreement with Cobar Shire Council along with a community drought relief working group. This working group developed the community initiative '*Eurobodalla Raindance*'. This event was a huge success with an incredible amount of money raised for Eurobodalla and Cobar farmers.

At its meeting on 11 December 2018 the Council endorsed *75% of the funds raised to be transferred to Cobar Shire Council for distribution through its determined governance process and a further report detailing the governance process for the distribution of funds to Eurobodalla farmers*'.

Council has formed a Steering Committee to determine the most effective governance process for the distribution of the remaining funds to Eurobodalla farmers affected by the drought.

TERMS OF REFERENCE

Role of the Drought Relief Community Steering Committee

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Tenure of the Committee

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Responsibilities of Committee Members

- Provide advice to the best of their knowledge and ability that will help achieve the objectives of the Committee in accordance with their role.
- Complete in a timely way, any tasks referred to the Committee by the Council.
- Behave in a manner that respects the interests and viewpoints of other members, community, Councillors and Council officers.
- Declare any potential or actual conflicts of interests on matters that are brought before the Steering Committee.

All members will abide by [Council's Code of Conduct](#) and [Council's Code of Conduct - Conduct Committee Guidelines](#) and [Council's Code of Meeting Practice](#).

Responsibilities of Council

- Council will provide administrative support, including minute taking, distribution of related correspondence and professional officer support.
- Council will be responsible for providing suitable venues and related support to Committee members including refreshments.
- Matters will be referred to the Committee for its consideration and information will be provided on actions arising from adopted Committee recommendations.
- Council has the discretion to review the role, re-organise or disband the Committee.
- Council will facilitate liaison with Councillors, relevant staff and Government.
- Only with Mayor or General Manager can speak on behalf of the committee with the media.

Voting Rights and Rules

Voting members of the Committee will include:

1. The Independent Chair;
2. The Community representatives; and
3. The Mayor (or nominee).

Council and Agency staff are non-voting Committee members.

The Committee will operate by consensus as much as is possible. In the event that consensus cannot be reached, the advice back to Council will include the majority view along with any alternative view expressed. Where a vote is required, it will be undertaken in accordance with [Council's Code of Meeting Practice Policy](#), as follows:

- (i) Each Voting Committee Member has one vote on each matter being dealt with at a meeting, unless excluded.
- (ii) The Chairperson of the meeting has a second vote, or casting vote on any matter being dealt with, only if the vote is tied.
- (iii) If the Chairperson elects not to use the casting vote in the case of a tied vote, the motion is deemed as being lost.
- (iv) Voting Committee Members must be in the meeting room to vote. Voting Committee Members who have left the meeting room prior to the vote and are absent during the vote are not counted as voting. There are no proxy votes.
- (v) A Voting Committee Member who does not vote, or abstains from the vote, is considered to have voted against the motion.
- (vi) Committee minutes will not record those voting against any matter, unless the Committee Member(s) request so at the time of the declaration of the motion.

Chairperson

Council's Independent Audit, Risk and Improvement Committee Chairperson will be appointed Chair of this committee. In the absence of the chair the Mayor (or her nominee) will chair the meeting.

Meetings

It is anticipated that Committee meetings will be held monthly.

Frequency of meetings may change throughout the life of the project depending on needs and priorities.

Meetings will ordinarily take place in Moruya; however alternate venues will be arranged by consensus of group members.

The duration of meetings will be sufficient to allow full and fruitful discussion by the members of the Committee, as determined by the Chairperson.

APPENDIX 1 - WEBSITES

Eurobodalla Shire Council

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

Eurobodalla Shire Council's Code of Meeting Practice

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

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

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

Strategies

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

PSR19/001 POWER PURCHASE AGREEMENT FOR ELECTRICITY PROCUREMENT

E07.1077

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

Attachments: 1. Confidential - Power Purchase Agreement Indicative Business Case

Outcome: Sustainable Living

Focus Area: 4.4 Work together to reduce our environmental footprint and develop a clean energy future

Delivery Program Link: 4.4.2 Work in partnership to explore clean energy opportunities

Operational Plan Link: 4.4.2.1 Explore clean energy options

EXECUTIVE SUMMARY

The purpose of this report is seek Council's endorsement to commit to the Power Purchase Agreement process with Procurement Australia.

Council adopted the 2017-2021 Emissions Reduction Plan in 2017 and committed to source 100% renewable energy for Council facilities by 2030. In 2018, an independent study into renewable energy options for Council was conducted. It was resolved to further investigate a renewable energy Power Purchase Agreement (PPA) and opportunities to partner with other councils in this process.

A PPA is an alternative way to procure electricity that involves a long-term agreement with a large-scale renewable energy generator such as a wind or solar farm. It has the potential to considerably reduce long-term investment risk, improve cost outcomes and also deliver against Council's renewable energy targets.

Procurement Australia (PA) have started to ascertain the level of interest amongst their members in a renewable energy PPA, with the intention of securing such, starting in July 2020. Procurement Australia and their energy advisors have specialist experience in running PPAs and have received suitable interest from members in NSW to run a competitive tender. They have prepared an Indicative Business Case which identifies the potential for significant financial savings for members and recommends to proceed with the PPA.

RECOMMENDATION

THAT Council commits to the Power Purchase Agreement process with Procurement Australia.

BACKGROUND

Council adopted the 2017-2021 Emissions Reduction Plan on 13 June 2017 (Minute 17/175). This plans sets out Council's strategy to minimise the greenhouse gas emissions from Council operations. Progress to date in reducing greenhouse gas emissions has resulted in substantial savings in energy costs. The plan included a commitment by Council to source 100% renewable energy for Council facilities by 2030. The Plan included the following action:

17. *Investigate the costs and benefits of working towards a corporate target of 100% renewable energy by 2030.*

PSR19/001 POWER PURCHASE AGREEMENT FOR ELECTRICITY PROCUREMENT E07.1077

Investigations into achieving this action were conducted in 2018, with independent consultants engaged to provide expert advice on renewable energy options for Council. Their findings and report were presented to Council on 28 August 2018 (PSR18/071) where the following Motion was moved (Minute 18/217):

1. *Investigate a renewable energy Power Purchase Agreement and opportunities to partner with other councils to increase the size of the electricity load to be contracted.*
2. *Continue to monitor and review developments and opportunities in the renewable energy sector.*

A PPA has the potential to considerably reduce long-term investment risk, improve cost outcomes and also deliver against Council's renewable energy targets. Historically, Council has procured electricity by participating in a tender administered by Local Government Procurement. This process involves aggregating Council's energy load with other NSW councils to increase the size and buying power of the group. This has resulted in relatively competitive electricity prices, typically sourced from a major energy retailer and repeated every two to three years.

The electricity contracts for Council's 'Large sites' and 'Street lighting' expired on 31 December 2018 and were renewed for an additional 12 months. The renewed contract is expected to cost an extra \$450,000 per year, due to increases in the price of wholesale electricity since the implementation of the previous contract. This illustrates the volatility of the electricity market, and the risk and exposure experienced by tendering on a regular two to three year cycle.

CONSIDERATIONS

A PPA is an alternative way to procure electricity that involves a long-term agreement with a large-scale renewable energy generator such as a wind or solar farm. It will typically involve an energy retailer as well who provide regular billing services and 'load balancing' services. Tendering for a PPA is a complex exercise that requires independent expertise. Although there are multiple corporate PPAs in Australia (see Figure 1) there are no simple tendering and contract documents available to councils at this stage. It is a complex process that requires substantial time and expertise to execute

PSR19/001 POWER PURCHASE AGREEMENT FOR ELECTRICITY PROCUREMENT

E07.1077

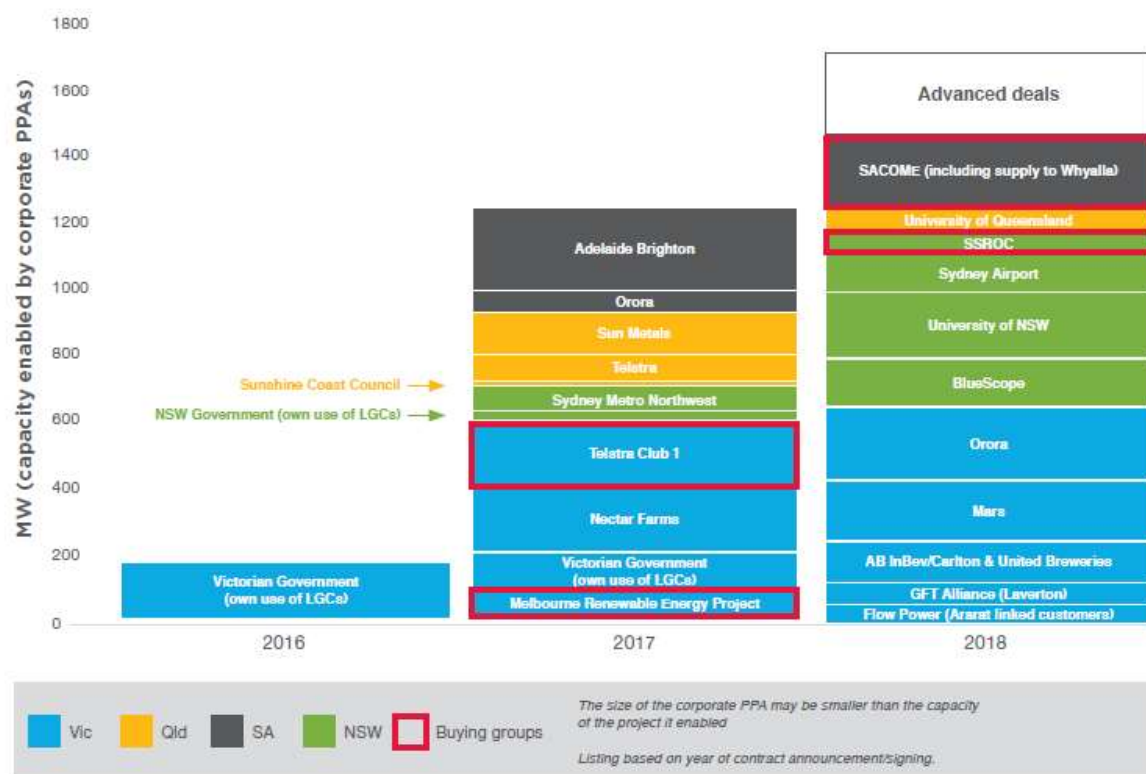


Figure 1. List of >10MW Corporate Entities Participating in PPAs

In the current market, there are many renewable energy projects trying to achieve connection, financial close and generation commissioning dates that occur before 2020 (see Figure 2) so that they can take advantage of renewable energy certificate income available. Many projects have motivated vendors looking for long-term customers (through Power Purchase Agreements) with good credit ratings (such as councils) that will satisfy their financier's requirements in achieving a rapid financial close and reliable financial return. Competition for customers has been a strong factor in the recent decline in PPA pricing in the market, along with continuing low-interest rates and declining technology costs.

PSR19/001 POWER PURCHASE AGREEMENT FOR ELECTRICITY PROCUREMENT

E07.1077

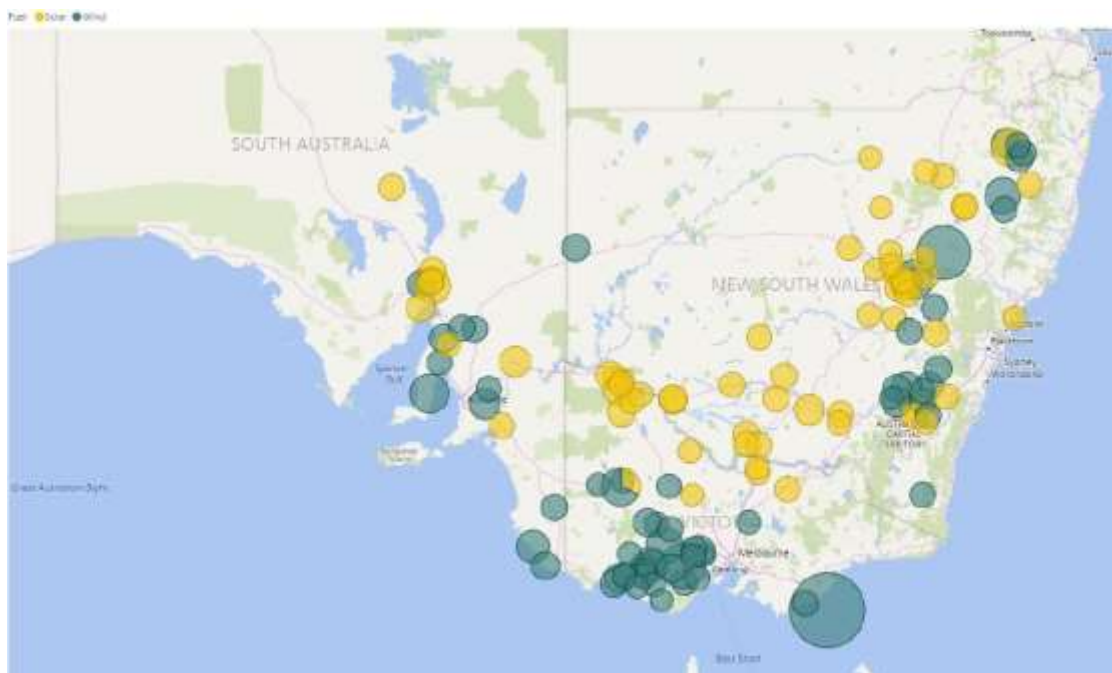


Figure 2. Map of Committed and Probable renewable energy projects registered with the Australian Energy Market Operator (AEMO)

PPA Options

The independent report on renewable energy options, recommended an investigation into a Power Purchase Agreement and to incorporate other partners. Although Council has an energy load of ~10GWh per year this is relatively small and would be unlikely to attract significant interest or competitive pricing if Council tendered for a PPA on its own.

There are a few options for aggregating Council's energy load with others. It could be managed by the Canberra Region Joint Organisation (JO) of Councils and possibly include other JOs as well. Local Government Procurement have indicated they may consider running a tender for a PPA in the future. The most advanced proponent at this stage is Procurement Australia who have already started the process of investigating a PPA with interested members.

Given the fact that Council's current electricity contracts expires at the end of 2019 and that the PPA market is considered very competitive at the moment, the Procurement Australia PPA is an attractive option for Council to consider at this time.

Procurement Australia's PPA

Procurement Australia (PA) has experience in leading long-term PPA arrangements. PA were heavily involved with the successful Melbourne Renewable Energy Project (which included a number of council participants). This project resulted in a wind generation PPA for the participating entities, spanning a number of sectors.

Their specialist energy advisor also has experience with PPAs as is evidenced by their advisor role to Commonwealth Bank of Australia, who recently announced their own PPA. They have started to investigate the level of interest amongst their members in a renewable energy PPA with the intention of securing such starting on July 2020. Though it would be a single tender for a ten year period, they would seek to secure separate bids for each participating state.

PSR19/001 POWER PURCHASE AGREEMENT FOR ELECTRICITY PROCUREMENT

E07.1077

In November 2018, Eurobodalla Shire Council signed a non-binding Expression of Interest commitment for the Procurement Australia's PPA. An Indicative Business Case has recently been completed by PA's energy advisors (confidential Attachment 1). It shows that there is adequate interest from members in NSW to run a PPA and that it is considered financially viable and attractive for members to proceed. Procurement Australia and their energy advisors made the following recommendation:

In our view, based on the current market information, market intelligence and first-hand experience, the PPA project is considered financially viable for PA members and therefore PA recommends proceeding.

There remains a level of uncertainty regarding the future electricity market due to the absence of a national electricity policy, the retirement of coal generators and the transition to renewable energy. Market uncertainty has tended to result in higher electricity pricing which would favour a more positive outcome from a PPA, compared to standard electricity procurement.

Despite the uncertainty in the electricity market, market prices may fall below the agreed PPA price over the life of a ten year contract. Thus, there is no guarantee that the PPA will deliver cost savings over its full life. On the other hand, an energy buyer that does not lock in a long-term price for any part of their electricity needs, is acting on the assumption that electricity prices will average below the available PPA prices from 2020 to 2030 – right through a period of unprecedented grid transformation. Instead, a large energy buyer like Council, could participate in a competitive PPA tender to secure the lowest possible prices.

A customised financial assessment will be prepared prior to the tender by Procurement Australia's energy advisors.

Legal

Eurobodalla Shire Council is a member of Procurement Australia. Under the Local Government Act, PA is recognised as an agency that can tender on behalf of councils.

Policy

This report supports the actions in the 2017-2021 Emissions Reduction Plan which Council adopted on 13 June 2017 (Minute 17/175).

Environmental

Council's goal of sourcing 100% renewable energy can make a significant impact on reducing greenhouse gas emissions. A renewable energy PPA would enable Council to achieve this goal well ahead of the 2030 target.

However, simply buying renewable energy does not mean the energy is 'carbon neutral'. For each MWh of electricity generated as part of the Renewable Energy Target, one Large Scale Generation Certificate (LGC) is created. Only if LGCs are retiring, can the energy associated with that LGC be claimed as 'carbon neutral.' By not retiring LGCs, Council can still make qualified claims that it is sourcing renewable energy and supporting the renewables industry, but cannot make claims about carbon neutrality. Other councils have achieved carbon neutral status by purchasing carbon offsets which can be significantly cheaper than retiring LGCs.

PSR19/001 POWER PURCHASE AGREEMENT FOR ELECTRICITY PROCUREMENT

E07.1077

Financial

A PPA can help to achieve budget certainty, more effectively manage market risk and deliver financial savings. Council's historical approach of renewing electricity contracts every two to three years has exposed Council to volatile price changes over the years, which can have significant impacts on budgeting. A long-term contract would mitigate the risks of being exposed to future energy pricing volatility and make energy budgeting more predictable.

Procurement Australia requires members to make a binding commitment to the process by 15 March 2019, prior to the tender. \$15,000 is required as payment at this stage to enable PA and their energy advisors to undertake the tender process and to complete an individual financial assessment for each participant.

The PA Indicative Business Case focussed on measuring the energy cost savings by comparing a Business-As-Usual (BAU) cost outlook versus the expected cost under a PPA. The expected cost price path was developed by their energy advisors using their probabilistic forecasting model which has been used extensively by a range of organisations. Given the inherent volatile nature of power and Large scale Generation Certificate (LGC) prices, circumstances can change rapidly and with little notice; therefore, to accommodate unforeseen price changes a Low, Medium and High Case was developed.

Scenario	Average savings over PPA contract	Estimated savings to ESC over PPA contract	Estimated savings in first three years
Low	5%	\$300,000	\$126,598
Medium	20%	\$1,550,000	\$506,397
High	32%	\$2,750,000	\$969,496

Table 1. Estimated savings for Eurobodalla based on the Indicative Business Case

The modelling shows that in all Low, Medium and High cases in NSW, a consistent benefit is delivered by the PPA for the 10 year term. The expected savings over the life of the PPA results in substantial financial savings to Eurobodalla Shire Council.

Market pricing is better understood for the first three years of the PPA as 'futures' electricity contracts are already being traded. Looking just at this time period, provides a more accurate estimate of the likely impacts of the PPA and shows a favourable outcome to Eurobodalla's electricity budget.

CONCLUSION

The Procurement Australia PPA delivers a favourable financial and environmental result for Council. It will help Council meet its commitment to sourcing 100% renewable energy.

The PPA process is complex but can be managed by partnering with Procurement Australia with their specialist expertise in this area. The ability to leverage a greater economy of scale by Procurement Australia has the potential to reduce the cost of electricity to Council as well as manage some of the risks associated with procuring and budgeting for electricity.

IR19/001 LOCAL TRAFFIC COMMITTEE NO 6 FOR 2018-19

E16.0002

Responsible Officer: Brett Corven - Acting 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 Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting held 6 December 2018 were as follows:

- Signage and Line marking – No Parking and Accessible Parking around Woolworths , Moruya
- Line marking – Accessible Parking at Malua Bay Surf Club Carpark
- Line marking – Beach Road, Orient Street and Vesper Street, Batemans Bay
- Special Event Application – Tilba Easter Festival.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 6 for 2018-19 be received and noted.
2. Council Plan No. 5156 Set BP Sheet 03 detailing the signage and line marking associated with Accessible Parking and 'No Parking' around Woolworths, Moruya be approved.
3. Council Plan No. 5156 Set BP Sheet 04 detailing the line marking associated with an accessible parking space within the Malua Bay Surf Club Carpark be approved.
4. Council Plan No. 5178 Set A Sheet 22 detailing the modified line marking associated with upgrade of Beach Road from Orient Street to Mackay Park, Batemans Bay be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 6 for 2018-19 was held on 6 December 2018. The meeting was attended by Councillor Anthony Mayne (Chair), Jesse Fogg (Roads and Maritime Services), Danielle Brice (representative for the Hon Andrew Constance

IR19/001 LOCAL TRAFFIC COMMITTEE NO 6 FOR 2018-19

E16.0002

MP), Senior Constable Scott Britt (NSW Police Force), Dave Hunter (Traffic Officer), Kate McDougall (Road Safety Officer) and Matt Cormick (minute taker).

APOLOGIES

Nil

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 5 for 2018-19 held on 1 November 2018 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

There were no outstanding items to discuss.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2019.RT.012 Signage and Line marking – No Parking and Accessible Parking around Woolworths , Moruya

A person with a disability who requires a wheelchair has requested additional parking within the public carpark adjoining Woolworths supermarket in Moruya.

At the moment there are three accessible parking spaces adjoining the main entry into the supermarket. These parking spaces are known to be fully occupied at busy times.

Provision of two additional parking spaces near the main entry will assist people with disabilities to access the shop in busy periods.

Additionally a request has been made by Council's community bus operators to modify regulatory signage so that patrons can be dropped off and picked up close to the supermarket.

Currently the bus stops near the ramp on Queen Street, however Council Rangers have advised the driver he is contravening regulations as this is within a 'No Stopping' zone. Other arrangements have since been in place, however this requires patrons to often walk longer distances.

It is proposed to designate a section of the existing 'No Stopping' zone as a 'No Parking' zone so that drop off and pick up can occur.

The location is along the edge of the building within the service lane that is used by delivery vehicles. There is adequate width for two large vehicles to pass along this section of the laneway.

Plan No. 5156 Set BP Sheet 03 detailing the signage and line marking associated with Accessible Parking and 'No Parking' around Woolworths, Moruya, was reviewed by the Committee.

Recommendation:

That Council Plan No. 5156 Set BP Sheet 03 detailing the signage and line marking associated with Accessible Parking and 'No Parking' around Woolworths, Moruya be approved.

2019.RT.013 Line marking – Accessible Parking at Malua Bay Surf Club Carpark

The Malua Bay Surf Club volunteer organisation has requested an accessible parking space within the public carpark that adjoins the clubhouse.

IR19/001 LOCAL TRAFFIC COMMITTEE NO 6 FOR 2018-19

E16.0002

Council has recently installed kerb and gutter around the carpark and the volunteers have installed an accessible path from the carpark to the building. Provision of an accessible parking space will assist people with disabilities to access the clubhouse as well as the southern section of the beach.

Plan No. 5156 Set BP Sheets 04 detailing the line marking associated with an accessible parking space within the Malua Bay Surf Club Carpark was reviewed by the Committee.

Recommendation:

That Council Plan No. 5156 Set BP Sheet 04 detailing the line marking associated with an accessible parking space within the Malua Bay Surf Club Carpark be approved.

2019.RT.014 Line marking – Beach Road, Orient Street and Vesper Street, Batemans Bay

Council received \$3.0 million of Australian Government funding to install additional lanes on Beach Road between Orient Street and the Princes Highway at Batemans Bay. The project also includes relocation of the traffic signals on Vesper Street (Princes Highway).

The upgrade will improve traffic flow and provide an essential building block to meet future development and economic growth in Batemans Bay.

Construction has commenced and most of the work on Beach Road has been completed on the Vesper Street to Perry Street section.

The other works (to complete the whole project) through to Orient Street are expected to be undertaken by the end of 2019.

Regulatory signage will remain along the kerb lines, only adjusted slightly on the new southern kerb line between Vesper Street and Perry Street.

Associated with this major project, the carpark that services the Visitor Information Centre adjoining Beach Road has been adjusted. Existing 1 hour and ¼ hour timed sections have been reconfigured, however the Committee has already adopted these changes at the 1 November 2018 meeting.

The approval of the traffic light layout has already been provided by the RMS.

Plan No. 5178 Set A Sheet 22 detailing the line marking associated with the upgrade of Beach Road, Batemans Bay was reviewed by the Committee.

Recommendation:

That Council Plan No. 5178 Set A Sheet 22 detailing the modified line marking associated with upgrade of Beach Road from Orient Street to Mackay Park, Batemans Bay be approved.

INFORMAL ITEMS FOR DISCUSSION

2019.SE.008 Special Event Application - Tilba Easter Festival

A special event application has been received for the 2019 Tilba Easter Festival to be conducted in Central Tilba on Saturday 26 March 2018.

IR19/001 LOCAL TRAFFIC COMMITTEE NO 6 FOR 2018-19

E16.0002

This is a Class 2 event that is conducted by the Tilba Festival Committee (sub-committee of Tilba Chamber of Commerce) and consists of stalls and activities set up using the length of Bate Street in Central Tilba.

The Traffic Management and Control Plans are based upon measures put in place during previous years that were conducted successfully. The length of Bate Street through Central Tilba will be closed to traffic during the event. A length of Corkhill Drive between the villages of Central Tilba and Tilba Tilba will become one-way southbound. A shuttle bus will be provided to transport people between parking areas and the event area.

The Committee reviewed The Traffic Management Plan and associated Traffic Control Plan No 5156 Set M Sheets 1 and 2.

Recommendation:

That the 2019 Tilba Easter Festival event to be held in Central Tilba on Saturday 20 April be approved, based upon the submitted Traffic Management Plan and associated Traffic Control Plan No 5156 Set M Sheets 1 and 2.

GENERAL BUSINESS

- The Chair enquired on behalf of a resident on the recent speed counts taken by Council on River Road, Mossy Point. The Traffic Officer will review the readings and present the information to the Chair to determine a course of action.
- The Chair enquired on behalf of a resident with concerns about on-street parking in Heath Street, Broulee adjoining a retirement village. It was ascertained that the road width is 9 metres and this does not allow for parallel parking on both sides of the road without vehicles parking partially on the nature strip. The Traffic Officer will investigate.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 31 January 2019 in Council's Committee Room.

**CCS19/001 NEW MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW
AND PROCEDURES**

E13.7162

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

Attachments: 1. Under Separate Cover - Model Code of Conduct for Local Councils in NSW 2018
2. Under Separate Cover - Procedures for the administration of the Model Code of Conduct for Local Councils in NSW 2018

Outcome: Collaborative and Engaged Community

Focus Area: 8.3 Work together to enhance trust, participation and community pride

Delivery Program Link: 8.3.2 Provide advice and public relations management in response to issues

Operational Plan Link: 8.3.2.1 Manage media issues to mitigate risk

EXECUTIVE SUMMARY

The new 2018 *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) and *Procedures for the Model Code of Conduct for Local Councils in NSW* (Procedures) were prescribed under the *Local Government (General) Regulation 2005* on 14 December 2018.

Councils have six months from the date of prescription (14 December 2018 to 14 June 2019), to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures.

RECOMMENDATION

THAT

1. Council endorses the 2018 *Model Code of Conduct for Local Councils in NSW* and *Procedures for the Model Code of Conduct for Local Councils in NSW* for public exhibition for a period of 28 days.
2. Following the expiration of this period, the 2018 *Model Code of Conduct for Local Councils in NSW* and *Procedures for the Model Code of Conduct for Local Councils in NSW* and any public submissions be presented back to Council for consideration.

BACKGROUND

The Model Code of Conduct is prescribed under section 440 of the *Local Government Act 1993* (LGA) and the *Local Government (General) Regulation 2005* (the Regulations).

Under section 440 of the LGA, each council is required to adopt a code of conduct based on the Model Code of Conduct prescribed under the Regulation. The Model Code of Conduct prescribes the minimum ethical and behavioural standards all council officials in NSW are required to comply with. In doing so it seeks to:

- provide clear guidance to council officials on the minimum ethical and behavioural standards expected of them as council officials

**CCS19/001 NEW MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW
AND PROCEDURES**

E13.7162

- provide clear guidance to local communities on the minimum ethical and behavioural standards they can expect of council officials who serve them
- promote transparency and accountability
- promote community confidence in the integrity of the decisions councils make and the functions they exercise on behalf of their local communities, and
- promote community confidence in the institution of local government.

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

CONSIDERATIONS

There are a number of changes made in the 2018 Model Code of Conduct and Procedures. The most obvious change is that the pecuniary interest provisions previously contained in the LGA and Regulations have now been included in the Model Code of Conduct.

Other key changes to the Model Code of Conduct include:

- new standards relating to discrimination and harassment, bullying, work health and safety, behavior at meetings, access to information and maintenance of council reports
- new rules governing the acceptance of gifts including mandatory reporting
- a new ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them
- councillors will be required to disclosure in their returns of interests whether they are a property developer or a close associate of a property developer.

Changes have been made to the Procedures to address the following issues:

- the role of the general manager in the receipt and initial management of a code of conduct complaint about councillors
- the ability of complainants, who are unhappy with decisions of the council, to misuse councils' codes of conduct by repackaging routine complaints as "code of conduct complaints"
- the lack of recourse against members of the public who inappropriately disclose information about complaints they have made under a council's code of conduct.

**CCS19/001 NEW MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW
AND PROCEDURES**

E13.7162

Legal

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

Policy

Council has a Code of Conduct policy that is an overarching document that allows the Code of Conduct to be applied not only to Councillors and Council staff but Council advisory committees, reserve trusts, contractors and volunteers.

Community and Stakeholder Engagement

It is recommended that Council place the *Model Code of Conduct for Local Councils in NSW* and *Procedures for the Model Code of Conduct for Local Councils in NSW* on public exhibition for a period of not less than 28 days commencing on 20 February 2019 until 19 March 2019. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma Libraries and Moruya Customer Service Centre.

CONCLUSION

Under section 440 of the LGA, each council is required to adopt a code of conduct based on the Model Code of Conduct prescribed under the Regulation. The 2018 *Model Code of Conduct for Local Councils in NSW* and *Procedures for the Model Code of Conduct for Local Councils in NSW* should be publicly exhibited for 28 days. At the end of the public exhibition period the 2018 *Model Code of Conduct for Local Councils in NSW* and *Procedures for the Model Code of Conduct for Local Councils in NSW* and any public submissions be presented back to Council for consideration.

CCS19/002 INVESTMENTS MADE AS AT 30 NOVEMBER 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 30 November 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.

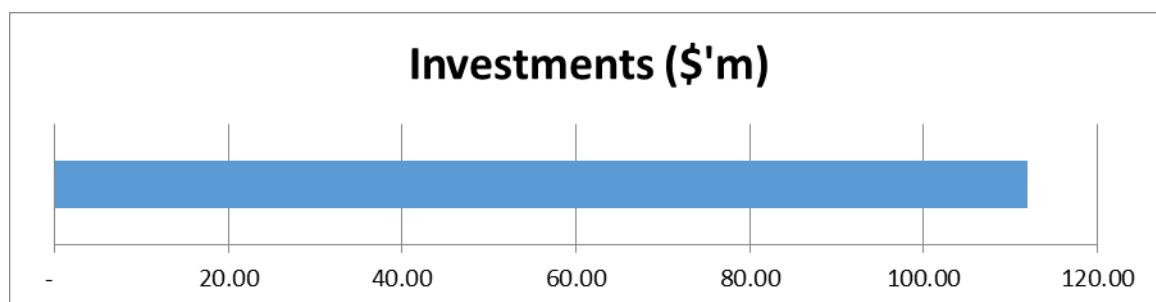
CONSIDERATIONS

Policy

The portfolio is compliant with Council's amended Investment Policy that was adopted by Council on 31 July 2018 (Minute 18/182).

Financial

Council investing overall



CCS19/002 INVESTMENTS MADE AS AT 30 NOVEMBER 2018

E99.3517

Council has 100% (\$111.99m) 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 \$30.5m invested in banks rated below A, and in the 'some limited risk' category of the policy.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 27.23% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.75m and represents 1.56% of the portfolio.

There are \$52m (46.43%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 2.69%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.19%).

Collateralised Debt Obligation (CDO)

Funded legal action against one agency is continuing.

Summary investment information

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

CATEGORY	(\$)
At Call Deposit	2,999,625
Term Deposits	107,250,000
Term Deposits Government Guaranteed	1,750,000
	111,999,625
<i>Weighted average interest %:</i>	2.69%
<i>Average 90 day BBSW + 0.25%</i>	2.19%

Policy and liquidity risk

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

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.56	1.56	100.00
Near risk free	71.21	71.21	100.00
Some limited risk (BBB+)	27.23	27.23	30.00
Grand total	100.00	100.00	

CCS19/002 INVESTMENTS MADE AS AT 30 NOVEMBER 2018

E99.3517

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 2018 is 2.51:1. Council therefore has approximately \$2.51 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.

CCS19/003 INVESTMENTS MADE AS AT 31 DECEMBER 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 December 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.

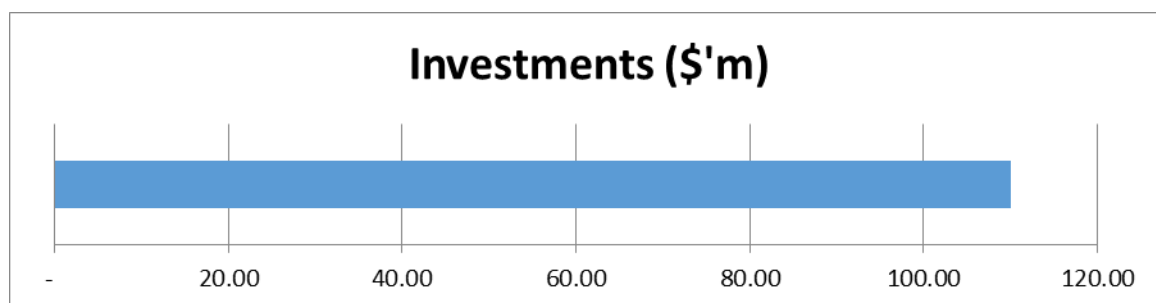
CONSIDERATIONS

Policy

The portfolio is compliant with Council's amended Investment Policy that was adopted by Council on 31 July 2018 (Minute 18/182).

Financial

Council investing overall



CCS19/003 INVESTMENTS MADE AS AT 31 DECEMBER 2018

E99.3517

Council has 100% (\$110.00m) 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 \$30.5m invested in banks rated below A, and in the 'some limited risk' category of the policy.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 27.23% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.75m and represents 1.59% of the portfolio.

There are \$52m (47.27%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 2.69%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.27%).

Collateralised Debt Obligation (CDO)

Funded legal action against one agency is continuing.

Summary investment information

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

CATEGORY	(\$)
At Call Deposit	3,001,153
Term Deposits	105,250,000
Term Deposits Government Guaranteed	1,750,000
	110,001,153
<i>Weighted average interest %:</i>	2.69%
<i>Average 90 day BBSW + 0.25%</i>	2.27%

Policy and liquidity risk

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

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.59	1.59	100.00
Near risk free	70.68	70.68	100.00
Some limited risk (BBB+)	27.73	27.73	30.00
Grand total	100.00	100.00	

CCS19/003 INVESTMENTS MADE AS AT 31 DECEMBER 2018

E99.3517

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 2018 is 2.51:1. Council therefore has approximately \$2.51 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.

**CCS19/004 PRESENTATION OF ANNUAL FINANCIAL STATEMENTS FOR YEAR
ENDED 30 JUNE 2018**

E17.1016

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: 1. Under Separate Cover - Annual Financial statements YE 30 June 2018
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 purpose of this report is to present the Annual Financial Statements for the year ended 30 June 2018, including the Independent Auditor's Reports, as required by the *Local Government Act 1993*.

RECOMMENDATION

THAT in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, Council adopt the Annual Financial Statements for year ended 30 June 2018, including the Independent Auditor's Reports.

BACKGROUND

Section 428 of the *Local Government Act 1993* requires Council to prepare an Annual Report within five months from the end of the financial year, including the audited annual financial statements.

On 24 October 2018 the Office of Local Government authorised an extension to 31 December 2018 for Council to complete the 2017-18 Annual Financial Statements in accordance with section 416 (5) of the *Local Government Act 1993*.

Council endorsed the 2017-2018 Annual Report, with exception of the audited financial statements, at the meeting of 27 November 2018. The draft Annual Financial Statements were referred to audit at the same meeting. The endorsed Annual Report was lodged with the Office of Local Government and placed on Council's website.

The 2017-18 Annual Financial Statements, including the Independent Auditor's Reports were submitted to the Office of Local Government on 24 December 2018.

CONSIDERATIONS

The Council must give seven days public notice of the date of the meeting at which the Annual Financial Statements and Auditor's Reports will be presented to Council. Section 420 of the *Local Government Act 1993* provides that any person may make submissions to Council with respect to the Financial Statements and/or the Auditors Reports and those submissions must

**CCS19/004 PRESENTATION OF ANNUAL FINANCIAL STATEMENTS FOR YEAR
ENDED 30 JUNE 2018**

E17.1016

be made in writing and lodged with the Council within seven days of the public meeting. Any submissions received are to be provided to Councillors and the Auditor for consideration.

Public Notice of the 2017-18 Financial Statements and Auditor's Reports was made on 30 January 2019 with copies of the documents available on Council's website, the Administration Office and at the Moruya, Batemans Bay and Narooma libraries.

Legal

Seven days public notice of the 'presentation' of the audited financial statements is required.

Policy

The principal accounting policies used in the preparation of these consolidated financial statements are disclosed in Note 1 of the statements. These policies have been consistently applied to all the years presented, unless otherwise stated.

Financial

The 2017-18 Annual Financial Statements are required to be prepared in accordance with the *Local Government Act 1993*, the Local Government Code of Accounting Practice and Financial Reporting and the Australian Accounting Standards. Council has professionally qualified staff to ensure compliance with the reporting requirements.

The draft Financial Statements were distributed to the Audit, Risk and Improvement Committee and Council on 27 November 2018.

Community and Stakeholder Engagement

The audited Financial Statements were made available to the public on 30 January 2019 on Council's website, at Council's three libraries and at the main administration centre in Moruya. Submissions may be made to Council for a minimum of seven days after the Financial Statements are presented to the public as per the *Local Government Act 1993*, s418 (2). Submissions will close 19 February 2019. The external auditor will present the Audited Financial Statements to Council.

CONCLUSION

The Annual Financial Statements including the Independent Auditor's Reports for 2017-18, have been submitted to the Office of Local Government and are presented to Council for consideration.

CAR19/001 PUBLIC ART ADVISORY COMMITTEE REPORT

E06.0162

Responsible Officer: Kim Bush - Acting Director Community, Arts and Recreation Services

Attachments: 1. Public Art Advisory Committee site map
2. Public Art Advisory Committee specifications
3. Information about the site at Spinnaker Reach

Outcome: Celebrated Creativity, Culture and Learning

Focus Area: 2.1 Support and encourage the expression of our vibrant creative arts sector

Delivery Program Link: 2.1.1 Develop and promote creative arts activities and industries

Operational Plan Link: 2.1.1.3 Coordinate the Public Art Advisory Committee and associated projects

EXECUTIVE SUMMARY

This report outlines recommendations from Council's Public Art Advisory Committee (PAAC) meeting in December 2018, regarding site options for the sculpture acquisition for the Batemans Bay Business and Tourism Chamber (Chamber) Sculpture on Clyde event 2019.

The Sculpture on Clyde (SoC) event has been held in August annually since 2017. Each year Council has received an application from the Chamber for the winning sculpture to be installed on public land. While this has been a great opportunity for the development of our community, there have been issues regarding the best location and the technical requirements for installation on each occasion.

This report aims to refine the process, further, again providing clear requirements for the Chamber with the aim of enabling appropriate siting and artwork information prior to the 2019 event. This will include the site where the work will be placed and site specific information that may assist the artistic process.

To this end, the PAAC recommend supporting the Chamber with an appropriate site option well in advance of the sculpture event. While the PAAC recommend a specific site, the Chamber will still be required to submit a Public Art application to the PAAC regarding the specific winning piece once the event is over. The PAAC will assess the application and a Council report will be prepared seeking Council approval prior to acceptance and installation, in line with previous years.

The PAAC also recommends artists supply the Chamber with engineering specifications and information on the artwork entered to ensure the Chamber, PAAC, and Council's Infrastructure staff, can assess the winning entry and be in a position to know that it is fit for environmental and safety conditions and is relevant to the location in which it will be installed.

The PAAC recommendations are provided to Council to consider for the purposes of supplying the Chamber with support information for their sculptural acquisition.

CAR19/001 PUBLIC ART ADVISORY COMMITTEE REPORT

E06.0162

RECOMMENDATION

THAT Council

1. allocate site nine at 'Spinnaker's Reach' as the site for the winning acquired work from Sculpture on Clyde 2019 (as per attached map), pending the subsequent PAAC public art application process;
2. support the requirement for the Chamber to provide the required technical information for the 2019 winning sculpture with their Public Art application prior to installation approval; and
3. support the request that a member of the PAAC be part of the Sculpture on Clyde judging panel or provide a consultative role at the time of judging to support the site and installation requirements.

BACKGROUND

The 2018 Sculpture on Clyde event culminated in a submission to Council, via the PAAC, to install three sculptures instead of the expected single acquisition. A report was put to Council to consider the ensuing PAAC recommendations.

At the Council meeting on 13 November 2018 Council resolved via motion 18/335

THAT Council

1. *Endorse the Public Art Advisory Committee (PAAC) recommendation to accept the sculpture Dance to be installed at the recommended site B on the attached map (Attachment 2) and to mount the work on a plinth;*
2. *Endorse the PAAC recommendation to accept the sculpture Portal, including the preferred orientation and site, as indicated at site A on the attached map (Attachment 2);*
3. *Endorse the PAAC recommendation to decline acceptance of the sculpture Pelican;*
4. *Allocate up to \$20,000 toward installation and lighting of the sculptures Dance, Portal and Buoyansea.*

The Chamber is supportive of the resolutions and is currently working with Council to install the approved sculptures and lighting. As a result of the location and placement of the two additional sculptures in the vicinity of the previous year's sculpture 'Buoyansea', a 'sculpture walk' is now evolving on the Beach Road foreshore.

Council would also encourage the Chamber to collaborate with Council in developing an overall plan for the event, setting out a vision and direction that all parties can work towards achieving.

CONSIDERATIONS

At its December 2018 meeting the PAAC were asked to consider and recommend preferred site options for the forthcoming SoC event to provide the Chamber with certainty and to assist them with artist briefing in a timely manner. The PAAC considered the developing sculpture walk in the current foreshore location, previously requested and proposed sculpture sites,

CAR19/001 PUBLIC ART ADVISORY COMMITTEE REPORT

E06.0162

future infrastructure works in the CDB, technical requirements and other issues around installation and process in relation to recommending preferred site/s for the 2019 event.

Recommended site

In considering a site for the 2019 Sculpture on Clyde winning work, the PAAC agreed that the best curatorial choice for the next installation should be the site at Spinnaker's Reach (identified previously as site nine).

Site nine is a prominent and accessible site that has an excellent visual and artistic relationship with the artworks already in situ and had previously been requested by the Chamber as a site option in 2018.

Spinnaker's Reach was the original site of Perry's Mill and as such played an important role in the development of the Batemans Bay township. The PAAC recommends that the heritage of this site be considered to support and provide information for context for artists and offer exciting creative possibilities for a site-specific work. An attachment is supplied to provide information on the site. This will be sent to the Chamber as an example of site considerations, as it may assist with their curatorial role.

The PAAC agreed that providing artists with clarity and a context for their creative work is of high importance. Site nine will achieve this as well as ensure longevity of placement as it is well away from any potential works within the CBD. It also has the potential to communicate a unique 'story' about Batemans Bay's heritage.

The PAAC also recommends that the Chamber encourage artists to evidence that they have taken the site into consideration in the creation of their artwork, as it will be considered for placement in the public domain.

The PAAC believes that nominating one clear, strong site that all artists work to is the way to achieve the best results for an artwork of excellence on the Batemans Bay foreshore. This will then improve timeframes for installation as sites are not being negotiated after the event.

Engineering

The PAAC recommends that Council require the Chamber to obtain the following technical information from the artists as part of the SoC entry process, and submit such information with their subsequent Public Art application once the winning entry is awarded.

The aim is to make the judging and installation process as smooth as possible, to reduce time lags in trying to access appropriate information at the installation stage and ensure safety, quality and sustainability in the public domain.

The information required includes:

- Design plans and/or drawings that include dimensions and weight
- Proposed materials

CAR19/001 PUBLIC ART ADVISORY COMMITTEE REPORT

E06.0162

- Installation plan
- Maintenance plan
- Expected lifespan of the final work.

If the artists supply the required information (which is a routine requirement for sculptural competitions elsewhere) then the Chamber can evidence that the engineering requirements are to requirement when submitting the Public Art application for assessment by the PAAC.

Judging

The PAAC advises Council, sharing expertise in relation to public art. The PAAC is also offering support to the Chamber's Sculpture on Clyde committee.

The PAAC recommend that a member of the PAAC committee should be part of the judging panel for Sculpture on Clyde 2019 in order to support the best outcomes for public art in Eurobodalla. Given the high degree of ownership of the event the Chamber has, the PAAC also offer to support in a consultative role to assist with meeting the requirements of the Council's Public Art Policy.

Policy

Council has a Public Art Policy and these recommendations support the aims and is guided by the processes outlined in the accompanying Code of Practice. The Policy can be viewed at: <http://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Public-Art-policy.pdf>

Economic Development Employment Potential

The Chamber's Sculpture on Clyde event has been instrumental instigating a sculpture walk in Batemans Bay for all to enjoy and visit. The sculptures installed to-date provide this shire with valuable assets, enhancing local landscapes and engaging our community and visitors in the arts.

Financial

Council has approved \$20,000 this financial year to assist with installation and additional lighting to support the installation of *Portal* and *Dance*. This is currently underway.

Community and Stakeholder Engagement

Council's PAAC, on behalf of the community, has provided recommendations for Council's consideration.

We have consulted with the residents who reside next to the installations.
Council will continue to liaise regularly with the Chamber in relation to the sculptures.

CONCLUSION

The PAAC has carefully considered site options and information that is required to support the Chamber with their sculpture acquisitions and provide recommendations to Council to consider in relation to the installation of sculptures on public land.





Public Art Advisory Committee

Engineering specifications for public artworks

Artists whose work is to be considered for placement in the public domain must evidence that they have considered the following in the design and fabrication of their work:

Longevity and Materials

- Construction, materials and finishes must be of a high quality and standard suitable for a coastal location, durable for exposure to salty air and water, strong winds and ultraviolet rays.
- They should be made to last a minimum of ten years and should provide for a practical maintenance schedule.
- Artists need to supply a structural certification by a qualified engineering company or business. Points to observe but are not limited to:
 - tensile integrity of the materials;
 - artwork to withstand winds up to 70km p/h;
 - no use of toxic substances that are potentially harmful to people and environment;
 - all mild steel has been hot dip galvanised after any welding has taken place;
 - dissimilar metals are not in contact with one another. For instance, stainless steel requires stainless steel bolts and screws;
 - no flammable materials used;
 - colour treatments selected, whether painted or printed, are UV stable (Darker colours, reds and oranges are more susceptible to UV and fading);
 - reflective surfaces are recommended because they will maintain colour better over time.

Safety considerations

- The prevention of serious injury is an important consideration in the construction and location of artworks. It is recommended that safety considerations need to be balanced with awareness that children will, inevitably, play in public spaces. Artworks should consider the need for play, learning and fun. Kid safe NSW provides some guidelines that will be useful in creating engaging and safe artworks.
<https://www.kidsafensw.org/playground-safety/playground-hazards/>
- Compliance with the following Australian Standard requirements for Playgrounds:
 - A maximum free height of fall of 1.5m for supervised early childhood settings.
 - Fall zone beneath and around playground equipment where the free height of fall is more than 0.5m that is loose-fill - at least 300mm of suitable sand or mulch.
 - No gaps in which a child could become trapped, especially by the head, neck or chest. Gaps that can trap limbs, fingers, hair and clothing should be avoided.
 - No sharp corners or edges to the artwork, including the potential for timber to splinter or metal to cut.
- Applicants must provide a project plan/documentation that includes:
 - Design plans and/or drawings of the proposal dimensions
 - Proposed materials
 - Installation plan
 - Maintenance plan
 - Expected lifespan of the final work.
 - Crane lift points on items over 50kg
 - Resistant to graffiti

Spinnaker Reach Information

Some information about the history of the site over the last 150 years has been included below.

The Batemans Bay foreshore and surrounds has a long and rich cultural history prior to this time and we acknowledge the traditional custodians of this land.

Those wishing to explore the Aboriginal history of the site should respect local customs and traditional knowledge and are advised to seek the relevant permissions from the Batemans

Walbanga Custodian Elders via email: wcesec@outlook.com

or

Batemans Bay Local Aboriginal Land Council
3/34D Orient Street, Batemans Bay, 2536
PO Box 542 Batemans Bay NSW 2536
Ph: 02 4472 7390

Information can also be found at:

<http://www.esc.nsw.gov.au/living-in/about/culture-and-heritage/culture-and-heritage-studies/aboriginal-heritage-study/>

<http://www.esc.nsw.gov.au/living-in/about/culture-and-heritage/culture-and-heritage-studies/>



The following information about the site at Spinnaker Reach and the Perry Turnery and Spoke Factory has been sourced through the Batemans Bay Historical Society.

For further information and inspiration regarding this site, a visit to the Old Courthouse Museum in Batemans Bay is highly recommended.

www.oldcourthousemuseum.com

The Perry Turnery and Spoke Factory was built on the site of Guy's Old Sawmill, an earlier milling enterprise that had been established by Francis Guy, operating since the 1860s.



The early mill can be seen here at the outcrop of land on the foreshore.

Perry's factory was opened with great fanfare in 1902 and was then hailed as the largest spoke factory in the Southern Hemisphere, at that time turning out roughly 500 spokes per week. This number grew to over 1400 per week in the 1940's.

View of Spinnaker Reach and the factory in the 1950's



The factory ran continuously until 1974, converting from a basic sawmill in the late part of the 19th century to a spoke and handle factory. The mill supplied many of the wheel spokes used by Cobb and Co, as well as field artillery parts to the Australian Army during World War I.



With the arrival of mass produced motor cars, the spoke business went into decline. The mill switched to the manufacture of spindles until the forerunner of Telstra began laying underground cables. After this time the mill turned almost exclusively to the manufacture of tool handles.



The factory in its heyday was the largest employer in the district and an incredibly important component of the local economy. It employed skilled artisans, labourers, as well as bushmen and carters. The building, constructed of wood and iron was a prominent part of the Clyde River foreshore for over 100 years, despite having been burned to the ground twice. It was finally dismantled in 1985 to make way for the residential units that occupy the site at the present time.

A visitor from the Braidwood Dispatch and Mining Journal described the internal workings of the factory in April 1941, where spotted gum and ironbark was turned and processed.

“Drawn in from the bush by lorries and tractors and sometimes down the river in a crazy looking old paddle-punt, the huge logs (often 50 feet long, by any girth up to 11 feet) are finally broken down by powerful and vicious looking circular saws.”

“Hundreds of belts and swiftly revolving shafts and pulleys are working everywhere and the air seems filled with sawdust and steam.”

In the 1950’s a columnist from the Illawarra Daily Mercury recalls the outside of the building;

“We were attracted to it, as we passed, by what appeared to me to be finely gathered hanging hessian, but on close observation proved to be thousands of lengths of dowelling, standing from roof to floor, drying out.”



The factory whistle salvaged from a wrecked boat at Long Beach.



The factory employee time stamper

View of Spinnaker Reach and Perry's Mill in 1982 shortly before demolition



The Perry Turnery and Spoke Factory was eventually demolished and the land sold for residential development in 1985, but not before scavengers had carried off most items of value that were still at the site.



Spinnaker Reach today.



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.