



# **AGENDA**

**Ordinary Meeting of Council**

**27 October 2020**



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

**ON TUESDAY 27 OCTOBER 2020**

**COMMENCING AT 11.00AM**

**AGENDA**

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

- |  |                 |
|--|-----------------|
| <b>1. WELCOME</b>  |                 |
| <b>2. ACKNOWLEDGEMENT OF COUNTRY</b>                             |                 |
| <b>3. APOLOGIES</b>  |                 |
| Nil  |                 |
| <b>2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>            |                 |
| 2.1 Ordinary Meeting held on 22 September 2020                   |                 |
| <b>3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA</b>      |                 |
| (Declarations also to be made prior to discussions on each item) |                 |
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**DR CATHERINE DALE  
GENERAL MANAGER**

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MR20/008 RAINDANCE MONEY

File Ref: S012-T00023

Attachments: Nil

### **EXECUTIVE SUMMARY**

At its meeting on 14 August 2018, Council endorsed my initiative to engage in a friendship arrangement with Cobar Shire and facilitate a drought relief working group with a number of community leaders. This was in response to the crippling drought that affected Western NSW at the time.

Through this, an exciting community initiative, Raindance Eurobodalla, was held. More than 450 people went along to the event and \$44,065.05 was raised from ticket sales, raffle and charity auctions for drought relief. It was an incredible night of community spirit.

75% of money raised was donated to Cobar Shire Council to support their drought affected community. The remaining amount of \$11,205, was set aside to support Eurobodalla's drought affected farmers.

At its meeting on 12 February 2019, Council endorsed the Terms of Reference for the Eurobodalla Drought Relief Community Steering Committee and then commenced an Expressions of Interest process to establish the committee. Unfortunately, there was little interest from community members to be representatives on the committee, therefore it was never formed. Due to this, the remaining money has not been distributed.

I propose that the remaining Raindance money of \$11,205, be distributed to local farmers through Eurobodalla's Disaster Relief Committee.

All farmers in Eurobodalla have been affected by the drought over the past two years, therefore any resident who can demonstrate they undertake farming activities will be eligible to apply. Payments will be up to the value of \$400 and will be distributed on a first-in, best-dressed basis. Farmers will be required to provide a short explanation of what they will use the money for or provide receipts of items purchased in the past two years due to the drought.

The Eurobodalla Disaster Relief Committee will facilitate this process for applications and the assess the applications. Any remaining funds that are not allocated during this process will be donated to the general Eurobodalla Disaster Relief Fund.

### **RECOMMENDATION**

THAT:

1. Council allocate \$11,205 from the Raindance money to the Eurobodalla Disaster Relief Fund Committee for distribution to drought affected farmers.
2. Any resident that can demonstrate they undertake farming activities can apply for up to \$400 through the Eurobodalla Disaster Relief Fund for drought assistance.

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**QON20/007      BATEMANS BAY COMMUNITY CENTRE LEASE**

S012-T00024

Responsible Officer: Anthony Mayne - Councillor

Attachments:      Nil

The following question on notice was received from Councillor Anthony Mayne:

**Question**

1. Why is Council seeking to lease the Community Centre?
2. What are the names of all the community groups that currently lease the Centre?
3. What is the process to work with these groups to assist them find affordable alternative accommodation should the lease proceed?
4. What alternative venues have been identified for the current users given the process has been going on for months?
5. Why can't the existing arrangement with the multiple community groups currently using the Centre be allowed to continue?
6. What would be the process to change the zoning from Operational back to Community to give the community confidence about the future of the site.

**Response**

*Why is Council seeking to lease the Community Centre?*

Council has received unsolicited requests from organisations who wish to lease the property. An Expression of Interest (EOI) process was instigated to allow an open process for all potentially interested parties to submit a proposal.

*What are the names of all the community groups that currently lease the Centre?*

There are no organisations that currently lease the community centre, however there are around 15 community groups that hire a room at the BBCC on a weekly basis.

These groups are Meals on Wheels, a Tai Chi provider, U3A, Shugyo Martial Arts, South Coast Stompers, Goshin Ryu Karate, a Speech Pathology provider, South Coast Colleges, AA Wednesday Group, The Legacies Group (AA), Mystery Bay School of Music, ESC Embracing Babies Program, Batemans Bay Line Dancers and a Dance class provider. Other community groups are expected to recommence their monthly booking sometime in the post-Covid future. These groups are Tollgates Probus, Dementia Australia, and CAE Book discussion group.

There are other organisations that book on an adhoc basis. These include a counselling provider, EPA, Anglicare South Coast Illawarra, Anglicare Gambling Help, Integrated Living, Shoalhaven Rehab, Wellways, Family & Community Services, and Earth Angels.

All users have previously been contacted directly about interest shown in the community centre. A media release explaining the EOI process was released and a number of submissions regarding this matter have been received and forwarded to Councillors. When Council considers leasing the facility, all users will be directly informed of the proposal and the ways they can provide their views to Councillors.

*What is the process to work with these groups to assist them find affordable alternative accommodation should the lease proceed?*

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**QON20/007 BATEMANS BAY COMMUNITY CENTRE LEASE**

**S012-T00024**

Staff at Council's Facility Booking Office have previously liaised with BBCC users to clarify their specific needs and find suitable alternative venues. Alternative sites have been arranged for current users on previous occasions with minimal impact, for example when the community centre was needed for elections.

All of the recommended alternate venues are comparable in price, and comparable in amenity, to the venues currently being hired at the BBCC. As an example, hire of the BBCC meeting room 1 is \$20 per hour compared with the slightly larger Batemans Bay Library meeting room at \$21 per hour. All existing discounts for regular hirers and not for profit community groups would continue to be recognised.

*What alternative venues have been identified for the current users given the process has been going on for months?*

Should Council decide to lease the community centre, the large majority of users at BBCC will be relocated to Hanging Rock Function Centre, Mackay Park Function Centre, and the Batemans Bay Library meeting room. The Batemans Bay Child and Family Centre, Hanging Rock Basketball Stadium and Malua Bay Community Hall will also be utilised, although to a lesser extent. All of these facilities are currently under utilised to some degree. Currently the Batemans Bay Library is only available for hire during library hours, however an afterhours access solution has been discussed with TAFE NSW and Eurobodalla Library staff. When proposing alternative venues, Council has ensured that they are consistent with current requirements and offer levels of parking and accessibility appropriate to the various user groups.

A local dance studio has also been identified as a possible alternative venue for groups requiring a hard wood floor. This would be a private agreement between user groups and the dance studio, with Council playing the role of connecting the two parties. However, should this happen the dance studio has indicated that they would consider matching existing BBCC fees, including any existing discounts.

*Why can't the existing arrangement with the multiple community groups currently using the Centre be allowed to continue?*

No decision on this has yet been made by Council and that remains an option. However, as mentioned Council has received unsolicited requests to lease the centre and is undertaking a public process to consider these on an equitable basis. With other venues available and under utilised, this is part of Council's responsibility to consider the efficient use of public assets.

It should also be noted that one the EOI criteria included the potential for other community groups to continue using the centre.

*What would be the process to change the zoning from Operational back to Community to give the community confidence about the future of the site.*

The land is currently zoned B4-Mixed use and is classified as operational land having been re-classified by Council from community land in 2012 after a comprehensive process involving extensive consultation and a public hearing.

Any change in land use zone or classification would require an amendment to the LEP. For this to occur Council would need to resolve that a planning proposal be prepared setting out the changes desired by Council. The planning proposal would have to justify the changes proposed. It would be essential that the planning proposal clearly articulate and justify the

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**QON20/007 BATEMANS BAY COMMUNITY CENTRE LEASE**

**S012-T00024**

reason for reversing a change in classification that has been relatively recently made at the request of Council.

Once the planning proposal was prepared it would need to be considered by Council and a resolution made that the planning proposal be referred to Department of Planning, Industry & Environment (DPIE) for consideration. Subject to DPIE agreeing with Council to proceed, the planning proposal would need to be publicly exhibited. From the submissions received Council would need to resolve whether to proceed and then refer the matter back to DPIE for final consideration and approval.

It should be noted that Council is not considering a sale of the site. If it were to do so, in addition to the planning requirements there would be a need for a Council resolution to approve this and a separate Council resolution to subdivide BBBC from the remainder of the lot on which it sits. This would require a public notification period.

**RECOMMENDATION**

THAT the response to the question regarding Batemans Bay Community Centre Lease raised by Councillor Anthony Mayne be received and noted.



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**GMR20/029 2021 COUNCIL MEETING DATES**

**S012-T00025**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

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

**EXECUTIVE SUMMARY**

This report provides a schedule of proposed Council Meetings and Public Access sessions for the 2021 calendar year and seeks Council's endorsement of the schedule.

Under Section 365 of the Local Government Act, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 16 meetings to be held during 2021. In 2020, 17 ordinary meetings were scheduled to be held.

The schedule of meetings for 2021 has been developed to take into account Council's compliance and reporting requirements, public holidays, school holidays (when possible), 2021 local government elections and other significant events.

**RECOMMENDATION**

THAT Council:

1. Endorse the following 16 dates as the meeting schedule for Council meetings for the 2021 calendar year:
  - (a) 9 February 2021
  - (b) 23 February 2021
  - (c) 9 March 2021
  - (d) 23 March 2021
  - (e) 27 April 2021
  - (f) 11 May 2021
  - (g) 25 May 2021
  - (h) 8 June 2021
  - (i) 22 June 2021
  - (j) 13 July 2021
  - (k) 27 July 2021
  - (l) 12 October 2021
  - (m) 26 October 2021
  - (n) 9 November 2021

**GMR20/029 2021 COUNCIL MEETING DATES**

**S012-  
T00025**

- (o) 23 November 2021
  - (p) 14 December 2021
2. Endorse the following nine dates as the Public Access sessions for the 2021 calendar year:
- (a) 2 February 2021
  - (b) 2 March 2021
  - (c) 20 April 2021
  - (d) 4 May 2021
  - (e) 1 June 2021
  - (f) 6 July 2021
  - (g) 5 October 2021
  - (h) 16 November 2021
  - (i) 7 December 2021
3. Note that the schedule of meeting dates may be amended at any time, as required.

**BACKGROUND**

Under Section 365 of the Local Government Act, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 16 meetings to be held during 2021. In 2020, 17 ordinary meetings were held.

Council's Code of Meeting Practice allows for Council meetings to be held on the second and fourth Tuesday of the month, excluding January.

A schedule of meetings for 2021 has been developed in consultation with Councillors. The calendar may be amended at any time if Council resolves to alter the meeting day/s.

**CONSIDERATIONS**

When developing the schedule of meetings for 2021 it is important to ensure that consideration of the Office of Local Government's compliance and reporting requirements, public holidays, school holidays (when possible), 2021 local government elections and other significant events.

Consideration of statutory deadlines for Council's compliance and reporting requirements provides that the following Council meeting dates are required:

<b>Date</b>	<b>Statutory Deadline</b>
23 February 2021	December quarterly review
27 April 2021	DP/OP on exhibition
25 May 2021	March quarterly review
22 June 2021	Adoption of DP/OP
23 November 2021	Annual Report and September quarterly review

**GMR20/029 2021 COUNCIL MEETING DATES**

**S012-  
T00025**

Therefore when developing the proposed schedule, the first recess will occur in April which will coincide with the exhibition of the draft Operational Plan 2021-22, Easter and school holidays. Easter falls from 2 to 5 April 2021. There will be another recess in August to take into account caretaker period. The caretaker period will commence on 31 July until 4 September 2021. It is proposed to observe the recess during the Christmas break in December/January.

The calendar may be amended at any time if Council resolves to alter the meeting day. The proposed schedule has followed normal procedure for the majority of the year.

<b>Date</b>	<b>Meeting Type</b>
2 February 2021	Public Access
9 February 2021	Council Meeting
23 February 2021	Council Meeting
2 March 2021	Public Access
9 March 2021	Council Meeting
23 March 2021	Council Meeting
13 April 2021	Recess
20 April 2021	Public Access
27 April 2021	Council Meeting
4 May 2021	Public Access
11 May 2021	Council Meeting
25 May 2021	Council Meeting
1 June 2021	Public Access
8 June 2021	Council Meeting
22 June 2021	Council Meeting
6 July 2021	Public Access
13 July 2021	Council Meeting
27 July 2021	Council Meeting
10 August 2021	Recess
24 August 2021	Recess
14 September 2021	Recess

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**GMR20/029 2021 COUNCIL MEETING DATES**

**S012-  
T00025**

28 September 2021	Recess
5 October 2021	Public Access
12 October 2021	Council Meeting
26 October 2021	Council Meeting
16 November 2021	Public Access
9 November 2021	Council Meeting
23 November 2021	Council Meeting
7 December 2021	Public Access
14 December 2021	Council Meeting

**Financial**

Adoption of the recommendations outlined in this report will have no financial implications on the adopted budget.

**Policy**

Adoption of the schedule is in accordance with Section 2.1(1) of Council's Code of Meeting Practice.

**Community and Stakeholder Engagement**

We will inform the community through providing information on Council's website; Living in Eurobodalla residents newsletter and advertising on Council's noticeboard page in two local newspapers.

**CONCLUSION**

The proposed schedule of Council meetings for 2021 has been prepared in consultation with Councillors and takes into account compliance and reporting requirements. It is proposed that the first recess will fall in April, which coincides with Easter and during the exhibition of the Delivery Program 2017-22 and draft Operational Plan 2021-22, a recess in August to coincide with caretaker period as well as the Christmas Break in December.

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**GMR20/030 DISCLOSURE OF PECUNIARY INTEREST AND OTHER MATTERS RETURNS S012-T00031, S021-T00004**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.3 Assist the Council in meeting its statutory obligations and roles

### **EXECUTIVE SUMMARY**

In accordance with part 4, clause 4.21 of the *Model Code of Conduct*, councillors and designated persons who hold that position on 30 June in each year are required to lodge a "Disclosures by Councillors and Designated Persons Return" with their general managers by 30 September each year.

Accordingly, the Disclosure of Pecuniary Interest and Other Matters returns for Councillors and designated staff for 2019-20 are tabled.

### **RECOMMENDATION**

THAT the report on the Disclosure of Pecuniary Interest and Other Matters returns be received and noted.

### **BACKGROUND**

The lodgement date for Disclosure of Pecuniary Interest and Other Matters returns covering 1 July 2019 to 30 June 2020 was 30 September 2020.

Notice was provided to designated staff on 28 July 2020 and Councillors on 3 August 2020, with reminders sent on 1 September and 21 September 2020.

### **CONSIDERATIONS**

#### **Legal**

The lodgement of Pecuniary Interest and Other Matters return is required to comply with part 4, clause 4.21 of the *Model Code of Conduct*.

### **CONCLUSION**

The register of returns by Councillors and designated staff for their disclosures of pecuniary interests and other matters is now tabled in accordance with part 4, clause 4.21 of the *Model Code of Conduct*.

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**IR20/016 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2020-21**

**S030-T00018**

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

**EXECUTIVE SUMMARY**

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for review. The main issues covered at the Eurobodalla Local Traffic Committee meeting, held 10 September 2020, are as follows:

- Signage and Line marking – Moruya CBD east, Pedestrian Activation including Pedestrian (Zebra) Crossing and Accessible Parking on Ford Street
- Special Event Application – Batemans Bay Triathlon, based in Tomakin.

**RECOMMENDATION**

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 for 2020-21 be received and noted.
2.
  - i. The development of a traffic speed management and pedestrian activation plan for the Moruya CBD as identified in Council Plan 5156 BQ Sheet 03 be supported.
  - ii. Council Plan 5156 Set BQ Sheet 05 detailing the marked Pedestrian (Zebra) Crossing and Accessible Parking on Ford Street, between Church Street and Queen Street, Moruya be approved.

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 2 for 2020-21 was held on 10 September 2020. The meeting was attended by Michael Travers (Transport for NSW), Danielle Brice (representative for the Hon Andrew Constance MP), Sergeant Angus Duncombe (NSW Police) Dave Hunter (Traffic Coordinator), and Matt Cormick (minute taker).

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**IR20/016 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2020-21**

**S030-T00018**

**APOLOGIES**

Councillor Anthony Mayne (Chair), Kate McDougall (Road Safety Officer) and Senior Constable Scott Britt (NSW Police).

**DEPUTATIONS**

Nil.

**MINUTES OF PREVIOUS MEETING**

The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 for 2020-21 held on 6 August 2020 were confirmed and accepted.

**OUTSTANDING ITEMS FROM PREVIOUS MEETING**

Nil.

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

**2021.RT.003 Signage and Line marking – Moruya CBD east, Traffic Speed Management and Pedestrian Activation Plan including Pedestrian (Zebra) Crossing and Accessible Parking on Ford Street**

Moruya CBD east is the main business centre for the town, positioned between Vulcan Street (highway) to the west and Ford Street to the east. Apart from drivers using the streets to access shops and other services, vehicles are known to pass through as an alternate south bound route to avoid the traffic signals on Vulcan Street.

Council is developing a traffic speed management and pedestrian activation plan for Moruya CBD east that identifies key sites for infrastructure installation. This area is within a 50km/h speed zone.

The Eurobodalla Road Safety Plan 2019-2022 has been developed to assist in reducing road related trauma in our community.

In the Plan section 6.2 Safer Speeds includes Council plan to '6.2.4 Advocate to Transport for NSW to implement 30km/hr speed zones in Moruya CBD and Batemans Bay CBD including where necessary grant funding to implement speed control measures' and '6.2.5 Progressively implement additional speed management controls within Moruya CBD east to reduce the actual speed of travel and improve pedestrian movement'.

Council Plan 5156 BQ Sheet 03 identifies 13 key sites for infrastructure installation. Moruya Business Chamber have been given a copy of the plan, are supportive and have offered to assist at the consultation phase. This draft plan was reviewed by the Committee.

A review of timed on-street parking and implementation of a 40 or 30km/h speed zone are also proposed as part of the plan development.

The first stage of the plan implementation occurred in 2019. A raised platform road hump (RPRH) was installed on Shore Street near Princes Highway (at the bridge). In August 2020, a second RPRH on Ford Street was installed, between the two roundabouts (at Church St and Queen St).

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**IR20/016 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2020-21**

**S030-T00018**

These structures have been funded by Council using the annual Minor Safety Improvements budget.

We now propose to make the RPRH now in place on Ford Street a marked (zebra) pedestrian crossing.

Technical references for the pedestrian crossing are Australian Standard 1742.10-2009, RMS supplement to this standard – Version 2.4 and RTA Technical Direction – 01a Pedestrian Refuges.

The RMS supplement amongst other things recommends that their practice for numerical warrants includes that in a typical day pedestrian flow per hour should be at least 50 and vehicular flow through site at least 500. This can be reduced where children, aged or impaired pedestrian to 30 per hour and 200 vehicles per hour.

Traffic counters were placed at the site for 4 weeks in 2019. The resulting Average Annual Daily Traffic (AADT) is 4136 (vehicles per day).

The 85<sup>th</sup> percentile speed was measured over June 2019, half-way between the two roundabouts, and was 39km/h north bound and 42km/h southbound.

A manual count of both vehicles and pedestrians was also undertaken on 8 September 2020 from 10.30am to 11.00am and 2.40pm to 3.10pm. Pedestrians were counted crossing the road between the two roundabouts (at Church St and Queen St) but did not include pedestrians who crossed at the roundabout painted blister islands. Multiplying the half hour counts by 2, the projected morning hourly count was 436 vehicles per hour and 42 pedestrians per hour. The afternoon count was 548 vehicles per hour and 58 per hour.

Part of the numerical warrants that in a typical day pedestrian flow per hour (P/h) should be at least 50 and vehicular flow through site (V/h) at least 500. As can be determined by the above figures, the location comes close to meeting this criteria in a non-peak.

The RMS supplement also determines that the product of pedestrians and volume of traffic is at least 60,000. This cannot be met if an average day is based on the 8 September 2020 counts.

Over the summer holiday period, daily vehicles numbers are significantly greater than the sample day on 8 September 2020 and taking account of the aged profile of our community, the installation of the marked crossing is supported.

It is expected on Saturday mornings, when the nearby Riverside Park markets are open (normally 52 times a year), the number of pedestrians crossing Ford Street in this vicinity and vehicles travelling along Ford Street will be significantly greater than on week days. Due to COVID-19 restrictions, the markets were not open in August, so traffic data was not collected.

Installing a pedestrian crossing at this location reduces the risk of crashes involving pedestrians along this section of Ford Street.

One accessible parking space has also been positioned adjoining the western side of Ford Street immediately next to the raised pedestrian crossing. Apart from providing more parking spaces to assist people with disabilities in Moruya, this installation will also provide a clear path for all pedestrians to access a public off-street carpark.



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**IR20/016 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2020-21**

**S030-T00018**

Council Plan 5156 Set BQ Sheet 05, detailing the Accessible Parking and marked Pedestrian (Zebra) Crossing on Ford Street, was reviewed by the Committee. This facility has been discussed with the President of the Moruya Chamber of Commerce who is indicated his strong support.

Recommendation:

That

- i. The development of a traffic speed management and pedestrian activation plan for the Moruya CBD east that includes speed management controls, as identified in Council Plan 5156-BQ-03 be supported.
  
- ii. Council Plan 5156 Set BQ Sheet 05 detailing the marked Pedestrian (Zebra) Crossing and Accessible Parking on Ford Street, between Church Street and Queen Street, Moruya be approved.

Note: Based on the support of the LTC, the marked crossing has been installed in the interests of public safety.

**INFORMAL ITEMS FOR DISCUSSION**

**2021.SE.001 Special Event Application – Batemans Bay Triathlon, based in Tomakin**

Council has received a special event application with associated traffic management documents for the Batemans Bay Triathlon to be conducted on George Bass Drive and North Head Drive, between Tomakin and Moruya and on local roads within Tomakin Village, on Saturday 6 February 2021.

The event will be based at Tomakin Sports and Social Club.

The 'Batemans Bay Triathlon Festival' is a one-day event, consisting of 4 triathlon distances:

- Super Sprint – 300m Swim, 10km Bike and 2km Run
- Sprint – 600 Swim, 20km Bike and 5km Run
- Standard – 1.5km Swim, 40km Bike and 10km Run
- Ultimate – 2km Swim, 60km Bike and 20km Run.

The transition and finish line will be located on the grassed area behind Tomakin Sports and Social Club. The bike course takes athletes along George Bass Drive to North head Drive and through Tomakin Village. The run course takes athletes through Tomakin Village. The swim course is in the Tomaga River.

The following road closures are requested on Saturday 6 February 2021:

1. George Bass Drive, controlled access (emergency and official vehicles exempt with resident vehicles and adjoining business patrons allowed when safe to do so), from Sunpatch Parade Tomakin to Train Street Broulee, from 8.30am to 1.30pm
2. George Bass Drive – controlled access (emergency and official vehicles exempt), from Train Street Broulee to Broulee Road from 8.30am to 1.30pm

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**IR20/016 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2020-21**

**S030-T00018**

3. George Bass Drive and North Head Drive, road closed – controlled access (emergency and official vehicles exempt with resident and airport patrons allowed when safe to do so), from Broulee Road Broulee to a turnaround point 700m east of Princes Hwy Moruya from 8.30am to 1.30pm.

This event with a similar route was undertaken in 2018. After the event feedback was received from some individuals and groups that consultation was inadequate.

After the 2018 event, the IGA supermarket manager and owner put to Council that they were most concerned with the loss of business and would object to a future event that closed the road to patrons from the Broulee and Mossy Point suburbs.

The major change to the 2018 event this year is that business patrons' vehicles will be allowed, when safe to do so, to access the IGA supermarket and other adjoining businesses from Broulee and Mossy Point suburbs. The route will be via Annetts Parade, Mossy Point and Train Street Broulee.

To reduce the risk caused by this additional traffic, the northern turnaround point on George Bass Drive for the longer events will be shifted to Broulee Road intersection. Additionally, the southern turnaround point will be shifted further south along North Head Drive. This southern turnaround point will be 700m east of Princes Hwy Moruya, which is similar to previous triathlons held between 2014 and 2016.

Due to the continuing COVID-19 pandemic, the Committee advise that in the week prior to the competition day, the event organiser consider and implement any requirements of NSW Health.

Traffic Management and Control Plans were reviewed by the Committee.

Recommendation:

That the Traffic Management and Control Plans for the Batemans Bay Triathlon, to be conducted along George Bass Drive and North Head Drive and within Tomakin Village on Saturday 6 February 2021 be approved.

**GENERAL BUSINESS**

- i. The NSW Police representative sought further information on the new 'On-road' bicycle facility along Beach Road, from Batehaven shops to Surf Beach shops including the impact on parking. The Traffic Coordinator advised that after input from a bottled gas supplier, 'No Stopping' signage will be replaced with 'No Parking' signage at locations where it is not practical for service vehicles to park in driveways. The modified signage will allow service vehicles to park on the street for a short period.
- ii. The representative for the Hon Andrew Constance MP noted that Eurobodalla Road Safety Plan 2019-2022 approved in 2019 is now on Council's website

**NEXT MEETING**

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 8 October 2020 in Council's Committee Room commencing at 9am (dependent on COVID-19 protocol at that time).

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**CCS20/037 LAND ACQUISITION - SOUTHERN WATER STORAGE FACILITY**

**S023-00027**

Responsible Officer: Amanda Jones - Acting Director Corporate and Commercial Services

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

### **EXECUTIVE SUMMARY**

Planning for Council's Southern Water Storage project began in early 2000.

The project requires the acquisition of part Bodalla State Forest. At its meeting on 23 June 2020 Council approved the acquisition of part of Bodalla State Forest, being part Lot 3 DP 438839.

A section of the State Forest land that also needs to be acquired is in an undefined part of Bodalla State Forest No. 606 as shown in the attached image. It does not have a Lot or Deposited Plan number.

This report seeks Council's endorsement of the same acquisition actions for the additional State Forest land as it previously endorsed for Part Lot 3 DP 438839.

### **RECOMMENDATION**

THAT:

1. Application be made to the Minister for Local Government to acquire part of Bodalla State Forest No. 606, for water storage and supply purposes by compulsory process in accordance with Council's power under Section 187(2) of the *Local Government Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
  - i. If consent is granted all necessary action be taken to finalise the acquisition in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act*.
  - ii. All survey and legal costs associated with the land acquisitions be borne by Council.
  - iii. Public notice be given of Council's intention to resolve:
2. Part Bodalla State Forest No. 606 is acquired as operational land.
  - i. A period of 28 days is given for members of the public to make submissions.
  - ii. A further report is presented following the advertising period to classify the land.
  - iii. Consent be given to affix the Common Seal of Council to the applicable documentation.

**CCS20/037 LAND ACQUISITION - SOUTHERN WATER STORAGE FACILITY**

**S023-  
00027**

**BACKGROUND**

At its meeting on 23 June 2020 Council approved the acquisition of part of Bodalla State Forest, being Lot 3 DP 438839, and part private land, being Lot 2 DP 1168581, for the Southern Water Storage Facility.

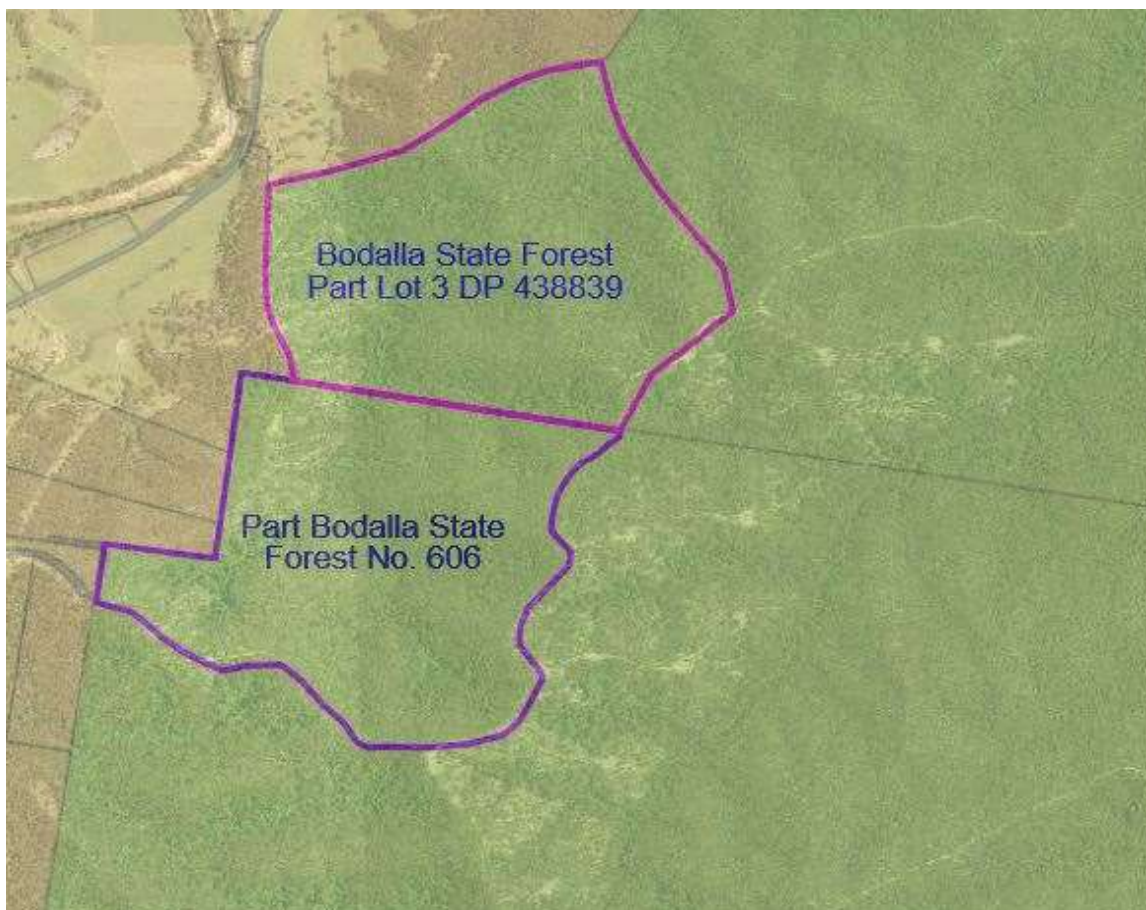
The Forestry land to be acquired also includes an undefined part of Bodalla State Forest No. 606 which has no Lot and DP number to identify it.

This undefined land adjoins Lot 3 but was not described fully in the previous Council report of 23 June 2020.

The purpose of this report is to endorse the same acquisition actions for this undefined land that Council previously approved for part Lot 3 DP 438839.

**CONSIDERATIONS**

The acquisition area is shown in the sketch below.



*Part Bodalla State Forest No. 606*

**Legal**

The compulsory acquisition process requires application to be made to the Minister for Local Government to acquire part Bodalla State Forest No. 606 under Section 187(2) of the *Local Government Act 1993*. Once consent is granted, the acquisition of the land for water supply

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**CCS20/037 LAND ACQUISITION - SOUTHERN WATER STORAGE FACILITY**

**S023-  
00027**

purposes will be finalised in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

<https://legislation.nsw.gov.au/#/view/act/1993/30/historical2016-09-23/chap8/part1/sec187>

Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests to ensure a valid acquisition.

Subject to Council approval, Forestry Corporation NSW (Forestry) supports the application of part Bodalla State Forest No. 606 for compulsory acquisition by agreement.

In accordance with the provisions of the *Local Government Act 1993*, the land to be acquired is to be classified as either community or operational land. As the land is to be acquired for operational purposes, it would be appropriate for it to be acquired as operational land. Public notice must be given of Council's intention to classify the land as operational land and allowing not less than 28 days for receipt of written submissions.

[www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div1/sec34](http://www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div1/sec34)

### **Policy**

The acquisition of land for the project will proceed in accordance with Council's *Land Acquisition and Disposal Policy*.

<https://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf>

### **Environmental**

The Eurobodalla Southern Water Storage Facility is necessary to allow Council to meet current and future forecast water demand whilst still providing for environmental flows in both the Tuross and Deua Rivers, in accordance with the NSW Government Water Sharing Plans.

Construction and Operation of the Southern Storage has been granted Development Consent under Section 4.38 of the *Environmental Planning and Assessment Act 1979*.

### **Asset**

The Southern Water Storage Facility is an extremely valuable asset to ensure security of water supply during times of drought into the future.

### **Social Impact**

The Southern Water Storage Facility will allow the water supply system to provide drought security while minimizing the environmental impact on the Tuross and Deua rivers.

### **Economic Development Employment Potential**

The provision of adequate water supply is essential to a functioning economy.

### **Financial**

Forestry is to provide Council with a valuation determined by a registered valuer for compensation of part Bodalla State Forest No. 606. Council will begin negotiations with Forestry on receipt of the valuation.

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**CCS20/037 LAND ACQUISITION - SOUTHERN WATER STORAGE FACILITY**

**S023-  
00027**

Together with compensation, Council will be responsible for costs associated with the acquisitions including survey and legal fees, and the landowners' reasonable legal costs.

The project is expected to cost \$105M. Council has already secured \$25.6M from the NSW Government and is seeking further funds from the Commonwealth.

**Community and Stakeholder Engagement**

Council is discussing the works and acquisition with Forestry for part of Bodalla State Forest.

Project information is available on Council's website: <https://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/current-projects/roads-and-bridges/southern-water-supply-storage>.

**CONCLUSION**

The report recommends Council approve:

Acquisition of part Bodalla State Forest No. 606 for the Southern Water Storage Facility, and Council's intention to classify the land as operational land, together with an application being made to the Minister for Local Government to acquire part Bodalla State Forest No. 606 by compulsory process in accordance with Council's power under Section 187(2) of the *Local Government Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

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**CCS20/038 EASEMENT FOR ELECTRICITY WITHIN COUNCIL LAND,  
SUNSHINE BAY**

**S023-T00001**

Responsible Officer: Amanda Jones - Acting Director Corporate and Commercial Services

Attachments: 1. Confidential - Landowner details - Lot 318 DP 1262532

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

### **EXECUTIVE SUMMARY**

Council has received an application for an easement for electricity purposes 3.5 metres wide within Council land, from an adjoining landowner, to service a subdivision in Sunshine Bay.

The easement required is for a small expansion to an existing electricity substation within Council land being Lot 173 DP 262910. The easement will service adjoining Lot 318 DP 1262532 which is being developed.

Council's Lot 173 is classified as operational land and Council has approved the sale of part of that lot and including a development application be made for the subdivision of Lot 173 DP 262910, for up to four lots plus a public reserve. The easement will not significantly adversely affect the development of Council's land.

All survey and legal costs associated with the easement, as well as compensation to Council, will be borne by the applicant. It is considered reasonable and appropriate that the application for the easement be supported in accordance with Council's *Land Acquisition and Disposal Policy*.

<https://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf>

The name of the applicant landowner of Lot 318 DP 1262532 is in the confidential attachment to this report.

### **RECOMMENDATION**

THAT:

1. Consent be given for the creation of an easement for electricity purposes up to 3.5 metres wide within Lot 173 DP 262910 in favour of Lot 318 DP 1262532.
2. All costs including Council's reasonable legal and valuation costs associated with the creation of the easement be borne by the applicant.
3. Compensation for the easement be paid by the landowner of Lot 318 DP 1262532 to Council.
4. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation associated with the easement.

**CCS20/038 EASEMENT FOR ELECTRICITY WITHIN COUNCIL LAND,  
SUNSHINE BAY**

**S023-T00001**

**BACKGROUND**

Development consent for the subdivision within Lot 318 DP 1262532 has been approved by the Department of Planning.

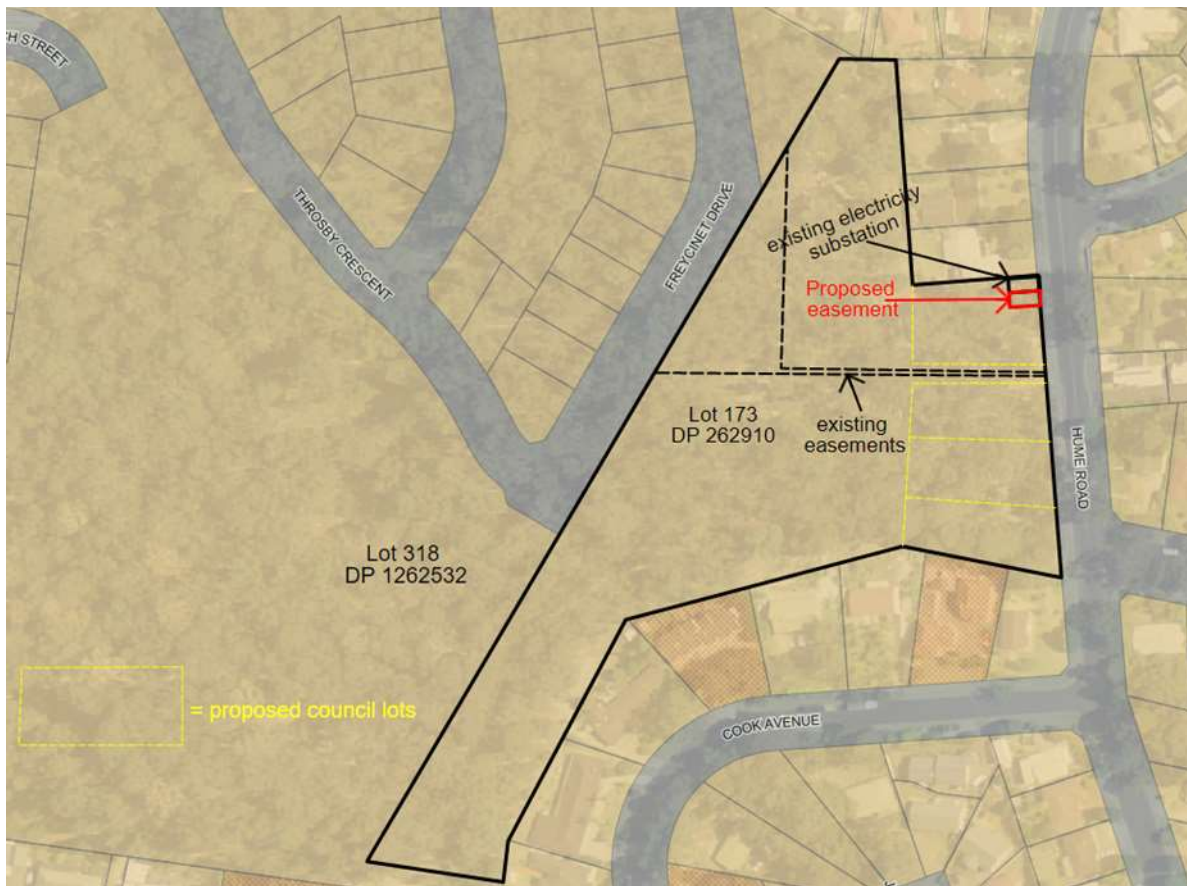
Council's Lot 173 is classified as operational land and Council intends to subdivide Lot 173 DP 262910 creating up to four lots plus a public reserve. The electricity easement will not significantly adversely affect the development of Council's land.

An existing electrical substation is located on Hume Road Sunshine Bay, however further electricity infrastructure is needed to service Lot 318 which will extend 1.4 metres beyond the existing substation. An easement is therefore required.

As compensation will be paid and there is no significant detriment to the Council land being divided and sold, an easement for electricity is considered appropriate.

**CONSIDERATIONS**

The easement is shown in the sketch below.



*Lot 173 DP 262910 – Hume Road, Sunshine Bay*



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**CCS20/038 EASEMENT FOR ELECTRICITY WITHIN COUNCIL LAND,  
SUNSHINE BAY**

**S023-T00001**

**Legal**

The terms of the proposed easement will confirm the relevant authorities will keep the electricity infrastructure maintained.

The easement will be registered at NSW Land Registry Services.

**Policy**

The granting of the easement will be in accordance with Council's *Land Acquisition and Disposal Policy*.

<https://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf>

**Financial**

Compensation and all survey and legal costs associated with the easement will be borne by the applicant.

The amount of compensation payable to Council by the applicant for the easement will be determined following a valuation by a registered valuer.

**Community and Stakeholder Engagement**

Council's Engagement Planning Tool and relevant legislation have been used to guide the best approach to engagement on this matter. There is no legal requirement to advise the community through public notice, or to or seek feedback through public exhibition for easements, the engagement method will be to 'inform'.

**CONCLUSION**

An easement for electricity purposes to accommodate a new substation within Council's Lot 173 DP 262910 is sought by the landowner of Lot 318 DP 1262532 Sunshine Bay to service subdivision within Lot 318.

All survey and legal costs associated with the easement will be borne by the applicant.

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**CCS20/039 INVESTMENTS MADE AS AT 30 SEPTEMBER 2020**

**S011-T00006,  
S012-T00025**

Responsible Officer: Amanda Jones - Acting 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 September 2020, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

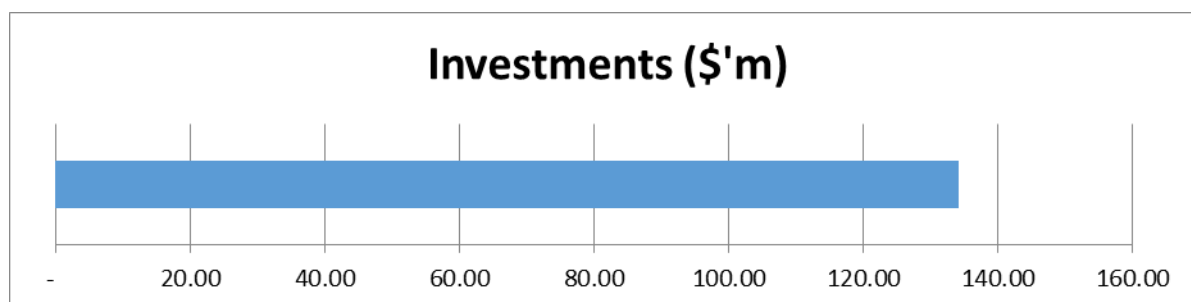
### **CONSIDERATIONS**

#### **Policy**

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

#### **Financial**

##### Council investing overall



**CCS20/039 INVESTMENTS MADE AS AT 30 SEPTEMBER 2020**

**S011-T00006,  
S012-T00025**

Council has \$134.04M (100%) 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 \$36.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments increased by \$1.0M during September 2020 due to normal variations in timing of cash flows.

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 \$1.50M and represents 1.12% of the portfolio.

There are \$52M (38.79%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 0.93%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (0.34%).

Summary investment information

The following table is a summary of investment categories and balances at month end.

<b>CATEGORY</b>	<b>(\$)</b>
At Call Deposit	22,793,872
Term Deposits	109,750,000
Term Deposits Government Guaranteed	1,500,000
	<b>134,043,872</b>
<i>Weighted average interest %:</i>	0.93%
<i>Average 90 day BBSW + 0.25%</i>	0.34%

Policy and liquidity risk

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

<b>Policy risk</b>	<b>Low liquidity risk %</b>	<b>Total % of investments</b>	<b>Policy risk % (max holdings)</b>
<b>Remote risk</b>	1.12	1.12	100.00
<b>Near risk free</b>	71.65	71.65	100.00
<b>Some limited risk (BBB+)</b>	27.23	27.23	30.00
<b>Grand total</b>	<b>100.00</b>	<b>100.00</b>	

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**CCS20/039 INVESTMENTS MADE AS AT 30 SEPTEMBER 2020**

**S011-T00006,  
S012-T00025**

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 2019 is 1.96:1. Council therefore has approximately \$1.96 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.

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**CAR20/016 NAIDOC WEEK GRANTS 2020**

**S003-T00040**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: 1. Confidential - NAIDOC Week Grants 2020 attachment  
Outcome: 2 Celebrated Creativity, Culture and Learning  
Focus Area: 2.3 Embrace and celebrate local history, cultural heritage and diversity  
Delivery Program Link: 2.3.1 Acknowledge and involve traditional owners and members of the Aboriginal community  
Operational Plan Link: 2.3.1.4 Coordinate NAIDOC Week grant program

**EXECUTIVE SUMMARY**

This purpose of this briefing is to advise Council of the recommended allocation of grant funds under the Eurobodalla NAIDOC Week Grants for the financial year 2020-2021. NAIDOC is the National Aborigines and Islanders Day Observance Committee and was postponed until November 2020 as a result of Covid-19 restrictions.

**RECOMMENDATION**

THAT Council approve the recommendations detailed in the confidential attachment, awarding NAIDOC Week grants to 10 local groups/organisations for the 2020-21 financial year.

**BACKGROUND**

Council's Eurobodalla NAIDOC Week Grants aim to promote understanding of the history, culture and achievements of Aboriginal and Torres Strait Islander people by providing funds to celebrate NAIDOC and support participation in NAIDOC Week activities.

This year Covid-19 restrictions caused the postponement of national NAIDOC week events generally held in early July each year. On 13 March 2020, the Aboriginal Advisory Committee recommended that Council consider and support a revote the NAIDOC grant funds from 2019-2020 to 2020-2-21, with Council endorsing the recommendation (Minute CAR20/004). This has enabled Eurobodalla NAIDOC week activities for 2020 to be presented in line with the alternate dates of 8-15 November, as determined by the National Indigenous Australians Agency.

The criteria for Eurobodalla NAIDOC Week Grants reflect Council's social, cultural and management planning commitments to community development.

The total grant amount available in the 2020-2021 NAIDOC Week grants is \$4,673.

**CONSIDERATIONS**

There was a total of 10 applications received. All grants applications were assessed against the eligibility criteria and all applications were assessed as meeting the requirements.

The review panel has recommended that all the 10 applications are allocated funds up to \$500.

A confidential summary sheet is attached to this briefing.

**Eligibility**

To be eligible for a Eurobodalla NAIDOC Week Grant, applicants must show that they:

- are a Eurobodalla based and not-for-profit community group or able to prove that they are a bona fide Eurobodalla based community group

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**CAR20/016 NAIDOC WEEK GRANTS 2020**

**S003-T00040**

- can contribute some financial support or volunteer labour to the activity
- have adequate insurance coverage for the activity
- do not have any outstanding debts to council.

Each applicant is asked to demonstrate that the grant will be used positively to engage the wider community and promote a greater understanding of NAIDOC. The grant funds are not transferable, and projects will not be funded in retrospect.

A sub-committee from the Aboriginal Advisory Committee (AAC) has reviewed applications in line with the grant application criteria.

**Social Impact**

Eurobodalla Shire Council is committed to acknowledging, respecting and working with the traditional custodians of the land. Reinforcing relationships between Council and Aboriginal people is an important step to building community strength and resilience in Eurobodalla. Building healthy relationships through open communication and the provision of opportunities will reinforce our commitment to remove the barriers that prevent Aboriginal people from participating in the same opportunities as non-Aboriginal people.

Eurobodalla has a higher percentage of Aboriginal people living in the community compared to the state average. Annual NAIDOC week activities and celebrations are an important cultural event on the Aboriginal and Torres Strait Islander calendar and promote understanding and acceptance in the wider community of the unique place first Australians occupy in our cultural landscape.

Council's NAIDOC week grants demonstrate a commitment from Council to support and promote Aboriginal cultural activities within the Aboriginal and non-Aboriginal community.

**Economic Development Employment Potential**

NAIDOC grants provide community, schools and not for profit groups much needed funds to support the payment of Aboriginal artists, cultural educators and elders during NAIDOC week activities as well as providing a platform for promotion and publicity.

**Financial**

In 2020-2021 an annual budget of \$4,673 for grants was provided to support the activities of community groups, schools and/or non-profit organisations in celebrating NAIDOC Week. The combined total of applications recommended by the sub-committee for funding is \$4,673.

**Community and Stakeholder Engagement**

We have informed the community of the NAIDOC grants through providing information on Council's website; Online News; posting on Council's Facebook; distributing information and applications directly via email mailing lists and distributing media releases.

We have consulted with the Aboriginal Advisory Committee and called for representatives to assess the applications. A subcommittee was approved to make recommendations.

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**CAR20/016 NAIDOC WEEK GRANTS 2020**

**S003-T00040**

**CONCLUSION**

THE NAIDOC Week Grant allows Council to positively and effectively collaborate with local not-for-profit groups to promote and initiate community focused activities. The grant is valued by members of the community involved in the celebration of NAIDOC Week in Eurobodalla.

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## 15. 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.



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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

## AGENCY ADVICE

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

CONTACT	PHONE	EMAIL	WEBSITE
Eurobodalla Shire Council 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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

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<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.