



AGENDA

Ordinary Meeting of Council

28 September 2021

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

ON TUESDAY 28 SEPTEMBER 2021

COMMENCING AT 11.00AM

AGENDA

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

1. WELCOME

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Ordinary Meeting held on 24 August 2021

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

(Declarations also to be made prior to discussions on each item)

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**DR CATHERINE DALE
GENERAL MANAGER**

MR21/005 GENERAL MANAGER'S CONTRACT RENEWAL

File Ref: S012-T00023

- Attachments:
1. Confidential - Letter from General Manager
 2. Standard Contract of Employment for General Managers of Local Councils in New South Wales
 3. Confidential - Schedule B - Duties and Functions

EXECUTIVE SUMMARY

As Councillors are aware, the General Manager Dr Catherine Dale wrote to me on 16 September 2021, as the Mayor, requesting a renewal of her contract for 12 months.

The General Managers contract is due to expire on 30 June 2022. The General Manager is seeking a renewal of the contract from 1 October 2021 to 30 September 2022. This is in effect a three-month extension of the General Manager's current contract (1 July 2017 – 30 June 2022).

With the postponement of the local government elections until 4 December 2021, the onboarding of the new Council will not occur until January/February 2022. Within the first 12 months of a Council term, the Council must review and adopt a Community Strategic Plan, develop a Delivery Program and Operational Plan along with the review of all local policies and orders. The General Manager has indicated that the 12-month contract would ensure a seamless onboarding process and enable the new Council to establish a clear vision and direction for their term as Councillors.

The Standard Contract of Employment for General Managers of Local Councils in New South Wales requires:

Clause 5.1: *'At least 9 months before the termination date (or 6 months if the term of employment is for less than 3 years) the employee will apply to Council in writing if seeking re-appointment to the position'.*

Clause 5.2: *'At least 6 months before the termination date (or 3 months if the term of employment is for less than 3 years) Council will respond to the employee's application referred to in subclause 5.1 by notifying the employee in writing of its decision to either offer the employee a new contract of employment (and on what terms) or decline the employee's application for re-appointment.'*

As Councillors are aware, the Council elections have been delayed by a further three months which means that the new Council will not be declared until 23-24 December 2021. The Standard Contract requires Council to respond to the General Manager's request at least six months before termination date which is currently 31 December 2021. Therefore, the General Manager's request for a contract renewal must be resolved by the current Council, because the new Council will not have met and may not even be declared by that date.

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CONSIDERATIONS

In consideration of the request from the General Manager regarding renewal of her contract and the fixed time schedules in the General Manager's Standard Contract (copy included) I believe it is important that the current Council resolve the General Manager's request.

The General Manager's current contract expires on 30 June 2022. After further discussions with the General Manager, it is recommended that the current contract be terminated and a new contract commence from 1 October 2021 for a period of 12 months.

The following advice are extracts from the Standard Contract of Employment for General Managers of Local Councils in New South Wales (attached); Guidelines for the Appointment and Oversight of General Managers.

Clause 5 of the Standard Contract of Employment for General Managers of Local Councils in New South Wales requires:

5 Renewal of appointment

- 5.1 *At least 9 months before the termination date (or 6 months if the term of employment is for less than 3 years) the employee will apply to Council in writing if seeking re-appointment to the position.*
- 5.2 *At least 6 months before the termination date (or 3 months if the term of employment is for less than 3 years) Council will respond to the employee's application referred to in subclause 5.1 by notifying the employee in writing of its decision to either offer the employee a new contract of employment (and on what terms) or decline the employee's application for re-appointment.*
- 5.3 *At least 3 months before the termination date (or 1 month if the term of employment is for less than 3 years) the employee will notify Council in writing of the employee's decision to either accept or decline any offer made by Council under subclause 5.2.*
- 5.4 *In the event the employee accepts an offer by Council to enter into a new contract of employment, a new contract of employment will be signed.*

Section F4 of the '[Guidelines for the Appointment and Oversight of General Managers](#)' advises that:

'The terms of the new contract, and in particular the schedules to the new contract, should be set out in the letter of offer.'

Before offering a new contract, the council should carefully review the terms of the schedules to the new contract.

The governing body of council should ensure that the performance management terms of the new contract adequately reflect its expectations as to the general manager's performance.

The governing body of council should also have regard to the previous performance reviews conducted under previous contracts.

The process of deciding whether or not to offer a general manager a new contract should be that:

- *a performance review is conducted*

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• *findings and recommendations are reported to a closed council meeting in the absence of the general manager*

• *the closed meeting considers and decides whether or not to offer a new contract and on what terms as set out in the schedules to the contract*

• *the general manager is then advised of the governing body of council's decision in confidence by the mayor.*

Details of the decision to offer a new contract and a salary package should be reported to an open council meeting.'

As indicated in the letter submitted by the General Manager dated 16 September 2021 (attached), Dr Catherine Dale has a strong commitment to Council, the organisation and the community. During her time as General Manager she has achieved a number of significant outcomes including a sound financial position, an organisational culture that is committed to excellent customer service and continuous improvement, a growing focus on innovation and economic development and effective advocacy for the community.

The Council has commenced a number of major projects including the Bay Pavilions, Southern Water Storage, Mogo Adventure Trails as well as the implementation of a new information technology system. The General Manager has indicated that the 12-month contract would enable the new Council to 'find their feet' and to establish a clear vision and direction for their term as Councillors.

The contract for the General Manager is a standard contract for all NSW council general managers, with the exception of Schedules A, B and C. As part of the renewal process, Council must determine these Schedules, which form part of the General Manager's Contract.

Schedule A – Council policies

It is proposed that this be based on the current contract (attached).

Schedule B – Duties and Functions

It is proposed that the Key Performance Indicators be based on the current Indicators established by this Council (attached).

Schedule C – Remuneration

Council may wish to consider an increase in the total remuneration package. The remuneration package should be considered in line with Group 4 Council's General Managers. The General Manager has indicated that she is not seeking any increase to the current remuneration package.

RECOMMENDATION

THAT:

1. Council renew the contract of the General Manager, Dr Catherine Dale, for a period of 12 months commencing 1 October 2021.
2. Schedule A of the Contract to include:
 - (a) Provision of an executive car to be negotiated with full private use rights according to Council's Vehicle Use Code of Practice. Vehicle value must be below the value

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that would attract luxury motor vehicle sales tax. An amount calculated by reference to the Local Government NSW scale shall be attribute to the package value each year. Council will consider an equivalent novated lease arrangement.

- (b) Professional Development: Council will provide professional development expenses up to a maximum of \$8,000 pa to allow for payment of professional memberships and for attendance at relevant professional associations and professional development events.
 - (c) Tools of the Trade: Council will provide a mobile telephone, laptop computer, ipad or similar equipment deemed by Council to be necessary for the fulfilment of the position. Home and mobile wireless broadband access will be provided.
- 3. Schedule B of the Contract, being the Key Performance Indicators, be adopted as attached.
 - 4. Schedule C of the Contract, being the remuneration package of the General Manager, to remain the same.
 - 5. The Common Seal of Council be affixed to the General Manager's contract in accordance with the Local Government Act 1993.
 - 6. The Mayor be delegated to issue media releases in respect of the renewal of contract for the General Manager.



Standard Contract of Employment

General Managers of Local Councils in New South Wales

Local Government
Association of NSW



Shires Association
of NSW



LOCAL
GOVERNMENT
MANAGERS
AUSTRALIA
NEW SOUTH WALES

Acknowledgements

The Department of Local Government acknowledges the cooperation and contributions of the Local Government and Shires Associations of NSW, Local Government Managers Australia, and the WA Department of Local Government and Regional Development which have assisted in the preparation of this document.

We also wish to thank the Local Government Engineers Association and the Development and Environmental Professionals Association for their comments during our drafting process.

Access to Services

The Department of Local Government is located at:

Levels 1 & 2

5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100

Fax 02 4428 4199

TTY 02 4428 4209

Level 9, 323 Castlereagh Street
SYDNEY NSW 2000

Locked Bag A5045
SYDNEY SOUTH NSW 1235

Phone 02 9289 4000

Fax 02 9289 4099

Email dlg@dlg.nsw.gov.au

Website www.dlg.nsw.gov.au

Office Hours

Monday to Friday, 8.30am to 5.00pm

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Contract of Employment

This Contract of Employment is made on

Date

between

Name of Council

[Referred to in this contract as "Council"]

Address

and

Name of Employee

[Referred to in this contract as "the employee"]

Address

1 Position

The position to which this contract applies is that of General Manager.

Note: A person who has held civic office in relation to Council must not be appointed to any paid position on the staff of Council within 6 months after ceasing to hold the office: section 354 of the Act.

2 Term

Subject to the terms and conditions in this contract, Council will employ the employee for a term of:

[Length of term]

Note: The term of this contract must not be less than 12 months or more than 5 years (including any option for renewal): section 338 of the Act.

commencing on [date]

and terminating on [date]

3 Definitions

3.1 In this contract, unless otherwise stated or indicated:

the Act means the *Local Government Act 1993*.

Code of conduct means the document within the meaning of section 440 of the Act adopted by Council and which incorporates the provisions of the model code.

Commencement date means the date that this contract commences as specified in clause 2.

Confidential information means any and all confidential information, data, reports, operations, dealings, records, materials, plans, statistics, finances or other agreements and things (other than that which is already in the public domain), whether written or oral and of whatever type or nature relating to property, assets, liabilities, finances, dealings or functions of Council or any undertaking from time to time carried out by Council.

Director-General means the Director-General of the New South Wales Department of Local Government.

Equal employment opportunity management plan means the document a council must prepare under Part 4 of Chapter 11 of the Act.

Minister means the New South Wales Minister for Local Government.

Model code means the Model Code of Conduct for Local Councils in NSW prescribed by the Regulation.

Month means a calendar month.

Performance agreement means the agreement referred to in clause 7.

Performance criteria means the criteria to which a performance review is to have regard.

Performance review means a review of the employee's performance conducted in accordance with the procedures under clause 7.

the position means the position referred to in clause 1.

the Regulation means the *Local Government (General) Regulation 2005*.

Senior executive office holder (New South Wales Public Service) means the holder of a senior executive position within the meaning of the *Public Sector Employment and Management Act 2002*.

Statutory and Other Officers Remuneration Tribunal means the Statutory and Other Officers Tribunal constituted under the *Statutory and Other Officers Remuneration Act 1975*.

Termination date means the date that this contract terminates as specified in clause 2.

3.2 Expressions in this contract corresponding with expressions that are defined in the Act have those meanings.

4 Contract operation and application

- 4.1 This contract constitutes a contract of employment for the purposes of section 338 of the Act, and governs the employment of the employee while in the position.
- 4.2 A reference in this contract to any Act or regulation, or any provision of any Act or regulation, includes a reference to subsequent amendments of that Act, regulation or provision.
- 4.3 A reference to a Schedule to this contract refers to a Schedule as may be varied in accordance with this contract, and applies whether or not the Schedule has been physically attached to this contract.
- 4.4 Where the mayor or any other person is lawfully authorised to act as Council or Council's delegate for the purpose of this contract, this contract will be construed as if:
- (a) any reference to Council includes a reference to that authorised person, and
 - (b) any reference to a requirement for Council's approval includes a reference to a requirement for that authorised person's written approval.
- 4.5 Any staff entitlement under a lawful policy of Council as adopted by Council from time to time and that is set out in Schedule A will apply to the employee unless this contract makes express provision to the contrary. Schedule A may be varied from time to time by agreement between the employee and Council, such agreement not to be unreasonably withheld.

Note: Only those policies that create entitlements are to be set out in Schedule A. Schedule A policies are distinct from those which create a duty or function as referred to in subclause 6.1.4 and which are not required to be set out in Schedule A.

- 4.6 Subject to clauses 7 and 13, the terms of this contract, as varied from time to time in accordance with this contract, represent the entire terms of all agreements between the employee and Council and replace all other representations, understandings or arrangements made between the employee and Council that relate to the employment of the employee in the position.

Note: The contract authorises the making of agreements that are linked to the contract. Clause 7 requires the parties to sign a performance agreement. Clause 13 allows either party to require the other to sign a confidentiality agreement for the purpose of protecting intellectual property.

5 Renewal of appointment

- 5.1 At least 9 months before the termination date (or 6 months if the term of employment is for less than 3 years) the employee will apply to Council in writing if seeking re-appointment to the position.
- 5.2 At least 6 months before the termination date (or 3 months if the term of employment is for less than 3 years) Council will respond to the employee's application referred to in subclause 5.1 by notifying the employee in writing of its decision to either offer the employee a new contract of employment (and on what terms) or decline the employee's application for re-appointment.
- 5.3 At least 3 months before the termination date (or 1 month if the term of employment is for less than 3 years) the employee will notify Council in writing of the employee's decision to either accept or decline any offer made by Council under subclause 5.2.
- 5.4 In the event the employee accepts an offer by Council to enter into a new contract of employment, a new contract of employment will be signed.

6 Duties and functions

- 6.1 The employee will:
- 6.1.1 to the best of their ability, meet the performance criteria set out in the performance agreement as varied from time to time,
- 6.1.2 carry out the duties and functions imposed by the Act and Regulation, or any other Act and associated regulations, which include but are not limited to:
- (a) the efficient and effective operation of Council's organisation,
 - (b) implementing, without undue delay, the decisions of Council,
 - (c) exercising such of the functions of Council as are delegated by Council to the employee,
 - (d) appointing staff in accordance with an organisation structure and resources approved by Council,
 - (e) directing and dismissing staff,
 - (f) implementing Council's equal employment opportunity management plan,
 - (g) consulting with Council prior to the appointment or dismissal of senior staff,
 - (h) reporting to Council, at least once annually, on the contractual conditions of senior staff,

- (i) giving immediate notice to Council on becoming bankrupt or making a composition, arrangement or assignment for the benefit of the employee's creditors and providing Council, within the time specified by Council with any further information concerning the cause of the bankruptcy or of the making of the composition, arrangement or assignment,
- (j) subject to subclause 6.2.3, providing advice and recommendations to Council or the mayor if directed to do so,
- (k) not engaging, for remuneration, in private employment or contract work outside the service of Council without the approval of Council,
- (l) not approving, where appropriate, any member of Council staff from engaging, for remuneration, in private employment or contract work outside the service of Council that relates to the business of Council or that might conflict with the staff member's Council duties,
- (m) acting honestly and exercising a reasonable degree of care and diligence in carrying out the employee's duties and functions,
- (n) complying with the provisions of the code of conduct,
- (o) preparing and submitting written returns of interest and disclosing pecuniary interests in accordance with the Act and the Regulation,

Note: Sections 335, 337, 339, 341, 352, 353, 439, 440 and 445 of the Act.

- 6.1.3 carry out the duties and functions set out in Schedule B as varied from time to time by agreement between the employee and Council, such agreement not to be unreasonably withheld,

Note: Schedule B may include additional duties and functions, for example, those related to special projects.

- 6.1.4 carry out the duties and functions set out in the policies of Council as adopted by Council from time to time during the term of this contract,
- 6.1.5 observe and carry out all lawful directions given by Council, in relation to the performance of the employee's duties and functions under this contract,
- 6.1.6 work such reasonable hours as are necessary to carry out the duties and functions of the position and the employee's obligations under this contract,
- 6.1.7 obtain the approval of the Council for any absences from the business of Council,
- 6.1.8 promote ethical work practices and maintain a culture of integrity and professionalism where Council staff members treat each other, members of the public, customers and service providers with respect and fairness,

- 6.1.9 facilitate Council staff awareness of the procedures for making protected disclosures and of the protection provided by the *Protected Disclosures Act 1994*,
 - 6.1.10 take all reasonable steps to ensure that actions and policies of Council accord with the strategic intent of Council,
 - 6.1.11 take all reasonable steps to maximise compliance with relevant legislative requirements,
 - 6.1.12 maintain effective corporate and human resource planning,
 - 6.1.13 maintain the Council staff performance management system,
 - 6.1.14 maintain satisfactory operation of Council's internal controls, reporting systems (including protected disclosures), grievance procedures, the documentation of decision-making and sound financial management,
 - 6.1.15 develop procedures to ensure the code of conduct is periodically reviewed so that it is in accordance with the Act and Regulation and adequately reflects specific organisational values and requirements,
 - 6.1.16 promote and facilitate compliance with the code of conduct ensuring that each councillor and Council staff member is familiar with its provisions, and
 - 6.1.17 report to Council on any overseas travel taken by the employee or any Council staff member where that travel is funded in whole or in part by Council.
- 6.2 Council:
- 6.2.1 will provide adequate resources to enable the employee to carry out the duties and functions specified in subclause 6.1 and Schedule B,
 - 6.2.2 will provide the employee with reasonable opportunities to participate in professional development initiatives relevant to the duties and functions under this contract subject to the operational needs of Council, and
 - 6.2.3 will not direct the employee as to the content of any advice or recommendation made by the employee.

Note: section 352 of the Act.

7 Performance agreement and review

- 7.1 Within 3 months after the commencement date, the employee and Council will sign a performance agreement setting out agreed performance criteria.
- 7.2 In the event that the employee and Council are unable to agree on the performance criteria, Council will determine such performance criteria that are reasonable and consistent with the employee's duties and functions under clause 6 and in Schedule B.
- 7.3 The performance agreement may be varied from time to time during the term of this contract by agreement between the employee and Council, such agreement not to be unreasonably withheld.
- 7.4 Within 2 months after signing or varying the performance agreement, the employee will prepare and submit to Council an action plan which sets out how the performance criteria are to be met.
- 7.5 Council will ensure that the employee's performance is reviewed (and, where appropriate, the performance agreement varied) at least annually. Any such review is to have regard to the performance criteria.

Note: Council may review the employee's performance every 6 months or more frequently if necessary.

- 7.6 The employee will give Council 21 days' written notice that an annual performance review in accordance with subclause 7.5 is due.
- 7.7 Council will give the employee at least 10 days notice in writing that any performance review is to be conducted.
- 7.8 The structure and process of the performance review is at the discretion of Council following consultation with the employee.
- 7.9 The employee may prepare and submit to Council an assessment of the employee's own performance prior to a performance review.
- 7.10 Within 6 weeks from the conclusion of a performance review, Council will prepare and send to the employee a written statement that sets out:
- (a) Council's conclusions about the employee's performance during the performance review period,

- (b) any proposal by Council to vary the performance criteria as a consequence of a performance review, and
- (c) any directions or recommendations made by Council to the employee in relation to the employee's future performance of the duties of the position.

- 7.11 The employee and Council will, as soon as possible after the employee receives the written statement referred to in subclause 7.10, attempt to come to agreement on any proposal by Council to vary the performance criteria and on any recommendations by Council as to the future performance of the duties of the position by the employee.
- 7.12 Subject to the employee being available and willing to attend a performance review, Council undertakes that if a performance review is not held in accordance with this clause, this will not operate to the prejudice of the employee unless the employee is responsible for the failure to hold the performance review.

8 Remuneration

- 8.1 Council will provide the employee with the total remuneration package set out in Schedule C.
- 8.2 The total remuneration package includes salary, compulsory employer superannuation contributions and other benefits including any fringe benefits tax payable on such benefits.

Note: Compulsory employer superannuation contributions are those contributions required under the *Superannuation Guarantee Charge Act 1992* of the Commonwealth and any contributions required to be paid for an employee under a superannuation arrangement entered into by Council for that employee. See Schedule C.

- 8.3 Council may, on only one occasion during each year of this contract, approve an increase in the total remuneration package where the employee's performance has been assessed in accordance with a performance review as being of a better than satisfactory standard.
- 8.4 Any increase in remuneration approved under subclause 8.3 will not be paid as a lump sum.
- 8.5 On each anniversary of the commencement date, the total remuneration package will be increased by a percentage amount that is equivalent to the latest percentage amount increase in remuneration for senior executive office holders as determined by the Statutory and Other Officers Remuneration Tribunal.

Note: When making determinations referred to in subclause 8.5, the Tribunal takes into account key national economic indicators and movements in public sector remuneration across Australia, market conditions, the Consumer Price Index and wages growth as measured by the Wage Cost Index. Tribunal determinations are published in the Government Gazette and are available at www.remtribunals.nsw.gov.au. The Premier's Department issues periodic Memoranda summarising the Tribunals determinations. These Memoranda are available at www.premiers.nsw.gov.au.

- 8.6 The structure of the total remuneration package may be varied from time to time during the term of this contract by agreement between the employee and Council, such agreement not to be unreasonably withheld.
- 8.7 The total remuneration package, as varied from time to time, remunerates the employee for all work undertaken by the employee while in the position. No other remuneration, benefit, overtime or allowances other than those to which the employee may be entitled under this contract will be paid to the employee during the term of this contract.

9 Leave

9.1 General

- 9.1.1 Council will pay remuneration calculated in accordance with Schedule C to the employee proceeding on paid leave under this clause.
- 9.1.2 On the termination of this contract, and if the employee is not re-appointed to the position under clause 5 or appointed to any other position in Council's organisation structure, the Council will pay:
- (a) to the employee in the case of annual leave, or
 - (b) to the employee or new employer council in the case of long service leave,
- accrued but unused leave entitlements calculated at the monetary value of the total remuneration package as specified in Schedule C.
- 9.1.3 If the employee is re-appointed to the position under clause 5 or appointed to any other position in Council's organisation structure within 3 months after the termination of this contract, the employee will be taken to have continuing service with Council for the purpose of determining the employee's entitlement to annual leave, long service leave and sick leave.

- 9.1.4 Any leave accrued with Council standing to the credit of the employee immediately prior to entering into this contract will be taken to be leave for the purposes of this contract.

9.2 Annual leave

The employee is entitled to 4 weeks paid annual leave during each year of employment under this contract to be taken as agreed between the employee and Council.

9.3 Long service leave

- 9.3.1 The employee's entitlement to long service leave is to be calculated by the same method that applies to a non-senior member of Council staff.
- 9.3.2 Long service leave is transferable between councils in New South Wales in the same manner that applies to a non-senior member of Council staff.

9.4 Sick leave

- 9.4.1 The employee is entitled to 3 weeks paid sick leave during each year of employment under this contract provided that:
- (a) Council is satisfied that the sickness is such that it justifies time off, and
 - (b) satisfactory proof of illness to justify payment is provided to Council for absences in excess of two days.
- 9.4.2 Sick leave will accumulate from year to year of employment under this contract so that any balance of leave not taken in any one year may be taken in a subsequent year.
- 9.4.3 Council may require the employee to attend a doctor nominated by Council at Council's cost.
- 9.4.4 Accrued but unused sick leave will not be paid out on the termination of this contract.

9.5 Parental leave

- 9.5.1 Parental leave includes supporting parent's leave, maternity leave, paternity leave and adoption leave.

9.5.2 The employee is entitled to the same parental leave that a non-senior member of Council staff would be entitled.

9.6 Carer's leave

The employee is entitled to the same carer's leave that a non-senior member of Council staff would be entitled.

9.7 Concessional leave

The employee is entitled to the same concessional leave that a non-senior member of Council staff would be entitled.

9.8 Special leave

Council may grant special leave, with or without pay, to the employee for a period as determined by Council to cover any specific matter approved by Council.

10 Termination

10.1 General

On termination of this contract for any reason the employee will immediately return to Council all property of Council in the employee's possession including intellectual property and confidential information and will not keep or make any copies of such property and information.

10.2 Termination date

The employment of the employee under this contract terminates on the termination date.

10.3 Termination by either the employee or Council

This contract may be terminated before the termination date by way of any of the following:

10.3.1 written agreement between the employee and Council,

10.3.2 the employee giving 4 weeks' written notice to Council,

10.3.3 Council giving 4 weeks' written notice to the employee, or alternatively by termination payment under subclause 11.1, where:

- (a) the employee has been incapacitated for a period of not less than 12 weeks and the employee's entitlement to sick leave has been exhausted, and
- (b) the duration of the employee's incapacity remains indefinite or is likely to be for a period that would make it unreasonable for the contract to be continued,

10.3.4 Council giving 13 weeks' written notice to the employee, or alternatively, by termination payment under subclause 11.2 where Council:

- (a) has conducted a performance review, and
- (b) concluded that the employee has not substantially met the performance criteria or the terms of the performance agreement,

10.3.5 Council giving 38 weeks' written notice to the employee, or alternatively, by termination payment under subclause 11.3.

10.4 Summary dismissal

10.4.1 Council may terminate this contract at any time and without notice if the employee commits any act that would entitle an employer to summarily dismiss the employee. Such acts include but are not limited to:

- (a) serious or persistent breach of any of the terms of this contract,
- (b) serious and willful disobedience of any reasonable and lawful instruction or direction given by Council,
- (c) serious and willful misconduct, dishonesty, insubordination or neglect in the discharge of the employee's duties and functions under this contract,
- (d) failure to comply with any law or Council policy concerning sexual harassment or racial or religious vilification,
- (e) commission of a crime, resulting in conviction and sentencing (whether or not by way of periodic detention), which affects the employee's ability to perform the employee's duties and functions satisfactorily, or in the opinion of Council brings Council into disrepute,
- (f) absence from the business of Council without Council approval for a period of 3 or more consecutive business days.

10.4.2 This contract is terminated immediately without notice if the employee becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit.

11 Termination payments

- 11.1 On termination of this contract under subclause 10.3.3, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 4 weeks' remuneration calculated in accordance with Schedule C.
- 11.2 On termination of this contract under subclause 10.3.4, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 13 weeks' remuneration calculated in accordance with Schedule C.
- 11.3 On termination of this contract under subclause 10.3.5, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 38 weeks' remuneration calculated in accordance with Schedule C, or the remuneration which the employee would have received if the employee had been employed by Council to the termination date, whichever is the lesser.
- 11.4 On termination of this contract under subclause 10.3.1, 10.3.2, 10.4.1 or 10.4.2, Council will pay the employee remuneration up to and including the date of termination calculated in accordance with Schedule C and any other payment to which the employee is entitled under this contract.

12 Expenses and credit cards

In addition to any duties or entitlements that may be set out in any relevant policies of Council as adopted by Council from time to time, the employee will:

- 12.1 keep such records of expenses, travel and motor vehicle use as required by Council from time to time,
- 12.2 be reimbursed by Council for expenses properly incurred on Council business, subject to Council's prior approval to this expense being incurred,
- 12.3 only use any credit card provided by Council for expenses incurred on Council business, and
- 12.4 return any credit card provided by Council on request from Council.

13 Intellectual property

- 13.1 Any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract is the sole property of Council and Council will unless otherwise agreed have the exclusive right to use, adapt, patent and otherwise register it.
- 13.2 The employee will immediately disclose to Council any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee after the commencement date to enable Council to ascertain whether it was discovered, developed or produced wholly outside and wholly unconnected with the course of employment under this contract.
- 13.3 To protect disclosures made in accordance with subclause 13.2, Council or the employee may require a confidentiality agreement to be signed prior to, during or immediately after discussion of the intellectual property being considered.

Note: IP Australia, the Commonwealth Government intellectual property agency, has developed a Confidentiality Agreement Generator for the purpose of preparing intellectual property confidentiality agreements. It is available at www.ipaustralia.gov.au/smartstart/cag.htm.

- 13.4 The employee assigns to Council by way of future assignment all copyright, design, design right and other property rights (if any) in respect to any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract.
- 13.5 At the request and expense of Council the employee will complete all necessary deeds and documents and take all action necessary to vest in Council any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract and obtain for Council the full benefit of all patent, trademark, copyright and other forms of protection throughout the world.

14 Confidential Information

The employee will not divulge any confidential information about Council either during or after the term of their employment under this contract.

15 Waiver

The failure of either the employee or Council to enforce at any time any provision of this contract or any right under this contract or to exercise any election in this contract will in no way be considered to be a waiver of such provision, right or election and will not affect the validity of this contract.

16 Inconsistency and severance

- 16.1 Each provision of this contract will be read and construed independently of the other provisions so that if one or more are held to be invalid for any reason, then the remaining provisions will be held to be valid.
- 16.2 If a provision of this contract is found to be void or unenforceable but would be valid if some part were deleted, the provision will apply with such modification as may be necessary to make it valid and effective.

17 Dispute resolution

- 17.1 In relation to any matter under this contract that may be in dispute, either the employee or Council may:
- (a) give written notice to each other of the particulars of any matter in dispute, and
 - (b) within 14 days of receiving a notice specified in subclause 17.1(a), a meeting will be convened between Council (along with any nominated representative of Council) and the employee (along with any nominated representative of the employee) in an attempt to resolve the dispute.
- 17.2 The employee and Council will attempt to resolve the dispute at the workplace level.
- 17.3 Upon failure to resolve the dispute at the workplace level, the employee and Council will:
- (a) refer the dispute to an independent mediator as agreed by the employee and Council, or otherwise as appointed by the Director-General,
 - (b) agree to participate in any mediation process in good faith, with such mediation to operate in a manner as agreed by the employee and Council, and
 - (c) acknowledge the right of either the employee or Council to appoint, in writing, another person to act on their behalf in relation to any mediation process.
- 17.4 The cost of the mediation service will be met by Council.

- 17.5 The employee and Council will each be responsible for meeting the cost of any advisor or nominated representative used by them.

18 Service of notices and communications

- 18.1 Any communication, including notices, relating to this contract will be in writing and served on the employee or Council at their last known residential or business address in accordance with subclause 18.2.
- 18.2. Any written communication including notices relating to this contract is taken to be served:
- (a) when delivered or served in person, immediately,
 - (b) where served by express post at an address within New South Wales in the Express Post Network, on the next business day after it is posted,
 - (c) where served by post otherwise in the ordinary course of postage, as set down in Australia Post's delivery standards, and
 - (d) where sent by facsimile, within standard business hours otherwise on the next business day after it is sent.

19 Variations

- 19.1 Where this contract provides that its terms may be varied, that variation will be by agreement in writing signed by the employee and Council.

Note: See clauses 4.5, 6.1.3, 7.3, 8.6 and 19.2.

- 19.2 Where the Director-General approves an amended or substitution standard form of contract for the employment of the general manager of a council, the provisions of this contract may be varied by agreement between the employee and Council to the extent that they are consistent with the provisions of that amended or substitution standard form of contract.

Note: See section 338 of the Act.

20 Other terms and conditions

- 20.1 The employee and Council acknowledge that they have sought or had the opportunity to seek their own legal and financial advice prior to entering this contract.
- 20.2 In accordance with section 731 of the Act, nothing in this contract gives rise to any action, liability, claim or demand against the Minister, the Director-General or any person acting under their direction.

21 Signed by the employee and Council

COUNCIL:

The Seal of

.....
[Council name]

.....
[Seal]

affixed by authority of a resolution of Council.

Signed by Council

Date

Name of signatory
in full *[printed]*

Office held *[printed]*

Signed by Witness

Name of Witness
in full *[printed]*

THE EMPLOYEE:

Signed by the
employee

Date

Name of employee
in full *[printed]*

Signed by Witness

Name of Witness
in full *[printed]*

Schedule A – Council policies

Note: This Schedule may be varied during the term of this contract in accordance with subclauses 4.5 and 19.1 of this contract.

This Schedule operates on and from

Date

For the purposes of subclause 4.5 of this contract, the following policies apply to the employee:

Signed by Council

Signed by the employee

Schedule B – Duties and functions

Note: This Schedule may be varied during the term of this contract in accordance with subclauses 6.1.3 and 19.1 of this contract.

This Schedule operates on and from

Date

In addition to the duties and functions specified in clause 6 of this contract, the employee will carry out the following duties and functions

Signed by Council

Signed by the employee

Schedule C – Remuneration

Note: This Schedule may be varied during the term of this contract
in accordance with clauses 8 and 9 of this contract.

This Schedule operates on and from

Date

The Annual Total Remuneration Package is as follows:

\$

The Total Remuneration Package is comprised of:

ANNUAL REMUNERATION	\$

The employee agrees and acknowledges that deductions under subclause 8.2 of this contract are made principally for the benefit of the employee and that the Council relies on that statement in providing the non-cash benefits requested by the employee.

In the case of an employee who is a member of a defined benefit division of the Local Government Superannuation Scheme (or equivalent) compulsory employer superannuation contributions are the long term or "notional" employer contribution, as advised by the Actuary for the Local Government Superannuation Scheme from time to time.

The employee's superable salary will be the amount of the total remuneration package less the amount of compulsory superannuation contributions.

Signed by Council

Signed by the employee

**NOM21/006 RETIREMENT OF SUPERINTENDENT JOHN CULLEN AFSM, RURAL FIRE
SERVICE**

S012-T00026

Responsible Officer: Phil Constable - Clr

Attachments: Nil

Councillor Phil Constable given notice that at the Ordinary Meeting of Council on Tuesday 28 September 2021, he will move the following motion.

MOTION

THAT Council congratulate and thank Superintendent John Cullen for his service to the NSW Rural Fire Service and community.

BACKGROUND

Superintendent John Cullen AFSM retired from the NSW Rural Fire Service on 17 September 2021. John was the District Manager for the Far South Coast for the last twelve years. This included the period of the devastating Black Summer bushfires of 2019-20, one of the worst natural disasters to affect our Shire.

John began his career in fire management in 1977 with the former Imlay Shire at Eden, at a time when councils managed the local fire brigade. John was Deputy Fire Control Officer for Bega Valley Shire during Eurobodalla's severe 1994 season, and his time with the RFS has seen him involved in the 1997 Thredbo landslide, 1999 Sydney hailstorm and the Black Saturday bushfires in Victoria in 2009.

Council has worked alongside John in the Eurobodalla Bushfire Risk Management Committee (now Far South Coast Bushfire Management Committee), and the Local Emergency Management Committee, for many years. Council's Local Emergency Management Officers, worked closely with John at the Emergency Operations Centre when it was stood up during the campaign fires of 2019-20.

Council has valued John's expertise, professionalism and comradery and we thank John for his close and positive involvement. John has displayed an active commitment to developing relationships between firefighters and the community. John has worked tirelessly with volunteers and government agencies to promote collegial relationships and promote community education and protection.

Over his career John has been recognized for his outstanding service with awards including the Commissioner's Commendation for Service in 2000, the National Medal in 2012; and in 2017, John was awarded the Australian Fire Service Medal (AFSM) for distinguished service.

John is retiring to his home in the Bemboka valley, and we wish him all the best as he settles into this new stage in life.

GENERAL MANAGER'S RESPONSE

Council has formally written a letter of thanks to Superintendent John Cullen thanking him for his contribution to the Rural Fire Service and the Eurobodalla community.

We share our appreciation for John's longstanding commitment and service to the Eurobodalla and Bega Valley communities.

QON21/007 SERVICES FOR EUROBODALLA'S AGEING POPULATION

S012-T00024

Responsible Officer: Patrick McGinlay - Councillor

Attachments: Nil

The following questions on notice was received from Councillor Patrick McGinlay

Question

I am submitting the following four questions on behalf of a local resident and former ESC Councillor, Mr Allan Brown.

Mr Brown notes that our Shire has a high and growing proportion of aged residents and ratepayers within our population.

He asks:

1. What long term planning has Council done to provide all the necessary infrastructure requirements of the shires ageing population?
2. What is being provided at the present time by the shire council specifically to cater for the shires ageing population?
3. Is there an annual budget to provide for the needs of the shires ageing population?
4. Can a report be provided for the Councillors and community benefit on the shires ageing population needs?
5. Further to the foregoing, I would like to add the following additional question:

What is the step-by-step process, whereby an officially formed, sponsored, and administered community consultative committee could be established by this Council to specifically provide advice and expertise on matters relating to our aged residents and their needs?

Response

1. What long term planning has Council done to provide all the necessary infrastructure requirements of the shires ageing population?

In regard to planning for infrastructure and services that are in Council's area of responsibility, the needs of specific groups, including older people, children, youth, First nations people and people with a disability, are taken into consideration based on research and community feedback. The aim is to increase accessibility and inclusion as 'universal access', contributing to a positive quality of life and more choice and opportunity.

The development of the Community Strategic Plan is based on extensive feedback from the whole community. This informs the development of Council's Delivery Program and Operational Plans and budgets. For those matters outside of Council's direct delivery responsibility, such as health, Council often adds an element within Council's Delivery Program to advocate to the responsible level of government to seek an outcome for the Eurobodalla community.

All long-term planning for the Shire considers the need to adequately support the ageing population.

QON21/007 SERVICES FOR EUROBODALLA'S AGEING POPULATION

S012-T00024

Council recently adopted its Local Strategic Planning Statement that sets out the requirements for long term land use planning. Specifically Planning priority 9 is to “develop highly accessible town and activity centres”. This priority recognises that Eurobodalla has a rapidly ageing population. It is forecast that between 2016 and 2026 the Shire will experience a 23.7% increase in population of retirement age. In addition, a high percentage of Eurobodalla households either do not own a vehicle or only own one. With an ageing population and low vehicle ownership, there will be increased need to live in highly accessible locations where goods and services are within walking distance to residential areas and people have alternative transport options. The town centres of Batemans Bay, Moruya and Narooma have areas that are relatively flat and could facilitate increased density and infill that potentially caters for an ageing population.

As stated, all long-term planning of Council requires the consideration of the principle of universal access. For example, the recently adopted Batemans Bay Waterfront Master Plan outlines four key principles to guide all future decision making of Council about the Waterfront with principle 3 being: “Make Strong Connections”. The plan requires that any future linkages for the Waterfront ideally align with safe crossing points in adjacent streets and linkages should be safe to use by people of all abilities.

Council’s infrastructure is planned with the ageing demographics in mind, and to assist people less mobile or with a disability. Of course, many older residents are also very active and often utilise facilities more regularly than those working. These considerations are built into infrastructure strategies and plans such as the Road Safety Plan, Recreation and Open Space Strategy, Pathways Strategy, Libraries Strategy, Public Arts Strategy and Disability Action Plan.

For example, Eurobodalla’s Recreation and Open Space Strategy 2018 has prioritised accessible pathways that connect car parks to toilets, public facilities and play areas, as well as ensuring pathways are supported with seating, water bubblers, shade, lighting and signage. This benefits older residents as well as the wider community.

Wherever possible, recreation projects are incorporating a variety of elements to ensure open spaces and public facilities are more accessible, comfortable and safer for seniors.

For example, the Bay Pavilions, set to open in early 2022, includes accessible and inclusive design elements and services within the facility to meet the needs of all abilities, including seniors. This includes warm water therapy and lap swimming, programs for different ages and interests (water aerobics, art classes etc) and full price and concessional rates that assist retirees.

A second example is the Captain Oldrey Park redevelopment, which provided highly accessible new netball courts and a renovated amenity building. Going forward, the development will include an inclusive playground, nature trail connecting the park to surrounding residential areas, resting areas and signage. In each respect, these new elements to Captain Oldrey Park, make it a more accessible and welcoming for all ages, as well as providing for specific target groups, including seniors and children.

QON21/007 SERVICES FOR EUROBODALLA'S AGEING POPULATION

S012-T00024

2. What is being provided at the present time by the shire council specifically to cater for the shires ageing population?

Council provides a range of infrastructure, services and advocacy activities that support the needs of older residents or are specifically for them.

The actions from various strategies, plans and Council's projects also include actions to assist seniors. As an example, the most recent streetscape project in Batemans Bay included significant improvements to accessibility, walkability and parking for people with mobility issues, including seniors.

The most recent road safety improvements within Moruya CBD have provided a vastly reduced speed environment, provided flat raised pedestrian platforms linking from car parks and added additional marked pedestrian crossings in areas known to be used by seniors (such as in Ford Street near the Services NSW office and optometrist). While supporting the needs of older residents, this also supports families with prams and people with a disability, with a focus on accessibility and inclusion. More are planned subject to obtaining grant funding.

Additional pathways have and are being provided linking villages to local shops and recreational destinations. For example, the pathway in Heath Street Broulee links the retirement village to the beach where an accessible lookout was provided, after taking account of the needs of the older residents living in the area. Council is now partnering with Broulee retirement village to link the existing pathways network to Carters Store.

The recent redevelopment of recreation amenity buildings at Bill Smyth Oval, Gundry Oval and Captain Oldrey Park have prioritised accessible pathways and ramps leading directly from the car parking area to the amenity building entrance. New toilet buildings have been consistently designed to have an accessible toilet as a central feature in the design and many other toilet cubicles are ambulant compliant to best accommodate our seniors.

Prioritisation has been given to developing highly accessible, welcoming and inclusive playgrounds, that allow seniors to easily access these play areas with their families.

Increasingly, when renewing public seats, they are being replaced with seats and benches that have back and arm rests and are connected to an accessible pathway.

Our advocacy work also seeks to identify opportunities to work with others or obtain grant funding to provide safer and more accessible infrastructure. For example, the new car park, bus facilities and lighting provided on Hector McWilliam Drive to move bus pick-ups off the busy Princes Highway, have been welcomed by the Tuross Head Progress Association and older people within Tuross Head.

Council has been working with its local businesses and community groups to support and improve accessibility to premises. We have recently launched and promoted [Access and inclusion checklist – business/service/recreation \(nsw.gov.au\)](https://www.nsw.gov.au/access-and-inclusion-checklist-business-service-recreation).

This checklist helps to identify and respond to barriers that may prevent people using their service or group. It provides guiding questions to draw attention to some of the more obvious barriers people with a mobility issues face which, sometimes, can be easily altered or avoided.

Council's business development team are currently working with businesses in an active frontage assessment. The **Active Frontages** program is being adapted to work with businesses

QON21/007 SERVICES FOR EUROBODALLA'S AGEING POPULATION

S012-T00024

to explore ideas and suggestions to help with reopening and accessibility to individual premises is a key consideration in these assessments.

Of course, many of these actions benefit the whole community, as well as the ageing population. Approaching infrastructure provision planning and delivery from a perspective of inclusion and universal access serves a wider population demographic.

Council provides a range of services specifically to support our ageing population, with a focus on access, inclusion and ageing in place. The following is a summary of the services and the number of current participants:

Community Transport

- 2000 people registered with approximately 380 individuals using the service quarterly.
- Registered Point to Point transport provider and booking service to assist with extra transport provision. This is mainly focused on providing a fee for service transport to other local Home Care package providers and disability providers. Approximately 25 individual clients per month.

Aged Care Services

- Commonwealth Home Support funding, providing Social Support Individual (35 clients), Social Support Groups (63 clients) and Respite (25 clients)
- Home Care Package provider (28 clients)
- Contact Centre and Sector Support services for general enquiries with regards to navigating the Aged Care system.

Volunteering

- Provide Community Care volunteering opportunities for seniors to stay active and engaged. Currently there are 78 Community Transport Volunteers and 41 Social Support Volunteers, predominantly retirees. Council also provides volunteering opportunities for seniors at the Eurobodalla Regional Botanic Gardens, Landcare, Youth Services and in Arts and Cultural Services.

Libraries

- On going free Tech Savvy training, computer access, lifestyle programs, large print, audio books, home delivery service to vulnerable, tablet borrowing.

Arts

- Creative arts workshops, exhibitions, specific exhibition tours for people with dementia and CWA etc, volunteering opportunities, exhibition opportunities.

Community development

- Painting with Parkinsons, Scottish dancing, bridge club, Live Life programs and newsletter, Senior's week activities and Council grant program, Farmer's gatherings/events, creative dance, volunteer and mentor opportunities in cafes, and Ydrive, community directory to connect with clubs and services, transport directory, Grandparent Day events (networking group).

Employment projects

- Workforce planning and support for Aged Care Services, coordinate training and work experience for the sector, develop 'taster' programs for job seekers to try care service jobs.

QON21/007 SERVICES FOR EUROBODALLA'S AGEING POPULATION

S012-T00024

Further, Council is facilitating free physical activity programs such as Live Life, Get Active which allows seniors to exercise and socialise in open spaces across the Shire. Currently the program is running in Batemans Bay and Narooma.

3. Is there an annual budget to provide for the needs of the shires ageing population?

As stated, the considerations of the ageing population are integrated into all infrastructure projects and the budgets for those projects. However, there is a separate specific annual allocation to improve accessibility for less mobile people and people with a disability.

A significant portion of project budgets are used to ensure public facilities and open space are highly accessible, safe and convenient for seniors. Furthermore, Council has sought grant funding with a focus on accessibility to recreation facilities and open spaces, as outlined in responses to Questions 1 and 2.

4. Can a report be provided for the Councillors and community benefit on the shire's ageing population needs?

Yes, a report can be prepared. It would be useful to discuss what Councillors would like to achieve as an outcome from this report at a future briefing to ensure that the report meets Councillor needs, give the level of work involved. It would also be worthwhile to determine if the community believes there is a need for specific planning documents and reports for our ageing population. This may come out as part of the Community Strategic Plan community engagement process, set to commence in the coming months.

Such a report would likely need to cover elements beyond infrastructure provision, such as the economic and employment benefits associated with Government and other providers in meeting the health and services needs of an ageing population.

Depending on the scope of the report required, Council may need to allocate funds to prepare some of the information required.

Having said the above the Shire's ageing population needs are well considered in Council's short, medium and long-term planning.

5. Further to the foregoing, I would like to add the following additional question:

What is the step-by-step process, whereby an officially formed, sponsored, and administered community consultative committee could be established by this Council to specifically provide advice and expertise on matters relating to our aged residents and their needs?

As outlined in questions 1-4, Council considers the Shire's ageing population as an integral part of its planning and delivery activities, as well as providing specific services for the Shire's seniors. However, other levels of government are the key decision-makers and funders of services for the ageing population.

Council has a community-based Disability Inclusion Advisory Committee which considers the needs of the people with a disability, including mobility issues, with an emphasis on access and inclusion in relation to infrastructure, planning and services. This focus addresses many issues also experienced by seniors, as well as other target groups.

To establish a new advisory committee, Council would need to draft Terms of Reference, establish coordination and administrative support, provide a budget and invite community

QON21/007 SERVICES FOR EUROBODALLA'S AGEING POPULATION

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members to apply for a position. This would then go to Council for approval, prior to the committee commencing.

The process to establish a new committee for any purpose, including the identification of matters concerning older residents, should be based on an identified need or legislative requirement. Such need should be borne out via community engagement processes, such as the upcoming review of the Community Strategic Plan.

RECOMMENDATION

THAT the response to the question regarding services for Eurobodalla's ageing population raised by Councillor Patrick McGinlay be received and noted.

GMR21/043 INVESTMENTS MADE AS AT 31 AUGUST 2021

**S011-T00006,
S012-T00025**

Responsible Officer: Dr Catherine Dale - General Manager

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

Operational Plan Link: 9.2.4.2 Provide financial management and reporting

EXECUTIVE SUMMARY

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 of investments as at 31 August 2021, 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.

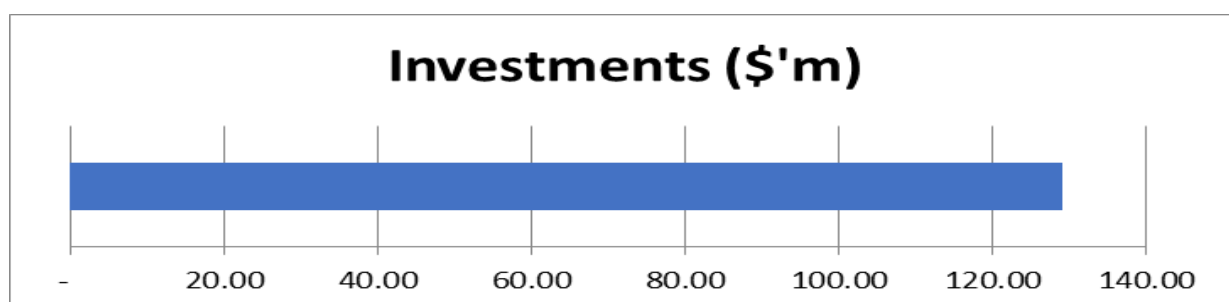
CONSIDERATIONS

Policy

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

Financial

Council investing overall



GMR21/043 INVESTMENTS MADE AS AT 31 AUGUST 2021

**S011-T00006,
S012-T00025**

Council has \$129.11M (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 \$33.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments decreased by \$6.0m during August 2021 due the normal variations in timing of cash flows and end of financial year transactions.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 25.95% invested in BBB+. Investment in Government guaranteed deposits is \$1.75M representing 1.36% of the portfolio.

There are \$45.0M (34.85%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 0.47%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (0.27%).

Summary investment information

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

CATEGORY	(\$)
At call deposit	12,862,876
Term deposits	114,500,000
Term deposits Government guaranteed	1,750,000
	129,112,876
<i>Weighted average interest %:</i>	0.47%
<i>Average 90 day BBSW + 0.25%</i>	0.27%

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	1.36	1.36	100.00
Near risk free	72.69	72.69	100.00
Some limited risk (BBB+)	25.95	25.95	30.00
Grand total	100.00	100.00	

GMR21/043 INVESTMENTS MADE AS AT 31 AUGUST 2021

**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 2020 is 3.47:1. Council therefore has approximately \$3.47 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.

PSR21/039 LICENCE RENEWAL - NAROOMA WHARF LICENCES

S023-T00017

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

Attachments: 1. Confidential - Business Operators

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to renew the licences issued to wharf operators to park adjacent to their boats at Narooma Wharf.

The two businesses operating from the Narooma Wharf, with licences to park vehicles adjacent to their boats, have expressed an interest in renewing their licences for a further 12 months.

The initial trial period was extended due to bushfires and Covid-19 and the licences expired on 12 June 2021.

The intention to grant licence renewals has been publicly notified and no submissions were received during the notification period.

It is recommended Council support the business operators in granting a further 12 month licence.

RECOMMENDATION

THAT

1. Council grant a 12 month licence to Narooma Charters and Lighthouse Charters to operate from Narooma Wharf commencing on 13 June 2021 and expiring on 12 June 2022 including the following conditions:
 - a. The licence fee of \$2,500 plus GST with annual Consumer Price Index increases
 - b. The licence area is to be left clean and tidy after use, and any damage caused is to be rectified by the licence holder
 - c. The provision of evidence of public liability insurance cover to the amount of at least \$20 million
 - d. Conditions in line with the previous licence
2. The General Manager be given delegated authority to negotiate further licences.

BACKGROUND

There are currently two licence holders operating from Narooma Wharf, both of whom have been operating from the Narooma Wharf for a number of years.

PSR21/039 LICENCE RENEWAL - NAROOMA WHARF LICENCES

**S023-
T00017**

The licence permits the operators to use an area in close proximity to their boats birthed on the wharf, before and after boat charter tours.

At its Ordinary Meeting on 26 November 2019, Council resolved to grant a trial licence to the operators. The renewal of the licence was to be considered after successful completion of a trial period. The initial trial period was extended due to impacts of bushfires and Covid-19.

The licences have now expired and both operators have requested to renew their licences.

No complaints have been received from the public during the trial licence period. Council Rangers have also confirmed there have been no issues and the location is checked regularly.

A further 12 month licence and renewals is proposed for the licence holders at Narooma Wharf named in the confidential attachment.

CONSIDERATIONS

Conditions of the licence should be generally in line with the previous licence.

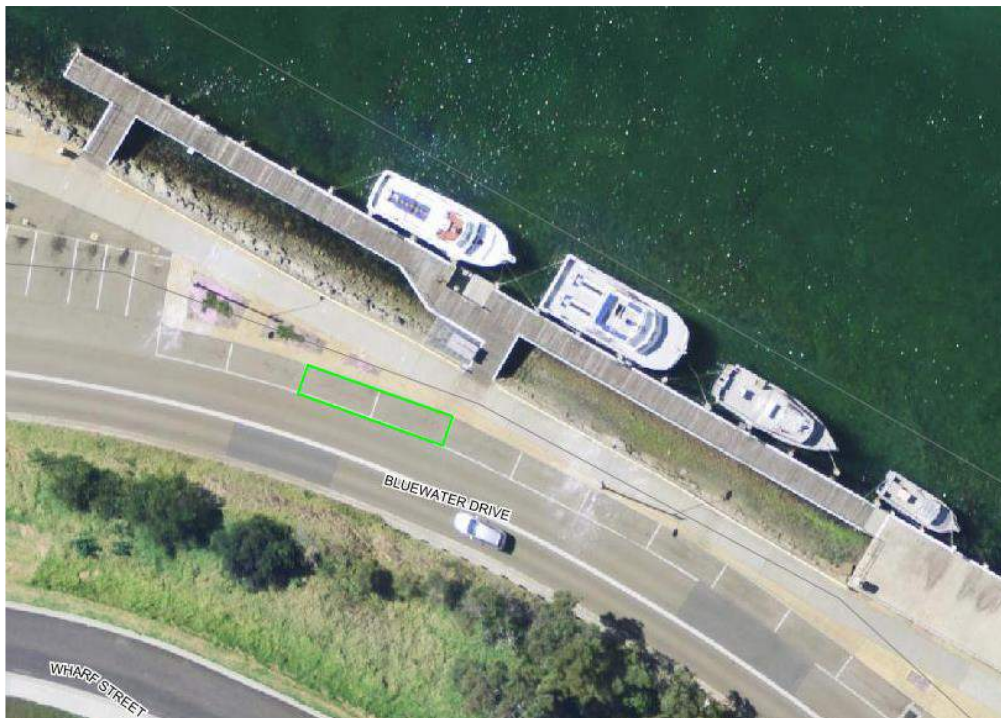
The licence areas are shown in the sketches below.



Adjacent Lot 891 DP729182, Bluewater Drive Narooma

PSR21/039 LICENCE RENEWAL - NAROOMA WHARF LICENCES

**S023-
T00017**



Adjacent to Lot 891 DP729182, Bluewater Drive Narooma

Legal

The areas identified at the Narooma Wharf are all road reserve and will require approvals under section 68 (Part E(2) or Part F(7) of the *Local Government Act 1993*

<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#sec.68>

Non-compliance with licence conditions may see Council undertake enforcement action.

The land ownership in the area is quite complex with the boundary between Council managed road reserve and Crown managed Wharf running immediately adjacent to the potential licence areas.

Policy

In line with the provisions of Council's Code of Practice – Licensing of Council Controlled Public Reserves and Associated Buildings, an Expression of Interest (EOI) was called for parties interested in seeking a licence to use the proposed locations for business operations.

[Licencing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf](#)

Asset

A condition of the licence is that the Licensee ensures the premises are kept clean and tidy and in good order and condition.

Economic Development Employment Potential

The operators provide opportunities for members of the public to participate in recreational activities along the Narooma coastline. The activities attract visitors to our Shire.

PSR21/039 LICENCE RENEWAL - NAROOMA WHARF LICENCES

**S023-
T00017**

Financial

It is considered appropriate that the licence fee be in line with similar licences being \$2,500 plus GST per annum increased annually by CPI. The fee for the initial licence period of six months was \$1,663.00. The initial period was extended at various times at no cost to the operators, due to the impact of bushfires and Covid19 restrictions.

Community and Stakeholder Engagement

Following the EOI and in accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework, the intention to grant a licence within Council's road reserve was publicly notified for 28 days and no submissions were received during the notification period.

CONCLUSION

The current licence term to the operators expired on 12 June 2021.

It is recommended Council support the business operators in granting a further 12 month licence.

PSR21/040 LICENCE FOR AGRICULTURAL PURPOSES - MORUYA

S023-T00017

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

Attachments: 1. Confidential - Submission

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for a licence for cattle grazing adjacent to Moruya Sewerage Treatment Works, Queen Street.

The land has been licenced to a neighbouring landowner for grazing cattle for many years. The current licence holder does not wish to renew their licence which expired on 31 August 2021.

An Expression of Interest (EOI) was called seeking people interested in obtaining a licence for agricultural purposes at this site.

One submission was received requesting a 12 month licence for the purpose of cattle grazing. The submitter's details are set out in the confidential attachment.

It is recommended a 12 month licence be granted to the submitter.

RECOMMENDATION

THAT

1. Council grant a 12 month licence for agricultural purposes within Lots 61, 62 and part Lot 58 DP 244154, Queen Street, Moruya including the following conditions:
 - a. A licence fee based on the previous licence adjusted by the Consumer Price Index.
 - b. The provision of evidence of public liability insurance cover to the amount of at least \$20 million.
 - c. Conditions in line with the previous licence for this land.
2. The General Manager be given delegated authority to negotiate further licences.

BACKGROUND

Operational land adjacent to the Moruya Sewerage Treatment Works has been licenced to a neighbouring landowner for the purposes of cattle grazing for many years. The existing licence expired on 31 August 2021 and the neighbouring landowner has indicated that they do not wish to renew their licence.

This area of land that has been utilised for grazing, being Lots 61, 62 and part Lot 58 DP 244154 at Queen Street, Moruya, is not required for sewerage operation purposes until after 2026. This site could be licenced for a further five years with options to extend.

PSR21/040 LICENCE FOR AGRICULTURAL PURPOSES - MORUYA

**S023-T00017
LAND IDS: 9639,
9640, 23899**

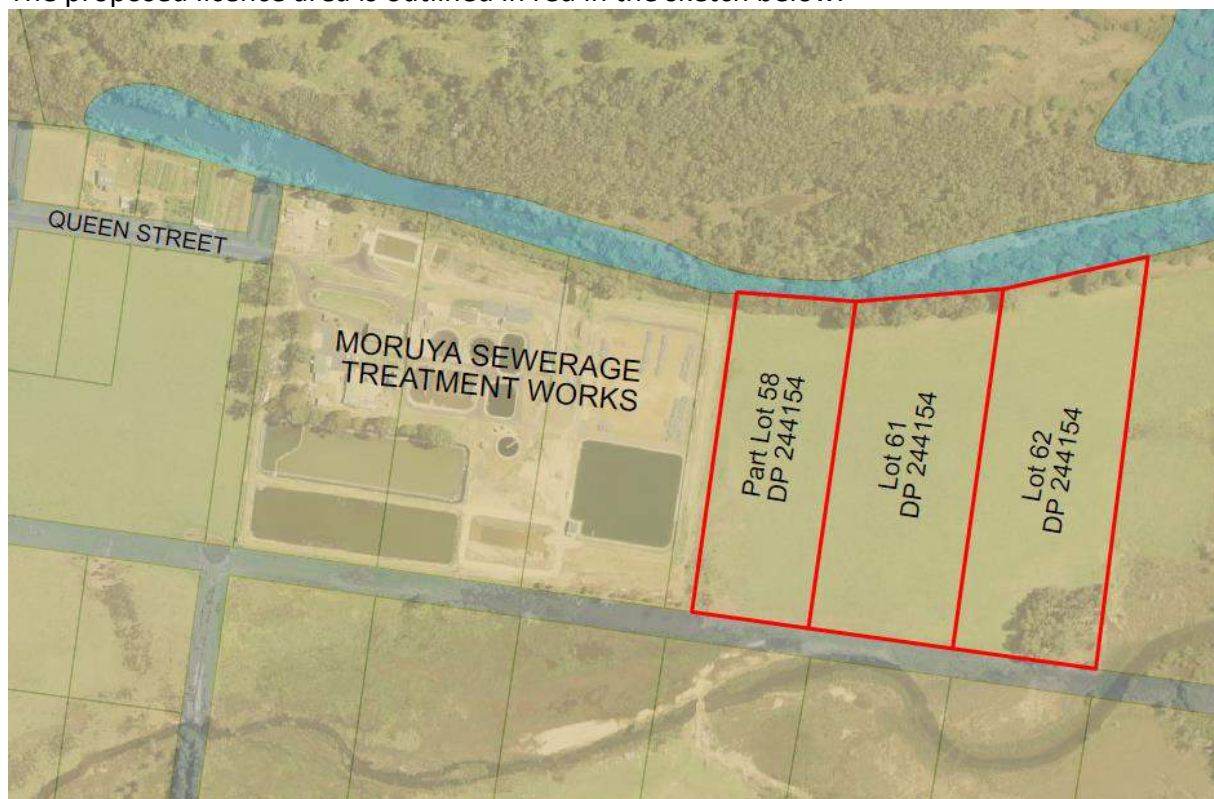
An EOI was published seeking people interested in obtaining a licence for agricultural purposes at this site.

One submission was received requesting a 12 month licence for the purpose of cattle grazing. It is proposed a 12 month licence be granted to the submitter whose name is set out in the confidential attachment.

CONSIDERATIONS

Conditions for the licence will be in line with the previous licence.

The proposed licence area is outlined in red in the sketch below.



Lots 58, 61 & 62 DP 244154 Moruya

Legal

The subject land is classified as Operational land and as such there is no legislative requirement for public notification of granting a licence. However, to ensure the best return and use of this land, the proposed granting of a new licence was publicly notified by way of an EOI.

Policy

In line with the provisions of Council's Code of Practice – Licencing of Council Controlled Public Reserves and Associated Buildings, an Expression of Interest (EOI) was called for parties interested in seeking a licence to use the proposed location for agricultural purposes. The same Code includes a process if Council receives more EOI's than are available however only one submission was received.

PSR21/040 LICENCE FOR AGRICULTURAL PURPOSES - MORUYA

**S023-T00017
LAND IDS: 9639,
9640, 23899**

[Licencing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf](#)

Environmental

The land available is suitable for either cropping or cattle grazing. Recycled water/treated effluent may be available from the adjoining treatment works for the licensee to use. It will be the licensee's responsibility to ensure any use of treated effluent is permissible for their specific use of the land.

Asset

The land is currently not required for sewerage purposes and licensing of the land for agricultural purposes is considered to be the best use.

Financial

The original licence fee was set following a market process via an Expression of Interest and has since been increased in line with the Consumer Price Index. The new fee is in the confidential attachment.

Community and Stakeholder Engagement

An EOI was called allowing 28 days for receipt of submissions.

The community was informed by providing information on Council's website, writing to community group and advertising on Council's noticeboard page in two local newspapers.

CONCLUSION

The current cattle grazing licence expired on 31 August 2021. There are no sewerage operation purposes for this land until after 2026.

It is recommended that Council grant a 12 month licence for agricultural purposes on Lots 61 and 62 and part Lot 58 DP 244154 Moruya to the submitter, as set out in the confidential attachment.

PSR21/041 LAND ACQUISITION - COSTIN STREET, NAROOMA

LAND ID 11441

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

Attachments: 1. Confidential - Landowner's details

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

The purpose of this report is to seek approval to the proposed acquisition of part Lot 793 DP 752155 for road purposes.

Reconstruction of Loader Parade, Willis Boulevarde and Costin Street, Narooma forms part of Council's Urban Road Reconstruction within the Delivery Program and Operational Plan (DP/OP). The project requires the acquisition of approximately 11.43 square metres of Lot 793 DP 752155 for road widening.

All survey and legal costs associated with the acquisition will be borne by Council.

The landowner's details are set out in the confidential attachment.

RECOMMENDATION

THAT

1. Council approve the acquisition of part Lot 793 DP 752155
2. All actions necessary be taken for the acquisition of part Lot 793 DP 752155 for road purposes in accordance with Council's Land Acquisition and Disposal Policy.
3. If the acquisition of part Lot 793 DP 752155 cannot be negotiated by agreement, Council make application to the Minister for Local Government and the Governor to acquire part of Lot 793 DP 752155 for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the *Roads Act 1993* and in accordance with Council's Land Acquisition and Disposal Policy.
4. Compensation for the land be determined following a valuation by a registered valuer.
5. All survey and legal costs associated with the land acquisition be borne by Council.
6. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
7. Authority be given to affix the Common Seal of Council to the necessary documentation associated with the acquisition.

PSR21/041 LAND ACQUISITION - COSTIN STREET, NAROOMA

**LAND ID
11441**

BACKGROUND

This project is to rehabilitate and formalise Loader Parade, Willis Boulevard and Costin Street, Narooma and to provide improved traffic safety, improved drainage, extension of the life of the road asset and to generally improve the aesthetics of the area.

The project requires the acquisition of approximately 11.43 square metres of Lot 793 DP 752155 for road widening.

CONSIDERATIONS

The acquisition area is shown in the sketch below.



Lot 793 DP 752155 – Costin Street, Narooma

Legal

A Plan of Subdivision will be prepared and lodged at New South Wales Land Registry Services and the part required for the road purposes be dedicated as public road.

Council will seek to acquire the land by agreement. If acquisition by agreement is not achieved, it may need to proceed by compulsory process. Acquisition, whether by agreement or compulsory acquisition, will be in accordance with the provisions of *the Land Acquisition (Just Terms Compensation) Act 1991*.

[Land Acquisition \(Just Terms Compensation\) Act 1991 No 22 - NSW Legislation](#)

Policy

The acquisition of land for road purposes will proceed in accordance with the Council's *Land Acquisition and Disposal Policy*. [Land-Acquisition-and-Disposal-Policy](#)

Environmental

The upgrade of the road will improve stormwater drainage and reduce environmental impacts.

PSR21/041 LAND ACQUISITION - COSTIN STREET, NAROOMA

**LAND ID
11441**

Asset

This project is part of Council's ongoing road reconstruction program to provide improved traffic safety, improved drainage, extension of the life of the road asset and to generally improve the aesthetics of the area.

Social Impact

The project aims to improve safety and provide a higher level of service for both road users and pedestrians.

Financial

Compensation for the land will be determined following a valuation by a registered valuer.

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

\$575,000 has been allocated to this Urban Road Reconstruction project in the Delivery Program/Operational Plan for the 2021-22 financial year.

Community and Stakeholder Engagement

Council is discussing the works and acquisition with the landowner of Lot 793 DP 752155.

CONCLUSION

The proposed reconstruction of Loader Parade, Willis Boulevarde and Costin Street, Narooma requires the acquisition of approximately 11.43 square metres of Lot 793 DP 752155 for road widening.

This report recommends Council approve the acquisition of part Lot 793 DP 752155 for road purposes as part of the reconstruction of Loader Parade, Willis Boulevarde and Costin Street, Narooma, including by compulsory process if necessary.

PSR21/042 LAND ACQUISITION FOR ROAD WIDENING - RIDGE ROAD, CENTRAL TILBA **S023-T00001/LAND ID 23732**

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

Attachments: 1. Confidential - Landowner's details

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

The purpose of this report is to seek approval to the proposed acquisition of part Lot 2 DP 788728 Ridge Road, Central Tilba for road reconstruction purposes.

Reconstruction of a section of Ridge Road forms part of Council's Rural Road Reconstruction within the Delivery Program and Operational Plan (DP/OP). This is an ongoing project and road construction within the area is progressing. The project requires the acquisition of approximately 190 square metres of Lot 2 DP 788728 for road widening.

All survey and legal costs associated with the land acquisition will be borne by Council.

The land owners' details are set out in the confidential attachment.

RECOMMENDATION

THAT

1. Council approve the acquisition of part Lot 2 DP 788728
2. All actions necessary be taken for the acquisition of part Lot 2 DP 788728 for road purposes in accordance with Council's Land Acquisition and Disposal Policy.
3. If the acquisition of part Lot 2 DP 788728 cannot be negotiated by agreement, Council make application to the Minister for Local Government and the Governor to acquire part of Lot 2 DP 788728 for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the Roads Act 1993 and in accordance with Council's Land Acquisition and Disposal Policy.
4. Compensation for the land be determined following a valuation by a registered valuer.
5. All survey and legal costs associated with the land acquisition be borne by Council.
6. Once acquired, the land be dedicated as public road in accordance with the provisions of the Roads Act 1993.
7. Authority be given to affix the Common Seal of Council to the necessary documentation associated with the acquisition.

**PSR21/042 LAND ACQUISITION FOR ROAD WIDENING - RIDGE
ROAD,
CENTRAL TILBA**

**S023-
T00001/LAND ID
23732**

BACKGROUND

This project is part of Council's asset management strategy and long-term financial plan for renewing existing road assets, including the existing road pavement and road surfacing treatment.

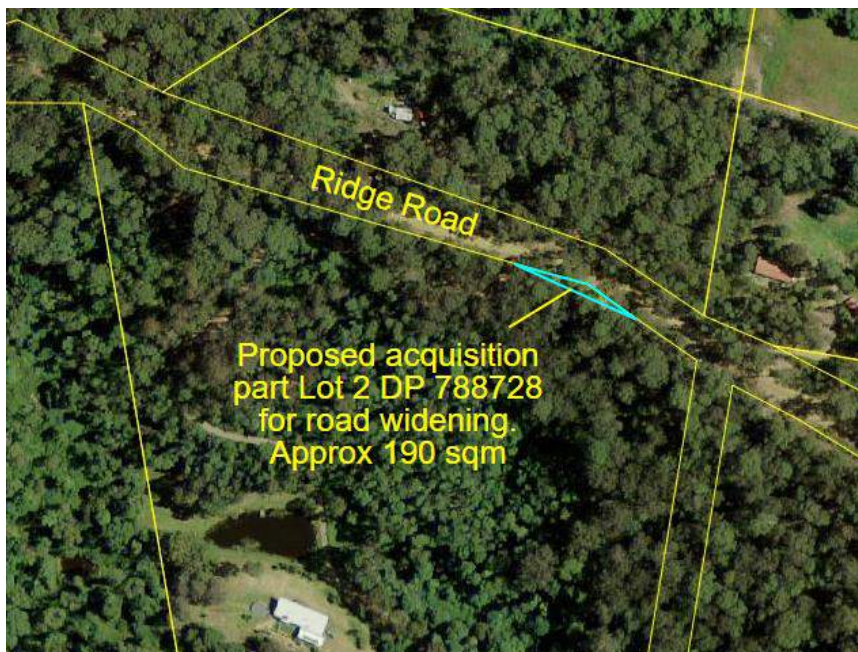
The upgrade project includes reconstructing Ridge Road from the end of the existing seal, east of the intersection with Punkalla-Tilba Road, for a distance of approximately 960m east towards Old Highway, Corunna.

Previous land acquisitions have been finalised and some reconstruction work has taken place and this acquisition allows continuation of the works on this section of the road.

The ongoing project now requires the acquisition of approximately 190 square metres Lot 2 DP 788728 for road widening.

CONSIDERATIONS

The acquisition area is shown in the sketch below.



Part Lot 2 DP 788728 – Ridge Road, Central Tilba

**PSR21/042 LAND ACQUISITION FOR ROAD WIDENING - RIDGE
ROAD,
CENTRAL TILBA**

**S023-
T00001/LAND ID
23732**

Previous and current acquisitions - Ridge Road, Central Tilba



Legal

A Plan of Subdivision will be prepared and lodged at New South Wales Land Registry Services and the part required for road purposes be dedicated as public road.

Council will seek to acquire the land by agreement. If acquisition by agreement is not achieved, it may need to proceed by compulsory process. Acquisition, whether by agreement or compulsory acquisition, will be in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

[Land Acquisition \(Just Terms Compensation\) Act 1991 No 22 - NSW Legislation](#)

Policy

The acquisition of land for road purposes will proceed in accordance with the Council's *Land Acquisition and Disposal Policy*. [Land-Acquisition-and-Disposal-Policy](#)

Environmental

The upgrade of the road from an unsealed road to a sealed road will improve stormwater drainage and reduce environmental impacts.

Asset

This project forms part of Council's asset management strategy and long term financial plan for renewing existing road assets, including the existing road pavement and road surfacing treatment.

Social Impact

The upgrade of the road from an unsealed road to sealed road to improve safety and provide a higher level of service for road users.

Financial

Compensation for the land will be determined following a valuation by a registered valuer.

**PSR21/042 LAND ACQUISITION FOR ROAD WIDENING - RIDGE
ROAD,
CENTRAL TILBA**

**S023-
T00001/LAND ID
23732**

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

\$580,000 has been allocated to this Rural Road Reconstruction project in the Delivery Program/Operational Plan for the 2021-22 financial year.

Community and Stakeholder Engagement

Council is discussing the works and acquisition with the landowner of Lot 2 DP 788728.

CONCLUSION

The continuation of the upgrading of Ridge Road, Central Tilba requires the acquisition of approximately 190 square metres of Lot 2 DP 788728 for road widening.

This report recommends Council to approve acquisition of part Lot 2 DP 788728 for road purposes, including by compulsory process if necessary.

PSR21/043 2020-21 NATURAL RESOURCE MANAGEMENT STATUS REPORT

S010-T00015

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: 3 Protected and Valued Natural Environment
Focus Area: 3.2 Value, protect and enhance our natural environment and assets
Delivery Program Link: 3.2.2 Work in partnership to provide natural resource management
Operational Plan Link: 3.2.2.2 Plan and implement environmental protection and restoration program

EXECUTIVE SUMMARY

This report provides the annual update on Council's Natural Resource Management (NRM) Program for the period July 2020 to June 2021. Included are updates on the Coast and Estuary Program, Landcare, Marine Debris initiatives, Bushfire Recovery and Flying foxes.

Project funding consists of \$3,871,007 in active and completed external grants and Council annual funds of \$113,963. The projects are strategic and aligned with Council plans and directions, along with support of the volunteers and landholders. Volunteers have committed just over 8,275 hours to NRM during 2020-21 which equates to \$331,000 of in-kind conservation activities, an increase from 2019-20.

RECOMMENDATION

THAT Council:

1. Receive and note the 2020-21 Natural Resource Management Status Report.
2. Thank Landcare volunteers for their contribution.

BACKGROUND

Council operates in a diverse range of NRM areas. Activities are undertaken to:

- protect Eurobodalla's coasts and estuaries in line with the recommended actions in Coastal Management Programs
- protect and enhance bushland and Endangered Ecological Communities (EECs) and improve overall biodiversity
- monitor flying fox camps, implement actions from the Eurobodalla Flying fox Management Plan and minimise the impacts of flying foxes on residents
- reduce marine debris and implement source reduction plans to reduce further impacts on our coastal and marine environment
- assist residential landholders to sustainably manage their gardens by providing plant swap opportunities and garden visits
- assist rural landholders to sustainably manage their properties, waterways and vegetation
- reduce the impacts and spread of invasive plants and animals
- involve and support the community and land managers in environmental works and education
- provide education and a control program for the invasive Indian Myna bird

PSR21/043 2020-21 NATURAL RESOURCE MANAGEMENT STATUS REPORT

**S010-
T00015**

- provide advice to landholders, other agencies and other sections of Council to reduce environmental impacts
- provide landholders with advice and support to undertake conservation activities on bushfire impacted properties.

A range of government organisations and community groups are engaged to develop and implement partnership projects. Works occur across all land tenure to enable landscape-scale environmental outcomes.

Projects are developed and implemented based on delivering environmental outcomes that are supported by Council plans and processes, funding body objectives and the community and/or the land manager.

CONSIDERATIONS

Bushfire and COVID response

Most existing NRM projects have continued and are on track with some modifications due to social restrictions.

In response to the bushfires the NRM Team has continued to provide advice, support and funding to assist with implementing conservation activities on bushfire impacted properties. This includes:

- wildlife nest box program has continued to be implemented with 500 nesting boxes installed by private landholders at strategic locations to assist wildlife, including threatened species, where nesting hollows are absent due to the fire impacts
- Landcare activities in bushland reserves have continued and complied with COVID restrictions. Landcare has been an important activity for volunteers during the past 12 months providing social connection and delivering environmental outcomes
- assessment of bushfire damage to Eurobodalla's environment has continued to be undertaken and support has been provided to affected landholders through the provision of native plants, tree guards, erosion control and weed removal activities
- South East Catchments and Waterways Bushfire Recovery Plan has been drafted and once finalised, will guide the next stages for environmental restoration
- vegetation monitoring sites were established following the fires to record the response of various vegetation types and weeds, and to assist with guiding weed control efforts. The initial findings have assisted with understanding weed seed germination and how this interacts with native vegetation. Many weedy plant species were shown to germinate much earlier than native ground cover species, and if left untreated, go on to dominate landscapes.
- identification of priority sites and risks for rare species such as *Hibiscus richardsonii* found at Pretty Point post bushfires and deploying resources to manage sites
- identification of the slow recovery of some plant species based on severity and impact of the fires such as *Casuarina sp* which provide the main source of food for endangered species such as Gang Gangs and Glossy Black Cockatoos
- targeting rehabilitation and protection works across public and private lands with consideration of overall environmental benefit for ecosystems

PSR21/043 2020-21 NATURAL RESOURCE MANAGEMENT STATUS REPORT

**S010-
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- responding to an increase in calls from landholders seeking advice about vegetation, weeds and erosion management in bushfire impacted areas.

Legal

Council works with the Department of Planning, Investment and Environment – Biodiversity and Conservation Division to ensure that projects align with State priorities and legislation.

New activities undertaken on Council managed lands are subject to an internal approval process and reported to Council as required. See report Landcare Project Proposals 2021 (28 September 2021) for information on new groups and works by Landcare.

Environmental

1. Coast and Estuary Program

This program implements the recommended actions from Council's five Estuary Management Plans or the updated Coastal Management Programs (Clyde, Tomaga, Moruya, Tuross/Coila and Wagonga).

During 2020-21 estuarine conservation works have been undertaken throughout approximately 700 hectares of Endangered Ecological Communities and high value estuarine areas across Eurobodalla. Works have included weed control and revegetation, community education and engagement, and foreshore bank stabilisation.

These works are supported by Federal funding for bushfire impacted estuaries and a NSW coastal waterway bushfire impact mitigation grant to ensure the bushfire impacts at priority waterways are restored.

2. Landcare Program

During 2020-21 there were 24 Landcare groups volunteering in Eurobodalla. Eurobodalla Landcare has 300 regular members and approximately 1,000 individuals that participated in Landcare activities, many of whom were inspired to volunteer their time to assist with bushfire recovery programs. Over 90% of Landcare weed control activities occur on Council owned or managed land contributing significantly to the maintenance of natural assets in the Eurobodalla. Together the groups form an incorporated network, the Eurobodalla Landcare Network, and undertake their work with the assistance of the Landcare Coordinator whose part-time position is funded through Landcare NSW and hosted by Council. The Landcare Coordinator position is grant funded for 10 hours per week.

During 2020-21 over 8,275 volunteer hours were recorded and these are valued at \$331,000 (based on the Australian Bureau of Statistics rate of \$40/hour). The main on ground activities were weed control and reducing the impacts of high risk and environmental weeds on native vegetation in reserves, erecting nest boxes and the Indian Myna control program. Many of the existing Landcare group working bees and extension work done with primary and secondary school students, has been adversely impacted by COVID.

3. Marine Debris Program

240 clean ups were conducted and logged onto the Australian Marine Debris Initiatives database over the 2020-21 financial year.

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**S010-
T00015**

This includes ongoing monitoring of the 20 drain buddies installed in the Batemans Bay CBD which trap waste from the stormwater network and enable identification of point and diffuse sources of litter and waste.

The annual environmental calendar theme was 'think before you buy' which encouraged the community to reduce the amount of plastic packaging they were bringing into their homes. All 11 primary schools participated in the annual calendar. The 2022 calendar will focus on estuaries.

4. Flying-fox Program

Council continues to work within the framework of the Eurobodalla Flying-fox Management Plan to reduce impacts of flying-foxes on residents whilst conserving the ecosystem services they provide.

In the 2020-21 flying-fox season there were five known active camps: Water Gardens, Catalina, Moruya town, Tuross Head and Narooma. The overall population peaked at around 3,300. Numbers of flying-foxes in Eurobodalla this season were the lowest ever recorded, most likely due to the ongoing impacts of the black summer 2019-20 fires on their foraging resources. Community concerns were low with most complaints relating to flying-foxes feeding in Cocos Palms.

Projects in progress include removal of 175 Cocos Palms around the Batemans Bay camps (120 removed to date) and YouTube short films being compiled to communicate effective methods of removing bat faeces from affected surfaces.

An odour neutralising trial, initiated with consultants in 2019, to determine whether the smell of a flying fox camp can be mitigated using odour neutralising technology either in properties or at the camps has been completed. The final assessment reports are due later in 2021.

Weed maintenance and planting continued in camps and buffer zones in Batemans Bay and flying-fox signage has been installed at the Water Gardens and Catalina golf course.

Council continued to work with the local community, as well as NSW and Australian Government agencies and other councils to share knowledge and information and improve flying fox management

Social Impact

The projects have a strong emphasis on community engagement and education, providing a range of opportunities for community participation. This occurs in ongoing Landcare group working bees, one-off community events and activities, and property visits with landholders.

The NRM program builds the capacity of private landholders to recognise, maintain and improve their properties' natural assets and to sustainably manage their land for enhanced agricultural productivity and environmental benefits.

Eurobodalla residents and visitors value the natural settings and interactions with the environment that Eurobodalla provides. NRM works continue to protect and improve this natural environment and provides volunteer opportunities for residents and visitors.

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Economic Development Employment Potential

Grant funds and ongoing project investment contribute to the local economy.

NRM projects utilise local businesses to assist with implementation such as bush regenerators, fencing contractors, local produce stores, hardware stores, earthwork machinery operators, printers, sign makers and caterers for community training events.

Projects also involve the engagement of local indigenous teams through the appropriate Local Aboriginal Land Council where suitable.

Financial

Most NRM projects are externally funded through grants. Council funds were used to match external grants, tools and equipment and contractors for supporting high priority NRM works on Council lands, where there was no external funding or source of volunteers.

Note that some projects are over a three-year duration.

Project	Status	Start	End	Grant total	Expenditure 2020/21	Council contribution 2020/21
Protect and Enhance Moruya River	Active	29/08/2019	31/05/2020	22,130	5,250	
Protecting 10.4 hectares Saltmarsh	Active	1/07/2019	30/06/2020	10,000	4,900	
Maintaining momentum and bridging the gaps on the HCVAE Deua River	Active	1/02/2019	1/12/2021	99,647	37,209	
Fighting ferals in EECs	Active	1/10/2018	20/12/2021	99,987	37,894	
Managing established pest animals and weeds (MEPAW)	Active	15/03/2019	31/05/2019	5,000	-	
Eurobodalla coastal waterway bushfire impact mitigation project	Active	1/06/2020	30/06/2023	1,105,000	259,459	
SE catchment and waterways bushfire recovery plan (regional project)*	Active	1/06/2020	30/09/2021	427,281		
Wildlife relief Eurobodalla	Active	1/05/2020	30/06/2022	49,000	21,049	
Landcare coordinator	Active	1/08/2020	30/06/2024	107,832	22,855	
Flying fox management	Active	1/07/2016	30/08/2022	1,500,000	205,025	
Barling Beach VMP	Active	1/06/2020	31/05/2022	53,395	10,403	
Broulee biodiversity conservation	Active	1/07/2020	31/12/2021	15,000	7,700	
Community estuary recovery	Active	1/05/2021	30/04/2021	138,000	1,076	
Support for bushfire affected Landcare groups	Active	1/05/2021	30/04/2021	131,000	3,267	
Cleaning up for Clyde, the Little Penguin	Completed	6/01/2020	30/06/2021	20,000	12,207	
Protect River Flat Euc Forest on the Deua And Burra Ck	Completed	1/03/2018	30/06/2021	31,000	1,218	
Weeds finder tool	Completed	1/12/2018	30/06/2021	48,762	1,410	
Lantana control for Warty Zieria protection	Completed	30/05/2016	31/02/2021	98,854	5,248	
Deua Rive post fire	Completed	1/05/2020	31/12/2020	14,900	13,330	

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regeneration project						
Protecting Pretty Point post fire	Completed	1/05/2020	31/12/2020	14,500	12,540	
Eurobodalla Landcare managing post fire weed growth	Completed	1/06/2020	31/12/2020	7,000	3,611	
Enhancing coastal environments 2018-2021	Completed	1/07/2018	30/06/2021	300,000	136,227	65,366
Indian Myna control program	Completed	1/07/2020	30/06/2021			5,068
Landcare works assistance	Completed	1/07/2020	30/06/2021			32,629
Environmental protection	Completed	1/07/2020	30/06/2021			10,900
TOTAL ACTIVE AND COMPLETED PROJECTS 2020/21				4,298,288	801,878	113,963
New funding announced						
Protecting Tilba's Warty Zieria habitat	Successful grant application	1/07/2021	30/04/2022	74,820		
Enhancing Eurobodalla's natural defences for a resilient coastal environment	Successful grant application	1/07/2021	30/06/2023	150,000		

Table 1. 2020-21 NRM Projects and funding

***Regional projects, funds are shared with Bega Valley Shire and Shoalhaven Councils**

Community and Stakeholder Engagement

Project development and submissions are undertaken in consultation with the affected landholders, land managers and volunteers involved in the deliverables. Project works on private lands are on a voluntary basis and conducted with the consent and involvement of the landowner.

New project applications and grant announcements are provided in Councillors' newsletters.

The broader community is informed of project works by newspaper, radio, letter or in person dependent on the nature of the works program and the community interaction required at each locality.

A range of community education events allow staff to consult on projects and to engage the community and landholders. Such events allow for more approachable access to Council officers and advice.

Officers may also meet face to face with residents adjoining bushland reserves to discuss projects within COVID restrictions.

CONCLUSION

Council managed natural areas along beaches, rivers and estuaries are a highly valued community asset and for Council to fulfil both legal responsibilities and meet community aspirations, these areas require appropriate management, maintenance and conservation for the use of the whole community.

The contribution of volunteers is substantial equating to 8,275 hours and ongoing support from Council is vital to the continued delivery of NRM projects.

PSR21/043 2020-21 NATURAL RESOURCE MANAGEMENT STATUS REPORT

**S010-
T00015**

Council's contribution of \$113,963, with active grants totalling \$3,871,007 and volunteer labour of \$331,000, currently fund the NRM programs.

Environmental bushfire recovery works will continue with implementation of grant funded waterway protection and weed control throughout the bushfire impacted catchments.

PSR21/044 INVASIVE SPECIES STATUS REPORT 2020-21

S010-T00026

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: 3 Protected and Valued Natural Environment
Focus Area: 3.2 Value, protect and enhance our natural environment and assets
Delivery Program Link: 3.2.1 Provide education on and manage the impacts associated with invasive species
Operational Plan Link: 3.2.1.1 Undertake biosecurity programs (weeds and pest management)

EXECUTIVE SUMMARY

The purpose of this report is to detail the annual activities, expenditure and considerations related to invasive species management for the 2020-21 period.

Invasive species management, inclusive of weeds and animal pests, is a crucial part of maintaining the biodiversity and agricultural values in Eurobodalla. Council undertakes activities associated with the South East Weeds Action Program as a Local Control Authority and in association with the NSW Government agencies. In addition, external grants have assisted in a variety of invasive species programs and complement other natural resource management works.

During 2020-21, there were 1,061 biosecurity matter (weeds) inspections conducted across all tenure (1,038 on private land), with 100% compliance from private property owners, though some follow up liaison and extension will be required on a couple of properties.

Outlier infestations of African Love Grass were detected on several properties. A large infestation of Gorse was identified during mandatory inspections and Council was able to work with the landholder to ensure this high threat infestation was immediately destroyed. Overall most properties were free of serious weed threats.

Rabbit control was enacted within budgetary constraints in the central section of the shire as per our rabbit control schedule, with other grant funded works completed across both central and northern suburbs.

RECOMMENDATION

THAT Council receive and note the Invasive Species Status Report 2020-21.

BACKGROUND

State investment through the South East Weeds Action Program 2015-2020 (SEWAP) is based on the goals of the NSW Invasive Species Plan, which sets out the goals required to avoid or minimise the threat of invasive species in NSW.

The way in which enforcement is carried out, aligns with the NSW *Biosecurity Act 2015* (The Act) under which our weed inspection program operates. The Act focuses on a practical, risk-based approach that makes sense on the ground.

CONSIDERATIONS

Bushfire and Covid Response

PSR21/044 INVASIVE SPECIES STATUS REPORT 2020-21

S010-T00026

Most existing invasive species projects and inspections have continued and are on track with some modifications due to bushfire impacts and COVID-19 restrictions, with the following key outputs undertaken:

- Private property inspections, with a focus on new and emerging weeds, particularly in areas where hay and fodder have been brought in
- Revisited and collected social norming data for the Community Based Social Marketing (CBSM) Lantana project in Tilba as part of our continual improvement processes
- Assisting rural landholders in bushfire affected areas identify new and emerging weeds
- Monitoring of sites to record the response of weeds and feral animals to the fires and assist with guiding control efforts ongoing
- High number of enquiries from landholders asking for advice about invasive species in burnt and drought affected areas
- Delivery of the ~\$250 000 Australian Government funded, *Combating Priority Agricultural Weeds* project
- Cabbage Tree Creek, Mogo bushfire rehabilitation works has been ongoing with all stages being delivered on schedule
- Snapper Island weed control and rehabilitation works on track with 200 native plants established and ~80% of nest boxes being utilised by the Little Blue Penguins, which also double fledged in some cases
- Communications and media stories on Council invasive species activities
- Development of post-fire ID video of what plants to keep and what to remove, with Local Land Services
- Collaboration with the Local Lands Service, to coordinate the production of a follow up video, highlighting the work we have done across our fire affected landscapes and to promote the ethos of shared biosecurity responsibility and working together to achieve a greater benefit for our communities.

Invasive Species Program

Biosecurity Matter (weeds), environmental weeds and animal pests can cause major harm to private property, the environment, agriculture, and human and animal health, resulting in adverse economic impacts.

Biosecurity matter (weeds)

Council's primary inspection program was scheduled between Narooma south and Wallaga Lake during 2020-21. This is in-line with our risk management approach to protect areas that contain high value agriculture and biodiversity.

Regular and systematic weed control on high priority reserves and roadsides continues to be a major focus to reduce the threat of weed spread. High risk pathways are monitored for the presence of new weed threats. Containment of major weed infestations also reduces the threat of weed spread into agricultural land and areas of high biodiversity value.

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Table 1: 2020-21 South East Weeds Action Program Activities

	Target	Actual
Inspect all high risk pathways	996km	1,129km
Inspect all high risk sites	111	848
Inspect private properties	862	1,038
Inspect public properties	90	23
Urban area inspections	16	16
Weed control compliance re-inspections #	149	6

Low numbers of compliance reinspections means that an initial property inspection report has been complied with.

Table 1 shows that 1,038 private property inspections were conducted over 2020-21. Weed control compliance is very high with only six properties requiring re-inspection and no properties requiring a non-compliance notice. Again, strong emphasis has been on the provision of extension services during inspections, resulting in spending more time on each property and building positive relationships with our landholders.

Historical data suggests that the majority of our weed incursions stem from urban areas or high risk sites such as roadsides, sale-yards and power line easements, and from activities such as importation of machinery from outside the Shire eg., contractor equipment that has not been adequately decontaminated. Various weeds continue to be detected in trade through online mediums such as Facebook; Buy, Swap Sell and Gumtree. Consequently, these sites are monitored regularly for illegal activity, sellers inspected and plants confiscated. Nursery and market inspections reveal that our retail outlets are doing the right thing and complying such as withdrawing Cactus and Broom hybrid species from sale. Council has also been working closely with the Department of Primary Industry - Crimestoppers campaign to stop the online sale of high risk plants such as prickly pear cactus, Salvinia and Amazon Frogbit.

Table 2: Comparison of weed inspection data from 2016-17 to 2020-21

	2016-17	2017-18	2018-19	2019-20	2020-21
Number of private properties inspected	2,017	1,241	931	698	1,038
Number of re-inspections	165 [^]	15	11	2	6
Notices Issued	6	1	0	0	0
Compliance from landholders*					

* Compliance is based on the percentage of inspections that have required the issue of notices to ensure biosecurity matter (weeds) have been controlled.

[^] Includes Lantana re-inspections for the grant funded Lantana Pushback Program.

As shown in Table 2, the number of inspections and compliance has been consistently high with minimal enforcement action being required.

PSR21/044 INVASIVE SPECIES STATUS REPORT 2020-21

S010-T00026

Animal pests

Control of animal pests is carried out strategically and where appropriate, in consultation with our community. Fox control is carried out in conjunction with the National Parks and Wildlife Service and other key stakeholders to implement the Australian Government's Fox Threat Abatement Plan. Council plays a key role in the protection of endangered species on its tenure and assists in the coordination and delivery of some landscape scale programs such as protection of threatened shorebirds.

Rabbits continue to be a major concern amongst our coastal communities, and control activities were conducted in the central portion of the Shire as per our rabbit control schedule. Good control was across all sites. Funding from the Local Land Service's Fire Recovery and Feral Fighters programs enabled Council to continue enacting control in fire affected areas such as Rosedale, and areas with high value natural assets such as South Durras.

Many coastal urban areas remain highly problematic, with non-targetable rabbit infestations in urban backyards. Current resources are insufficient to run a control program across the entire shire on an annual basis, and opportunities for additional grant funds will be pursued wherever possible.

Legal

In 2020-21, Eurobodalla Shire Council were the authorised administrative body for the *Biosecurity Act 2015*, which came into force on 1 July 2017.

The legislation promotes biosecurity as a shared responsibility between Government, industry and the community, who will work together to identify, prevent, eradicate, minimise, respond to and manage biosecurity risks.

Environmental

Invasive species are costly to the Australian economy and primary producers, and cause degradation of our native bushland environment. Weeds are acknowledged as the second most serious cause of biodiversity decline after habitat loss from land clearing.

Invasive animals such as rabbits, foxes and Indian mynas cause serious harm to biodiversity, agriculture and ratepayers' properties.

Asset

Council controls invasive plants and animals across much of its tenure within budgetary constraints. We work in partnership with other government agencies and land managers, where possible, to ensure consistent and efficient usage of resources.

Social Impact

Invasive species impact on agriculture, ecosystem services, tourism and recreation. They can have a physical, aesthetic, financial and social impact on property owners, tourists, recreationists and property managers.

Economic Development Employment Potential

Council's Invasive Species Control Program engages local contractors to assist in the delivery of services. Our control and inspection programs also assists in supporting the agricultural sector and minimising the impact of weeds and pests on production. Similarly, the program assists in

PSR21/044 INVASIVE SPECIES STATUS REPORT 2020-21

S010-T00026

maintaining the value of our local environmental assets which underpin the tourism industry and amenity which our residents and visitors enjoy.

Financial

The Department of Primary Industries provides grant funding assistance for coordination and inspections through the South East Weed Action Program (SEWAP). Various funding programs greatly contributed to the control of weeds and vertebrate pests. This year, various grants were acquired including drought assistance funds from the Australian Government, funding for fire affected communities through the Local Land Services, who also funded a new biological control facility in Batemans Bay.

Table 3: 2020-21 Financial Breakdown

(A) Revenue	
1. SEWAP funds	1. \$82,518
2. Other external funds (grants)	2. \$473,644
3. Weeds certificates	3. \$413
TOTAL REVENUE	\$556,575
(B) ESC/SEWAP expenditure (Inspections & weed control at high risk sites)	
	\$173,023
(C) ESC Expenditure (General Weed and Vertebrate Pest Control)	
1. ESC vertebrate pests:	\$ 9,670
2. Weed control:	\$ 96,419
	\$106,089
(D) Other external funds expenditure *	
	\$311,985
TOTAL EXPENDITURE 2020-21 (B + C + D)	\$591,097

* May include multi-year grant funded programs that have carried over from previous years that are not listed as 2020-21 income.

Council will continue to investigate grant opportunities to aid in the delivery of invasive species services.

Community and Stakeholder Engagement

Events and extension services are conducted to ensure the community is aware of our activities and to foster a greater level of support and engagement in invasive species control. Council frequently responds to enquiries about invasive species control, plant identification and land management advice.

CONCLUSION

Invasive plants and animals continue to significantly impact upon ratepayers, biodiversity and agriculture in Eurobodalla Shire. Eurobodalla Shire Council managed its requirements as the Local Control Authority for the *Biosecurity Act 2015* in 2020-21 and has delivered a high level of expertise and input into local and regional invasive species management and in assisting landholders with bushfire and drought recovery.

PSR21/045 LANDCARE PROJECT PROPOSALS 2021

S010-T00028

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

Attachments: 1. Under Separate Cover - Moruya South Heads Landcare sites (NP)
2. Under Separate Cover - Moruya South Heads Landcare foreshore
3. Under Separate Cover - Surfside Landcare sites north
4. Under Separate Cover - Surfside Landcare sites south east

Outcome: 3 Protected and Valued Natural Environment

Focus Area: 3.2 Value, protect and enhance our natural environment and assets

Delivery Program Link: 3.2.2 Work in partnership to provide natural resource management

Operational Plan Link: 3.2.2.1 Assist Landcare and community groups and projects

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement for two new Landcare groups and associated work locations.

New projects must be approved by Council and every five years Council's re-approval is sought for existing Landcare projects to ensure that works being undertaken, align with Council's plans and programs, and relevant legislation.

Funding to assist Landcare groups to undertake their work is procured from external grants

RECOMMENDATION

THAT Council:

1. Receive and note the report titled Landcare Project Proposals 2021.
2. Endorse the Surfside Landcare Project.
3. Endorse the Moruya South Heads Landcare Project.

BACKGROUND

Eurobodalla Landcare groups operate in a diverse range of areas throughout the Eurobodalla Shire and they work across all land tenure. Works include weed control, revegetation, erosion control, Indian Myna bird control, delivering community education and displays and general maintenance of public assets and reserves. During 2021 groups have also continued to contribute to fire recovery by assisting with wildlife nest box construction and regeneration monitoring.

In 2020-21 Landcare undertook 8,275 hours of volunteer work which equates to \$331,000 of labour (based on \$40per/hour from the Australian Government).

The network and groups are coordinated by the Landcare Coordinator who is employed by Council with external grant funding.

Approximately 90% of Landcare work occurs on Council managed land. Council must ensure that works are aligned with legislation and Council's plans and programs, and are carried out in compliance with Work, Health and Safety (WHS) procedures.

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T00028**

Landcare projects are approved through the Landcare Project Proposal process and reported to Council as required for new projects and existing projects are reapproved by Council every five years.

CONSIDERATIONS

New project proposals are accepted at any time. The process for approval is:

1. The Landcare Group develops the project proposal with assistance from the Landcare Coordinator, who undertakes a pre project checklist and risk assessment to ensure it meets Council requirements and fits Council priorities.
2. The proposal is submitted to Council and is reviewed by relevant officers in Infrastructure Services (Maintenance; Parks and Gardens; Technical Services, and Water and Sewer), Property for assessing against the Native Title Act and Environmental Services.
3. The Project Proposal is signed off once it meets the requirements of each section.
4. New projects are reported to Council for endorsement.
5. Council mapping overlays are updated to show current Landcare approved works which can be accessed by all sections of Council.

This year many groups will continue to maintain project sites rather than commencing new projects. All approvals for these sites are up to date.

Legal

All projects will be conducted in compliance with the relevant legislation and legal responsibility of Council, and affected land managers/owners.

Where proposed works are occurring on land tenure outside of Council's control, those landholders/managers have provided consent for works to occur.

For works on private property, volunteers are covered by independent insurance through the Eurobodalla Landcare Network Inc. (INC1700254) as well as adhering to the Eurobodalla Landcare Network project activity register and obtaining the landholder's written consent for the works.

Volunteers undertake inductions and work, health and safety (WHS) obligations and are assisted by the Landcare Coordinator. For endorsed projects Council ensures WHS obligations are met by the volunteers.

Environmental

There are two new project proposal seeking council endorsement:

1. **Surfside Landcare Project**
A recent community clean up on Cullendulla and Surfside beaches, collecting over 210 kilograms of debris has generated interest to meet regularly and conduct further litter collection and control of weeds in Council managed reserves.

The group is seeking approval to work on the following parcels (see attachments):

Lot 108 DP731845; Lot 32 DP711092; Lot 32 DP802324; Lot 107 DP731845; Lot 2 DP1044536; Lot 3 DP1044536 and Lot 7311 DP1140785.

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T00028**

2. Moruya South Heads Landcare Project

Community members from Moruya South Heads have formed a new Landcare group in response to concerns over invasive species and public amenity in their local area. The objective of the group is to share knowledge and resources for weed control and beatification of urban bushland reserves.

The group is seeking approval to work on the following parcels (see attachments): Lot 1 DP715050; Lot 103 DP806080; Lot 2 DP1039887 and Lot 7034 DP1056202

Council will work with both groups to assist with regular working bees to which all nearby residents will be invited to participate.

Ongoing working bees and communications via an email group will keep the members connected and informed of opportunities to engage in NRM in their local area and further afield through the Eurobodalla Landcare Network.

The groups will be supported by the Eurobodalla Landcare Coordinator and Council's Estuary Management Program.

Asset

Our community values the environment and wants the natural assets retained and enhanced. Landcare projects are essential for maintaining the natural assets on Council managed lands and significantly reduces the maintenance costs to Council for managing these assets and minimises the environmental impacts from other land tenure.

Social Impact

In 2020-2021, Landcare volunteers carried out 8,275 hours of work on Landcare projects with over 90% of this occurring on Council land.

Landcare provides opportunities for residents of all abilities to get involved and volunteers report that it is a great source of fitness, socialising and giving back to the community.

Economic Development Employment Potential

Where works fall outside the capability of volunteers or to complement and enhance Landcare projects, grants are sought. These grants allow for engagement of bush regeneration contractors, nursery suppliers, consultant botanists or other specialised services, tree management services and caterers.

Council's grant funded Estuary Program for natural area restoration will assist the Moruya South Heads and Surfside groups with their weed control and litter collection activities.

Financial

The Eurobodalla Landcare Coordinator is currently grant funded through the Local Land Services. Current funding allows employment of a coordinator for 10 hours per week.

The proposed works will be undertaken by volunteers with assistance from grant funds when available. The significant contribution of volunteers provides financial benefits to Council and the broader community and environment.

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**S010-
T00028**

Community and Stakeholder Engagement

Landcare proposals are submitted with engagement of Landcare volunteers and Eurobodalla Landcare Network meetings.

All residents are welcome to be involved with Landcare and more information can be found on Council's [Landcare](#) page and on the NSW Landcare Gateway with group Coordinator contact details [members-listing](#).

CONCLUSION

Eurobodalla Landcare groups are seeking Council's endorsement for the on-ground works. The Landcare projects proposed will further the work of the Landcare groups in assisting Council with implementing natural resource management in Eurobodalla Shire and provide benefits to the volunteers and wider community.

Council's internal approval process has been completed with input from the relevant sections to ensure that these proposals meet the requirements of legislation and Council's plans and programs.

IR21/028 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2021-22

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 2 September 2021, are as follows:

- Signage and line marking – wombat crossings Queen Street, Church Street and Mirrabooka Avenue, Moruya CBD west
- Signage and line marking – new roundabout at intersection of George Bass Drive and Rosedale Parade, Rosedale
- Special Event Review – Batemans Bay Triathlon Festival, debrief 2021 traffic performance and review 2022 proposal.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 for 2021-22 be received and noted.
2. Plan No. 5156 Set BH Sheet 06 detailing the signage and line marking associated with the wombat crossings on Church street, Queen Street and Mirrabooka Avenue, Moruya be approved.
3. The compilation plan prepared by Council dated 17/08/2021 (that includes roundabout plan 15256-1 sheet 4 REV B) detailing the signage and line marking associated with the proposed roundabout on George Bass Drive at the intersection of Rosedale Parade, Rosedale be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 2 for 2021-22 was held on 2 September 2021. The meeting was attended by Senior Constable Scott Britt (NSW Police), Nicole Brodie (Transport for NSW), Emma Pietruska (Transport for NSW), Danielle Brice (representative for the Hon Andrew Constance MP), Dave Hunter (Traffic Coordinator and acting Chair), Kate

IR21/028 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2021-22

S030-T00018

McDougall (Road Safety Officer and minute taker), Daniel Weekes (Maintenance Planning Officer) and Tim Booth (Tourism and Events Manager).

APOLOGIES

Councillor Anthony Mayne (Chair).

DEPUTATIONS

Nil.

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 for 2021-22 held on 29 July 2021 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

Nil.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2022.RT.003 Signage and Linemarking – Wombat Crossings Queen Street, Church Street and Mirrabooka Avenue, Moruya CBD west

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

A report detailing and accepting this funding was endorsed by Council at the Ordinary Meeting held on 13 July 2021.

In Moruya, the two school crossings outside St Mary's Primary School in Church Street and Queen Street will be converted to become permanent (zebra) raised pedestrian priority crossings, known as wombat crossings.

Appropriately located wombat crossings provide an improvement on these existing school crossings. Benefits include a slowing of vehicular traffic along the street at the crossing point, and the requirement for the schools to manage the flags on the crossing is removed.

The existing school crossing facilities will be modified to include raised (road hump) platforms with signage and streetlighting enhancement to increase pedestrian prominence and encourage motorists to reduce speed on approach. The crossings will be similar to those recently installed in Shore Street and Ford Street as part of the Moruya CBD pedestrian activation program.

In addition, a third wombat crossing will be installed on Mirrabooka Avenue at the intersection of Page Street. This will facilitate a safer path of travel for students walking to and from school.

All three wombat crossings are within the 40kmh school zone.

The works are scheduled to commence in September in anticipation that the current COVID-19 lockdown will remain in place, thus minimising the impact on the school and local community.

IR21/028 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2021-22

S030-T00018

All three crossings are within the Moruya CBD west area. There is an added benefit to the wider community in that vehicles will be travelling at lower speeds, and this will significantly reduce the risk of major trauma in any crashes involving pedestrians.

Plan No. 5156 Set BH Sheet 06 detailing the wombat crossings on Church Street, Queen Street and Mirrabooka Avenue, was reviewed by the Committee.

The Transport for NSW representative agreed the proposal met the required standards noting the the zebra crossing markings should be centralised on the road hump (rather than offset).

The Traffic Coordinator agreed to amend the plan and forward to the Committee.

An amended plan has since been sent and agreed.

Recommendation:

That Plan No. 5156 Set BH Sheet 06 detailing the signage and line marking associated with the wombat crossings on Church Street, Queen Street and Mirrabooka Avenue, Moruya be approved.

2022.RT.004 Signage and Line marking – New roundabout at intersection of George Bass Drive and Rosedale Parade, Rosedale

Rosedale is undergoing significant expansion to the west which will provide many more residential lots.

As part of the development, a new roundabout is being constructed on George Bass Drive, at the existing 'T' intersection of Rosedale Parade.

The roundabout will create a '4th leg' to the west, is a single lane configuration, designed to cater for large heavy vehicles and buses, including 26 metre B-Double vehicles along George Bass Drive.

The roadworks for the associated main road leading west into the urban expansion area is underway. As yet this road has not been allocated a name.

The size will be similar to the roundabout recently installed on George Bass Drive at Tomakin Road and Sunpatch Parade intersection.

The signage will also be similar to the Tomakin roundabout and will include guide signs to direct through traffic north to Malua Bay and Batemans Bay and south to Tomakin and Broulee.

The compilation plan prepared by ESC dated 17/08/2021 (that includes roundabout plan 15256-1 sheet 4 REV B) detailing the signage and line marking, was reviewed by the Committee.

Recommendation:

That compilation plan prepared by ESC dated 17/08/2021 (that includes roundabout plan 15256-1 sheet 4 REV B) detailing the signage and associated with the roundabout on George Bass Drive at the intersection of Rosedale Parade, Rosedale be approved.

IR21/028 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2021-22

S030-T00018

INFORMAL ITEMS FOR DISCUSSION

2022.IN.003 Special Event Review – Batemans Bay Triathlon Festival, debrief 2021 traffic performance and review 2022 proposal

Council has received Traffic Management and Control plans for the 2022 Batemans Bay Triathlon, proposed to be held on Saturday 5 February 2022.

The proposal is similar to the event held on Saturday 6 February 2021.

During the 2021 event, Council received several concerns from the community about road safety.

The Tourism and Events Manager explained that during the February 2021 event last minute swim time changes occurred due to the low tide. Subsequently the times for bike legs on George Bass Drive were also adjusted. Changes to the scheduled times may have contributed to more vehicles being on the road than expected.

The Traffic Coordinator noted that the Traffic Control Plan allows vehicles to travel from both Broulee (via Train Street) and Mossy Point (via Annett Street) north through to the IGA shop at Tomakin.

The Committee agreed that the risk would be reduced if all north bound traffic to the IGA be directed solely via Annett Street and that Train Street be closed at the roundabout adjoining St Peters Anglican College. In addition, the timing of cycling events on George Bass Drive should be adjusted as necessary to fit in with the tide for swim events.

During the last event, the community also relayed that some of the road closure stations were not attended by traffic controllers which led to potential safety issues.

The Committee agreed that during the February 2022 event, a Council officer will inspect the operation.

The event organiser will be informed of these decisions.

GENERAL BUSINESS

There were no general business items to discuss.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 7 October 2021 in Council's Glass Meeting Room and via MS Teams commencing at 9am (dependent on COVID-19 protocol at that time).

CAR21/017 DRAFT PUBLIC ART STRATEGY 2021 FOR ADOPTION

S003-T00034

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

Attachments: 1. Draft Public Art Strategy 2021
2. Attachment 1 - Summary of Submissions and Response
3. Confidential - Attachment 2 Confidential Submission

Outcome: 2 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: 2.1.1.1 Co-ordinate the Public Art Advisory Committee and associated projects

EXECUTIVE SUMMARY

The draft Public Art Strategy 2021 (the Strategy) was placed on public exhibition from 2 – 30 August 2021. The Strategy has been developed in response to actions in the adopted Creative Arts Strategy to provide a framework for the development and maintenance of public art in Eurobodalla.

The Strategy will support the important role public art plays in lively, representative cultural identity and anticipates public art which will enliven public and community places, local environments, and the region's towns and villages.

Reflecting Council's commitment to the planning and inclusion of art in public spaces, the Strategy has been drawn from the need to provide structure around current and future public art developments.

The Strategy will be a resource for artists, consultants, community groups and developers in heritage, community, cultural and environmental planning. It navigates the unique culture of Eurobodalla, responding to a remarkable natural environment and an unfolding community, whilst acknowledging the First Nation community as an important cultural force. It celebrates Eurobodalla's rich heritage and is responsive to cultural diversity.

The development of the Strategy has been informed by national, state and regional plans, industry trends and directions, Council's corporate documents and research, and stakeholder consultation conducted over time.

One (1) public submission was received during the public exhibition period. No amendments to the strategy are proposed as a result of the submission. A summary of the submission and responses are outlined in Attachment 1.

Further to the responses outlined in the attachment to this report, a text change was made to Action 1 to support philanthropic opportunities. This proposed change has been marked in red font in the Strategy attached.

RECOMMENDATION

THAT Council Adopt the Public Art Strategy 2021.

CAR21/017 DRAFT PUBLIC ART STRATEGY 2021 FOR ADOPTION

S003-T00034

BACKGROUND

Over the past five years Council has been the recipient of a number of high profile, large scale public artworks, that have presented complex management issues for staff. These included funding, placement, installation, site appropriateness and ongoing maintenance of the works.

In addition, there are several older public artworks across the shire that have had differing, often conflicting arrangements with Council surrounding the ownership and maintenance of the works.

The development of a Public Art Strategy 2021 was identified as a necessary planning tool for these and other public art developments and was included as a high priority action in Council's Creative Arts Strategy, adopted in 2019.

Council engaged public art consultant Guppy Art Management to conduct community consultations and prepare the findings and framework for the strategy that would address and formalise these management concerns and assist in future planning.

It is anticipated that the adopted strategy will result in art that interprets and energises the public domain through a streamlined, accessible process.

The Strategy was prepared with a background review and assessment of current trends, a snapshot of the current status of public art in the shire, community engagement outcomes, and achievable measures.

CONSIDERATIONS

One (1) submission was received during the public exhibition period of 2 – 30 August. Issues raised in the submission are detailed in the attachment with the proposed responses.

The guiding principles of the strategy are:

- Public art will create a dialogue about the destination and locality of Eurobodalla
- Art will support a culture of imagination and engagement about lived and remembered experience
- Art will partner urban design, landscape and architectural design and construction
- Innovative, contemporary, creative thinking will guide public art in Eurobodalla
- Support for creatives and creative industries will underpin art development
- Artworks will be well managed, safe, durable and easy to maintain.

The strategy consists of 22 actions categorised as follows:

- Environment
- Lived experience
- Partnerships
- Dialogue
- Capacity
- Procurement and maintenance.

Community and Stakeholder Engagement

We have informed the community through providing information on Council's website, online News and distributing a media release.

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We have consulted with the community by seeking feedback through a 28-day Public Exhibition.

We have involved the community in the development of the Public Art Strategy through workshops, drop in sessions, curbside meetings and market booths.

We have collaborated with the community through by seeking advice, ideas, and recommendations from Council's Public Art Advisory Committee and Eurobodalla Shire Council staff workshops

CONCLUSION

The draft Public Art Strategy 2021 has been developed to provide a framework for the development and maintenance of public art in Eurobodalla. As a high priority of the Creative Arts Strategy, adopted in 2019, the Strategy will support the important role of public art in our Shire. It has been informed by research and stakeholder consultation over the last 18 months.

The draft Public Art Strategy 2021 (the Strategy) was placed on public exhibition from 2 – 30 August 2021. One submission was received, and no amendments are recommended as a result of that submission.

A text amendment to Action 1 has been proposed to support philanthropic opportunities.

Eurobodalla Public Art Strategy | 2021



Eurobodalla Shire Council
19 July 2021

Eurobodalla Shire Council, Public Art Strategy 2021

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Foreword

The Eurobodalla Public Art Strategy 2021 supports the important role public art plays in a lively, representative cultural identity. It anticipates public art that enlivens public and community places, local environments, and the region's towns and villages. It reflects Council's commitment to the planning and inclusion of art in public, community, and commercial projects. Moreover, it will assist Council to manage ownership, maintenance and liability, and plan for sustainable funding to support the ongoing provision of public art.

This strategy navigates the unique culture of Eurobodalla, responding to a remarkable natural environment and an unfolding community. It acknowledges the First Nation community, and the Yuin Nation as a pivotal cultural force. It celebrates Eurobodalla's rich heritage and is responsive to its cultural diversity. It addresses the agricultural and coastal landscape, small villages and towns as well as the level of urban consolidation that is shaping developing urban areas.

Central to the strategy is a cultural layer that engages people as part of a place-making process. This will result in art that interprets and energises the public domain; recalls local heritage and responds to the coast, rivers and forests and their human connections.

Opportunities for collaboration between artists, communities, landscape planners, architects and engineers will be important, as is public art that builds capacity in creative industries contributing to the local economy; art that resonates with local communities and visitors, encourages an engaged interest in place and that becomes a valued part of community life.

Councillor Liz Innes
Mayor

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Priority	Action	Action Number
H	Ensure art installations are appropriate for the proposed site, considering place, environment, climate resilience and character.	5
H	Curate public art where formal Council precinct and place strategies have been developed.	9
H	Include an agreed working methodology into Council's project management guide to ensure early consideration of public art in new projects.	13
H	Work with artists and Council staff to identify and develop guidelines for safe installation, maintenance and management of artworks.	19
M	Extend the scope of public art that responds to the natural environments of Eurobodalla through ephemeral work, temporary public art installations and site-specific workshops.	3
M	Provide opportunities for a public art response to recovery from events including drought, fire, floods and other crisis through connections with rural communities, farmers and the agricultural sector.	4
M	Support contemporary public art practice, sustainable fabrication, and innovative artforms and locations including the use of sustainable products in fabrication and installation of public artwork.	10
M	Identify opportunities to include interactive art and lighting in public art projects and planning.	12
M	Provide advocacy and education to enable internal and external stakeholders to explore current public art practice.	16
M	Seek funding for programs to improve artists' skills in working with communities around specific public art issues.	18
M	Ensure public art owned by Council is included in Council's Asset Management Register.	20
L	Work with community and target groups to explore all aspects of our shared heritage and inform potential sites.	7
L	Encourage experimentation and innovation and identify locations for programmed ephemeral art events or 'pop-ups'.	11
L	Investigate a regional contact list including fabricators, engineers, metal workers, specialist lighting and other suppliers as a resource for Council, design teams, developers and public art practitioners.	21
O	Identify opportunities to acquire and integrate public art into all major environmental planning and landscape projects, including foreshore works, parks and playgrounds, beach reserves, walkways, waterways and other significant places.	1
O	Generate opportunities for the local Aboriginal community to respond to past and current environmental understanding of Eurobodalla through public art and interpretive design that is place and purpose specific.	2
O	Consider the inclusion of public art when reviewing strategic and planning documents, such as Development Control Plans, precinct and open space planning, place strategies, neighbourhood renewal, site planning and private developments.	6
O	Work with target groups and service providers to ensure broad engagement and participation in public art events and programs.	8
O	Encourage, support, and enable partnerships with cultural organisations and other stakeholders to deliver innovative, dynamic public art initiatives that enhance economies, infrastructure and wellbeing.	14
O	Promote public art projects and information about public art practice via local and regional media.	15
O	Work with neighbouring councils to develop opportunities for a regional dialogue and action on public art practice in the South East.	17
O	Implement the Public Art Policy and Public Art Code of Practice.	22

Prioritisation of actions as presented in the strategy provides the following indicative timeframe for completion of actions after the adoption of the strategy: High: within 2 years, Medium: 3 – 5 years, Low: 6 – 10 years, Ongoing: part of usual service provision.

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1. About public art

What is public art?

Public art describes art practice that is part of the public experience of built and natural environments. It can consist of sculpture, environmental art, the integration of art and architectural design, installations, lighting works, new media and outdoor performance.

Where there is artist involvement customised design is also included in the broader definition of public art and may include artist designed street furniture, decorative paving, lighting treatments, signage and glasswork. Public artworks are usually site specific and may celebrate the distinctiveness of the environment, local heritage, cultural identity, the energy of urban spaces or other themes relevant to people and place.

Artworks may be of a significant scale and define a locality or be intimately integrated into urban or natural contexts. Ephemeral art can activate a place or context for a short period creating a memorable experience. Permanent artworks become part of the fabric of everyday life.

Where is public art located?

Public art projects can be in a range of public and community environments including:

- Town centres and the public domain
- Natural environments; coastal foreshores, rivers, water lines and bushland
- Shopping centres and retail developments
- Existing neighbourhoods
- New residential areas
- Civic and community buildings
- Health and medical centres and hospitals
- Commercial developments and business parks
- University campuses, schools, childcare centres and other educational facilities
- Transport networks and services, roadsides, town entries, bridges, cycle and pedestrian paths
- Open spaces, parks, gardens, playgrounds and sporting areas.

Public art projects often reflect the desire to add meaning to a particular place or to explore the heritage and culture of a community of interest or geography. New development can provide the opportunity to include public art and there are many examples of projects that link art and architecture. In a similar way the renewal of a neighbourhood, a park upgrade or streetscape improvements can be used to integrate art into a community environment.

Who will use the Public Art Strategy 2021?

The Public Art Strategy 2021 has been prepared to guide the successful development of public art in our local government area. The strategy is intended to provide principles, guidelines and project areas for Council, design teams and other stakeholders to integrate art into a broad range of community and environmental contexts.

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The strategy is designed for use by those involved in the planning, design and delivery of public art projects. This includes a broad representation of Council's operational and administrative areas. The strategy will be relevant for project managers and teams engaged in planning, architecture, urban design, economic development, events, environmental management and urban renewal, community services, health, welfare and neighbourhood projects.

The strategy will also be a resource for artists, consultants, community groups, developers and specialists in areas such as new development, heritage, community development, cultural and environmental planning.

What is Council's Role?

Eurobodalla Shire Council has broad responsibilities in the planning and delivery of public art in the local government area. This is outlined in the following table.



As part of this process the Public Art Advisory Committee (PAAC), made up of Councillors, Council officers and community representatives who have specialist knowledge or experience in public art, provides expert cultural and artistic advice and guidance.

Council's roles in the development and maintenance of public art in Eurobodalla are as:

- Custodian
 - o Facilitating a coordinated approach to the development and management of public art in Eurobodalla.

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- Connector
 - o Ensuring that communities in Eurobodalla can experience art as part of their everyday life.
- Trusted partner
 - o Creating opportunities for public art collaboration and partnerships.
- Advocate
 - o Strengthening the position of public art in Council's strategic directions, policies and planning controls.
- Leader
 - o Supporting public art that is sustainable in social, cultural, environmental and economic terms.
- Producer
 - o Encouraging innovation and maximising investment in public art from a broad range of sources.
- Host
 - o Encouraging public art that responds to the natural and built environment of Eurobodalla and its unique character, history and aspirations.

Recent public art in Eurobodalla

Public art in Eurobodalla makes a creative contribution to the social and economic landscapes of our communities through its interaction with the built and natural environment and its relevance to local people. Current public art projects in development within Eurobodalla include:

- John Holland and RMS bridge redevelopment public art
- Basil Sellers sculpture commission
- The Batemans Bay regional aquatic, arts and leisure centre Bay Pavilions
- River of Art Festival - Revive mural project
- Sculpture for Clyde Sculpture Walk
- Street art projects
- Moruya Showground sculpture commissions
- Riverside Park art feature
- Moruya main street sculptures
- Public facilities augmentation at Durras, Broulee, Tomakin and Kianga

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2. Talking about art in our community

This strategy has been informed by national, state and regional trends and directions, such as the National Association for the Visual Arts (NAVA) code of practice and position on public art, the NSW Arts and Policy Framework and work being undertaken with South East Regional Arts partners.

Council's strategic documents that have governed the development of this plan include the Community Strategic Plan, the Creative Arts Strategy and the Public Art Policy and Code of Practice. Other important strategic planning initiatives of Council that will influence the development of public art in the shire and the actions of this plan include the Eurobodalla Destination Action Plan, the Economic Development Strategy, the Recreation and Open Space Strategy, the Tourism Wayfinding and Signage Strategy, the Batemans Bay Waterfront Masterplan and Activation Strategy and Bushfire Recovery Action Plan.

Importantly, a range of community engagement and consultation events with the general public and creative arts stakeholders informed the development of principles and actions of this plan.

The consultation process

Engaging creative industries, artists, communities and the public in a dialogue about public art has been an invaluable part of developing the Public Art Strategy 2021. The following activities formed the consultation for the Public Art Strategy 2021 in September and October 2019.

Eurobodalla Shire Council staff workshop

A workshop was held at Council with staff to discuss the role of the art strategy, cross divisional opportunities for public art development and current projects. The logistics of maintenance, engineering, public risk and art management were also part of the staff consultation.

Public Art Advisory Committee (PAAC)

Council's PAAC provides expert advice and guidance to Council and staff on a range of public art planning, selection and review of public art in the shire. An initial, extensive briefing to the PAAC started the planning process. This was followed by further consultation as strategy principles and directions were developed.

The Little Sellers Art Prize

The consultant was present at the Little Sellers Art Prize presentation at the Eurobodalla Shire Council Chambers, speaking with over 70 people who attended the event including teachers, school students and families from across the shire. The event provided an excellent opportunity to discuss youth art opportunities, creative workshops, art that is engaging for young people and 'big ideas'.

Art and community stakeholders

A lively focus group with members of the arts community considered the directions public art might take in the future, the needs of artists and the role of community creativity.

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Art, business community and education stakeholders

Several workshops explored the role public art plays in town centres, the contribution of major art events, the potential for art in new development, as well as key locations in towns and villages across the shire formed the basis for these discussions.

Art pop-up information and survey booths

The art strategy consultation took to the streets with a public art display, a short *Be Part of the Art* survey and an opportunity for discussion around art in Eurobodalla. Art pop-ups were held at Batemans Bay Village Centre, Narooma IGA and Moruya Saturday markets.

Aboriginal community stakeholders

A detailed and very productive consultation was held at Council with Aboriginal organisations, Elders and members of the Indigenous community. It was a broad discussion covering, art and cultural identity, employment of Aboriginal artists, training and the role of art in both empowering Aboriginal communities and neighbourhood renewal.

What you told us

Aboriginal art in Eurobodalla

There is immense respect and an interest in Aboriginal art in public places. In the survey respondents were unanimous in saying they enjoyed Aboriginal art. Aboriginal artists were interested in extending the scope of work to new locations and artforms.

Art in town centres

The community would like art in their town centres and see the potential for art as part of buildings and infrastructure, as well as in the public domain. Art as an integrated part of new developments is an aspiration. A broad range of artforms including ephemeral (non-permanent) art, street art, paving, seating art, lighting and sculpture form part of this.

Celebrating the coastline through public art

The coast and foreshores were common themes in all consultation. Participants felt the coastline is central to the culture of the area. Specific projects and opportunities in foreshore parks and localities were frequently raised.

Art and wellbeing

The role of art in building community and as part of healthy neighbourhoods was a strong subject. This included accessible art, community engagement, art as part of walking and cycle trails and parks.

Aboriginal consultation raised the need to include art as part of neighbourhood renewal. The value of art for young people was a common thread.

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Innovation, excitement and 'big ideas'

There is a strong interest in art that is intriguing, surprising, interactive and original. People like the idea of contemporary art that animates places and is fun for all ages.

Expanded public art opportunities and training

Parallel to this there is an interest from artists and creative industries in expanding public art programming and delivery and developing training opportunities for artists.

3. The role of the Public Art Strategy 2021

The Public Art Strategy 2021 responds to our community in the following ways:

Local culture, regional distinctiveness

New and original understandings of local culture through art

In an increasingly global culture, regional distinctiveness is a valued asset. Eurobodalla has a defined local and regional presence, which is valued by the community. Celebrating the local community is an important focus for cultural projects in the Shire. Public art is bespoke and capable of highly original design and statement. Projects often work with themes and subjects that have a particular meaning for an area, thus strengthening cultural identity and affirming community. Artists may use local materials or develop new imagery born of local understanding and experience. The potential to respond to regional issues and to engage in dialogue about people and place is often at the heart of public art practice.

Environment, place

Coast, river, forest, farm, town and village art

The dramatic coastline, rivers, forests and farmlands in Eurobodalla are substantial and valued landscapes. The shire has over 110 kilometres of coastline, 70% of land area is forest, and the valleys of the Tuross, Narooma and Moruya rivers shape the terrain. This geography is part of the psyche of local people, as are the villages and townships and the places where communities gather for business and social interaction.

Artwork that allows reflection and enjoyment of the natural world has a particular place in our increasingly urbanised culture. Art that is integrated with the architecture and urban design is also important, giving character and definition to local environments and creating places for public gathering, community celebration or peaceful contemplation.

Lived experience

The art of life in Eurobodalla – place, memories, connection

Eurobodalla has an increasingly diverse population, consisting of an active Aboriginal community, older farming and coastal communities, retirees, young families, tourists, youth and residents from culturally diverse backgrounds; these are all factors in a changing community.

Public art that responds to community themes and interacts with local people builds a sense of common identity. As Australian culture becomes more culturally diverse artists are exploring shared

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cultural experience. This is supported by an increasingly diverse workforce of artists who bring an intercultural understanding to public art projects.

Planned community involvement in the design and fabrication of selected artworks can have excellent outcomes. Linking art projects to community wellbeing, health and social inclusion can result in increased social capital and stronger, resilient communities.

Creative economies

Lively towns, creative villages

Public art has a strong role in supporting local economies. As links between creative industries, cultural identity and economic growth become stronger, public art is playing a role in improving the economic performance of town centres, villages and commercial environments.

Public art is part of a civic experience, in that art adds to the vitality and distinctiveness of retail areas, making business, socialising and shopping more enjoyable. As part of a well planned public domain art encourages people to see town centres as a destination, a meeting place, or for spending time with friends, family or work colleagues.

Public art projects are a significant part of creative industries. The design and fabrication of art provides employment for artists, suppliers and fabricators, further developing creative workforces locally and regionally.

Creativity

Art that surprises, enchants and challenges

Public art is an affirmation of the power of creativity to interrogate the way we experience the world. Culture is an expression of human interaction; communities have extraordinary creativity in the way they express their culture. Whatever the outcome public art may have, the capacity to use creativity to enchant, inspire and challenge remains one of public art's most important roles.

4. Guiding principles

- ❖ Public art will create a dialogue about the destination and locality of Eurobodalla.
Public art will enable creative commentary on changing stories of environment, people and place.
- ❖ Art will support a culture of imagination and engagement about lived and remembered experience.
Community interaction and engagement will inform creative projects.
- ❖ Art will partner urban design, landscape and architectural design and construction.
Project development will facilitate collaboration between artists and design teams.
- ❖ Innovative, contemporary, creative thinking will guide public art in Eurobodalla.
Council will support skilled contemporary artists, original concepts, new forms of creative expression and innovative artforms and media.

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- ❖ Support for creatives and creative industries will underpin art development.
Programming will target training, career development and support for both emerging and established artists.
- ❖ Artworks will be well managed, safe, durable and easy to maintain.
Public art will respond in design, materials and fabrication to the demands of public space.

5. Planning and delivering public art

Public art coordination and facilitation

Council may acquire public art through various means, for example purchase, commission, donation, bequest or award. While all acquisitions must follow the processes laid out in Council's Public Art Policy, the commissioning process for significant public art is important.

Planning, commissioning, coordinating and funding public art requires a supported and ethical framework that brings together both the creative spectrum and organisational process.

The PAAC plays an integral role in providing advice to Council throughout any public art project. The Committee, comprised of local representatives, Councillors and Council staff, make recommendations to Council to aid in the decision making and may include advice on urban design, community or art-based feedback, advocacy on behalf of the project or structured commentary on concepts prior to design development.

The PAAC members serve the same term as Council with the community representatives being endorsed for membership based on their experience and knowledge of public art and processes.

Preparing for a public artwork

For significant commissions, an art plan should be developed for the site or locality. This will clarify directions and can be circulated to community and stakeholders. It may also be used as a background document for the artist brief. The plan should include:

- Project description
- Context or location for the work including the relationship to architecture or landscape work
- Community engagement with local stakeholders and community organisations
- A thematic framework based upon the guiding principles in this strategy
- Examples of work by preferred or short-listed artists and designers
- A native title assessment on the proposed site (if necessary)
- Identified stages for implementing the project
- An outline of how the project will address installation, public safety and maintenance issues
- Clarity on who will own, insure and maintain the work after installation
- Decommissioning considerations and process.

Allocating a project budget

Art projects depend on a sufficient budget allocation therefore it is important the budget allows for a full range of products and services involved in producing public art. These can include:

- Project coordination

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- Artist/designer fees
- Engineering advice, drawings and other technical inputs
- Fabrication
- Site preparation, traffic management, delivery and installation
- Preparation of a maintenance manual.

Preparing an artist brief

When the scope of the art project is agreed a detailed artist brief will be prepared. The brief should include the following items:

- A description of the project including information about the intended audience and community context
- Details of the site with opportunities and constraints
- A thematic framework (if required)
- The allocated project budget
- Preferred materials, fabrication and installation requirements (if relevant)
- Selection criteria
- Project management information
- Timeframes
- Reference to the Public Art Strategy 2021.

A design brief template can be found on Council's website.

Engaging an artist

Selecting the right artist to work on a project is central to a successful outcome. There are several ways an artist can be engaged. For example:

- The project may be advertised through media and arts organisations and applicants might respond to a tender process.
- A group of short listed artists may be paid to develop concepts and a decision made by a selection panel, like the PAAC.
- An artist with experience in the relevant area could be engaged directly.

Council's requirements for tendering respond to the project budget. For smaller, neighbourhood projects, shortlisting and selection processes may be handled independently. A large project with a more substantial budget may require a formal tendering process in line with Council's procurement and legislative requirements.

Preparing a contract

Artists and designers who are engaged to create work for Eurobodalla Shire Council will be expected to sign a contract for their services. This may cover all aspects of the project including fabrication and installation of the work, or it may only apply to design services.

Alternately, the artist may be engaged as a sub contractor to an art consultant engaged by Council or another entity delivering art for a specific site. Either way, it is important the artist is protected by a contract and understands the contractual obligations surrounding the work.

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Concept development

After the artist is engaged, they will be asked to develop a concept for review by the PAAC and other stakeholders and then for recommendation to Council. Where the artist has submitted a concept as part of the tendering process feedback might be given prior to design development.

The concept should include an image and/or model of the work, its location, dimensions and functions, materials, colours and any effects such as lighting, sounds, interactivity or kinetic functions. If community participation is part of the process this should also be outlined.

The PAAC may raise any concerns or issues in relation to location, artistic integrity, function, costs, public safety, maintenance or other matters. A formal approval of the concept prior to design development and fabrication is required.

Design development

When the concept is approved the artist will prepare final designs for fabrication. This will include final artwork, designs, plans and engineering details of installation (if appropriate). In a development context these may need to be submitted as part of the planning approvals process. [Link to Council's development process](#)

Fabrication

Artworks involve a customised process and there are various methods and approaches to fabricating the final work.

- The artist may build or construct the work in the studio for transportation and installation on site.
- Art may be fabricated by a specialist fabricator to construction drawings provided by the artist.
- The work may be completed by the artist and their team in situ.
- Community members may work on parts of the artwork.
- The art may be built or assembled as part of a cultural event.

The fabrication of large works is a complicated process to undertake and to coordinate. Regular inspections to view progress, approve samples, and sign off on completed work should be factored in. Significant changes to the accepted design must be approved by Council.

Approval and handover of the completed work

Council will inspect and sign off on the completed and installed work prior to the final payment being made to the artist. Any issues are to be addressed promptly.

Where the artwork is commissioned by a group other than Council for a public site, a handover process will be initiated. At this point the final ownership and ongoing responsibility for the artwork can be formalised. This process should include:

- A handover document outlining the project background, install and other project considerations
- A donation agreement, transferring ownership to Council and the rights and responsibilities therein
- A maintenance schedule for future ongoing management of the work.

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Preparing a maintenance schedule

Public art requires the same attention to maintenance and repair as other elements in public environments. Appropriate cleaning and repair, replacement of elements that are loosened or damaged and repair of vandalised surfaces or structures are all part of this process.

All art should be accompanied by a maintenance schedule including:

- The artist and his/her contact details
- Images of the concept and completed work
- Fabrication drawings and designs; materials, finishes and suppliers
- Procedures for cleaning and maintenance
- Procedures for events such as vandalism or unintentional damage
- Specialist treatments.

The involvement of the artist in both repair and maintenance should be specified along with timeframes for routine and emergency work as required.

Decommissioning

Artworks may have a defined period in which they can be expected to remain in good condition. Circumstances also arise where redevelopment of a site or changed uses render an artwork inappropriate and removal is required. If disposal of the work or relocation to another area is required, negotiations with the artist and consent should be sought (if possible), however provision should be made for decommissioning if the artist is not available.

6. Action plan

Environment

Keywords - ecologies, nature, environment, resilience

Guiding principle

Public art will create a dialogue about the destination and locality of Eurobodalla enabling creative commentary on evolving stories of environment, people and place.

Actions

1. Identify opportunities to acquire and integrate public art into all major environmental planning and landscape projects, including, foreshore works, parks and playgrounds, beach reserves, walkways, waterways and other significant places.
2. Generate opportunities for the local Aboriginal community to respond to past and current environmental understanding of Eurobodalla through public art and interpretive design that is place and purpose specific.
3. Extend the scope of public art that responds to the natural environments of Eurobodalla through ephemeral work, temporary public art installations and site-specific workshops.
4. Provide opportunities for a public art response to recovery from events including drought, fire, floods and other crisis through connections with rural communities, farmers and the agricultural sector.
5. Ensure art installations are appropriate for the proposed site, considering place, environment, climate resilience and character.

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Measures

- Public art and associated budgets are a line item in major projects
- Increased Aboriginal artist and community involvement in public art
- Public art included in Council's sustainability initiatives
- Increased ephemeral art in natural environments
- Art response to environmental change and recovery in place
- Increased visibility of public art across the shire.

Lived experience

Keywords - community, cultural identity, heritage, renewal

Guiding principle

Art will support a culture of imagination and engagement about lived and remembered experience.

Actions

6. Consider the inclusion of public art when reviewing strategic and planning documents, such as Development Control Plans, precinct and open space planning, place strategies, neighbourhood renewal, site planning and private developments.
7. Work with community and target groups to explore all aspects of our shared heritage and inform potential sites.
8. Work with target groups and service providers to ensure broad engagement and participation in public art events and programs.
9. Curate public art where formal Council precinct and place strategies have been developed.

Measures

- Public art projects, including themes, locations, artists selection and engagement, reflect a representative cross section of the community
- Provision for public art included in Council statutory and strategic planning
- Heritage themed public art reflects contemporary responses and a variety of interpretations and artforms
- Public art integrated into new public and private developments
- Public art events and programs developed
- Planned spaces include public art that responds to location and context of the site.

Innovation

Keywords - change, technologies, media, ephemera

Guiding principle

Innovative, contemporary, creative thinking will guide public art in Eurobodalla.

Actions

10. Support contemporary public art practice, sustainable fabrication, and innovative artforms and locations including the use of sustainable products in fabrication and installation of public artwork.
11. Encourage experimentation and innovation and identify locations for programmed ephemeral art events or 'pop-ups'.
12. Identify opportunities to including interactive art and lighting in public art projects and planning.

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Measures

- Public art demonstrates innovative, contemporary practice
- Public art demonstrates sustainable design and fabrication methods
- Opportunities for interactive art and lighting are realised.

Partnerships

Keywords – integration, collaboration, creative teamwork

Guiding principle

Art will partner urban design, landscape and architectural design and construction facilitating collaboration between artists and design teams, including urban designers, architects and landscape architects.

Actions

13. Include an agreed working methodology into Council's project management guide to ensure early consideration of public art in new projects.
14. Encourage, support, and enable partnerships with cultural organisations and other stakeholders to deliver innovative, dynamic public art initiatives that enhance economy, infrastructure, and wellbeing.

Measures

- Public Art Strategy 2021 is adopted and circulated throughout Council directorates
- Working methodology for early consideration of public art agreed across Council
- Public art is funded and included as part of significant new development in Eurobodalla
- Number of quality public art partnerships developed and reported satisfaction levels.

Dialogue

Key words - debate, forums, publicity, advocacy

Guiding principle

Council will encourage an environment of enquiry, debate, and advocacy about current public art practice.

Actions

15. Promote public art projects and information about public art practice via local and regional media.
16. Provide advocacy and education to enable internal and external stakeholders to explore current public art practice.
17. Work with neighbouring councils to develop opportunities for a regional dialogue and action on public art practice in the South East region.

Measures

- Regular positive coverage about current projects across a range of platforms
- Platforms for artists, staff and community to discuss contemporary practice are achieved
- Regional dialogues and projects around shared directions are demonstrated.

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Capacity

Keywords - training, career development, partnerships

Guiding principle

Support for creatives and creative industries will underpin art development, targeting training, career development and support for both emerging and established artists.

Actions

18. Seek funding for programs to improve artists' skills in working with communities around specific public art issues.

Measures

- Creative industries included in economic development strategies
- Working in public art skills program provided
- Funding for skills development for artists engaging communities dealing with crisis secured and training initiated.

Procurement and maintenance

Keywords – art management, durability, safety, longevity

Guiding principle

Art projects will be well managed, and artworks will be safe, durable, and easy to maintain responding in design, materials and fabrication to the demands of public space.

Actions

19. Work with artists and Council staff to identify and develop guidelines for safe installation, maintenance and management of artworks.
20. Ensure public art owned by Council is included in Council's Asset Management Register.
21. Investigate a regional contact list including fabricators, engineers, metal workers, specialist lighting and other suppliers as a resource for Council, design teams, developers and public art practitioners.
22. Implement the Public Art Policy and Public Art Code of Practice.

Measures

- Guidelines for project development, risk, procurement, maintenance and decommissioning are followed
- Artworks are included in the Asset Management Register.
- Maintenance guidelines for public art completed and available
- Fabricators, engineers and suppliers identified
- In-house training for maintenance staff undertaken
- Public Art Policy and Public Art Code of Practice are implemented.

Attachment 1 – Summary of submissions and amendments.

Council received one submission for amendments to the Public Art Strategy (PAS) 2021 for Broulee resident Jane Thornton OAM. A summary of the submission and responses is below.

Related to Action 13:

Include an agreed working methodology into Council's project management guide to ensure early consideration of public art in new projects.

Ms Thornton suggests this action could be extended to cover more than just new projects and in the absence of a design strategy include almost everything Council builds or maintains such as playgrounds, and cover aesthetics not just form and function.

Response: Submission noted, no amendment to PAS recommended.

Rationale for recommended response. Allowance for integration of public art into all major environmental planning and landscape projects, including, foreshore works, parks and playgrounds, beach reserves, walkways, waterways and other significant places has been made in Action 1.

Related to Action 6:

Consider the inclusion of public art when reviewing strategic and planning documents, such as Development Control Plans, precinct and open space planning, place strategies, neighbourhood renewal, site planning and private developments.

Ms Thornton suggests this action could be strengthened to require private developers to include public art in their projects, or at least a financial contribution to it.

Response: Submission noted, no amendment to PAS recommended.

Rationale for recommended response. Developers are already required to pay development contributions that may be used for public art through section 7.12 (formerly section 94A).

Related to Action 3:

Work with artists and Council staff to identify and develop guidelines for safe installation, maintenance and management of artworks.

Ms Thornton suggests this action could be strengthened to include the rights of artist in the maintenance of works that might affect reputation or intention of the work.

Ms Thornton also suggests the use of the word curation to replace maintenance.

Response: Submission noted, no amendment to PAS recommended.

Rationale for recommended response. This action refers to the development of guidelines in which integrity of artworks and curation will be included.

Related to Action 10:

Support contemporary public art practice, sustainable fabrication, and innovative artforms and locations including the use of sustainable products in fabrication and installation of public artwork.

Ms Thornton suggests that encouraging use of local materials could be included in this action.

Response: Submission noted, no amendment to PAS recommended.

Rationale for recommended response. Considering the use of local, sustainably produced materials that promote regional distinctive qualities of Eurobodalla and Council's commitment to sustainable practice is included in the Public Art Code of practice.

CAR21/018 COMMUNITY DEVELOPMENT UPDATE

**S003-
T00026**

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

Attachments: Nil

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs

Delivery Program Link: 1.4.1 Plan for and provide opportunities, services and activities for youth

Operational Plan Link: 1.4.1.1 Provide services and opportunities for young people

EXECUTIVE SUMMARY

This report provides information to Council on the NSW Government's Office of Regional Youth Program grant of \$1,850 that supported youth activities in the July school holiday period.

RECOMMENDATION

THAT Council endorse action taken in accepting funding of \$1,850 from the NSW Office for Regional Youth.

BACKGROUND

In February 2020 the youth services team hosted three community forums which provided an opportunity for young people and service providers to voice their feelings and discuss the effects of the 2019/2020 bush fire crisis. During these forums, support for local schools and more activities for young people were highlighted as some of the key focus areas for service providers and young people in the Eurobodalla.

As part of Council's response to the forum outcomes, a grant from NSW Government Regional Youth program was offered to support youth activities in the school holiday period in local government areas impacted by COVID-19 border closures, bushfires and drought.

The \$1,850 grant enabled staff to provide activities for young people in the winter school holiday period.

CONSIDERATIONS

The offer of the funds was coupled with the requirement to accept funds within the timelines required by the funding body which was not in line with Council meeting schedules. As such, funds were accepted and this report seeks Council endorsement of action taken.

Social Impact

The opportunity to attract external funding enables Council to provide additional opportunities that address important social and wellbeing issues, as expressed and experienced by the community.

Financial

The offer of \$1,850 was accepted without requirement for Council to match funds.

CAR21/018 COMMUNITY DEVELOPMENT UPDATE

S003-T00026

Community and Stakeholder Engagement

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

CONCLUSION

The external funding offered enabled Council to support our shire in very practical ways, to improve wellbeing and connect our communities to each other and important services.

By being responsive to our community's needs post-bushfires and during the Covid-19 crisis we support our young people to build resilience and assist in the recovery process.

CAR21/019 CHILDREN'S SERVICES FEES

S003-T00344

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

Attachments: Nil

Outcome: 2 Celebrated Creativity, Culture and Learning

Focus Area: 2.2 Improve local access to higher education and lifelong learning opportunities, facilities and services

Delivery Program Link: 2.2.1 Develop and provide early education services and programs

Operational Plan Link: 2.2.1.1 Provide support services for children and families

EXECUTIVE SUMMARY

Council's Children's Services has been providing childcare services across the Eurobodalla for over 30 years via After School Care, Vacation Care and Family Day Care, providing high quality childcare for working families.

The impact of Covid19 on these frontline services has been significant in terms of government directions to remain open to enable essential workers to maintain employment; imposts of declining numbers of attendances and available staff due to lockdowns; and declarations of fee-free services during last year's lockdown periods.

This year, the service continues to provide an essential service through lockdown, however, with altered imposts due to the changes as a result of the Delta variant of Covid19.

One concern is the data showing children under 12 years old have become the age group with the highest infection rates of Covid19. This has necessitated a call from the NSW government to families to keep children at home and only send to childcare if necessary. This has impacted service enrolments for Family Day Care, After School Care in Batemans Bay, Moruya and Narooma but most heavily for the latter two. Lockdown has impacted families greatly.

To reduce the impact on service revenue loss, the Australian government has provided information and options for local government services to implement and, if eligible, receive funding support.

The service has enacted the waiving of the 'gap' fee for absences only to support struggling families starting the week of 23 August 2021. This action is also one of the requirements for the service to be eligible for a Business Continuity Payment (BCP).

The report will provide Council with information on the current and evolving situation for the service and provide detail on the complexities of the options and issues around managing the regulations and payment processes for childcare.

RECOMMENDATION

THAT Council

1. Endorse the waiving of the gap fee for After School Care and Vacation Care for child absences during the 'stay-at-home' order period; and
2. Receive and note the actions and eligibility requirements for the service to apply for business continuity payments via the Commonwealth Government starting from 23 August 2021.

CAR21/019 CHILDREN'S SERVICES FEES

S003-T00344

BACKGROUND

The Australian Government announced that as of 23 August 2021, childcare services may receive business continuity payments, under the Early Childhood Education and Care (ECEC) Viability Support package, during COVID-19 lockdowns.

The measure is in addition to the existing Commonwealth supports, including gap fee waivers which allow Commonwealth Child Care Subsidy to continue when children are not attending and removal of the cap on allowed number of absences.

The supports will also be available for services who meet the criteria in any future extended lockdowns.

Family Day Care services may be eligible for payments of 25 per cent of their pre-lockdown revenue. After School Hours Care services may be eligible for payments of 40 per cent.

Business continuity payments

These are contingent on services:

- having reasonable expectations attendance will drop below 50%
- not accessing other Commonwealth Government-funded business supports
- waiving gap fees for all families whose children are not attending
- maintaining staffing levels, and
- agreeing to a fee freeze for the duration of business continuity payments.

Families who receive Child Care Subsidy (CCS) must make a co-contribution to their childcare fees under Family Assistance Law. They do this by paying the difference between the provider's fee and the CCS amount. This is known as the gap fee.

Gap fee waiving helps parents keep their children enrolled without having to pay for a service they are not using – particularly if they are not working. Where services choose to waive gap fees, they will continue to receive the CCS portion.

Business continuity payments will be made to services if the Commonwealth hotspot runs for more than 7 days and the state or territory government has limited who can access childcare, or the Commonwealth hotspot extends beyond 28 days.

Business continuity payments will be made fortnightly and are contingent on services meeting the following conditions:

- Services must reasonably expect that during each fortnight they receive the support payment, attendance at the service will be less than 50 per cent of the average charged hours the service experienced during the reference fortnight.
- Services must not access other Commonwealth funded business support from 6 September 2021, this includes JobSaver.
- Services must waive gap fees for all families whose children are not attending.
- Services that are directed by a local authority to close, or that close for particular reasons are still able to waive gap fees.
- Services must maintain the balance of permanent full-time, permanent part-time and long-term casual covered employees, and continue to employ those employees

CAR21/019 CHILDREN'S SERVICES FEES

S003-T00344

and educators who were employed during the relevant employment reference fortnight.

- Services must agree to a fee freeze for the duration of the business continuity payments.

Providers with multiple services are required to confirm that each of the services that will be receiving payments meet all of these conditions.

Payments will be based on revenue in a specified reference period before the lockdown. For New South Wales the dates are 17 to 30 May 2021 for Family Day Care and After School Hours Care and 5 to 18 April 2021 for Vacation Care.

All relevant Council children's services were registered in the program by the due date to meet the requirement to either opt in or out of payments pending meeting the eligibility criteria outlined above.

Upon review of enrolment versus attendance records over the past 4 weeks two services – Moruya and Narooma are meeting all the criteria for BCP. Family Day Care and Batemans Bay OOSH are still just over the 50% attendance requirement. These will be monitored as lockdown is extended.

It is expected that as restrictions are lifted it will take some time to rebuild attendance numbers as parents seek employment and gradually reintegrate socially.

Waiving the gap fee

In August 2021, the service started receiving requests from families wishing to exit their child/children from services due to economic pressures. Currently families not attending but wishing to maintain a spot or spaces in the service must pay the 'gap' fee being the difference between the service fee and the CCS allocation for absences.

In addition, if families decide to exit the service the government will require Council to return any CCS payment received for any absences backdated to the last day of attendance, which Council will be required to charge back to the family to recoup the funds.

Rather than losing most clientele and leaving families to continue to part pay for service they are not receiving, the service has determined that the gap fees for parents should be waived. This action was also implemented to avoid the accumulation of family debt to Council that may never be recovered from low income families, and for the service to be eligible for BCP payments.

Staff have worked with those in finance to work out a process for the processing of this fee waiving which, although creating extra manual processing and reviewing the requirement to send multiple credit notes, will make it simpler and less confusing for parents and families.

CONSIDERATIONS

Legal

After School Care, Vacation Care and Family Day Care are governed by Education and Care Services National Regulations and standards and must comply with the gazette operational requirements. This includes continuing to operate as an essential service during lockdown periods and compliance with government processes as declared.

CAR21/019 CHILDREN'S SERVICES FEES

S003-T00344

Social Impact

Access to quality childcare is critical to a healthy community. Not only to ensure children have safe and educational support in care but to enable families to work. Given the circumstances and opportunities available on offer from the government, it will be a welcome support to families to have the financial burden reduced during the lockdown period but also reduce the potential of spreading Covid19 by keeping children at home where possible.

Economic Development Employment Potential

Keeping our childcare services running enables parents to work and keeps our staff employed.

In the last financial year our services supported over 350 families across the shire with child care. Using the shire's median income of \$939 as a benchmark, this equates to supporting over \$17M of employment and income in the local economy.

Financial

The full impact of reduced enrolments and support payments is yet to be realized. During lockdown period from August to end of October when school is touted to reopen revenue is estimated be 30-40 per cent less than anticipated. However, we will encounter a school holiday period during this time and as we now have Covid19 cases in the shire we envisage that it could possibly be more.

Community and Stakeholder Engagement

We have been regularly communicating via facebook, correspondence and online meetings with the families in the service, Educators and staff in addition to government departments and state-wide childcare service networks to ensure information is timely and current.

CONCLUSION

The childcare service environment has been heavily impacted by Covid19. In particular fees, attendance and revenue issues.

Overall revenue has been and will continue to be impacted by the Covid19 situation whilst in lockdown and indeed for a period post-lock down to recover and rebuild.

The service has put into place some measures to reduce impacts for families and the business by aligning with Australian government support options available.

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.

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.