



AGENDA

Ordinary Meeting of Council

26 April 2022

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

ON TUESDAY 26 APRIL 2022

COMMENCING AT 11.00AM

AGENDA

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

1. WELCOME

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Ordinary Meeting held on 12 April 2022

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

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6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

NOM22/009 Support Southcoast Health and Sustainability Alliance to undertake a Eurobodalla Solar Farm and Community Battery Feasibility Study3

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

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13. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

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17. CONFIDENTIAL MATTERS

**DR CATHERINE DALE
GENERAL MANAGER**

**NOM22/009 SUPPORT SOUTHCOAST HEALTH AND SUSTAINABILITY ALLIANCE TO
UNDERTAKE A EUROBODALLA SOLAR FARM AND COMMUNITY BATTERY FEASIBILITY
STUDY**

S012-T00026

Responsible Officer: Councillors Mathew Hatcher and Alison Worthington

Attachments: Nil

Councillors Mathew Hatcher and Alison Worthington have given notice that at the Ordinary Meeting of Council on Tuesday 26 April 2022, they will move the following motion.

MOTION

THAT Council:

1. Acknowledge the efforts by Southcoast Health and Sustainability Alliance (SHASA) to increase the renewable energy sector within the Eurobodalla.
2. Provide in principle support to Southcoast Health and Sustainability Alliance to undertake a Eurobodalla Solar Farm and Community Battery Feasibility Study.

BACKGROUND

Southcoast Health and Sustainability Alliance (SHASA) is a not-for-profit organisation which undertakes projects to achieve a more resilient community in the Eurobodalla. They champion renewable energy, sustainability and community resilience.

To date SHASA has obtained approximately \$1.5m in funding to implement projects.

SHASA is a partner in the Southcoast μ -grid Reliability Feasibility (S μ RF) project which is overseen by the Australian National University and is also partnered with Essential Energy and Zebden on a \$3m feasibility study into microgrids. The project aims to develop planning tools and business models to support investment in a 'grid of microgrids' across the Eurobodalla thereby improving the resilience in the energy network.

Council has been working with SHASA and other organisations to reduce Council and community carbon emissions, increase renewable energy usage and improve Eurobodalla's resilience to impacts of climate change.

SHASA is interested in the potential for a community solar farm and is aware of the recent community solar farm implemented in the Shoalhaven. Repower Shoalhaven, a community energy group, partnered with the Shoalhaven City Council to establish a 3MW solar farm. Shoalhaven City Council played a critical role in achieving this outcome including the provision of land (leased for the solar farm for 30 years) and an accelerated Development Application process. The energy generated at the facility is being sold via power purchases agreements through Flow Power. Already 20% of the power has been purchased by Sydney City Council and the rest will be offered to local businesses.

SHASA submitted an expression of interest to the World Wide Fund for Nature (WWF) Innovate to Regenerate Fund to undertake a feasibility study of a Eurobodalla community solar farm and community battery to improve reliability of the grid and produce more local energy. WWF have recently requested SHASA to submit a full application by 28 April 2022 and are seeking \$50,000 via the grant to assist with costs associated with developing the feasibility study.

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With the support of Council, SHASA could undertake a feasibility study into the potential for a Eurobodalla solar farm and community battery project with options for private investors, inclusive of the community to invest.

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2022-23 OPERATIONAL PLAN AND 2022-32 LONG TERM
FINANCIAL PLAN**

**S004-T00028,
S004-T00029**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Draft 2022-26 Delivery Program and 2022-23 Operational Plan
2. Under Separate Cover - Draft 2022-23 Fees and Charges
3. Under Separate Cover - Draft 2022-32 Long Term Financial Plan

Outcome: 9 Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.1 Undertake sound, best practice long term community and corporate planning

Operational Plan Link: 9.1.1.1 Review Council's Delivery Program and prepare the Operational Plan

EXECUTIVE SUMMARY

Under the NSW Integrated Planning and Reporting legislation councils are required to prepare a Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan. Council's Community Strategic Plan was adopted on 12 April 2022. It is proposed to place Council's combined draft 2022-26 Delivery Program and 2022-23 Operational Plan and the draft 2022-32 Long-Term Financial Plan on public exhibition for 28 days.

The draft 2022-26 Delivery Program and 2022-23 Operational Plan outlines the four-year activities and annual actions Council will undertake to contribute to achieving our community's vision:

From our beaches to our bushlands, rivers and mountains... Our Eurobodalla is a place of inclusive communities embracing sustainable lifestyles. Our future balances our natural assets and thriving economy. Our community is resilient and collaborative, and this underpins all that we do.

The document is structured around the five goals in the Community Strategic Plan:

1. Our sustainable shire, that celebrates our natural environment and outdoor lifestyles
2. Our community that welcomes, celebrates, and supports everyone
3. Our region of vibrant places and spaces
4. Our connected community through reliable and safe infrastructure networks
5. Our engaged community with progressive leadership.

From the five goals there are 18 supporting strategies that provide guidance to achieve the goals. In response to the CSP strategies, Council has developed 64 delivery program activities and 260 operational plan actions to deliver and implement. Each service that assists in

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achieving the activities and actions are identified. Measures to track and report on progress in achieving each activity is also provided.

This document also includes financial information that supports the draft 2022-26 Delivery Program and 2022-23 Operational Plan, including the budgets, capital program, revenue policy and draft 2022-23 Fees and Charges.

The Long-Term Financial Plan (LTFP) is a component of the Resourcing Strategy Council is required to develop under the IPR framework. The LTFP has a ten-year timeframe and is reviewed annually.

It is anticipated to place the draft 2022-26 Delivery Program, 2022-23 Operational Plan and 2022-32 Long-Term Financial Plan on public exhibition for 28 days between 27 April to 26 May 2022.

RECOMMENDATION

THAT:

1. The draft 2022-26 Delivery Program and 2022-23 Operational Plan incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges be placed on public exhibition for a period of not less than 28 days.
2. The draft 2022-32 Long-Term Financial Plan be placed on public exhibition for a period of not less than 28 days.
3. Following public exhibition, a further report be submitted to Council for the consideration of submissions and adoption of the 2022-26 Delivery Program, 2022-23 Operational Plan and 2022-32 Long Term Financial Plan.

BACKGROUND

The *Local Government Act 1993* requires all NSW councils to review and adopt key Integrated Plans within 12 months following local government elections. Under NSW Integrated Planning and Reporting legislation, councils are required to prepare a Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan.

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The IPR framework is detailed in the figure below:



The Community Strategic Plan is the highest level that Council prepares and is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's vision and long-term goals.

The Resourcing Strategy, consisting of the Long-Term Financial Plan, Asset Management Strategy and Plans, and the Workforce Management Strategy, outlines how Council plans to allocate resources to achieve the vision and goals set out in the Community Strategic Plan. This strategy identifies how Council best plan, develop and utilise our resources to enhance performance of our business to deliver better outcomes for our community.

The Resourcing Strategy is a supporting document to the CSP and focuses on those matters that are the responsibility of Council. It focuses specifically on finances, assets and people.

The Delivery Program details the activities that the Council will deliver over its term and the strategies it will implement in consultation with the community and contained in the Community Strategic Plan.

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The Operational Plan details the actions to be undertaken during the next financial year and includes the annual budget and fees and charges for the year ahead.

CONSIDERATIONS

Council's combined draft 2022-26 Delivery Program and 2022-23 Operational Plan has been developed through an extensive engagement process with input and contributions from several engagement activities including Councillor workshops, previous community engagement processes and staff workshops.

The Councillors participated in a workshop during February 2022 to identify priorities and actions in response to the vision and five goals established in the Community Strategic Plan.

Numerous staff workshops were conducted to consider Councillor priorities, how our existing plans and strategies respond and what new activities we need to consider to work towards achieving the Community Strategic Plan goals and strategies.

The document outlines the four-year activities and annual actions Council will undertake to contribute to achieving our community's vision:

From our beaches to our bushlands, rivers and mountains... Our Eurobodalla is a place of inclusive communities embracing sustainable lifestyles. Our future balances our natural assets and thriving economy. Our community is resilient and collaborative, and this underpins all that we do.

The draft 2022-26 Delivery Program and 2022-23 Operational Plan is structured around the five goals in the Community Strategic Plan:

1. Our sustainable shire, that celebrates our natural environment and outdoor lifestyles
2. Our community that welcomes, celebrates, and supports everyone
3. Our region of vibrant places and spaces
4. Our connected community through reliable and safe infrastructure networks
5. Our engaged community with progressive leadership

From the five goals there are 18 supporting strategies that provide guidance to achieve the goals. In response to the CSP strategies, Council has developed 64 delivery program activities and 260 operational plan actions to deliver and implement. Each service that assists in achieving the outcome is identified. Measures to track and report on progress in achieving each activity is also provided.

Key supporting documents such as plans and strategies that support the 2022-26 Delivery Program have been included in the services table. Hyperlinks to the relevant plans and strategies will be provided, where possible, in the final document prior to adoption. This will ensure ease of access for community members reviewing the document.

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Legal

Section 404 of the *Local Government Act 1993* requires Council to have a Delivery Program to implement the strategies established in its Community Strategic Plan, within the resources available as identified under the Resourcing Strategy.

Section 405 of the *Local Government Act 1993* requires Council to adopt an Operational Plan before the beginning of each financial year which details the activities to be engaged in by the Council during the year as part of the Delivery Program. The Operational Plan must include a statement of the Council's revenue policy for the year covered by the Plan. The revenue policy must include the statements and particulars required by legislation.

The Office of Local Government's Integrated Planning and Reporting Manual and Integrated Planning and Reporting Guidelines are comprehensive tools which have been used in the preparation of the draft 2022-26 Delivery Program and 2022-23 Operational Plan and the Long-Term Financial Plan.

Policy

The Delivery Program and Operational Plan draws on and implements actions contained in adopted Council policy documents.

Asset

The draft 2022-26 Delivery Program and 2022-23 Operational Plan has a focus of Council continuing to work with peak bodies to advocate to the NSW and Australian governments for enhanced funding models to better support regional communities across NSW.

The maintenance allocations are indexed to account for cost escalation for materials supply, wages and plant hire costs. Additionally, focus is being placed on grant applications with a substantial renewal component.

The 2022-23 Capital Program included in the draft 2022-23 Operational Plan has a focus on sustaining community infrastructure through the renewal of assets, particularly short-lived assets. The plan also includes the provision of new infrastructure to meet demand from growth and progressively address network deficiencies.

Financial

In preparing the budget for 2022-23, a conservative approach was taken incorporating known factors, examining prior year performance and trends, and making prudent assumptions for forecasting. The focus is to ensure long term financial sustainability while ensuring the continued delivery of a broad range of services and capital works as informed by Council's underlying strategies.

Council's operations are separated into three funds for financial purposes. The three funds are the General Fund (which includes waste and environment activities), the Sewer Fund and the Water Fund. Key considerations for Water and Sewer operations are ensuring a stable pricing path for ratepayers and meeting NSW Office of Water Best Practice requirements. Council's 30 year Integrated Water Cycle Management Strategy continues to inform the development of the budgets for these funds.

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The key projected financial results for each fund and a consolidated outlook are shown in the table below*.

KEY RESULTS 2022-23 (\$'000)	GENERAL FUND	SEWER FUND	WATER FUND	CONSOLIDATED FUND
Total income (before capital grants and contributions)	93,301	22,902	19,553	135,756
Total expenses	97,780	22,176	17,034	136,990
Net operating result (before capital grants and contributions)	(4,479)	726	2,519	(1,234)
Net operating result (after capital grants and contributions)	16,073	2,926	22,620	41,619
Total capital program	42,390	23,720	30,390	96,500
Cash position – increase/(decrease) in unrestricted funds	1251	1,126	(1,077)	1,300

*Numbers have been rounded up.

A key financial objective when preparing this plan is to ensure a balanced net operating result for all of Council (consolidated entity) and within each of Council's separate funds (General, Sewer and Water) and retain adequate unrestricted funds.

Council's Water and Sewer funds project an operating surplus before capital grants and contributions, General Fund has an operating deficit.

All funds project an Operating Surplus after capital grants and contributions. The use of cash and level of unrestricted cash reserves are closely managed to ensure Council remains in a strong position to meet its obligations when they fall due.

The Revenue Policy incorporated into the budget and disclosed in this plan outlines the proposed changes for rates, levies and annual charges, pricing policies and proposed borrowings for 2022-23.

Proposed changes include:

- The general rate increases by 1.7% which is made up of the rate peg amount of 0.7% plus the population growth factor of 1% for 2022-23.
- The environmental levy rate increases by 1.7% which is made up of the rate peg amount of 0.7% plus the population growth factor of 1% for 2022-23.
- The waste collection charge increases by 1.7% for the typical household.
- The water access charge increases by 2.86% to \$360 (20mm connection access charge) and the usage charge increases by 2.63% to \$3.90 per kilolitre. Water charges are determined taking account of the NSW Best Practice Pricing Guidelines.
- The sewer access charge increases by 1.98% to \$1,030 (20mm connection access charge) and the usage charge increases by 2.5% to \$2.05 per kilolitre.

Long-Term Financial Plan

Council's Long-Term Financial Plan forms part of the Resourcing Strategy and has the same exhibition and adoption process and timing as the 4-year Delivery Program / Operational Plan

The assumptions used are an extension of those used for the 4-year DPOP, extrapolated out for the 10-year horizon

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Estimates used for rate peg, inflation, wage growth, interest rates – moving at similar levels so no artificial gain/loss from differences in assumed indexation levels

The LTFP is prepared on a “business as usual” basis, being current staff structure and approved projects

Funding has been considered and will be a mix of cash, reserves, loans and grants.

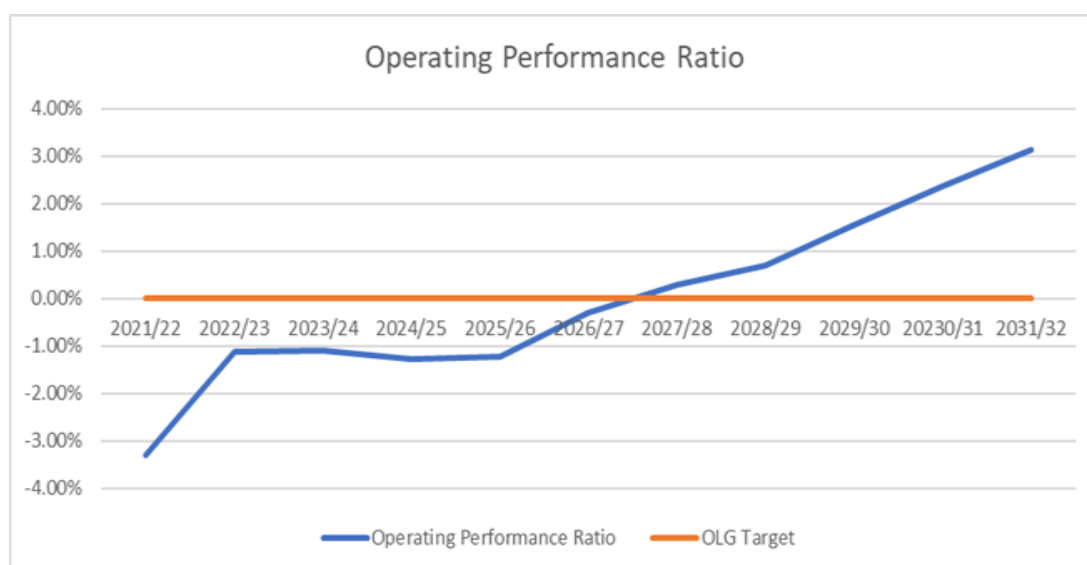
Key Performance Ratios include:

- Operating Performance Ratio

Total continuing operating revenue excluding capital grants and contributions less operating expenses

Total continuing operating revenue excluding capital grants and contributions

- Indicates Council's achievement of containing operating expenditure within operating revenue, and indicates Councils capacity to meet ongoing operating expenditure requirements.
- Benchmark: greater than or equal to 0 (zero)



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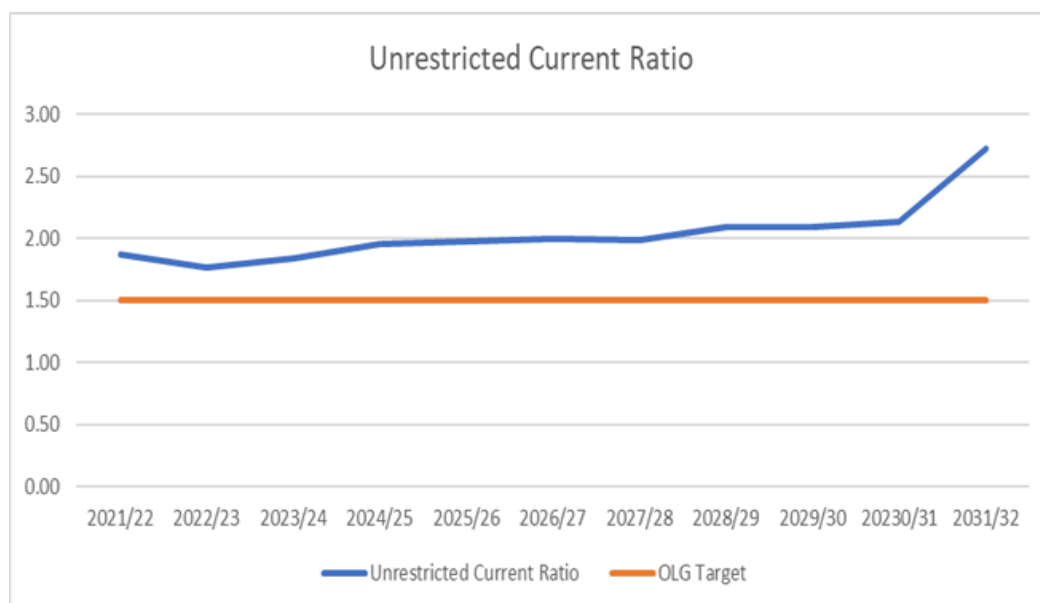
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- Unrestricted Current Ratio

Current assets less all external restrictions

Current liabilities less specific purpose liabilities

- Provides an indication of Council's ability to meet its short term financial commitments
- Benchmark: greater than or equal to 1.5x



Community and Stakeholder Engagement

If the draft 2022-26 Delivery Program, 2022-23 Operational Plan and 2022-32 Long-Term Financial Plan are endorsed for public exhibition, Council will continue to engage the community from 27 April to 26 May 2022 by:

- making the draft 2022-26 Delivery Program, 2022-23 Operational Plan and 2022-32 Long-Term Financial Plan available for the community to read on Council's website. We encourage people to review the plan via our website. Any specific requests for hard copies can be made through the executive services team on 4474 7483.
- informing the community about the public exhibition and inviting the community to have their say through information on Council's website.
- notifying and inviting community associations, groups and business chambers to have their say.
- consulting the community by considering and acknowledging submissions received and providing the community's feedback to Council prior to any decisions being made about the 2022-26 Delivery Program, 2022-23 Operational Plan and 2022-32 Long-Term Financial Plan.

The goals for engaging the community on the draft 2022-26 Delivery Program, 2022-23 Operational Plan and 2022-32 Long-Term Financial Plan are to:

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- give the community the opportunity to read the plans, and to provide their feedback to Council through a 28-day public exhibition
- provide the community with information and opportunities to ask questions and provide feedback and suggestions about the draft plans.

CONCLUSION

The draft 2022-26 Delivery Program, 2022-23 Operational Plan and 2022-32 Long-Term Financial Plan will be publicly exhibited for 28 days. The community will be invited to have their say on the draft plans during the exhibition period and make a submission. At the end of the public exhibition period Council will be provided with all submissions for consideration prior to its adoption by 30 June 2022.

GMR22/046 POLICY ADOPTION - FEBRUARY REVIEW

S004-T00060

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: 9 Innovative and Proactive Leadership

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

Operational Plan Link: 9.1.2 Implement effective governance

EXECUTIVE SUMMARY

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

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

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

- Accounting For Divisions and Subsidiaries of Council
- Aged Care Services
- Asset Disposals
- Asset Management
- Borrowing Management
- Bus Stops and Bus Zones
- Bush Fire Risk Management
- Cemeteries Management
- Children's Services
- Clean Air
- Signs As Remote Supervision

This report recommends the adoption of the draft policies.

RECOMMENDATION

THAT the following policies be adopted.

- Accounting For Divisions and Subsidiaries of Council
- Aged Care Services

GMR22/046 POLICY ADOPTION - FEBRUARY REVIEW

S004-T00060

- Asset Disposals
- Asset Management
- Borrowing Management
- Bus Stops and Bus Zones
- Bush Fire Risk Management
- Cemeteries Management
- Children's Services
- Clean Air
- Signs As Remote Supervision

BACKGROUND

Accounting For Divisions and Subsidiaries of Council

This policy is designed to ensure that entire Council entity accounting is up to date within the main Council financial systems and no undisclosed bank accounts, accounting systems or reserves exist in relation to Council management committees, other divisions, subsidiaries or the like.

This policy provides for Council management committees, other divisions and subsidiaries of Council to fully incorporate accounting into Council's main systems.

Aged Care Services

Council provides Commonwealth Home Support Program (CHSP) services. Council is responsible for delivering these services consistently, in line with Home Care Common Standards.

Asset Disposals

The Asset Disposals Policy was developed to protect Council's financial interest by ensuring that asset disposals achieve the best possible result for Council.

Council is required from time to time to dispose of assets. These assets may have reached or exceeded their economic life for Council purposes. Alternatively, there may be other justifiable economic reasons for disposal.

Asset Management

Eurobodalla Shire Council's Asset Management policy was developed to ensure that Council's assets are managed effectively to deliver the level of service our community is prepared to pay for in the short, medium and long term taking account of the social, economic and environmental consequences of Council's decisions. The policy aims to ensure there is continuous improvement in asset management and service delivery.

Borrowing Management

The Borrowing Management Policy was developed to govern the objectives, procedures and controls in relation to the Council's borrowing decisions and processes.

GMR22/046 POLICY ADOPTION - FEBRUARY REVIEW

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Council seeks to ensure that its borrowing policy and related procedures are publicly transparent and meet good business and best practice criteria including controls over identified risks. Council has a strong preference for certainty in relation to debt repayments, management of risk, and to minimise administrative complexity.

Bus Stops and Bus Zones

Eurobodalla Shire Council's policy is developed to ensure that bus stops and bus zones are in appropriate locations and have appropriate signs where necessary.

Bush Fire Risk Management

This Policy clarifies the management of bush fire risk to the community within Council controlled lands.

Council has statutory obligations to minimise the risk of bush fires in accordance with the relevant legislation, namely *The Rural Fires Act 1997 Act and Regulation, Local Government Act 1993, Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Clean air) Regulations 2021, The Environmental Planning and Assessment Act 1979, Local Land Services Act 2013 and the Biodiversity Conservation Act 2016, State Emergency and Rescue Management Act 1989.*

Council's policy also operates in accordance with the *Bush Fire Environmental Assessment Code for NSW Rural Fire Service 2021, Planning for Bush Fire Protection (NSW Rural Fire Service 2019) and NSW Rural Fire Service Standard Operational Procedures – Prescribed Burning Activities.*

Cemeteries Management

This Policy provides the framework for the sustainable management, maintenance and future planning of cemeteries under Council's control.

This Policy and associated Code of Practice align with industry standards and current practices of other local government areas in New South Wales and will assist Council in meeting the needs of the community.

Children's Services

Council Children's Services will be Assessed and Rated against the National Quality Standards for Education and Care Services that consist of seven quality areas, eighteen standards and fifty-eight elements.

The seven quality areas are:

1. Educational Program and practice
2. Children's Health and safety
3. Physical environment
4. Staffing arrangements
5. Relationships with children
6. Collaborative partnerships with families and communities
7. Leadership and service management.

GMR22/046 POLICY ADOPTION - FEBRUARY REVIEW

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Clean Air

Open burning is regulated across New South Wales by the Protection of the Environment Operations (Clean Air) Regulation 2021 ('the Regulation'). The intention of the Regulation is to manage the air pollution issues associated with burning, with a view to protecting local and regional air quality, local amenity and public health.

Eurobodalla Shire Council is a Local Government Area (LGA) listed in Part 2 and Part 3, Schedule 8 of the Regulation in which burning of vegetation and other waste is prohibited except with approval. The regulation identifies the LGAs in which the control of burning provisions apply.

The Clean Air Policy was developed to provide clear direction where approval to burn dead and dry vegetation can be automatically given following a self-assessment that meets certain conditions. Where not all conditions can be met, or the NSW RFS requires the landholder to obtain approval from Council, formal approval can be applied for.

Signs As Remote Supervision

This Policy recognises the importance of using signs as remote supervision (SARS) to warn users of Council owned, operated or controlled land within the Eurobodalla Shire Council Local Government Area (LGA) of the risk and nature of any hazards in the area.

Eurobodalla Shire Council complies with the *Local Government Act 1993*, the *Civil Liability Act 2002 (CLA)* and relevant Australian Standards. Section 5M of the CLA states that a risk warning for a recreational activity can be given in writing, including by means of a sign.

Council's duty of care is outlined in Part 5 Section 42 of the *Civil Liability Act 2002* - principles concerning resources and responsibilities of public or other authorities.

CONSIDERATIONS

The draft policies have been reviewed and placed on public exhibition from 23 February 2022 to 23 March 2022. Copies were available for viewing on Council's website.

During the exhibition period, no submissions have been received.

Minor formatting and changes to links in the governance section of the policies were undertaken as a result of Council resolution 22/66.

CONCLUSION

The draft policies were publicly exhibited for 28 days. No submissions were received.

The draft policies are presented to Council for adoption.

GMR22/047 POLICY REVIEW FOR EXHIBITION - APRIL 2022

S004-T00060

Responsible Officer: Dr Catherine Dale - General Manager
Attachments: 1. Under Separate Cover - Policy Review - April 2022
Outcome: 9 Innovative and Proactive Leadership
Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision
Delivery Program Link: 9.1.2 Implement effective governance
Operational Plan Link: 9.1.2.4 Review Council policies

EXECUTIVE SUMMARY

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

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

The following policies have been reviewed.

- Development Contributions – Requests For Refunds
- Disability Services
- Drinking Water Quality
- Engineering Design Standards
- Fingerboard Signs – Local Directional
- Fiscal Responsibility
- Food Inspection
- Fraud Control

The draft policies are recommended to be placed on public exhibition before being presented to Council for adoption.

RECOMMENDATION

THAT:

1. Council places the following draft policies for the purposes of public consultation for a period of 28 days:
 - (a) Development Contributions – Requests For Refunds
 - (b) Disability Services
 - (c) Drinking Water Quality
 - (d) Engineering Design Standards

GMR22/047 POLICY REVIEW FOR EXHIBITION - APRIL 2022

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- (e) Fingerboard Signs – Local Directional
 - (f) Fiscal Responsibility
 - (g) Food Inspection
 - (h) Fraud Control
2. Following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.

BACKGROUND

Development Contributions – Requests for Refunds

Development Contributions, typically paid in association with a development consent, are a Restricted Asset of Council.

This policy is intended to provide:

- consistency in the processing of requests for refunds of Development Contributions
- compliance with legislative requirements under the Environmental Planning and Assessment Act 1979 and the Recovery of Imposts Act 1963
- conformity to relevant case law
- a readily accessible and understandable context for consideration of a request to refund Development Contributions.

Disability Services

This policy is designed to outline the relationships and parameters of disability service delivery by Eurobodalla Shire Council and key areas of responsibility under legislation, NDIS Terms of Business and funding agreements.

Drinking Water Quality

Eurobodalla Shire Council's policy was developed to support the provision of a water supply service which delivers potable quality water to its customers. Given the risk to public health of unsatisfactory water quality, it is of paramount importance that preventative risk management systems are developed, implemented and managed to ensure the protection of human health.

Engineering Design Standards

This Engineering Design Standards Policy aims to ensure appropriate infrastructure is designed and constructed for subdivisions and other forms of development.

It is in both the developer's and community's interest that appropriate infrastructure is provided to service all new subdivisions and other forms of development. This infrastructure needs to be designed and constructed to industry standards to ensure consistency in service provision, public safety, reasonable development costs and affordable on-going costs to the community, acceptable environmental impacts and minimising potential public risk and liability from poor designs and/or construction.

Under Guiding principles for Councils (Section 8A (2)(c) of the *Local Government Act 1993*) Council should consider the long term and cumulative effects of actions on future generations.

GMR22/047 POLICY REVIEW FOR EXHIBITION - APRIL 2022

S004-T00060

It is therefore important that constructed infrastructure is of a high standard and the ongoing costs are affordable taking a long term view.

Fingerboard Signs – Local Directional

This Policy recognises the importance of providing directional signage for residents, visitors and emergency services. It provides Council with a mechanism to ensure that fingerboard signs (street signposts) are erected on a priority basis without compromising road safety.

Fingerboard signs at street junctions provide key directional information for residents, visitors and emergency services about the street name and location of key destination points (e.g. public facilities).

Supporting businesses and tourism is important to ensure the economic and social wellbeing of our community. Council receives requests from businesses and tourism operators to permit signs directing people to their enterprise.

The number of signs provided at each junction point must be limited to ensure drivers have the ability to safely read, make decisions and turn if required without impacting on road safety. The policy does this by applying a priority to the types of signs that can be erected at any one junction, and placing a limit on the number of visible signs per post.

Fiscal Responsibility

To provide guidance and targets for budgeting and financial results.

Eurobodalla Shire Council's policy is designed to ensure that reasonable financial health and sustainability is maintained.

Food Inspection

This policy provides a risk-based food inspection program that offers an opportunity for food businesses to reduce their inspection frequency. The policy ensures that food for sale is safe and suitable for human consumption in accordance with the NSW Food Authority's Food Regulation Partnership and the Food Act 2003. Businesses that demonstrate a continued high level of compliance with legislative requirements are rewarded.

Fraud Control

This policy is designed to protect public funds and assets, protect the integrity, security and reputation of Eurobodalla Shire Council and its staff, and maintain a high level of services to the community.

CONSIDERATIONS

The policies have been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

Community Engagement

Council will place the draft policies on public exhibition for a period of not less than 28 days commencing on 27 April 2022 until the 24 May 2022 on Council's website at

<https://www.esc.nsw.gov.au/council/have-your-say/public-exhibition>

We are strongly encouraging people to review the policies via our website. Any specific requests for hard copies can be made through the executive services team on 4474 1022.

GMR22/047 POLICY REVIEW FOR EXHIBITION - APRIL 2022

S004-T00060

CONCLUSION

The draft policies should be publicly exhibited for 28 days. At the end of the public exhibition period, the draft policies will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

GMR22/048 ADVISORY COMMITTEE - COMMUNITY APPOINTMENTS

S003-T00034

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Confidential - Committee Recommendations

Outcome: 8 Collaborative and Engaged Community

Focus Area: 8.2 Provide opportunities for broad and meaningful engagement to occur

Delivery Program Link: 8.2.1 Provide and promote opportunities for the community to be engaged on decisions, policies and plans through the use of the community engagement framework

Operational Plan Link: 8.2.1.1 Support and provide advice to staff on effective community engagement

EXECUTIVE SUMMARY

Council's advisory committees provide advice to the Council on a range of issues and offer a valuable opportunity for information exchange with our community.

Council sought applications from community members for membership on the Aboriginal Advisory Committee, Disability Inclusion Advisory Committee, Coastal and Environmental Management Advisory Committee, Heritage Advisory Committee and Public Art Advisory Committee.

Council has received a high number of applications, reflecting the positive role and reputation of the committees and the community's interest in participating and sharing their experience and perspectives.

The purpose of this report is to inform Council of the nominations received for the community representative positions on the committees and appoint representatives to each.

RECOMMENDATION

THAT Council:

1. Amend the Disability Inclusion Advisory Committee Terms of Reference as follows:
 - (a) Composition – delete the words “up to eight (8) community members” and add “up to nine (9) community members”;
 - (b) Appoint nine (9) persons to the Disability Inclusion Advisory Committee as recommended in the confidential attachment.
2. Amend the Aboriginal Advisory Committee Terms of Reference as follows:
 - (a) Composition – delete the words “up to 7 community members” and add “up to nine (9) community members”;
 - (b) Appoint nine (9) persons to the Aboriginal Advisory Committee as recommended in the confidential attachment.
3. Amend the Heritage Advisory Committee Terms of Reference as follows:
 - (a) Composition – delete the words “three community members” and add “four community members”;

GMR22/048 ADVISORY COMMITTEE - COMMUNITY APPOINTMENTS

S003-T00034

- (b) Appoint the four (4) persons to the Heritage Advisory Committee as recommended in the confidential attachment.
- 4. Amend the Coastal and Environment Management Advisory Committee terms of reference as follows:
 - (a) Appendix 1, voting committee members:
 - (i) Natural Resource Management: change from 1 to 2
 - (ii) North Central: change from 1 to 2
 - (iii) South (Dalmeny to Akolele): change from 1 to 2
 - (b) Appoint eleven (11) persons to the Coastal and Environment Management Advisory Committee as recommended in the confidential attachment.
 - (c) Recruit for the vacant positions on this committee later in the year.
- 5. Appoint four (4) persons to the Public Art Advisory Committee as recommended in the confidential attachment.

BACKGROUND

A robust advisory committee framework strengthens governance and leadership by providing clear and transparent processes for the community to advise Council on particular areas.

At its meeting on 22 February 2022, Council endorsed as follows:

'22/1 MOTION *Councillor Grace/Councillor Mayne*

THAT Council advertise for community representatives on the following advisory committees:

- 1. Disability Inclusion Advisory Committee*
- 2. Eurobodalla Aboriginal Advisory Committee*
- 3. Heritage Advisory Committee*
- 4. Coastal and Environment Management Advisory Committee*
- 5. Public Art Advisory Committee.'*

The Terms of Reference along with the Guidelines for meeting practice was also adopted by the Council in February 2022. The Terms of Reference outline the role of each committee. The term of the appointment of the community representatives will be in line with the term for the elected representatives being until September 2024.

An expression of interest process was available through Council's website, for community representatives from 1 March until 27 March 2022. Membership for the Disability Advisory Committee and Coastal and Environment Management Advisory Committee was extended for a further week until 6 April 2022. During this period, a media release, facebook post and radio interview was undertaken.

Advisory committees are an important way that Council engages with its community and stakeholders. Committee members contribute their experience and knowledge and provide advice, feedback and recommendations to Council.

GMR22/048 ADVISORY COMMITTEE - COMMUNITY APPOINTMENTS

S003-T00034

CONSIDERATIONS

Disability Inclusion Advisory Committee (DIAC)

The Disability Inclusion Advisory Committee advises Council on matters affecting people with disability.

The Committee supports delivery of Council's Disability Inclusion Action Plan and helps Council review and identify disability access and equity issues. This includes providing relevant information and resources to the public.

The composition of this committee includes up to eight community representatives who have a lived experience of disability or have specialist knowledge or interest in disability services. Up to three of the community positions may be filled by individuals who work in a disability related area.

The selection committee recommends amending the terms of reference to include up to nine (9) applicants on the committee. This would also enhance the expertise of the panel.

A confidential attachment recommends nine (9) nominations be accepted by Council.

Aboriginal Advisory Committee (AAC)

The Aboriginal Advisory Committee (AAC) aims to promote the importance of Aboriginal culture within Eurobodalla. It advises and makes recommendations to Council on matters that are of importance to the local Aboriginal community.

The composition of this committee includes a member from each of the Local Aboriginal Land Councils, the chairperson or nominee of Gulaga Joint Board of Management, the chairperson or nominee of the Eurobodalla Koori Employment Network and seven community members. This ensures all sectors and geographic regions of the Aboriginal community are represented.

The selection committee recommends amending the terms of reference to include up to nine (9) applicants on the committee. This would also enhance the expertise of the panel.

The confidential attachment recommends nine (9) nominations be accepted by Council.

Heritage Advisory Committee

The Heritage Advisory Committee supports Council to advance the aims of the Heritage Strategy and in the development and implementation of strategies, policies and programs related to heritage conservation.

The composition of this committee includes three delegates representing the three district historical societies, the chairperson of the Eurobodalla Aboriginal Advisory Committee and three community members. Due to the quality of the applications received, the selection committee recommends amending the terms of reference to include four (4) applicants on the committee.

The selection committee recommends amending the terms of reference to include up to four (4) applicants on the committee.

A confidential attachment recommends four (4) nominations be accepted by Council.

Coastal and Environment Management Advisory Committee

GMR22/048 ADVISORY COMMITTEE - COMMUNITY APPOINTMENTS

S003-T00034

The Coastal and Environment Management Advisory Committee provides feedback to Council about coastal and flood management and includes representatives from community groups, government agencies and the local scientific community. The committee is an important part of how Council ensures the community is able to contribute to decisions about coastal management in Eurobodalla Shire.

The composition of this committee includes 10 community members, one representative from the Aboriginal Advisory Committee, two science professionals and other non-voting government delegates.

No nominations were received for the Aboriginal Heritage, Primary Industries, Recreation, Tourism and Business positions. These places on the committee will be pursued later in the year.

The selection committee recommends amending the terms of reference to include eleven (11) applicants on the committee. This would also enhance the expertise of the panel.

A confidential attachment recommends 11 nominations be accepted by Council.

Public Art Advisory Committee (PAAC)

The Public Art Advisory Committee provides expert cultural and artistic advice and guidance to Council and staff on planning public art and related matters. Its objective is to support the growth of a diverse and vibrant community life.

The composition of this committee includes four representatives who are to be qualified and/or experienced in some area of the arts relevant to public art and are to have their principal residence in Eurobodalla Shire.

A confidential attachment recommends four (4) nominations be accepted by Council.

Community and Stakeholder Engagement

Advisory committees are an important way that Council engages with its community and stakeholders. Committee members contribute their experience and knowledge and provide advice, feedback and recommendations to Council.

In Council's Community Engagement Framework advisory committees are considered to be one of the highest levels of engagement and a way of partnering with the community. Council looks to its advisory committees for advice and innovation in formulating solutions.

An expression of interest process was available through Council's website, for community representatives from 1 March until 27 March 2022. Membership for the Disability Advisory Committee and Coastal and Environment Management Advisory Committee was extended for a further week until 6 April 2022.

The community was informed about the opportunity to submit an expression of interest to join the advisory committees in a number of ways including:

- Council's website and Facebook page
- media release distributed to local media as well as to community and business organisations, and
- through letters, emails and phone calls to members of the current advisory committees.

GMR22/048 ADVISORY COMMITTEE - COMMUNITY APPOINTMENTS

S003-T00034

CONCLUSION

Council's advisory committees provide advice to the Council on a range of issues and offer a valuable opportunity for information exchange with our community.

GMR22/049 INVESTMENTS MADE AS AT 31 MARCH 2022

**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 March 2022, 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.

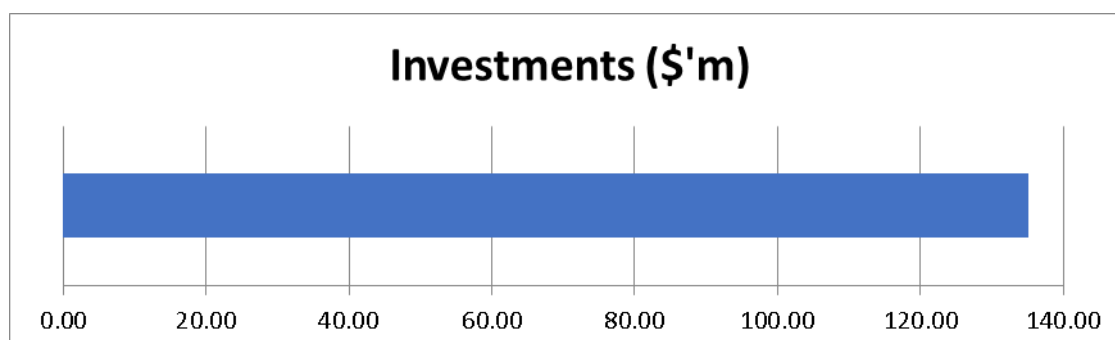
CONSIDERATIONS

Policy

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

Financial

Council investing overall



GMR22/049 INVESTMENTS MADE AS AT 31 MARCH 2022

**S011-T00006,
S012-T00025**

Council has \$135.14M (100%) invested in bank deposits. The bank deposits are held in banks rated A or greater, or covered by the AAA rated Government guarantee, except for \$36.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments remained flat during March 2022 due to normal variations in timing of cashflow.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 27.01% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.29% of the portfolio.

There are \$49.0M (36.26%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 0.65%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (0.41%).

Summary investment information

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

CATEGORY	(\$)
At call deposit	12,890,962
Term deposits	120,500,000
Term deposits Government guaranteed	1,750,000
	135,140,962
<i>Weighted average interest %:</i>	0.65%
<i>Average 90 day BBSW + 0.25%</i>	0.41%

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	1.29	1.29	100.00
Near risk free	71.70	71.70	100.00
Some limited risk (BBB+)	27.01	27.01	30.00
Grand total	100.00	100.00	

GMR22/049 INVESTMENTS MADE AS AT 31 MARCH 2022

**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 2021 is 2.43:1. Council therefore has approximately \$2.43 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.

PSR22/009 VARIATION OF LEASE - HEAVY VEHICLE INSPECTION STATION

S023-T00015

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: 9 Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community
Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to vary the current lease to Transport for NSW (TfNSW).

TfNSW has expressed interest to extend their lease of the Heavy Vehicle Inspection Station (Station) at 210 Araluen Road, Moruya, Part Lot 11 DP 879432, located within Council's mechanical workshop at the Moruya Depot.

The current lease expired on 31 October 2021 and is currently operating under holding-over provisions. The lease has a five-year option taking the lease to 31 October 2026. TfNSW has requested to vary the current lease to add an additional five years.

As the lease site is operational land, public notification of the lease renewal is not required.

It is recommended that Council varies the current lease to allow for a further five years.

RECOMMENDATION

THAT

1. Council vary the current lease to Transport for NSW for the Heavy Vehicle Inspection Station at 210 Araluen Road, Moruya, Part Lot 11 DP 879432 by extending the term by five years, subject to the following conditions:
 - a. payment of annual rental calculated in line with the previous lease
 - b. provision of evidence of public liability insurance cover in the amount of at least \$20 million, and
 - c. conditions generally in line with the previous lease.
2. The General Manager be given delegated authority to negotiate further leases.

BACKGROUND

TfNSW was first granted a lease for the Heavy Vehicle Inspection Station at 210 Araluen Road, Moruya, part Lot 11 DP 879432, on 1 July 2007 and has continued to lease the facility since that time. TfNSW has requested an extension of their current lease of that site.

The Station is located within Council's mechanical workshop and is an area where TfNSW can inspect their vehicles over a pit. Council also utilises the same facility for its own heavy vehicles.

PSR22/009 VARIATION OF LEASE - HEAVY VEHICLE INSPECTION STATION

S023-T00015

The current lease expired on 31 October 2021 and has a five-year option, taking the lease to 31 October 2026. Rather than exercising the option, TfNSW has requested to vary the current lease by seeking a five-year extension, bringing the option expiry to 31 October 2031.

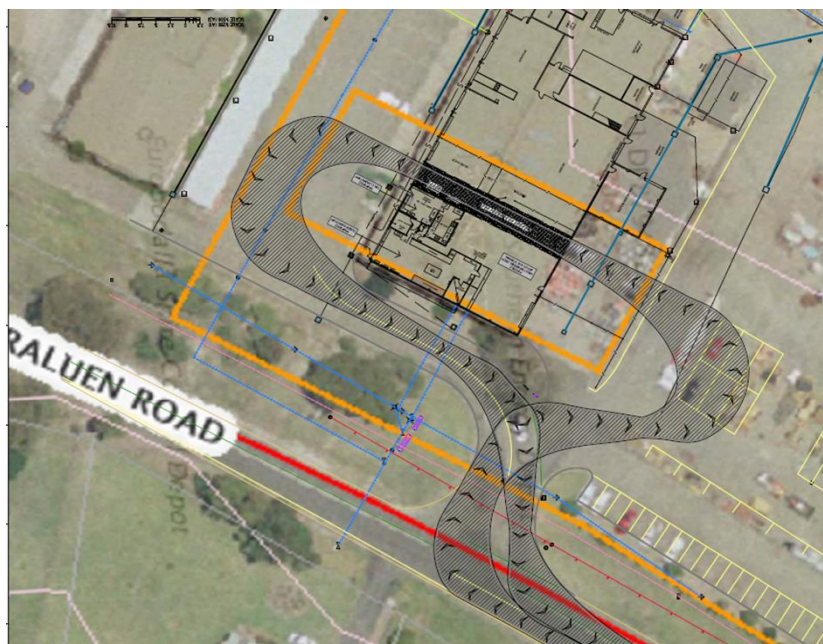
As the lease site is operational land, public notification of the lease renewal is not required.

CONSIDERATIONS

Following internal consultation, the proposed five-year extension of the current lease has been supported by relevant staff.

Conditions for the lease will be generally in line with the previous lease granted to TfNSW including: rental at a daily usage rate; a minimum of 60 days' usage per year, and the Lessee will provide the Lessor with a written list of the required days/time periods that the facility will be used by the Lessee, up to six months in advance.

The lease area/Heavy Vehicle Inspection Station is located within Council's mechanical workshop and shown as black hatching in the sketch below.



Heavy Vehicle Inspection Station, 210 Araluen Road, Moruya - Part Lot 11 DP 879432

Legal

Lot 11 DP 879432 is operational land, and therefore there is no legal impediment to granting a lease.

Asset

Council has taken a proactive approach to improving the safety of the heavy vehicles in our community by establishing an industry benchmark testing facility. The current facility has the capacity to meet future regulatory requirements and allows Council to assess the safety of its own heavy vehicles with full confidence.

PSR22/009 VARIATION OF LEASE - HEAVY VEHICLE INSPECTION STATION

S023-T00015

Social Impact

This facility ensures the continued safety of staff, the general public and road users while conducting vehicle safety and brake tests.

Financial

Fees for usage of the Heavy Vehicle Inspection Station under the lease will continue to be charged at a daily usage rate, currently \$730.50 per day. A minimum of 60 days' usage per year is required under the lease.

Community and Stakeholder Engagement

Council's Engagement Planning Tool and relevant legislation have been used to guide the best approach to engagement in this matter. There is no legal requirement to advise the community via public notice, or to or seek feedback through public exhibition for land dealings within operational land. Given this is in relation to an existing lease, and no complaints have been received, the engagement method will be to 'inform'.

CONCLUSION

The lease for use of the Heavy Vehicle Inspection Station expired on 31 October 2021 and Transport for NSW has a five-year option, taking the lease to 31 October 2026. Rather than exercising this option, TfNSW has requested to vary the current lease by seeking a five-year extension, bringing the option expiry to 31 October 2031.

It is recommended that Council vary the current lease by adding a further five years to the lease period.

PSR22/010 LICENCE FOR MARKETS - RIVERSIDE PARK, MORUYA

S023-T00017

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

Attachments: 1. Minute 16/90 - Licence for Farmers Market - Riverside Park

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 existing licences to operate the SAGE Farmers' Markets on Tuesdays and the Moruya Country Markets on Saturdays in Riverside Park, Moruya, which are due for renewal. The current licence holders can continue operating under their current licence on a carryover basis until 30 June 2022.

The current licence holders have expressed an interest in renewing their licences to operate markets. To ensure an open and fair process in granting further licences, an Expression of Interest (EOI) was conducted and publicly notified for a period of 28 days from 10 November 2021 to 7 December 2021.

During the EOI period, Council received submissions from each of the existing licence holders. No other submissions were received.

It is recommended that Council grant five-year licences to the existing licence holders to operate markets from Riverside Park, Moruya.

At the Ordinary Meeting of Council on 12 April 2016 (Minute 16/90 - attached), Council endorsed a 40% refund of fees to SAGE Farmers' Markets. It is now proposed to include this discounted fee in Council's Fees and Charges rather than it be provided via a refund.

At the Ordinary Meeting of Council on 12 April 2016 (Minute 16/90 - attached), Council endorsed a 40% refund of fees to SAGE Farmers' Markets in order to further support the local primary producers who sell at the Markets. It is now proposed to include this discounted fee in Council's draft Fees and Charges rather than it be provided via a refund.

RECOMMENDATION

THAT

1. Council grant five-year licences to Moruya Country Markets and SAGE Farmers' Markets to operate markets within part Lots 304/752151, 303/752151, 221/752151, 1/722793, 7301/1132695 and 738/1081043, Riverside Park Moruya, commencing on 1 July 2021 and expiring on 30 June 2026, including the following conditions:
 - a. The licence fee be in accordance with Council's adopted Fees and Charges for markets within the Eurobodalla.
 - 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.

PSR22/010 LICENCE FOR MARKETS - RIVERSIDE PARK, MORUYA

S023-T00017

- c. Provision of evidence of public liability insurance cover to the amount of at least \$20 million.
 - d. Conditions generally be in line with similar licences.
- 2. The General Manager be given delegated authority to negotiate further licences.
- 3. A 40% discount for stall fees for not-for-profit mid-week SAGE Farmers' Markets be included in Council's Fees and Charges commencing 1 July 2022.

BACKGROUND

The licences for the weekly Saturday market and Tuesday SAGE Farmers' Markets are due for renewal. The current licence allows those markets to continue to operate on a holdover basis until 30 June 2022.

Riverside Park, Reserve Number R82377 part Lots 304/752151, 303/752151, 221/752151, 1/722793, 7301/1132695 and 738/1081043 Moruya has been utilised for markets since 2009. The ongoing success of markets at Riverside Park indicates the value of markets to the community and visitors to the region.

Current licence conditions include those licensees are required to provide audited annual financial details and licensees' market committee Minutes.

The current licence holders have both expressed an interest in renewing their licences to operate markets. To ensure an open and fair process in granting further licences, an Expression of Interest (EOI) was conducted and publicly notified for a period of 28 days from 10 November 2021 to 7 December 2021. Council called for submissions from people or organisations interested in obtaining a licence to operate markets at Riverside Park.

During the EOI period, Council received submissions seeking to renew the current licences from each of the existing licence holders. No other submissions were received.

CONSIDERATIONS

Council's Property Team facilitate the leasing and licensing of Council-owned operational and community land, and Crown land, under Council management, such as Riverside Park.

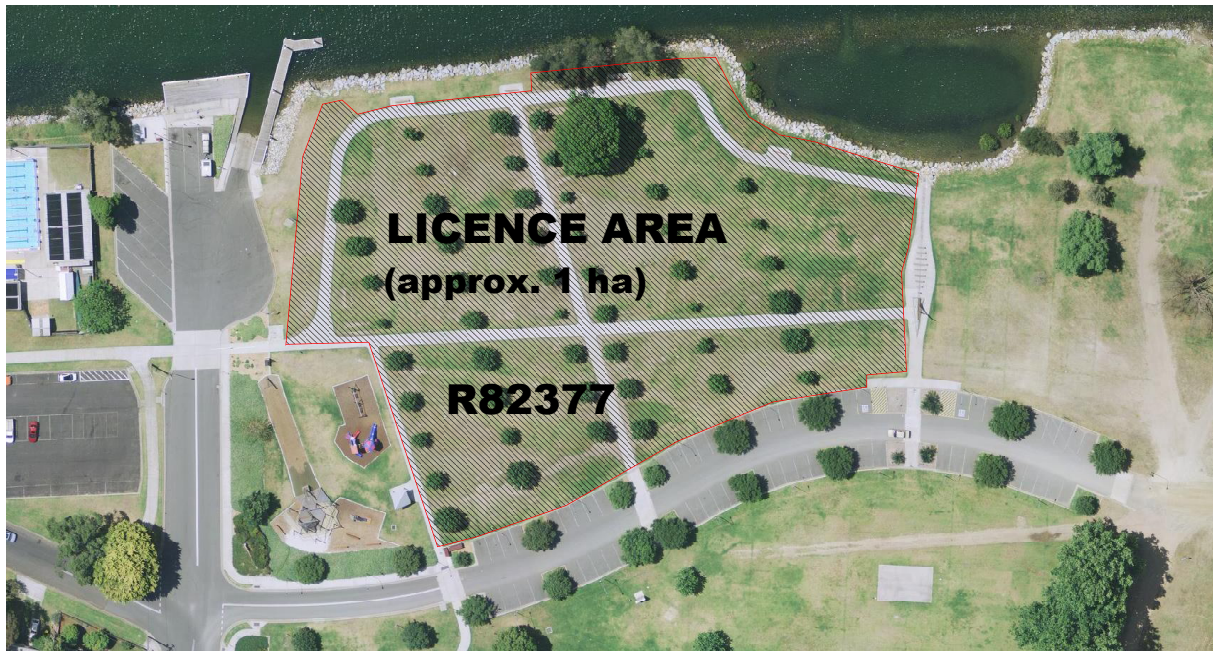
The EOI for market operation at Riverside Park was published from 10 November 2021 to 7 December 2021. This timeframe allowed the interested parties with ample time to consider the EOI, and for Council to consider the expressions of interest and issue licences prior to cessation of the current licence on 30 June 2022.

Conditions of the licences will be generally in line with current market licences with reviews of the conditions undertaken to ensure they remain appropriate and to ensure transparency.

The licence area is shown in the sketch below:

PSR22/010 LICENCE FOR MARKETS - RIVERSIDE PARK, MORUYA

S023-T00017



Riverside Park, Moruya - Crown Reserve R82377

Legal

Riverside Park, Moruya is a Crown Reserve under the management of Council as Crown Land Manager.

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

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

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

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

It is proposed the new licences will be based on previous licences to operate markets, with special conditions to provide for such things as:

- random audits of stall numbers
- monthly reporting on weekly stall numbers
- the requirement to provide the licensees' audited annual financial details
- the provision of the licensees' market committee Minutes.

Policy

The call for an EOI is in accordance with Council's Code of Practice - Licensing of Public Reserves and Associated Buildings.

[Licensing of Council-controlled public reserves and associated buildings Code of Practice \(nsw.gov.au\)](http://legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div2/sec47a)

PSR22/010 LICENCE FOR MARKETS - RIVERSIDE PARK, MORUYA

S023-T00017

Environmental

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

Asset

Markets provide income for maintenance and ongoing improvements to Riverside Park.

Social Impact

The ongoing success of markets at Riverside Park indicates the value of the markets to the community.

Markets are a source of income for Council and the wider community benefits with donations by licensees to either local charities or community facilities.

Economic Development Employment Potential

Markets provide for increased local economic growth through tourism, encouraging shoppers from outside of the Eurobodalla and providing local primary producers an alternate outlet for their produce.

Financial

Licence fees in accordance with Council's adopted Fees and Charges for markets within Eurobodalla Shire will apply. Currently, the rates for not-for-profit markets are billed per stall at \$19 for non-powered stalls and \$24 for powered stalls.

At the Ordinary Meeting of Council on 12 April 2016 (Minute 16/90 - attached), Council endorsed a 40% refund of fees to SAGE Farmers' Markets.

The SAGE Farmers' Markets have received the 40% discount by way of a reimbursement on stall fees following the abovementioned Minute.

It is proposed to include the 40% discount for not-for-profit mid-week markets in Council's Fees and Charges commencing 1 July 2022. This aligns with the above Council Minute of 2016 and streamlines administrative processes for Council and SAGE Farmers' Markets.

Community and Stakeholder Engagement

In accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework, the intention to grant licences for markets at Riverside Park was publicly notified. An EOI was conducted and publicly notified for a period of 28 days from 10 November 2021 to 7 December 2021.

CONCLUSION

The licences for the weekly Saturday markets and Tuesday SAGE Farmers' Markets are due for renewal. The current licence holders are operating on a carryover basis until 30 June 2022.

An EOI was conducted and publicly notified for a period of 28 days from 10 November to 7 December 2021. During the EOI period, we received submissions from each of the existing licence holders. No other submissions were received.

It is recommended that Council grant the renewal of five-year licences to the existing licence holders to operate markets from Riverside Park.

MINUTES OF THE ORDINARY COUNCIL MEETING OF EUROBODALLA SHIRE COUNCIL
HELD ON TUESDAY 12 APRIL 2016

PAGE 8

FBD16/020 LICENCE FOR FARMERS MARKETS - RIVERSIDE PARK

File Ref: E05.9368

16/90 MOTION Councillor Schwarz/Councillor Burnside

THAT:

1. Subject to consent from the Minister administering the Crown Lands Act, 1989, Council as Trust Manager for the Eurobodalla (Central) Reserve Trust, grant a five-year licence to operate a weekly Tuesday farmers market to Sustainable Agriculture & Gardening Eurobodalla Inc.(SAGE) based on a standard Crown Lands' licence with stall fees in accordance with Council's adopted Fees and Charges with additional conditions including:
 - (a) Random audits of stall numbers;
 - (b) Monthly reporting on weekly stall numbers;
 - (c) Annual provision of the licensee's audited financial details;
 - (d) Provision of Licensee's market committee report minutes;
 - (e) The licensee must abide by the licensee's governance provisions and constitution as detailed in its submission to the Expression of Interest for conducting weekly markets in Riverside Park;
 - (f) Written notice by given by the licensor to the licensee of breaches to the licensee's governance provisions or constitution outlined in (e) above; and
 - (g) The licensee to show cause why the licence should not be terminated following three written notices given in respect of (f) above.
 - (h) Vehicles will only be allowed in market area during set-up and set-down times except if:
 - (i) A Vehicle is required as part of stall, e.g. coffee van, donut van etc,
 - (ii) A Stallholder's disability necessitates the need to have the vehicle, or
 - (iii) Inclement weather may be imminent.
2. Council allocate to SAGE for the term of the licence, an amount equivalent to forty percent (40%) of fees received from the licence granted, to fund grower education programs and other initiatives in partnership with Council and in line with their strategic plan.
3. Fees not be waived for any stallholders.

(The Motion on being put was declared **CARRIED**)

**IR22/011 REQUEST FOR TENDER NO.10048321 - TUROSS HEAD SEWERAGE
AUGMENTATION DESIGN AND DOCUMENTATION**

**S029-
T00004**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Request for Tender No.10048321 - Tuross Head Sewerage Augmentation Design and Documentation

Outcome: 4 Sustainable Living

Focus Area: 4.1 Maximise the efficient use and reuse of our water resources

Delivery Program Link: 4.1.1 Provide a safe, reliable and sustainable town water supply and sewerage services

Operational Plan Link: 4.1.1.2 Build, renew, operate and maintain sewerage systems

EXECUTIVE SUMMARY

Council engaged Public Works Advisory (PWA) to advertise Request for Tender (RFT) No. 10048321 for the Tuross Head Sewerage Augmentation Design and Documentation, on Council's behalf.

Augmentation works to the Tuross Head sewerage systems are required to increase the asset life and improve the public health and environmental outcomes. RFT No. 10048321 was open for submissions from 3 February 2022 with a closing date of 3 March 2022. Upon close of tender, two (2) tenders were received.

This report outlines the evaluation of these offers in response to RFT No. 10048321 and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 10048321 Tuross Head Sewerage Augmentation Design and Documentation.

BACKGROUND

The Tuross Head Sewerage Scheme provides sewage collection, transport, and treatment facilities for the area of Tuross Head and receives effluent overflows from the Turlinjah Sewerage Scheme. Tuross Head is situated between Coila Lake and the Tuross River estuary. The scheme includes sewage collection and transfer systems which comprise 41.2 km of gravity mains, 10 sewage pumping stations, and associated rising mains. Sewage is transferred to the Tuross Head/Bingie Sewage Treatment Plant (STP) located on the northern side of Coila Lake.

The upgrade works identified in the Tuross Head Sewerage Augmentation include replacement of sewage pumps, electrical and telemetry system upgrades, sewer main upgrades to eliminate overflows and surcharging in the system, provision of emergency storages, power supply upgrades and a permanent generator at the main pump station (SPS TU01) to vastly improve the resilience of the scheme in natural disasters and power outages.

RFT No. 10048321 for Tuross Head Sewerage Augmentation Design and Documentation was advertised on 3 February 2022 with a closing date of 3 March 2022. Offers were received from the following two (2) tenderers and assessed in accordance with the Tender Evaluation Plan:

- GHD Pty Ltd
- Triaxial Pty Ltd.

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CONSIDERATIONS

Legal

Request for Tender (RFT) No. 10048321 was advertised in accordance with clause 167 of the Local Government (General) Regulation 2005 and the *Local Government Act 1993*.

The tender was advertised on the NSW Government e-tendering website (<https://tenders.nsw.gov.au>).

Before tender assessment was undertaken, a formal Tender Evaluation Plan (TEP) was signed off by the Tender Evaluation Committee.

The offer submitted by the preferred tenderer has been assessed as representing fair value for money for Council, due to the company's demonstrated recent experience with similar projects and deployment of a team with good experience and qualifications.

Policy

Procurement was undertaken in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the Local Government Act 1993.

Environmental

The works are targeted at improving the proper and efficient management of the sewerage system to minimise harm to the environment and public health.

Financial

The amount tendered by the preferred tenderer can be accommodated within the existing sewer fund capital budget and sewer fund reserves.

Community and Stakeholder Engagement

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

CONCLUSION

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

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

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.