



# **AGENDA**

**Extraordinary Meeting of Council**

**9 November 2021**



**EXTRAORDINARY MEETING OF COUNCIL  
TO BE HELD VIA ZOOM**

**ON TUESDAY 9 NOVEMBER 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. **PRESENTATION BY NSW AUDIT OFFICE – 11.00am**
5. **DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
6. **GENERAL MANAGER'S REPORTS**  
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**Page No.**

**DR CATHERINE DALE  
GENERAL MANAGER**

**GMR21/062 ANNUAL REPORT 2020-21 AND END OF TERM REPORT**

**S004-T00016**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Annual Report 2020-21

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: 9.1.1.2 Prepare and table the Annual Report (including Financial Statements)

**EXECUTIVE SUMMARY**

The purpose of this report is to table the Annual Report 2020-21 and the End of Term Report, two key reporting documents in Council's Integrated Planning and Reporting (IPR) framework.

Section 428 of the *Local Government Act 1993* requires Council to prepare an Annual Report within five months from the end of the financial year, detailing Council's implementation of its Community Strategic Plan, Delivery Program and Operational Plan.

The Annual Report is one of the key accountability mechanisms between a council and its community. The Annual Report 2020-21 provides a summary of Council's progress during the year against the budgets, activities and actions set out in the Delivery Program 2017-21 and Operational Plan 2020-21, which implement key strategies set out in the Community Strategic Plan.

In the Operational Plan 2020-21, Council committed to delivering 168 actions across 31 services, with 89 services outputs in place to assess performance. The performance against these one-year actions and service outputs demonstrates Council's progress in implementing the Delivery Program 2017-21. During 2020-21, bushfire recovery and COVID-19 continued to impact some actions and service output results. These instances have been highlighted in the Annual Report.

Of the 168 actions, 167 (98.91%) were complete and one was deferred.

Objective	Complete	Deferred
<b>1. Strong Communities, Desirable Lifestyle</b>	24	1
<b>2. Celebrated Creativity, Culture and Learning</b>	1	
<b>3. Protected and Values Natural Environment</b>	19	
<b>4. Sustainable Living</b>	17	
<b>5. Vibrant and Diverse Economy</b>	15	
<b>6. Responsible and Balanced Development</b>	13	
<b>7. Connected and Accessible Places</b>	17	
<b>8. Collaborative and Engaged Community</b>	11	

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<b>9. Innovative and Proactive Leadership</b>	<b>3</b>	
<b>Total</b>	<b>167</b>	<b>1</b>

**Some of Council's 2020-21 highlights include:**

- \$70.4 million grant funds received from the Australian and NSW governments. This funding provides significant investment into our economy along with new and exciting infrastructure. It also demonstrates Council has the necessary structures, systems, resources and capability to deliver key initiatives and infrastructure projects for the community.
- Delivered a \$86.2 million capital program across all Council services. This was lower than budgeted due to revised timing of major projects including the Bay Pavilions, Shellfish Hatchery, recreational reserve works, bushfire impacted bridgeworks and water and sewer infrastructure works including the Southern Water Storage project.
- Our ongoing commitment to enhancing community infrastructure, with the upgrade and expansion of Jack Buckley Park at Tomakin, a new viewing platform at Guerilla Bay, new sporting amenities at Gundry Oval, refurbishment of the netball courts at Broulee and top dressing our playing fields. There's also been significant progress on the Bay Pavilions and the Mogo Adventure Trails Hub.
- Continued leadership role throughout the disaster recovery phase. The Eurobodalla Bushfire Recovery Support Service has assisted 650 families who were impacted by the fires. The service, which offers a single point of contact with a Case Management Officer, provides practical and personal support to help manage recovery needs, access relevant services and assist in decision making.
- Council provided \$192,115 in donations and grants to support community groups, schools, and local cultural and sporting organisations under section 356 of the *Local Government Act 1993*.

The Annual Report also includes information required by the *Local Government Act 1993*, the *Local Government (General) Regulations 2005*, the Integrated Planning and Reporting Guidelines and any other statutory requirements.

Council is also required to table the End of Term Report at the final meeting of the outgoing Council, in line with legislative requirements, and be attached to the Annual Report.

The End of Term Report represents a progress report to check Eurobodalla is moving in the right direction to realise our vision to be friendly, responsible, thriving and proud. It includes highlight achievements along with advocacy outcomes and awards received during the Council term.

This End of Term Report highlights five years rather than the usual four-year term of Council. The NSW Government rescheduled the local government elections from September 2020 to December 2021 in response to COVID-19.

The End of Term Report includes a summary of the actions and activities undertaken by this Council between July 2016 and September 2021 (Delivery Program 2017-21) and includes the extraordinary period from December 2019, marked by the Black Summer Bushfires, COVID-19

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and seven floods in the Eurobodalla. It represents a progress report to check Eurobodalla is moving in the right direction to realise our vision to be friendly, responsible, thriving and proud.

**RECOMMENDATION**

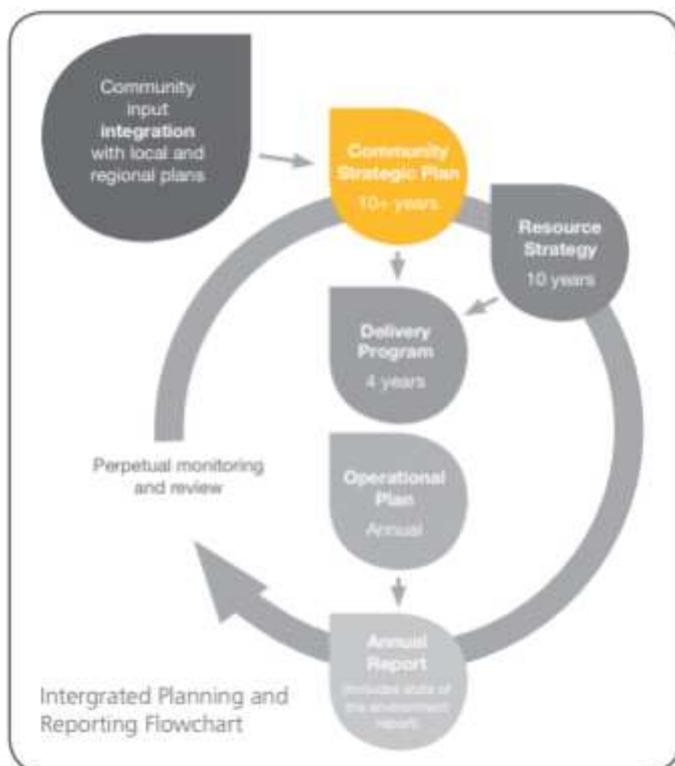
THAT:

1. Council receive and note the Annual Report 2020-21.
2. A copy of the Annual Report 2020-21 be placed on Council's website and a copy forwarded to the Minister of Local Government.
3. Council table the End of Term Report for the period 1 July 2016 to 30 September 2021.
4. Following the Local Government elections, the End of Term Report be published on Council's website.

**BACKGROUND**

The Integrated Planning and Reporting (IPR) cycle includes the development of a range of key documents, including the Community Strategic Plan, four-year Delivery program, yearly Operational Plan, Annual Report, and the End of Term Report at the completion of each council term.

The following chart outlines the process for IPR:



Council is required, under the *Local Government Act 1993* Section 428 and *Local Government (General) Regulation 2005* Section 217, to prepare an Annual Report within five months from the end of the financial year.

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**CONSIDERATIONS**

There is no standard format for the Annual Report under the Integrated Planning and Reporting framework or guidelines. To assist the community better understand Council's implementation of its Delivery Program against the Community Strategic Plan, Council's Annual Report is presented in a number of sections:

- **Our year in review:** details events, business and Council awards, high level financial performance information, service results, capital program and the Community and Transport Infrastructure program.
- **Our organisation:** includes information on how Council operates, meetings and decision making, Councillor details including committee representation and allowances and expenses, advocacy, donations, community engagement and staff profile.
- **Our achievements:** provides detailed performance reporting on Delivery Program 2017-21 activities and Operational Plan 2020-21 actions and service outputs.
- **Statutory and other information:** provides additional information required to be reported including the Disability Inclusion Action Plan (DIAP).

This year, our Annual Report includes pages dedicated to outlining the recovery to the bushfires, highlighting what Council has achieved during 2020-21.

Similarly, there is no prescribed format for the End of Term Report. The End of Term Report presents this Council's performance over its term, highlighting the achievements, advocacy outcomes, awards received, and projects completed in implementing the Community Strategic Plan. It also includes a number of community indicators and Delivery Program (DP) measures. Data to measure the community indicators and DP measures has been drawn from a range of data sources including Council's operational data, survey results, State Government data and Australian Bureau of Statistics.

**Legal**

Section 428 of the *Local Government Act 1993* requires Council to prepare an Annual Report within five months from the end of the financial year, detailing Council's implementation of its Community Strategic Plan, Delivery Program and Operational Plan.

The Annual Report 2020-21 complies with the *Local Government Act 1993*, *Local Government (General) Regulations 2005* and other statutory reporting requirements including the *Environmental Planning and Assessment Act 1979*, *NSW Carers (Recognition) Act 2010*, *Rural Fires Act 1997* and the *NSW Disability Inclusion Act 2014*.

Section 428 (2) of the *Local Government Act 1993* requires Council to prepare End of Term Report, and for it to be included as an attachment with the 2020-21 Annual Report. The End of Term Report must be tabled at the last meeting of the outgoing Council.

This End of Term Report highlights five years rather than the usual four-year term of Council. The NSW Government rescheduled the local government elections from September 2020 to December 2021 in response to COVID-19.

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**Asset**

Council delivered a \$86.2 million capital program across all Council services in 2020-21. The Annual Report provides a breakdown of capital expenditure per service, with 41% spent on renewing existing assets and 59% on new assets.

Additionally, a Statement of the Condition of Public Works is included in the financial statements as required under 428(2d) of the *Local Government Act 1993*.

**Financial**

The Annual Report 2020-21 incorporates the financial statements (including the Independent Auditor's Reports) as required by the *Local Government Act 1993*. The complete financial statements are included as an appendix and a separate attachment to this report.

The financial statements include General Purpose Financial Statements (GPFS), Special Purpose Financial Statements (SPFS) and Special Schedules. Council achieved an unmodified Audit Report for the GPFS, as well as an unmodified Audit Report for the SPFS. The Special Schedules are not currently required by legislation to be audited.

**Community and Stakeholder Engagement**

The Annual Report 2020-21 will be available on Council's website.

Council is required to table the End of Term Report to the last meeting of the outgoing Council. However, advice from the Office of Local Government (OLG) is that Council should refrain from publishing the End of Term Report until after the December 2021 local government elections.

**CONCLUSION**

The Annual Report 2020-21, including statutory information, for the year ended 30 June 2021 complies with the *Local Government Act 1993* and is presented to be received.

Additionally, this End of Term Report presents this Council's performance over its term, highlighting the achievements, advocacy outcomes, awards received, and projects completed in implementing the Community Strategic Plan.

It represents a progress report to check Eurobodalla is moving in the right direction to realise our vision to be friendly, responsible, thriving and proud.

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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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.