



AGENDA

Ordinary Meeting of Council

19 September 2023

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Eurobodalla Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act, to the best of their skill and judgement. The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

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

ON TUESDAY 19 SEPTEMBER 2023

COMMENCING AT 12.30PM

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 15 August 2023
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 6. PUBLIC FORUM**
- 7. MAYORAL REPORTS**
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- 9. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil
- 10. PETITIONS**
Nil
- 11. GENERAL MANAGER'S REPORTS**
Nil

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18. CONFIDENTIAL MATTERS	
CON23/001	General Manager's Annual Performance Review 2022-23 <i>Item CON23/004 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>

WARWICK WINN
GENERAL MANAGER

MR23/004 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW 2022-23

File Ref: H0013-T00001

Attachments: 1. General Manager's Performance Plan 2022-23

EXECUTIVE SUMMARY

In accordance with the General Manager's employment contract, the Mayor is required to undertake an annual review of the General Manager's performance. The review took place with the Mayor and Councillors on 8 August 2023.

The General Manager's 2022-23 performance plan is attached.

RECOMMENDATION

THAT the General Manager's Annual Performance Review for 2022-23 be considered in CON23/001 General Manager's Annual Performance Review 2022-23.

REPORT

Section 226 of the *Local Government Act 1993* describes the role of the Mayor, including that "in consultation with the councillors, to lead performance appraisals of the General Manager" (subsection 226n).

Councillors were briefed by the General Manager on the outcomes of the agreed 2022-23 performance plan and participated in the performance review process on 8 August 2023.

Mr Winn commenced with Council on 7 November 2022 under a four-year contract. His 2022-23 total remuneration package (TRP) is included in CON23/001 General Manager's Performance Review 2022-23.

The 2022-23 performance plan was made publicly available via report GMR23/011 at the Council Meeting of 28 February 2023, and the final plan is attached to this report.

On 8 August 2023, Mr Winn discussed his 2022-23 performance plan with Councillors.

Councillors noted his comments and self-appraisal against his 2022-23 KPIs and performance measures, and his narrative around some achievements and challenges experienced this year.

Mr Winn said based on the feedback he would present Councillors with draft performance measures for 2023-24. These will be received in a future report to Council.

Overall, the feedback on the General Manager's performance review was very positive. It was acknowledged there have been some real achievements over the period but noted there have also been many challenges, most notably the future financial forecast, which Mr Winn is taking demonstrated steps to address in a positive and transparent way with councillors, staff and the community.

Item	Action	Outcome / KPI	Due date	Responsible Directorates/Area	Longer term Measure Delivery Program Measure (4 year)	Community Strategic Plan Goal	Delivery Program Linkage	Update
1	Determine financial position through an in- depth financial analysis	1. Deliver a Financial Health Check 2. Communicate financial information to improve financial acumen	Dec-22	Finance	Increased satisfaction with the management of Council's finances	5. Our engaged community with progressive leadership	5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable	1.Financial Health Check delivered Dec 2022. All recommendations actioned: 5 complete (finance workshop for councillors, finance reporting in plain English, ARIC briefing, staff structure, staff survey); 4 underway via Finance Strategy (review of borrowings, plant and equipment purchasing, internal and external reserves); 2 underway through HR planning (pastoral care program, retention strategy); 2 underway via review of capital program and grants. 2. Financial information consistently being delivered more clearly and transparently, including: revised briefings and presentations to councillors; Mayor's message and GM message in DPOP 23-24; financial forecast webpage established and promoted; strategic workshop focussed on local government finances and budget challenges undertaken with councillors and senior staff, with educative aspects reiterated throughout councillor briefings; three community briefings hosted in May to assist community understanding of financial situation and the challenges Council faces; briefings provided to all Council staff in July, along with regular emailed updates from GM.
2	Structure the organisation to deliver key outcomes	1. Develop plan for Organisation restructure 2. Establish Finance directorate and implement 3. restructure GM unit to include Coordination and Communication	May-23	People and Culture	Increased satisfaction with the management of Council's finances Increased satisfaction with Council's communications	5. Our engaged community with progressive leadership	5.1.1 Proactively provide clear, accessible, timely and relevant information to support and inform the community 5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable 5.3.4 Develop and grow a skilled, motivated and accountable workforce and position Council as an organisation people want to work for	1. Organisation restructure planning is ongoing. Plans to establish a Project Management Office before December 23 are underway. A customer experience strategy will be developed starting February 24. Early consideration is being given to Planning structure. 2. Director Finance and Corporate Services recruited and directorate established effective 15 May. Final structure around governance functions for completion September 23. 3. GM unit restructure complete, with appointment of Communications and Coordination Exec Manager recruitment in March. Legal Counsel recruitment complete, starting mid-August.

3	Manage emptying of rubbish bins and waste removal to provide welcoming community areas	1. Develop and Report Plan to Council to ensure community public areas are clean and tidy 2. Reduction in Customer service request regarding public litter management	Apr-23	Planning and sustainability	Increased satisfaction with the appearance of public spaces	3. Our region of vibrant places and spaces	3.4.1 Plan and deliver functional and inclusive public spaces	1. Trials successfully undertaken over the Australia Day long weekend and Easter period. Flying Squad implemented as BAU in the 23-24 Delivery Program and Operational Plan. Report presented to the Ordinary Meeting of Council on 23 May 2023. 2. No customer complaints during trials. Significant positive feedback from community.
4	Maintain and sustain high level public toilet facilities	1. Develop a Public Toilet Strategy to maintain and sustain high level public toilet facilities 2. Reduction in Customer service request regarding public toilets	Draft by Jun-23	Community and Recreation	Increased satisfaction with public toilets / the appearance of public spaces	2. Our community that welcomes, celebrates, and supports everyone. 3. Our region of vibrant places and spaces	2.2.2 Provide and manage quality community facilities to meet the needs of the current and future communities. 3.4.1 Plan and deliver functional and inclusive public spaces	1. The draft Toilet Strategy was prepared and councillors briefed on 20 June 2023. Finance has prepared resourcing for the implementation of the Strategy from the 2023/24 financial year. The Strategy includes four strategic focus areas and 21 prioritised actions. Recruitment of the new Public Amenities team will commence shortly. 2. Reduction in customer service requests will be measured as delivery rolls out. Significant positive community feedback in response to strategy development.
5	Review Capital Works program	1. Develop agreed approach to ensure a realistic capital program of works 2. Capital Works program budget < \$75M 85% achieved	Jun-23	Finance	Increased satisfaction with the management of Council's finances	4. Our connected community through reliable and safe infrastructure networks 5. Our engaged community with progressive leadership	All Delivery Program activities across 4.1 5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable	1. Capital programming and resourcing has been examined including reprioritising and staging works, delivery by internal or external labour efforts, and alignment to the new grants approach. 2. The capital works budget in General Fund has remained below \$75m. Original capital budget was \$31m in General Fund and \$96m Council-wide; December review was \$49m and \$136m; March review was \$43m and \$129m. At June 2023, General Fund capital expenditure was \$37.0m, that is 84% of the program achieved.
6	Deliver Advocacy Strategy	1. Develop agreed approach and priority list for grant advocacy and management 2. Review and report our updated Advocacy Strategy to Council	Feb-23	Grants	Increased satisfaction with representation of both Eurobodalla specific and regional issues to other levels of government	5. Our engaged community with progressive leadership	5.2.3 Advocate and collaborate to advance the region and address local issues	1. An agreed approach has been developed with the Finance team for management of grants and grant applications. Managers are required to provide complete project information presented to an internal stakeholders (including Finance Director) to determine suitability before funding applications submitted. New guidelines to be deployed to staff via a grants intranet page - underway. 2. A formal advocacy document and Council report outlining the new grants approach and providing a list of projects aligned with 23-24 programmed works will be prepared - due September.
7	Deliver Business Continuity Strategy	1. Update Business Continuity Plan 2. Present updated plan to Council	Draft by Jun-23	Governance	Increased satisfaction with the long-term planning of Eurobodalla	5. Our engaged community with progressive leadership	5.3.5 Be an agile organisation that champions continuous improvement and efficiencies	Business Continuity Plan (BCP) distributed to all sub-plan owners early February. Testing of the BCP by a third party consultant is planned in the first quarter of the 2023-24, after which the plan will be presented to Council.

8	Develop a Risk Strategy	1. Risk strategy developed 2. Risk strategy accepted by Audit, Risk and Improvement Committee	Draft by Jun-23	Risk	Increased satisfaction with the long-term planning of Eurobodalla	5. Our engaged community with progressive leadership	5.3.5 Be an agile organisation that champions continuous improvement and efficiencies	Preliminary work underway.
9	Future Finance Strategy	1. Develop an agreed Finance strategy	Draft by Jun-23	Finance	Increased satisfaction with the management of Council's finances	5. Our engaged community with progressive leadership	5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable	Revised draft Finance Strategy due date is October/November 2023. Overarching objectives will be to increase revenue, maximise cost efficiencies and manage cash usage with the aim to return Council to a financially sustainable position. The Strategy is an action item in the DPOP and has been widely publicised in the community. Planning for a budget reset review exercise across all Council services is well advanced and will take place October/November 23 as part of the Finance Strategy.
10	Review Bay Pavilions	1. Review current business model and sustainability 2. Independent business and risk assessment conducted	Jun-23	General Manager	Increased satisfaction with public facilities and swimming pools	5. Our engaged community with progressive leadership	5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable	1. KPMG was engaged in April 2023 to undertake the review of the Bay Pavilions. 200+ documents were forwarded to KPMG for consideration, and key Council and Aligned Leisure staff were consulted in April/May 2023. KPMG briefed ARIC and councillors on the final report on 1 August, with a report to Council scheduled for 15 August 2023. 2. In addition to the review, specialist firms have been engaged to prepare a risk assessment/audit and undertake an energy audit. The risk and energy audits have run parallel with the Review, with future service planning and improvements to be informed by the three review processes.
11	Recruitment - Employer of Choice	1. Develop a retention strategy 2. Review salary system	Draft by Jun-23	People and Culture	Sustainable turnover rate maintained	5. Our engaged community with progressive leadership	5.3.4 Develop and grow a skilled, motivated and accountable workforce and position Council as an organisation people want to work for	1. Staff survey action planning in progress – all activities focussed on retention and working towards Council being an employer of choice. 2. Salary health check in progress.
12	Continue Southern Dam	1. June 2023– Completion of Tuross River Intake Pump Station Contract 2. December 2023 – Completion of power supply upgrade, embankment foundation preparation and commencement of dam wall construction	Jun-23	Water and Sewerage	Commissioning of water supply from the dam	1. Our sustainable shire, that celebrates our natural environment and outdoor lifestyles	1.4.2 Increase water security through construction of the Southern Water Supply Storage	1. Pump station complete, documentation being finalised ahead of contract completion. 2. On track.

Signed: 
Mathew Hatcher
Mayor

Date: 8 August 2023

Signed: 
Warwick Winn
General Manager

Date: 8 August 2023

**NOM23/004 ADVOCACY TO NSW GOVERNMENT TO AMEND THE COMPANION ANIMALS
ACT 1998 REGARDING PET CAT CONTAINMENT**

S012-T00026

Responsible Officer: Alison Worthington - Councillor

Attachments: Nil

Councillor Alison Worthington has given notice that at the Ordinary Meeting of Council on Tuesday 19 September 2023, she will move the following motion.

MOTION

THAT:

1. Council notes that:
 - a) Eurobodalla Shire Council resolved in 2022 to advocate to the former NSW Government to amend the Companion Animals Act 1998 to introduce legislation that enables councils to implement 24/7 cat containment in their jurisdictions.
 - b) The Local Government Association of NSW supports 'Amendments to legislation to enable councils to more effectively manage the nuisance effects of cats on residents and wildlife, including streamlining the process of animal registration and limiting the roaming of cats beyond their owner's property.'
 - c) Unlike in other states and territories, the NSW Companion Animals Act 1998 does not currently allow local councils the flexibility to introduce cat containment policies, in consultation with the local community, that meet the specific needs of their area and protect local wildlife.
2. That Council write to the Minister and Shadow Ministers for Local Government, Environment and Animal Welfare and our local Member of Parliament Dr Michael Holland, drawing their attention to this motion and calling for:
 - i. Changes to the Companion Animals Act 1998 to bring NSW into line with other states and territories by allowing local government to introduce cat containment policies in consultation with the local community that meet the specific needs of their area and community, including phase-in periods, selection of areas within the LGA to which the policy applies, monitoring frameworks and resource allocation.
 - ii. The establishment of a \$9 million three-year state-wide grant program to support councils to implement domestic cat containment policies and associated responsible cat ownership programs to increase containment, desexing, identification and registration.
 - iii. Implementation of a state-wide 'Safe cat, safe wildlife' campaign that includes the development of a central, state-wide online platform, in consultation with councils, relevant agencies and animal welfare bodies to make responsible pet ownership information easily accessible.

BACKGROUND

This council resolved on 23rd August 2022 as follows:

**NOM23/004 ADVOCACY TO NSW GOVERNMENT TO AMEND THE COMPANION
ANIMALS ACT 1998 REGARDING PET CAT CONTAINMENT**

**S012-
T00026**

22/204 MOTION Councillor Worthington/Councillor Mayne

THAT Council supports advocating to the NSW Government to amend the Companion Animals Act 1998 to introduce legislation that enables councils to implement 24/7 cat containment in their jurisdictions.

NSW and Western Australia remain the only states whose councils cannot implement restrictions on roaming pet cats. In other states the respective companion animal management legislation supports local governments to create locally specific laws for pet containment.

With a change of state government in March this year, councils across the state are renewing calls for amendments to the Companion Animals Act 1998 that would equip local governments with the necessary powers to implement cat containment at a local level. Achieving the advocacy points raised in this motion would complement Eurobodalla Shire Council's existing cat management program and enable better resourcing for that.

Cat containment and responsible pet ownership policies would require cat owners to keep their pet within the bounds of their property, as is currently the case for dogs, livestock and other pets. Keeping cats at home is the safest option for wildlife, community and the cats themselves.

The 'Safe cat, safe wildlife' campaign and funding model noted in the motion were prepared by the Invasive Species Council in collaboration with Birdlife Australia, Australian Wildlife Society, Nature Conservation Council and WIRES.

Eurobodalla Shire Council recently made a submission to the NSW Legislative Council Portfolio Committee No 8 Inquiry into Pounds in NSW, writing that:

'Councils across NSW are advocating for improvements in the *Companion Animals Act 1998* for cat containment. The negative impact on fauna by cats is well known and cat containment should be considered to improve local biodiversity. Should this be adopted in the future there must be consideration given for the need to further resource pounds as this would foresee an increase in cats in the facilities also.'

In late August 2023 an Independent review of the NSW *Biodiversity Conservation Act 2016* found that Act is "not meeting its primary purpose of maintaining a healthy, productive and resilient environment".

The primary recommendation arising from the review is:

A new nature positive architecture for NSW

Recommendation 1: Amend the Act to commit to an overarching object of 'nature positive', where biodiversity is protected, restored and improving, thereby ensuring the integrity of ecosystem services and cultural values, preserving opportunities for future generations.

The Review Panel found that the operative provisions of the Act are incapable of supporting its objectives, and that too much rests upon the operation of other pieces of legislation that have their own, competing, objectives. The *Companion Animals Act 1998* is one such competing and relevant Act.

The called for amendments to the *Companion Animals Act 1998* are just one of those necessary reforms to align relevant Acts with a nature positive outcome.

**NOM23/004 ADVOCACY TO NSW GOVERNMENT TO AMEND THE COMPANION
 ANIMALS ACT 1998 REGARDING PET CAT CONTAINMENT**

**S012-
T00026**

I ask that council support this call for the NSW Government to make amendments to the *Companion Animals Act 1998* that would equip local governments with the necessary powers to implement cat containment at a local level.

PSR23/031 DRAFT EUROBODALLA DESTINATION ACTION PLAN 2023-2028

**S007-T00011;
OP0018-S006**

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

Attachments: 1. Under Separate Cover - Draft Eurobodalla Destination Action Plan 2023-2028
2. Under Separate Cover - Eurobodalla Destination Action Plan 2023-2028 - situation analysis

Community Goal: 3 Our region of vibrant places and spaces

Community Strategy: 3.2 Support diversified industry and thriving businesses

Delivery Program Link: 3.2.2 Support the local tourism industry to be viable year-round and encourage development of sustainable visitor experiences as guided by the Destination Action Plan, Nature Based Tourism study, Wayfinding and Tourism Signage Strategy and Events Strategy

Operational Plan Link: 3.2.2.2 Finalise the Eurobodalla Destination Action Plan 2023-2028

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to exhibit the draft Eurobodalla Destination Action Plan 2023-2028, (the draft EDAP) - see Attachment 1.

Council endorsed its first Destination Action Plan in 2018 as an outcome of an extensive engagement and research process. The draft EDAP 2023-2028 builds on what was established in the preceding plan by setting a direction and priorities to sustainably grow the visitor economy of the Eurobodalla Region for the next five years.

The EDAP review process was led by Destination Marketing Store (DMS) a destination planning, branding, and marketing agency. DMS worked closely with Council staff, undertaking a comprehensive engagement process with industry stakeholders, including an Industry Advisory Group (IAG) of eight industry representatives. The draft EDAP:

- provides a practical, informed, and prioritised plan
- supports regional promotion, visitation, and prosperity including regional dispersal and yield (it's not just about numbers)
- contributes to enhancing the environment and social values of the region and delivers on the destination brand *All Kinds of Natural*
- addresses barriers and challenges to travel faced by the region
- considers supply, demand, and enablers for implementation, matched to resources.

Over 25 stakeholder sessions (face-to-face workshops, small group and one-on-one meetings and video conferencing sessions) were conducted across the Eurobodalla during November/December 2022 and February 2023. It also involved representatives of state and regional government agencies. Overall, the workshops reinforced the value of adopting a whole-of-region approach that was future-focused.

**PSR23/031 DRAFT EUROBODALLA DESTINATION ACTION PLAN 2023-
2028**

**S007-T00011;
OP0018-S006**

Initial feedback on the strategic priorities of the draft EDAP was sought from the IAG which then informed the priorities and actions. Further feedback from broader industry stakeholders has been sought and incorporated into the draft.

All feedback provided to Council during the public exhibition of the draft EDAP would be considered and addressed in a revised draft where appropriate. A report will be presented to Council following exhibition for determination.

RECOMMENDATION

THAT Council:

1. Endorse the draft Eurobodalla Destination Action Plan to be placed on public exhibition for a period of 28 days.
2. Following the exhibition and consideration of any submissions, a further report regarding the draft Eurobodalla Destination Action Plan will be provided to Council for determination.
3. Council formally thank the members of the Industry Advisory Group for their commitment to the development of the Eurobodalla Destination Action Plan at the upcoming Mayoral Ball.

BACKGROUND

As part of the Eurobodalla Delivery Program and Operational Plan 2022-2023, Council will:

Review the Eurobodalla Destination Action Plan 2018-2022 to align with the directions of Destination Southern NSW Destination Management Plan. (DPOP Action 3.2.2.3).

The 2018-2022 plan contained eight priority areas and approximately 60 actions. The plan was largely implemented over the four-year period (despite the industry being severely disrupted by bushfire and COVID) well establishing the destination's reputation for nature and culture tourism and culinary experiences through key projects such as:

- the Eurobodalla food trail
- the Mogo trails, Mogo rebuild, and Mogo Village Place Activation Plan
- coastal headlands walk and Observation Point projects
- development of an event strategy and events management framework that saw strategic support for and growth in two hallmark events
- development of a new and enduring brand – *All Kinds of Natural*
- evolving the visitor servicing functions of the destination.
- collaboration with National Parks and Wildlife Services on the Murramarang four-day walk experience
- development of the Tourism Wayfinding Strategy and installation of approximately 90 directional signs and new town signs
- cultural awareness training and building relationships with First Nations knowledge holders, businesses, Elders, and Local Aboriginal Land Council in realising opportunities

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2028**

**S007-T00011;
OP0018-S006**

to celebrate and conserve Aboriginal culture through interpretation and cultural tourism product development.

The draft EDAP has been informed by a comprehensive Situation Analysis (see Attachment 2) which involved a detailed review of:

1. Global and domestic trends that are influencing consumer behaviour in travel.
2. Visitor research including influences on travel and behaviour changes post-COVID.
3. Existing plans, strategies and plans and programs at a local, state and national level.

Together with this analysis, a comprehensive engagement process was undertaken to ensure industry input and understanding of the plan. Table 1 below outlines the engagement process whilst Table 2 outlines the IAG feedback and responses.

Table 1: Summary of engagement through 22-23 on the draft EDAP:

PSR23/031 DRAFT EUROBODALLA DESTINATION ACTION PLAN 2023-2028

**S007-T00011;
OP0018-S006**

Engagement	Description	When
Councillors	Inform councillors of the EDAP and seek input. Councillor newsletter updates	November 2022 – 2 hr workshop July 2023 – 1 hr briefing
Industry advisory group	Nominations sought from broader industry to develop a group to inform the preparation of the EDAP. Several meetings held throughout project and input sought to strategies and first draft EDAP.	7 November 2022 13 February 2023 21 March 2023 Strategic directions circulated for comment by 31 March 4 May 2023 Draft EDAP circulated to group for comment by 21 May
Government agencies	Inform agencies about the EDAP seek input	November 2022 Draft EDAP circulated to agencies for comment by 21 May
Aboriginal engagement	Aboriginal community knowledge holders and local aboriginal land council representatives attended five sessions on country. The engagement method was informed by a co-design workshop with Aboriginal tourism leaders from across the Eurobodalla.	November 2022 – co-design 13-15 February 2023 – workshops on country Draft EDAP circulated to group for comment by 21 May
Industry workshops	3 X industry general 1 X hallmark events 1X mountain biking interests 1X business chambers	November 2022 Draft EDAP circulated to group for comment by 21 May
Mountain biking workshop	Strengthening regional collaboration on mountain biking and investigate best practice. Council, Sapphire Coast, network builders, clubs and NSW government agencies.	14 February 2023

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**S007-T00011;
OP0018-S006**

Engagement	Description	When
Additional industry stakeholders	Additional engagement requested by Bay Business and Tourism Chamber. Two teams meetings with small groups Three one-on-ones	February 2023 Draft EDAP circulated to group for comment by 21 May

Table 2: IAG input into strategic priorities

The table below summarises the feedback from the IAG on the Situation Analysis and Strategic Directions along with a response relating to the proposed treatment within the draft EDAP.

Key points from IAG	DMS response
<p>Incorporate a clear vision and measurable objectives within the EDAP</p> <p>Provide a transparent process to enable and report on implementation of the EDAP</p>	<p>Agreed – this will guide prioritisation of actions.</p> <p>Measures will address both outputs (ie, specific deliverables) and outcomes. This should inform a regular update and annual report provided to industry and the community on progress, as outlined in the Strategic Directions.</p> <p>See comments below on the recommendation to convene an ongoing Industry Advisory Group to be involved in the implementation, reporting, and evaluation of the EDAP. Importantly, this group can act as champions within industry, commencing with the launch of the EDAP.</p>
<p>Delivery model for tourism in Eurobodalla – structure, roles, responsibilities</p> <p><i>Note: This matter was identified as an enabler in the Strategic Directions</i></p>	<p>No single delivery model has been more successful than another in regional tourism. Identifying and deploying the right resources and ensuring the involvement and participation of industry are key success factors.</p> <p>Clarity on the functions, responsibilities, funding, governance, and program milestones of any model will also need to be considered in detail, especially if it's an industry-led or outsourced model where there is an expectation of public funding being utilised – that is, in a private-sector or industry membership-based model. This is highly relevant to inform the decision to either retain the current delivery model or outsource under a</p>

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**S007-T00011;
OP0018-S006**

Key points from IAG	DMS response
	<p>contracted arrangement (to a for-profit corporation) or to outsource certain functions (also under a contracted arrangement) to an incorporated not-for-profit membership-based entity.</p> <p>As outlined in the Strategic Directions, DMS recommends that an Industry Advisory Group (or committee) be convened to provide strategic advice on the implementation, monitoring and reporting of the EDAP (including marketing and visitor services), other matters relating to the visitor economy (including emerging opportunities and challenges) as well as act as industry champions. If required, it could also provide advice on any proposed changes to the tourism delivery model.</p>
<p>Industry workshopping of data relating to psychographics and demographic target markets</p>	<p>Beyond the scope and budget of the EDAP project. However, the creation of target market personas is recommended to inform the strategic, destination-level Marketing Plan and visitor servicing for Eurobodalla region.</p> <p>It is typically very difficult to achieve consensus across the region on data analysis. As a result, key indicators from major studies and credible research are utilised to inform the EDAP. Further insights on the integrity, relevance, and application of the data from Tourism Research Australia (TRA), Localis, Spendmapp or other data providers could be arranged for the local industry as part of an industry engagement program.</p> <p>A best practice approach (often utilised by DMS), is to undertake facilitated online forums (contemporary version of traditional focus groups) with participants of the target markets of the region to identify insights directly from the customer or visitor perspective, which is more relevant in the context of 'putting the visitor first.' Industry insights and views should be incorporated into this process. This can then enable the creation of target market personas</p>

PSR23/031 DRAFT EUROBODALLA DESTINATION ACTION PLAN 2023-2028

**S007-T00011;
OP0018-S006**

Key points from IAG	DMS response
	(more than one), which inform and greatly assist with the development and implementation of the Destination Marketing Plan and visitor servicing for the region as a whole.
Alignment with Council’s Economic Development Strategy	Agreed – this will be addressed and reinforced in the EDAP.
<p>Mixed views on the potential rebranding of Eurobodalla:</p> <ul style="list-style-type: none"> • Cost, including opportunity cost of the reallocation of budget highlighted as a concern. • Alternatively, the ability to stand out and demonstrate a point of difference from other regions on the South Coast (or other destinations) was identified as an issue with the current branding. <p>Contradictory views on the continued use of the name ‘Eurobodalla’ also provided</p>	<p>DMS recommends evolving the destination brand rather than wholesale change, as outlined in the Strategic Directions. This is primarily about creating an emotional connection with your target markets through distinctive marketing, guided by the brand strategy and positioning.</p> <p>A key to evolving the destination brand will be to enrich the perception of the region and its experience offering. This can best be demonstrated using ‘strategies you can see’ within the brand guidelines. An example that DMS can share is the work done for Port Macquarie Hastings Council on their new brand.</p> <p>DMS recommends that a Brand Leadership Workshop for industry and Council is undertaken as part of a review of the existing brand within the context outlined above.</p> <p>Re-using the Eurobodalla name. DMS recommends utilising a unique name, which Eurobodalla is. It’s much more about what you do with it than the name itself. This means ensuring the destination brand positioning, its narrative and marketing efforts (among other things) align and work together to raise awareness of and preference for your destination.</p>
Need to include affordable holiday traveller market segment, including caravan and camping and other existing markets for the Eurobodalla region	Agreed. Will be primarily addressed in the context of demand noting that existing core markets should continue to be engaged through destination marketing actions.
Address international markets, especially Free and Independent Traveller (FIT)/self-	Agreed - as identified within the Strategic Directions.

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**S007-T00011;
OP0018-S006**

Key points from IAG	DMS response
drive	
High value travellers, especially in the context of wellness and culinary tourism highlighted as opportunities	Agreed – will address within the EDAP.
Strong focus on shoulder and mid-week travel and addressing the impact of seasonality	<p>Agreed.</p> <p>Note that not all parts of the region are equally impacted re: split between mid-week and weekend occupancy rates.</p> <p>Addressing seasonality a key to success at raising awareness of and preference for year-round travel to the region, which has a positive impact on business viability and the vibrancy of the visitor economy.</p>
Activation of core regional assets, such as the Bay Pavilion	Agreed – will address within the EDAP.
Include business travel and corporate events	Agreed – will address within the EDAP.
Include special interest travel, including the wedding market and sporting or outdoor recreation activities (eg, golf and mountain biking, among many others)	Agreed – this should be considered within the destination Marketing Plan and within a visitor servicing content strategy.
Consider Canberra as a core source market	Agreed – will address within the EDAP.
Pet-friendly travel	Agreed – this should be considered within the Destination Marketing Plan and/or within a visitor servicing content strategy.
Ensuring an appropriate marketing mix, involving digital and face-to-face channels to market	Agreed – will address within the EDAP.
Avoid discounting as a means to market.	Strongly agree. Discounting undermines the perception of the region. Consideration of ways to value-add rather than discount is recommended – to be addressed in the Destination Marketing Plan.
Growing interest in cultural and heritage tourism	There are multiple influences of demand for cultural and heritage tourism. This extends from availability to the quality of the services

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**S007-T00011;
OP0018-S006**

Key points from IAG	DMS response
	<p>provided. There is growing interest in this area across many markets. Encouraging experience development and the enhancement of existing experiences in this area would enrich the experience offering of the region.</p> <p>DMS recommends addressing this within the EDAP, as outlined in the Strategic Directions.</p>
<p>Strong support for:</p> <ul style="list-style-type: none"> • Culinary tourism, local produce, and drink • Events program, including an annual and rolling calendar to be shared with industry 	<p>Agreed, as outlined in the Strategic Directions.</p> <p>A strategic approach to event development and support to be continued, including leveraging the success of existing events.</p> <p>This should include consideration of shifting towards a self-funding model, involving commercialisation of hallmark events (or elements thereof), where relevant, feasible and/or possible. It would also consider the segmentation between community events (delivering social benefits) and destination events (delivering economic and social benefits, including attracting new audiences etc,) as well as attracting business or corporate events. This will be addressed at a high level within the EDAP.</p>
<p>Nature-based tourism and experiences, including adventure tourism experiences, more trails, and a unified approach to promote mountain biking, among other things.</p> <ul style="list-style-type: none"> • Linking mountain biking experiences in Mogo and Narooma under MB Eurobodalla for targeting the MB market 	<p>Agreed, as outlined in the Strategic Directions.</p>
<p>Less support for:</p> <ul style="list-style-type: none"> • Agritourism eg farms stays <p>Support for the benefits of agritourism also shared, particularly in relation to culinary tourism (as addressed above).</p>	<p>Noted.</p> <p>Diversification in types and styles of accommodation should be encouraged, especially to meet the interests and expectations of target markets.</p>

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**S007-T00011;
OP0018-S006**

Key points from IAG	DMS response
<p>Support for stronger focus on development of Moruya Airport</p>	<p>The Moruya Airport Master Plan is currently under review by Council.</p> <p>The challenge relating to this priority is that the current location of the airport has significant constraints on further development or expansion. A recommendation could be to consider an alternative site for the location of the airport, subject to investment logic mapping, comprehensive feasibility analysis and the development of a detailed business case (beyond the scope of the EDAP).</p> <p>Further activation of the current site could involve attracting more private air charters. However, this will need to be developed in collaboration with accommodation and experience providers (packaging and bundling opportunities) who meet the needs and expectations of this high-value traveller market.</p>
<p>Sustainability:</p> <ul style="list-style-type: none"> • 75% travellers quote was from an extensive and comprehensive study undertaken by Tourism Australia as part of their Consumer Demand Project (as referenced in the Situation Analysis). • Further details on the accreditation process, including direct links to Ecotourism Australia are provided in the Situation Analysis. • Unbalanced tourism needs to be proactively addressed. • A genuine commitment is required to avoid the pitfall of ‘green washing’ 	<p>There are a wide range of estimates relating to the importance of sustainability with consumer markets identified within multiple research reports or survey sources. We’ve selected the reference from Tourism Australia, noting that people’s perception or interpretation of ‘sustainability’ vary.</p> <p>DMS’ recommendation is to focus on creating a pathway (staged in; in a practical and realistic way) to genuine sustainability at both the destination and individual business level. This would be future-focused, customer-centric and assist in managing the impacts of unbalanced tourism across the region.</p>
<p>Building a more positive understanding of the benefits of tourism within the local community</p>	<p>Agreed, as outlined in the Strategic Directions.</p> <p>This is increasingly important for destinations to ensure that the local community support the visitor economy and understand the value of it to the vibrancy and sense of place.</p>

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Key points from IAG	DMS response
Attracting investment – strengthening the perception of Eurobodalla region as a place to invest	<p>Agreed - will strengthen this focus within the EDAP. As outlined in the Strategic Directions, this relies on a mix between:</p> <ul style="list-style-type: none"> • proactive engagement with the community (see above) • ensuring the EDAP is viewed and supported as a whole-of-Council plan • industry engagement and communication programs that connect other parts of Council with industry - two-way engagement to better understand context, constraints, and opportunities for enhancing the visitor economy • product and experience development programs.
Genuine industry engagement and communication	<p>Agreed as outlined in the Strategic Directions. This should include a focus on industry capability and access to DNSW's NSW First programs, including <i>Get Connected</i> (ATDW listings) and export-readiness.</p>

CONSIDERATIONS

Tourism makes a significant contribution to the health and wealth of Eurobodalla's many communities. In simplifying the key goals for the draft EDAP, the undermining proposition is to increase visitor length of stay. Focusing on this will positively impact many aspects of the visitor economy. For example:

- encourage the improvement of existing experiences and events
- encourage the development of new products and experiences
- increase the importance of providing a positive visitor experience
- elevate the role of visitor servicing
- lead to the creation of personalised or tailored packages or bundling of products and experiences that meet the desires, expectations and preferences of specific target market segments
- reduce changeover costs for accommodation providers.

Ultimately these will all contribute to higher visitor yield, wider visitor dispersal, stronger visitor advocacy and greater repeat visitation.

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Target markets

Domestic visitors (overnight and day) represent 97.5% of visitors to the Eurobodalla. To make the biggest difference to the visitor economy increasing length of stay needs to be focused on the domestic overnight market. This segment represents over 50% of total visitors to the region and nearly 70% of total visitor expenditure.

This doesn't mean that day visitors or international visitors should be ignored. Both are important to the visitor economy. International is an important segment with untapped potential. However, now, it is a market that needs to be developed rather than one that offers immediate and significant returns. Identifying international market segments with the highest propensity to travel to the LGA is a key task and is likely to focus on the Free and Independent Traveller (FIT) market. The task will be to find the most efficient and effective way to access the region's international potential and then deliver a consistent level of commitment over time.

Overall, the largest and most immediate opportunity lies with domestic overnight travellers. Inspiring a quarter of current overnight visitors to spend just one extra night in Eurobodalla would deliver an extra \$30 million to the Eurobodalla economy.

One other important consideration is the focus of efforts should be on extending the length of stay over the shoulder and off-peak periods. Not only would this go some way to reducing the issue of unbalanced tourism, it would contribute to making local businesses more viable year-round.

Destination brand

In addition to providing a strategic roadmap to grow the visitor economy, the destination brand plays a critical role in ensuring this growth is sustainable. The pressures of instant gratification mean that too often the quick fix is chosen instead of long-lasting outcomes. Properly implemented, the destination brand will ensure marketing activities are shotgun, not scatter gun. Trying to be everything to everyone will waste money and deliver little return on investment. The EDAP recognises that investment in the areas likely to deliver the most rewards is warranted; the wellness traveller - mountain bikers - visiting friends and relatives.

Service delivery model

The visitor economy is a complex ecosystem involving many different and often interrelated parts - local communities, economic development, industry and partnership development, grant funding, strategic planning, product and experience development, marketing, PR (within and outside the region) and events. The key to success for any destination is to foster and strengthen the collaboration and partnerships within the region and beyond its borders.

Clarifying the ongoing roles and responsibilities of all visitor economy stakeholders is not only important, it is a key focus of the draft EDAP.

Policy

The EDAP has been developed considering existing local, regional, and state strategies and programs relevant to tourism.

The Eurobodalla Community Strategic Plan specifically recognised and aligned the Tilba District Strategic Plan (Page 24 – Planning in Partnership). An initiative of the Tilba Plan is to establish a

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biosphere reserve for the Tilba district. Strategy 2.5 of the EDAP (pg 48) proposes “establishing pathways to genuine sustainability at the destination level”.

Amongst other actions under Strategy 2.5 the Draft EDAP proposes to investigate Council support for biosphere reserve nomination in recognition of the alignment with the Tilba Plan. The action is to investigate and not to support at this stage. A further and separate decision of Council will be required should Council wish to further support this nomination.

Environmental

The Eurobodalla Destination Action Plan places sustainable tourism as core to its ambition. A core objective of the draft EDAP is to establish a pathway to genuine sustainability at the destination and business level (Strategy 2.5). Performance indicators have been set to achieve green destination accreditation, achieve an increase in new sustainable tourism experiences, and an increase in the number of existing businesses achieving an accreditation or certification from Ecotourism Australia or Earth Check.

In alignment with the Tilba District Plan, the draft EDAP also proposes investigating Council support for the biosphere reserve nomination for the Tilba sub-region (see above).

Social Impact

The importance of Eurobodalla’s social and cultural environment is embedded in the ambitions and purpose of the draft Plan (see page 7).

“Eurobodalla is renowned as a destination offering remarkable experiences that nourish the senses and contribute to the well-being of visitors and the planet.”

Tourism makes a massive contribution to the vibrancy and livability of the region for Eurobodalla’s 38,000 residents. It’s a significant contributor to the diversity of cafés, restaurants, breweries, and pubs found throughout the region. It provides the opportunity for locals to enjoy unique, international-standard events, like the Oyster Festival, and River of Art.

And without tourism, shared infrastructure like the Coastal Headland Walking Trail and the Mogo mountain bike trails wouldn’t be available to the broader community. Improved access to beaches, waterways and national parks would also suffer.

The investment in Mogo Trails for example, is more than an investment in tourism - it is an investment in the health, environment and opportunities for younger people and businesses to stay or move to the Eurobodalla.

Economic Development Employment Potential

Tourism is worth nearly half a billion dollars to the Eurobodalla economy in terms of visitor spend. It is a significant industry, directly employing around 1,500 people and another 850 indirectly (Source: Profile id – tourism sector analysis). And when combined with the retail sector, where the visitor economy benefits many businesses, tourism sits alongside aged care and construction as the largest employer in the region.

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Financial

The recommendations of the draft EDAP are responsive to existing resourcing of the function within Council.

Community and Stakeholder Engagement

Council has collaborated with the community by seeking the input and advice of the IAG and broader industry stakeholders through consensus building and participatory decision-making.

It is recommended the draft EDAP be placed on public exhibition for a minimum of 28 days.

CONCLUSION

The draft EDAP has been informed by a comprehensive stakeholder engagement process and situation analysis.

The ambition, goals, objectives and strategies and actions contained within the plan will guide the collaborative efforts of Council and industry to manage and sustainably grow the Eurobodalla's visitor economy.

The process of developing the plan has confirmed a strong commitment from Council staff and the industry to develop trust and a solid working relationship to achieve the outcomes of the EDAP.

PSR23/032 PLANNING PROPOSAL 20 - HERITAGE CONSERVATION AREA AT BRUCE CAMERON DRIVE, NORTH HEAD MORUYA S017-T00008

- Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
- Attachments:
 1. Under Separate Cover - Planning Proposal 20 Brierleys HCA
 2. Under Separate Cover - DPI Fisheries Submission
 3. Under Separate Cover - Heritage NSW Submission
 4. Under Separate Cover - Submission
- Community Goal: 3 Our region of vibrant place and spaces
- Community Strategy: 3.1 Balance development between the needs of people, place and productivity
- Delivery Program Link: 3.1.1 Review, prepare and deliver planning instruments that support sustainable social, environmental and economic outcomes as guided by our Local Strategic Planning Statements
- Operational Plan Link: 3.1.1.3 Conduct ongoing reviews and update planning controls

EXECUTIVE SUMMARY

The purpose of this report is to present the outcomes of the public exhibition of Planning Proposal 20 and seek Council's resolution to make the amendment to the *Eurobodalla Local Environmental Plan 2012* (Eurobodalla LEP) to identify a new Heritage Conservation Area (HCA) near the Brierley's Boat Ramp at Bruce Cameron Drive, North Head.

A planning proposal to amend the Eurobodalla LEP to identify a new HCA near the Brierley's Boat Ramp at Bruce Cameron Drive, North Head was placed on public exhibition from 28 June to 26 July 2023.

No objections were received during public exhibition. The three submissions received are attached and include:

1. Support from an adjacent business employee
2. Support from DPI Fisheries
3. Support from Heritage NSW

No amendments to the exhibited planning proposal are necessary, other than updating the consultation sections to include public exhibition. It is recommended Council now proceeds with making the amendment to the Eurobodalla LEP.

RECOMMENDATION

THAT Council:

1. Resolves to make the amendment to the *Eurobodalla Local Environmental Plan 2012* to include the identification of a new Heritage Conservation Area for the Brierley's Boat Ramp area at Bruce Cameron Drive, North Head.
2. Forwards the attached planning proposal to Parliamentary Counsel to draft the amendment and to the NSW Department for Planning and Environment for reporting purposes.

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3. Notify in writing the people who have made a submission to the proposal and inform them of Council's decision.

BACKGROUND

On 12 December 2017, Council endorsed the preparation of a planning proposal for the 8.3ha portion of land on the northern banks of the Moruya River, adjacent to the Moruya Airport, along Bruce Cameron Drive (Figure 1).



Figure 1: The proposed HCA is shown by a yellow dashed outline and labeled AH14

The land is described as part of Lot 5 DP1264836 at Bruce Cameron Drive, Moruya. The land also extends partly into Crown Land, being the foreshore of the Moruya River. The proposed HCA is predominantly zoned C2 Environmental Conservation, with small sections zoned SP1 Airport and W1 Natural Waterways.

The purpose of the planning proposal is to explain the effect of, and justification for, the proposed amendments to the Eurobodalla LEP involving the identification of a new HCA for the Brierley's Boat Ramp area at Bruce Cameron Drive, North Head.

The effect of the planning proposal is to afford the Brierley's Boat Ramp area protection under clause 5.10 of the Eurobodalla LEP.

At the Ordinary Council meeting on 14 February 2023, the following Motion was determined (Minute No: 23/4):

23/1 MOTION Councillor Worthington/Councillor Schutz

THAT Council:

1. *Endorse the attached Planning Proposal 20 to include AH14 Aboriginal Heritage Conservation Area in Schedule 5 Part 3 'Conservation Area' of the Eurobodalla Local Environmental Plan 2012.*
2. *Forward the planning proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.*

**PSR23/032 PLANNING PROPOSAL 20 - HERITAGE CONSERVATION AREA AT
BRUCE CAMERON DRIVE, NORTH HEAD MORUYA**

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3. *Following receipt of a Gateway Determination, undertake further consultation as required by the Determination.*
4. *Receive a report back on the planning proposal following community engagement.*

Council endorsed the planning proposal and forwarded it to the NSW Department of Planning and Environment. A Gateway Determination was issued in April 2023 with Council nominated as the local planning proposal authority. The proposal was then placed on public exhibition for 28 days from 28 June to 26 July 2023.

CONSIDERATIONS

Legal

The planning proposal has been prepared in accordance with Section 3.33(2) of the *Environmental Planning and Assessment Act 1979*.

Implementation of the HCA will provide the Brierley's boat ramp area protection in accordance with the Heritage Conservation clause 5.10 of the Eurobodalla LEP. The objective of Clause 5.10 includes to conserve Aboriginal places of heritage significance.

Policy

The planning proposal aligns with the following Council strategies and plans including:

- Objectives of the Aboriginal Action Plan 2020-2024 with respect to building relationships, respect, and opportunity. Identifying the HCA promotes healing within the Aboriginal community.
- The delivery of Strategy 2.1 of the Community Strategic Plan 2042 to 'Acknowledge our beginnings, embrace our diversity'.
- The vision in the Eurobodalla Heritage Strategy that 'Our Shire's cultural and environmental heritage is identified, recorded, promoted and sympathetically managed for current and future generations.
- Action 2.4 in the Eurobodalla Local Strategic Planning Statement to 'consult with the local aboriginal community in best interpreting Aboriginal cultural heritage in settlements and at key destinations'.

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Environmental

The HCA will highlight the ongoing land management of Aboriginal people and connection to the land and water near Bruce Cameron Drive by identifying it in the Eurobodalla LEP.

Asset

There are no implications on Council assets because of the identification of an HCA in the Eurobodalla LEP.

Social Impact

The continued recognition and management of heritage in the Eurobodalla contributes to amenity and character, but more importantly in this case helps facilitate the healing between local families and government.

Financial

Identifying the HCA will not have ongoing financial or resource implications for Council.

Community and Stakeholder Engagement

Between 2005 and 2008 Council undertook a shire wide Aboriginal Cultural Heritage Study, involving extensive engagement with the Aboriginal community. The study identified the Moruya North Heads – Garland Town vicinity as an area of significant Aboriginal Heritage requiring protection and acknowledgement.

In 2015 extensive consultation was held with the Aboriginal community as part of an Aboriginal Cultural Heritage Assessment (ACHA) that was prepared as part of the development for the Moruya Airport Master Plan. Through this process, it was identified that the HCA would offer the Brierley Boat Ramp area the protection and acknowledgement that the community sought.

The planning proposal was placed on public exhibition for 28 days from 28 June to 26 July 2023. Copies were available for viewing at Council's Moruya Administration Centre, Batemans Bay and Moruya libraries and on Council website.

Notification of the planning proposal was also sent to Crown Lands, Department of Primary Industries, Heritage NSW, adjoining landowners and nearby businesses, and Cobowra and Mogo Local Aboriginal Lands Councils.

No objections were received during public exhibition.

One public submission was received from an adjacent business, stating that "We are aware and fully support the upgrade of the heritage area at Brierly's boat ramp." A number of other matters were raised for separate consideration by Council, including:

- Concerns about the safety of the intersection with Bruce Cameron Drive and the road to the boat ramp, and the speed limit along North Head Drive near the intersection.
- Desire to see more landscaping to the west of the parking area at Brierley's Boat ramp to return this area to its original state.

These matters are not directly relevant to the planning proposal and have been forwarded to relevant Council staff to consider.

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The Gateway Determination required consultation with the following agencies:

- Department of Planning and Environment – Heritage NSW
- Department of Primary Industries – Fisheries
- Department of Planning and Environment – Crown Lands

Heritage NSW made a submission supporting the planning proposal, stating that:

“We understand that this proposal is the culmination of a number of years of investigation and consultation into the significance of the area to the local Aboriginal Community. The statutory recognition and protection of the Brierley’s Boat Ramp Heritage Conservation Area is an important step in integrating Eurobodalla’s significant Aboriginal Cultural Heritage resources into protective planning controls. Council is to be congratulated in taking this initiative and Heritage NSW looks forward to collaborating further to achieve similar positive outcomes.”

DPI – Fisheries made a submission supporting the planning proposal stating that:

“The proposal to identify a new Heritage Conservation Area (HCA) to encompass Aboriginal heritage values adjacent to Batemans Marine Park is consistent with Section 22(2)(d) of the Marine Estate Management Act 2014 which promotes Aboriginal cultural uses within marine parks. DPI Fisheries has no objection to amending Part 3 of Schedule 5 of the Eurobodalla Local Environmental Plan 2012 to identify the new HAC.”

Crown Lands advised that they did not intend to make a submission to the Planning Proposal.

CONCLUSION

A planning proposal to include a new HCA in the Eurobodalla LEP was placed on public exhibition from 28 June until 26 July 2023. No objections were received.

No changes to the planning proposal are necessary, other than updating the consultation section to include public exhibition.

It is recommended Council now proceeds with making the amendment to the Eurobodalla LEP.

PSR23/033 DA0078/23 - ADDITIONS AND ALTERATIONS TO EDUCATIONAL ESTABLISHMENT - 61 TRAIN STREET BROULEE - REQUEST FOR EXEMPTION OF SECTION 7.12 DEVELOPER CONTRIBUTIONS DA0078/23

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

Attachments: 1. Under Separate Cover - Social Benefit Analysis

Community Goal: 3 Our region of vibrant place and spaces

Community Strategy: 3.1 Balance development between the needs of people, place and productivity

Delivery Program Link: 3.1.2 Provide receptive and responsive development assessment services

Operational Plan Link: 3.1.2.1 Assess and determine development applications

Applicant: Colliers International Holdings Ltd.

Land: Lot 1 DP 1037342, 61 Train Street Broulee

Cost of works: \$23,082,388.00

Height: 8.5 metres

Zone: R2 low density residential

Current Use: Educational establishment

Proposed Use: Educational establishment

Recommendation: No exemption to be provided.

EXECUTIVE SUMMARY

The purpose of this report is to seek councillors' determination of an application to exempt the developer (St. Peters Anglican College) from the payment of developer contributions under the *Environmental Planning and Assessment Act (EP&A) 1979* and the *Eurobodalla s7.12 Contributions Plan 2022 (7.12 Plan)*.

The *Eurobodalla s7.12 Contributions Plan 2022* requires that developers pay a levy based upon the construction value. Construction works over \$200,000 would be subject to a levy of 1%. Levies payable under the *Eurobodalla s7.12 Contributions Plan 2022* (the 'Plan') apply to residential alterations/additions, tourism developments, aged care building works and non-residential developments which includes the subject proposal (school alterations).

Clause 1.4 of the 7.12 Plan provides that an application for an exemption to the Contributions Plan can be made by registered charities, not for profit organisations and social housing providers.

The applicant has submitted information that St Peter's Anglican College is a registered charity (registered since 3 December 2012) (ABN 61199827547) providing activities for the education of primary and secondary students. In addition to this, and since this was last reported to Council (28 March 2023), the applicant has submitted a Social Benefit Analysis.

PSR23/033 DA0078/23 - ADDITIONS AND ALTERATIONS TO EDUCATIONAL ESTABLISHMENT - 61 TRAIN STREET BROULEE - REQUEST FOR EXEMPTION OF SECTION 7.12 DEVELOPER CONTRIBUTIONS DA0078/23

The estimated cost of the current proposal (capital investment value or CIV) under DA0078/23 is \$23,082,388.00 (excluding GST). The section 7.12 contribution levy based upon the construction value would be \$230,083.00.

In accordance with the *Local Government Act 1993*, the proposed development is being reported to Council for determination as an exemption for the payment of development contributions is sought.

It is considered that from a social equity viewpoint, as a valuable exercise to waive fees for charities/not for profit community groups and social housing providers on the basis that they contribute to the community wellbeing through volunteers, affordable housing, etc.

Whilst the Social Benefit Analysis provides some clarity around how the school contributes to the community, it is not clear how this can be mandated and must also be considered in light of the school's commercial nature as a fee-paying facility. It is therefore the recommendation of this report that the exemption not be provided.

RECOMMENDATION

THAT Council does not provide an exemption to the payment of section 7.12 developer contributions under the *Eurobodalla s7.12 Contributions Plan 2022*, that would be attributed to any development consent issued under DA0078/23.

BACKGROUND

The proposed development (DA0078/23) seeks consent for the alterations and additions to an existing educational establishment 'St Peter's Anglican College' and an increase in student numbers from approximately 700 students to 900 students (pre-school to year 12).

Pursuant to *State Environmental Planning Policy (Planning Systems) 2021* the proposal is declared to be a regionally significant development on the basis that the application involves a private infrastructure and community facilities (educational establishments) with a capital investment value of more than \$5 million. Accordingly, the consent authority for the application is the Southern Regional Planning Panel.

The subject site is known as Lot 1 DP1037342, 61 Train Street Broulee ('the site') and comprises a single allotment with three road frontages including a primary road frontage to the south (Train Street), which provides the main pedestrian and vehicular access to the school, and two secondary access points (Caitlin Crescent) to the north and north-east. The site occupies an irregularly shaped area of 10.9ha (109,000m²).

The proposed works include demolition, the construction of a two-storey sports and recreation centre (including use for community purposes), new buildings (learning areas, administration and music areas), a new oval, alterations to existing car parking and bus drop-off areas, associated landscaping and tree removal, acoustic treatment, stormwater infrastructure and bushfire protection works. The sports and recreation facility is proposed for use by the community for sports activities (basketball courts and gym areas).

The application was lodged by Colliers Internal Holdings (Australia) Limited on behalf of the owner Anglican Diocese Canberra-Goulburn on 17 August 2022.

PSR23/033 DA0078/23 - ADDITIONS AND ALTERATIONS TO EDUCATIONAL ESTABLISHMENT - 61 TRAIN STREET BROULEE - REQUEST FOR EXEMPTION OF SECTION 7.12 DEVELOPER CONTRIBUTIONS DA0078/23

The development application was exhibited in accordance with the Community Engagement and Participation Plan.

The application is currently under assessment awaiting submission of additional information regarding a number of matters, having been assessed against all applicable planning controls applying to the land, inclusive of State and local government controls.

CONSIDERATIONS

There are no specific requirements contained in clause 1.4 of the Developer Contributions Plan about how an application is assessed for an exemption. The only requirement is that the developer is either a registered charity, not-for-profit organisation or social housing provider.

In considering why there has been an exemption clause provided in the Contributions Plan, it is assumed that the exemption is there to recognise that Council is not the only organisation that may contribute to community wellbeing (public benefit) and that not all contributions are hard infrastructure.

Community groups and social housing providers support the community and provide a public benefit. It is considered that this nexus of providing a public benefit or contributing to the community wellbeing, is why exemptions are permitted to the Contributions Plan. In this instance, whilst it is acknowledged that the educational establishment is a registered charity, it also has fee paying students and has benefitted from a grant of \$6,157,847 for the Community Hub, Sports and Recreation Centre as part of the Black Summer Grants from the Australian Government.

Legal

Council's Developer Contributions Plan provides for exemptions to developer contributions on the basis that they are a registered charity, not-for-profit organisation or social housing provider. The decision has been reported to Council because staff do not have the delegation to waive fees.

Policy

Section 7.12 of the *EP&A Act 1979* states that a consent authority may impose a condition of development consent that requires the payment of a levy for the development. The money required to be paid (cl.7.12 (3)) states the money is to be applied towards public amenities or services:

- (3) *Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.*

Eurobodalla s7.12 Contributions Plan 2022 (the 'Plan') applies to all land in the Eurobodalla local government area (LGA). The site is located within the central district of the Shire.

The Plan states the overview of the Plan (in part) includes catering to the requirements of a growing population that 'will create additional demand for new and upgraded local infrastructure, including open space and recreation facilities, community facilities and roads.

PSR23/033 DA0078/23 - ADDITIONS AND ALTERATIONS TO EDUCATIONAL ESTABLISHMENT - 61 TRAIN STREET BROULEE - REQUEST FOR EXEMPTION OF SECTION 7.12 DEVELOPER CONTRIBUTIONS DA0078/23

Payments contribute towards construction of public facilities including open space and recreation facilities, community and cultural facilities, and cycling and walking paths.

The proposed waiving of payable contributions is supported by a written justification which nominates that the owner of the site is a registered charity, providing charitable functions and by a Social Benefit Analysis. Therefore, the waiving of fees payable is sought on the fact that the proposal is owned and operated by a registered charity and provides a range of social benefits to the community through provision of a community sports and recreation facility.

Social Impact

The Developer Contributions Plans are established on the basis that where development occurs that contributes to the growth of our community and greater demand for services, a levy is imposed to contribute to the provision of these additional facilities and infrastructure.

The levy applicable to the proposed development is 1% of the development cost. In this situation, the levy would equate to approximately \$230,000.00 which could be used to support the provision of additional services and infrastructure. There is a social cost if the contribution is not levied, however the Social Benefit Analysis has identified that this can be offset through community access to the school facilities.

Financial

If the exemption is granted, there will be a potential cost to the community in terms of a delayed provision of services and infrastructure that has been considered by the Contributions Plan. This could be offset by a public benefit provided by the school, however the justification provided must demonstrate the proposal provides social value that is equitable in relation to overall public benefit.

Community and Stakeholder Engagement

The development application has been publicly exhibited on several occasions, including revised plans and documentation that identifies that the school is seeking an exemption to the Section 7.12 Developer Contributions Plan. There has not been any specific public exhibition of this request nor has the Council received any submissions opposing the request. The Developer Contributions Plan is an adopted policy of Council and Council can decide whether to accept or decline the request for the exemption.

CONCLUSION

It is considered that while the school may meet the definition of a registered charity, and has provided a Social Benefit Analysis which identifies how they will contribute to the public benefit, there is still a lack of clarity as to how this is legally enforceable and whether the community would always benefit from access to the school facilities.

From a social equity viewpoint, it can be seen as a valuable exercise to waive fees for charities/ not-for-profit community groups and social housing providers on the basis that they contribute to the community wellbeing through volunteers, affordable housing, etc.

The school has also received a government grant of \$6,157,847 toward the provision of these facilities.

PSR23/033 DA0078/23 - ADDITIONS AND ALTERATIONS TO EDUCATIONAL ESTABLISHMENT - 61 TRAIN STREET BROULEE - REQUEST FOR EXEMPTION OF SECTION 7.12 DEVELOPER CONTRIBUTIONS DA0078/23

It is therefore recommended that the exemption not be supported.

PSR23/034 PILOT PROGRAM - VIRTUAL FENCING

**S028-T00001;
S010-T00015**

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

Attachments: Nil

Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles

Community Strategy: 1.2 Value, protect, and enhance our natural environment

Delivery Program Link: 1.2.3 Work in partnership to provide natural resource management to develop community awareness of environmental opportunities, issues and impacts

Operational Plan Link: 1.2.3.1 Assist Landcare and community groups to deliver environmental projects

EXECUTIVE SUMMARY

This report provides results from the trial of a virtual fence undertaken in Long Beach.

A virtual fence is an active electronic protection system that alerts animals before crossing the road when a vehicle is approaching between dusk to dawn. It is deemed effective in reducing wildlife -vehicle collisions.

There is more than 900,000kms of roads covering the Australian landscape and many crashes involving wildlife and vehicles, resulting in injuries and loss of life to people and wildlife, together with damage to vehicles and property. The ecological consequences of road networks are immense and complex, with millions of native animals injured and killed each year.

In Eurobodalla, there are 1,100kms of roads that are managed by Council which can also result in wildlife being struck by travelling vehicles.

Council has worked with The Coastwatchers Association and WIRES to implement a pilot virtual fence project in Long Beach to address wildlife being struck by vehicles. Prior to the virtual fence being installed during the peak holiday season, WIRES volunteers and Council staff attended up to five wildlife strikes per week. Since the virtual fencing has been installed, there have only been five wildlife struck in eight months.

RECOMMENDATION

THAT Council

1. Investigate opportunities and grant funding to incorporate virtual fencing infrastructure in suitable locations in the Eurobodalla.
2. Consider inclusion of virtual fencing projects in the Eurobodalla Road Safety Plan.

BACKGROUND

Due to the significant number of wildlife-vehicle strikes in Eurobodalla, The Coastwatchers Association and WIRES undertook research to learn about the technologies that are available to address vehicle strikes of wildlife. These organisations approached Council with their preferred approach of a virtual fence.

PSR23/034 PILOT PROGRAM - VIRTUAL FENCING

**S028-T00001;
S010-T00015**

Council staff then conducted their own research which showed positive virtual fencing results in other states. The organisations all then worked together to trial this technology on one of Council's managed roads.

The mid-south coast WIRES branch has been caring for local wildlife for more than a decade. For the years 2021, 2022 and 2023 (to date) the branch from Conjola to Wallaga has received over 650 calls to macropod (kangaroos and wallabies) and motor vehicle collisions (wombat data is not captured in the WIRES data).

Totals wildlife volunteer call outs:

- 2021 = 144
- 2022 = 287
- 2023 (to end July) = 219 and would expect to exceed 2022 total

Some of these animals have received medical treatment from local vets and by dedicated WIRES volunteers. Unfortunately, many of these animals either die due to their injuries or must be humanely euthanased because their injuries are not able to be successfully treated. There are many baby animals that are orphaned because of their mother being killed when struck.

Council also receives frequent requests for staff to collect dead wildlife from our roadsides that have been killed due to a vehicle strike.

Table 1 - reported Wildlife Collisions 2022-2023

Council	WIRES	Total for 2022-2023
156 – collected from roadsides	321 – only includes Macropods (kangaroos and wallabies because wombat data is not captured)	477

There are many animals that are struck and retreat into the surrounding bushland injured and die. Many animals that are killed are also left in situ and these statistics are not captured in this data.

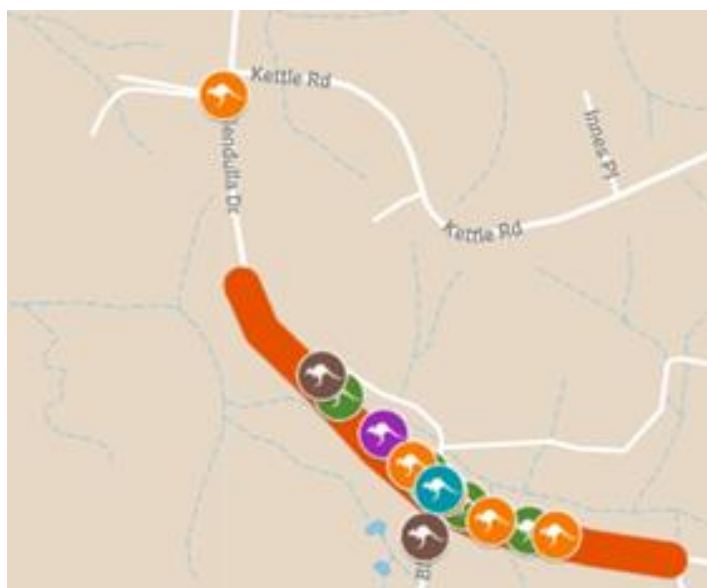
Technology has been developed to address wildlife-vehicle strikes. The virtual fencing device is activated by approaching headlights, which causes it to emit a combination of sound and flashing light stimuli that alert animals. This alert system of audible alert and blue LED lights are an innovative concept based on proven technologies.

The devices are placed at 25m intervals on alternating sides of the road. They are triggered in sequence by the vehicle headlights forming a virtual fence. The virtual fence is most effective when the speed limit is 80kms or less.

Council and WIRES analysed wildlife-vehicle strike data to determine which Council managed roads with a speed limit of 80kms or less, had the highest number of wildlife and vehicle collisions or strikes. It was determined that a 1.1km section of Cullendulla Drive including the intersection with Blairs Road, Long Beach, was significantly impacted (see below).

PSR23/034 PILOT PROGRAM - VIRTUAL FENCING

**S028-T00001;
S010-T00015**



Above: WIRES mapping to show cluster of wildlife strike locations prior to the virtual fence being installed

The Coastwatchers Association, with funding support from the Great Eastern Ranges (GER) and the World Wild Fund for Nature-Australia (WWF-Australia), provided the resources to purchase the virtual fencing equipment. Council provided an in-kind contribution to coordinate and implement the installation of the fencing and to assist with maintenance.

There was 1.1kms (46 posts) of virtual fencing installed on 8 October 2022. Prior to the virtual fence being installed during the peak holiday season, WIRES volunteers and Council staff were attending up to five wildlife strikes per week and following the virtual fencing being installed, there have only been five wildlife struck in eight months.

CONSIDERATIONS

Council has conducted the virtual fencing trial and will continue to work with Coastwatchers, WIRES and other relevant organisations to consider installation of virtual fencing in suitable locations such as identified sites: Hector McWilliam Drive, Tuross Head and Potato Point Road, Potato Point.

Legal

There are no standards or guidelines to address vehicle collision conflict with wildlife.

Environmental

The local wildlife rescue groups have been attending to vehicle struck wildlife across our area. The wildlife carers are often on the roadsides collecting injured wildlife for veterinary treatment which often resulting in euthanasia. Also, there are often situations where injured wildlife are left and retreat in to the surrounding area to die.

Asset

There have been 46 virtual fencing posts which has been installed. Each device has a solar panel which provides the power to the device. The batteries are expected to last for three years.

PSR23/034 PILOT PROGRAM - VIRTUAL FENCING

**S028-T00001;
S010-T00015**

WIRES volunteers have been undertaking regular night-time inspections to ensure the devices are working.

Social Impact

WIRES volunteers regularly attend to injured wildlife because of vehicle strikes. These situations are often distressing for the volunteers and veterinary staff who help these animals. Council staff are required to handle the dead animals which can also be upsetting and also for the community who strike the wildlife.

Economic Development Employment Potential

According to the AAMI animal collision report, there were over 19,000 animal-related collisions reported across Australia in 2022. The data reveals that kangaroos, wallabies, and wombats are among the most affected species. These numbers likely represent only a fraction of the actual incidents, as many go unreported.

WIRES volunteers offer their time and resources to attend to wildlife struck by vehicles. Local veterinarians donate their time by treating injured wildlife. Council staff are required to attend to wildlife strikes across the Shire to collect dead animals and dispose of them at the waste facility. The people involved with hitting wildlife are also impacted from the stress of injuring or killing an animal and also damaging their vehicle.

Financial

The total cost of the pilot program was \$11,531 which was grant funded for 1.1km of virtual fencing costs for Cullendulla Drive, Longbeach. Council in-kind support included coordination, installation and media equated to approximately \$5,000. Significant in-kind contributions were also attributed to The Coastwatchers Association and WIRES up to \$5,000.

Most significantly is the cost to human life associated with animal collisions and then damage costs of vehicles.

Further analysis of financial benefits associated with reducing wildlife strikes could be undertaken regarding Council costs such as: staff resources for collecting animals, disposal costs, reduced work health and safety issues.

Community and Stakeholder Engagement

Council informed both the Long Beach and Maloneys Beach Community Associations prior the fence being installed. A summary of the project was provided through the community association email networks. Council responded to questions with all community feedback being supportive of the trial program.

The project has been a collaborative effort between Council, WIRES and The Coastwatchers Association with funding support from the Great Eastern Ranges (GER) and the World Wild Fund for Nature-Australia (WWF-Australia).

PSR23/034 PILOT PROGRAM - VIRTUAL FENCING

**S028-T00001;
S010-T00015**

During the implementation of this trial, Eurobodalla has been providing information to Shoalhaven City Council staff and councillors who are aiming to implement their first virtual fence trial.

The details of the process and success of this project have been provided to representatives from the South East Australian Transport Strategy (SEATS) to advocate for future virtual fence projects in our region.

CONCLUSION

After the initial eight-month trial period, the Pilot Program - Virtual Fence in Long Beach has been very successful in significantly reducing the number of wildlife being struck by vehicles.

Analysis of data has clearly shown that there has not been a migration of roadkill outside of the virtual fence area.

Council is working with The Coastwatchers Association and WIRES to implement a second trial program at another identified high strike location. This fence will be installed on Dunns Creek Road, Woodlands in 2023-2024 with further grants and within Council's existing budgets. Council and WIRES will continue to maintain and monitor this fence

PSR23/035 LEASE VARIATION, SDN BATEMANS BAY

**S023-T00015
LI24462**

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

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.2 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to advise Councillors of a request from SDN Children's Services Inc (SDN) to extend its lease to operate the Batemans Bay Preschool at the Batemans Bay Children and Family Centre.

SDN has requested a 6-year extension of the lease so that they have a 10-year tenure to enable grant funding to be secured for upgrades to the building. In 2012 Council approved a 3-year extension to the lease which did not progress and SDN has reviewed their requirements and has now requested a lease extension of 6 years.

The Centre is located at 1A Melaleuca Crescent, Catalina being Lot 8 DP 1186078 which is Council-owned community land. Public notification of the proposed variation of SDN's lease was publicly notified for 28 days.

Council recommends extending the lease to SDN for a further 6-year period. The lease variation will generally be in the same terms as the previous lease, except that market rent will be payable for the duration of the extension.

RECOMMENDATION

THAT

1. Council grants extends the lease to SDN Batemans Bay to operate a preschool 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.
 - 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.

PSR23/035 LEASE VARIATION, SDN BATEMANS BAY

**S023-T00015
LI24462**

BACKGROUND

The Batemans Bay Children and Family Centre was constructed to provide for children and family services. Since 2005, half the building has been leased to SDN for the Batemans Bay Preschool. The remainder of the building consists of an office, assessment/observation room, multipurpose room/playroom and storerooms which can be utilised by the community.

The current lease has been in force since 2011 and expires on 31 May 2026.

The rental for the current lease for the Preschool is a peppercorn rental of \$1.00 pa. The original building was built using grant funding and it was a condition of the grant that the original rent be peppercorn rental. This condition expires on 31 May 2026.

At the Ordinary Meeting of Council on 30 April 2019 (Minute No: 19/69), the following was moved:

THAT:

1. *Consent be given to vary the lease to SDN Children's Services over that part of Lot 8 DP 1186078 (formerly Lot 39 DP 800369) known as the Batemans Bay Children and Family Centre, 1A Melaleuca Crescent, Catalina by way of Variation of Lease providing for:*
 - (a) *A three year extension of the lease term to 31 May 2029.*
 - (b) *Rental for the additional three years of the lease from 2026 to 2029 to be at commercial rates based on a valuation from a registered valuer.*
 - (c) *All costs including legal costs associated with the preparation and registration of the Variation of Lease and valuation costs be borne by SDN Children's Services.*
2. *A lease be granted to SDN Children's Services for an office within the Batemans Bay Children and Family Centre located at Lot 8 DP 1186078, 1A Melaleuca Crescent, Catalina with conditions including:*
 - (a) *A term of ten years commencing on 1 June 2019 and terminating on 31 May 2029.*
 - (b) *Office rental is as per the Confidential Attachment to this report.*
 - (c) *All costs including legal costs associated with the preparation and registration of the lease be borne by SDN Children's Services.*
3. *Consent be given to affix the Common Seal of Council to the Variation of Lease and the new lease for the office.*

Council endorsed a 3-year extension of the lease to 31 May 2029. At the request of SDN, the extension of the lease did not progress and SDN has now requested a 6-year extension be secured for building upgrades to ensure granting funding can be secured.

SDN currently pay a peppercorn rental for the use of the building and a contribution to the renewal and maintenance of the building.

PSR23/035 LEASE VARIATION, SDN BATEMANS BAY

**S023-T00015
L124462**

Peppercorn rent for the initial term was a condition of the original grant for the building. It is appropriate that rental for the additional 6-years on the lease, be at market rates determined following a valuation from a registered valuer.

The Family Centre is located within Council-owned community land at Lot 8 DP 1186078, 1A Melaleuca Crescent, Catalina.

CONSIDERATIONS

Legal

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

The Catalina Reserves and The Hanging Rock Boat Ramp Car Park Reserve Plan of Management authorises the use of land for the Batemans Bay Children and Family Centre and the Batemans Bay Preschool.

Policy

The lease will be issued in line with the provisions of Council's Code of Practice – Licensing of Council Controlled Public Reserves and Associated Buildings.

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0018/144225/Licencing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

Objective 9.2 of the Delivery Program – Operational Plan (DPOP), is to manage land under Council control of achieving a return for the community.

Social Impact

The lease extension enables SDN to apply for grant funding for to accommodate an additional 10 pre-school students each day.

Financial

Rental for the additional 6-years on the lease from 2026 will be at market rates determined following a valuation from a registered valuer.

Community and Stakeholder Engagement

1A Melaleuca Crescent, Catalina being Lot 8 DP 1186078 is Council owned community land. In accordance with Section 47 of the *Local Government Act 1993* and guided by Council's Community Engagement Framework, the proposal to extend the lease to SDN for part of the Batemans Bay Children and Family Centre was publicly notified for 28 days.

The community had the opportunity to make submissions during the 28-day public notification period, regarding the intention to extend the lease to SDN. No Submissions were received.

PSR23/035 LEASE VARIATION, SDN BATEMANS BAY

**S023-T00015
LI24462**

CONCLUSION

SDN Children's Services Inc (SDN) currently leases part of the Batemans Bay Children and Family Centre to run the Batemans Bay Preschool. A request has been received for a 6-year extension of the Preschool lease as it requires a 10-year tenure for the grant funding to be secured for upgrades to the building.

At the conclusion of the public notification period and subject to the consideration of any submissions, a report will be presented to Council recommending the lease extension.

PSR23/036 INVASIVE SPECIES STATUS REPORT 2022-23

S010-T00023

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles
Community Strategy: 1.2 Value, protect, and enhance our natural environment
Delivery Program Link: 1.2.1 Protect and enhance the landscape and biodiversity values of Eurobodalla
Operational Plan Link: 1.2.1.2 Provide invasive weed management programs

EXECUTIVE SUMMARY

This report details the annual activities, expenditure and considerations related to invasive species management for the 2022 to 2023 period.

Invasive species management, inclusive of weeds and animal pests, is a crucial part of maintaining the biodiversity and agricultural values in Eurobodalla. Council undertakes activities associated with the South-East Weeds Action Program (SEWAP) as a Local Control Authority under the NSW *Biosecurity Act 2015* (the Act) and in association with other NSW Government agencies. In addition, external grants have assisted in a variety of invasive species programs and complement other natural resource management works.

During 2022 to 2023, there were 2,129 biosecurity matter (weeds) inspections conducted across all tenures (1,380 on private land), with 99.86% compliance from private property owners.

RECOMMENDATION

THAT Council receive and note the 2022-23 Invasive Species Status Report.

BACKGROUND

Eurobodalla Shire Council is the Local Control Authority for the NSW *Biosecurity Act 2015*. Investment through the NSW Department of Primary Industry's (DPI) Weeds Action Program (WAP) enables Council to avoid or minimise the threat of invasive species in the Eurobodalla.

The way in which enforcement is carried out aligns with the Act, under which Council's nil tenure Weed Inspection Program operates. The Act focuses on a practical, risk-based approach aligning with the NSW Invasive Species Plan 2023-2028 and the South-East Weeds Action Program 2010-2025

The South-East Regional Strategic Weeds Management Plan 2023-2027 sets the vision for weed management in the South-East for five years, and outlines strategies and actions to achieve goals that focus on shared responsibility for weed management, sustainable landscapes and collaborative leadership and innovation.

PSR23/036 INVASIVE SPECIES STATUS REPORT 2022-23

S010-T00023

Weed control programs

This year, 16 Council-endorsed weed control programs were developed for the Eurobodalla (two are specifically for South Durras) to ensure locally significant weeds such as African Love Grass and St John's Wort are able to be dealt with under the legislation. They may be viewed here: <https://www.esc.nsw.gov.au/environment/invasive-species/weeds/weed-control-programs>

CONSIDERATIONS

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

Inspections

There were 2,129 biosecurity matter (weeds) inspections conducted across all tenures (1,380 on private land), with 99.86% compliance from private property owners to date during 2022-23.

A new high-risk incursion of Alligator Weed (*Alternanthera philoxeroides*) was detected at Malua Bay in a Council reserve. This is a Weed of National Significance (WONS Weed) that can heavily impact small crops, turf farming, grazing pastures and the natural environment.

In this situation, the plant could negatively impact the natural waterway by replacing native habitat and potentially spread to other parts of the Shire via contaminated machinery. Work to delimit the infestation, liaison with appropriate sections of Council, vegetation removal and initial knock-down control has been completed, with follow up work to be undertaken in Spring 2023.

Biosecurity matter (weeds)

Council's primary inspection program was scheduled at South Durras, Rosedale, Sunshine Bay and the Denhams Beach area as the majority of serious weeds stem from urban locations.

- Durras areas was targeted to delimit the extent of weedy Cassia and Arum Lily – both of which are declared biosecurity matter in that suburb to protect the natural values of the Murramarang National Park.
- Sunshine Bay area was targeted primarily to ensure the serious water weed, *Salvinia molesta*, after being eradicated from a Council reserve in that area, was absent in the rest of the catchment, with no risk presented to Deep Creek Dam.
- Rosedale area focus was on Bitou Bush being eradicated.

Regular and systematic weed control on high priority reserves, high risk pathways such as Council roadsides, major highway, major construction and stock-pile sites and plant nurseries continues to be a major focus to reduce the threat of weed spread. Council have worked closely with Bunning's Biosecurity team to proactively halt the sale of Broom (namely, Dwarf / Hedging Broom) species by that retail chain, in the Eurobodalla.

Table 1: 2022-23 South-East Weeds Action Program activities

	Target	Actual
Inspect all high-risk pathways (eg, highways, rivers and major roads)	5	5

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S010-T00023

Inspect all high-risk sites (eg, construction sites, stockpiles, nurseries)	140	140
Inspections – Private, Public, Urban, Reinspections	627	629
Inspections – State Priority Weeds	1284	1348
Inspections – Priority Sites	6	6
Inspections – Priority Pathways (km)	23.5	23.5
Weed control compliance re-inspections #	0	14

Table 2: Comparison of weed inspection data from 2018-19 to 2022-23

	2018-19	2019-20	2020-21	2021-22	2022-23
Number of private properties inspected	931	698	1,038	916	1,380
Number of re-inspections	11	2	6	0	14
Notices issued	0	0	0	0	0+
Compliance from landholders*	100%	100%	100%	100%	99.8%

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

+ 'More work required' letters sent to two landholders – while these are not official notices, they have been used for the % compliance figure.

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

Vertebrate and other pests

Control of animal pests is carried out strategically, and where appropriate, in consultation with our community. Council plays a key role in the protection of endangered species on its tenure and assists in the coordination and delivery of some landscape scale programs such as the protection of threatened shorebirds.

Rabbits continue to be a major concern amongst our coastal communities. Control activities were conducted in the northern section of the Eurobodalla as per our [Rabbit Control Schedule](#) that can be located on Council's website.

Due to the wet weather and prevalence of biting insects, rabbit calicivirus produced good levels of control across the entire Eurobodalla.

European Wasps this year have been identified, with staff attending properties for extension, advice and in some case, on-ground control of wasp nests. It is anticipated that this area of rapid biosecurity response to prioritise public safety will be increasingly common into the future.

PSR23/036 INVASIVE SPECIES STATUS REPORT 2022-23

S010-T00023

Other programs

1. Various targeted external grants that support the control of biosecurity matter:
 - Alligator Weed control – Benandarah (Local Land Service (LLS)/Dept of Primary Industries (DPI))
 - Protection of Warty Zieria in Tilba (National Parks Wildlife Services)
 - Salvinia control/culvert and pipe replacement at Yarragee, Moruya (LLS)
 - Water Hyacinth control at Bodalla by aerial drone application (DPI)
 - Saving Our Species - Bitou control on coastal cliffs (abseiling control work) (NPWS)
 - Sharp Rush control in the Clyde catchment (Transport for NSW)
 - Crown Lands – weed control at Malabar quarry, Lot 92 and South Durras (LLS)
 - Sunshine Bay Estate – general weed control (Developer)

2. Eurobodalla Indian Myna Control Program

The Indian Myna (*Acridotheres tristis*) is an invasive species. In a joint initiative with community groups, the program aims to limit the population of these destructive birds in 2009 by offering residents, volunteer-made traps to humanely catch Indian Mynas for the purpose of euthanasia. Many areas are now free of these pests and Council continues to support the program.

3. Eurobodalla CatBib Program

CatBibs work to stop more than 80% of cats from catching birds and reduce small animal predation by almost half. They also reduce the likelihood of cats roaming and fighting. Council provides free CatBibs to all cat owners who have a microchipped cat in the Eurobodalla. They are readily available for free from Council offices and all vet practices.

Legal

Eurobodalla Shire Council is the authorised administrative body for the *Biosecurity Act 2015* and the legislation promotes biosecurity as a shared responsibility between government, industry and the community, who will work together to identify, prevent, eradicate, minimise, respond to and manage biosecurity risks.

Environmental

Invasive species are costly to the Australian economy and primary producers and cause degradation of our native bushland environment. Weeds are acknowledged as the second most serious cause of biodiversity decline after habitat loss from land clearing. Invasive animals such as rabbits, foxes and Indian Mynas cause serious harm to biodiversity, agriculture and ratepayers' properties.

Asset

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

PSR23/036 INVASIVE SPECIES STATUS REPORT 2022-23

S010-T00023

Social Impact

Invasive species impact on agriculture, ecosystem services, tourism and recreation. They can have a physical, aesthetic, financial and social impact on property owners, tourists, recreationists, and property managers. As such, Council plays a pivotal role for the protection of our primary production sector by ensuring that serious weed threats to agriculture are mitigated before they become a serious issue.

Economic Development Employment Potential

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

Financial

Council is the Local Control Authority for the enactment of the *Biosecurity Act 2015* for weed management.

To enable Council to meet its legislative requirements, the DPI provides grant funding assistance through the South-East Weed Action Program (SEWAP) which has been in operation since 2011 and provides Council with a strategic and collaborative funding and delivery model.

Council received a full allocation of WAP funding this year, which enabled us to direct internal budgets to other work areas such as high priority weed control on Council lands and increasing the amount of work in the vertebrate pest space. Council will continue to investigate grant opportunities to aid in the delivery of invasive species services where applicable.

Table 3 (below) shows the breakdown of revenue and expenditure for the 2022-23 financial year.

Table 3: 2022-23 financial breakdown

(A) Revenue	1. SEWAP funds. \$179,036 2. Other external funds (grants) \$74,614 3. Weeds certificates \$315 \$ 253,965
(B) Council/SEWAP expenditure	\$202,114
(C) Council expenditure (Weeds and vertebrate pest control)	1. Council vertebrate pests: \$31,414 2. Weed control: \$59,475 \$90,889
(D) Other external funds (grants) expenditure*	\$108,777
TOTAL EXPENDITURE 2022-23 (B + C + D)	\$401,780

* May include multi-year grant funded programs that have carried over from previous years that are not listed as 2022-23 income.

PSR23/036 INVASIVE SPECIES STATUS REPORT 2022-23

S010-T00023

Community and Stakeholder Engagement

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

Council's website also contains information regarding our weed, Indian Myna and rabbit control programs - [Invasive Species](#).

CONCLUSION

Invasive species continue to significantly impact ratepayers, biodiversity and agriculture in the Eurobodalla Shire.

Council managed its requirements as the Local Control Authority for the *Biosecurity Act 2015* in 2022 to 2023 and has delivered a high level of expertise and input into local and regional invasive species management

PSR23/037 REQUEST FOR TENDER - BUSHLAND MANAGEMENT

S010-T00038

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: 1. Confidential - RFT - Bushland Management
Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles
Community Strategy: 1.2 Value, protect, and enhance our natural environment
Delivery Program Link: 1.2.1 Protect and enhance the landscape and biodiversity values of Eurobodalla
Operational Plan Link: 1.2.1.2 Provide invasive weed management programs

EXECUTIVE SUMMARY

The purpose of the Request for Tender (RFT) 2223-158 - Bushland Management Works is to prequalify suppliers and seek general costings for their services for the provision of bushland management services, during the period 31 August 2023 until 30 August 2025.

This report outlines the evaluation of submissions for the prequalification panel listed for Request for Tender 2223-158 Bushland Management Services.

Sufficient applications were received for Council to be satisfied that the market for Bushland Management Services is competitive and has been well tested through this tender process.

A number of prequalified contractors are recommended for approval for bushland management services on Council managed projects.

RECOMMENDATION

THAT Council:

1. Endorse the selection of the prequalification panel listed for Request for Tender 2223-158 Bushland Management Services contained within the confidential attachment.
2. Accordingly approves entering into a Deed of Standing Offer with each supplier identified within the confidential attachment, to formalise standing offers for the period 31 August 2023 until 30 August 2025 with a provisional two x 12-month extensions.

BACKGROUND

A requirement exists for the provision of bushland management services, 31 August 2023 until 30 August 2025. The contract also allows for the provision of extending the contract for additional period of up to two years.

RFT No. 2223-158 was advertised from 4 July 2023 with a closing date of 25 July 2023.

A total of thirteen (13) offers were received in response to the Request for Tender.

Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- BMI Contracting Pty Ltd
- Bushfire Environmental Pty Ltd

PSR23/037 REQUEST FOR TENDER - BUSHLAND MANAGEMENT

S010-T00038

- Elmarr Pty Ltd t/a Total Ecoscapes
- Campbell Page Limited Eco Crews
- Coastal Weeds Management Solutions
- Foreshore Plants
- Nicola Patrizi T/A Urban Feral Control
- Illawarra Arborist
- James Paull
- National Trust of Australia NSW
- Sharpes Ecological Pty Ltd
- South Coast Land Restoration
- Toolijooa Environmental Restoration

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2223-158 was advertised in accordance with *Local Government (General) Regulation 2021 REG 167* and *Local Government Act 1993*.

Upon release of the RFT, a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB). Declarations of Confidentiality and Interest Forms were completed and signed by the TEB.

The offers submitted by the prequalification panel listed for RFT 2223-158 has been assessed as representing best value for money for Council due to contractor selection based on criteria specific to the individual job requirements as the need arises.

Policy

The procurement activity for which this report applies, has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, *Local Government (General) Regulation 2021* and the *Local Government Act 1993*.

Environmental

The provision of bushland management services enables Council to professionally manage our natural areas through best practice and in a cost-effective manner.

Economic Development Employment Potential

The majority of the tenders are local companies.

Financial

The engagement of works for bushland management is within current budgets or through grant funds.

Community and Stakeholder Engagement

The tender was advertising on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal (www.tenderlink.com/eurobodalla)

PSR23/037 REQUEST FOR TENDER - BUSHLAND MANAGEMENT

S010-T00038

Emails were also sent out at numerous stages of the advertisement process to inform the current contractors, as well as other possible market providers that a new iteration of the panel has been established. The Tender had an online public forum that allowed interested parties to post questions and receive answers.

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

CONCLUSION

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

The appointment of the suppliers in the prequalification panel as identified in the Confidential Attachment, is therefore recommended for the provision of bushland management services from time to time, during the period 31 August 2023 – 30 August 2025 with a provisional two x 12-month extensions.

**PSR23/038 REQUEST FOR TENDER - WAGONGA INLET LIVING SHORELINE BOARDWALK DESIGN AND CONSTRUCTION S032-T00008;
S010-T00018**

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

Attachments: 1. Confidential - Wagonga Inlet Living Shoreline Boardwalk Design and Construction - Tender

Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles

Community Strategy: 1.3 Respond to our changing climate and natural hazards

Delivery Program Link: 1.3.1 Improve Eurobodalla's resilience to the effects of man-made climate change through the implementation of the Climate Action Plan

Operational Plan Link: 1.3.1.1 Design and implement programs for plantings, and or, artificial shading of strategic urban streetscapes, council carparks and playgrounds

EXECUTIVE SUMMARY

Council, along with Department of Primary Industries (DPI) - Fisheries and The Nature Conservancy, have been collaboratively delivering the Wagonga Inlet Living Shoreline (WILS) project.

This Request for Tender (RFT) No. 2324-002 is to design and construct a fully accessible boardwalk as the final piece of infrastructure in the project.

This report outlines the evaluation of offers submitted in response to RFT No. 2324-002 and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT Council enters into a contractual arrangement with the preferred tenderer as contained in the confidential attachment for the design and construction of the Wagonga Inlet Living Shoreline boardwalk, subject to the terms specified in Request for Tender No. 2324-002 unless otherwise varied in accordance with this report.

BACKGROUND

Along the foreshore of the Big 4 Caravan Park on the flats of Narooma, a failing seawall has been slowly eroding and creating more issues than protection. A strong saltmarsh ecosystem has been expanding in front of it, providing habitat for many species. Along with DPI-Fisheries and The Nature Conservancy, Council has been working towards an innovative approach to fixing this seawall. The Wagonga Inlet Living Shoreline (WILS) project integrates a rock toe with the planting of thousands of saltmarsh and terrestrial species as the base for art, oyster reef restoration and public infrastructure.

RFT No. 2324-002 includes the design and construction of a fully accessible boardwalk that ties in the various aspects of the project by allowing people to walk above the saltmarsh and look out to the oyster reefs, with educational signage explaining the importance and connectedness of these ecosystems.

The decking of the boardwalk will be made of Fiberglass Reinforced Plastic (FRP) 38mm mesh so that sunlight is let through to the saltmarsh below. The boardwalk will have low level, sensor

PSR23/038 REQUEST FOR TENDER - WAGONGA INLET LIVING SHORELINE BOARDWALK DESIGN AND CONSTRUCTION S032-T00008; S010-T00018

solar lighting for night-time safety, and will incorporate a viewing platform out to the intertidal Sydney rock oyster reef. The majority of the boardwalk will be less than 1m above the ground and therefore will not require a handrail, just a kick rail, however the viewing platform will extend further out and incorporate a handrail along it. On this handrail a long plinth sign will sit, containing information around the oyster ecosystem and First Nations interaction with it. Artwork commissioned from a local Aboriginal artist is being created and will feature on the signs across the site.

RFT No. 2324-002 was advertised on 25 July 2023 with a closing date of 15 August 2023. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 24 July 2023:

- Green Civil Services Pty Ltd
- Jirgens Civil Pty Ltd
- Seaslip Pontoons Products Pty Ltd
- Teleo Design Pty Ltd

A summary of the evaluation including each tenderer's scoring against the evaluation criteria is provided at the Confidential Attachment to this report.

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2324-002 was advertised in accordance with clause 167 of the *Local Government (General) Regulation 2021* and *Local Government Act 1993*.

The tender was advertised on Council's website and at Council's Tenderlink web portal www.tenderlink.com/eurobodalla, interested parties were also informed via email.

Before tender assessment was undertaken a formal Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee (TEC). Declarations of Confidentiality and Conflicts of Interest Forms were completed and signed by the TEC.

The offer submitted by the preferred tenderer has been assessed as the most advantageous tender which represents best value for money for Council due to the company's demonstrated experience, quality of workmanship, and satisfactory price in comparison to the pre-tender estimate.

Policy

The procurement activity for which this report applies, has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2021 and the Local Government Act 1993

PSR23/038	REQUEST FOR TENDER - WAGONGA INLET LIVING SHORELINE BOARDWALK DESIGN AND CONSTRUCTION	S032-T00008; S010-T00018
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Environmental

The works, most importantly piling methods, are required to have as little impact on the recently restored saltmarsh and marine park. The aim of the boardwalk is to consolidate access so as not to have people walking on the ecosystem.

Social Impact

The boardwalk will be an attraction to the foreshore for locals and tourists alike. The proximity to the caravan park means that it will be heavily used during the holiday periods, which is a great opportunity for education in terms of the environmental aspects and First Nations.

Financial

A grant of \$450,000 was provided through DPI-Fisheries to undertake this work.

The amount tendered by the preferred tenderer can be accommodated within the grant.

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' web link www.esc.nsw.gov.au/inside-council/council/public-access-to-information

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 tender as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the design and construction of the Wagonga Inlet Living Shoreline Boardwalk.

**FCS23/019 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE
2023 - REFERRAL TO AUDIT**

**S011-
T00002**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services

Attachments: 1. General Purpose Financial Statements - Statement by Councillors and Management
2. Special Purpose Financial Statements - Statement by Councillors and Management

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable

Operational Plan Link: 5.3.1.1 Provide sound and strategic financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is for Council to resolve to refer the draft Financial Statements for the year ending 30 June 2023 to audit. The audit is being undertaken by Crowe Australasia, on behalf of the NSW Audit Office. The referral to audit is a statutory requirement. A Council resolution is also required as to Council's opinion on the Financial Statements, in an approved form as set out in Section 215 of the *Local Government (General) Regulation 2021*.

RECOMMENDATION

THAT:

1. The draft Annual Financial Statements (including the General-Purpose Financial Statements and the Special Purpose Financial Statements) for the year ended 30 June 2023 be referred to audit.
2. The statement by Councillors and Management be made pursuant to section 413(2)(c) of the *Local Government Act 1993* (as amended) and signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer with reference to both the General-Purpose Financial Statements and the Special Purpose Financial Statements.

BACKGROUND

Section 413 of the *Local Government Act 1993* (as amended) requires a resolution of Council to refer the draft Financial Statements to audit and requires that the Financial Statements include a statement in the approved form by the Council regarding the basis for preparation of the Financial Statements. Section 215 of the *Local Government (General) Regulation* sets out the form of this statement which is also attached to this report.

The draft Financial Statements are scheduled to be audited during mid to late September 2023.

The Annual Financial Statement Approval and Audit Process is largely governed by the requirements of the *Local Government Act 1993* (as amended) having regard to the timing of Council meetings.

The timeline for the process is as follows:

**FCS23/019 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE
2023 - REFERRAL TO AUDIT**

**S011-
T00002**

- 19 September 2023 Council resolves its opinion on the draft Financial Statements and refers the Financial Statements to audit.
- 31 October 2023 Council advertises the date for the meeting at which the audited Financial Statements will be presented.
- 21 November 2023 Presentation of audited Financial Statements.

CONSIDERATIONS

Policy

Local Government Act 1993 Part 3 Division 2 – Accounting records, financial reports and auditing

Local Government (General) Regulation 2021 Part 9 Division 6 – Annual financial reports.

Local Government Code of Accounting Practice and Financial Reporting 2022-23

Financial

The Annual Financial Statements have been prepared in accordance with the *Local Government Act 1993* (as amended), the Local Government Code of Accounting Practice and Financial Reporting and the Australian Accounting Standards. Council employs professionally qualified staff to ensure compliance with the reporting requirements.

No matters or occurrence have come to attention that would materially affect the Financial Statements or disclosures therein, or which are likely to materially affect the future results or operations of Council. In addition, staff have not been advised by the external Auditor of any significant issues during the interim audit.

The draft Financial Statements will also be distributed to the Audit, Risk and Improvement Committee for comment.

Community and Stakeholder Engagement

The audited Financial Statements will be presented at the Council meeting Tuesday 21 November 2023. The Financial Statements will be an attachment to the public agenda for this meeting and made available seven days prior to the meeting on Council's website, at Council's 3 libraries and at the main administration building in Moruya. Submissions can be made to Council for up to seven days after they are presented to the public at the Council meeting on Tuesday 21 November as per the *Local Government Act 1993* (as amended), s418(2).

CONCLUSION

The Annual Financial Statements have been drafted and are ready for endorsement and referral to audit. On resolution, the Financial Statements can be signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer.

Eurobodalla Shire Council

General Purpose Financial Statements for the year ended 30 June 2023

Statement by Councillors and Management

Statement by Councillors and Management made pursuant to Section 413 (2c) of the *Local Government Act 1993* (NSW)

The attached general purpose financial statements have been prepared in accordance with:

- the *Local Government Act 1993* and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 19 September 2023.

Mathew Hatcher
Mayor
19 September 2023

[Councillor]
Councillor
19 September 2023

Warwick Winn
General Manager
19 September 2023

Stephanie Speedy
Responsible Accounting Officer
19 September 2023

Eurobodalla Shire Council

Special Purpose Financial Statements

for the year ended 30 June 2023

Statement by Councillors and Management

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached special purpose financial statements have been prepared in accordance with:

- NSW Government Policy Statement, *Application of National Competition Policy to Local Government*
- Division of Local Government Guidelines, *Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality*
- The Local Government Code of Accounting Practice and Financial Reporting
- Sections 3 and 4 of the NSW Department of Planning and Environment, *Water's Regulatory and assurance framework for local water utilities*.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year,
- accord with Council's accounting and other records; and
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 19 September 2023.

Mathew Hatcher
Mayor
19 September 2023

[Councillor]
Councillor
19 September 2023

Warwick Winn
General Manager
19 September 2023

Stephanie Speedy
Responsible Accounting Officer
19 September 2023

**FCS23/020 REPLACEMENT OF INDEPENDENT MEMBER FOR THE AUDIT RISK
AND IMPROVEMENT COMMITTEE**

**S004-
T00048**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services

Attachments: 1. Under Separate Cover - Confidential - ARIC independent member applications

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.2 Implement effective governance and long-term planning

Operational Plan Link: 5.2.2.1 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

This report seeks Council's endorsement of the Audit, Risk and Improvement Committee's (ARIC) recommendation for the appointment of an independent member to replace Mr. David Anderson, who resigned recently from the committee.

RECOMMENDATION

THAT

1. Council appoints the applicant listed in the confidential attachment to Audit, Risk and Improvement Committee.
2. A letter of invitation from the General Manager be forwarded to the successful applicant inviting them to join the Audit, Risk and Improvement Committee as an independent member.
3. A letter be written thanking all applicants for expressing an interest in being on the Audit, Risk and Improvement Committee.
4. A letter of thanks be sent to Mr. Anderson in recognition of his outstanding service and contribution to the Audit, Risk and Improvement Committee.

BACKGROUND

The Audit, Risk and Improvement Committee (ARIC) is an advisory committee to Council.

The ARIC's Terms of Reference provide for three independent members on the ARIC as per minute FM13/19 which states in part:

THAT as a matter of urgency:

1. *Eurobodalla Shire Council Audit Committee Terms of Reference be amended to allow for three independent members;*

Following the recent resignation of one of the independent members of the ARIC the vacant position was advertised.

Advertisement of the vacancy was conducted during April and May 2023 via the local newspapers and on Council's website. Council received three applications prior to the closing date of 8 May 2023.

**FCS23/020 REPLACEMENT OF INDEPENDENT MEMBER FOR THE AUDIT RISK
AND IMPROVEMENT COMMITTEE**

**S004-
T00048**

CONSIDERATIONS

The members of the ARIC, taken collectively, should have a broad range of skills and experience relevant to the operations of Eurobodalla Shire Council. Some of the roles and responsibilities of the ARIC members relate to reviewing risk management, control framework, external accountability and legislative compliance and preference is given to a person with local interests and a strong background in areas of administration, corporate or public sector governance, finance, audit, legal, project management, or management generally.

The three applicants are qualified to hold the position of the independent ARIC member.

Following assessment by an ARIC endorsed selection panel consisting of the ARIC Chair, an ARIC Councillor and staff member, all applications were forwarded to the ARIC for review and consideration.

The voting members of the ARIC reviewed the applications and endorsed the recommended candidate. The highest ranked applicant is proposed. Confidential copies of all applications received are attached to this report.

Policy

The ARIC Terms of Reference, as per minute 14/359 states:

Nomination and Appointment of independent External Members

Council management will coordinate the advertisement and assessment of the nominations. Management will present to the ARIC the individual/s for ARIC consideration and endorsement. Management will prepare a report for Council consideration with ARIC comments.

Community and Stakeholder Engagement

The community were informed through Council's website and advertising on Council's noticeboard page in two local newspapers.

CONCLUSION

The Audit, Risk and Improvement Committee have concurred that Applicant no. 2 as identified in the confidential attachment to this report, be offered the vacant position of independent Audit, Risk and Improvement Committee member.

FCS23/021 POLICY ADOPTION - RISK MANAGEMENT POLICY

S004-T00060

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services

Attachments: 1. Risk Management Policy

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.2 Implement effective governance and long-term planning

Operational Plan Link: 5.2.2.2 Review and prepare Council's plans and reports under the Integrated Planning and Reporting Framework

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, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold the represent accurately the policies and decisions of the governing body'.

The Risk Management policy has been reviewed and placed on public exhibition from the 28 June 2023 until 25 July 2023. During this time, no submissions were received. Council's Risk Management Policy was not reviewed during the policy review period due to staff resourcing. The policy has been forwarded to Council's Audit, Risk and Improvement Committee who have made no additional comments.

RECOMMENDATION

THAT the Risk Management policy be adopted.

BACKGROUND

This policy affirms Eurobodalla Shire Council's commitment to risk management and reflects the value it places on the management of risk throughout the organisation. This policy recognises the varied and complex work environments of Council and our areas of specialist service delivery.

Eurobodalla Shire Council is committed to taking a structured and innovative approach to the management of risk throughout the organisation in order to promote and demonstrate good corporate governance, to minimise loss and maximise opportunities to improve service provision.

The Risk Management approach utilised by Eurobodalla Shire Council in the development of the Risk Management Plan is AS/NZS ISO 31000:2018 together with the requirements of the Work Health and Safety Act 2011 (NSW), and will be incorporated into the Planning, Governance, Assets Management and Operational Processes of Eurobodalla Shire Council.

To ensure ongoing compliance with AS/NZS ISO 31000:2018, this policy will:

- State the risk management objectives of Eurobodalla Shire Council;

FCS23/021 POLICY ADOPTION - RISK MANAGEMENT POLICY

S004-T00060

- Identify the elements of Eurobodalla Shire Council's risk management system required for the control of risk;
- Be consistent with relevant risk management legislation, codes of practice, Australian Standards and industry practice;
- Be documented, implemented, maintained and communicated to all employees;

Further, the aim is to provide direction and commitment to Risk Management principles as part of Eurobodalla Shire Council's management planning, decision making and the undertaking of operational activities.

To effectively integrate the management of risk into Eurobodalla Shire Council's high level management planning activities to ensure the achievement of its strategic objectives as outlined in the Community Strategic Plan and associated documents. The Risk Management Framework (incorporated into the Risk Management Plan) includes Risk Management being integrated with Eurobodalla Shire Council's Integrated Planning and Reporting Structure.

To apply and incorporate the Risk Management Framework into Eurobodalla Shire Council's operational activities and business planning processes.

CONSIDERATIONS

The policy has been reviewed and no substantial changes are recommended at this time, apart from minor reference updates. No submissions were received during the exhibition period.

Legal

This policy will assist Council's compliance with AS/NZ ISO 31000:2018.

Community and Stakeholder Engagement

The draft Risk Management policy was placed on public exhibition for a period of not less than 28 days commencing on 28 June 2023 until 25 July 2023. During this time, no submissions were received.

CONCLUSION

The draft Risk Management policy was placed on public exhibition for 28 days and no submissions were received. The policy is now presented to Council for adoption.



Policy

Policy title	Risk Management Policy
Responsible manager(s)	Corporate Manager Governance & Administrative Services
Contact officer(s)	Corporate Manager Governance & Administrative Services
Directorate	General Manager
Approval date	
Focus area	Our engaged community with progressive leadership
Delivery Program link	5.2.2 Implement effective governance and long-term planning
Operational Plan link	5.2.2.2 Review Council policies

Purpose

This policy affirms Eurobodalla Shire Council’s commitment to risk management and reflects the value it places on the management of risk throughout the organisation. This policy recognises the varied and complex work environments of Council and our areas of specialist service delivery.

Eurobodalla Shire Council is committed to taking a structured and innovative approach to the management of risk throughout the organisation in order to promote and demonstrate good corporate governance, to minimise loss and maximise opportunities to improve service provision.

The Risk Management approach utilised by Eurobodalla Shire Council in the development of the Risk Management Plan is AS/NZS ISO 31000:2018 together with the requirements of the Work Health and Safety Act 2011 (NSW), the Office of Local Government Guidelines for Risk Management and Internal Audit for Local Government in NSW. These will be incorporated into the Planning, Governance, Assets Management and Operational Processes of Eurobodalla Shire Council.

To ensure ongoing conformity with AS/NZS ISO 31000:2018, this policy will:

- State the risk management objectives of Eurobodalla Shire Council;
- Identify the elements of Eurobodalla Shire Council’s risk management system required for the control of risk;
- Be documented, implemented, maintained and communicated to all employees;
- Be available to other interested parties; and

Be reviewed periodically (at least every 2 years) to ensure it remains relevant and appropriate

Policy aims

To provide direction and commitment to Risk Management principles as part of Eurobodalla Shire Council’s management planning, decision making and the undertaking of operational activities.



Policy

To effectively integrate the management of risk into Eurobodalla Shire Council's high level management planning activities to ensure the achievement of its strategic objectives as outlined in the Community Strategic Plan and associated documents. The Risk Management Framework (incorporated into the Risk Management Plan) includes Risk Management being integrated with Eurobodalla Shire Council's Integrated Planning and Reporting Structure.

To apply and incorporate the Risk Management Framework into Eurobodalla Shire Council's operational activities and business planning processes.

To promote an environment of risk awareness and willingness to manage risk at all levels of Eurobodalla Shire Council's operations.

To provide opportunities that encourages continuous improvement of the Risk Management Program and at all levels of the organisation.

To ensure, through the application of this Policy:

- That the Council, General Manager and Executive Leadership Team are in a position to confidently make informed strategic, project and operational decisions based on Risk Management Principles;
- That the requirements of the Office of Local Government's Guidelines for Risk Management and Internal Audit for Local Government in NSW are satisfied;
- That all reasonably foreseeable risks are systematically identified, assessed, analysed, prioritised and considered for appropriate treatment with all information documented in Eurobodalla Shire Council's electronic risk system;
- The correct assigning of ownership of risks through appropriate delegation of risk management responsibilities to all Eurobodalla Shire Council's officers across all functional areas of Eurobodalla Shire Council;
- That all relevant legislation is complied with and relevant risk management standards (currently AS/NZS ISO 31000:2018) are used to provide guidance in best risk management practices;
- The effective management and allocation of resources through more targeted and effective controls;
- Improved protection of the community, Eurobodalla Shire Council Council's workers and volunteers, Council's assets and Council's financial integrity and sustainability;
- The effective communication of this policy through the development of a Risk Management Communication and Reporting Framework.



Policy

Policy details

1	<p>Application</p> <p>This policy applies to all Eurobodalla Shire Council employees and all others at Eurobodalla Shire Council workplaces.</p>
2	<p>Legislation</p> <p>Council is guided by the <i>Local Government Act 1993</i>, the <i>Civil Liability Act 2002</i>, as well as Australian Standards and Statewide Mutual’s Best Practice Manuals for the management of risk and the Office of Local Government Guidelines for Risk Management and Internal Audit for Local Government in NSW.</p>
3	<p>Context</p> <p>Risks exist in all aspects of Eurobodalla Shire Council’s undertakings. AS/NZS ISO 31000:2018 defines risk as the ‘effect of uncertainty on objectives’. An effect is a deviation from the expected, whether it be a negative or positive (realising opportunities) deviation.</p> <p>The effective implementation of this policy will ensure that the management of risk is seen as good business sense and provide a way to confidently know which risks to take for the benefit of a greater opportunity, which risks to avoid in order to prevent significant impact on the organisation and managing the outcomes for success in order to achieve Eurobodalla Shire Council’s key objectives.</p> <p>It is essential that risks are managed to ensure that Eurobodalla Shire Council achieves its objectives; and in turn be recognised for the excellence of its services and for the strength of its partnerships with the community, customers, employees and stakeholders. Risk Management plays a key role in ensuring that Eurobodalla Shire Council achieves that objective.</p>
4	<p>Responsibilities</p> <p>The Council, General Manager, Directors, Divisional Managers, and all workers of Eurobodalla Shire Council are to be familiar with, and competent in, the application of the Risk Management Policy, and are respectively accountable for the delivery of the Policy within their areas of influence and responsibility. These are outlined in Eurobodalla Shire Council’s Risk Management Plan.</p>

Implementation

Requirements	Responsibility
<p>1 Risk Management Plan</p> <p>Eurobodalla Shire Council’s Risk Management Plan is the document that articulates how the intent of the Risk Management Policy (this policy) is to be communicated and implemented throughout Eurobodalla Shire</p>	<p>Corporate Manager Governance & Administrative Services</p>



Policy

	<p>Council’s operations. It provides clear guidance and the associated processes, procedures and standards that are to be observed.</p> <p>Effective communication is critical to the successful implementation of the policy. Eurobodalla Shire Council is to develop and implement a Communication Strategy that will ensure the policy and its intent is known, clearly understood and applied by all workers within Eurobodalla Shire Council.</p> <p>Similarly, a Reporting Strategy will provide effective channels for information, decision making and instructions to be relayed efficiently and effectively in order to successfully manage any potential risk that may impact on the achievement of Eurobodalla Shire Council’s objectives. It is the responsibility of all Eurobodalla Shire Council workers to follow these protocols.</p> <p>Eurobodalla Shire Council is committed to the proactive approach to risk management, to continually review its effectiveness and to be flexible enough to adapt to the changing needs of the organisation. A performance review of the effective implementation of the Risk Management Plan and activities will be conducted on an ongoing basis by the Audit, Risk and Improvement Committee. This review will serve to further enhance Eurobodalla Shire Council’s performance that will see Council as a proactive and resilient leader by the community.</p>	
<p>2</p>	<p>Committee</p> <p>The Audit, Risk and Improvement Committee will oversee the development and implementation of the enterprise risk management system with the objective to:</p> <ul style="list-style-type: none"> • Endeavour to provide a safe environment for residents and visitors • Proactively manage Council risks • Minimise injury, loss and exposures to litigation <p>Establish future direction of Eurobodalla Shire Council for the management of risk.</p>	<p>Audit, Risk & Improvement Committee</p>
<p>3</p>	<p>Record Requirements</p> <p>All documents associated with the risk management system and procedures are to be kept in the appropriate Eurobodalla Shire Council electronic record keeping system.</p> <p>All Eurobodalla Shire Council workers are responsible for the formal retention of any risk management documents.</p> <p>The location in Enterprise Contents Management (ECM) for the retention of the risk management system associated document is in S027-T00018.</p>	<p>Council officers</p>



Policy

4	<p>Conflicts of Interest</p> <p>It is all employees’ responsibility to ensure that there are no conflict of interest situations existing in undertaking their respective Council role. All conflicts of interest will be managed in accordance with Council’s Code of Conduct Policy and procedures.</p>	Council officers
5	<p>Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Managers and Coordinators
6	<p>Concerns</p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council’s records system and handled in accordance with Council’s Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
7	<p>Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Council’s Executive Leadership Team and Divisional Managers have been involved in the Enterprise Risk Management Framework. Public submissions regarding this policy are invited for consideration during the exhibition period.</p>	As applicable

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2024.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council’s functions, structure or activities change; or when technological advances or new systems change the way that Council manages risk.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit



Policy

Definitions

Word/ Acronym/ Phrase	Definition
Others	People who are present at a Eurobodalla Shire Council worksite or otherwise affected by work carried out by Eurobodalla Shire Council, who are not carrying out work for Eurobodalla Shire Council. Includes visitors to Eurobodalla Shire Council workplaces.
ECM	Eurobodalla Shire Council Electronic Content Management System
WHS	Work Health and Safety
WHS Officer	A person who makes, or participates in making, decisions that affect the whole or a substantial part of the business or undertakings of Eurobodalla Shire Council. Eurobodalla Shire Council's Officers are the General Manager and the members of Executive Leadership Team. For clarity, the WHS Legislation excludes elected members of Council from having Officer Responsibility
Worker	Person who carries out work for Eurobodalla Shire Council, whether paid or unpaid, or directly or indirectly engaged. Includes an employee, labour hire staff, volunteer, apprentice, work experience student, subcontractor, and contractor.
Workplace	includes all permanent and temporary workplaces and related facilities

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	www.esc.nsw.gov.au/inside-council/council/council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
Local Government (General) Regulations 2021	www.legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460
Work Health and Safety Act 2011 (NSW) (WHS Act)	www.legislation.nsw.gov.au/#/view/act/2011/10



Policy

Related external references

Name	Link
Office of Local Government Guidelines for Risk Management and Internal Audit for Local Government in NSW	www.olg.nsw.gov.au/councils/governance/risk-management-audit-and-internal-controls/risk-management-and-internal-audit-framework-for-local-councils-in-nsw/
AS/NZS ISO 31000:2018	Risk management – Principles and guidelines
IEC/ISO 31010 2009-11	Risk management – Risk management techniques
ISO Guide 73:2009	Risk management - Vocabulary

Supporting documents

Name	Link
Enterprise Risk Management Plan	TBA

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	25 Nov 2008	Council	08/326		Policy commenced
2	22 Sept 2009	Council	09/369	E09.3418	Reviewed and updated
3	27 Aug 2013	Council	13/246	E13.7095	Review and update new template
4	9 May 2017	Council	17/120	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer		Relevant director or GM		Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	7

FCS23/022 INVESTMENTS MADE AS AT 31 AUGUST 2023

S011-T00006
S012-T00025

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services
Attachments: Nil
Community Goal: 5 Our engaged community with progressive leadership
Community Strategy: 5.3 Work together to achieve our collective vision
Delivery Program Link: 5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable
Operational Plan Link: 5.3.1.1 Provide sound and strategic financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

- certify that Council’s investments in financial instruments have been made in accordance with legal and policy requirements
- provide information and details of investments
- raise other matters relevant to investing.

RECOMMENDATION

THAT the certification of investments as at 31 August 2023, 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.

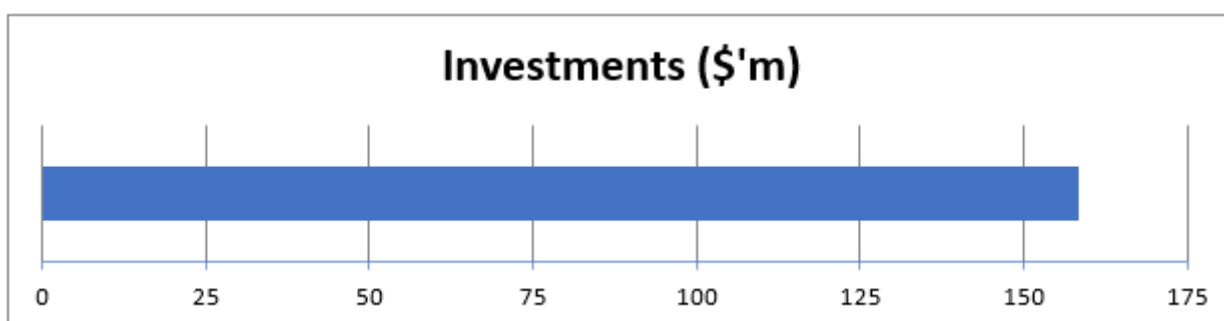
CONSIDERATIONS

Policy

The portfolio is compliant with Council’s Investment Policy adopted by Council on 9 August 2022 (Minute 22/190).

Financial

Council investing overall.



Council has \$159.54M (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 \$35.50M invested in banks rated below A, and in the ‘some limited risk’ category of the policy.

FCS23/022 INVESTMENTS MADE AS AT 31 AUGUST 2023

**S011-T00006
S012-T00025**

Investments increased by \$1m during August 2023 due to normal variations in timing of cash flows.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 22.25% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.1% of the portfolio.

There are \$55.0M (34.47%) of funds invested in institutions which either have no direct financing exposure to projects in the fossil fuel sector or no longer directly finance projects in the fossil fuel sector but still have some exposure from historical funding.

The weighted average return for all investments for the month is 4.96%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (4.41%).

Summary investment information

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

CATEGORY	(\$)
At call deposit	12,273,098
Term deposits	145,520,000
Term deposits Government guaranteed	1,750,000
	159,543,098
<i>Weighted average interest %:</i>	4.96%
<i>Average 90 day BBSW + 0.25%</i>	4.41%

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	1.10	1.10	100.00
Near risk free	76.65	76.65	100.00
Some limited risk (BBB+)	22.25	22.25	30.00
Grand total	100.00	100.00	

FCS23/022 INVESTMENTS MADE AS AT 31 AUGUST 2023

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 unaudited unrestricted current ratio as at 30 June 2023 is 2.86:1. Council therefore has approximately \$2.86 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.

**IR23/017 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY AND
STRATEGIC BUSINESS PLAN**

**S032-
T00032**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Eurobodalla Integrated Water Cycle Management Strategy

Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles

Community Strategy: 1.4 Work together in the management and use of our valuable resources

Delivery Program Link: 1.4.1 Provide safe, reliable and sustainable water and sewer services, guided by the Integrated Water Cycle Management Strategy

Operational Plan Link: 1.4.1.5 Continue to develop and implement a new integrated water, sewer and stormwater servicing plan for South Batemans Bay CBD

EXECUTIVE SUMMARY

Council's Integrated Water Cycle Management Strategy (IWCMS) and Strategic Business Plan (SBP) outline the water and sewer works over the next 30 years required to support economic growth and ensure the wellbeing of our community, and protection of our environment, plus the water and sewerage charges required to sustainably fund these works.

The IWCMS and SBP have been reviewed and draft plans were placed on public exhibition from 27 June to 28 July 2023. Upon the close of the exhibition period, one submission was received and has been responded to.

The IWCMS and SBP are reviewed every five (5) years and are a snapshot in time, used to demonstrate that effective, evidence based strategic planning is in place. Actual water and sewerage charges are adopted through Council's annual budgeting and rate setting process. Similarly, assumptions within the IWCMS and SBP can be changed should circumstances require.

The purpose of this report is to seek Council endorsement of the draft Integrated Water Cycle Management Strategy (IWCMS) and Strategic Business Plan (SBP).

RECOMMENDATION

THAT Council endorses the Integrated Water Cycle Management Strategy and Strategic Business Plan.

**IR23/017 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY AND
STRATEGIC BUSINESS PLAN**

**S032-
T00032**

BACKGROUND

Prior to 1 July 2022, councils that have responsibility for water supply and sewerage infrastructure were required to comply with the requirements and timeframes of the NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines 2007. These requirements included:

- Preparing and implementing a 30-year Integrated Water Cycle Management (IWCM) Strategy
- Preparing and implementing a 20-30 year Strategic Business Plan, financial plan and associated asset management plans
- Annual Performance Monitoring, including preparing an annual Action Plan to review Council's performance and to identify and address any areas of under-performance.

The NSW Government published guidelines and checklists for the preparation of an IWCM Strategy and Strategic Business Plans. In 2003, Eurobodalla Shire Council was the first council in NSW to prepare an IWCM Strategy, and in 2016 Eurobodalla Shire Council was the first council in NSW to review and update their IWCM Strategy under the 2014 revised guidelines.

From 1 July 2022, a new Regulatory and Assurance Framework for Local Water Utilities superseded the Best Practice Management Framework. Under the new framework, Local Water Utilities must have in place effective, evidence based strategic planning to be eligible for funding under the Safe and Secure Water Program, and to pay a dividend. Rather than specific guidance and checklists, the new Regulatory and Assurance Framework document provides a list of Strategic Planning Outcomes that must be addressed to demonstrate effective, evidence-based strategic planning.

CONSIDERATIONS

Demonstrated Best Practice Management has been a prerequisite for the payment of a dividend from the surplus of Council's water supply and sewerage businesses to the General Fund, and for financial assistance under NSW Government's various funding programs. Eurobodalla Shire Council has been audited annually for compliance.

For the past few years, Council has been reviewing background studies such as Population and Water Cycle Projections and has updated computer modelling for secure yield and water supply reticulation and sewerage collection system performance (including growth in the network) to inform our next IWCM Strategy review. A draft IWCM Strategy, Strategic Business Plan and a 30-year Long-Term Financial Plan have been prepared under the Best Practice Guidelines (completed in December 2022) and was submitted to the Regulatory Assessments Team of the Department of Planning and Environment (Water) for assessment. On 9 May 2023 Council was advised that, based on the draft documents, Eurobodalla Shire Council is considered to have effective, evidence-based strategic planning in place under the new Regulatory and Assurance Framework.

The capital works program documents the anticipated future capital works requirements and provides a basis for financial planning and capital budgeting. The estimated capital investment over the next 30 years for water supply is \$301 million with \$77.8 million funded through external grants. About 53% of this amount is for improving levels of service, particularly

**IR23/017 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY AND
STRATEGIC BUSINESS PLAN**

**S032-
T00032**

drought security and the Nelligen water supply scheme. Approximately 47% of the expenditure is for renewal of existing assets.

The estimated capital investment over the next 30 years for sewerage services is \$317 million with \$3.1 million funded through external grants. About 52% of this amount is for renewal of existing assets, with 48% for improving levels of service, particularly village sewerage schemes (Akolele and Nelligen).

The key infrastructure projects identified in the review include:

- The provision of a water supply and sewerage scheme at Nelligen – this project has community support and has already commenced
- Provision of a sewerage scheme at Akolele – this project has community support and has already commenced
- Sewage Treatment Plant capacity upgrades at Batemans Bay (under construction), Tomakin and Narooma
- Malua Bay Sewer Diversion – diverting sewage collected from the suburbs of Lilli Pilli and Malua Bay from the Batemans Bay Sewage Treatment Plant to the Tomakin Sewage Treatment Plant
- Construction of the 3,120 megalitre Eurobodalla Dam - this project has community support and construction has already commenced. The Eurobodalla Dam has been designed to enable it to be raised (circa 2070) to 8,000 megalitres of storage
- Construction of a new 12 megalitre per day Southern Water Treatment Plant (SWTP) – to utilise the benefit of the Eurobodalla Dam storage. The SWTP will be designed to enable a capacity upgrade to 18/24 megalitres per day when needed
- Construction of a 6km trunk water supply main bypassing Moruya.

The last three projects will ensure water supply security for the region for more than 100 years (at current growth projections).

Since 2016, Council has constructed sewerage schemes at Rosedale, Guerrilla Bay, Bodalla, and Potato Point, and we are currently in the construction phase of providing water supply and sewerage services to Nelligen and a sewerage service at Akolele. We have accomplished this work with financial assistance from the NSW Government through the Country Towns Water Supply and Sewerage Program (pre-2018) and the Safe and Secure Water Program (post-2018). Other villages in the Eurobodalla Shire that aren't currently serviced with water supply and/or sewerage services are:

- South Durras water supply and sewerage
- Congo water supply and sewerage
- Central Tilba sewerage
- Tilba Tilba sewerage
- Mystery Bay sewerage.

**IR23/017 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY AND
STRATEGIC BUSINESS PLAN**

**S032-
T00032**

The Safe and Secure Water Program is now a priority program with remaining projects under the program being ranked, and it is now unlikely that Council will receive funding towards these schemes within the foreseeable future. Budgets for these schemes have therefore been removed from the draft long-term-financial plan. This decision will be reviewed every 5-8 years during a strategic plan review, while considering the environmental and public health need as well as financial viability.

Legal

The Regulatory and Assurance Framework for Local Water Utilities applies to local water utilities in regional NSW, covering local government councils exercising water supply functions under Division 2 Part 3 Chapter 6 of the *Local Government Act 1993*, and utilities exercising water supply functions under the *Water Management Act 2000*. The regulatory and assurance framework is designed to ensure local water utilities manage risks effectively and strategically.

Policy

The completion and ongoing review of an IWCMS and SBP is a requirement under the Regulatory and Assurance Framework for Local Water Utilities.

Environmental

The IWCMS and SBP support works needed to better protect our environment and industries dependent upon our waterways (eg our tourism and oyster industries).

Asset

The adopted 30-year capital works program includes appropriate funding for the renewal and upgrades of existing water and sewer assets.

Social Impact

The capital works and operational plans presented in the document will ensure the existing Levels of Service to the community are met.

Economic Development Employment Potential

The Integrated Water Cycle Management Strategy identifies infrastructure requirements to accommodate additional water supply and sewerage loads associated with growth. The Strategy therefore supports economic development within the shire.

Financial

The Integrated Water Cycle Management Strategy, Strategic Business Plan and Fair Value Asset Review (completed July 2022) provide inputs into the long-term financial plan. A 30-year planning horizon is adopted for modelling to allow financial peaks and troughs to be smoothed out to give a consistent pricing path (for intergenerational equity).

Financial modelling of the water supply business indicates that the current pricing is appropriate and sustainable. Cash accumulates consistently from around 2033 to fund the next major infrastructure upgrades, including dam raising and water treatment capacity upgrades/renewals.

**IR23/017 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY AND
STRATEGIC BUSINESS PLAN**

**S032-
T00032**

Financial modelling of the sewerage business indicates that the current pricing is currently lower than necessary and that increases of approximately 4% are required to provide appropriate financial ratios and a sustainable and stable pricing path.

Community and Stakeholder Engagement

The draft IWCM Strategy, Strategic Business Plan and a 30-year Long-Term Financial Plan have been prepared under the Best Practice Guidelines (completed in December 2022) and was submitted to the Regulatory Assessments Team of the Department of Planning and Environment (Water) for assessment. On 9 May 2023 Council was advised that, based on the draft documents, Eurobodalla Shire Council is considered to have effective, evidence-based strategic planning in place under the new Regulatory and Assurance Framework.

The draft Integrated Water Cycle Management Strategy and Strategic Business Plan was placed on public exhibition from 27 June until 28 July 2023. The Eurobodalla community was advised that Council was seeking feedback on the strategies via articles in the Batemans Bay Post, Moruya Examiner, Narooma News and the Beagle, and a via a story on WIN News.

Upon close of the public exhibition period, one submission was received. Following review of the submission no changes to the draft Strategy are proposed.

CONCLUSION

The review of the Integrated Water Cycle Management Strategy and Strategic Business Plan has been completed in accordance with the Regulatory and Assurance Framework for Local Water Utilities, with a combined strategic document presented to Council for its endorsement.

This review has confirmed that the existing strategic direction as adopted in the previous IWCMS (2016) is appropriate and should continue to be implemented. Financial analysis has confirmed that the proposed strategy is affordable and requires no significant increases in customer bills. Funding opportunities for capital works projects will continue to be sought into the future.

The adopted levels of service for drought security, drinking water quality, water supply, sewer overflows, sewage treatment plant license compliance and availability of service are all addressed by the preferred IWCMS scenario presented.

**IR23/018 REQUEST FOR TENDER NO. 2324-004 - SUPPLY OF STORMWATER
COMPONENTS, MORUYA HOUSING INFRASTRUCTURE**

**S014-
T00021**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - RFT No. 2324-004 Supply of Stormwater Components, Moruya Housing Infrastructure

Community Goal: 3 Our region of vibrant place and spaces

Community Strategy: 3.1 Balance development between the needs of people, place and productivity

Delivery Program Link: 3.1.3 Work in partnership to encourage and facilitate greater housing diversity and affordability

Operational Plan Link: 3.1.3.2 Finalise the housing strategy with a focus on addressing affordability

EXECUTIVE SUMMARY

Council has committed to establishing development-enabling infrastructure in Moruya as part of the Moruya Housing Infrastructure Project. This project entails the construction of essential infrastructure aimed at facilitating new housing developments in Moruya. A significant portion of these projects relate to upgrading existing or constructing new trunk drainage infrastructure. The works will be funded under the NSW Government's Accelerated Infrastructure Fund round 3, supplemented by a co-contribution from Council.

Request for Tender (RFT) No. 2324-004 Supply of Stormwater Components, Moruya Housing Infrastructure includes requirements for the supply of stormwater structures for nine projects within the development areas. This includes major drainage lines along Vulcan Street, John Street and Campbell / Luck Street.

This report outlines the evaluation of offers submitted in response to RFT No. 2324-004 and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT

1. Council endorses the selection of the preferred tenderer listed for Request for Tender NO. 2324-004 – Supply of Stormwater Components, Moruya Housing Infrastructure within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

BACKGROUND

The Moruya Housing Project aims to assist with the rising demand for housing in Eurobodalla by facilitating private development through the establishment of essential infrastructure. Benefitting from its strategic positioning, existing amenities, service accessibility, and connectivity, Moruya is well-suited for accommodating a growing and diverse population. To support increased housing development, Eurobodalla Shire Council is collaborating with the

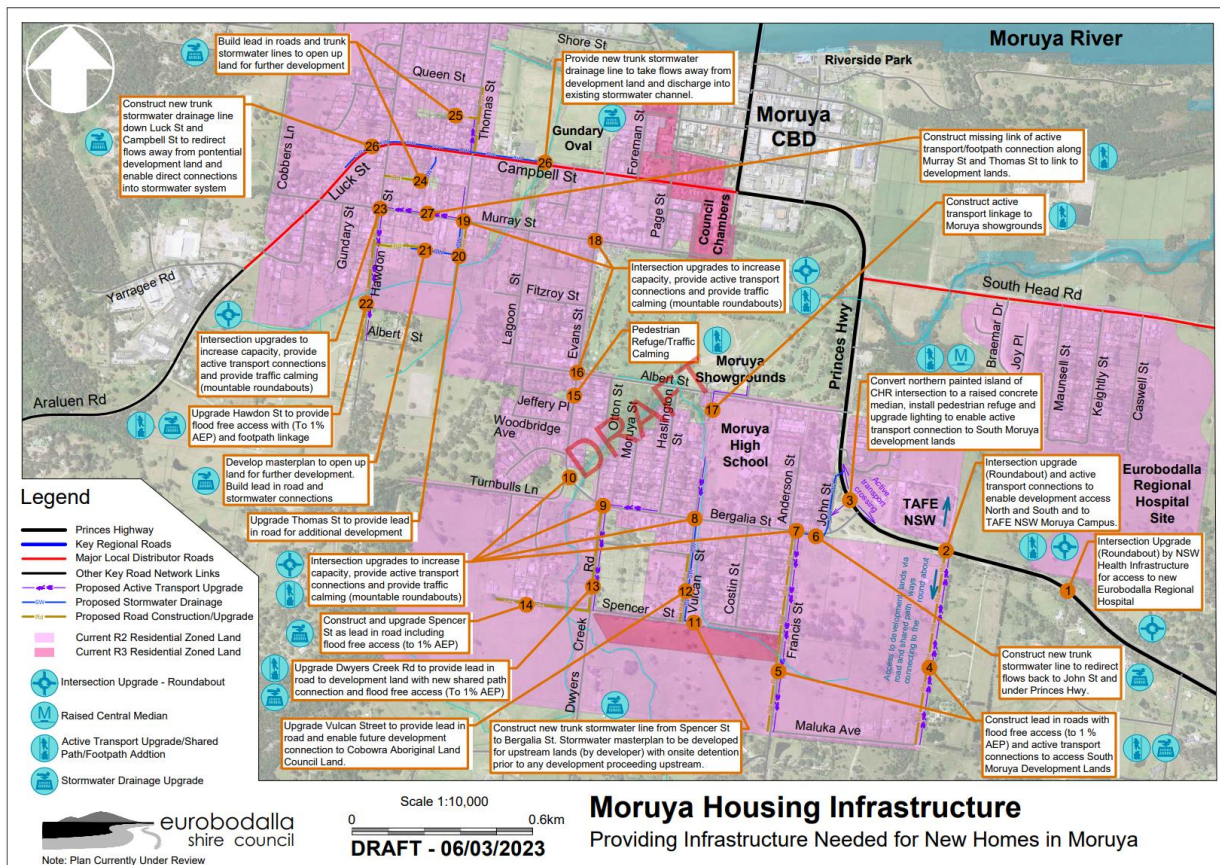
IR23/018 REQUEST FOR TENDER NO. 2324-004 - SUPPLY OF STORMWATER COMPONENTS, MORUYA HOUSING INFRASTRUCTURE

S014-T00021

NSW Government to construct enabling infrastructure. A key focus lies in upgrading the existing drainage system to promote housing opportunities in previously dormant residential areas.

The successful implementation of the Moruya Housing Project, with a focus on upgrading the existing drainage system using reinforced concrete pipes and culverts, will play a pivotal role in unlocking housing development opportunities for the local community. The project addresses the urgent housing need in Eurobodalla and improves local drainage networks, ensuring a sustainable and secure living environment for residents. Through the construction of enabling infrastructure, the project will foster growth, prosperity, and greater housing availability and diversity in Moruya.

A plan of the enabling infrastructure works is given below including key drainage projects in Vulcan Street, Luck / Campbell Street, Francis Street and John Street.



RFT No. 2324-004 Supply of Stormwater Components, Moruya Housing Infrastructure, was open for submissions from 1 August 2023 with a closing date of 22 August 2023 at 2:00pm. Upon close of tender, four (4) tenders were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- Capital Precast and Drainage Pty Ltd
- Holcim (Australia) Pty Ltd
- Precast Civil Industries Pty Ltd
- Reinforced Concrete Pipes Australia (NSW) Pty Ltd

- Queanbeyan, NSW
- Rooty Hill, NSW
- Moorebank, NSW
- Somersby, NSW

**IR23/018 REQUEST FOR TENDER NO. 2324-004 - SUPPLY OF STORMWATER
COMPONENTS, MORUYA HOUSING INFRASTRUCTURE**

**S014-
T00021**

A summary of the evaluation including each tenderer's scoring against the evaluation criteria is provided in the Confidential Attachment to this report.

CONSIDERATIONS

Legal

RFT No. 2324-004 Supply of Stormwater Components, Moruya Housing Infrastructure, was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993. The tender was advertised on Council's Tenderlink web portal: (www.tenderlink.com/eurobodalla)

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB). Declarations of Confidentiality and Interest Forms were completed and signed by the TEB.

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council.

Policy

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2021 and the Local Government Act 1993.

Asset

The construction of trunk drainage infrastructure associated with the Moruya Housing Infrastructure Project will contribute to housing development within Moruya and aid in Council's current maintenance of assets. This infrastructure will reduce damage to Council infrastructure during major weather events and contribute to a resilient and sustainable network of assets.

Social Impact

The construction of trunk drainage infrastructure will assist with the objectives of the Moruya Housing Infrastructure project including:

- A comprehensive upgrade of the drainage system will be undertaken using reinforced concrete pipes and culverts to enhance its efficiency and capacity. This upgrade will ensure effective stormwater management, allowing for sustainable urban development.
- Support Housing Development by providing essential infrastructure, the project will enable the construction of up to 1,000 dwellings. This support will address the housing crisis and cater to the needs of Moruya's growing and ageing population.
- Enhance Flood Resilience as the upgraded drainage system will provide additional minor flood resilience, safeguarding the housing infrastructure by improving the current situation for residents and their properties.

**IR23/018 REQUEST FOR TENDER NO. 2324-004 - SUPPLY OF STORMWATER
COMPONENTS, MORUYA HOUSING INFRASTRUCTURE**

**S014-
T00021**

Overall, the social impact of the drainage components of Moruya Housing Infrastructure will be an increase in flood resilience, reduction in maintenance costs of existing assets and support an increase in housing availability within the Moruya surrounds and community wellbeing.

Economic Development Employment Potential

The construction of trunk drainage and supply of pipes and culverts to site will require specialist skills and increase economic opportunity for the local workforce.

Financial

The project delivery is part funded by the NSW Government's Accelerated Infrastructure Fund Round 3 with an associated co-contribution from Council. This contribution includes an upgrade to water and sewer assets required for the Eurobodalla Regional Hospital. Ongoing maintenance will continue to be accommodated within Council's maintenance budget.

Community and Stakeholder Engagement

Community and stakeholder engagement has been a major component of the Moruya Housing Project. The community and stakeholders have been consulted and engaged through a movement and place study undertaken by Ethos Urban, and media releases and project page on Council's website. During detailed design of individual projects, Council will consult with and engage the community through surveys and undertaking street meets before construction works begin.

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

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.

IR23/019 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2023-24

S030-T00018

Responsible Officer: Graham Attenborough - Director Infrastructure Services
Attachments: Nil
Community Goal: 4 Our connected community through reliable and safe infrastructure networks
Community Strategy: 4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla
Delivery Program Link: 4.1.1 Plan for an integrated and active local transport network, guided by the NSW Government's Future Transport 2056 Strategy
Operational Plan Link: 4.1.1.3 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report. The main issue covered at the Eurobodalla Local Traffic Committee meeting held 3 August 2023, was:

- Eurobodalla Local Government Road Safety Program Funding 2023-2024.

RECOMMENDATION

THAT:

1. Council accepts the offer of funding of \$76,136 ex GST under the Local Government Road Safety Program 2023-2024 subject to the terms and conditions outlined in the Local Government Road Safety funding agreement.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 2 for 2023-2024 was held on 3 August 2023. The meeting was attended by Councillor Amber Schutz (Chair), Senior Sgt Angus Duncombe (NSW Police), Emma Pietruska (Transport for NSW), Kate McDougall (Traffic Coordinator), Tom Franzen (Division Manager Technical Services), Sheree Ward (Infrastructure Support Officer), Karen Shea (representative for Michael Holland MP).

IR23/019 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2023-24

S030-T00018

APOLOGIES

Nil

DEPUTATIONS

Nil

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 for 2023-2024 held on 6 July 2023 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

Nil

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

Nil

INFORMAL ITEMS FOR DISCUSSIONS

6.1 2024.IN.001 Funding Offer – Local Government Road Safety Officer Program 2023-2024

RECOMMENDATION

Council accepts the offer of funding for \$76,136.00 ex GST under the Local Government Road Safety Program 2023-2024 subject to the terms and conditions outlined in the Local Government Road Safety funding agreement.

BACKGROUND

The Local Government Road Safety Program is a partnership between Transport for NSW and participating local councils in NSW. The program provides up to 50 per cent funding contribution toward the salary of a Road Safety Officer and provides funding for local road safety projects.

Each financial year the Road Safety Officer applies for funding based on NSW state-wide and dedicated local road safety initiatives and campaigns. The focus of these road safety projects is primarily educational and aimed at behavioural change.

Council lodged applications for funding through Transport for NSW under the Local Government Road Safety Program.

Transport for NSW advised Council of its success in securing \$22,500 to fund road safety projects and \$53,636 for program management under the Local Government Road Safety Program. All programs must adhere to the Transport for NSW Local Government Program's Road Safety Project Funding Guidelines May 2023/24, and subsequent versions, and be in accordance with the Local Government Road Safety Program Performance Funding Agreement between Council and Transport for New South Wales.

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Details of funded projects:

1. Child restraint practices in regional and remote NSW - \$400.00

Supporting the POSE Study. POPulation-level estimateS of child restraint practices among children aged 0-12 years in rEgional and remote areas of NSW. The 'POSE' Study aims to look at the quality of car restraint use among children in rural and remote parts of NSW. We hope to learn how many children use their restraint correctly and incorrectly within rural and remote parts of NSW. This research is being funded by Transport for NSW.

The research study is looking to recruit people who meet the following criteria -must be a parent, guardian or carer of a child aged 0-12 years at the study site; and the parent/ carer must be willing to consent for themselves and their child. ABS data shows that 17% of Eurobodalla residents are couples with children.

There will be two weeks of participant recruitment via email and phone calls conducted by the George Institute. Child restraints will be checked on Friday of week 2 at Narooma Library carpark. The Towards Zero marquee will be used as shelter for the researchers as the day will begin at 8am and continue until 5.30pm. These child restraints will not be part of The George Institute Study.

Child restraints will be checked on Sunday of week 2 at Narooma Library carpark. The Towards Zero marquee will be used as shelter for the researchers as the day will begin at 8am and continue until 5.30pm. These child restraints will be part of The George Institute Study.

2. 65Plus – Senior Drivers - \$2,950.00

The project will have National Driver Education Pty Ltd provide full day workshops and driver coaching for community transport drivers. The ESC Road Safety Officer will be providing details on driving behaviours, safe pedestrians, fatigued driving, and safer vehicles via the Transport for NSW 'On the Road 65Plus' Handbook.

The aim is to provide an opportunity to learn low risk driving principles and practices, safe pedestrian behaviour, safer vehicles and identifying alternative transport for senior drivers. The objective is to apply the driver's awareness of low risk driving principles to reduce the driver's crash risk, on the road and as a pedestrian.

The program will supplement a 65plus workshop where the ESC Road Safety Officer will present on these issues.

At the end of the training the participant should be able to:

- Develop a higher level of understanding and application of safety culture
- Recognise fatigue as a risk and understand fatigue insight and management processes within the workplace
- Show an understanding of the relationship between Optimism Bias and Risk Taking

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- Show an understanding of Low Risk Driving
- Identify the higher order skills and how they relate to hazard perception
- Be able to demonstrate an ability to perform non- technical vehicle pre-departure check
- Show an understanding of the importance of crash avoidance space and the elements involved
- Show an understanding of the relationship between low risk driving and intersection safety
- Show an understanding of the heightened risk of driving at night and in poor conditions
- Show an understanding between Low Risk Driving and Eco Driving
- Show an understanding of safe pedestrian behaviour.

The project will be financially supported by Community Transport and Services and Transport for NSW.

Current cost is \$338 per person until 2024. Transport for NSW will contribute \$100.00 per person towards the program.

Project risks would be mitigated by working closely with Eurobodalla Community Transport, where any limitations or risks identified with participants (such as licencing or medical concerns) will be appropriately referred for further assessment (such as GP).

Participants will have a valid licence and will have passed previous requirements through Eurobodalla Community Transport.

3. Not so fast – Eurobodalla - \$8,000.00

Eurobodalla Shire Council has over 1.5 million visitors each year. The human cost to road related trauma is too high for both people visiting the Eurobodalla and residents. This project is about reducing speeds on Eurobodalla roads and educating road users to remain within the speed limit.

A portable radar display unit, one that can measure a vehicle's speed as it approaches a static speed monitor on the side of the road, will be placed in strategic locations around Eurobodalla to remind drivers of the speed limit. Drivers monitored at a correct speed, or under the set speed limit, will be given a positive sign. Drivers who are monitored above the set speed limit will have a negative result.

Speed locations will be selected based on Council knowledge of roads, community feedback, NSW Police – Highway Patrol (HWP) requests, and locations to support traffic counts in assisting road safety project applications.

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4. RBT means you need a Plan B - \$2,700.00

The program will target patrons and festival participants at the following venues:

1. Broulee Brewhouse - licenced venue - 2023
2. Batemans Bay Soldiers Club, December 2023 - January 2024
3. Waterfront Hotel Moruya, March 2024
4. Narooma Oyster Festival, May 2024
5. Moruya Racecourse.

Venues 1-4 will have one swag to be given away through a competition where the winning entry is to provide a Plan B, an alternative option to reach home safely by avoiding driving after drinking.

Venue 5 will have permanent RBT means Plan B advertising on the fencing around the racetrack opposite the covered bar and TAB.

The Win a Swag material will be displayed at each of the venues and festivals giving the patrons and festival goers an opportunity to win a swag by mentioning their Plan B. A Plan B must be listed to have a winning entry. The venues will be promoting the Win a Swag competition over two weeks prior to the drawing of the winning entry.

The Narooma Oyster Festival is conducted over 2 days. The competition for the Win a Swag will be conducted over two days and the winning entry will be drawn prior to the end of the festival.

At Moruya Racecourse the RBT means Plan B signage will be on display throughout 2023/2024 at each of the 12-13 races.

5. Kings Highway Road Safety Partnership - \$8,450.00

The Kings Highway Road Safety Partnership has been educating road users on reducing speed and identifying fatigue signs since 2008. Most campaigns have been aimed at ACT drivers, as statistics have shown they were the main drivers that were crashing on the Kings Highway. This project aims to expand on the work of previous years and educate drivers on driving around heavy vehicles on the Kings Highway, and promote fatigue stops for heavy vehicle drivers on the Kings Highway.

This project will work in conjunction with funding applied for via the National Heavy Vehicle Regulator Grants and ACT Government Grants.

This Local Government Road Safety Program is to cover the cost of Kings Highway Keep cups that can be distributed to drivers of both heavy vehicles during the National Road Safety Week in May 2024 and the lead up to Christmas and New Year in 2023/2024.

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Cups will be distributed at the two community workshops to be held in National Road Safety Week (NRSW) May 2024 at Braidwood and Bungendore. Cups will also be distributed by AFP at their spot on the Kings Highway during the same time frame.

Additionally, Keep Cups will support the summer campaign in 2023/2024 where cups will be given out at select locations along the Kings Highway.

If successful with a grant from National Heavy Vehicle Regulator (NHVR), banners designed and paid for ACT Government in 2022 will be altered to focus fatigue messaging to heavy vehicles, and these banners will be used during National Road Safety Week.

The NHVR funding will also fund advertising specifically in May for National Road Safety Week (NRSW) highlighting heavy vehicles.

The ACT Government and AFP will continue to promote fatigue and speed related issues on the Kings Highway through social media.

A launch for Heavy Vehicle Fatigue campaign will occur on the Wednesday prior to the NRSW at Brooks Hill, South Bungendore so all Partnership members can participate, particularly the ACT Minister for Roads, who is a very strong advocate of the Kings Highway Road Safety Partnership.

At the launch all members of the partnership will be invited to participate, morning tea will be provided. A coffee cart and morning tea has proved very successful in previous years.

A launch for the summer holiday traffic will also take place, focusing on speed and fatigue of holiday drivers. The ACT Government and AFP will be very focused on keeping their residents safe on NSW roads during the summer holiday periods. Both Queanbeyan Palerang Regional Council and ESC will be active in distributing fatigue Keep Cups along the Kings Highway for preparation of the summer holiday travel season.

6. Program Management \$53,636.00

Funding is available from Transport for NSW to co-fund a Road Safety Officer (RSO) position within Council. This will cover up to 50 per cent of the cost if the local government area is deemed to need an RSO to address road safety issues. The need is based on a strategic (risk-based) methodology using local road trauma data. Cost of employment consists of the salary paid to the officer plus on-costs (up to a maximum of 35 per cent). On-costs are provisions for all award leave conditions (including sick leave, maternity/paternity leave, long service leave), payroll tax, superannuation, and workers compensation (where applicable) but not annual leave which is included in the calculation for salary. The Transport for NSW contribution to on-costs is up to 35 per cent of costs as defined above and agreed between Transport for NSW and Council. The funding contribution from Transport for NSW is capped at \$64,600 per annum.

CONCLUSION

The program of activities is designed to enhance road safety, raise awareness, and reduce road trauma in the community. It is recommended that Council formally accept the grant funding

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offered by Transport for NSW subject to the terms and conditions outlined in the Local Government Road Safety funding agreement.

6.3 2024.SE.01 Crank it Up – Update by Chris Tague, Organiser

RECOMMENDATION

Additional information provided by the organisers of Crank It Up Rock and Roll Event, to be conducted in the Batemans Bay CBD on 17 – 19 November 2023 on Clyde Street and Orient Street based on the previously submitted Traffic Management and Control Plans, be approved.

BACKGROUND

A special event application that includes Traffic Management and Control Plan documentation has been received for the Crank it Up Rock and Roll Event to be conducted in the Batemans Bay CBD. Traffic management will be in place on Saturday 18 November 2023 in Clyde Street and Orient Street.

The Traffic Management and Control Plan documentation had been submitted to the Local Traffic Committee on July 6 2023. These documents were accepted with one question raised by the NSW Police on how traffic management will be addressed through the Woolworths carpark. Crank It Up organisers attended the LTC and answered all concerns regarding the movement of vehicles in this area during the event.

ITEM 7 – GENERAL BUSINESS

7.1 Dalmeny Beach – pedestrian bridge wheelchair access

Council's design team will investigate linemarking at the access ramp to allow wheelchairs and prams to use the bridge unencumbered.

7.2 Main Beach Tuross Head – signage

Council's design team will investigate linemarking standards to allow for maximum spaces in Main Beach carpark, allowing for sufficient access for turning of parking vehicles.

7.3 Tomakin Road – Speed Limit

NSW Transport are in support of a temporary reduction of speed to 80 kms/h. Once all road works are completed along Tomakin Road, Transport for NSW will conduct a full speed review of the road and make a determination of the road speed enforcement.

7.4 Mogo Primary School

Transport for NSW has been investigating options to improve pedestrian and parking access near Mogo Public school. Although at a preliminary stage, this would likely require earthworks and the extension of both the kerb and gutter and the pathway in front of the school. While Transport for NSW will continue to consider options and work collaboratively with Council, there is currently no funding available for construction.

7.5 Afghan Veterans March

The Afghan Veterans March which was planned for 2 September 2023 in Batemans Bay was discussed. Due to the timing of the Local Traffic Committee meetings, this event was dealt with by Council as a separate report tabled at the Ordinary Meeting held 15 August 2023.

CAR23/013 PROVISION OF PROFESSIONAL BEACH PATROL SERVICES

S026-T00008

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

Attachments: 1. Confidential - Provision of Professional Beach Patrol Services - Confidential attachment

Community Goal: 2 Our community that welcomes, celebrates, and supports everyone

Community Strategy: 2.4 Foster a safe community

Delivery Program Link: 2.4.1 Collaborate with partners to address issues of community safety

Operational Plan Link: 2.4.1.3 Coordinate the management of beach safety through the Lifeguard contract

EXECUTIVE SUMMARY

New tenders have been called for the provision of Professional Beach Patrol (lifeguarding) services at Eurobodalla Beaches for a two (2) year period from 2023/24 through to 2024/25. This report is to advise Council on the tender submission and seek approval to award an initial two year head contract and optional two (2) twelve month contract extensions.

The beaches to be patrolled are:

1. Surf Beach (7 days a week);
2. Tuross Head (Entrance) Beach (7 days a week);
3. Dalmeny Beach (7 days a week);
4. Moruya North Head Beach (7 days a week);
5. Malua Bay Beach (5 days a week);
6. South Broulee Beach (5 days a week);
7. Moruya South Head Beach (5 days a week);
8. Narooma Surf Beach (5 days a week).

RECOMMENDATION

THAT Council approve the two (2) year Professional Beach Patrol (lifeguard) 2023/24 to 2024/25 contract for the preferred tenderer, with optional two (2) twelve month contract extensions, subject to satisfactory performance, as per contract 2223-189.

BACKGROUND

The current lifeguard contract concluded in January 2023 after the expiry of the 2019 four year head contract.

Council has allocated funding for the continuation of the Professional Beach Patrol service in the 2023/24 budget. An open tender was called in July 2023 inviting suitably qualified and experienced companies to tender for the December/January 2023 vacation period beach patrol of eight (8) beaches in the Eurobodalla.

The new contract period is for four years with comprising of a two year contract and an option for an additional two one year extensions.

A total of two tender documents were downloaded from Tenderlink. With one tender being submitted. The tender submitted was assessed as being conforming.

CAR23/013 PROVISION OF PROFESSIONAL BEACH PATROL SERVICES

S026-T00008

CONSIDERATIONS

The tenders were scrutinised by an evaluation panel against standard criteria. At the completion of the individual assessment, the panel convened where all scores were calculated and ranked.

The tender conditions advised that tenders would be assessed against, but not limited to the following criteria:

- Relevant Experience / Past Performance
- Tender Price
- Work Health Safety (WHS)
- Proposed schedule of equipment
- Specified personnel.

The assessment scores are summarised in the confidential attachment to this report.

Legal

RFT No. 2223-189 was advertised in accordance with *Local Government (General) Regulation 2021 REG 167* and the *Local Government Act 1993*.

The tender process is governed by the Local Government (General) Regulation 2005.

Social Impact

Council is seeking the services of a suitably qualified and experienced organisations to provide 5 or 7 day beach safety patrols at eight (8) Eurobodalla beaches.

The beaches to be patrolled under the terms of the contract are:

1. Surf Beach (7 days a week);
2. Tuross Head (Entrance) Beach (7 days a week);
3. Dalmeny Beach (7 days a week);
4. Moruya North Head Beach (7 days a week);
5. Malua Bay Beach (5 days a week);
6. South Broulee Beach (5 days a week);
7. Moruya South Head Beach (5 days a week);
8. Narooma Surf Beach (5 days a week).

This is an essential service provided by Council in the interest of safety and the enjoyment of the exceptional environment in our shire.

Economic Development Employment Potential

The provision of the service will generate a short term positive economic impact, providing employment for approximately 20 local lifeguards over each season for the next two years. Lifeguards will be provided with accredited training and assessment via the contract which may lead to further employment opportunities.

Financial

The tender price is outside the allocated budget set by Council for the Professional Beach Patrol (Ocean Lifeguard) contract. However, as this is an essential service the required budget will be managed through the September budget review process.

CAR23/013 PROVISION OF PROFESSIONAL BEACH PATROL SERVICES

S026-T00008

Community and Stakeholder Engagement

RFT No. 2223-189 was advertised in accordance with *Local Government (General) Regulation 2021 REG 167* and the *Local Government Act 1993*.

The tender was advertised from Tuesday 11 July 2023 until 1 August 2023 on Council's website page and through Council's Tenderlink web portal www.tenderlink.com/eurobodalla.

CONCLUSION

The tenderer has provided adequate details to indicate that they could provide the professional patrol of Eurobodalla beaches over the summer holidays for the contracted term and meet the requirements of the tender. The tenderer has demonstrated the capacity to meet all the qualitative and quantitative requirements of the tender while also providing value-for-money to Council and community.

17. DEALING WITH MATTERS IN CLOSED SESSION

In accordance with Section 10A(2) of the *Local Government Act 1993*, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the *Local Government Act 1993* the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

RECOMMENDATION

THAT pursuant to Section 10A of the *Local Government Act, 1993* the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

CON23/004 General Manager's Annual Performance Review 2022-23

Item CON23/004 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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@esc.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
The Office of Local Government	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	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.