



AGENDA

Ordinary Meeting of Council

26 February 2019

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

ON TUESDAY 26 FEBRUARY 2019

COMMENCING AT 10.00AM

AGENDA

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

- | | |
|---|-----------------|
| 1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE | |
| 2. APOLOGIES
Nil | |
| 3. PUBLIC FORUM (AGENDA ITEMS ONLY) | |
| 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING
4.1 Ordinary Meeting held on 12 February 2019 | |
| 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA
(Declarations also to be made prior to discussions on each item) | |
| | Page No. |
| 6. MAYORAL REPORTS
Nil | |
| 7. NOTICES OF MOTION
NOM19/001 Responsible Pet Ownership Education | 3 |
| 8. QUESTIONS ON NOTICE FROM COUNCILLORS
Nil | |
| 9. PETITIONS
Nil | |
| 10. GENERAL MANAGER'S REPORTS
GMR19/003 Administration of 2020 Elections of Mayor and Councillors | 5 |

GMR19/004	Delivery Program 2017-21 Six Monthly Performance Update July - December 2018	14
11.	PLANNING AND SUSTAINABILITY REPORTS	
	Nil	
12.	INFRASTRUCTURE REPORTS	
IR19/002	Tender - RFT2019/ISD047 - Supply and Installation of a Gross Pollutant Trap South Street Batemans Bay.....	17
13.	CORPORATE AND COMMERCIAL SERVICES REPORTS	
CCS19/005	Investments made as at 31 January 2019.....	21
CCS19/006	December Quarterly Budget Review	24
14.	COMMUNITY, ARTS AND RECREATION REPORTS	
CAR19/002	Categorisation of Crown Reserves in Eurobodalla.....	32
CAR19/003	Creative Arts Strategy	37
15.	DELEGATE REPORT	
DR19/001	NSW Coastal Conference	46
16.	URGENT BUSINESS	
17.	DEALING WITH MATTERS IN CLOSED SESSION	50
18.	CONFIDENTIAL MATTERS	

DR CATHERINE DALE
GENERAL MANAGER

NOM19/001 RESPONSIBLE PET OWNERSHIP EDUCATION

E98.2552

Responsible Officer: Lindsay Brown - Councillor

Attachments: Nil

Councillor Lindsay Brown has given notice that at the Ordinary Meeting of Council on 12 February 2019, he will move the following motion.

MOTION

THAT Council expand the Companion Animal Management Plan education program to include shared pedestrian areas that are highly frequented by walkers and cyclists, utilising the proposed budget of \$20,000pa that was reduced at the Council meeting held on 23 October 2018.

BACKGROUND

Over many years and utilising Council and grant funds when available, Council has increased the footpath and cycleway networks across the shire which has been well received by residents and visitors alike. The health and fitness of our community has also been assisted by the safe and level environment of the surface of the pathways. The improved network has also encouraged an increase of community members walking their dogs throughout the day and is also helpful for fitness, overall health and social interaction for both the owners and their pets.

Throughout 2018 there seems to have been an increase in dogs and their owners utilising footpaths, cycle-ways etc. This increase has also led to some "conflict" between those users of footpaths ie: pedestrians, cyclists, etc and dog owners whose dogs are off leash. Anecdotally, I have also heard that unleashed dogs are causing some distress amongst young school children as they ride to school across the shire.

At its meeting on 23 October 2018, Council decided and implemented a process (Companion Animal Management Plan or CAMP) to indicate the opportunities, times and locations where residents and visitors could allow dogs to be off leash, and similarly where dogs were to be on leash.

When council adopted the CAMP, the staff proposed and requested a recurrent budget of \$50,000 to assist on staffing to conduct an education program when the new times and locations were to be implemented and signposted. This budget was subsequently reduced by a majority decision of councillors by \$20,000 to \$30,000pa for the education program, specifically for dogs on beaches.

I along with other Councillors have received numerous requests from concerned residents for assistance in ensuring that dog owners restrain their animals when in public locations. One resident was attacked recently on the Batemans Bay Bridge by a dog and others have been threatened on footpaths as they walk in residential areas.

NOM19/001 RESPONSIBLE PET OWNERSHIP EDUCATION

E98.2552

Most cyclists on cycleways, who are obeying the shared pathway rules, using bells, helmets, riding single file, etc, are, it seems, constantly being placed in dangerous situations with unleashed dogs erratically running across pathways and forcing them off the cycleway. I myself have had numerous situations that could have caused accidents by unleashed dogs.

Recently when accessing Wagonga Inlet at a boat ramp, I politely asked the owner of a dog that was off leash which had defecated adjacent to my kayak, to remove the offending deposit. I was informed that he was "about to get a coffee and don't want the smell on my hands". When I again politely asked the owner again on removing his dog's dropping, I was told "just walk around it". Most dog owners are responsible owners however a number do not take their responsibility seriously, nor do a number have their dogs on leash on shared pathways etc.

With the expected education program to commence in March, it is a perfect opportunity to expand the program and also include cycleways, boardwalks, footpaths, school areas, retail precincts etc.

**GMR19/003 ADMINISTRATION OF 2020 ELECTIONS OF MAYOR AND
COUNCILLORS**

**E81.1056,
E15.9129**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. OLG Circular - IPART review of the costs of conducting local government elections and extension of the deadline for councils to make a decision on the administration of their elections

Strategic Objective: Innovative and Proactive Leadership

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

Operational Plan Link: 9.1.2 Implement effective governance

EXECUTIVE SUMMARY

The 2020 Local Government Elections are scheduled for Saturday 12 September 2020.

Under Section 296AA of the *Local Government Act 1993* (the Act), councils must make a decision on how its September 2020 ordinary elections are to be administered. This decision must be made no later than 18 months prior to the next election (11 March 2019).

Each council must resolve to either:

- Enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council's elections, polls and constitutional referenda or
- That the council's elections are to be administered by the general manager of the council.

If Council does not engage the NSWEC to administer its elections by 11 March 2019 it will be required to administer its own election. If it is administering its own election, it would need to engage a commercial election service provider to undertake some or all tasks associated with the election. A tender process will be required, as the estimated cost of the administration of the elections will exceed the tender value threshold of \$150,000 as prescribed by the Act.

On 8 February 2019, the Office of Local Government released a Circular regarding an Independent Pricing and Regulatory Tribunal (IPART) review of the costs of conducting local government elections and extension of the deadlines for councils to make a decision on the administration of its election. The purpose of IPART's review is to ensure a robust methodology for determining costs applied, in order to minimize the financial burden on councils and ratepayers and to ensure local government elections are conducted efficiently and cost effectively.

IPART is to report its findings to the Minister of Local Government by 30 August 2019. As the outcome of the IPART review may impact the administration of the September 2020 council elections, it is proposed to introduce legislation in the first parliamentary sitting period of 2019 following the NSW Election, to amend the *Local Government Act 1993* to extend the deadline for councils to make a decision on the administration of its elections under section 296AA and 296. The deadline is proposed to be extended to 1 January 2020.

**GMR19/003 ADMINISTRATION OF 2020 ELECTIONS OF MAYOR AND
COUNCILLORS**

**E81.1056,
E15.9129**

However, as this is only a proposal, and it is reliant on changes to the Act after the NSW election, it is recommended that Council resolve to enter into an electoral arrangement with the NSW Electoral Commission. Under section 296(3)(b), where a council enters into an election arrangement with the NSWEC, the arrangement must be entered into no later than 15 months before the ordinary council elections. If the proposed changes to the Local Government Act 1993 are implemented, Council will be able to delay entering into the contract until 1 January 2020.

If Council were to administer the election in-house an independent returning officer would need to be engaged. The General Manager must ensure that the person that they engage as the returning officer and substitute returning officer (who exercises the functions of the returning officer in that person's absence), is **suitably qualified** and **independent**.

In 2016, five councils took up with opportunity to administer their own elections. These councils engaged a commercial election service provider (Australian Election Company based in Queensland) to conduct their election (either in full or part). At the 2017 election, one council engaged the Australian Election Company to facilitate its election.

In 2016, Eurobodalla engaged the New South Wales Electoral Commissioner to conduct its election. To reduce the cost of the elections, Eurobodalla joined with Bega Valley Shire Council (BVSC) and shared a Returning Officer. Total costs for conduction of the 2016 election was \$269,500. In addition, Council spent \$16,000 on statutory advertising costs, non-resident roll preparation and the candidate information session.

The Act also requires that a resolution to engage the New South Wales Electoral Commissioner (NSWEC) must be made 18 months prior to the date of the local government election (11 March 2019). Model resolutions provided by the Electoral Commissioner are included in this report.

RECOMMENDATION

THAT:

1. The New South Wales Electoral Commissioner be engaged to administer Council's 2020 Elections for Mayor and Councillors.
2. Pursuant to section 296 (2) and (3) of the *Local Government Act 1993* an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
3. Pursuant to section 296 (2) and (3) the Act, as applied and modified by section 18, a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council where necessary.
4. Pursuant to section 296 (2) and (3) the Act, as applied and modified by section 18, a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council where necessary.
5. Authority be granted to the General Manager to conduct negotiations with the Electoral Commissioner as to the terms of the engagement and to enter into a contract with the

**GMR19/003 ADMINISTRATION OF 2020 ELECTIONS OF MAYOR AND
COUNCILLORS**

**E81.1056,
E15.9129**

Commissioner on behalf of Council.

BACKGROUND

Council has the following options to consider for the administration of the 2020 Local Government elections:

1. The General Manager administer the election and/or
 - a. engage a commercial election service provider to undertake the full election
 - b. appoint a returning officer and substitute returning officer and engage a commercial election service provider for voting counting etc.
2. Engage NSW Electoral Commission.

If Council were to administer its own elections wholly in-house, Council would be responsible for coordinating all services required to deliver the election. It would be required to appoint an independent Returning Officer and a Deputy Returning Officer. This is likely to have a significant impact not only on Council's financial resources, but also its human resources and other work related priorities would need to be reassessed to accommodate undertaking this service. It would also be vital that all personnel appointed to these positions be thoroughly conversant and experienced in the conduct of elections and the legal requirements.

Council has requested a quote from the Australian Election Company (AEC) to undertake the 2020 Local Government Elections. For the AEC to undertake the full election, initial costs indicate a total of \$411,978. Should Council wish to undertake some tasks (sourcing polling places, hire of furniture, photocopying, security and rubbish removal) indicative costs from the AEC are \$329,820.

Due to the IPART review, Council is yet to receive estimated costs for NSWEC to conduct the 2020 election. The 2012 election cost \$240,000 and 2016 election cost \$269,000. Given that IPART are reviewing the costs of conducting local government elections to ensure a robust methodology for determining costs is applied, in order to minimise the financial burden on councils and ratepayers in NSW, it is anticipated that the costs will be in line with previous elections including annual indexing.

The Act allows councils to negotiate commercial terms with the NSWEC based upon a negotiated service level agreement. If Council determines to appoint the NSWEC, it is expected that these negotiation will achieve savings for Council in the overall cost of the administration of 2020 elections by Council including sharing or Returning Officer (with BVSC), undertaking statutory advertisements and preparation of the non-resident roll.

CONSIDERATIONS

The additional legal and governance responsibilities allocated to the General Manager to administer an election internally or through engagement of a commercial election service provider (Australian Electoral Company) needs to be thoroughly considered. The impact of

**GMR19/003 ADMINISTRATION OF 2020 ELECTIONS OF MAYOR AND
COUNCILLORS**

**E81.1056,
E15.9129**

governance breaches and independence in a rural regional community carries high risk to the organisation.

The benefits to Council of engagement of the NSWEC to administer the election include:

- The integrity of the NSWEC's systems and processes including its vote counting software
- The experience of the Commissioner and his staff in conducting State and Local Government elections including the resolution of complaints and disputes
- The 'arm's length' probity principle of not having the General Manager or Council's administrative staff directly involved in the administration of the election process
- Certainty of availability of polling places, polling staff and election material such as voting screens, ballot boxes and stationary.

It is important to note that recent changes to the *Local Government (General) Regulation 2005* with regards to counting of votes at council elections should also be considered. This includes that there will no longer be possible to use manual counts for council elections.

A number of other amendments have been made to align the electoral provisions of the Regulation with the Electoral Act 2017 thereby reflecting the more contemporary electoral practices that apply at State elections. Key amendments include:

- allowing the election manager to appoint centralised ballot counting centres to improve the efficiency of the administration of elections and reduce costs
- allowing polling places for multiple wards or areas (thereby allowing, for example, voting in the Sydney CBD for other council areas). This is in addition to the existing requirement for polling places in each area and ward.
- removing the requirement for the returning officer's office to be a polling place (reflecting the fact that these are also used to warehouse electoral materials and are often located in industrial areas)
- allowing the early opening of postal ballot envelopes in the presence of scrutineers (but not early counting) so as to speed up the count on election night (this is consistent with the practice at State elections)
- allowing candidates' nominations and the payment of deposits to be made electronically
- allowing the election manager to provide candidates' statistical information sheets directly to OLG (rather than via councils' general managers) to improve the efficiency and speed of OLG's post-election research used to inform its strategies to promote greater diversity in candidates standing at the next council elections.

The additional administration responsibilities allocated to the General Managers to administer an election internally or through engagement of a commercial election service provider (Australian Electoral Company) provides a high risk to the organisation.

**GMR19/003 ADMINISTRATION OF 2020 ELECTIONS OF MAYOR AND
COUNCILLORS**

**E81.1056,
E15.9129**

Provider	Risk	Comments
NSW Electoral Commission (NSWEC)	Low Governance Risk	Costs not provided until IPART review. <ul style="list-style-type: none"> Independent qualified provided. Outsource whole process. Previously provided sufficient outcome over many elections
Australian Election Company (AEC)	Medium to High Governance Risk	Estimated cost \$411,978. <ul style="list-style-type: none"> Independent. However community may perceive this being run by Council, as Council would have tendered the process out and selected a provider. Counting software has not been used by Eurobodalla and change to Electoral Act 2017 puts further pressure on this independent private company. Potential lack of suitable independent candidates for Returning Officer and substitute Returning Officer.
In-house	High Governance Risk	Unable to provide estimate. <ul style="list-style-type: none"> Significant governance risk and therefore Council has not investigated cost. Not recommended as Council has lack of expertise, no counting software, potential difficulty to recruit Returning Officer and substitute Returning Officer.

Policy

The administration of the local government election must adhere to the requirements of the *Local Government Act 1993*.

**GMR19/003 ADMINISTRATION OF 2020 ELECTIONS OF MAYOR AND
COUNCILLORS**

**E81.1056,
E15.9129**

Communication / Consultation

We will inform the community of the 2020 elections through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and Twitter; writing to non-resident ratepayers regarding instructions for inclusion in the non-resident roll, advertising on Council's noticeboard page in two local newspapers; and distribution of media releases.

Staff

The General Manager will prepare the Non-Resident Roll, which involves writing to all non-resident ratepayers and providing telephone, email and other written advice to the requirements of becoming a non-resident elector. Council officers will also liaise with the Returning Officer to identify locations of polling places, organisation of statutory advertising, planning and logistics.

Financial

Funds have been restricted for this purpose. Further amendments to the Act now allow Councils to negotiate commercial terms with the NSWEC based upon a service level agreement. Negotiations with the Electoral Commission on undertaking the statutory advertising of the elections and preparation of the non-residential role internally is expected to achieve savings for Council in the overall cost of the administration of the 2020 elections.

CONCLUSION

It is proposed that the General Manager be authorised to conduct negotiations with the Electoral Commissioner with a view to the engagement of the Commissioner to administer the 2020 Elections of Mayor and Councillors, and any future Council polls of electors and constitutional referenda. It is also proposed that the General Manager be authorised to finalise the terms of the engagement and to enter into a contract with the Commissioner on behalf of Council for the conduct of the elections, Council polls and referenda.



Office of
Local Government

Circular to Councils

Circular Details	19-02 / 8 February 2019 / A635365
Previous Circular	18-43 <i>Council decisions on the administration of the September 2020 elections</i>
Who should read this	Councillors / General Managers / Council Governance Staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

IPART review of the costs of conducting local government elections and extension of the deadline for councils to make a decision on the administration of their elections

What's new or changing?

- The Government has approved a review by the Independent Pricing and Regulatory Tribunal (IPART) of the costs of conducting local government elections in NSW. The matters for consideration under the review's terms of reference are provided in the attachment to this circular.
- The purpose of IPART's review is to ensure a robust methodology for determining costs is applied, in order to minimise the financial burden on councils and ratepayers and to ensure local government elections are conducted efficiently and cost effectively.
- IPART has been requested to report to the Minister for Local Government recommending a costing methodology to be applied in determining the amount the NSW Electoral Commissioner (NSWEC) charges councils to administer their ordinary elections.
- In undertaking its review, IPART is expected to consult with relevant stakeholders including councils.
- IPART is to report to the Minister for Local Government by **30 August 2019**.
- As the outcomes of the IPART review may impact on the administration of the September 2020 council elections, it is proposed to introduce legislation in the first parliamentary sitting period of 2019 following the NSW State Election to amend the *Local Government Act 1993* (the LGA) to extend the deadline for councils to make a decision on the administration of their elections under sections 296AA and 296. This deadline will be extended to **1 January 2020**.

What this will mean for your council

- Under the proposed amendments, councils will have until **1 January 2020** to resolve to make a decision on the administration of their elections and enter into any arrangements with the NSWEC.

Key points

- Under section 296AA of the LGA, councils must, at least 18 months before each ordinary council election, resolve to either enter into an election arrangement with the NSWEC to administer its elections or that elections are to be administered by the council's general manager.

- Under section 296(3)(b), where a council enters into an election arrangement with the NSWEC, the arrangement must be entered into no later than 15 months before the ordinary council elections.
- Under section 296(5), councils can enter into an election arrangement for the NSWEC to administer an ordinary council election less than 15 months before the election if the council has resolved to enter into the election arrangement and the NSWEC is satisfied that there are exceptional circumstances that make it necessary or desirable for the election to be administered by the NSWEC.

Where to go for further information

- Contact OLG's Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au
- Contact the NSW Electoral Commission by telephone on 02 9290 5999.



Tim Hurst
Chief Executive

3
Attachment

Matters for consideration under IPART's terms of reference

Matters for consideration

IPART is requested to provide a report to the Minister for Local Government recommending a costing methodology to be applied in determining the amount the NSWEC charges councils which use the NSWEC to administer their ordinary elections.

The purpose of the IPART's review is to ensure a robust methodology for determining costs is applied, in order to minimise the financial burden on councils and ratepayers and ensure local government elections are conducted efficiently and cost effectively.

In undertaking the review, IPART is to:

- review the NSWEC's existing methodology for determining the amount to be charged to councils which use the NSWEC to conduct their elections
- consider whether it is appropriate for the amount charged to be limited to the direct and unavoidable costs of conducting the council's election
- have regard to the market for electoral services in which the NSWEC operates
- have regard to any differences in the costs involved in conducting elections in metropolitan and regional areas
- have regard to any other matters it considers relevant.

Consultation

IPART should consult with relevant stakeholders and NSW Government agencies as part of its review. It may also hold public hearings and publicly release a draft report.

Reporting

IPART is to submit its final report to the Minister for Local Government by Friday 30 August 2019.

**GMR19/004 DELIVERY PROGRAM 2017-21 SIX MONTHLY PERFORMANCE
UPDATE JULY - DECEMBER 2018**

E16.0029

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Six Monthly Performance Update July - December 2018

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.1.1.2 Report on the progress of implementing community vision

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on Council's progress in implementing the community's vision as articulated in the Integrated Planning and Reporting suite of documents, the Community Strategic Plan 2017 – One Community, the Delivery Program 2017-21 and Operational Plan 2018-19.

Local councils in NSW are required to undertake its planning and reporting activities in accordance with the local government Integrated Planning and Reporting (IPR) framework.

In accordance with Section 404 of the *Local Government Act 1993* and the Integrated Planning and Reporting guidelines for Local Government, Council is required to provide progress reports with respect to the activities detailed in the Delivery Program every six months.

The Delivery Plan 2017-21 and Operational Plan 2018-19 consists of 79 activities and 223 operational actions. As of 31 December 2018 98.7% of the actions are on track, 0.9% on hold and 0.4% requiring attention.

RECOMMENDATION

THAT the Six Monthly Performance Update Report July – December 2018 be received and noted.

BACKGROUND

Local councils in NSW are required to undertake its planning and reporting activities in accordance with the local government Integrated Planning and Reporting (IPR) framework.

The Community Strategic Plan is the highest level plan that Council prepares as part of the IPR framework. This plan identifies and articulates the community's long term aspirations, priorities and vision of *friendly, responsible, thriving and proud*. Council endorsed the Community Strategic Plan 2017 – One Community in June 2017.

The Delivery Program and Operational Plan outlines the four year activities and annual actions Council will undertake to contribute to achieving our community's vision. Council adopted the Delivery Program 2017-21 and Operational Plan 2018-19 in June 2018. This document focus' on

**GMR19/004 DELIVERY PROGRAM 2017-21 SIX MONTHLY PERFORMANCE
UPDATE JULY - DECEMBER 2018**

E16.0029

building a sustainable future for Eurobodalla and delivering key services, key projects, capital works and infrastructure maintenance to support the community in its daily activities, economic development and employment growth.

CONSIDERATIONS

Our community vision is to be friendly, responsible, thriving and proud. To achieve this the Community Strategic Plan 2017 – One Community, identifies nine outcome areas with 34 supporting strategies, all linked to the community vision.

The Delivery Plan 2017-21 and Operational Plan 2018-19 consists of 79 activities and 223 operational actions. As of 31 December 2018 98.7% of the actions are on track, 0.9% on hold and 0.4% requiring attention. The table below summaries the number of actions on track, on hold and needs attention per outcome.

Outcome	On Track	On Hold	Needs Attention
Strong Communities, Desirable Lifestyle	35		
Celebrated Creativity, Culture and Learning	30		
Protected and Valued Natural Environment	25		
Sustainable Living	20	1	
Vibrant and Diverse Economy	23	1	
Responsible and Balanced Development	15		
Connected and Accessible Places	17		
Collaborative and Engaged Community	13		
Innovative and Proactive Leadership	42		1
Total	220	2	1

The actions and explanations for items currently on hold include:

- 4.2.2.4 Utilisation of glass sand product in Council operations. Nil glass sand supplied for re-use. Further discussions to be had with suppliers regarding product quality.
- 5.1.3.2 Conduct an expression of interest and tender process for the redevelopment of the northern site of the Mackay Park Precinct - Project currently on hold while Regional Aquatic, Arts and Leisure Centre design progressed.

The action requiring attention is 9.3.2.5 Implement Work, Health and Safety strategy. Due to resourcing issues and other project priorities the Work, Health and Safety (WHS) and Well-being Strategy 2018-19 is not on track. Three of the six programs are on track. These include WHS Training; Leadership in Mental Health; and Health and Well-being. The three programs behind schedule include the WHS Management System Implementation; Risk Management; and Incident Investigation.

**GMR19/004 DELIVERY PROGRAM 2017-21 SIX MONTHLY PERFORMANCE
UPDATE JULY - DECEMBER 2018**

E16.0029

Further details can be found in the attachment – Delivery Program 2017-21, Operational Plan 2018-19, Six Monthly Performance Update July – December 2018.

Legal

In accordance with Section 404 of the *Local Government Act 1993* and the Integrated Planning and Reporting guidelines for Local Government, Council is required to provide progress reports with respect to the activities detailed in the Delivery Program every six months.

Policy

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

Asset

The 2018-19 Capital Program included in the Operational Plan 2018-19 focused on sustaining community infrastructure through the renewal of assets and a provision for new infrastructure to meet demand from growth and progressively address network deficiencies. Council is currently on track in delivering the adopted capital program. In addition, Council continues to work with peak bodies to advocate to the NSW and Australian governments for enhanced asset funding models to better support regional communities across NSW.

Financial

Council is required to report financial performance on a quarterly basis. The December Quarterly Review Statements are prepared in accordance to the *Local Government Act 1993* and the Quarterly Budget Review Statement Guidelines. They will be presented to Council in a separate report.

Community and Stakeholder Engagement

The Six Monthly Performance Update Report is an informing document for the community and will be published on Council's website.

CONCLUSION

This Delivery Program 2017-21 Six Monthly Performance Update July - December 2018 report provides an update of Council's progress to achieving our community's vision as articulated in the Community Strategic Plan 2017 – One Community.

IR19/002 TENDER - RFT2019/ISD047 - SUPPLY AND INSTALLATION OF A GROSS POLLUTANT TRAP SOUTH STREET BATEMANS BAY E19.1791

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: 1. Confidential - Tender - RFT2019/ISD047 GPT
Outcome: Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network
Operational Plan Link: 7.1.2.2 Build, renew and maintain the stormwater network

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 2019/ISD047 for the supply and installation of a continuous deflective screen gross pollutant trap at South Street drainage reserve Batemans Bay. This report contains a confidential attachment, pursuant to Section 10A(2) of the Local Government Act 1993.

RECOMMENDATION

THAT Council:

1. Enter into a contract for RFT 2019/ISD047 for the Supply and Installation of a Gross Pollutant Trap at South Street, Batemans Bay with the contractor identified as the preferred tender within the confidential attachment.

BACKGROUND

Council has identified the need to install a new Gross Pollutant Trap (GPT) to serve the South Street catchment of Batemans Bay to improve urban stormwater quality entering the Water Gardens. The open channel directly downstream of the existing GPT, which consists of a trashrack, is in a degraded condition, suffering from sedimentation and extensive weeds. The resulting poor flow conveyance contributes to a risk of flooding in low-lying land upstream. It is proposed to pipe the open channel downstream of the GPT to improve hydraulics (distance to be specified by Council). An overland flow path with a turf surface will be created over the pipeline to cater for major flows.

The existing trashrack is reasonably effective at capturing relatively large gross pollutants such as bottles and cans, but smaller items like cigarette butts escape. Course sediment is retained in a trap (ie sump) below the trashrack, but suspended solids (ie fine sediment) are not captured. Due to the high percentage of industrial development in the catchment and sensitive receiving environment, installation of a GPT capable of capturing the full range of gross pollutants, including hydrocarbons (eg grease, oil, solvents) is warranted. The new GPT will augment the existing trashrack. The GPT will provide effective pollutant removal of stormwater entering our sensitive environment, with cost-effective cleaning by a vacuum truck.

The CDS (Continuous Deflective Screen) Unit is the bestselling GPT in Australia for reasons of high performance, reliability, large pollutant storage volume and ease of ongoing maintenance.

**IR19/002 TENDER - RFT2019/ISD047 - SUPPLY AND INSTALLATION OF A GROSS
POLLUTANT TRAP SOUTH STREET BATEMANS BAY**

E19.1791



Typical cross-section of the CDS Gross Pollutant Trap

RFT No.2019/ISD047 was advertised on 15 January 2019 with a closing date of 5 February 2019. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- Bay Coast Plumbing
- DWL Holdings
- Optimal Stormwater Pty Ltd.

**IR19/002 TENDER - RFT2019/ISD047 - SUPPLY AND INSTALLATION OF A GROSS
POLLUTANT TRAP SOUTH STREET BATEMANS BAY**

E19.1791



Location of installation of GPT, South Street, Batemans Bay

A summary of the evaluation including each tenderer's scoring against the evaluation criteria and pricing is provided as an attachment to this report.

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2019/ISD047 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertised 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).

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB).

IR19/002 TENDER - RFT2019/ISD047 - SUPPLY AND INSTALLATION OF A GROSS POLLUTANT TRAP SOUTH STREET BATEMANS BAY E19.1791

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to tendered pricing, experience and compliance with the Work Health and Safety Management System.

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 2005 and the Local Government Act 1993.

Environmental

Installation of a CDS GPT Unit will improve urban stormwater quality in the South Street catchment of Batemans Bay entering the Water Gardens. The GPT is normally capable of capturing over 95% of pollution down to 1mm and over 95% of sediment down to 200 microns. The oil retention baffle allows it to retain hydrocarbons as well. The GPT will augment the existing trashrack and improve the quality of the environment in the water gardens.

Financial

Tendered pricing is within current budget allocation.

Community and Stakeholder Engagement

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.

This report recommends the preferred tenderer.

CCS19/005 INVESTMENTS MADE AS AT 31 JANUARY 2019

E99.3517

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

THAT the certification that the investments as at 31 January 2019, 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.

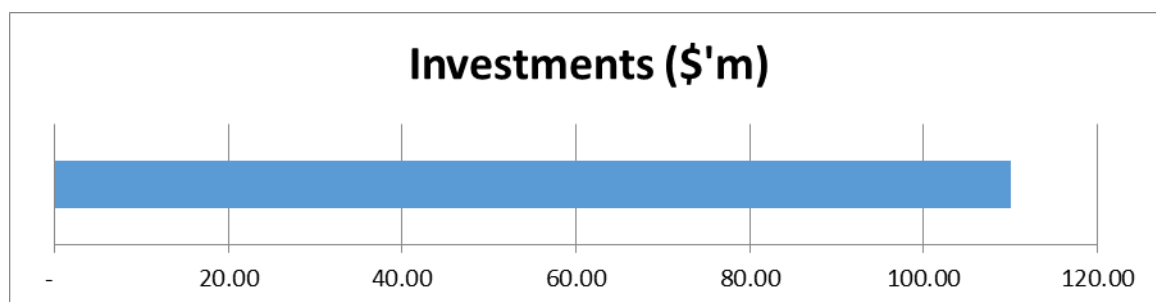
CONSIDERATIONS

Policy

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

Financial

Council investing overall



CCS19/005 INVESTMENTS MADE AS AT 31 JANUARY 2019

E99.3517

Council has 100% (\$110.00m) 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 \$30.5m invested in banks rated below A, and in the 'some limited risk' category of the policy.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 27.73% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.75m and represents 1.59% of the portfolio.

There are \$52m (47.27%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 2.68%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.32%).

Collateralised Debt Obligation (CDO)

Funded legal action against one agency is continuing.

Summary investment information

The following table summarises investment categories and balances at month end.

CATEGORY	(\$)
At Call Deposit	3,002,683
Term Deposits	105,250,000
Term Deposits Government Guaranteed	1,750,000
	110,002,683
<i>Weighted average interest %:</i>	2.68%
<i>Average 90 day BBSW + 0.25%</i>	2.32%

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	1.59	1.59	100.00
Near risk free	70.68	70.68	100.00
Some limited risk (BBB+)	27.73	27.73	30.00

CCS19/005 INVESTMENTS MADE AS AT 31 JANUARY 2019

E99.3517

Grand total	100.00	100.00	
--------------------	---------------	---------------	--

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2018 is 2.51:1. Council therefore has approximately \$2.51 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.

CCS19/006 DECEMBER QUARTERLY BUDGET REVIEW

E05.9535

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments:

1. Under Separate Cover - Attachment 1(a) - Fund Flow Statement
2. Under Separate Cover - Attachment 1(b) - Consolidated Income Statement
3. Under Separate Cover - Attachment 1(c) - Capital Program Statement
4. Under Separate Cover - Attachment 1(d) - Projected Fund Balances Statement
5. Under Separate Cover - Attachment 1(e) - Budget Amendments Report
6. Under Separate Cover - Attachment 1(f) - Special Rate Variation
7. Under Separate Cover - Attachment 2 - Consultancy, Legal and Contractors Report
8. Under Separate Cover - Attachment 3 - Key Performance Indicators
9. Under Separate Cover - Attachment 4 - Mayoral and Councillor Expenditure

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

EXECUTIVE SUMMARY

This Budget Review reports on Council's performance against the current Operational Plan budget for the quarter ending 31 December 2018.

The original Operational Plan budget, on a consolidated basis (which includes all of Council's funds), for 2018-19 forecasts were:

- Income Statement surplus, before capital revenue, of \$5.03 million
- Income Statement surplus, after capital revenue, of \$22.58 million
- Use of \$0.39 million of unrestricted funds.

The proposed revised budgets after the quarter ending 31 December 2018 are:

- Income Statement deficit, before capital revenue, of \$0.87 million
- Income Statement surplus, after capital revenue, of \$31.00 million
- Use of \$1.88 million of unrestricted funds.

The current year December Review adjustments result in a variation for the income statement, before capital revenues, of \$3.62 million and forecasts an increase in the amount of unrestricted funds to be used of \$2.82 million as per the Consolidated Fund Flow Statement.

CCS19/006 DECEMBER QUARTERLY BUDGET REVIEW

E05.9535

There are no material concerns at the quarterly review about Council meeting budget targets for 2018-19.

RECOMMENDATION

THAT

1. The budget review report for the quarter ended 31 December 2018 be received and noted.
2. The variations for the Income Statement after capital revenue of \$3.69 million and \$2.82 million as per the Consolidated Fund Flow Statement be adopted.

BACKGROUND

Council reviews its performance and financial results against the adopted Operational Plan quarterly, authorizes adjustments to budget items, and highlights variations from its original budget strategy.

It should be noted that the results referred to in this report are unaudited.

The attachments to this report are as follows:

Financial reports (Attachment 1)

These reports provide information on Council's performance against its financial objectives contained in the Operational Plan, presented for the consolidated entity.

Financial reports include:

- a) Consolidated Fund Flow Statement – This report shows the impact of operating, financing and investing activities on Council's unrestricted working capital.
- b) Consolidated Income Statement – Provides sources of income and expenditure, including depreciation, in the program areas and associated services.
- c) Consolidated Capital Program Statement – Provides capital expenditure information for each program area and associated services.
- d) Projected Funds Balance Statement – Provides information on the balances and movements in both unrestricted and restricted fund accounts.
- e) Budget Amendment Report – Provides details of proposed material adjustments to budgets.
- f) SRV capital program – Provides capital expenditure information for each of the projects in the SRV program of works for 2018-19.

Consultancy, Legal and Contractors Report (Attachment 2)

This attachment provides information on major contracts entered into, legal fees incurred and consultancy costs for the quarter ended 31 December 2018.

Key Financial Indicators (Attachment 3)

This attachment provides information about key financial indicators designed to assist in monitoring Council's financial sustainability. The indicators are for the consolidated entity.

CCS19/006 DECEMBER QUARTERLY BUDGET REVIEW

E05.9535

Mayoral and Councillor Expenses (Attachment 4)

Provides information about Mayoral and Councillor expenditure for the quarter ended 31 December 2018.

CONSIDERATIONS

Consolidated Fund Flow Statement (Attachment 1 (a)):

Council requires sufficient funds to pay for its debts as and when they fall due. The Consolidated Fund Flow Statement shows the change in Council's freely available funds or working capital.

It includes all transactions having an impact on Council's funds i.e. income and expenses from its operating activities, capital programs and borrowing activities. It also includes the transfer into, or use of restricted funds for capital or non-recurrent projects. Depreciation is not included as it does not represent a cash flow.

The net fund flow shows the amount of unrestricted funds that will be used to deliver the agreed Operational Plan outcomes for 2018-19. The consolidated original budget forecast a \$0.39 million use of unrestricted funds. The impact of proposed carry forward items from last financial year and the September review amendments projected an increase of unrestricted funds of \$0.94 million for 2018-19.

The December review amendments project an increased use of unrestricted funds of \$1.88 million for 2018-19. See table 1.1 and graph 1.1 below.

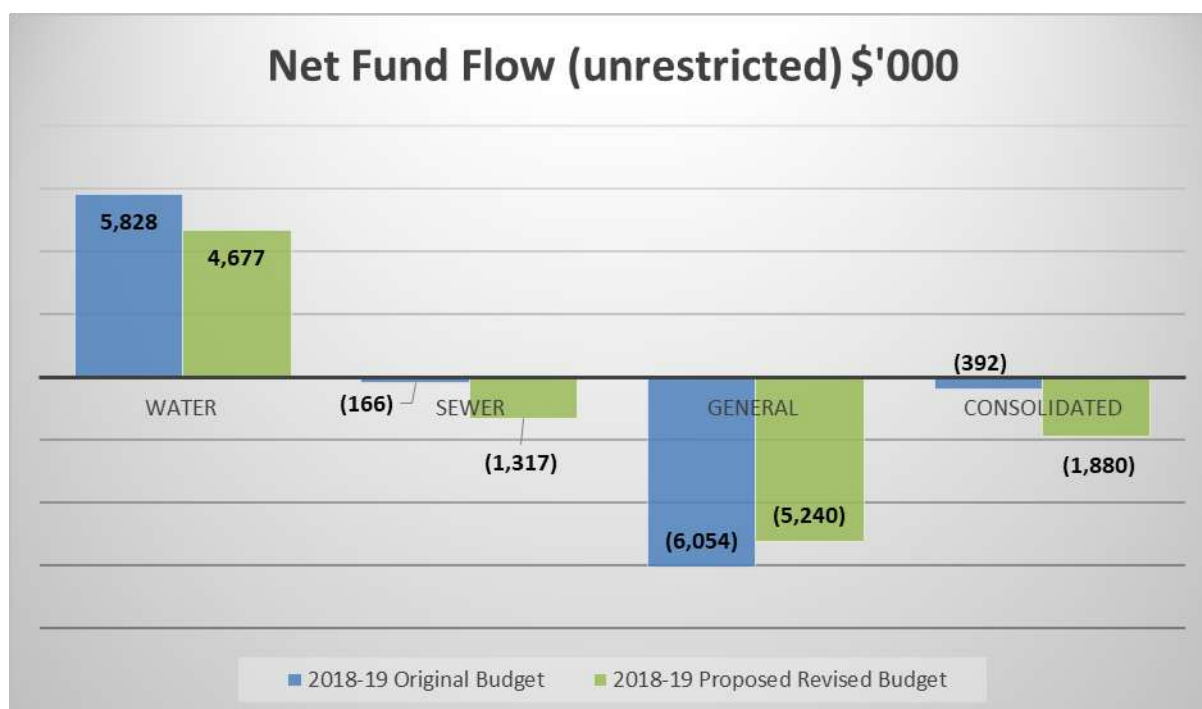
Table 1.1 Net increase (decrease) in unrestricted funds, per fund \$'000

Fund	2018-19 Original Budget	Previous Review	Proposed Adjustments	2018-19 Proposed Revised Budget
Water	5,828	(51)	(1,100)	4,677
Sewer	(166)	(41)	(1,110)	(1,317)
General	(6,054)	1,424	(609)	(5,239)
Consolidated	(392)	1,332	(2,819)	(1,880)

CCS19/006 DECEMBER QUARTERLY BUDGET REVIEW

E05.9535

Graph 1.1 Net fund flow (unrestricted)



Consolidated Income Statement (Attachment 1 (b)):

The Consolidated Income Statement shows the types of income, and expenditure per council service areas. This result can indicate whether Council is able to raise sufficient revenue to cover the operational cost (including depreciation which measures the wear and tear of Council assets) of delivering services to the community before considering its capital revenue.

Since adoption of the 2018-19 Operational Plan, there has been a change reclassifying some grants and contributions from operational to capital. Given this, the restated original budgeted operating result, for the consolidated entity, was a surplus of \$5.04 million before capital revenue. The September Review position predicted a surplus of \$2.75 million before capital revenue. The proposed revised budget, incorporating the carry forward items from 2017-18 and September and December Review adjustments is a deficit of \$0.870 million before capital revenues (per table 1.2 and graph 1.2 below).

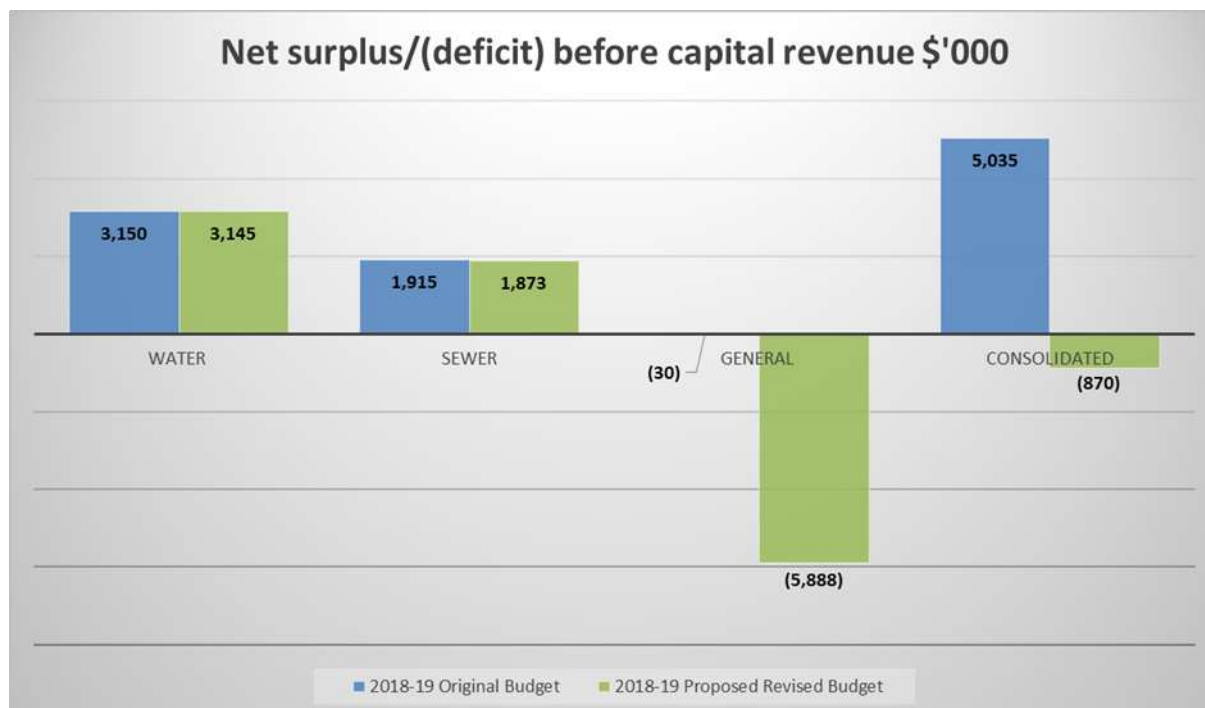
Table 1.2 Net surplus/ (deficit) before capital revenue, \$'000

Fund	2018-19 Original Budget	Previous Review	Proposed Adjustments	2018-19 Proposed Revised Budget
Water	3,150	(5)	0	3,145
Sewer	1,915	(42)	0	1,873
General	(30)	(2,241)	(3,617)	(5,888)
Consolidated	5,035	(2,288)	(3,617)	(870)

CCS19/006 DECEMBER QUARTERLY BUDGET REVIEW

E05.9535

Graph 1.2 Net surplus/ (deficit) before capital revenue



December Review adjustments (operational)

The proposed December Review adjustments to the originally adopted Operational Plan budget for 2018-19, for the second quarter results in a variation to the operating statement before capital revenue of \$3.62 million. This is due to a \$3.51 million amendment transferring the first payment of the 2018-19 Financial Assistance Grant from revenue to the reserve restriction. The first payment of \$3.51 million was received in 2017-18.

Other adjustments include:

- \$1.18 million of RMS Kings Highway expenditure to be recognised on engagement
- \$0.15 million reduced lease income due to the timing of the Airport Redevelopment works
- \$0.30 million increased RMS contributions received for various transport works
- \$0.17 million expenditure relating to dredging works in Tuross and Narooma, Pathway works and Nature Based Tourism works supported by grant funding
- \$0.30 million relating to Work Health Safety Management System being recognised as capital works

The original budget for 2018-19 predicted an income statement surplus of \$22.58 million after allowing for capital grants and contributions, revised at the September Review to \$34.69 million. The proposed budget, incorporating all Review adjustments, results in a surplus of \$31.00 million after capital revenues (per table 1.3 and graph 1.3 below).

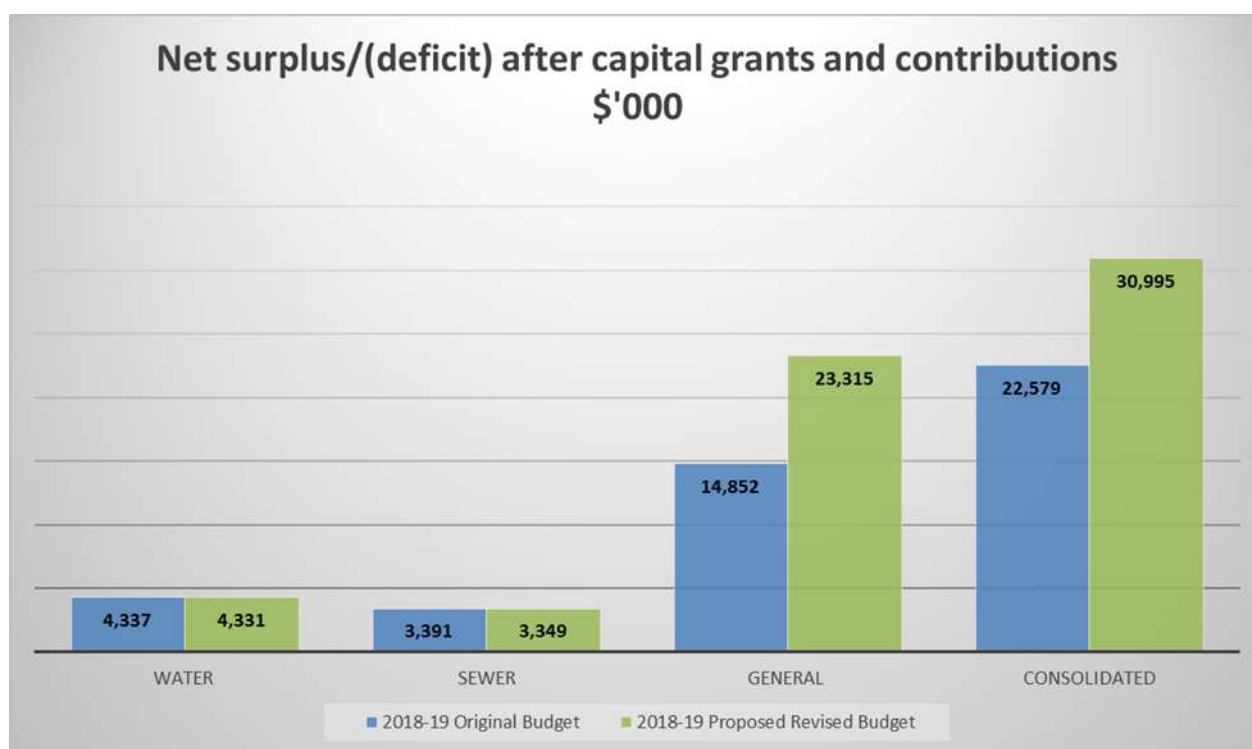
CCS19/006 DECEMBER QUARTERLY BUDGET REVIEW

E05.9535

Table 1.3 Net surplus/ (deficit) after capital revenue, \$'000

Fund	2018-19 Original Budget	Previous Review	Proposed Adjustments	2018-19 Proposed Revised Budget
Water	4,337	(6)	0	4,331
Sewer	3,391	(42)	0	3,349
General	14,852	12,155	(3,692)	23,315
Consolidated	22,579	12,108	(3,692)	30,995

Graph 1.3 Net surplus/ (deficit) after capital revenue, \$'000



Consolidated Capital Program Statement (Attachment 1 (c)):

The original capital expenditure budget for 2018-19 was \$55.22 million. The proposed revised budget, incorporating the carry forward items from 2017-18 and September and December Review adjustments is \$76.78 million (per tables 1.4, and graph 1.4 below). As part of the review of the 2019-20 operational plan, we are currently identifying capital works to be carried forward from the current financial year to 2019-20.

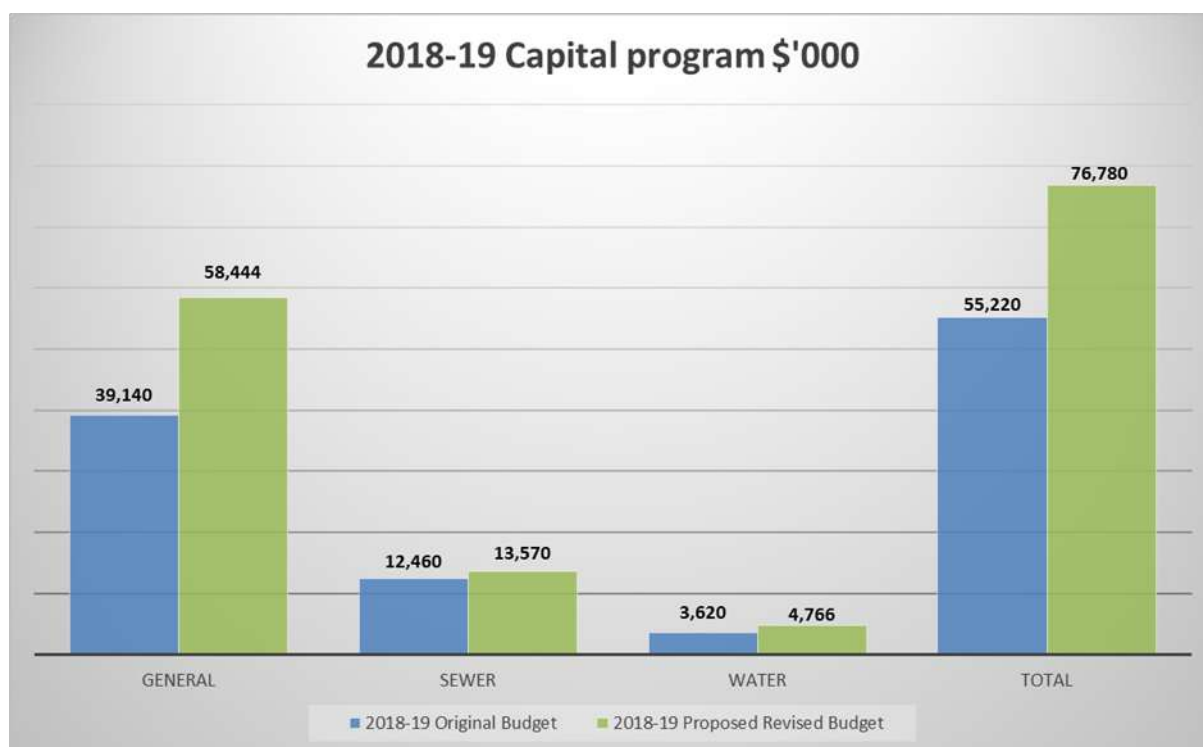
CCS19/006 DECEMBER QUARTERLY BUDGET REVIEW

E05.9535

Table 1.4 Capital Program per fund, \$'000

Fund	2018-19 Original Budget	Previous Review	Proposed Adjustments	2018-19 Proposed Revised Budget
General	39,140	18,948	356	58,444
Sewer	12,460	0	1,110	13,570
Water	3,620	46	1,100	4,766
Total	55,220	18,994	2,566	76,780

Graph 1.4 Capital Program per fund



Capital Program

Council staff have been working with the Roads and Maritime Services and its contractor John Holland P/L to relocate services, including water and sewer pipelines, to enable the construction of the Batemans Bay Bridge. An opportunity has arisen to install two additional pipelines underneath the Clyde River to replace existing steel pipelines laid in the river bed.

Given the saltwater environment, the condition of these pipelines is unknown. Installing these pipelines now would enable Council to avoid costs associated with design, approvals, tendering and reinstatement of both foreshores. Council engaged NSW Public Works to assess the proposal to carry out an independent assessment and ensure value for money.

The December Review includes this work at an estimated cost of \$2.30 million. Other capital adjustments made at the December quarter include:

- \$0.20 million relating to the early replacement of fleet items and a new vehicle designated to Water and Sewer operations
- \$0.05 million for the purchase and installation of a new awning at the Moruya Depot.

CCS19/006 DECEMBER QUARTERLY BUDGET REVIEW

E05.9535

Special Rate Variation (SRV) – Progress update (Attachment 1 (f)):

2018-19 is the fourth year of the SRV program and approximately \$9.61 million of infrastructure works for the year are underway. \$5.45 million of SRV designated funds are being utilised on these works. The majority of the projects have commenced with a due date for completion by the end of the fourth quarter. At 31 December, approximately 13.2% of the programmed SRV works for this year have been expensed.

2018-19 Special Rate Variation (SRV) Capital Program	\$
SRV Funds	(5,454,650)
Total Budget	9,611,475
Expenditure to 31 December 2018	1,264,161
Percentage spent	13.15%

Legal

This review is based on the Quarterly Budget Review Statement (QBRs) Guidelines issued December 2010, pursuant to the provisions of the *Local Government Act 1993* relating to integrated planning.

Policy

The accounting policies being used are based on those detailed in the financial statements for the year ended 30 June 2018.

“Variations” in the Fund Flow Statement are changes in the funding requirements where “funds” are net current assets (working capital) excluding both internal and externally restricted funds.

Financial

Interest rates continue to remain at low levels. The Reserve Bank statements suggest that the rate will continue to be on hold.

CONCLUSION

There are no material concerns at this quarterly review about meeting budget targets for 2018-19.

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

As the Responsible Accounting Officer, it is my opinion that the December Quarterly Budget Review for Eurobodalla Shire Council indicates that Council’s projected financial position as at 30 June 2019 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2018-19 financial year.

CAR19/002 CATEGORISATION OF CROWN RESERVES IN EUROBODALLA

E18.1573

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

Attachments: 1. Under Separate Cover - Categorisation of Crown Reserves Appendix A

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

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

EXECUTIVE SUMMARY

This report provides Council with background information and justification to notify the NSW Minister for Lands and Forestry of the initial categorisation assigned to Crown reserves in Eurobodalla in accordance with Section 3.23 of the *Crown Land Management Act 2016* (CLM Act).

A Council internal working group has assessed all Crown reserves under Council's control to assign a category(s) for each reserve. To assist with this process, the group utilised departmental guidance in the form of a schedule of interim category(s) for each Crown reserve that most closely relates to the Gazetted Public Purpose for which the land was originally dedicated or reserved.

Council has a legislative obligation to assign categories to Crown reserves in Eurobodalla in accordance with Section 3.23 of the *Crown Land Management Act 2016*.

The determination of the internal working group is provided as Appendix A and recommends no changes to the departmental guidance categories.

Critical for decision making at this interim stage of the CLM Act implementation, the Crown Land 'Gazetted Public Purpose' determines a Crown reserve's categorisation under the LG Act, not its actual current use.

Council is able to assign a categorisation that differs from initial departmental guidance only if it can justify that the new assigned category more closely aligns to the Gazetted Public Purpose. Multiple categories may be assigned only where a Crown reserve is already subject to multiple Gazetted Public Purposes.

A ministerially approved plan of management is the only method by which Council may add additional categories to a Crown reserve. In these instances, the minister may elect to add an additional purpose to the original Gazetted Public Purpose for which the land was dedicated or reserved.

RECOMMENDATION

THAT Council:

1. Assign categories to the 100 Crown reserves listed in Appendix A in accordance with Section 3.23 of the *Crown Land Management Act 2016*
2. Notify the NSW Minister for Lands and Forestry in writing of the initial categories assigned

CAR19/002 CATEGORISATION OF CROWN RESERVES IN EUROBODALLA

E18.1573

by Council.

BACKGROUND

The CLM Act came into force on 1 July 2018 authorising Council, as the appointed Crown Lands Manager, to manage 116 Crown reserves as if they were public land under the *Local Government Act 1993* (LG Act). Ownership of this land will remain with the State and Council must maintain a land register as required by Section 53 of the LG Act.

As detailed in Council Report CAR18/026, 14 August 2018, Council has now received \$77,394 from the Office of Local Government (Motion 18/205) to contribute to the implementation of the provisions of the CLM Act by 30 June 2021.

Council's scope of works as part of the CLM Act implementation includes the following three steps.

Step 1 – Crown Land Classification

Step 1 was completed in December 2018, with the NSW Minister for Lands and Forestry endorsing Council's application (CAR 18/032) for the following three land parcels to be classified as Operational Land.

- Crown Reserve 89996 (Lot 545 DP 752155) Eurobodalla Shire Council Works Depot, Glasshouse Rocks Road, Narooma
- Crown Reserve 85364 [part] (Lot 913 DP 821427) Sewer Pumping Station, Field Street, Narooma
- Crown Reserve 95534 (Lot 318 DP 42829) Eurobodalla Shire Council Works Depot and State Emergency Services Shed, Princes Highway, Batemans Bay.

Step 2 - Crown Land Categorisation

In accordance with Section 3.23 of the CLM Act, Council as Crown Land Manager, is required to assign a category or multiple categories to the remaining Crown reserves classified as Community Land noting that the following 16 Crown reserves do not need to be categorised or included in a plan of management.

1. Crown Reserves 89996 and 95534 are now Operational Land
2. 14 lots of 'Devolved land' (Section 48 LG Act - Managed Land).

A list of the remaining 100 Crown reserves with Council assigned categories (Appendix A) is required to be submitted for the Minister's consent which is necessary to enable Council to progress to Step 3 and the drafting of plans of management.

Step 3 – Plans of Management

Upon receipt of a departmental notification that Step 2 is complete, Council will commence the development of plans of management (POM) for all Crown reserves in Eurobodalla. For the eight Crown reserves where a POM already exists, a review is satisfactory. For the remaining reserves without an existing POM, a new POM is required, noting that many of these reserves will be grouped within one of three existing generic POMs listed below.

CAR19/002 CATEGORISATION OF CROWN RESERVES IN EUROBODALLA

E18.1573

- *Natural Areas and Undeveloped Reserves Plan of Management*
- *Developed Reserves and Facilities Plan of Management*
- *Sportsgrounds Plan of Management.*

With respect to the drafting of the Mackay Park Plan of Management, Step 2 was undertaken and written departmental consent was obtained on 14 December 2018 for Council to progress to the preparation of a draft plan of management for Mackay Park Crown reserve (580022).

CONSIDERATIONS

Critical for decision making at this interim stage of the CLM Act implementation, the Crown Land 'Gazetted Public Purpose' determines a Crown reserve's categorisation under the LG Act, not its actual current use.

Council is able to assign a categorisation that differs from initial departmental guidance only if it can justify that the new assigned category more closely aligns to the Gazetted Public Purpose. Multiple categories may be assigned only where a Crown reserve is already subject to multiple Gazetted Public Purposes.

A ministerially approved plan of management is the only method by which Council may add additional categories to a Crown reserve. In these instances, the minister may elect to add an additional purpose to the original Gazetted Public Purpose for which the land was dedicated or reserved.

Categorisation of Crown Reserves as Community Land

Using the assessment parameters outlined in the Considerations section above, an internal working group representing four Council Directorates reviewed the status of all Crown reserves in Eurobodalla to identify any that Council would wish to assign a category or categories that differs from those supplied in the departmental interim guidance schedule.

The working group determined that there were no reserves with an assigned category that sufficiently differed from the Gazetted Public Purpose and that departmental guidance should be accepted in full and the Minister be notified once Council has made a decision. In doing so, Council is able to commence the more detailed process of developing plans of management noting that at this stage, Council is then able, with justification, to add categories that reflect more contemporary uses of the land.

Legal

Council has a legislative obligation to assign categories to Crown reserves in Eurobodalla in accordance with Section 3.23 of the *Crown Land Management Act 2016*.

The Minister may, by written notice given to Council,

1. consent to the category assigned by Council or
2. require Council to alter an assigned category if the Minister considers that:
 - (a) the assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or

CAR19/002 CATEGORISATION OF CROWN RESERVES IN EUROBODALLA

E18.1573

(b) the management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.

Following written Ministerial consent for the Council assigned categories, Council is required to develop and adopt plans of management for all Crown reserves in accordance with the provisions of *Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993*.

Financial

As detailed in Council Report CAR18/026, Council accepted \$77,394 from the Office of Local Government (Motion 18/205) in December 2018 to implement the provisions of the *Crown Land Management Act 2016*, including the preparation of plans of management for all Crown Reserves under Council's management, by 30 June 2021.

Community and Stakeholder Engagement

Upon receipt of written departmental notification that the Minister has given consent to the categories assigned by Council (Step 2), Council may commence the development of plans of management (POM) for all Crown reserves in Eurobodalla.

The *NSW Local Government Act 1993* requires community engagement activities be undertaken in the preparation of plans of management, including public exhibition of the plan and opportunities for the community to comment. This allows the community to be involved and represented in the contents of each plan.

Specifically, *Section 38 NSW Local Government Act 1993* sets out that:

- *a council must give public notice of a draft plan of management for a period of not less than 28 days.*
- *The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council.*
- *The council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood. All documents referred to in a plan of management should be displayed at the same time as the draft plan of management.*

For the development of plans of management for Crown reserves, Council is likely to use some or all of the following methods of engagement

- Council briefing, report and motion to public exhibit draft plans and accept submissions for a minimum period of 42 days
- Council Noticeboard Page in the local press
- Council's website (information in the Events and On Exhibition sections)
- Media Releases
- Social media posts

CAR19/002 CATEGORISATION OF CROWN RESERVES IN EUROBODALLA

E18.1573

- Direct engagement with the community including user groups, Council Advisory Committees, Aboriginal and business groups.

CONCLUSION

The *Crown Land Management Act 2016* came into force on 1 July 2018 authorising Council, as the appointed Crown Lands Manager, to manage Crown reserves in Eurobodalla deemed to be Community Land as if they were public land under the *Local Government Act 1993*.

An internal working group conducted a review of dedicated or reserved Crown reserves that Council has been appointed Crown Land Manager. From the schedule of interim categories of Crown reserves supplied by the NSW Department of Local Government as part of transitional arrangements for the implementation of the *Crown Land Management Act 2016*, the group determined that the interim categories assigned to 100 Crown reserves sufficiently related to the original Gazetted Public Purpose.

Should written ministerial consent be granted for the categorisation of the 100 Crown reserves listed in Appendix A, Council will be able to progress the *Crown Land Management Act 2016* implementation process to Step 3 and the development of plans of management for Crown reserves in Eurobodalla.

CAR19/003 CREATIVE ARTS STRATEGY

E06.0162

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

Attachments: 1. Under Separate Cover - Creative Arts Strategy
2. Creative Arts Strategy - summary of submissions

Outcome: Celebrated Creativity, Culture and Learning

Focus Area: 2.1 Support and encourage the expression of our vibrant creative arts sector

Delivery Program Link: 2.1.1 Develop and promote creative arts activities and industries

Operational Plan Link: 2.1.1.5 Implement the Creative Arts Action Plan

EXECUTIVE SUMMARY

The draft Creative Arts Strategy (the Strategy) was placed on public exhibition from 29 October to 26 November 2019. The Strategy provides a framework for development of the range of creative arts in the shire to achieve.

The Strategy is ambitious and sets a clear vision for Eurobodalla to become known as the creative destination for south east NSW, with significant growth in creative arts infrastructure, programming and audiences anticipated in the next decade.

The Strategy outlines Council's role, defines creative arts and culture and outlines our story so far, in terms of arts and cultural planning, arts and cultural highlights and the range of art prizes, events and funding currently in place.

The development of the Strategy has been informed by national, state and regional plans, industry trends and directions, Council's corporate documents and research and stakeholder consultation (including the exhibition period) conducted over a number of years.

The draft document sits under Council's Community Strategic Plan Outcome, which is to achieve a community with *celebrated creativity, culture and learning*.

Twelve (12) public submissions were received during the public exhibition period. As a result of these submissions, it is proposed that a number of amendments are made and one action be removed resulting in a number being re-prioritised.

It is recommended that Council adopt the final Strategy.

RECOMMENDATION

THAT:

1. Council adopt the Creative Arts Strategy.
2. Council write to the members of the community who made a submission thanking them for their involvement and advising of the outcome of the process.

CAR19/003 CREATIVE ARTS STRATEGY

E06.0162

BACKGROUND

The Strategy is an aspirational document, balancing Council's delivery capacity, while acknowledging the important contributions and actions of those in the community.

The Strategy was prepared by Council staff with a background review and assessment of current trends, a snapshot of the current status of creative arts in the shire, community engagement outcomes, and achievable measures outlining actions to high, medium, low and ongoing priorities.

CONSIDERATIONS

Social Impact

The adoption of the Creative Arts Strategy will provide the community with a plan for creative arts development in the shire that can assist with funding applications and the development of key facilities and activities in the shire, which will impact positively on community wellbeing.

The arts have a great role to play in the development of our community, building on our sense of place and heritage, the development of tourism products and destinations and the potential for increased economic development, and engagement, connection and community pride.

Community and Stakeholder Engagement

We have informed the community through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and distributing a media release.

We have consulted with the community by seeking feedback through a 28 day Public Exhibition where the Creative Arts strategy was on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre and 3 focus groups conducted during the exhibition period in Batemans Bay, Moruya and Narooma.

Public Exhibition

Twelve (12) submissions were received during the public exhibition period of 29 October to 26 November 2019. Issues raised in the submissions and proposed amendments to the Strategy are detailed in the attachment.

Council also held three public information sessions across the shire during the exhibition period. These were held at Narooma on Friday 16 November, at Moruya on Wednesday 21 November and at Batemans Bay on Thursday 22 November 2018 with 18 people attending in total.

Submissions received provided feedback on a broad range of issues. The most popular were in relation to which art forms, priorities, facilities and events should have more emphasis, and adding particular community groups to the list of local groups in the shire. Other issues included the importance of ongoing engagement with and support for community arts/target groups, competition for volunteers, positive feedback, public art, costs and funding, preferred plan structures, definitions and the format of draft exhibition documents.

In addition to changes outlined in the attachment to this report, minor text and image changes were made in the development and design considerations to reflect the submissions received.

CAR19/003 CREATIVE ARTS STRATEGY

E06.0162

CONCLUSION

The draft Creative Arts Strategy has been prepared incorporating input from community and arts groups and Council staff. A number of amendments are proposed as a result of feedback received during the public exhibition period.

The Strategy is ambitious and sets a clear direction for creative arts development in our shire.

The Strategy is recommended for adoption by Council.

Summary of submissions to Eurobodalla Shire Council Creative Arts Strategy 2019

No.	Summary of submissions	Recommendation
1	Positive feedback	Respondent to be notified of the outcomes of the final adopted Strategy.
2	1) Request for arts projects that engage youth, more funded projects and payment for artists, creation of strong links with Aboriginal artists 2) more opportunities for regular outdoor public performances.	1) Council has actions to specifically engage key target groups, including children, youth and Aboriginal (Actions 27, 28, 29, 30 and 31). 2) Noted.
3	1) Request to list the South Coast Pastel Society National Exhibition and Art Festival in the Creative Arts Strategy 2) Request review of facility hire fee structure.	1) Council have updated the draft Strategy (Page 18) 2) Council is reviewing facilities and fees (Actions 8 and 9) with the aim of developing a hierarchy of facilities, price points and an activation plan.
4	Request to be advised of specific details of implementation of the plan, specifically who is responsible, estimated costs, timeline for completion and each actions purpose. Suggestion for use of a table for simplicity.	The Creative Arts Strategy 2019 (the Strategy) is a ten year plan and groups 46 Actions into High, Medium, Low and Ongoing priorities, with associated measures in place. The Strategy gives overarching direction to assist Council and local arts organisations with funding applications and strategic direction four year Delivery Program and its annual operational plan, with specific projects and tasks identified annually, including specific budgets and deadlines listed.
5	1) Recognition of existing volunteer base and current arts organisations needed 2) Too much focus on activities surrounding the Bas and visual arts.	1) The reference to volunteers and community based arts organisations in the shire has been strengthened within the document p18. Many actions include engaging with arts organisations and practitioners. Action 43 specifically responds to this issue. Under the section 'Connection and Collaboration' Council has actions to facilitate opportunities to engage creative organisations and groups and the promotion of community based creative arts events programs and services. Council also has actions to encourage sustainable practice in community arts organisations and an action to advocate and promote local creative arts to other levels of government.

	<p>3) Music should be given greater attention given participation levels and Mackay Park <u>regional</u> facility</p> <p>4) Churches to be added to list of venues</p> <p>5) Support and recognition for South Coast Music Society given length of operation + national/international reputation</p> <p>6) No mention of St Cecilia Music Scholarship</p> <p>7) Further editing suggestions in submission</p>	<p>2) The Strategy separates out purpose-built infrastructure including the Basil Sellers Exhibition Centre and the Batemans Bay Regional Aquatic, Arts and Leisure Centre (actions 1-7) and the activation of more general Council facilities (actions 8-11).</p> <p>3) The inclusion of music is included in the definition of 'creative arts' on page 17. Music is important and equally applies to the strategy actions, along with other genres.</p> <p>4) The strategy does not include lists of venues.</p> <p>5) South Coast Musical Society has been included on p21.</p> <p>6) St Cecilia music scholarship referenced on p21.</p> <p>7) Noted</p>
6	<p>Request for four or more workshop areas to be included in Mackay Park Precinct plan for art festival and art retreat activities.</p>	<p>Acknowledge feedback regarding the Mackay Park arts facilities that has been passed onto the respective project team.</p>
7	<p>1) Suggested development of purpose-built arts infrastructure in Narooma as being possibly more a 'medium' to 'high priority', than an 'ongoing'.</p> <p>2) Include Narooma School of Arts on p21 and consider additional Narooma images</p> <p>3) Include reference to Narooma in executive summary</p> <p>4) Recognition of existing spaces</p>	<p>1) Action 6 has been amended from an ongoing to a medium priority.</p> <p>2) Page 21 has been updated to include the Narooma SoA studios and SoArt Gallery. Additional Narooma images have been included.</p> <p>3) Reference to Narooma has been included in the Executive Summary.</p> <p>4) The strategy does not include lists of venues. Actions 9, 10 and 14 seek to address activation, promotion and partnerships with existing facilities and locations.</p>
8	<p>1) No public art on display in Narooma.</p>	<p>1) Council will be developing a public art strategy for the whole of the shire and hopes to build on the success already achieved by the Batemans Bay and Moruya Chambers of Commerce</p>

	<p>2) Fee structure at Narooma Leisure Centre places restrictions on exhibitions run especially over weekends and space not particularly suitable for art exhibitions. Request for public meeting to be held to discuss relevant, sustainable options for a multi-purpose, inclusive community facility at Nata Oval with a sound shell and disabled access.</p> <p>3) Belief that awarding an MOU to the SoA has created division in Narooma.</p>	<p>(and other local individuals and groups) in funding and establishing sculpture and public art in the southern part of the shire.</p> <p>2) Council will be reviewing facilities and fees (Actions 8 and 9) with the aim of developing a hierarchy of facilities and activation plan to be adopted in 2019.</p> <p>In February this year Council will commence a project that will deliver masterplans for the Narooma Sport and Leisure Precinct. The plans include Nata Oval, Bill Smyth Oval and the aquatic and leisure centre facilities. Our consultants for the project will be engaging with the community and we will provide them with details of issues and requests already raised, such as the sound shell. We will ensure that your organisation is contacted by the consultants when they start the Narooma Sport and Leisure precincts master planning project.</p> <p>3) Council currently has a Memorandum of Understanding (MoU) with SoA Inc. The MoU essentially is an agreement to engage in strategic discussions with SoA, principally in relation to the land and infrastructure owned by the SoA on behalf of the community.</p> <p>Reference to the Narooma Historical Society included on page 21.</p>
9	Request for Narooma Historical Society to be added to the list of historical societies.	
10	<p>1) Suggestion to define 'creative industries' and potential for integrating this with other areas of Council</p> <p>2) Requested a stronger statement on importance of Aboriginal arts sector in region and suggestion for regular Aboriginal arts events</p> <p>3) strong recommendation to credit images used in strategy</p> <p>4) Suggested regional arts wording to be included</p>	<p>1) A firmer statement in relation to integrating the strategy with other areas across Council has been included.</p> <p>2) Actions 15, 16, 31, 45 and 46 are included to support development of Aboriginal arts. Action 45 'Seek opportunities to develop and showcase local Aboriginal arts and practitioners' has been changed from 'O' to 'H'.</p> <p>3) All images have been credited appropriately in the final document.</p> <p>4) The regional arts wording suggestion has been included on page 25.</p>
11	<p>1) Request for draft strategies to be issued in word format with minimal images, less colour for economic</p>	<p>1) Council provides printed hard copies at each of the libraries and is also available on the web site.</p>

<p>printing, consistent logical layout, written using proactive language and properly proof read</p> <p>2) Greater focus on state wide and national art events besides Basil Sellers</p> <p>3) Concern of no central concept of the nature of arts in the shire. Feel there is a need for an overarching statement connecting arts practitioners in the region</p> <p>4) Further discussion needed with the arts community as to which regions focus on particular segments – i.e. visual arts in Moruya, performance arts in Batemans Bay</p> <p>5) Concern of the use of the terms 'gateway'</p> <p>6) KPI's deemed vague and unmeasurable</p> <p>7) Question the timing of the release of the draft strategy in relation to Council election terms</p> <p>8) Suggestion to refer to the Bas as a <u>regional</u> facility, rather than specifically for Moruya and greater emphasis on Mackay Park precinct as becoming the region's most</p>	<p>2) The Creative Arts Strategy (the Strategy) provides a clear direction for our own action and also anticipate that community organisations will use the information for their own funding applications and opportunities.</p> <p>3) The strategy outlines a snapshot of the current landscape and provides actions to support creative arts groups and practitioners going forward.</p> <p>4) Council will continue to work, liaise and engage with the community as evidenced across the actions listed in the Strategy</p> <p>5) The 'gateway' term has been changed to 'creative destination of the South east region'.</p> <p>6) The Strategy is a ten year plan and groups 46 Actions into High, Medium, Low and Ongoing priorities, with associated measures in place.</p> <p>7) Council will use the Strategy to develop its 4 year Delivery Program and its annual operational plan, with specific projects, budgets and tasks identified annually.</p> <p>8) The Bas is being referred to as the region's first professionally built exhibition space. The Batemans Bay Regional Aquatic, Arts and Leisure Centre will continue to be referred to as a regional centre.</p> <p>9) The Strategy caters for diverse groups and programs to ensure a range of opportunities. Council will continue to encourage our community groups to do the same.</p> <p>10) Noted</p> <p>11) Council currently assists community based arts organisations to apply for funding and will continue to do so.</p> <p>12) An events strategy is currently being drafted. This information has been passed onto relevant officers</p> <p>13) Council acknowledges the important role of volunteers in the creative development of the shire. The reference to volunteers and volunteer run arts organisations within the document</p>
--	--

<p>significant arts venue</p> <p>9) Music events deserve a higher profile and thus venues greater consideration</p> <p>10) Pleased with allocation of funds to indoor and outdoor public art</p> <p>11) Request for Council to support community groups in funding and applying for grants to hold events</p> <p>12) Transparency of funding allocated to each event to allow for comparison</p> <p>13) Acknowledgement of existing volunteer groups</p> <p>14) \$8000 specified for arts acquisitions not to be solely dedicated to the Bas or Council chambers</p> <p>15) Request for community and commercial facility hire rates</p> <p>16) Request for Perfex to be moved under Cultural Groups or listed under a new heading titled 'Arts support Groups'</p> <p>17) Addition of Chamber of Commerce to list</p> <p>18) Increase engagement / participation rate to 14%</p>	<p>has been strengthened.</p> <p>14) The Art Acquisition Policy is on exhibition for public comment.</p> <p>15) Council currently provides reduced rates for community groups and not-for-profit organisations, however the Strategy includes actions to assess fees and facilities further.</p> <p>16) 'Perfex' has been listed in the 'Cultural Groups' category on p21.</p> <p>17) The Chamber of Commerce is not a community arts group.</p> <p>18) The arts related statistics provided on p22 are from the national 'Connecting Australians' survey. These stats provide valuable insight into the arts. Importantly they are a useful resource for community based organisations when applying for funding going forward.</p> <p>19) The strategy provides a snapshot of the wider strategic context, listing current documents. We will utilise updates as they become available.</p> <p>20) The focus group had 40 attendees present at the event representing community arts and target groups across the shire.</p> <p>21) Various minor updates have been taken in where appropriate and considered in conjunction with other feedback.</p>
---	---

	<p>19) Replacements for the NSW Aboriginal Arts and Culture Policy + SEArts Strategic Plan that will be finalised by the end of 2018</p> <p>20) Request for clarification of who attended focus group workshops and what art fields were represented</p> <p>21) Further editing notes for the strategy listed in submission</p>	
12	<p>Request for murals to be painted on three walls of the toilet block, picnic tables and sculptures to be included at Albert Ryan Park with appropriate themes, taking into account the history of the land.</p>	<p>Action 12 seeks to develop a public art strategy for the whole of the shire and seek feedback from community. Respondent will be notified when this occurs.</p>

DR19/001 NSW COASTAL CONFERENCE

E91.3255

Responsible Officer: Councillor Maureen Nathan and Phil Constable

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

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

EXECUTIVE SUMMARY

Councillors Maureen Nathan, and Phil Constable represented Eurobodalla Shire Council at the 2018 NSW Coastal Conference which was held on the 7 to 9 November 2018 in Merimbula and they present their delegate's report on the Conference.

RECOMMENDATION

THAT the Delegates Report from Councillors Maureen Nathan and Phil Constable on the 2018 NSW Coastal Conference be received and noted.

BACKGROUND

The NSW Coastal Conference was held in Merimbula on the 7 to 9 November 2018. A Coastal Council Conference where the 'climate change mantra' dominates.

We were very concerned with the tone set with the political messaging set in place in the presentation of the keynote speaker Dr Kathleen McInnes. Political stance of any persuasion has no place in a scientific forum. Dr McInnes spoke on the latest Intergovernmental Panel on Climate Change (IPCC) report with her role as lead author on the Special Report on the Ocean and Cryosphere in a Changing Climate (SROCC). This report outline the role of the ocean and cryosphere in climate change. It is clear that she has developed PROJECTONS for impact and adaptation assessments. She stated that this is a NEW methodology relating detection and attribution of risk by modelling. Until they are provable, we cannot accept them as science. She however set the tone of that part of the conference.

The political messaging continued with Sarah Barker of Minter Ellison who spoke very persuasively on Climate Change through a Finance and Liability risk lens. She quoted the G20 Recommendations of the Task Force on Climate-related Financial Disclosures June 2017 report. According to her: "International financial and insurance institutions are now using 'climate language' in contracts which affect us all. They now force 'Mitigation against climate events' of 80 years of events". Borrowings, mortgages and insurance policies will be more expensive as Larry Fink's BlackRock opinion becomes a market driver affecting all credit ratings, including that of sub-national governments and individuals. It is interesting that subsequent questions Councillor Nathan posed about Larry Fink away from the conference, indicated that her

DR19/001 NSW COASTAL CONFERENCE

E91.3255

position is not as pervasive as she would have the audience believe. She talked of economic opportunities in green and climate bonds.

In contrast, the third keynote speaker Dr Maria Byrne, gave an objective assessment of marine heat waves and ocean acidification on the symbiotic relationships of zooxanthella which result in bleached corals. She explained reefs require 10 years to recover from bleaching, and the different events in the far North and Centre of the Great Barrier Reef. She also pointed out that the southern section of the reef has NOT suffered, something that has not been publicised.

We have attempted to group the speakers as to how they affect Council (working alphabetically through speakers):

1. **Pathways** - sessions that we found informative and germane to our future development.
2. **Coastal impacts** - Sessions ranged from exciting scientific analysis using modern technology e.g. drones for data management, to coastal management.
3. **General relevance to Eurobodalla Shire Council.**

1. Pathways

- **M Chigwidden Woolaware Shared Pathway stage 6** – located on the southern shores of Botany Bay the scenic 43.6 km Botany Bay Trail involves 199 embayed beaches 7-2018 has transformed heavily polluted and weed infested industrial foreshore. Solutions were found for the complex interlinked environmental issues including saltmarsh and casuarina forest.
- **L Dean Wollongong tramway shared path and sea wall** – Program 2006-2018 - Blue Mile Project now has 14,900 pedestrians and 2,690 cyclists every week. A real wow of a project.

2. Coastal impacts

- **R Brander of UNSW** - gave a preview of the 130 page report on Coastal Community perceptions and understanding of coastal hazards specifically relating to inundation and erosion caused by coastal storms and sea level rise see <http://unsw/nswmycoaststudy>. Significant numbers of respondents indicated that they would still buy and live in a home at risk of coastal erosion and inundation. (To me this reinforces that there is a vast difference between the opinions of coastal management professionals and coastal users).
- **W Brown re Ettalong and Umina** - gave a brief history of 'best and perhaps ill-conceived efforts to control nature and the cyclic erosion of an area with highly developed heavy population and urban expansion, involving repetitive spending.
- **J Carley Impacts of seawalls on beaches** - examined evidence scouring, flume modelling, the lack of the effects of tides on flume testing sand transport and the need to modify hazard lines because of the end net effect.
- **T Fellowes Macquarie University - Sydney Embayed beaches Responses** – presented the vulnerability and recovery rate of beaches in the different classes of embayment.

DR19/001 NSW COASTAL CONFERENCE

E91.3255

- **B Fitzgibbon presented by Mark Daley Beach Scraping Byron Shire** – Artificial dune building (beach scraping) projects 1970's-1990's then 2010-17 There are divided community opinions. There are difficulties in attempting to manage the coastal erosion events in the absence of a Coastal Zone Management Plan (CZMP) or Coastal Management Programs (CMP).
- **D Greenslade Bureau of Meterology –operational forecasting of coastal sea level** - A new dynamical system provides forecasts in two components, tropical and non-tropical driven storm surges. Storm tide = storm surge + tide+ wave settings. Overall the case studies match observation and modelling.
- **H Loehr -Monitoring Coastal change from space** - Compared Satellite Derived Bathymetry (SDB) with results from the traditional Single Beam Echo Sounder (SBES). SDB is particularly suitable for shallow coastal profiles, with sand bottoms and clear water. It is 5-10x less expensive and provides safe regular capture, gridded data. The 10 year historic imagery database can enable change assessments, future planning and management.
- **A Mogg – RMS – Office Coordinating Maritime Infrastructure Delivery and investment (MIDO) in NSW** - MIDO now combines two agencies, RMS and Crown Lands and Water division of the Department of Industry. A one stop shop for councils and industry resolving the interagency conflict. A Network based approach including traditional users, primary industry and recreational, and helping to unlock broader tourism and economic development outcomes, balanced with environmental assets. Boating license fees are re-invested in maritime, 240,000 vessels (10,000 commercial balance owned by 18% of all NSW households of which 40% are paddle craft). Serious figures for Eurobodalla Shire Council.
- **K Rogers - Wollongong Uni- The Blue Economy in Southern NSW** - Conducting a stock take to explore future potential opportunities. The appropriate value and protection of the coastal and marine zones using integrated cross sectorial management for industry, energy, harvesting, defense and surveillance, including new opportunities such as Algae. Blue tech industries and start-ups look to be \$100B pa nationally by 2025.
- **K Vos – UNSW – Satellite sensing of shoreline change** - The analysis of data (40 years from Narrabeen and 20 years from Moruya including its rotation April 2013/ July 2016) compared satellite and ground-truth data temporal scales of shoreline variability, from single storm, beach rotation, seasonal changes, long term erosion/accretion and engineering interventions. The toolbox will be available soon.

3. General relevance to ESC

- **L Andrews from OEH** - gave an outline on the five streams of funding available through the Coastal and Estuary Grants Program, and the systems needed to deliver a Coastal Management Plan. He made it clear that project objectives must be able to be met, cost effective and deliverable within a three year timeframe.
- **P Donaldson CMP for Greater Sydney Harbour Estuary** - Sydney Harbour is now in the CMP Framework. This represents one of the first system wide CMP Scoping Studies with multilayered ambiguous jurisdictional crosses. It recommends a whole of government management framework for the four catchments recognising legacy issues, current and future pressures.

DR19/001 NSW COASTAL CONFERENCE

E91.3255

- **M Hawley – Lindsay Taylor Lawyers, Holding back the tide** - The difficulties for local government to keep up with legislative change with coastal State Environment Planning Policy (SEPP), CZMP and CMP. Any CZMP certified and adopted before 3 April 2018 will continue in force and effect until a CMP is done or 31 December 2021. Section 4.15 relates to suitability of sites for new development. Before the Land and Environment Court, Coastal Hazards have to be considered irrespective of CMP or CZMP (where does this place ESC especially with the Coach House redevelopment project). Applications of the coastal SEPP do not apply to DA's before 3 April.
- **I Jayewardene - Training walls and breakwaters repair strategies** - The use of drone footage looked at examples and lessons of survival or not after the 2016 event, and the need for lifecycle analysis. Moruya needs armor plating at crest and head.
- **J Keating –Oysters Sapphire Coast productive partnerships** – Recognises that oyster farmers have an intimate understanding of the estuarine environment and depend on its health and productivity. South Coast Wilderness Oysters SCWO claims to be the only regional organisation of its kind created in 2012 as a formal Environmental Management System.
- **A M Kreller - UNSW Fairness in sea-level rise planning Botany Bay** –How municipal councils can better engage residents in adaptation strategies. The value of work-life balance and how that relates to concern about sea level rise.
- **A Lewis Wollongong U - Sustainability of tourism in a community.**-The south coast is currently the most visited tourist destination outside of Sydney. The speaker proposes a tool appropriate for a spectrum of sustainable tourist communities ranging from wilderness to highly developed, with seven categories of governance which include risk-economy, transport, services, built and natural environments, culture and society (Hyams Beach Dilemma).
- **G Poyer- Narooma High-** A Year 12 perspective on positive action towards our oceans and engage. Talked of a Citizen Science Project RedMap.
- **F Ramezani Wollongong Uni – Improving connectivity between coastal economies and capital cities** - Discussed the importance of the tourism industry contributing \$16.3B to Product. Indirect multiplier due to reach \$30.3B. Although relating to the Illawarra Escarpment and Sydney, and the proposed second airport, it applies to Council and Canberra. Job spread, cruise ships and 10% increase in international tourism, in particular Chinese tourism were covered.
- **B Sack - Beatty Legal – Teaching staff how to assist Councillors** – re legal responsibilities for coastal management. Councillors are non-expert, have a 4 year term and a narrow mandate. Legal issues, motivations and translating ideas into policy. Record keeping is important and clear consistent policies properly made.
- **A Young EMM consulting – Retreat (Idea to reality)** - There is place for all three options in coastal management – protect, accommodate and retreat, How to make the retreat option more realistic and sustainable where 'erosion meets assets'. He believes the market message is a coastal Ponzi scheme of safe bet, risk insulated keep building and protecting and proposes a baseline default where governments rent vacant land to an owner conditional on removal of private structures.

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.

Nil

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

CONTACT	PHONE	EMAIL	WEBSITE
Eurobodalla Shire Council Public Officer	4474-1000	council@eurocoast.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Local Government Department	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	8286 1000 Toll Free 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

Reports to Committee are presented generally by 'exception' - that is, only those items that do not comply with legislation or policy, or are the subject of objection, are discussed in a report.

Reports address areas of business risk to assist decision making. Those areas include legal, policy, environment, asset, economic, strategic and financial.

Reports may also include key planning or assessment phrases such as:

Setback Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);

Envelope taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;

Footprint the percentage of a lot taken up by a building on a site plan.

Acronym	Meaning	Description
ACR	Australian Capital Region	The political and strategic grouping of the ACT government and 17 adjacent councils.
AEP	Annual Exceedance Probability	For floods expressed as a % eg 1% = 1:100 year event. The NSW Flood Guidelines nominate types of development and controls.
AHD	Australian Height Datum	Floor levels for buildings set to remain at or above flood level (expressed as 'freeboard').
APZ	Asset Protection Zone	Area to be cleared and maintained around habitable buildings in bushfire prone areas.
AS	Australian Standard	Standards set by national body as minimum construction, service, system, planning or design requirements.

Acronym	Meaning	Description
BCA	Building Code of Australia	Prescribes minimum standards or performance base for building construction.
CAMP	Companion Animal Management Plan	Required by state law, plan nominating management of dogs and cats and areas for access for the exercise of dogs (eg beaches and reserves).
CC	Construction Certificate	Floor plans approved by council or private certifier in compliance with development conditions and BCA.
COPW	Condition of Public Works Report	Required by state law to define the condition of infrastructure assets, the cost to upgrade to defined standards, the current costs of maintenance and desired levels of maintenance.
CP	Cultural Plan	A cultural plan enables identification of cultural assets, identity and needs as well as providing a framework to develop cultural initiatives to increase opportunities for residents.
CSR	Complaint and Service Request	Requests received from public by phone, letter, email or Councillor to attend to certain works (eg pothole) or complain of certain service or offence (eg dogs barking).
DA	Development Application	Required by state law to assess suitability and impacts of a proposed development.
DAP	Disability Action Plan	Council plan outlining proposed works and services to upgrade facilities to progressively meet Disability Discrimination Act.
DCP	Development Control Plan	Local planning policy defining the characteristics sought in residential, commercial land.
DECCW	Department of Environment, Climate Change and Water (formerly EPA, NPWS, DEC)	State agencies (former Environment Protection and National Parks), DNR managing state lands and natural resources and regulating council activity or advising on development applications.
DWE	Department of Water and Energy	State agency managing funding and approvals for town and country water and sewer services and State energy requirements.
DoP	Department of Planning	State agency managing state lands and regulating council activity or advising on development applications or strategic planning.
DLG	Department of Local Government	State agency responsible for regulating local government.
DoL	Department of Lands	State agency managing state lands and advising on development applications or crown land management.
DoC	Department of Commerce	State agency (formerly Public Works) managing state public water, sewer and buildings infrastructure and advising/supervising on council infrastructure construction.

Acronym	Meaning	Description
DoH	Department of Health	State agency responsible for oversight of health care (community and hospital) programs. Also responsible for public warning of reportable health risks.
DOTAR	Department of Infrastructure, Transport and Regional Development and Local Government	Federal agency incorporating infrastructure, transport system, and assisting regions and local government.
EBP	Eurobodalla Bike Plan	Strategic Plan identifying priorities and localities for cycleways in the Shire.
EIS	Environmental Impact Statement	Required for designated and state developments researching and recommending solutions to social, economic and environmental impacts.
EMP	Estuary Management Plan	Community based plan, following scientific research of hydrology and hydraulics, recommending actions to preserve or enhance social, economic and environmental attributes of estuary
EMS	Environmental Management System	Plans prepared by council (such as waste management and strategic planning) around AS14000.
EOI	Expressions of Interest	Often called in advance of selecting tenders to ascertain capacity and cost of private sector performing tasks or projects on behalf of council.
EP&A	Environment Planning & Assessment Act	State law defining types of development on private and public lands, the assessment criteria and consent authorities.
ESC	Eurobodalla Shire Council	
ESD	Ecologically Sustainable Development	Global initiative recommending balance of social, economic and environmental values in accord with 7 ESD principles.
ESS	Eurobodalla Settlement Strategy	Council strategy prepared with assistance of government to identify best uses and re-uses of urban lands, the appropriate siting of private and public investment (eg institutions, employment areas or high density residential) based on current and planned infrastructure and land capacity.
ET	Equivalent Tenement	Basis of calculation of demand or impact of a single dwelling on water and sewer system.
FAG	Financial Assistance Grant	Federal general purpose grant direct to local government based on population and other 'disability' factors.

Acronym	Meaning	Description
FSR	Floor Space Ratio	A measure of bulk and scale, it is a calculation of the extent a building floor area takes up of an allotment.
GIS	Geographic Information System	Computer generated spatial mapping of land and attributes such as infrastructure, slope, zoning.
IPART	Independent Pricing & Regulatory Tribunal	State body that reviews statutory or government business regulatory frameworks and pricing levels.
IPWEA	Institute Public Works Engineers Australia	Professional association.
IWCMS	Integrated Water Cycle Management Strategy (or Plan)	Council plan identifying risk and social, economic and environmental benefit of proposed augmentation to water, sewer and stormwater systems.
IWMS	Integrated Waste Management (Minimisation) Strategy	Council plan identifying risk and social, economic and environmental benefit of proposed augmentation of waste (solids, effluent, contaminated, liquid trade waste).
LEP	Local Environment Plan	The statutory planning instrument defining the zones and objectives of urban and rural areas.
LGAct	Local Government Act	State law defining the role of Mayor, Councillors, staff, financing, approvals etc.
LGMA	Local Government Managers Australia	Professional association.
LGNSW	Local Government NSW	Representative advisory and advocacy group for councils in NSW.
MOU	Memorandum of Understanding	Agreement in principle between parties (eg council and agency) to achieve defined outcomes.
NPWS	National Parks & Wildlife Service	Now merged into DECCW.
NRM	Natural Resource Management	
NVC	Native Vegetation Act 2003	State law defining means of protection of threatened legislation and approval processes to clear land.
OC	Occupation Certificate	Issued by council or private certifier that building is safe to occupy and in compliance with development conditions and BCA.
OSMS	On site sewage management system	Includes septic tanks, aerated systems, biocycles etc.
PCA	Principal Certifying Authority	The person or organisation appointed by applicant to inspect and certify structures.

Acronym	Meaning	Description
PIA	Planning Institute of Australia	Professional association.
POEO	Protection of the Environment Operations Act	State law outlining standards for emissions and discharges and penalties for pollution.
PoM	Plan of Management (usually for community land)	Council plan nominating type of uses for community land and range of facilities progressively to be provided on land.
PPP	Public Private Partnerships	
PTS	Public Transport Strategy	Council strategy to initiate mechanisms to promote and facilitate public transport (bus, taxi, community transport, cycles) in design of subdivisions, developments and council works.
REF	Review of Environmental Factors	Council examination of risk and social, economic and environmental benefit of proposed works, assessed against state planning, environment and safety laws.
REP	Regional Environment Planning Policy	Outlines compulsory state planning objectives to be observed in development assessment and strategic planning.
RFS	Rural Fire Service	State agency responsible for providing equipment and training for volunteer firefighter brigades, and the assessment and approval of developments in bushfire prone lands.
RLF	Regional Leaders Forum	The group of mayors and general managers representing the councils in the ACR.
RMS	Roads & Maritime Service	State agency responsible for funding, construction and maintenance of state roads, the approval of council works on arterial roads and development applications.
S64	S64 Contributions Plan	Developer contributions plan to enable, with council and state funds, the augmentation of water, sewer and stormwater infrastructure.
S94 S94A	S94 Contributions Plan S94A Contributions Plan Levy Plan	Developer contributions to enable construction of public infrastructure and facilities such as roads, reserves, carparks, amenities etc.
SCG	Southern Councils Group	Political and strategic grouping of councils along the NSW south coast from Wollongong to the border, lobbying government for assistance (eg highways) and resourcing sharing initiatives.
SCRS	South Coast Regional Strategy	Regional Strategy prepared by DoP for ESC, BVSC and part SCC to guide new LEPs.

Acronym	Meaning	Description
SEA	Strategic Environment Assessment	Spatial assessment of environmental constraints of land considered in design and assessment of subdivision and infrastructure. Scientific research behind assessment of capacity of land and waterways in rural residential and urban expansion lands to sustain human settlement.
SEPP	State Environmental Planning Policy	Outlines compulsory state planning objectives.
SNSWLHD	Southern NSW Local Health Districts	State board commissioned with oversight of health care in Highlands, Monaro and Far South Coast.
SoER	State of the Environment Report	Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social, economic and environmental features of the Shire and appropriate responses to address or preserve those issues.
SP	Social Plan	Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social framework of the community, their services and facilities and economic interactions.
.....SP	Structure Plan	Plan promoting landuses and siting of infrastructure and facilities in towns (eg, BBSP – Batemans Bay Structure Plan).
SRCMA	Southern Rivers Catchment Management Authority	State agency commissioned with assessment and monitoring of health and qualities of catchments from Wollongong to the border, and determine directions and priorities for public and private investment or assistance with grants.
STP	Sewer Treatment Plant	Primary, secondary and part tertiary treatment of sewage collected from sewers before discharge into EPA approved water ways or irrigation onto land.
TAMS	Total Asset Management System	Computer aided system recording condition and maintenance profiles of infrastructure and building assets.
TBL	Triple Bottom Line	Commercial term coined to encourage business to consider and disclose social and environmental risk, benefit and costs in the conduct of business to guide investors as to the long term sustainability and ethics of a business. Taken up by Council to record the basis of prioritisation, the review of condition, the monitor of progress and the financial disclosure of preventative or maintenance investment in council based social and environmental activities.
ToR	Terms of Reference	
TSC	Threatened Species Conservation Act 1995	State law governing the protection of nominated species and relevant assessment and development controls.

Acronym	Meaning	Description
WCF	Water Cycle Fund	Combination of water, sewer and stormwater activities and their financing arrangements.
WSUD	Water Sensitive Urban Design	Principle behind the IWCMS and council development codes requiring new developments to reduce demand and waste on water resources through contemporary subdivision and building design.