



AGENDA

Ordinary Meeting of Council

9 February 2021

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

ON TUESDAY 9 FEBRUARY 2021

COMMENCING AT 11.00AM

AGENDA

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

1. WELCOME

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

2.1 Ordinary Meeting held on 8 December 2020 and the Extraordinary Meeting held on 17 December 2020.

3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

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4. MAYORAL REPORTS

MR21/001 Use of Mayoral Executive Instrument3

5. NOTICES OF MOTION

Nil

6. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

7. PETITIONS

Nil

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DR CATHERINE DALE
GENERAL MANAGER

MR21/001 USE OF MAYORAL EXECUTIVE INSTRUMENT

File Ref: S012-T00025

Attachments: Nil

EXECUTIVE SUMMARY

In accordance with Council resolution 20/183, Council recessed during late December 2020 and January 2021. During this time, two decisions were required to be made using the Mayoral Executive Instrument.

In the exercise of the power conferred under section 226 (d) of the *Local Government Act 1993*, I, Councillor, Liz Innes, as Mayor of Eurobodalla Shire, have on behalf of the Council, utilized the powers vested in my role as Mayor under the *Local Government Act 1993* to sign and approve:

1. Allocation of funding from the New South Wales Government under its Regional Tourism Bushfire Recovery Program
2. Activation of field 2 at Mackay Park, Batemans Bay for overflow parking.

I consider the circumstances to involve a case of 'necessity' pursuant to section 226 (d) of the *Local Government Act 1993* and I am satisfied of the necessity to proceed with the action.

1. *Allocation of funding from the NSW Government under its Regional Tourism Bushfire Recovery Program*

Council received advise that it was successful in \$250,000 in grant funding from the New South Wales Government under its Regional Tourism Bushfire Recovery Program with funding administered by Resilience NSW.

This program offers grants to bushfire affected Local Government Authorities across Australia to support the delivery of community resilience and recovery related projects to assist in strengthening the resilience of local communities and to help them bounce back from the summer 2019-20 bushfires.

This funding provides an opportunity to support projects identified as important in bushfire recovery for those of the community impacted by the bushfires.

Council submitted an application to address the highest priority item identified by our fire impacted community and that was 'assistance in the rebuild process'. To this end, council proposed to fund two positions that would effectively perform the role of a 'bushfire concierge' to assist bushfire affected people in navigating the planning and regulatory intricacies of the rebuild process. 25% of the allocated funding was to be dedicated to a small community grants program, and Council proposed that these funds be used to address the oversubscription of the Disaster Recovery Fund, which had resulted in greater than anticipated applications. The following totals were proposed:

Bushfire concierge roles for a fixed period	\$184,985
Disaster Recovery Fund	\$65,015

MR21/001 USE OF MAYORAL EXECUTIVE INSTRUMENT

S012-T00025

2. *Activate field 2 at Mackay Park, Batemans Bay for overflow parking.*

The activation of field 2 for overflow parking resulted in an additional expenditure of up to \$25,000 to establish, maintain de-establish as overflow and then renovate the field. The renovation will involve decompaction and repair (aeration, fertilizing & light top dressing) to be completed post Australia Day weekend.

RECOMMENDATION

THAT Council note the use of the policy-making functions under Section 226(d) of the *Local Government Act 1993* by the Mayor between Council meetings.

GMR21/001 2021 CONFERENCES

**S004-T00019,
S012-T00025**

Responsible Officer: Dr Catherine Dale - General Manager

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: 9.1.2.4 Provide professional development opportunities for Councillors

EXECUTIVE SUMMARY

Council has a commitment to continuing professional development for Councillors. Attendance at sector conferences provides the individual Councillor with new skills and knowledge on particular issues to ensure that they can perform their duties and represent residents to the best of their ability. It also provides Councillors with the opportunity to network and advocate with councillors from other local government areas.

Due to the 2021 Local Government elections caretaker period, conferences scheduled up to 1 August have been included in this report.

To ensure each Councillor is given the opportunity to participate in the conferences that are of interest to them, this report has been prepared outlining a number of conferences known to be available to Councillors until August 2021. The conferences included are:

1. Australia Local Government Women's Association NSW Conference on 18-20 March 2021.
2. Floodplain Management Australia National Conference on 25-28 May 2021.
3. LGNSW Destination and Visitor Economy Conference on 26-28 May 2021.
4. NSW Local Roads Congress on 7 June 2021.
5. National General Assembly (NGA) on 20-23 June 2021.

Under *Councillor's Expenses and Facilities* Policy, Councillors (excluding the Mayor) are entitled to an annual amount of \$3,729.31 per financial year for their professional development. The costs associated with the annual Local Government Association Conference are excluded from this cost.

RECOMMENDATION

THAT:

1. Council determine which Councillors will attend each of the following Conferences being held in 2021:
 - a. Australian Local Government Women's Association NSW Conference on 18-20 March 2021.

GMR21/001 2021 CONFERENCES

**S004-T00019,
S012-T00025**

- b. Floodplain Management Australia National Conference on 25-28 May 2021.
 - c. LGNSW Destination and Visitor Economy Conference on 26-28 May 2021.
 - d. NSW Local Roads Congress on 7 June 2021.
 - e. National General Assembly (NGA) on 20-23 June 2021.
2. Council representatives be reimbursed out of pocket expenses in accordance with the Councillors' Expenses and Facilities Policy.
 3. Councillors are required to provide a written delegates report to Council following the Conference.

BACKGROUND

This schedule of conferences provides the opportunity for Councillors to plan their professional development and keep within the allocated budget.

Due to the 2021 Local Government elections caretaker period, conferences scheduled up to 1 August have been included in this report.

Below is the detailed information of conferences available for Councillors to attend in 2019 in order of when they occur throughout the year.

The **Australian Local Government Women's Association (ALGWA) NSW Conference** is being held on 18-20 March 2021 in Shellharbour City, NSW. The conference is an opportunity to come together and engage in learning and networking that will assist in personal and professional development. The registration cost is \$1,180. The conference program is available at: <https://www.shellharbour.nsw.gov.au/council/nsw-algwa-conference-2021>

The **Floodplain Management Australia National Conference** is being held on 25 – 28 May 2021 at Luna Park, Sydney, NSW. The theme of the conference is "Essential Knowledge for a Flood Resilient Future". The conference and registration brochures will be available closer to the date on the conference website: <https://floodplainconference.com/>

The **LGNSW Destination and Visitor Economy Conference** is being held on 26-28 May 2021 in Port Macquarie, NSW. The conference gives Councillors and Council staff the opportunity to meet, listen to experts and peers, and find out how other councils are engaging and managing their tourism industry. The conference will aim to embrace not just tourism, but also a wider aspect of economic development relevant to regional and metropolitan councils. The conference and registration brochures will be available closer to the date on the conference website: <https://www.lgnsw.org.au/Public/Events-and-Learning/Events/Tourism-Conference/Public/Events/Tourism-Conference/2021/2021-Tourism-Conference.aspx?hkey=9f0774db-e864-4dcc-9d55-54b47fa60c47>

The **NSW Local Roads Congress** is being held on 7 June 2021 at NSW Parliament House in Sydney. The NSW Local Roads Congress provides an annual forum for local community representatives managing our road and freight networks to discuss better outcomes for the safe and efficient movement of passengers and freight across the extensive network of local and regional roads in NSW. Registration for Councillors attending this conference is free with a paying delegate. The Director Infrastructure Services will be attending the Congress as the

GMR21/001 2021 CONFERENCES

**S004-T00019,
S012-T00025**

paying delegate. The conference and registration brochures will be available closer to the date on the congress website: <https://www.ipweansw.org/local-roads-congress>

The **National General Assembly (NGA)** is being held on 20-23 June 2021 at the National Convention Centre in Canberra. This event provides an opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of our councils and our communities. Council is a non-voting delegate of LGNSW. The conference and registration brochures will be available closer to the date on the conference website: <https://alga.asn.au/events/national-general-assembly-2021/>

CONSIDERATIONS

Policy

Council's Councillor's Expenses and Facilities Policy provides that attendance of Councillors at each conference will normally be limited to two. The principle of having one councillor attend will be considered as 'best practice' for attending seminars and conferences. This may be varied from time to time by resolution of Council.

Councillors must provide a written delegate's report to Council following each conference attended, to be eligible to attend any further conference.

Section 232 (1) (g) of the *Local Government Act 1993*, states '*to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor*'.

Financial

Councillors are allocated the annual sum of \$3,729.31 to specifically provide for their professional development.

Council will reimburse or pay registration fees, accommodation, meals, parking, telephone and travel expenses associated with attendance at the conference plus any other reasonable and directly related out of pocket expenses.

Accommodation is restricted to a maximum NRMA 4 ½ star rating and where possible at the conference venue to avoid other costs and inconvenience.

CONCLUSION

It is considered appropriate that Councillors attend conferences throughout the year to enable them to be both knowledgeable and up-to-date on particular issues to ensure that they can perform the duties and represent the residents to the best of their ability.

GMR21/002 INVESTMENTS MADE AS AT 31 OCTOBER 2020

**S011-T00006,
S012-T00025**

Responsible Officer: Scott Westbury - Chief Financial Officer

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 October 2020, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

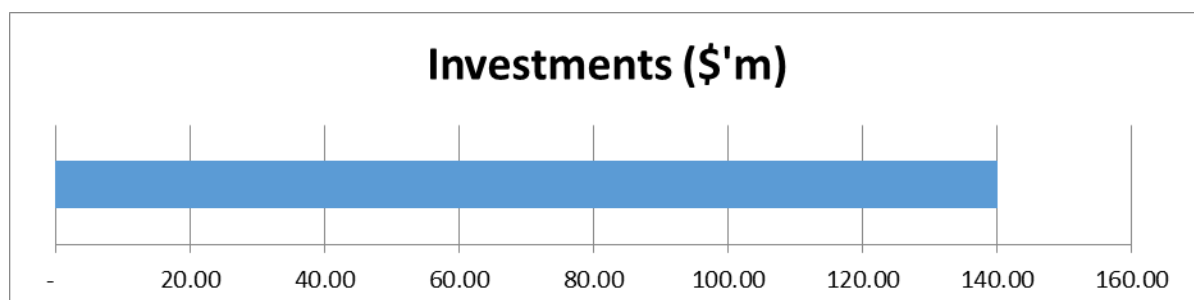
CONSIDERATIONS

Policy

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

Financial

Council investing overall



GMR21/002 INVESTMENTS MADE AS AT 31 OCTOBER 2020

**S011-T00006,
S012-T00025**

Council has \$140.06M (100%) invested in Bank Deposits. The Bank Deposits are held in banks rated A or greater, or covered by the AAA rated Government Guarantee, except for \$36.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments increased by \$6.0M during October 2020 due to normal variations in timing of cash flows.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 26.06% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.50M and represents 1.07% of the portfolio.

There are \$52M (37.13%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 0.92%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (0.32%).

Summary investment information

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

CATEGORY	(\$)
At Call Deposit	22,811,438
Term Deposits	115,750,000
Term Deposits Government Guaranteed	1,500,000
	140,061,438
<i>Weighted average interest %:</i>	0.92%
<i>Average 90 day BBSW + 0.25%</i>	0.32%

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.

GMR21/002 INVESTMENTS MADE AS AT 31 OCTOBER 2020

**S011-T00006,
S012-T00025**

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.07	1.07	100.00
Near risk free	72.87	72.87	100.00
Some limited risk (BBB+)	26.06	26.06	30.00
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 2020 is 3.47:1. Council therefore has approximately \$3.47 of current assets for each \$1 of current liabilities.

CONCLUSION

Pursuant to provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, I hereby certify that these investments have been made in accordance with *the Local Government Act 1993* and related Regulations.

GMR21/003 INVESTMENTS MADE AS AT 30 NOVEMBER 2020

**S011-T00006,
S012-T00025**

Responsible Officer: Scott Westbury - Chief Financial Officer

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 30 November 2020, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

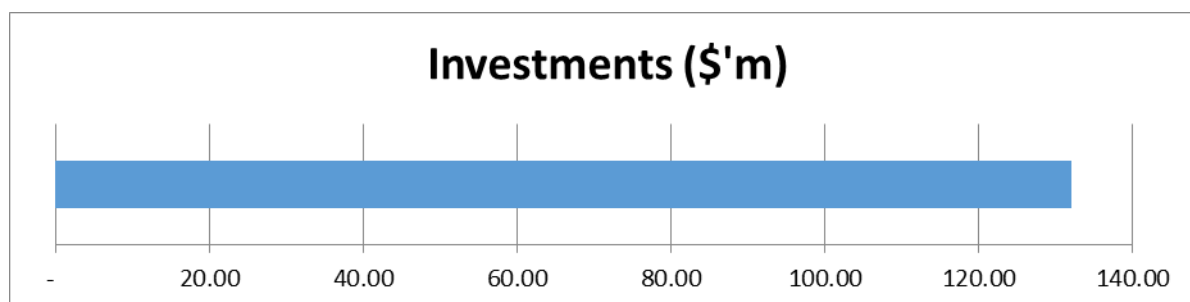
CONSIDERATIONS

Policy

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

Financial

Council investing overall



GMR21/003 INVESTMENTS MADE AS AT 30 NOVEMBER 2020

**S011-T00006,
S012-T00025**

Council has \$132.07M (100%) invested in Bank Deposits. The Bank Deposits are held in banks rated A or greater, or covered by the AAA rated Government Guarantee, except for \$36.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments decreased by \$7.9M during November 2020 due to normal variations in timing of cash flows.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 27.64% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.50M and represents 1.14% of the portfolio.

There are \$50M (37.86%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 0.83%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (0.27%).

Summary investment information

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

CATEGORY	(\$)
At Call Deposit	16,821,040
Term Deposits	113,750,000
Term Deposits Government Guaranteed	1,500,000
	132,071,040
<i>Weighted average interest %:</i>	0.83%
<i>Average 90 day BBSW + 0.25%</i>	0.27%

Policy and liquidity risk

The Investment Policy is divided into two risk categories of credit risk (risk of ultimately not being able to redeem funds) and liquidity risk (risk of loss due to the need to redeem funds earlier than the investment term). Our investments comply with the risk policy as shown in the following table.

GMR21/003 INVESTMENTS MADE AS AT 30 NOVEMBER 2020

**S011-T00006,
S012-T00025**

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.14	1.14	100.00
Near risk free	71.22	71.22	100.00
Some limited risk (BBB+)	27.64	27.64	30.00
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 2020 is 3.47:1. Council therefore has approximately \$3.47 of current assets for each \$1 of current liabilities.

CONCLUSION

Pursuant to provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, I hereby certify that these investments have been made in accordance with *the Local Government Act 1993* and related Regulations.

PSR21/001 CLASSIFICATION OF LAND - BROULEE

**S023-T00001/LAND
ID 40535**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: 9 Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community
Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement for public notification of Council's intention to classify Lot 1 DP 1263337 as operational land in accordance with the *Local Government Act 1993*.

Part of the planning for development in Broulee is for land to be dedicated to Council to accommodate sewer pump stations where required. On registration of the latest plan of subdivision for the area, Lot 1 DP 1263337 was created for that purpose and transferred to Council.

RECOMMENDATION

THAT

1. In accordance with Section 34 of the *Local Government Act 1993*, public notice for a period of twenty eight days, be given of Council's intention to resolve:
 - a. Lot 1 DP 1263337 be classified as operational land.
 - b. A period of 28 days be given for members of the public to make submissions.
2. A further report be presented to Council following the notification period.

BACKGROUND

At the Ordinary Meeting on 26 July 2016, Council resolved that the amended planning proposal (Eurobodalla Local Environment Plan 2012 Amendment No.10 – 'ELEP') for Broulee be endorsed and forwarded to Minister for Planning for a Gateway Determination.

The Minister approved the planning amendment and it was published on 23 June 2017 which now forms part of the ELEP 2012.

The Broulee planning proposal contains inclusions for land to be dedicated to Council to accommodate sewer pump stations to service future development in Broulee.

Deposited Plan 1263337 has been registered creating Lot 1 for a sewer pump station. The land was transferred to Council on 8 December 2020.

PSR21/001 CLASSIFICATION OF LAND - BROULEE

S023-T00001/LAND
ID 40535

CONSIDERATIONS

The land to be classified as operational is shown in the diagram below.



Lot 1 DP 1263337 - Broulee

Legal

As Lot 1 DP 1263337 is to accommodate a sewer pump station it is appropriate for the land to be classified as operational land.

In accordance with Section 34 of the Local Government Act, public notice must be given of Council's intention to classify the land as operational land and allowing not less than 28 days for receipt of written submissions.

<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#sec.34>

Policy

Dedication to Council of Lot 1 DP 1263337, to accommodate a sewer pump station, is in accordance with Council's Land Acquisition and Disposal Policy.

<https://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf>

Environmental

Sewer pump stations are required to service urban expansion.

Asset

The sewer pump station is an asset of Council and will be maintained by Council.

PSR21/001 CLASSIFICATION OF LAND - BROULEE

**S023-T00001/LAND
ID 40535**

Financial

There are no financial costs for the classification of land only.

Community and Stakeholder Engagement

In accordance with the provisions of the *Local Government Act 1993*, Council's intention to classify the land as operational land is required to be publicly notified and any submissions considered prior to making a decision. The notice will be placed in the local newspaper and on council's website and public comment will be received for a period of 28 days.

CONCLUSION

This report recommends that public notification be undertaken of Council's intention that Lot 1 DP 1263337 be classified as operational land as the property is to accommodate sewer infrastructure. A further report will be presented to Council following the notification period.

PSR21/002 LICENCE FOR FOOTPATH TRADING - BATEMANS BAY

**S023-
T00028/LAND:17550**

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

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's determination for an exemption to Council's Footpath Trading Code and the approval of a licence to permit a trade zone for the display of goods for sale.

Charlie's Tool Time has requested a licence for the display of goods on the footpath adjacent to the boundary of its new premises at 34A Orient Street, Batemans Bay.

The proposal does not comply with the provisions of Council's Footpath Trading Code (the Code) which in most cases requires any footpath trading to be carried out adjacent to the kerb as opposed to adjacent to the premise's boundary however the 2m pedestrian zone required can be accommodated in the middle of the path and is well within the flexibility allowed under the Code.

It is considered reasonable that a variation to the Code be allowed and a three-year licence granted to Charlie's Tool Time.

RECOMMENDATION

THAT

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone for display of goods for sale to be adjacent to the boundary of 34A Orient Street, Batemans Bay.
2. A licence be granted to Charlie's Tool Time with terms and conditions including:
 - (a) A three year term
 - (b) Payment of a rental fee in accordance with Council's fees and charges
 - (c) Payment of an annual licence administration fee in accordance with Council's fees and charges
 - (d) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period
 - (e) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code

PSR21/002 LICENCE FOR FOOTPATH TRADING - BATEMANS BAY

**S023-
T00028/LAND:17550**

BACKGROUND

Charlie's Tool Time has an existing licence for a display area adjacent to the boundary of its former premises at 34E Orient Street, Batemans Bay.

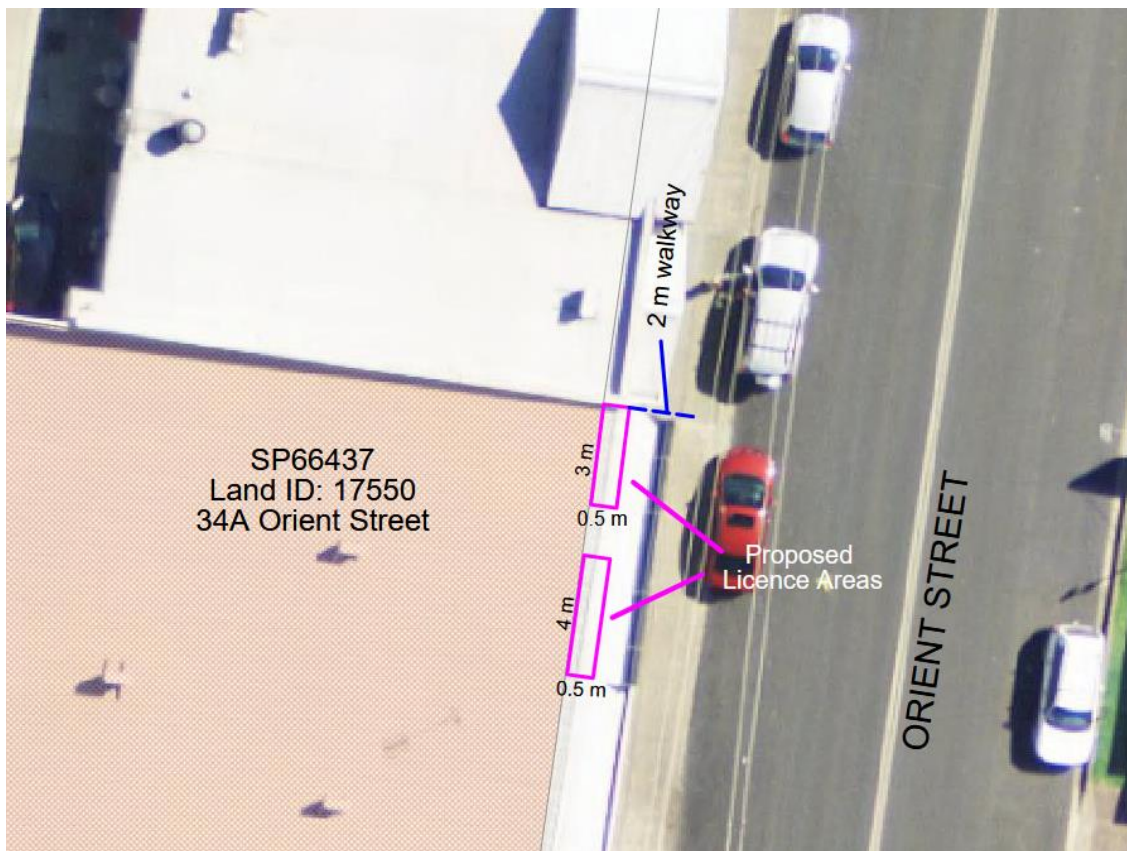
The business has relocated the short distance to 34A Orient Street and have requested a licence for an area adjacent to the boundary of their new shop.

CONSIDERATIONS

The Code was developed on the basis of best practice in ensuring safe and unhindered access for all pedestrians, including those with impaired sight. The Code requires the pedestrian zone to extend from the building line or shopfront of the premises for a minimum of 2m.

In this instance, it is considered reasonable to place the display stands adjacent to the building whilst maintaining a pedestrian zone of 2m which can be accommodated in the middle of the path and follows the general thoroughfare of the footpath. This is consistent with the approved licence at the previous premises.

The area is shown below:



PSR21/002 LICENCE FOR FOOTPATH TRADING - BATEMANS BAY

**S023-
T00028/LAND:17550**



Legal

In accordance with Section 125 of the *Roads Act 1993*, Council can give approval for footpath trading and grant a licence over part of a public road for which Council is the Roads Authority.
www.legislation.nsw.gov.au/#/view/act/1993/33/part9/div1/sec125

Policy

Council adopted its Footpath Trading Code in August 2010 which in most cases, requires any footpath trading, either outdoor eating or display of goods to be carried out adjacent to the kerb as opposed to adjacent to the business boundary.
www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Footpath-Trading-Code.pdf

There is no legislative requirement preventing an exemption to the Code.

Financial

A licence fee in accordance with Council's adopted fees and charges for commercial use of public land within our Shire will apply.

Community and Stakeholder Engagement

Council's Engagement Planning Tool and relevant legislation have been used to determine the best approach to engagement on this matter. Footpath trading licences are granted under Section 125 of the *Roads Act 1993* and Council's Footpath Trading Code. They do not include a requirement to let the community know through public notice, or to seek feedback through public exhibition. If the licence is granted, the potential impact on the community is considered minimal and engagement activities are not considered necessary.

CONCLUSION

The proposal to display goods for sale on the footpath adjacent to 34A Orient Street, Batemans Bay does not comply with Council's Footpath Trading Code. However, an exemption to the Code permitting the trade area adjacent to the premises boundary, will allow for continued

PSR21/002 LICENCE FOR FOOTPATH TRADING - BATEMANS BAY

**S023-
T00028/LAND:17550**

safe and unhindered access for pedestrians. The additional trading space will allow development of the business and enhance its financial viability.

Allowing an exemption to the Code and granting of a three year licence is considered reasonable. This report is presented to Council for a variation to the Code and a licence to Charlie's Tool Time to be approved for a three year term.

**IR21/001 FUNDING OFFER - 2020-21 NSW RURAL FIRE FIGHTING FUND
ALLOCATIONS**

S014-T00014

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. 2020-21 NSW Rural Fire Fighting Fund hazard reduction sites

Outcome: Protected and Valued Natural Environment

Focus Area: 3.1 Respond to our changing environment and build resilience to natural hazards

Delivery Program Link: 3.1.3 Collaborate with agencies and emergency services to support coordinated emergency management

Operational Plan Link: 3.1.3.2 Undertake fire mitigation program on Council controlled land

EXECUTIVE SUMMARY

Council has been successful in securing \$125,100 in funding from the NSW Rural Fire Service under its 2020-21 NSW Rural Fire Fighting Fund Allocations.

The Rural Fire Fighting Fund is an annual round of NSW Government funding that assists councils to undertake bush fire mitigation works to improve resilience in our community to future fire seasons. This funding will assist Council to work towards meeting the objectives of the Eurobodalla Bush Fire Risk Management Plan and maintain Asset Protection Zones by undertaking additional fire mitigation vegetation works involving hand clearing and grooming of Council managed lands.

Works will be carried out this financial year. This offer provides 100% funding towards the project. No additional allocation of Council funds is required.

RECOMMENDATION

THAT Council endorse action taken in accepting the funding offer of \$125,100 from the NSW Rural Fire Service under the 2020-21 NSW Rural Fire Fighting Fund Allocations.

BACKGROUND

The Eurobodalla Shire covers approximately 3,429 square kilometres with a significant proportion of this area identified as bush fire prone land. There are approximately 1,200 parcels of Public Reserve and Crown Land under Council's care and control in both urban and rural environments totaling approximately 2,500 hectares.

It is the duty of a public authority (Council, National Parks and Wildlife Service, NSW Forestry Corporation, Department of Industry - Lands), owner or occupier to undertake maintenance and management of land under their care or control in order to mitigate bush fire risk under the Rural Fires Act 1997.

The Eurobodalla Bush Fire Management Committee in accordance with the Rural Fires Act 1997 prepared the Eurobodalla Bush Fire Risk Management Plan. The plan identifies the levels of risk across the Eurobodalla local government area and establishes coordinated hazard reduction zone strategies which responsible land management authorities implement in order to manage bush fire risks.

**IR21/001 FUNDING OFFER - 2020-21 NSW RURAL FIRE FIGHTING FUND
ALLOCATIONS**

**S014-
T00014**

Council allocates funds each year to address fire risks on land under its control and this work is undertaken on a priority basis. Council pursues funding from the NSW Government to help achieve additional risk mitigation works.

The approved 2020-21 Rural Fire Fighting Fund Hazard Reduction works list for Eurobodalla is attached.

CONSIDERATIONS

The Rural Fire Fighting Fund assists Council to undertake bush fire mitigation works that contribute to a safer community. This funding will assist Council to work towards meeting the objectives of the Eurobodalla Bush Fire Risk Management Plan and maintaining Asset Protection Zones by undertaking additional fire mitigation vegetation works involving hand clearing and grooming of Council managed lands.

Policy

The Eurobodalla Bush Fire Risk Management Plan supported this successful funding application.

Social Impact

The proposed fire mitigation works contribute to increased resilience in our community by reducing fuel build up in Asset Protection Zones.

The Rural Fire Service is responsible for ongoing education of the community, with a particular focus on householders undertaking preparations of their own property and developing their own specific bushfire plan. The RFS website provides substantial information in this regard: <https://www.rfs.nsw.gov.au/plan-and-prepare/bush-fire-survival-plan> .

Financial

This project is being funded by the NSW Rural Fire Service and provides 100% funding. No additional allocation of Council funds is required.

CONCLUSION

The support of the NSW Rural Fire Service through the Rural Fire Fighting Fund is highly valued. The acceptance of this funding will make a positive contribution in improving Asset Protection Zones in urban interface areas, to assist in mitigating the risk of bush fires to our community.

Approved RFFF Hazard Reduction - 2020-21

Appendix B

Council: EUROBODALLA

ID	BRIMS HR#	LGA	Title	Selected Methods	Total Ground Cost
FUND2020052611492	HR08051730454	Eurobodalla	ESC Reserve Sth DurrasPin 15857 Handclear between Village & Banyandah	Mechanical Polygon 1	\$3,000.00
FUND2020052511491	HR14052768647	Eurobodalla	ESC Reserve Pin 20419 FMNG027 76-128 Edward Rd Batehaven	Mechanical Line 1	\$500.00
FUND2020052511490	HR07061924259	Eurobodalla	ESC ReservePin 389 Penguin, Heron, Sandpiper FMNS016 017 018 Slash FMNG025 026 Groom	Mechanical Line 5, Mechanical Line 6	\$700.00
FUND2020052511489	HR11112956070	Eurobodalla	FMNG18 Groom ESC Reserve 36-58 Calga Cres Catalina PIN243	Mechanical Line 1	\$500.00
FUND2020052511488	HR12032758034	Eurobodalla	ESC PIN 35163 FMNG20 Tallgums Way Surfbeach	Mechanical Line 1, Mechanical Polygon 1	\$400.00
FUND2020052311484	HR06101321040	Eurobodalla	ESC Reserve 31854: FMNG2, FMNG3 BESIDE NO.6 BEHIND 9-47 COURTENAY CRES LONGBEACH	Mechanical Line 2, Mechanical Line 1	\$500.00
FUND2020052311483	HR07080725137	Eurobodalla	ESC RESERVE: FMGROOM 21-25, 33 HILLCREST AVE PIN 32704 8359	Mechanical Line 1	\$500.00
FUND2020052311482	HR07080725146	Eurobodalla	ESC RESERVE PIN 16504 FMNH006 H/CLEAR BEHIND 35-51 HILLCREST	Mechanical Line 2	\$3,500.00
FUND2020052311481	HR07061924255	Eurobodalla	ESC Reserve: FMNS011 56 Karoola to 17 landra FMNH074 14-20 Karoola Surfside. Pin 10590	Mechanical Line 2	\$3,500.00
FUND2020052311480	HR08093033371	Eurobodalla	ESC Reserve PIN 552 Hron Rd & Gannet Plc Catalina FMNHC55	Mechanical Line 1	\$2,500.00
FUND2020052311479	HR09050837267	Eurobodalla	ESC Reserve PIN 14040 Penthouse Plc North Batemans Bay	Mechanical Line 1	\$2,000.00
FUND2020052311478	HR07061921892	Eurobodalla	ESC Reserve: FMNS12 FMNHC8 Penthouse Pl Nth B'Bay 14040	Mechanical Polygon 2	\$2,000.00

Sunday, 13 December 2020

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ID	BRIMS HR#	LGA	Title	Selected Methods	Total Ground Cost
FUND2020052311477	HR08092533251	Eurobodalla	ESC Reserve Pin 28104 Warragai Pl Lilli Pilli FMNHC54	Mechanical Line 1	\$3,000.00
FUND2020052311476	HR07080625040	Eurobodalla	ESC RESERVE: FMNHC23 H/CLEAR SYLVAN ST GEORGE B DR PIN 25205	Mechanical Line 1	\$4,000.00
FUND2020052311475	HR07060524125	Eurobodalla	ESC Reserve: FMNHC1 FMNS1 Slash Mill Close Hand Clear Village Rd	Mechanical Line 2	\$2,500.00
FUND2020052311474	HR06110721399	Eurobodalla	ESC RESERVE LONGBEACH 10044,9131,5101; FMNHC4/5/6 HANDCLEAR FAUNA AVE	Mechanical Line 2,Mechanical Line 3	\$2,500.00
FUND2020052311473	HR08093033369	Eurobodalla	FMCHC8 Crest Cres Moryua Heads	Mechanical Line 1	\$3,000.00
FUND2020052311472	HR07080625074	Eurobodalla	ESC RESERVE: FMCHC2 FMCHC3 GROVE PL NEXT TO 267 STH HEAD RD PIN 12170 12169	Mechanical Line 1,Mechanical Line 2	\$4,000.00
FUND2020052311471	HR07080725130	Eurobodalla	ESC RESERVE:FMSS22 FMSC9 H/CLEAR SLASH BETW MACULATA & COASTAL PIN 12277	Mechanical Polygon 1	\$3,500.00
FUND2020052311470	HR07080725125	Eurobodalla	ESC RESERVE: FMSS21 FMSC8 H/CLEAR SLASH BETW EUCALYPTUS & MACULATA PIN 24256	Mechanical Polygon 1	\$3,000.00
FUND2020052311469	HR07080725132	Eurobodalla	ESC RESERVE & LO ESC: FMSC10 H/CLEAR STH SIDE OF COASTAL COURT	Mechanical Polygon 1	\$2,500.00
FUND2020052311468	HR14090369744	Eurobodalla	ESC Reserve PIN 23094 FMNH07621 Cooks Cres Rosedale	Mechanical Polygon 1	\$1,000.00
FUND2020052311467	HR07080625055	Eurobodalla	ESC RESERVE: FMNHC29 H/CLEAR 48-52 TRANQUIL BAY RD 23094	Mechanical Line 1	\$3,000.00
FUND2020052311466	HR08051730452	Eurobodalla	ESC Reserve Pin 11215 FMNHC26 Nth Side of Yowani East of Dale	Mechanical Line 1	\$3,000.00
FUND2020052311465	HR07080625061	Eurobodalla	ESC RESERVE: FMNHC34 H/CLEAR BEHIND 40,42 & 22 BETW 26-28 BEACH PDE PIN 5535	Mechanical Line 4	\$3,000.00

ID	BRIMS HR#	LGA	Title	Selected Methods	Total Ground Cost
FUND2020052311464	HR08051430415	Eurobodalla	ESC Reserve Priority 1 FMNHC44 North Side of 54-92 Burri Pt Rd	Mechanical Line 2,Mechanical Line 1	\$6,500.00
FUND2020052311463	HR08051430413	Eurobodalla	ESC RESERVE AND LO ESC: FMNHC31 FMNHC32 H/CLEAR 31-91 BURRI PT RD INCL SHAW PL PIN5590 & LO ESC	Mechanical Line 1,Mechanical Line 2,Mechanical Line 3	\$5,000.00
FUND2020052211462	HR08051630450	Eurobodalla	ESC Reserve Pin 5575 FMNHC30 Handclear 3-29 Burri Pt Rd	Mechanical Line 1	\$4,500.00
FUND2020050211114	HR07080625075	Eurobodalla	ESC RESERVE: FMSHC1 FMSHC4 FMSS4 H/CLEAR SLASH WINSTON & VIEW PT CRES 12254	Mechanical Line 2,Mechanical Line 1,Mechanical Line 3	\$3,000.00
FUND2020050211113	HR06050116407	Eurobodalla	ESC Reserves: FMNH053 FMNH081 Sunshine Bay	Mechanical Polygon 1	\$3,000.00
FUND2020050211112	HR18030883467	Eurobodalla	ESC Reserve Pin 14114 FMNH091 Link Rd Lilli Pilli	Mechanical Line 1,Mechanical Line 2	\$4,000.00
FUND2020050211111	HR07080725154	Eurobodalla	ESC CROWN RESERVE: FMSHC7 H/CLEAR THE LOOP & GEM CRES PIN 17364 17179	Mechanical Line 1,Mechanical Line 2	\$2,500.00
FUND2020050211110	HR07080625076	Eurobodalla	ESC RESERVE: FMSS3 FMSHC2 FMSHC3 h/CLEAR AND SLASH CORAL CRES TO TRAFALGAR PIN 12237	Mechanical Line 4,Mechanical Line 2	\$2,500.00
FUND2020050211109	HR11060151914	Eurobodalla	ESC Reserve FMNH14 Reader Pl Mystery Bay PIN16430	Mechanical Line 1	\$3,500.00
FUND2020050211108	HR08051730457	Eurobodalla	ESC Op LAnd Mystery Bay Pin 16445 FMSHC12 2-12 Johnston Way	Mechanical Line 1	\$2,500.00
FUND2020050211107	HR12062559772	Eurobodalla	ESC Reserve Pin 12773 & 34213 FMNH67 Explorers Way - Flinders Way Surfbeach	Mechanical Line 1	\$3,000.00
FUND2020050211106	HR10082445610	Eurobodalla	FMNH64 ESC Reserve 5-15 Paul Plc Batehaven PIN 811	Mechanical Line 1	\$2,500.00

ID	BRIMS HR#	LGA	Title	Selected Methods	Total Ground Cost
FUND2020050211105	HR07112226779	Eurobodalla	ESC RESERVE: P3 FMNHC47 H/CLEAR 24-38 DOMINIC DR TO 40 GRANTHUM PIN 811	Mechanical Line 1	\$2,500.00
FUND2020050211104	HR08051430412	Eurobodalla	ESC Reserve FMNHC42 Cooks Ave & Cox Plc PIN 12668&29700	Mechanical Line 1,Mechanical Line 2	\$2,000.00
FUND2020050211103	HR07080625030	Eurobodalla	ESC RESERVE: FMNHC18 HANDCLEAR BEHIND STURT PL & KENNEDY CRES 12571	Mechanical Line 1,Mechanical Line 2,Mechanical Line 3,Mechanical Line 4,Mechanical Line 5	\$5,000.00
FUND2020050211102	HR07061924268	Eurobodalla	ESC Reserve: FMNHC14 FMNHC15 FMNS29 Edward Matthew Glenella Pin 29872 10597	Mechanical Line 1,Mechanical Line 2	\$6,000.00
FUND2020050211101	HR07080625038	Eurobodalla	ESC RESERVE PIN 3874 FMNH022 52 KAROO ST	Mechanical Polygon 1	\$2,500.00
FUND2020050211100	HR15082173595	Eurobodalla	ESC Reserve Pin 17691 FMNH086 Currell Cl Malua Bay	Mechanical Line 1	\$2,500.00
FUND2020050211099	HR08051330396	Eurobodalla	ESC Reserve 4227 FMHC21 & FMNS36 Kobada Ave Lilli Pilli	Mechanical Line 2,Mechanical Line 1	\$2,500.00
FUND2020050211098	HR07080625034	Eurobodalla	ESC RESERVE: FMNHC19 HANDCLEAR BEHIND 3-15 ELOUERA 3-29 OTAMA PIN 24264	Mechanical Line 1,Mechanical Line 2	\$2,000.00
Totals					\$125,100.00

**IR21/003 REQUEST FOR TENDER NO. 2021 - 003
CONSTRUCTION OF A SLUDGE DRYING BED AT KIANGA SEWAGE
TREATMENT PLANT**

**S029-
T00004**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - RFT No. 2021-003 Construction of Sludge Drying Bed
Kianga STP

Outcome: 4 Sustainable Living

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

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

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

EXECUTIVE SUMMARY

A requirement exists for construction works to increase the treatment capacity and improve treatment efficiency within the existing Kianga Sewage Treatment Plant.

This report provides an evaluation of the offer received in response to Request for Tender (RFT) No. 2021-003 for the Construction of a Sludge Drying Bed at Kianga Sewage Treatment Plant, and provides a recommendation that Council does not accept any tender, and enters into direct negotiations with a qualified, experienced provider to contract the works.

RECOMMENDATION

THAT:

1. Council does not accept any tender for Tender No. 2021-003 Construction of a Sludge Drying Bed at Kianga Sewage Treatment Plant;
2. Pursuant to Clause 178 (3)(e) of the Local Government General Regulation 2005, Council enters into negotiations with any person (whether or not the person was a tenderer) for the Construction of a Sludge Drying Bed at the Kianga Sewage Treatment Plant; and,
3. Council delegates authority to the General Manager to enter into a contract for the Construction of a Sludge Drying Bed at the Kianga Sewage Treatment Plant.

BACKGROUND

The Kianga Sewage Treatment Plant (STP) was constructed in the 1970's and last upgraded in the 1980's. It provides sewage treatment for the towns of Narooma, North Narooma, Kianga and Dalmeny. The plant has a nominal design capacity of 8,000 Equivalent Population (EP).

Capacity of the existing sludge drying bed is to be increased to improve the current dewatering operation and to cater for future loads. A new sludge drying bed is to be constructed to the west of the existing drying bed and sludge lagoon at the STP.

RFT No. 2021-003 was advertised on 4 December 2020 with a closing date of 12 January 2021. Only one offer was received, which was assessed in accordance with the Tender Evaluation Plan.

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

**IR21/003 REQUEST FOR TENDER NO. 2021 - 003
CONSTRUCTION OF A SLUDGE DRYING BED AT KIANGA SEWAGE
TREATMENT PLANT**

**S029-
T00004**

CONSIDERATIONS

Legal

RFT No. 2021-003 for the Construction of a Sludge Drying Bed at Kianga Sewage Treatment Plant was advertised in accordance with clause 167 of the Local Government (General) Regulation 2005 and the *Local Government Act 1993*.

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

Before tender assessment was undertaken, a formal Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee.

The offer submitted by the tenderer has been assessed as not representing good value for money for Council in comparison to the pre-construction estimate.

Section 178 of the NSW Local Government General Regulation 2005 requires that:

After considering the tenders submitted for a proposed contract, the council must either—

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
- (b) decline to accept any of the tenders.

A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following—

- (a) postpone or cancel the proposal for the contract,
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
- (f) carry out the requirements of the proposed contract itself.

Policy

Procurement was undertaken in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2006 and the *Local Government Act 1993*.

**IR21/003 REQUEST FOR TENDER NO. 2021 - 003
CONSTRUCTION OF A SLUDGE DRYING BED AT KIANGA SEWAGE
TREATMENT PLANT**

**S029-
T00004**

Environmental

The works are designed to increase the treatment capacity of the sludge dewatering processes within the plant. The completed works will meet future population demand and maintain existing environmental outcomes.

Financial

Funding is available within the existing sewer fund capital budget and sewer fund reserves pending a future successful contract being awarded by negotiation.

Community and Stakeholder Engagement

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

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the tenderer has been assessed as not representing good value for money.

This report recommends that Council does not accept the submitted tender, and approves entering into direct negotiations with a qualified, experienced provider to contract the works.

CAR21/001 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATION

S003-T00034

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

Attachments: 1. Attachment: BBay Sculpture Walk Map

Outcome: 2 Celebrated Creativity, Culture and Learning

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

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

Operational Plan Link: 2.1.1.1 Co-ordinate the Public Art Advisory Committee and associated projects

EXECUTIVE SUMMARY

In a briefing to Council on 16 June 2020 the Public Art Advisory Committee (PAAC) recommended that they work collaboratively with Sculpture for Clyde (SFC) to formalise their vision for the sculpture walk on the Batemans Bay foreshore. This briefing is to provide background information on the Visioning Workshop that was conducted in 2020.

The foreshore sculpture walk is a result of the acquisitive program through the SFC event. It has been established as a significant art prize and six (6) sculptures have been acquired and installed through this annual program since 2017.

A draft vision statement was distilled from the workshop discussion and a map prepared for potential sculpture sites. This collaborative work will assist SFC in the assessment and selection of the event's winner and facilitate Eurobodalla Shire Council's Public Art process.

RECOMMENDATION

THAT Council

1. Endorse the sites Lot 8 DP236342, Lot 12 DP870049, Lot 6 DP1041103, Lot 330 DP720886, Lot 7 DP1041103 for sculptures for future Sculpture for Clyde acquisitional gifts as indicated on the attached map
2. Support the recommendation to include a member of the PAAC as a member of the judging panel for the Sculpture for Clyde acquisitional prize.

BACKGROUND

The SFC event has been held in August each year since 2017. The driving motivation behind the event was to create a sculpture walk on the Batemans Bay foreshore to activate the area and serve as a cultural attraction to tourists and locals alike. SFC has proved to be a worthwhile event, however the need for clarity around the sculpture walk proposal has presented Council with some challenges in relation to post-event sculpture placement.

In 2020, COVID restrictions saw the postponement of the event. While this was disappointing for the organisers, it allowed time for some collaborative planning to take place ahead of the event resuming in 2021.

Members of the PAAC met with the SFC committee to map out the vision and parameters of the Batemans Bay foreshore sculpture walk in a visioning workshop. Preliminary work had already been done to identify future sites along the walkway that originates at the Batemans

CAR21/001 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATION

S003-T00034

Bay CBD, when the group met. The group used existing and draft masterplans for the Batemans Bay foreshore from the CBD to Observation Point as context for the discussions.

The group considered the following questions:

- What is the Vision for the sculpture walk?
- Where does the sculpture walk start and end?
- What will the sculpture walk look like?

A draft Vision statement was distilled and agreed upon by both SFC and the PAAC:

A viable, quality sculpture experience that attracts all kinds of people to visit and indulge in the Batemans Bay foreshore.

It was agreed that the sculpture walk will start at Mackay Park and end at Observation Point, following the foreshore of the Clyde River and Beach Road.

The Sculpture walk would:

- Consist of about eight pieces in the short term, and extend further along the Clyde in the future as more pieces are installed
- Follow the foreshore, given it is the most significant amenity
- Include gateway pieces (Clyde Street, North Street and Beach Road) and commissioned bridging pieces to assist with accessibility
- Be people friendly
- Have potential to commission individual pieces allowing for artists to respond to sites
- Would enhance to CBD aesthetic value.

CONSIDERATIONS

Placing sculptures acquired by open competition, that have not been made with a site in mind, will always present challenges. The identification and approval of a range of sites prior to the event will assist the judges in matching suitable sculptures with appropriate sites and help minimise these difficulties. The PAAC and SFC have collaboratively agreed on a variety of sites through the visioning process to accommodate a greater array of scale, themes, textures and materials within the artwork acquisition process. These sites have been identified within the context of Council planning for the Batemans Bay foreshore, and other uses of the area have been taken into consideration.

The following sites have been identified for potential SFC acquisition installation:

1. Lot8 DP236342 – medium scale artwork
2. Lot 12 DP870049 – large scale artwork behind the Marina roundabout
3. Lot 6 DP1041103 - medium scale artwork to the right of Hanging Rock Place
4. Lot 330 DP720886 - medium scale artwork at the entrance of the beach pathway
5. Lot 7 DP1041103 -
 - Joes Creek - series of small works
 - Corrigan's beach - a large scale artwork at the raised area to the left of the main carpark entrance

CAR21/001 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATION

S003-T00034

- Corrigan's beach - a large scale work at the entrance to the beach path
- Corrigan's beach - a medium scale work to the right of the main carpark entrance.

The PAAC supports these sites for future sculpture acquisitions by SFC.

The PAAC continues to support a member of the committee being part of the judging panel for the SCF event in order to support the best outcomes for public art in Eurobodalla and will continue to advocate for that to occur.

Policy

All endorsed sites will require Council to conduct a Native title assessment prior to placement.

Asset

Council can expect to receive a yearly gift from the Sculpture for Clyde event for the Batemans Bay foreshore areas. As such, Council will be expanding its collection of cultural/arts assets that will require consideration and whole-of-life maintenance.

Agreements with the Sculpture for Clyde committee include the provision by the group for installation and lighting costs when gifting the piece to Council with Council assuming the maintenance and insurance responsibilities once the gifted piece is accepted.

Social Impact

To date, Council has accepted five sculptures for the inception and development of a sculpture walk. The inclusion of the quality sculptures on the Batemans Bay foreshore has provided a drawcard to the area for engagement in art and the urban area.

The artwork adds to the creative ecology of the precinct and is an opportunity to assist wellbeing of visitors and locals by improving the visual aesthetic.

Economic Development Employment Potential

The SFC event was developed by the Batemans Bay Chamber of Tourism and Commerce as a means of attracting more visitations to the CBD area and improve Batemans Bay foreshore amenity. The development of the sculpture walk has seen a number of key pieces installed with new infrastructure projects in the Bay preparing to also contribute sculptural assets to the 'walk' in the CBD. The sculptures are providing opportunities for artists and aiming to attract more visitors to the area.

Community and Stakeholder Engagement

We have consulted with the community by seeking feedback via street meetings; focus groups; community workshops and conversations for the development of the draft Public Art Strategy that is yet to be adopted by Council.

We have collaborated with the community by seeking advice, ideas, and recommendations from Council's Public Art Advisory Committee and working in partnership with the Sculpture For Clyde Committee.

CAR21/001 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATION

S003-T00034

CONCLUSION

Council staff have been working closely with the Sculpture For Clyde Committee to reach agreement on the placement of sculptures and to determine a vision for the desired sculpture walk. Field trips and workshop activities have resulted in the development of the proposed locations for future sculptures ensuring that a range of sizes and forms are accommodated.

The agreed options will provide choice and flexibility well in advance of future gifts from the committee. Moreover, having a range of pre-approved sites will support a smoother process and cement a shared direction for the sculpture walk.



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On 30/10/2020



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Scale 1:13891 at A3

CAR21/002 COMMUNITY, ARTS AND RECREATION FUNDING UPDATE

S026-T00012

S003-T00005

S003-T00008

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

Attachments: Nil

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.5 Retain our unique identity, relaxed lifestyle options and community connections

Delivery Program Link: 1.5.1 Strengthen community connections through community development initiatives

Operational Plan Link: 1.5.1.2 Develop and promote local community activities

EXECUTIVE SUMMARY

This report will provide Council with the background information to note and accept several external funding extensions, grants and terms offered to Council to support Children's Services, Community Care and Creative Arts Services.

A total of \$328,000 plus CPI has been offered by the Australian government via the Department of Social Services Families and Children Program to extend the 3Bs Supported Playgroup project for a further 24-month period from July 2021 to 30 June 2023.

The NSW government via Transport for NSW are offering a variation to the existing contract with Community Care Services with funding total of \$809,025.50 to extend the Commonwealth Home Support Program (CHSP) transport component for older people (\$686,630.50) and the Community Transport Program for those who are transport disadvantaged (\$122,395), from 1 January 2020 until 30 June 2022.

Creative Arts Services has also secured a grant of \$2,384 from Create NSW via the Country Arts Support Program (CASP) to support a project to help local artists impacted by the bushfires to present three exhibitions, enabling the sale of artworks.

This is a total of \$1,139,409.50 of external funding to the Council that directly supports services, events and employment in the local community.

RECOMMENDATION

THAT Council

1. Note the acceptance of \$809,025.50 to continue existing services until June 2022 for the Commonwealth Home Support Service from Transport for NSW;
2. Note the acceptance of \$328,000 to continue existing services until June 2023 for the 3Bs Supported Playgroup; and
3. Accept the funding offer of \$2,384 for the artist support project from the Create NSW Country Arts Support Program.

CAR21/002 COMMUNITY, ARTS AND RECREATION FUNDING UPDATE

S026-T00012
S003-T00005
S003-T00008

BACKGROUND

3Bs Supported Playgroup

Council's 3Bs Supported playgroup is an early intervention and prevention project. It has been operating for the past 5 years and value adds to the services for children and families already provided by Council.

The 3Bs program has run over 1,260 playgroups and 50 community activities/events over the past five years, providing playgroups of information and activities for transition to school for 2,560 families, including a number of families who have stayed in 3Bs playgroup since 2015. The service operates in 13 locations, including Broulee, Wallaga Lake, Surfside, North Batemans Bay, Dalmeny, Tomakin, Nelligen, Moruya, Mogo, Bodalla, Sunshine Bay and Tuross Head, supported by professional early childhood educators.

The project provides additional services to local families, with a focus on hard-to-reach families with pre-school aged children. Program delivery focuses on addressing the need for improved school readiness and supporting parental capacity.

A 12-month extension of the program to 30 June 2021 was offered and approved by Council in April 2020, with a second extension for a further 24 months to 30 June 2023 being offered late in 2020.

Community Care

Council provides the Commonwealth Home Support program (CHSP) to older people who require support to maintain independence in their own homes and stay connected to the community. These include components for individual and group social support, respite, and transport.

The Federal Government is reviewing the aged care sector funding models, including a proposed transition over time which will encompass all components of the CHSP program. This offer now aligns the transport support component with the term dates and agreements for funding agreements already in place for other Community Care CHSP services.

Creative Arts

Many artists were impacted by the Black Summer bushfires of 2019-2020. The Creative Arts team applied for a quick turn-around grant opportunity to support some impacted artists with funds to cover hall hire and brochure production. This will enable the artists to run three exhibitions to promote and sell their works. The hall hire times will coincide with Bas closures between scheduled exhibitions, providing a creative and commercial opportunity for the artists and additional arts exhibition opportunities for the community.

CONSIDERATIONS

Economic Development Employment Potential

The extension of external funds will provide extended job security to the range of staff, contractors and local business operators who provide and/or support services via the programs. The programs serve to maintain community wellbeing, with participants able to remain connected, participating in the community and the local economy.

CAR21/002 COMMUNITY, ARTS AND RECREATION FUNDING UPDATE

S026-T00012

S003-T00005

S003-T00008

The CASP grant will support several artists to develop creative works and secure an income via the sale of artworks at the exhibitions.

Financial

For Children's Services and Community Care, the funding offers are to extend existing services without the need to apply for funds for the programs. Council was required to accept the extension funds by the dates provided by the departments prior to Christmas 2020.

The CASP grant for the arts was notified late December for this new project, with endorsement of this small grant required by Council prior to acceptance.

No Council funds are required.

Community and Stakeholder Engagement

We will inform the community by providing the information on Council's website and through various communication channels when promotion is appropriate.

CONCLUSION

Council's reputation for providing quality services and programs for the community has resulted in the offer of funds to continue two programs and the opportunity to establish and implement a new one.

All programs will support residents in our community and serve to support the wellbeing of a range of target groups.

15. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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.