



AGENDA

Ordinary Meeting of Council

13 December 2022

Statement of Ethical Obligations

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

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

ON TUESDAY 13 DECEMBER 2022

COMMENCING AT 12.30PM

AGENDA

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

1. WELCOME

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Ordinary Meeting held on 22 November 2022

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

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6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

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WARWICK WINN
GENERAL MANAGER

**GMR22/116 PRESENTATION OF ANNUAL FINANCIAL STATEMENTS FOR YEAR
ENDED 30 JUNE 2022**

**S011-
T00002**

Responsible Officer: Warwick Winn – General Manager

Attachments: Under Separate Cover - Financial Statements

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

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

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

EXECUTIVE SUMMARY

The purpose of this report is to present the Annual Financial Statements for the year ended 30 June 2022, including the Independent Auditor's Reports, as required by the *Local Government Act 1993*.

RECOMMENDATION

THAT in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, Council adopt the Annual Financial Statements for year ended 30 June 2022, including the Independent Auditor's Reports.

BACKGROUND

Section 428 of the *Local Government Act 1993* requires Council to prepare an Annual Report within five months from the end of the financial year, including the audited annual financial statements.

On 1 November 2022, the Office of Local Government authorised an extension to 5 December 2022 for Council to complete the 2021-22 Annual Financial Statements in accordance with section 416 (5) of the *Local Government Act 1993*.

Council endorsed the 2021-2022 Annual Report, with exception of the audited financial statements, at the meeting of 22 November 2022. The draft Annual Financial Statements were referred to audit on 11 October 2022. The endorsed Annual Report was lodged with the Office of Local Government and placed on Council's website.

At the time of writing of report, Council is waiting on the Audit Report to be received from the Audit Office of NSW. This is expected to be received on Friday 2nd December 2022. The 2021-22 Annual Financial Statements, including the Independent Auditor's Reports will be submitted to the Office of Local Government on 5 December 2022.

CONSIDERATIONS

The Council must give seven days public notice of the date of the meeting at which the Annual Financial Statements and Auditor's Reports will be presented to Council. Section 420 of the *Local Government Act 1993* provides that any person may make submissions to Council with respect to the Financial Statements and/or the Auditors Reports and those submissions must

**GMR22/116 PRESENTATION OF ANNUAL FINANCIAL STATEMENTS FOR YEAR
ENDED 30 JUNE 2022**

**S011-
T00002**

be made in writing and lodged with the Council within seven days of the public meeting. Any submissions received are to be provided to Councillors and the Auditor for consideration.

Public Notice of the 2021-22 Financial Statements and Auditor's Reports shall be made on 5 December 2022 with copies of the documents available on Council's website, the Administration Office and at the Moruya, Batemans Bay and Narooma libraries.

Legal

Seven days public notice of the 'presentation' of the audited financial statements is required.

Policy

The principal accounting policies used in the preparation of these consolidated financial statements are disclosed in the statements. These policies have been consistently applied to all the years presented, unless otherwise stated.

Financial

The 2021-22 Annual Financial Statements are required to be prepared in accordance with the *Local Government Act 1993*, the Local Government Code of Accounting Practice and Financial Reporting and the Australian Accounting Standards. Council has professionally qualified staff to ensure compliance with the reporting requirements.

The draft Financial Statements were distributed to the Audit, Risk and Improvement Committee and Council on 5 October 2022. Following lodgment with the Office of Local Government, the audited Financial Statements will be distributed to the Audit, Risk and Improvement Committee and Councillors, prior to the Council Meeting to be held on 13 December 2022.

Community and Stakeholder Engagement

The audited Financial Statements were made available to the public on 5 December 2022 on Council's website, at Council's three libraries and at the main administration centre in Moruya. Submissions may be made to Council for a minimum of seven days after the Financial Statements are presented to the public as per the *Local Government Act 1993*, s418 (2). Submissions will close 20 December 2022.

CONCLUSION

The Annual Financial Statements including the Independent Auditor's Reports for 2021-22, have been submitted to the Office of Local Government and are presented to Council for consideration.

GMR22/117 CODE OF CONDUCT COMPLAINTS STATISTICS

S012-T00003

Responsible Officer: Warwick Winn - General Manager

Attachments: 1. Code of Conduct Complaints Statistics Report

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

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

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

EXECUTIVE SUMMARY

The Office of Local Government (OLG) requires Council to submit a Code of Conduct Complaints Statistics Report by the 30 November each year. Council submitted its Code of Conduct Statistics Report to the OLG on 9 November 2022. A copy of the report is attached.

The report includes statistical information on Code of Conduct complaints relating to councillors and the General Manager from 1 September 2021 to 31 August 2022. As part of this process the report must be presented to Council by 31 December 2022.

RECOMMENDATION

THAT Council receive and note the Code of Conduct Complaints Statistics Report.

BACKGROUND

The *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* (The Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

When a Code of Conduct complaint is lodged with a conduct reviewer, they will conduct a preliminary assessment for the purpose of determining how the complaint is to be managed.

The conduct reviewer may determine one or more of the following:

- to take no action, or
- to resolve the complaint by alternative and appropriate strategies such as counselling, training, mediation, informal discussion, negotiation or apology, or
- refer the matter back to the General Manager for by alternative and appropriate strategies such as, counselling, training, mediation, informal discussion, negotiation or apology, or
- to refer the matter to another agency or body such as, the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, the OLG or the Police, or

GMR22/117 CODE OF CONDUCT COMPLAINTS STATISTICS

S012-T00003

- to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

If the conduct reviewer believes the complaint needs to be investigated, the conduct reviewer must at the outset of their investigation provide a written notice of investigation to the respondent.

Where the conduct reviewer determines that the conduct investigated constitutes a breach of the code of conduct, the conduct reviewer may recommend:

- in the case of a breach by the General Manager, that disciplinary action be taken under the General Manager's contract of employment for the breach, or
- in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the *Local Government Act 1993*, or
- in the case of a breach by a councillor, that the council resolves as follows:
 - that the councillor be formally censured for the breach under section 440G of the *Local Government Act 1993*, and
 - that the matter be referred to the Office of Local Government for further action under the misconduct provisions of the *Local Government Act 1993*.

The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* state that the following statistics must be reported to Council within three (3) months from the end of September each year, in relation to complaints made under the Code of Conduct:

- Total number of complaints received in the period about councillors and the General Manager.
- Total number of complaints finalised in the period about councillors and the General Manager.
- Number of complaints finalised at the outset by alternative means by the General Manager or Mayor.
- Number of complaints finalised referred to the Office of Local Government under a special complaints management arrangement.
- Number of complaints referred to a conduct reviewer.
- Number of complaints finalised at preliminary assessment by conduct reviewer.
- Number of complaints referred back to the General Manager or Mayor for resolution after preliminary assessment by conduct reviewer.
- Number of finalised complaints investigated by a conduct reviewer.
- Number of finalised complaints investigated where there was found to be no breach.
- Number of finalised complaints investigated where there was found to be a breach.
- Number of complaints referred by General Manager or Mayor to another agency of body such as ICAC, the NSW Ombudsman, OLG or the Police.
- Number of complaints being investigated that are not yet finalised.

GMR22/117 CODE OF CONDUCT COMPLAINTS STATISTICS

S012-T00003

- Total cost of dealing with Code of Conduct complaints relating to councillors and the General Manager, including staff costs.

CONSIDERATIONS

All complaints under the Code of Conduct that were received about councillors and the General Manager in the reporting period from 1 September 2021 to 31 August 2022 have been included in this report.

There were three (3) complaints received with one (1) finalised at the preliminary assessment stage within the period. There is one (1) complaint not completed at the preliminary assessment stage and one (1) complaint not completed under the investigation stage. There is one (1) complaint completed under the investigation stage in this period that was outstanding from the previous period.

The one (1) complaint that was finalised in the preliminary assessment stage was determined as have no action required. Out of the three (3) complaints received in the period two (2) different Conduct Reviewers were used.

Legal

Procedures for the Administration of the Model Code of Conduct for Local Government in NSW states that a Code of Conduct Complaints Statistics report must be presented to Council within three (3) months from the end of September each year.

Policy

The Code of Conduct Complaints Statistics report is a requirement of the *Procedures for the Administration of the Model Code of Conduct for Local Government in NSW*.

Financial

The total cost of dealing with code of conduct complaints relating to Councillors and the General Manager for the 2021-2022 period was \$18,516.00. This cost doesn't include the two (2) complaints not finalised as of 31 August 2022 however, it does include the cost of a completed investigation from the previous year. The cost of this completed investigation was \$11,750.00.

This is compared to the total cost of dealing with code of conduct complaints for the 2020-2021 period of \$18,516.00.

CONCLUSION

The Code of Conduct Complaints Statistics report has considered all the requirements listed in the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* and the *Model Code of Conduct for Local Councils in NSW*.

Council submitted the Code of Conduct Complaints Statistics report to the Office of Local Government on 9 November 2022.

Model Code of Conduct Complaints Statistics Eurobodalla Shire Council		
Number of Complaints		
1	a The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	3
	b The total number of complaints finalised in the period about councillors and the GM under the code of conduct	2
Overview of Complaints and Cost		
2	a The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
	b The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0
	c The number of code of conduct complaints referred to a conduct reviewer	3
	d The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	1
	e The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f The number of finalised code of conduct complaints investigated by a conduct reviewer	1
	g The number of finalised complaints investigated where there was found to be no breach	0
	h The number of finalised complaints investigated where there was found to be a breach	1
	i The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	0
	j The number of complaints being investigated that are not yet finalised	1
	k The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	18,750

Preliminary Assessment Statistics

3 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:

a To take no action (clause 6.13(a) of the 2020 Procedures)	1
b To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures)	0
c To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures)	0
d To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures)	0
e To investigate the matter (clause 6.13(e) of the 2020 Procedures)	1

Investigation Statistics

4 The number of investigated complaints resulting in a determination that there was **no breach**, in which the following recommendations were made:

a That the council revise its policies or procedures	0
b That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures)	0

5 The number of investigated complaints resulting in a determination that there **was a breach** in which the following recommendations were made:

a That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures)	0
b In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures)	0
c In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)	0
d In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures)	0

6 Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)	1
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Categories of misconduct	
7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a General conduct (Part 3)	1
b Non-pecuniary conflict of interest (Part 5)	0
c Personal benefit (Part 6)	0
d Relationship between council officials (Part 7)	0
e Access to information and resources (Part 8)	0
Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG	0

GMR22/118 REQUEST FOR TENDER NO. 2223/026 CONCRETE SUPPLY TENDER

**S004-
T00061**

Responsible Officer: Warwick Winn - General Manager

Attachments: 1. Confidential - Request for Tender No. 2223/026 Concrete Supply Panel

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.3 Provide effective and professional administration, technical and trade services to support the delivery of services to the community

Operational Plan Link: 5.3.3.2 Undertake procurement that provides best value to the community

EXECUTIVE SUMMARY

Council regularly procures concrete in to support its many construction projects. Given the need for strict safety risk mitigation and quality management each procurement activity, without a pre-negotiated set of pricing and terms would be time consuming for both parties to the associated contract and may not represent value for money. A panel arrangement provides a screening of compliance and cost up front, removing the need for many lengthy procurement processes.

This report outlines the associated evaluation process for Request for Tender (RFT) No. 2223-026 Concrete Supply Panel. The RFT was advertised on 25 October 2022 for the purpose of establishing a pre-qualified list of concrete supply service providers to support Council's operations across the Shire for a period of two years with an option to extend by a further two by twelve-month periods.

RECOMMENDATION

THAT:

1. Council accepts the tenders recommended in the Confidential Attachments (Successful Tenderers) in response to RFT 2223-026 Concrete Supply Panel (RFT 2223-026) and establish the Concrete Supply Panel.
2. Council delegate to the General Manager the function of finalising and entering into the contracts with the Successful Tenderers in accordance with tender documents forming part of RFT 2223-026.
3. Council conducts a further tender process to add an additional supplier or suppliers to the Concrete Supply Panel, as Council considers that it will require additional suppliers of concrete to meet its capital works program.

BACKGROUND

RFT No. 2223/026 was advertised on 25 October 2022 and closed at 2pm on 15 November 2022, for the purpose of establishing a pre-qualified list of Concrete Supply Panel providers.

Establishing a panel for concrete supply services will provide the following benefits to Council:

GMR22/118 REQUEST FOR TENDER NO. 2223/026 CONCRETE SUPPLY TENDER

**S004-
T00061**

- Meeting the tendering requirements of Section 55 of the Local Government Act and removing the risk of spending above the \$250,000 threshold with individual service providers;
- Providing a level playing field for local service providers to bid for work in the Local Government setting in general;
- Removing the need for costly and time-consuming individual quotation and compliance screening processes for every requirement; and
- Better contract management by having a Deed of Standing Offer.

The outcome will assist Council in avoiding costly future screening exercises over a two-year period (with the option to extend the agreement by a further 2 x 12 months) and ensure Council comply with the tendering requirements of Section 55 of the Local Government Act 1993.

The proposed panel includes the following concrete types:

- 20 Megapascal (MPa) compressive strength concrete;
- 25 MPa compressive strength concrete;
- 32 MPa compressive strength concrete;
- 40 MPa compressive strength concrete;
- Kerb and Gutter Mix;
- Sand and Cement Mix; and
- No Fines Concrete

Three (3) submissions were received as follows:

- AGRA Resource Management Pty Ltd (Trading as Coastal Concrete & Quarry)
- Boral Resources Country Pty Ltd
- Cadgee Enterprises Pty Ltd

A summary of the evaluation including each level of compliance against the evaluation criteria and proposed panel composition is provided with the confidential attachment.

CONSIDERATIONS

A Panel of only these three suppliers will not meet Council's requirements long-term. These suppliers represent only 29% of the concrete supplied under the existing Panel since 1 January 2020. There would only be two suppliers for areas north of North Moruya/Tuross Head, and the Upper Deua area. Accordingly, this report seeks resolution from Council that, in addition to establishing the Panel of the three current tenderers, fresh tenders be called in early 2023 with the aim to include more suppliers on the Panel to ensure adequate supply availability and best value-for-money is achieved.

Legal

RFT No. 2223/026 was advertised in accordance with *Local Government (General) Regulation 2021 REG 167* and *Local Government Act 1993*.

GMR22/118 REQUEST FOR TENDER NO. 2223/026 CONCRETE SUPPLY TENDER

**S004-
T00061**

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

Prior to the RFT closing, a Tender Evaluation Plan was approved and distributed amongst the Tender Evaluation Panel. Declarations of Confidentiality and Interest Forms were completed and signed by the Tender Evaluation Committee.

Policy

The tendering activity and associated evaluation for which this tender applies has been administered in compliance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, *Local Government (General) Regulation 2021* and *Section 55 of the Local Government Act 1993*.

Financial

The outcome of the proposed Concrete Supply Panel will be to avoid costly future procurement engagement costs.

Community and Stakeholder Engagement

Subject to the resolution of Council to the Request for Tender (RFT) No. 2223-026 Concrete Supply Panel, the community will be informed of the panel via Council's contract register found on Council's website.

CONCLUSION

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

Deeds of Standing Offer will be entered into with the preferred panelists as detailed within the Confidential Attachment.

GMR22/120 INVESTMENTS MADE AS AT 30 NOVEMBER 2022

**S011-T00006,
S012-T00025**

Responsible Officer: Warwick Winn - General Manager

Attachments: Nil

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

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

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

EXECUTIVE SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

THAT the certification of investments as at 30 November 2022, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

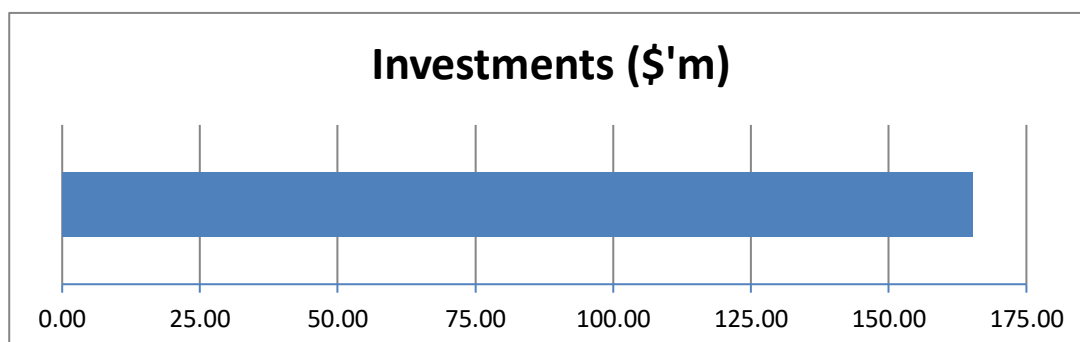
CONSIDERATIONS

Policy

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

Financial

Council investing overall



GMR22/120 INVESTMENTS MADE AS AT 30 NOVEMBER 2022

**S011-T00006,
S012-T00025**

Council has \$165.31M (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 \$38.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments increased by \$1m during November 2022 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 23.29% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.06% of the portfolio.

There are \$60.0M (36.29%) of funds invested in institutions which either have no direct financing exposure to projects in the fossil fuel sector or no longer directly finance projects in the fossil fuel sector but still have some exposure from historical funding.

The weighted average return for all investments for the month is 3.57%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (3.32%).

Summary investment information

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

CATEGORY	(\$)
At call deposit	13,055,381
Term deposits	150,510,000
Term deposits Government guaranteed	1,750,000
	165,315,381
<i>Weighted average interest %:</i>	3.57%
<i>Average 90 day BBSW + 0.25%</i>	3.32%

GMR22/120 INVESTMENTS MADE AS AT 30 NOVEMBER 2022

**S011-T00006,
S012-T00025**

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	1.06	1.06	100.00
Near risk free	75.65	75.65	100.00
Some limited risk (BBB+)	23.29	23.29	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 unaudited unrestricted current ratio as at 30 June 2022 is 3.63:1. Council therefore has approximately \$3.63 of current assets for each \$1 of current liabilities.

CONCLUSION

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

**PSR22/065 DRAFT EUROBODALLA OPEN COAST COASTAL MANAGEMENT
PROGRAM**

OP0045

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

Attachments:

1. Engagement Summary for Open Coast CMP
2. Under Separate Cover - Public Exhibition Submissions and Response Summary
3. Under Separate Cover - draft Open Coast CMP package (Open Coast Coastal Program, Maps and Appendices A-H)

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

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

Delivery Program Link: 1.3.2 Manage coastal hazards by implementing coastal and management studies and projects

Operational Plan Link: 1.3.2.1 Finalise and seek certification of the Eurobodalla Coastal Management Plan

EXECUTIVE SUMMARY

The purpose of this report is for councillors to consider adoption of the draft Eurobodalla Open Coast Coastal Management Program (the draft Open Coast CMP).

The draft Open Coast CMP has been revised to incorporate feedback received during public exhibition, where appropriate, and is attached under a separate cover for perusal.

The draft Open Coast CMP was on public exhibition from 12 October to 23 November 2022 (42 days). Public exhibition was the final step in an extensive engagement process that has involved the community for over four years.

83 submissions were received. Attachment 2 is a summary of the issues raised in submissions and the response, including changes made to the draft Open Coast CMP where appropriate. Only minor changes to the draft Open Coast CMP are necessary to address submissions e.g., updates to provide clarification of the process, intent of actions and funding sources.

Council has a legal obligation to prepare a CMP. The draft Open Coast CMP sets out actions aimed at mitigating the impacts of coastal hazards, increasing the resilience of public and private infrastructure.

A certified Open Coast CMP gives Council the opportunity to access the following from the NSW Government:

- \$5M to fund coastal hazard protection works for the northern Batemans Bay area
- Apply for 2:1 funding under the Coastal Management Program Fund.

Projects must be identified in a certified CMP to be eligible for this funding. These funding sources will be essential to the delivery approximately \$47M worth of actions over the 10-year business plan identified in the draft Open Coast CMP.

**PSR22/065 DRAFT EUROBODALLA OPEN COAST COASTAL MANAGEMENT
PROGRAM**

OP0045

RECOMMENDATION

THAT Council:

1. Adopt the draft Eurobodalla Open Coast Coastal Management Program
2. Forward the adopted Open Coast Coastal Management Program to the NSW Minister for Local Government for certification
3. Write a letter of appreciation to those who made a submission to the draft Eurobodalla Open Coast Coastal Management Program.

BACKGROUND

NSW Coastal Councils are required to prepare a Coastal Management Program (CMP) under Part 13 of the *Coastal Management Act 2016* (CM Act). A CMP must be prepared in accordance with the NSW Government's Coastal Management Manual and aims to support the objectives of the *Marine Estate Management Act 2014*. A CMP sets out the long-term strategy for the coordinated management of the coast, with a focus on achieving the objectives of the CM Act. Preparation of a CMP follows a five-stage process, as outlined in the NSW Government's Coastal Management Manual.

The Open Coast CMP project has foundations in the Batemans Bay Coastal Hazards Study 2010. The scope was expanded to include the entire Eurobodalla Coastline following changes in NSW legislation and approximately \$262,000 in grant funding from the NSW Government was provided to allow Council to undertake a Coastal Zone Management Program. This transitioned into the Coastal Management Program following the introduction of the Coastal Management Act in 2016. Council received an additional \$250,000 grant from the NSW Government to finalise the Open Coast CMP in 2020 following community requests for additional engagement and technical studies. Council engaged coastal, flood and planning consultants Rhelm and coastal engineering specialists Baird Australia in early 2021 to review the earlier work for suitability and inclusion in a revised draft Coastal Management program.

The draft Open Coast CMP package includes:

- The draft Open Coast Coastal Management Program which contains:
 - A snapshot of issues across the study area and how they are addressed
 - A business plan outlining actions to be implemented by Council and other public authorities and the funding sources
 - A monitoring, evaluation, and reporting program
 - Maps e.g., Coastal Vulnerability Area
- Appendix A: Community and Stakeholder Engagement Plan
- Appendix B: CMP Stage 2 Vulnerability Assessments
- Appendix C: Long List of Options and Feasibility Assessment
- Appendix D: Option Viability Assessment
- Appendix E: Option Summary Sheets

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- Appendix F: Option Detailed Costs
- Appendix G: Draft Coastal Hazard Code
- Appendix H: Coastal Zone Emergency Action Subplan

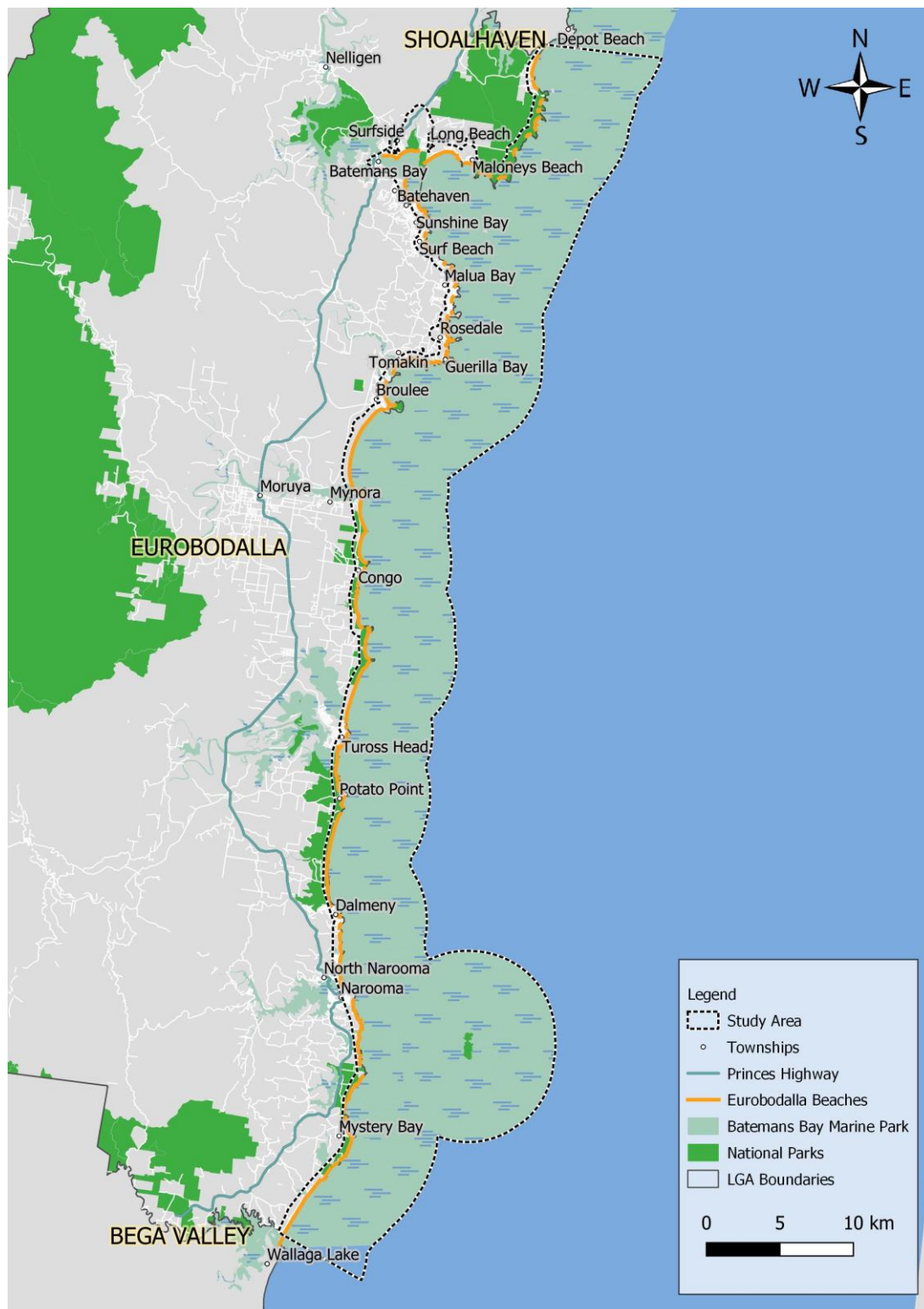


Figure 1. Study area for the draft Eurobodalla Open Coast CMP

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CONSIDERATIONS

The draft Open Coast CMP was exhibited from 12 October to 23 November 2022 (42 days). Council received 83 submissions including one petition signed by 30 people from Long Beach.

Attachment 2 is a summary of the issues raised in submissions and the response, including changes made to the draft Open Coast CMP where appropriate.

Many submissions focused on similar issues that were also received as verbal feedback at drop-in sessions and during stakeholder meetings. Common issues raised in submissions included:

- *Concern the coastal hazard risk is up to 80 years away and that it is being identified as a hazard now.*

The coastal hazard mapping includes coastal risks over a time period that needs to be considered in planning and development of these areas now. For example, a new house built in 2023 is likely to still be in use in 2100. Therefore, it needs to be built in a way that is compatible with the coastal risk in 2100. Waiting for further sea level rise to occur (i.e., until a trigger point is reached) before implementing suitable development controls, will leave any development occurring in the interim exposed to future coastal hazards.

- *Concern that recognition of coastal hazards could affect property values and insurance costs and future landholders may not be aware of the risk of coastal hazard.*

Insurance companies calculate insurance on a multitude of factors and do not rely upon local government data. Further, coastal hazards have been considered by the Interim Coastal Hazard Code since 2015 and hazard mapping has been publicly available for the Eurobodalla Shire since 2017 - in that time property prices have significantly increased.

If the Coastal Hazards Code applies to a property, it will be noted on an s10.7 planning certificate. This notation has applied on planning certificates since 2015. The coastal vulnerability area to which the Code applies will be able to be viewed on Council's online mapping tool.

- *Clarification sought of how implementation of the CMP would be funded.*

The draft Open Coast CMP Business Plan identifies the funding source for all actions. This includes a combination of NSW and Local Government funding. No private landowner-direct funding is proposed. The draft Open Coast CMP does not propose a levy or special rates to fund the works.

The draft Open Coast CMP identifies the following coastal protection works for the \$5M to be spent on:

- \$2.4M for protection of Wharf Road and remediation of adjoining land for public use and access (CH1_Ka Phase 1 and 2)
- \$1.5M for protection of Surfside from coastal inundation (CH4_D Phase 1)
- \$1.1 for protection of Bay Road, Long Beach from beach erosion (CH1_D Phase 1 and Phase 2).

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- *Perception that historic infrastructure works causes erosion at Surfside and enquiries into what the cause of erosion is*

The Stage 2 report (Appendix B of the CMP) now includes additional information on the sediment transport processes within Batemans Bay. The actions in the draft Open Coast CMP adequately considers the naturally dynamic processes that are the principal driver for observed shoreline change, particularly in northern Batemans Bay.

- *Request for flexibility in design and clearer engagement process for coastal protection works at Long Beach e.g., minimise impact on amenity and access, while providing long term protection of Bay Road and associated services and assets*

Council met with Long Beach community members on two occasions during the public exhibition period (in addition to engagement during the preparation of the draft Open Coast CMP). As a result of feedback during these meetings and submissions received, Action CH1_D was updated.

- *Concern that the coastal vulnerability area mapping will be used for rezoning*

Council is not proposing to rezone any properties as a result of the Open Coast CMP.

The Open Coast CMP proposes to undertake a planning proposal process to add the coastal vulnerability area (CVA) map to the NSW State Environmental Planning Policy (SEPP) (Resilience and Hazards).

- *Concern the Coastal Vulnerability Area shows permanent inundation where it applies to cliffs*

The Coastal Vulnerability Area does not identify risk of permanent inundation. It identifies inundation during a large storm. Cliff top areas are identified as having cliff instability risk, not inundation risk. Cliff instability is one of the seven identified coastal hazards required to be mapped where present under the *Coastal Management Act 2016*.

The draft Open Coast CMP has been revised to address submissions where appropriate (attached under a separate cover). The key changes made to address submissions in the revised draft Open Coast CMP include:

1. Action RA2_B now allows for revegetation and dune stability work at informal accessways along Maloney's Beach.
2. Action CH1_D now stages the low revetment at Long Beach to ensure detailed design allows for community input and to provide flexibility in terms of design.
3. Action CH_4D (Phase 1) now specifies that the Surfside levee sand nourishment (from imported sand) will raise the dune crest height in low sections and revegetation will stabilise existing and imported sand.
4. Business Plan now clarifies the intent of the Ministerial commitment made by the former Minister Gabrielle Upton and former Member for Bega Andrew Constance, with regards to the \$250,000 and \$5M to tackle erosion along the Batemans Bay waterfront,

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specifically to address concerns raised by residents at Wharf Road, Surfside and Long Beach.

5. Business Plan clarifies that private landowners will not be responsible for funding coastal protection works.
6. Minor wording changes to the Coastal Zone Emergency Action Subplan to clarify the role of the Bureau of Meteorology (previously BoM).
7. A page dedicated to highlighting the importance of the Aboriginal community's connection to Country inside the front cover.
8. Engagement plan in Appendix A now includes public exhibition details.
9. Notate the limit of the flood model on the coastal inundation maps (where relevant) (e.g., Surfside) to clarify why the mapping doesn't include areas beyond the model limits.
10. Action CH10_C now includes long term monitoring of the shoreline position using NSW Government Lidar data captured every few years.
11. Update Action RA3_J (parking investigation at McKenzies Beach) to include works that should minimise impacts on vegetation and consider alternative modes of transport.
12. Update Action CH10_C to include long term monitoring of cliff erosion using Lidar.
13. Update Action EGC2_B to include specific mention of cliff erosion monitoring and access to data.
14. New Action ECG2_3 to prepare fact sheets explaining coastal hazards management.
15. New Action RA3_R added and updated wording of section 3 to clarify that Council is delivering an accessible beaches program.
16. Clarification provided in the Executive Summary about the study area wide assessment of coastal threats, evaluation of options across the whole coastline, and why there is a concentration of actions in the northern portion of the local government area due to a higher density of urban development that can be impacted by and impact upon the coastal environment.
17. A large-scale map of Broulee coastal vulnerability area. Note, the coastal vulnerability area for Broulee was included in the draft Open Coast CMP at a smaller scale.
18. Minor edits to the draft Coastal Hazards Code e.g.,
 - a) Removal of the term 'coastal adaptation criteria' because it is not applicable since removing reference to 'planned retreat'.
 - b) Fixing the typo 'Clause 11.2' to read 'Clause 11'.
19. Minor changes to the coastal vulnerability area map e.g., changing the colour from blue to avoid the perception that it refers to inundation and not all coastal hazards, and removing a small disconnected area to address a mapping inconsistency identified by the Department of Planning and Environment.

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20. Including the Coastal Cliff Instability Maps in the Coastal Zone Emergency Action Subplan.
21. Removing 'CH1_V property acquisition' in Broulee from Map 2-CMP Actions because this was an option that was not recommended.
22. Additional information provided in the Stage 2 document to outline the reliability of the coastal models adopted for use in the CMP.
23. Section 2.2 now clarifies why the threat to water quality from agricultural use was identified in the scoping study but not included in the CMP.
24. Clarification that for all responsible or supporting organisations, the actions identified are subject to the availability of resources, contestable grant program processes, funding allocations, policy and legislation changes, and organisational and/or government priorities.
25. Update Action ECG4_J to reflect Council is the lead agency, not National Parks and Wildlife Service.
26. Actions related to wetlands have been updated to clarify the location of relevant coastal wetlands.

Legal

All coastal councils are required to prepare a Coastal Management Program (CMP) under Part 13 of the Coastal Management Act 2016 (CM Act) to be eligible for financial support from the NSW Government. The draft Open Coast CMP has been prepared in accordance with the NSW Government's Coastal Management Manual (CM Manual) as required by the CM Act. A comprehensive checklist of requirements has been undertaken by the Department of Planning and Environment, which has found that all requirements for certification have been met.

The draft Open Coast CMP includes maps of Eurobodalla's Coastal Vulnerability Areas (CVAs).

Following certification of the CMP, Council would undertake a planning proposal process to amend the State Environmental Planning Policy (Resilience and Hazards) 2021 to include Eurobodalla's Coastal Vulnerability Area Map.

Councils must manage coastal areas in accordance with NSW legislation, policies and plans including:

- Coastal Management Act 2016
- State Environmental Planning Policy (Resilience and Hazards) 2021
- NSW Government's Coastal Management Manual to prepare Coastal Management Programs.

If a Coastal Management Program has been prepared in accordance with the above, councils do not incur any liability for advice related to managing hazards in the coastal zone under s733 of the *Local Government Act 1993*.

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Policy

Where Council is responsible for implementing actions in an adopted Open Coast CMP, they would be included in the Eurobodalla Shire Council Community Strategic Plan, Delivery Program and Operational Plans.

Environmental

The draft Open Coast CMP aims to protect and enhance Eurobodalla's natural coastal environment. Stakeholder engagement highlighted values including retaining natural character, scenic value, biological diversity and ecosystem integrity, and resilience. The draft Open Coast CMP focusses on environmental outcomes across all of the major coastal hazards and threats, including that coastal protection works have positive environmental outcomes such as beach and dune nourishment, revegetation and rehabilitation of the coastal zone.

Asset

A certified Open Coast CMP will allow Council to improve the function of and longevity of existing assets, such as the Batemans Bay CBD seawall, Wharf Road revetment and Caseys Beach seawall through NSW Government grants. The construction of protection works at Long Beach, Surfside, Wharf Road, Batemans Bay CBD and Caseys Beach will allow for the protection of assets that are potentially at risk from coastal hazards, including roads, utilities (water, sewer, power) and private properties.

Social Impact

An adopted Open Coast CMP will provide the community with certainty about how the coastline will be managed in the future and that the coastal zone will be protected and enhanced into the future. This ensures not only environmental health outcomes but also economic and placemaking benefits, such as building resilience, improving the quality and function of emergency and infrastructure services and ensuring access to the natural environment that is highly valued by locals and visitors.

Economic Development Employment Potential

There are actions in the draft Open Coast CMP that support economic development and employment opportunities, including an opportunity for funding to undertake a community event to promote tourism opportunities and support Aboriginal cultural tourism opportunities in the coastal zone to protect Aboriginal heritage.

Financial

A certified Open Coast CMP will enable Council to be able access up to 2:1 funding allocated under the NSW Government's Coastal Management Program Fund. This funding is only available for projects identified in a certified CMP. The CMP also allows Council to deliver, through partnership with the NSW Government, \$5M worth of coastal protection works to the northern Batemans Bay area.

Delivery of the Eurobodalla Open Coast CMP is estimated to cost approximately \$47M in capital and operational expenses over the 10-year CMP implementation period. It also provides a powerful advocacy piece for Council to pursue other grant funding opportunities, due to being formally certified by the Minister for Local Government and formally verified and supported by

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the NSW Government. Some actions are already in Council's DP/OP however funding has not been available because of the requirement for Council to certify a CMP before being able to undertake the works.

About \$750,000 has been invested in preparing the draft Open Coast CMP, when considering the project has foundations in the Batemans Bay Coastal Hazards Study in 2010. Delays and changes to the project since 2010 were a result of:

- Changing the scope to include the entire Eurobodalla coastline
- Calls from the community for additional engagement
- Calls from the community for new and revised studies
- Coastal management reforms.

Community and Stakeholder Engagement

The engagement process informing the draft Open Coast CMP has been extensive and comprehensive over the past four years (see Attachment 1 for a summary of the engagement methods which are also detailed in Appendix A of the revised draft Open Coast CMP). The engagement approach has ensured that everyone who values the coast and could be impacted by coastal hazards, had the opportunity to be involved, heard and part of the solutions. Public exhibition was the final step in an extensive engagement process that has involved the community for at least four years.

At the Ordinary Meeting of Council on 11 October 2022, Council resolved to publicly exhibit the draft Open Coast CMP from 12 October to 9 November 2022 (a period of 28 days). This was extended by an additional 14 days (until 23 November 2022) to allow the community more time to consider the draft Open Coast CMP.

During the public exhibition period the following was also completed:

- 1797 letters were sent out to landholders with property that was identified within the draft Coastal Vulnerability Area (CVA)
- Emailed newsletter updates to over 100 CMP stakeholders on the email sign-up list
- Notification in the local newspaper Council noticeboard
- Published a media release
- Local radio announcements
- Two Aboriginal targeted community consultation sessions with around 20 attendees and screened three videos filmed over the course of this CMP, focused on the importance of engaging the Aboriginal community and recognising their connection to Country
- Advertised and held targeted information session at Long Beach Rural Fire Service (RFS) shed with about 30 Long Beach residents followed by a site visit of Bay Road
- An online presentation was given to Long Beach residents and stakeholders to explain changes to the action for Long Beach protection works to address concerns that the community had raised at the information session at the Long Beach RFS shed
- Over 100 visited public drop-in sessions at the following locations:
 - Thursday 3 November 2022 10am to 1pm at The Bay Pavilions
 - Friday 4 November 2022 10am to 1pm at Narooma Golf Club
 - Saturday 5 November 2022 10am to 1pm at The Basil Sellers Exhibitions Centre

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Responses to issues raised in submissions (Attachment 2) were placed on Council's Open Coast CMP project webpage on 1 December 2022.

CONCLUSION

The draft Eurobodalla Open Coast Coastal Management Program (the draft Open Coast CMP) has been revised to incorporate minor changes to address feedback received during public exhibition, where appropriate. Public exhibition is the final step in an extensive engagement process that has involved the community for over four years.

The draft Eurobodalla Open Coast CMP is ready for Council to consider for adoption.

Attachment 1. Table 1: Summary of engagement undertaken to inform the draft Open Coast CMP from 2017 -2022

Engagement method	Description	When
Mail-out	14 June 2018 Mail out Owners of property in an area identified as at risk from coastal hazards	14 June 2018
3x Small working groups	Meetings between consultants and community in areas potentially impacted by coastal hazards	July 2018
Forum	Forum with Batemans Bay business chamber at and Batemans Bay Soldiers Club	July 2018
Community drop-in sessions	Two sessions in Batemans Bay, one in Broulee and one in Narooma to hear from the community	July 2018
Four Councillor briefings	Inform Councillors about the CMP throughout the project	June 2020, September 2020, February 2022 and October 2022
Council's website	Inform the community about the project and develop a stakeholder list to receive project updates. Public with access to project newsletters, project updates, and public exhibition information. About 100 people signed up to the stakeholder list.	February 2021 onwards
Five (5) Taskforce Briefings	Update on project and issues raised by agencies at each stage of the CMP	February 2021-onwards
Three (3) Coastal and Environmental Advisory Committee (CEMAC) Briefings	Updates on the project through Stage 1 and 2 of the CMP. Issues were raised by attendees and addressed before proceeding with Stage 3. CEMAC includes representatives from agencies, community and adjoining councils.	March and July 2021, September 2022
Media Releases and social media	Three media releases related to this Open Coast CMP. Three posts on Council's Facebook Page and Instagram. Included a call for Expressions of Interest to working groups using a short video.	July 2021, September 2021, October 2022
Agency Review of Draft CMP	Online meetings with agencies to discuss specific actions requiring agency support.	June – July 2022
Three CMP Newsletters	Those stakeholders signed up to updates were sent CMP newsletters about the progress of the CMP. Community groups and resident associations were sent an email with information about how to sign up and this has been advertised through media release and the CEMAC.	September 2021, December 2021, October 2022

Engagement method	Description	When
Community Workshops	A total of 33 community and business representatives from across Eurobodalla attended workshops. Through these workshops community gained a better understanding of coastal hazards now and into the future. Community also suggested actions to consider implementing through the CMP.	5 workshops in August 2021 and 4 workshops in 25-27 July 2022
CEMAC Workshop	CEMAC members briefed on the nature of coastal hazards in Eurobodalla and feedback being received from other engagement. CEMAC suggested actions that have been considered in the CMP.	September 2021
Local Aboriginal Land Council (LALC) Meetings	All LALCs were invited to be briefed about coastal hazards risk. Initially scheduled for November 2021, the sessions were completed online in February 2022 due to Covid-19 restrictions. About four attendees in total suggested actions that have been considered in the CMP. This targeted Aboriginal community consultation was supported by a NSW Government grant.	February 2022
Co-design workshop with Aboriginal Community	Evolve Communities, facilitated a co-design workshop in March 2022. Knowledge holders and community leaders from across Eurobodalla were invited to co-design the engagement approach to Stage 3 and 4 of the CMP.	March 2022
Six (6) Meetings with Traditional Owners on country	Aboriginal Community knowledge holders and Local Aboriginal Land Council representatives attended 5 sessions on Country and 1 at Tomakin Sports and Recreation Club. Approximately 20 people attended in total. The engagement method was informed by a co-design workshop with Aboriginal community leaders from across the Eurobodalla. This targeted Aboriginal community consultation was supported by a NSW Government grant.	March 2021 to June 2022
3 Meetings on Country - & Eat, Meet, Yarn sessions	Meetings on country to discuss CMP actions. These took the form of a combination of site visits with knowledge holders and "Eat Meet Yarn" barbecues with the wider Aboriginal community. Attendees had their say in a safe, comfortable format. Along with other suggested actions, site specific protection of Aboriginal Heritage and opportunities to better involve Traditional Owners in coastal management were raised and have been considered in the draft Open Coast CMP. This targeted Aboriginal community consultation was supported by a NSW Government grant.	April 2022 – June 2022 various locations

PSR22/066 LAND PURCHASE, MORUYA

S023-T00014

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

Attachments: 1. Confidential - Land Purchase, Moruya

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.1 Undertake strategic management of Council's operational land portfolio

EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval to purchase and/or sell land in Moruya, if a suitable price can be agreed, to support the supply of additional housing in the area.

There are areas of Council-owned operational land at Moruya that have previously been investigated for sale or development.

Adjoining these areas of Council land there is private land where owners could consider a land transaction with Council to consolidate the land ownership to improve development outcomes and increase housing supply, at a time when there is a critical shortage.

The land transaction could be a sale or purchase by Council. Currently there is a resolution to sell some of the parcels of land that Council owns but there is no resolution to purchase any land in Moruya.

This report seeks endorsement to purchase or sell all or any of the land, the subject of this report, if a suitable price can be agreed.

RECOMMENDATION

THAT

1. Council approves the purchase and sale of the land identified in the confidential attachment to support the supply of additional housing in the area.
2. Council delegates the General Manager to conclude negotiations in accordance with this report and its confidential attachment.
3. Public notice be given of Council's intention to resolve that the land, when purchased, becomes operational land and that:
 - (a) A period of 28 days is given for members of the public to make submissions in relation to the proposed operational land, and
 - (b) A further report be presented following the notification period.
4. Consent be given to affix the Common Seal of Council to the applicable documentation.

BACKGROUND

Council has previously investigated the development of Council-owned operational land in Moruya, together with some adjoining private land, to support the supply of additional housing

PSR22/066 LAND PURCHASE, MORUYA

**S023-
T00014**

in the area. Consolidation of lots owned by different owners will facilitate development and is likely to deliver better development outcomes.

Council has been in discussions with a number of landowners adjoining Council property.

Councillors may wish to purchase or sell all or any of the land identified in the confidential attachment to support the supply of additional housing in the area and achieve improved development outcomes.

Councillors were briefed on this matter on 15 November 2022.

CONSIDERATIONS

Lack of housing availability in Eurobodalla is causing a number of social issues, including homelessness. Development of this land can reduce pressure on housing affordability.

If Council is supportive, negotiations with neighbouring landowners would be undertaken.

It is proposed that in relation to Site 1 (as identified in the confidential attachment), Council look to sell the land. In regard to Site 2 (as identified in the confidential attachment), Council look to purchase the land to consolidate with its existing holding. If a purchase cannot be negotiated, Council look to sell its land.

Legal

In accordance with the provisions of the *Local Government Act 1993*, the land to be acquired is to be classified as either community or operational land. As the land is to be acquired for operational purposes, it would be appropriate for it to be acquired as operational land. 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.

www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div1/sec34.

Policy

The land transactions for the project will proceed in accordance with the confidential attachment and Council's Land Management – Acquisition, Disposal and Leasing/Licensing Policy. The confidential attachment to this report covers details required by the Policy.

Strategic management of Council operational land is in accordance with section 5.3.2.1 of the Delivery Program/Operational Plan.

Any transactions are likely to be by direct negotiation because there is only one identifiable vendor/purchaser for each proposed transaction.

A written Probity Plan will be required if a transaction direct with the owners is agreed, and if completed, the purchase would be reviewed by the Audit, Risk and Improvement Committee to ensure correct processes were followed.

Social Impact

Lack of housing availability in Eurobodalla is causing a number of social issues, including homelessness. These land transactions could add to Council land and assist with supply of land for development and reduce the pressure of housing affordability.

PSR22/066 LAND PURCHASE, MORUYA

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Economic Development Employment Potential

Increased supply in residential land has a positive economic impact. The planning and development of this land and consequent construction will provide employment opportunities.

Financial

A valuation from a registered valuer will be obtained and this would be used to guide price considerations in accordance with Council's Land Management – Acquisition, Disposal and Leasing/Licensing Policy and the Council resolution. Funding of any purchase would come from the Real Estate Disposal Fund.

If the transactions are by direct negotiation, two valuations will be required if the transaction is worth more than \$1 million.

Community and Stakeholder Engagement

Council's *Community Engagement Strategy* and relevant legislation have been used to guide the best approach to engagement on this matter. Should the land transaction proceed, public notice will 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.

CONCLUSION

This report recommends the purchase or sale of land identified in the confidential attachment in order to consolidate ownership making it more suitable for residential development.

This project would support the supply of additional housing in the area.

PSR22/061 LEASE TO MARINE RESCUE NSW - TUROSS HEAD

**S023-T00017
LAND ID: 8764**

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

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.2 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to renew the lease to Marine Rescue NSW (MRNSW) for occupation of the boatshed within Council operational land, Part Lot L DP 362231 Trafalgar Road, Tuross Head.

The current leaseholders have been operating on a holdover basis for some years and have expressed interest in renewing the lease for a further five years.

It is recommended that Council grant a five-year lease and renewals to MRNSW for occupation of the boatshed within Part Lot L DP 362231 Trafalgar Road, Tuross Head.

RECOMMENDATION

THAT

1. Council grant a five-year lease to Marine Rescue NSW for occupation of the boatshed within Lot L DP 362231 Trafalgar Road, Tuross Head with conditions including the following:
 - (a) Rental be in line with the Crown Statutory Minimum
 - (b) The provisions for \$20 million public liability insurance
 - (c) Conditions generally be in line with the previous lease.
2. The General Manager be given delegated authority to negotiate further leases.

BACKGROUND

MRNSW were first granted a lease in 1992 for occupation of the boatshed within Part Lot L DP 362231 Trafalgar Road, Tuross Head.

The previous lease expired in 2015 and MRNSW have been operating on a holding over basis since that time. MRNSW have expressed interest in renewing their lease for a further five years.

The Lease has not been renewed for some time as Council has been investigating this area and is in the process of creating separate lots for the boat sheds and road reserve for future parking arrangements.

The premises at Trafalgar Road, Tuross Head supports the MRNSW lifesaving mission and is used to store and launch three rescue vessels for incidents in Tuross and Coila Lakes and across the Tuross bar.

PSR22/061 LEASE TO MARINE RESCUE NSW - TUROSS HEAD

**S023-T00017
LAND ID: 8764**

CONSIDERATIONS

The lease will include conditions generally in line with the previous lease.

The lease area is shown in the sketch below.



Lot L DP 362231 Trafalgar Road, Tuross Head

Legal

Part Lot L DP 362231 is classified as operational land therefore there is no legal impediment to granting leases at this location.

Policy

Leasing of Council land is in accordance with DPOP activity 5.3.2.2 – Manage land under Council control – Manage leases and licences.

Asset

A condition of the lease includes that the Lessee will be responsible for maintaining the asset in a satisfactory condition.

Social Impact

Marine Rescue provide emergency support services in the local waterways.

Financial

As MRNSW is a not-for-profit organisation providing a vital service to the community, their lease fee is in line with the Crown Lands statutory minimum (currently \$556 plus GST) increased annually by CPI and is considered appropriate.

PSR22/061 LEASE TO MARINE RESCUE NSW - TUROSS HEAD

**S023-T00017
LAND ID: 8764**

Community and Stakeholder Engagement

Part Lot L DP 362231 is classified as operational land. Council's *Community Engagement Framework* and relevant legislation have been used to guide the best approach to engagement on this matter. There is no legal requirement to advise the community through public notice, or to seek feedback through public exhibition for land dealings within operational land. The engagement method will be to 'inform'.

CONCLUSION

The lease to Marine Rescue NSW for occupation of the boatshed within Council operational land, Part Lot L DP 362231 Trafalgar Road, Tuross Head requires renewal.

It is recommended Council renew the lease to Marine Rescue NSW for a further five years.

PSR22/062 LANDCARE PROJECT PROPOSALS 2022

S010-T00028

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

Attachments: Nil

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

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

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

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

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement for three new Landcare projects/works.

New projects must be approved by Council to ensure that works being undertaken, align with Council's plans and programs, and relevant legislation.

Funding to assist Landcare groups to undertake their work is procured from external grants.

RECOMMENDATION

THAT Council

1. Receive and note the report titled Landcare Project Proposals 2022.
2. Endorse the Denhams Beach Landcare Project.
3. Endorse the Long Beach Landcare amendments to project areas.
4. Endorse Moruya South Heads Landcare amendments to project areas.

BACKGROUND

Eurobodalla Landcare groups operate in a diverse range of areas throughout the Eurobodalla Shire and volunteers work across all land tenure. Works include weed control, revegetation, erosion control, Indian Myna bird control, delivering community education and displays and general maintenance of public assets and reserves.

In 2021-22 Landcare undertook 8,120 hours of volunteer work which equates to \$324,800 of labour (as reported 23 August 2022, PSR22/034).

The network and groups are organised by the Landcare Coordinator who is employed by Council.

Approximately 90% of Landcare work occurs on Council land. Council must ensure that works are aligned with legislation and Council's plans and programs, and are carried out in compliance with Work, Health and Safety (WHS) procedures. An internal Council approval process is

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S010-T00028

conducted which ensures that the works meet the requirements and that any constraints have been considered.

Landcare projects are approved through the Landcare Project Proposal process and reported to Council as required for new projects and existing projects are reapproved by Council every five years.

Three new Landcare projects have been proposed involving the formation of a new group at Denhams Beach and the addition of sites to existing groups at Long Beach and Moruya South Heads.

CONSIDERATIONS

New project proposals are accepted at any time. The process for approval is:

1. The Landcare Group develops the project proposal with assistance from the Landcare Coordinator, who undertakes a pre project checklist and risk assessment to ensure it meets Council requirements and fits Council priorities.
2. The proposal is submitted to Council and is reviewed by relevant officers in Infrastructure Services (Maintenance; Parks and Gardens; Technical Services, and Water and Sewer), Property for assessing against the Native Title Act and Environmental Services.
3. The Project Proposal is signed off once it meets the requirements of each section.
4. New projects are reported to Council for endorsement.
5. Council mapping overlays are updated to show current Landcare approved works which can be accessed by all sections of Council.

This year many groups will continue to maintain project sites rather than commencing new projects. All approvals for these sites are up to date.

Legal

All projects will be conducted in compliance with the relevant legislation and legal responsibility of Council and affected land managers/owners.

For works on private property, volunteers are covered by independent insurance through the Eurobodalla Landcare Network Inc. (INC1700254) as well as adhering to the Eurobodalla Landcare Network project activity register and obtaining the landholder's written consent for the works.

Volunteers undertake inductions and work, health and safety (WHS) obligations and are assisted by the Landcare Coordinator. For endorsed projects Council ensures WHS obligations are met by the volunteers.

Environmental

There are three new project proposals seeking Council endorsement:

1. Denhams Beach Landcare

Community members from Denhams Beach have formed a new Landcare group in response to concerns over invasive species and public amenity in their local area. The objective of the

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S010-T00028

group is to share knowledge and resources for weed control and beatification of urban bushland reserves.

The group is seeking approval to work on the following parcels:

Lot 7049 DP1095794

Lot 75 DP739942

Lot 20 DP777719



Figure 1. Denhams Beach foreshore reserve, Denhams Beach

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2. Long Beach Landcare

Long Beach Landcare have been operating in this suburb for well over 15 years. They work across a multitude of sites and have managed, through community dedication and perseverance, to eradicate many weeds species from these reserves. The group would like to include an additional reserve to their workload and have identified the gully in Fauna Ave (map and PINs below) as a suitable site for volunteer led weed control efforts.

Lot 169 DP247401

Lot 14 DP261461

Lot 29 DP250240



Figure 2. Fauna Avenue bushland reserve, Long Beach

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3. Moruya South Heads Landcare

South Heads Landcare and Council's managed Estuary Program have been working for the past 12 months to address weed concerns in South Head, Moruya. To complement and extend existing works Landcare propose working with Council's Parks and Gardens team to address vehicle access and safety issues in the Toragy Headland reserve.

Previous concerns have been raised about the erosion at this site due to unrestricted vehicular access. A community meeting has been conducted with 25 residents, Council staff, Landcare and Local Land Services in September 2022 to discuss the attached proposal.

There is community interest in improving the amenity of the area and consolidation of vehicular access which is impacting negatively on the environment.



Figure 3. Toragy Headland reserve, Moruya South Heads. Draft proposal of works

Council will work with all three groups to assist with regular working bees where all nearby residents will be invited to participate.

Ongoing working bees and communications via an email group will keep the members connected and informed of opportunities to engage in natural resource management in their local area and further afield through the Eurobodalla Landcare Network.

The groups will be supported by the Eurobodalla Landcare Coordinator and Council's Estuary Management Program

Asset

The Eurobodalla community value the environment and want the natural assets retained and enhanced. Landcare projects are essential for maintaining the natural assets on Council managed lands and significantly reduces the maintenance costs to Council for managing these assets and reduces the environmental impacts from other land tenure.

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Social Impact

In 2021-22, Landcare volunteers carried out 8,120 hours of work on Landcare projects with over 90% of this occurring on Council land.

Landcare provides opportunities for residents of all abilities to get involved and volunteers report that it is a great source of fitness, socialising and giving back to the community.

Economic Development Employment Potential

Where works fall outside the capability of volunteers or to complement and enhance Landcare projects, grants are sought. These grants allow for engagement of bush regeneration contractors, nursery suppliers, consultant botanists or other specialised services, tree management services and caterers.

Council's grant funded Estuary Program for natural area restoration will assist the Moruya South Heads and Surfside groups with their weed control and litter collection activities.

Financial

The Eurobodalla Landcare Coordinator is employed part time (three days/week) by Council.

The proposed works will be undertaken by volunteers with assistance from grant funds when available.

Community and Stakeholder Engagement

The three Landcare proposals are submitted with engagement of Landcare volunteers and via the Eurobodalla Landcare Network meetings.

The Moruya Heads, Toragy Headland proposal has been the subject of discussion and a site meeting with 25 residents in September 2022.

All residents are welcome to be involved with Landcare and more information can be found on Council's [Landcare](#) page and on the NSW Landcare Gateway with group Coordinator contact details [members-listing](#).

CONCLUSION

The Denhams Beach, Long Beach and Moruya South Heads Landcare groups are seeking Council's endorsement for these on-ground works. The Landcare projects proposed will further the work of the Landcare groups in assisting Council with implementing natural resource management in Eurobodalla Shire and provide benefits to the volunteers and wider community.

Council's internal approval process has been completed with input from the relevant sections to ensure that these proposals meet the requirements of legislation and Council's plans and programs.

PSR22/063 REVISION OF WEEDS CONTROL PROGRAMS

**S010-
T00026**

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

Attachments: 1. Under Separate Cover - Weed Control Programs

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

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

Delivery Program Link: 1.2.1 Protect and enhance the landscape and biodiversity values of Eurobodalla

Operational Plan Link: 1.2.1.2 Provide invasive weed management programs

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with advice of the updated Weed Control Programs for the Eurobodalla.

Council is the Local Control Authority for the control and management of biosecurity matter (weeds) under the *Biosecurity Act 2015* (the Act) which replaced the *Noxious Weeds Act 1993* (the Act) in 2017.

Section 371 (1) (b) of the Act enables Council to declare certain high threat weeds to be biosecurity matter within the Eurobodalla Local Government Area. Their declaration enables Council to impose additional control measures based on a risk assessment process. The control measures in the programs set out what landholders – both private and public – are required to do to control the weed and discharge their general biosecurity duty. Weed Control Programs under Section 371 (1) (b) of the Act enable Council to enforce the control of weeds that pose a high threat to Eurobodalla by enabling additional control measures for these weeds.

This report seeks to enact local Weed Control Programs, which are a function of the Act and will complement the NSW Invasive Species Plan 2015-22 and the South East Regional Strategic Weed Management Plan 2017-22.

Eurobodalla Weed Control Programs are required to ensure ongoing control measures are in place for high threat weeds that are not described in the aforementioned plans and biosecurity legislation, and can be enforced if required. This will ensure continuity with the current weed management program.

RECOMMENDATION

THAT Council receive and note the attached weed control programs under section 371 (1) (b) of the *Biosecurity Act 2015*.

PSR22/063 REVISION OF WEEDS CONTROL PROGRAMS

S010-T00026

BACKGROUND

To carry out our legislative functions under the Act, Council inspects private and public property to ensure landholders are discharging their general biosecurity duty, and to provide assistance, extension and education services.

Weed Control Programs provide Council with well-defined control measures for enforcing the control of specific locally significant weeds across the Eurobodalla Shire.

On 28 August 2018 (minute no: 18/228) the following recommendation was endorsed.

THAT Council receive and note the Weed Control Programs under Section 371 (1) (b) of the Biosecurity Act 2015.

Council has conducted a recent review of the weed control programs and used a new and comprehensive weeds risk assessment tool to review the current declarations, resulting in:

- changes to eleven (11) existing programs
- the addition of two programs: Arum Lily (*Zantedeschia aethiopica*) and Weedy Cassia (*Senna pendula*) at South Durras. The declaration of these two weeds in this location is to specifically protect the Natural values of Murramarang National Park.
- removal of three programs: African Boxthorn (*Lycium ferossismum*); Madeira Vine (*Anredera cordifolia*); and Pampas Grass (*Cortaderia selloana*, *Cortaderia jubata*, *Cortaderia richardii*).

A breakdown of the revisions to the weed control programs can be found in table 1.

Terminology:

Prevention: To stop a weed arriving and establishing. This is the core focus of Council's weeds inspection program and typically, these weeds are present elsewhere in Australia but have not been found in the Eurobodalla Shire.

Eradication: To destroy all infestations of a weed after it's been located – these are usually high-risk weeds.

Extirpation: To work towards the eradication of a weed in a particular location e.g., boneseed at Long Beach. These are usually high-risk weeds.

Containment: to try and stop a weed from extending past its current extent. This is usually when the plant has established in a particular area and is now too difficult or costly to eradicate or extirpate, however it is important that the plant does not leave the site eg., Serrated Tussock at Bingie.

Asset protection: To protect something of value that the weed is impacting or has the potential to impact. This is typically reserved for common and widespread weeds eg., protecting agriculture from blackberry or a high value vegetation community from weed invasion.

PSR22/063 REVISION OF WEEDS CONTROL PROGRAMS

S010-T00026

Shire Wide	No change	Changed	Description of change	New	Asset
African Love Grass (<i>Eragrostis curvula</i>)		✓	Control objective changed from "destroy infestations" to "containment"		Agriculture Native Grasslands
Blackberry (<i>Rubus fruticosus</i> aggregate spp)		✓	Control objective changed from "destroy infestations" to "asset protection"		Agriculture
Cat's Claw Creeper (<i>Dolichandra unguis cati</i>)		✓	Control objective changed from "eradication" to "extirpation"		Biodiversity
Chilean Needle Grass (<i>Nasella neesiana</i>)		✓	Control objective changed from "eradication" to "prevention"		Agriculture Native Grasslands
Coolatai Grass (<i>Hyparrhenia hirta</i>)	✓				Agriculture Native Grasslands
Crofton Weed (<i>Ageratina adenophora</i>)	✓				Agriculture Biodiversity
Gorse/Furze (<i>Ulex europaeus</i>)		✓	Control objective changed from "eradication" to "extirpation"		Agriculture Biodiversity
Lantana (<i>Lantana camara</i>)		✓	Control objective changed from "destroy infestations" to "asset protection"		Agriculture Biodiversity
Sharp/Spiny Rush (<i>Juncus acutus</i>)	✓				Human health Animal health Biodiversity
Prickly Pear (all species in the <i>Opuntiod</i> genus excepting <i>Opuntia ficus indica</i>)		✓	Control objective changed from "destroy infestations" to "containment"		Biodiversity Human health Animal health
Salvinia (<i>Salvinia molesta</i> and <i>Salvinia minima</i>)		✓	Control objective changed from "Monitor and protect priority sites" to "extirpation"		Biodiversity
Scotch Broom, Montpellier/Cape		✓	All <i>Genista</i> and <i>Cytisus</i> spp, including all hybrids have been		Biodiversity

PSR22/063 REVISION OF WEEDS CONTROL PROGRAMS

S010-T00026

Shire Wide	No change	Changed	Description of change	New	Asset
Broom, Flax Leaf Broom, Dwarf Broom, Hedge Broom. (<i>Genista</i> and <i>Cytisus</i> spp, including all hybrids)			combined into one WCP. Control objective has been updated to “containment”		
Serrated Tussock (<i>Nasella trichotoma</i>)		✓	Control objective changed from “destroy infestations” to “containment”		Agriculture Native grasslands
St John's Wort (<i>Hypericum perforatum</i>)		✓	Control objective changed from “destroy infestations” to “containment”		Agriculture
Durras South					
Cassia (<i>Senna pendula</i>)				✓	Biodiversity (Murramarang National Park)
Arum Lily (<i>Zantedeschia aethiopica</i>)				✓	Biodiversity (Murramarang National Park) Human health Animal health

Table 1: Breakdown of the revisions to Eurobodalla Shire Council’s Weed Control Programs

The report details the Weed Control Programs that will provide control measures for weeds that have been risk assessed and found to present a medium or high risk to the values of the Eurobodalla Shire and are not declared biosecurity matter under the Act or under the NSW Biosecurity Regulations 2017.

CONSIDERATIONS

Unless already identified, or in the process of being nominated for inclusion in a Biosecurity Zone, as Prohibited Matter, or to be managed by a mandatory measure, weeds that are outside the scope of Council endorsed Weed Control Programs may be dealt with on a case-by-case basis through a risk management approach and control enforced as a general biosecurity duty.

Legal

In 2021 to 2022, Eurobodalla Shire Council was the authorised administrative body for the *Biosecurity Act 2015* which came into force on 1 July 2017.

The legislation promotes biosecurity as a shared responsibility between government, industry, and the community, who will work together to identify, prevent, eradicate, minimise, respond to, and manage biosecurity risks.

PSR22/063 REVISION OF WEEDS CONTROL PROGRAMS

S010-T00026

The Weed Control Programs will enact section 371 (1) (b) of the Act and become legal instruments that landholders must abide by in order to discharge their general biosecurity duty under section 22 of the Act.

Penalties may apply to persons who do not meet their obligations under the Weed Control Programs.

Asset

Weeds cost farmers a significant investment in time, money and lost agricultural production and pose a threat to biodiversity.

As the Local Control Authority, Council plays a pivotal role for the protection of both our primary production sector and environment, in ensuring that serious weed threats are mitigated before they become a serious issue and economic burden.

The majority of the weeds detailed in Table 1 are not yet widespread in the Eurobodalla and have the potential to cause a biosecurity impact to a variety of assets, including but not limited to, agriculture, biodiversity, human health and animal health.

Social Impact

Invasive species impact on agriculture, ecosystem services, tourism, and recreation. They can have a physical, aesthetic, financial and social impact on property owners, tourists, recreationists, and property managers.

Community and Stakeholder Engagement

Council will inform the community through providing information on Council's website and social media platforms. A notice will be distributed to South Durras residents via the resident's association and Landcare newsletter to notify them of the new declarations for *Senna pendula* and *Zantedeschia aethiopica*.

CONCLUSION

Council's revised Weed Control Programs will enable the Invasive Species / Biosecurity team to make sound decisions based on a professional and robust risk assessment process, while undertaking compliance work. The Weed Control Programs will ensure appropriate action takes place to protect the environment, agriculture and human and animal health from the impact of the nominated weeds.

PSR22/064 BUSHFIRE RECOVERY GRANT FUNDED PROJECT

S031-T00061

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

Attachments: Nil

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

Community Strategy: 1.1 Move together for a sustainable future

Delivery Program Link: 1.1.3 Facilitate waste management services guided by the strategy and asset management plan

Operational Plan Link: 1.1.3.1 Build, renew, operate and maintain waste landfill sites and transfer stations

EXECUTIVE SUMMARY

The purpose of this report is to advise Council of tenders received and to make recommendations for the award of the Concept and Design Services tender to the preferred contractor. A confidential attachment is included for Councilors' information only pursuant to Section 10A(2) of the *Local Government Act 1993*.

This report outlines the evaluation of offers submitted in response to a Request for Tender ((RFT) No. 10052361) for concept and design services as part of the bushfire recovery landfill projects at Surf Beach Waste Management Facility.

Council entered funding agreements with the NSW Environment Protection Authority (EPA) under the EPA's Bushfire Recovery Program for Council Landfills, to undertake three (3) projects at Surf Beach Waste Management Facility on 31 January 2022. The NSW EPA timeline for the completion of the grant funded bushfire recovery landfill projects is 30 June 2023. Market conditions have resulted in unexpected project delays, and the EPA is currently advocating on Council's behalf for a 12 month extension to the project completion date, yet to be determined.

Sufficient lead time is required to tender for the construction and associated procurement components of the project. Projected work plans provided by Public Works Advisory (PWA) in consultation with contractors, confirm that the required lead time to meet the milestone and completion dates outlined in the existing funding deeds is unlikely and will be equally challenging within the provisions of a 12 month extension, should that be granted

If a decision on the preferred tenderer and engagement of a contractor for the required services is not determined, the project will experience further delays contributing to the existing risk that the projects will not be completed in accordance with the project funding deeds.

PSR22/064 BUSHFIRE RECOVERY GRANT FUNDED PROJECT

S031-T00061

RECOMMENDATION

THAT

1. Council endorses the selection of the preferred tenderer as contained within the Confidential Attachment, for the award of the Concept and Design Services tender (RFT No. 10052361).
2. Accordingly, Council approves the entering of a contractual arrangement with the preferred tenderer, subject to the terms and conditions specified in the Request for Tender.

BACKGROUND

Council received a total of \$6,782,539 in grant funding under the EPA's Bushfire Recovery Program for Council Landfills, to undertake three (3) projects at Surf Beach Waste Management Facility, including \$954,000 for the expansion of the organics processing area, \$1,155,617 for a Disaster Resilience Masterplan, and \$4,672,922 for enabling works for the new waste cell. The successful grant applications were reported to the Ordinary Meeting of Council held on 22 February 2022.

The three (3) grant funded projects are being managed across five (5) separable components (portions) of work so that interrelated activities can be conducted at the same time, increasing efficiencies and economies of scale. The tender is for the concept and detailed design of the five (5) separable components as described below.

Separable Component 1

- Concept and Detailed Design & Documentation of the "Enabling Works" to prepare the current new cell for use.

Separable Component 2

- Concept and Detailed Design & Documentation for onsite leachate and stormwater management, storage, and disposal systems.

Separable Component 3

- Concept and Detailed Design & Documentation for the expansion of the existing organics waste area.

Separable Component 4

- Concept and Detailed Design & Documentation for reconfiguration of the access/egress to the waste centre, the waste disposal bunker area, the administration facilities, and associated amenities.

PSR22/064 BUSHFIRE RECOVERY GRANT FUNDED PROJECT

S031-T00061

Separable Component 5

- Development of a Detailed “Master Operational Plan” for the Surf Beach WMF.

The completion of these bushfire recovery landfill projects is critical in ensuring that Council recovers from the direct and indirect financial and infrastructure impacts resulting from the 2019/2020 bushfire disaster while improving disaster resilience.

Council released a Request for Tender (RFT No. 10052361), to obtain responses from appropriately qualified and experienced organisations to develop concepts and designs for each of the five (5) separable components in accordance with relevant EPA requirements, standards, and codes.

Four consultancy firms were invited to tender:

Tenderer
1. Tonkin Consulting Pty Ltd
2. Consulting Earth Sciences Pty Ltd
3. GHD Pty Ltd
4. WSP Golder Pty Ltd

Prior to tenders closing, GHD Pty Ltd and WSP Golder Pty Ltd advised that they would not be submitting tenders due to being successful in securing other contracts and not having sufficient available resources to commit to the project. The two remaining tenderers, Tonkin Consulting Pty Ltd and Consulting Earth Sciences Pty Ltd, submitted compliant tenders in accordance with the requirements of the RFT.

The two (2) compliant tenderers were assessed in accordance with the Tender Evaluation Plan (TEP). Both tenderers submitted responses to all separable components.

Based on the assessment of the tenders, a recommendation was presented to the Tender Evaluation Committee (TEC) to endorse and provide a recommendation to Council.

A summary of the evaluation against the evaluation criteria, is provided in the Confidential Attachment to this report.

CONSIDERATIONS

Legal

In preparing the tender documentation, Council staff relied on the expertise of NSW PWA (PWA) in developing and reviewing the contracts for the Concept and Design Services (RFT No. 10052361).

Tenders were called from a list of suitable prequalified consultants, sourced from the buy.nsw consultant panel, in accordance with the provisions of clause 169 of the *Local Government (General) Regulation 2021*.

The RFT was advertised via the NSW eTendering web portal ([eTendering - Home \(nsw.gov.au\)](https://www.nsw.gov.au/eTendering)) in accordance with the relevant requirements of the *Local Government (General) Regulation 2021* and the *Local Government Act 1993*.

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S031-T00061

A Tender Evaluation Plan (TEP) consistent with the regulations and the conditions of tendering in the RFT documents was prepared and endorsed by the TEC prior to close of tenders. The tender evaluation process followed the agreed TEP.

Policy

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

Environmental

The required environmental and Aboriginal Cultural Heritage assessments and reports will be carried out before construction works begin.

Asset

The projects will result in the expansion of a Council-managed asset.

Social Impact

The projects will enhance the effective and efficient management of waste operations and maximise the lifespan of the Surf Beach Waste Management Facility to meet the current and long-term needs of the community and improve disaster resilience and recovery.

Financial

Council was successful in receiving \$7.8 million in grant funding through the NSW Government's Bushfire Recovery Program for Council Landfills to assist in the recovery of the direct and financial impacts associated with the 2019/2020 bushfire disaster. \$6,782,539 of the grant funding received is to support the bushfire recovery projects at Surf Beach with the remainder allocated for separate and additional works at the Brou Waste Management Facility. Both tenders received were below the NSW PWA pre-tender estimate to undertake this component of works.

Community and Stakeholder Engagement

NSW PWA are managing the bushfire recovery projects on behalf of Council in consultation with the EPA.

The tender was advertised via the NSW eTendering web portal. 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 and a hard copy of the register is on display in the foyer of Council's Administrative building.

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 process, as representing best value for money to deliver the required services for the community.

PSR22/064 BUSHFIRE RECOVERY GRANT FUNDED PROJECT

S031-T00061

The preferred tender (as identified in the Confidential Attachment), and as endorsed and recommended by the TEC to Council, is recommended for the award of the Concept and Design Services Contract works associated with the Bushfire Recovery Program for Council Landfills.

**IR22/029 REQUEST FOR TENDER NO. 2223-023 - WAGONGA INLET WATER
TRUNK AND SEWER RISING MAIN RENEWAL**

**S032-
T00010**

Responsible Officer: Tony Swallow - Acting Director Infrastructure Services

Attachments: 1. Confidential - RFT 2223-023 Wagonga Inlet Water Trunk and Sewer
Rising Main Renewal

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

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

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

Operational Plan Link: 1.4.1.1 Build and renew the water supply network

EXECUTIVE SUMMARY

A requirement exists to replace the water trunk and pressure sewer pipelines across the Wagonga Inlet with new High-Density Polyethylene (HDPE) pipes. The project replaces existing 44-year-old pipelines.

This report outlines the evaluation of offers submitted in response to Request for Tender No. 2223-023 Wagonga Inlet Water and Sewer Underbore construction and provides a recommendation for the preferred Tender.

RECOMMENDATION

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 2223-023 Wagonga Inlet Water and Sewer Underbore construction.

BACKGROUND

A trunk water pipeline and pressure sewer pipeline were installed across the Wagonga Inlet in 1979 to provide a water supply service to Narooma, Central Tilba and Mystery Bay and a sewerage service to Narooma. The pipelines were installed by dredging a trench in the bed of the estuary, laying the pipelines under the water and backfilling with crushed rock and riprap to protect the pipes. The pipes are mild steel in a marine environment. While cathodic protection has been installed to minimise corrosion, the pipe condition is unknown.

A map of the location of the pipelines is below.

**IR22/029 REQUEST FOR TENDER NO. 2223-023 - WAGONGA INLET WATER
TRUNK AND SEWER RISING MAIN RENEWAL**

**S032-
T00010**



Location of water and sewer pipelines – Wagonga Inlet

Marine Rescue NSW proposes upgrading their facility at Mill Bay requiring the installation of piles adjacent to Council's water and sewer pipelines. Due to the age of the pipes and the aggressive environment (steel pipes in a marine environment), Council is concerned that the vibration of installing piles near the pipes will cause one or both pipes to fail. Should the sewer pipe fail, raw sewage would discharge into the Wagonga Inlet disrupting oyster harvesting. Should either pipe fail, services south of the Wagonga Inlet would be severed, and Council would need to cart water and/or sewage until the pipes are replaced at considerable expense.

It is therefore proposed to replace the pipelines with new High-Density Polyethylene (HDPE) pipes prior to the Marine Rescue project commencing. The pipelines will be installed by horizontal directional drilling to minimise the impact to the environment.

RFT No. 2223-023 was advertised on 27 September 2022 with a closing date of 27 October 2022. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

**IR22/029 REQUEST FOR TENDER NO. 2223-023 - WAGONGA INLET WATER
TRUNK AND SEWER RISING MAIN RENEWAL**

**S032-
T00010**

- Directhitt Stapylton, QLD
- SNG Engineering Stanhope Gardens, NSW
- UEA Arndell Park, NSW
- Utilstra Fyshwick, ACT.

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2223-023 Wagonga Inlet Water and Sewer Underbore construction was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertised on Council's Tenderlink web portal:
(www.tenderlink.com/eurobodalla)

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

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

Policy

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the Local Government Act 1993.

Environmental

Replacement of the water trunk and pressure sewer pipelines across the Wagonga Inlet significantly reduces the risk of an environmental incident from a pipe failure. The pipelines will be installed by horizontal directional drilling, minimising the impact to the environment.

Asset

The project replaces existing 44-year-old pipelines. Pipelines have an average design life of eighty years, with some pipes needing to be replaced prior to being fully depreciated for various reasons. Some pipelines in aggressive environments (eg steel pipes in acid sulphate soils) have lasted for only twenty years. Where an asset is replaced the written down value is written off as an operational expense. As these pipelines are critical for service delivery to a large number of customers, and as the pipelines would be difficult to repair should they fail, it is appropriate to replace these pipelines early as a risk management measure.

**IR22/029 REQUEST FOR TENDER NO. 2223-023 - WAGONGA INLET WATER
TRUNK AND SEWER RISING MAIN RENEWAL**

**S032-
T00010**

Social Impact

The pipelines provide a water supply service to Narooma, Central Tilba and Mystery Bay and a sewerage service to Narooma. Renewing the pipelines improves the reliability of water supply and sewerage services.

The project reduces the risk of a major pollution incident affecting the Wagonga oyster industry (financial and reputational).

Financial

The project can be completed within existing water fund budgets and reserves.

Communication / Consultation

The following stakeholders were consulted in the development of the Request for Tender:

Aboriginal consultation for the Aboriginal Cultural Heritage Assessment (ACHA) was undertaken in compliance with the *Aboriginal cultural heritage consultation requirements for proponents* 2010 (DECCW 2010b). Twenty-one Aboriginal Parties/individuals registered interest for this project during the notification process.

The Department of Primary Industries was consulted as a Marine Parks permit will be required for the works.

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

CONCLUSION

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

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

**IR22/030 REQUEST FOR TENDER NO. 2223-040 - MOGO SEWAGE PUMPING
STATION UPGRADE**

**S029-
T00604**

Responsible Officer: Tony Swallow - Acting Director Infrastructure Services

Attachments: 1. Confidential - RFT 2223-040 Mogo Sewage Pumping Station Upgrade

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

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

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

Operational Plan Link: 1.4.1.3 Build and renew sewerage network

EXECUTIVE SUMMARY

The Mogo Sewerage Scheme was constructed in 1995 and is now 27 years old. Council proposes refurbishing the sewage pumping station adjacent to the Rural Fire Service shed in Tomakin Road, Mogo to ensure its continued reliability.

This report outlines the evaluation of offers submitted in response to Request for Tender No. 2223-040 Mogo Sewage Pumping Station Upgrade and provides a recommendation for the preferred Tender.

RECOMMENDATION

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 2223-040 Mogo Sewage Pumping Station Upgrade.

BACKGROUND

Sewage pumping stations have a structural design life of 100 years and require a mechanical/electrical refurbishment every 25-30 years.

The Mogo Sewerage Scheme was constructed in 1995 and is now 27 years old. Council proposes refurbishing the sewage pumping station adjacent to the Rural Fire Service shed in Tomakin Road, Mogo to ensure its continued reliability. The refurbishment includes:

- Removing all mechanical and electrical equipment, handrails, ladders, well covers, etc
- Concrete well repairs as necessary
- Installing new pump machinery, guide rails, valves, etc
- Installing a new switchboard
- Relocating existing chemical dosing equipment away from Tomakin Road and installing chemical delivery bunding
- Improving site drainage
- Road pavement works
- Landscaping.

**IR22/030 REQUEST FOR TENDER NO. 2223-040 - MOGO SEWAGE PUMPING
STATION UPGRADE**

**S029-
T00604**



Location of Mogo sewage pumping station, Tomakin Road, Mogo

RFT No. 2223-040 was advertised on 27 September 2022 with a closing date of 27 October 2022. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- Ironbuilt Infrastructure Unanderra, NSW
- Killard Infratsructure Kings Park, NSW
- QMax Pumping Systems Queanbeyan, NSW.

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2223-040 Mogo Sewage Pumping Station Upgrade was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertising on Council's Tenderlink web portal:
(www.tenderlink.com/eurobodalla)

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

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

**IR22/030 REQUEST FOR TENDER NO. 2223-040 - MOGO SEWAGE PUMPING
STATION UPGRADE**

**S029-
T00604**

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

Refurbishing the sewage pumping station will ensure its continued reliability for the next 25-30 years, decreasing the risk of sewage overflows to the environment.

Twenty-four trees (including 9 mature trees) within the existing road reserve will be removed to accommodate the pumping station upgrade and proposed future road construction works. The site will be landscaped upon completion, including native shrubs.

Asset

The existing pump machinery and electrical switchboard has reached its end of life and is due for replacement.

Social Impact

The sewage pumping station transfers all sewage collected at Mogo to the Tomakin Sewage Treatment Plant for treatment and disposal. The sewage treatment provides environmental and health benefits to the Mogo community.

Financial

The project can be completed within existing water fund budgets and reserves.

Community and Stakeholder Engagement

The Mogo Chamber of Commerce has been informed of the need for the project and the scope of works. A site meeting was held to show the proposed layout and extent of clearing.

The neighboring Rural Fire Service was advised of the need for the project and scope of works. A sewer service connection point will be installed as part of the upgrade works.

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

CONCLUSION

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

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

IR22/031 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2022-23

S030-T00018

Responsible Officer: Tony Swallow - Acting Director Infrastructure Services
Attachments: Nil
Outcome: 7 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: 7.1.2.4 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report. The main issues covered at the Eurobodalla Local Traffic Committee meeting, held 3 November October 2022, are as follows:

- Signage and Line Marking – No Stopping in Cranbrook Road, Batemans Bay
- Signage and Line Marking – No Stopping Heath Street, Give Way Imogen Way, Broulee
- Signage and Line Marking – No Stopping signage and line marking, Beach Road, Batehaven
- Signage and Line Marking – No Stopping signage and line marking, Beach Road, Sunshine Bay
- Signage and Line Marking – amendments - Saltwater Drive subdivisions, West Rosedale
- Signage and Line Marking – Centreline and Give Way, Eurobodalla Road and Nerrigundah Mountain Road, Bodalla
- ACT Road Safety Fund Community Grants 2022.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 4 for 2022-23 be received and noted.
2. Plan 5156 BB34 detailing 'No Stopping' signage and linemarking on the eastern side of Cranbrook Road from 38 Cranbrook Road to the southern end of narrowing of road, a length of approximately 93m. And 'No Stopping' signage and linemarking for approximately 66m, on western side of Cranbrook Road where the road narrows on Cranbrook Road, Batemans Bay be approved.
3. That signage and linemarking Plan Conway Burrows and Hancock Plan 3647-5C sheet 45 OF 48 Issue Rev B for DA0035/21 dated 26/08/2022 detailing the signage and line marking Bangalay Street and Imogen Way, and Plan 3647-5C Sheet 46 of 49 Bangalay Way and Pippi Close Issue Rev B dated 26/08/2022 Broulee be approved.

IR22/031 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2022-23

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4. That Council Plan No. 5429 Set A sheet 21 detailing Caseys Beach South proposed pedestrian refuge as part of the Batemans Bay Coastal Headlands Walking Trail be approved.
5. That Council Plan 5429 Set A sheet 20 detailing Caseys Beach North proposed pedestrian refuge as part of the Batemans Bay Coastal Headlands Walking Trail be approved.
6. That the required amended signage and linemarking Plan Rygate & West U12380 Set F Sheets 1 & 2 dated 21/09/2022 and Plan Conway Burrows & Hancock 10683-15 Sheets 1 to 3 dated 2/06/2022, Rosedale be approved.
7. That the signage and linemarking of Bodalla Eurobodalla Road Line Marking Plan, sheets 1,2, and 3 dated draft 18/10/22, Bodalla be approved.
8. That the action of staff in accepting the offer of funding for \$15,000 from ACT Road Safety Fund Community Grants be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 4 for 2022-23 was held on 3 November 2022. The meeting was attended by Councillor Amber Schutz (Chair), Senior Sergeant Angus Duncombe (NSW Police), Emma Pietruska (Transport for NSW), Kate McDougall (Road Safety Officer) and Geoff Armstrong (Design Coordinator).

APOLOGIES

Tom Franzen (Divisional Manager Technical Services)

DEPUTATIONS

Nil.

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 for 2022-23 held on 6 October 2022 were confirmed and accepted. A discussion was held on the recommendation to endorse the Transport Network Plan – Southern Area of Eurobodalla. It was advised this is actioned in conjunction with the report to Council as **the Local Traffic Committee is an advisory body only, having no decision-making powers**. It is, primarily, a technical review committee that is required to advise the Council on traffic related matters referred to it by Council.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

Nil

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2023.RT.012 Signage and Line Marking – No Stopping in Cranbrook Road, Batemans Bay

Council received notification from businesses owners on Cranbrook Road, in particular Eurobodalla Health and Fitness, that clients park in the narrow part of Cranbrook Road creating an issue for cars and trucks to pass. The road rules state that motorists must not park within 3m of any dividing lines, however, cars and trucks have regularly disobeyed this ruling by parking in the narrowed roadway.

IR22/031 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2022-23

S030-T00018

Eurobodalla Health and Fitness have requested parking restriction be installed adjacent to the narrowed roadway on Cranbrook Road to allow easy access for cars and trucks that travel to businesses towards and at the cul-de-sac of Cranbrook Road.

Installing a No Stopping zone adjacent to the narrowing section of Cranbrook Road will reinforce the road rules of not parking within 3m of any double dividing lines and keep the road clear for all road users.

Police were supportive of this installation and asked Council Rangers to monitor parking compliance. Police also asked for parking compliance of unregistered cars on Sharon Road, Batemans Bay.

LTC Recommendation:

That Plan 5156 BB34 detailing 'No Stopping' signage and linemarking on the eastern side of Cranbrook Road from 38 Cranbrook Road to the southern end of narrowing of road, a length of approximately 93m. And 'No Stopping' signage and linemarking for approximately 66m, on western side of Cranbrook Road where the road narrows on Cranbrook Road, Batemans Bay be approved.

2023.RT.013 Signage and Line Marking – Heath Street and Imogen Way, Broulee

A new 30 lot subdivision is being constructed in Broulee as part of the second stage of Development Application 0035/21.

Signage and line marking plans and a pedestrian island require approval from the Committee.

Plans presented at this meeting include:

- Heath Street and Imogen Way, Plan Conway Burrows & Hancock 3647-5C, Sheet A1 Issue Rev B. Sheet 45 of 49 dated 26/08/2022.
- Plan 3647-5C Sheet 46 of 49 Bangalay Way and Pippi Close Issue Rev B dated 26/08/2022 These plans will be circulated to Committee members prior to the meeting via email.

A pedestrian refuge island will be installed at one location to encourage drivers to slow down.

Recommendation:

That signage and linemarking Plan Conway Burrows and Hancock Plan 3647-5C sheet 45 OF 48 Issue Rev B for DA0035/21 dated 26/08/2022 detailing the signage and line marking Bangalay Street and Imogen Way, and Plan 3647-5C Sheet 46 of 49 Bangalay Way and Pippi Close Issue Rev B dated 26/08/2022 Broulee be approved subject to the addition of an advance warning sign for the pedestrian refuge.

2023.RT.014 Signage and Line Marking – Caseys Beach South Proposed Pedestrian Refuge, Beach Road, Sunshine Bay

The Batemans Bay Coastal Headlands Walking Trail Project comprises a 20km coastal walking trail linking the headlands and beaches between Batehaven and McKenzies Beach via existing natural bush tracks and lookout areas, all on public land. The trail does not allow users to walk on the eastern side of Beach Road Batehaven as it has been assessed unsafe by Council. A pedestrian refuge is required to allow pedestrians to cross the road safely, walk along the existing footpath (western side of Beach Road) and cross again at the intersection of Beach

IR22/031 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2022-23

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Road and Batehaven Road (proposed northern pedestrian refuge) to continue the Coastal Headlands Walking Trail.

This plan identifies the pedestrian refuge required at the southern end of Caseys Beach for safe crossing of pedestrians, including school children for the emergency marshalling area from Sunshine Bay Primary School.

LTC Recommendation:

That Council Plan No. 5429 Set A Sheet 21 detailing Caseys Beach South proposed pedestrian refuge as part of the Batemans Bay Coastal Headlands Walking Trail be approved subject to an upgrade to the lighting in the area.

2023.RT.015 Signage and Line Marking – Caseys Beach North Proposed Pedestrian Refuge, Beach Road, Batehaven

The Batemans Bay Coastal Headlands Walking Trail Project does not allow users to walk on the eastern side of Beach Road Batehaven as it has been assessed unsafe by Council staff. A pedestrian refuge is required to allow pedestrians to cross the road safely, walk along the existing footpath (western side of Beach Road) and cross again at South Caseys Beach to continue Walking Trail.

This plan identifies the pedestrian refuge required at the northern end of Caseys Beach for safe crossing of pedestrians.

LTC Recommendation:

That Council Plan No. 5429 Set A Sheet 20 detailing Caseys Beach North proposed pedestrian refuge as part of the Batemans Bay Coastal Headlands Walking Trail be approved.

2023.RT.009 Amended Signage and Line Marking – Saltwater Drive subdivisions, West Rosedale

Subdivisions are being constructed on the western side of George Bass Drive which include a collector road that will eventually service approximately 500 lots.

This collector road with a proposed name of Saltwater Drive starts at the existing intersection of George Bass Drive and Rosedale Parade. The new road heads west from the intersection for a total length of 1100 metres.

There are four sets of signage and line marking plans over this area that require approval from the Committee. There are 2 developers constructing these urban systems with both contributing toward the cost of a roundabout at the intersection of George Bass Drive.

Plans already approved by the Committee on 7 July 2022 are:

- Roundabout at the intersection of George Bass Drive, Rosedale Parade and Saltwater Drive LTC ref 2023.RT.001
- Saltwater Drive and associated side roads, from George Bass Drive heading west for approximately 450 metres – Ch00 to Ch450 from George Bass Drive. LTC reference 2023.RT.002.

Plans presented at the Committee meeting on 6 October 2022 prompting amendments at this meeting:

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- Saltwater Drive, Plan Rygate & West U12380 Set F Sheets 1 & 2 dated 21/09/2022. Ch450 to Ch700.
- Saltwater Drive and associated side roads, Plan Conway Burrows & Hancock 10683-1S Sheets 1 to 3 dated 2/06/2022. Ch700 to Ch1100.

These plans were circulated to Committee members prior to the meeting via email.

These subdivision road layout plans were approved by Council including that the Saltwater Drive collector road is to be 9.5 metres wide with upright kerb. For most of the length of this collector road (from Ch700 to Ch1100) there are new urban lots on both sides.

To allow safe and efficient vehicular travel, the 9.5 metre wide collector road will have a double barrier centreline that is offset in some sections, allowing parking on only one side.

Pedestrian refuge islands will be installed at two locations and a centre 'football' island at one location, to encourage drivers to slow down.

Bus bays and associated bus zones will be installed at two locations.

LTC Recommendation:

That the required amended signage and linemarking Plan Rygate & West U12380 Set F Sheets 1 & 2 dated 21/09/2022 and Plan Conway Burrows & Hancock 10683-1S Sheets 1 to 3 dated 2/06/2022, Rosedale be approved.

2023.RT.016 Signage and Line Marking – Eurobodalla Road and Nerrigundah Mountain Road, Bodalla

Council is constructing a dam off Eurobodalla Road, and a road safety audit was conducted associated with this project. Recommendations from the road safety audit was that centre line marking along the full length of Eurobodalla Road from Cemetery Bridge to Nerrigundah Mountain Road; centre line from Nerrigundah Mountain Road to quarry entrance; to improve road safety on Nerrigundah Mountain Road there will be an upgrade of the Give Way signage and hold lines at Tyrone Bridge.

These upgrades will assist in safer traffic movements for haulage trucks and other vehicles using this area. Haulage trucks will be frequent users of this road hauling material from the quarry to the nearby dam site.

This plan identifies the pedestrian refuge required at the northern end of Casey's Beach for safe crossing of pedestrians.

LTC Recommendation:

That the signage and linemarking of Bodalla Eurobodalla Road Line Marking Plan, sheets 1,2, and 3 dated draft 18/10/22, Bodalla be approved

INFORMAL ITEMS FOR DISCUSSION

2023.SE.003 Funding Offer – ACT Road Safety Fund Community Grants

The ACT Road Safety Fund Grand Program provides funding for a range of activities including road safety programs and rehabilitation services, road safety education and public awareness

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campaigns, research, road safety audits and feasibility studies into road design and construction.

The strategic priority areas are:

1. Distraction
2. Impaired driving (drink and drug driving)
3. Vulnerable road users
4. Speed management
5. Sustainable and innovative – transport.

Grant rounds are run annually for small to medium sized projects up to \$50,000. A larger project up to \$100,000 may be considered subject to available funding. Any individual, community or private organisation, or university may apply for funding. There is no limit on the number of applications that can be submitted by an individual or organisation.

Council's road safety officer was successful in seeking \$15,000 funding for the Kings Highway Road Safety Partnership for design, development, and installation of roadside banners targeting speeding and fatigued road users.

Recommendation:

That the action of staff in accepting the offer of funding for \$15,000 under the ACT Road Safety Fund Community Grants Program be approved.

2023.IN.004 Special Event Application – Batemans Bay Triathlon, based in Tomakin

Council has received a special event application with associated traffic management documents for the Batemans Bay Triathlon to be conducted on George Bass Drive and North Head Drive, between Tomakin and Moruya and on local roads within Tomakin Village, on Saturday 25 March 2023.

The event will be based at Tomakin Sports and Social Club.

The Batemans Bay Triathlon Festival is a one-day event, consisting of 4 triathlon distances:

- Super Sprint – 300m Swim, 10km Bike and 2km Run
- Sprint – 600 Swim, 20km Bike and 5km Run
- Standard – 1.5km Swim, 40km Bike and 10km Run
- Ultimate – 2km Swim, 60km Bike and 20km Run.

The transition and finish line will be located on the grassed area behind Tomakin Sports and Social Club. The bike course takes athletes along Sunpatch Parade, George Bass Drive to North Head Drive and through Tomakin village. The run course takes athletes along Sunpatch Parade towards Barlings Beach Caravan Park and return. The swim course is in the Tomaga River.

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The following road closures are requested on Saturday 25 March 2023:

1. George Bass Drive, controlled access (emergency and official vehicles exempt with resident vehicles and adjoining business patrons allowed when safe to do so), from Sunpatch Parade Tomakin to Train Street Broulee, from 8.30am to 1.30pm
2. George Bass Drive – controlled access (emergency and official vehicles exempt), from Train Street Broulee to Broulee Road from 8.30am to 1.30pm
3. George Bass Drive and North Head Drive, road closed – controlled access (emergency and official vehicles exempt with resident and airport patrons allowed when safe to do so), from Broulee Road Broulee to a turnaround point 700m east of Princes Highway Moruya from 8.30am to 1.30pm.

This event with a similar route was undertaken in 2021.

Patrons to IGA Supermarket will be allowed, when safe to do so, to access the IGA supermarket and other adjoining businesses from Broulee and Mossy Point suburbs. The route will be via Annetts Parade Mossy Point and Train Street Broulee.

To reduce the risk caused by this additional traffic, the northern turnaround point on George Bass Drive for the longer events will be at Broulee Road intersection. Additionally, the southern turnaround point will be further south along North Head Drive. This southern turnaround point will be 700m east of Princes Highway Moruya.

Recommendation:

That the Traffic Management and Control Plans for the Batemans Bay Triathlon, to be conducted along George Bass Drive and North Head Drive and within Tomakin village on Saturday 25 March 2023 be approved.

GENERAL BUSINESS

It was also mentioned that before each meeting an Acknowledgement of Country be delivered.

Eurobodalla Shire Council recognises Aboriginal people as the original inhabitants and custodians of all land and water in the Eurobodalla and respects their enduring cultural and spiritual connection to it. Eurobodalla Shire Council acknowledges the Traditional Owners of the land in which we live. Council pays respect to Elders past, present and future.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 1 December 2022 in Council's Glass Meeting Room and via MS Teams, commencing at 9.30am.

IR22/032 ACCEPTANCE OF FUNDING - GET NSW ACTIVE PROGRAM 2022-23

**S014-
T00018**

Responsible Officer: Tony Swallow - Acting Director Infrastructure Services

Attachments: Nil

Outcome: 4 Our connected community through reliable and safe infrastructure networks

Focus Area: 4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla

Delivery Program Link: 4.1.2 Advocate for improved and resilient transport services and infrastructure

Operational Plan Link: 4.1.2.2 Seek funding to maintain and improve the local and regional transport network

EXECUTIVE SUMMARY

Council has been successful in securing \$1,350,000 under the NSW Government's Get NSW Active Program 2022/23 for the construction of footpaths and shared pathways across the Eurobodalla.

The grants secured will assist Council to deliver the adopted Eurobodalla Pathways Strategy 2017. The adopted pathways strategy includes a specific commitment that '*Council will continue to advocate to Government seeking grants*'.

The provision of footpaths and shared pathways encourages more active transport including walking, cycling and use of scooters.

The grant has been formally accepted and this report seeks a resolution formally endorsing the actions taken.

RECOMMENDATION

THAT:

1. Council endorse the actions taken to accept grant funds offered under Get NSW Active Program 2022/23 as follows:

i)	Northcove Road, Long Beach	\$160,000
ii)	George Bass Drive - Carramar Drive to Beach Road	\$750,000
iii)	Sylvan Street, Malua Bay	\$65,000
iv)	Hawkins Road & Evans Road, Tuross Head	\$330,000
v)	Corunna Street & Tilba Street, Narooma	\$45,000
2. A letter of appreciation be sent to the Hon. Sam Faraway, Minister for Transport and Infrastructure, for his support in securing these pathway grants for the Eurobodalla community.

IR22/032 ACCEPTANCE OF FUNDING - GET NSW ACTIVE PROGRAM 2022-23

**S014-
T00018**

BACKGROUND

Council continues to work proactively to deliver the following actions in the Community Strategic Plan, Delivery Program 2022-2026 and Operational Plan 2022-2023:

- 4.1 *Provide integrated and active transport networks to enable a connected and accessible Eurobodalla*
- 4.1.1 *Plan for an integrated and active local transport network, guided by the NSW Governments Future Transport 1056 Strategy*
- 4.1.1..1 *Plan for a safe, efficient and integrated transport network that meets current and future needs.*

Applications for the five grants successfully secured under the NSW Government's Get NSW Active Program 2022/23 were submitted in February 2022, and approval of the grants was received in October 2022.

The grants secured will assist Council to deliver the adopted Eurobodalla Pathways Strategy 2017. The adopted pathways strategy includes a specific commitment that '*Council will continue to advocate to Government seeking grants*'.

The grants successfully secured under the NSW Government's Get NSW Active Program 2022/23, with the support of our local Member for Bega the Hon Fiona Phillips MP, include:

- i) Northcove Road, Long Beach (footpath) \$160,000
- ii) George Bass Drive - Carramar Drive to Beach Road (shared pathway) \$750,000
- iii) Sylvan Street, Malua Bay (shared pathway) \$65,000
- iv) Hawkins Road & Evans Road, Tuross Head (shared pathway) \$330,000
- v) Corunna Street & Tilba Street, Narooma (footpath) \$45,000

Council contributions have been allocated from Council's Annual Capital Pathways program to support the delivery of the following projects:

- i) Northcove Road, Long Beach \$50,000
- ii) Sylvan Street, Malua Bay \$15,000.

CONSIDERATIONS

These successful grant funds are a significant win for our community, effectively leveraging current funding to provide vastly improved outcomes for our Eurobodalla community.

The pathways will increase the social, wellbeing and environmental benefit to our community by providing inclusive pathways to walk, run, and ride safely, reducing the need to use public transport.

IR22/032 ACCEPTANCE OF FUNDING - GET NSW ACTIVE PROGRAM 2022-23

**S014-
T00018**

The successful projects align with Council's Disability Inclusion Action Plan, to drive inclusion in our shire by removing barriers so that people with disability can enjoy the full benefits of participation in our community.

Environmental

The provision of shared pathways and footpaths encourages more active transport including walking, cycling and use of scooters with a consequential environmental benefit through reduced reliance on motor vehicles.

Asset

These pathway projects will improve the linkages across Council's network of pathways as planned in the adopted Eurobodalla Pathways Strategy 2017.

Social Impact

The new pathways will:

- improve safety of pedestrians and cyclists through separation with vehicles
- improve accessibility for people with different abilities and ages
- improve social outcomes for young people and those without access to a motor vehicle
- allow improved opportunities to get out for a walk or bicycle ride to socialise with others, thereby helping with mental and physical well-being
- encourage walking and cycling for leisure, health and recreation.

Economic Development Employment Potential

These pathways improve linkages to key destinations including commercial business districts, viewing locations, sporting locations, schools and other facilities. These pathways also offer activities for visitors to Eurobodalla. For example:

- the Northcove Road pathway connects community from Long Beach to Maloneys Beach providing safe pedestrian access to local businesses, public toilets and beaches
- the George Bass Drive, Carramar Drive to Beach Road pathway is the missing link between Lilli Pilli and Surf Beach that will help provide uninterrupted pedestrian access from the Batemans Bay CBD to Lilli Pilli
- the Sylvan Street pathway connects community to shops and foreshore areas
- the Hawkins Road and Evans Road pathway connects community to beaches and Club Tuross, a major business servicing the area
- the Corunna Street and Tilba Street pathway connects community to tourist parks, Narooma Golf Club and popular beaches.

Financial

Council has received \$1,350,000 in grant funding for the construction of footpaths and shared pathways under the NSW Government's Get NSW Active Program 2022/23.

IR22/032 ACCEPTANCE OF FUNDING - GET NSW ACTIVE PROGRAM 2022-23

**S014-
T00018**

Council contributions have been allocated from Council's Annual Capital Pathways program to support the delivery of the following projects:

- | | |
|---------------------------------|----------|
| iii) Northcove Road, Long Beach | \$50,000 |
| iv) Sylvan Street, Malua Bay | |
| \$15,000. | |

Community and Stakeholder Engagement

We will inform the community through providing information on Council's website; writing to residents, stakeholders, community groups; advertising on Council's noticeboard page in two local newspapers; and where road closures may be required, distributing a media release.

CONCLUSION

This report recommends that the action taken to accept the grant funding offered for the five grants funds offered under the NSW Government's Get NSW Active Program 2022/23 be endorsed, and a letter of appreciation be sent to the Hon. Sam Farraway, Minister for Transport and Infrastructure, for his support in securing these pathway grants for the Eurobodalla community.

**IR22/033 ACCEPTANCE OF FUNDING - FIXING LOCAL ROADS POTHOLE REPAIR
ROUND 2022**

**S014-
T0008**

Responsible Officer: Tony Swallow - Acting Director Infrastructure Services

Attachments: Nil

Outcome: 4 Our connected community through reliable and safe infrastructure networks

Focus Area: 4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla

Delivery Program Link: 4.1.2 Advocate for improved and resilient transport services and infrastructure

Operational Plan Link: 4.1.2.2 Seek funding to maintain and improve the local and regional transport network

EXECUTIVE SUMMARY

Council has been successful in securing \$377,960.42 under the Fixing Local Roads Pothole Repair Round (PRR) 2022.

This is the first time a dedicated program has been established by the NSW Government to assist councils with fixing potholes on the local and regional road network.

Recent wet weather events have significantly impacted the Eurobodalla regional and local road network with considerable pavement damage including numerous potholes, shoving, rutting, kerb displacement, and other hazards that Council is unable to adequately repair with existing funding.

Corrective routine maintenance work funded by the PRR will significantly improve the quality of the Eurobodalla's Road network by allowing Council to focus on priority maintenance works to control the immediate risk to the community.

This report recommends acceptance of the grant funding offered to Council under the Fixing Local Roads Pothole Repair Round (PRR).

RECOMMENDATION

THAT:1.Council accept the \$377,960.42 grant funds offered under the Fixing Local Road Pothole Repair Round 2022.

2. A letter of appreciation be sent to the Hon. Sam Faraway, Minister for Transport and Infrastructure, for his support in securing these pathway grants for the Eurobodalla community.

BACKGROUND

The Fixing Local Roads Pothole Repair Round (PRR) is a Transport for NSW grant program under Fixing Local Roads providing funding to Local Government to assist councils with pothole repair work across their Local and Regional Roads.

**IR22/033 ACCEPTANCE OF FUNDING - FIXING LOCAL ROADS POTHOLE REPAIR
ROUND 2022**

**S014-
T0008**

Through this program, the NSW Government recognises that well maintained roads play a vital role in regional communities and support growth and development opportunities. The program will mean people have smoother, safer trips to school, to work and across the region.

The PRR funding will support the delivery of works that align with Council's efforts, in accordance with our 2019-2022 Road Safety Plan, to help keep our community and visitors to the Eurobodalla safe as they drive our local and regional roads.

Corrective routine maintenance work funded by the PRR will improve the quality of the Eurobodalla's road network by allowing Council to focus on priority maintenance works to control the immediate risk to the community.

All projects will be completed in the 2022/23 and 2023/24 financial years to ensure local communities see the benefits as quickly as possible.

CONSIDERATIONS

Council is experiencing significant growth in the Eurobodalla, leading to significantly increased traffic volumes on our busier roads.

The grant funds made available under the PRR will provide a major boost to deal with the backlog of corrective maintenance works currently identified on Council's maintenance schedule, as well as providing Council the financial ability to address community concerns in shorter timeframes.

These works will contribute to the safety and performance of the road network.

Legal

These works contribute to improving the road pavements across Eurobodalla. This improves road safety and lowers the risk of potential claims against Council.

Asset

Works covered under the program include, routine corrective maintenance of potholes in rigid and flexible pavements, on sealed and unsealed roads

Social Impact

The projects will deliver safer roads for the community.

Economic Development Employment Potential

The grant funds will also provide a boost to local employment through the delivery of the works using a mix of Council teams, local contractors, suppliers, plant and labour hire.

Financial

Council has been successful in securing \$377,960.42 under the Fixing Local Roads Pothole Repair Round (PRR) 2022.

These grants have a positive impact on Council's overall financial sustainability.

**IR22/033 ACCEPTANCE OF FUNDING - FIXING LOCAL ROADS POTHOLE REPAIR
ROUND 2022**

**S014-
T0008**

Community and Stakeholder Engagement

The community will be informed through provision of information on Council's website; writing to residents, stakeholders, community groups; advertising on Council's noticeboard page in two local newspapers; and where road closures may be required, distributing a media release.

CONCLUSION

This report recommends that Council accept the \$377,960.42 grant funds offered under the Fixing Local Road Pothole Repair Round 2022, and a letter of appreciation be sent to the Hon. Sam Faraway, Minister for Transport and Infrastructure, for his support in securing these pathway grants for the Eurobodalla community.

CAR22/022 LIBRARIES FUNDING - SENIORS FESTIVAL

S003 T00026

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

Attachments: Nil

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

Community Strategy: 2.1 Acknowledge our beginnings, embrace our diversity

Delivery Program Link: 2.1.3 Provide services that meet changing community needs and celebrate our diversity

Operational Plan Link: 2.1.3.6 Provide grant opportunities for community groups to celebrate their diversity

EXECUTIVE SUMMARY

This report will provide Council with background information in relation to the acceptance of an external funding grant offered to Council to support 2023 Seniors Festival events.

A total of \$5000 plus GST has been offered to Council from the Department of Communities and Justice.

Building on the success of previous expos we will use the financial assistance via this grant to host an Expo at the Narooma library on 4 February 2023, as well as delivering a range of fun and educational activities and workshops.

RECOMMENDATION

THAT Council note the acceptance \$5000 (plus GST) from the Department of Communities and Justice Seniors Festival grant funding.

BACKGROUND

Each year the Department of Communities and Justice awards Seniors Festival Grants to organisations to promote and support activities that aim to improve the health and wellbeing of seniors in the local community.

Since 2020 our libraries have hosted a "Seniors Expo" and workshops during Seniors Week. These expos are aimed at keeping people aged 60 and over, active, healthy, engaged and contributing to our local community. The Seniors Expo events also provide an opportunity for local businesses and community groups to come together to showcase services and activities relevant to older adults.

Council has been successful in obtaining a grant for \$5000 plus GST for its 2023 Seniors week celebrations.

CONSIDERATIONS

Social Impact

The Seniors Expo and associated workshops will have a positive social impact, encouraging social connection and participation for older residents. This is significant in a community where 42.4% of residents are 60+ (Census 2021) compared to a state figure of 24.6%.

CAR22/022 LIBRARIES FUNDING - SENIORS FESTIVAL

S003 T00026

Economic Development Employment Potential

The Expo will provide an opportunity for local businesses to showcase their services and information to the community.

Financial

No Council financial contribution is required.

Community and Stakeholder Engagement

We will inform the community about the Seniors Week events through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; the Library's enewsletter; posting on the Library's and Council's Facebook; and via a media release.

CONCLUSION

This grant funding opportunity offered by the Department of Communities and Justice enables Council to support our Senior community in a very practical way.

This report recommends that Council note the acceptance of the Department of Communities and Justice Seniors Festival grant funding.

**CAR22/023 HEALTHY COMMUNITIES, SENIORS WEEK AND YOUTH
DEVELOPMENT GRANTS 2023**

**S003 T00047; S003
T00051; S003 T00050**

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

Attachments: 1. Confidential - Healthy Communities, Seniors Week and Youth Development Grants 2023 confidential attachment

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

Community Strategy: 2.2 Encourage community spirit and enable healthy lifestyles

Delivery Program Link: 2.2.1 Strengthen community spirit through community development initiatives

Operational Plan Link: 2.2.1.2 Coordinate the community grants program including Healthy Communities Grants

EXECUTIVE SUMMARY

This report will provide Council with recommendations for the distribution of the 2022-23 Healthy Communities, Seniors Week and Youth Development Grants, provided annually to the community.

The total grant pool is \$18,912, including Healthy Communities and Seniors Week grant funding of \$13,483 and Youth Development grant funding of \$5,429. A total of 41 grant applications were received, with 34 assessed as meeting funding requirements. The recommended grants total \$18,913.

The purpose of the grants is to support participation, building the capacity of our community to run activities and programs, create connections and develop resources and events that improve health and wellbeing.

RECOMMENDATION

That Council approve the recommendations, as detailed in the confidential attachment, awarding 34 Healthy Communities, Seniors Week and Youth Development grants to local groups/organisations for the 2022-23 financial year.

BACKGROUND

Healthy Communities, Seniors Week and Youth Development grants are awarded annually to eligible community groups, not for profit organisations and youth services to build relationships and community connections, to improve health, wellbeing and participation.

Grants are generally to the value of \$500, however Council reserves the right to allocate more or less funding to any application, in line with the grant guidelines.

The Healthy Communities, Seniors Week and Youth Development grants have been promoted extensively to community and recreational groups, volunteer organisations, schools and incorporated and non-incorporated groups in Eurobodalla, resulting in an increase in overall applications this year.

**CAR22/023 HEALTHY COMMUNITIES, SENIORS WEEK AND YOUTH
DEVELOPMENT GRANTS 2023**

**S003 T00047;
S003 T00051;
S003 T00050**

CONSIDERATIONS

Grant Guidelines

To be eligible to apply for one of Council's Community Grants a group must:

- be not for profit and either incorporated or able to prove that they are a bona fide Eurobodalla based community group or service
- contribute some financial support or volunteer labour to the activity
- show adequate insurance coverage for the activity
- not have any outstanding debts owed to Council
- the funding must be used for the project described on the application form and take place in the Eurobodalla Shire in 2023. Funds are not transferable to another organisation or project.

Groups must use the grants to achieve one or more of the following outcomes in the local community, with certain outcomes pertaining to the specific grant categories:

- make a positive contribution to the community
- encourage people in Eurobodalla to be healthy and active
- celebrate cultural diversity and inclusion
- provide opportunities for volunteering and/or social interaction
- improve access to information, a service, or a facility
- improve community safety
- improve access and/or encourage people with disability to participate
- teach or develop new skills
- celebrates older people and their contribution to the community
- create intergenerational opportunities for social interaction
- encourages lifelong learning
- promotes and celebrates the cultural diversity of older people in our community
- raises community awareness of the benefits of positive and active ageing
- encourages people in the wider community to be socially engaged with young people
- provides an opportunity for young people to be engaged in an educational, cultural or personal growth and development activity
- builds the capacity of young people through leadership and training opportunities
- develops employment and training pathway opportunities for young people to work
- supports young people's mental health and wellbeing

**CAR22/023 HEALTHY COMMUNITIES, SENIORS WEEK AND YOUTH
DEVELOPMENT GRANTS 2023**

**S003 T00047;
S003 T00051;
S003 T00050**

- builds and celebrates the resilience of young people
- promotes inclusivity of people from diverse backgrounds.

Some examples of costs the grant can be put towards include:

- hiring or purchasing a new piece of equipment
- promotion of an event or an activity
- running an event or activity
- training staff
- celebrating Seniors Week or Youth Week.

Applications and Review

Grants were open for application on 12 September 2022. Applications this year were via an online form accessed through Council's website to simplify the process and reduce time to complete. A total of 41 applications were received by the closing date of 31 October 2022.

A review panel made up of a community member and two Council staff assessed applications against the guidelines.

Of the total applications, 34 applications were assessed as meeting the requirements. In some instances, an organisation put in applications under several categories, resulting in a recommendation to support one, both or partially fund, as detailed in the confidential attachment. Some grants were recommended to be funded under an alternate grant program to ensure equitable allocation and enable as many eligible projects as possible to be financially supported.

The panel recommendations for funding under the Healthy Communities, Seniors Week and Youth Development Grants during for 2022-23 are included in a confidential attachment to this report.

Social Impact

Council's annual Healthy Communities, Seniors Week and Youth Development grants support local not for profit community groups, organisations and youth services to increase their capacity to promote health and wellbeing, increase community participation in a range of activities and to support community development.

Financial

The review panel has recommended that 34 eligible applications be allocated grant funding. The specific grant amounts recommended range from \$400 to \$878, and include some partial and full funding recommendations, with explanatory comments where appropriate.

Community and Stakeholder Engagement

We informed the community through providing information on Council's website; Online News; posting on Council's Facebook and Twitter; corresponding with community groups and stakeholders; advertising on Council's noticeboard page in two local newspapers; distributing flyers and a media release.

**CAR22/023 HEALTHY COMMUNITIES, SENIORS WEEK AND YOUTH
DEVELOPMENT GRANTS 2023**

**S003 T00047;
S003 T00051;
S003 T00050**

Grants were open for application on 12 September 2022. Applications this year were via an online form accessed through Council's website to simplify the process and reduce time to complete. A total of 41 applications were received by the closing date of 31 October 2022.

CONCLUSION

Council's Healthy Communities, Seniors Week and Youth Development grants support local not for profit community groups, organisations and youth services to build capacity and realise a range of community based activities and events. This year saw an increase in applications, which reflects both the extensive promotion of the grant program, as well as an increase in community based group activities and events more generally.

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@esc.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.