

AGENDA

Ordinary Meeting of Council

23 March 2021

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

ON TUESDAY 23 MARCH 2021

COMMENCING AT 11.00AM

AGENDA

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

1. WELCOME

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Ordinary Meeting held on 9 March 2021

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

Page No.

6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

PET21/001 Undertake a Speed Zone Review on Annetts Parade, Mossy Point.....3

10. GENERAL MANAGER'S REPORTS

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DR CATHERINE DALE
GENERAL MANAGER

PET21/001 UNDERTAKE A SPEED ZONE REVIEW ON ANNETTS PARADE, MOSSY POINT

S012-T00029

Responsible Officer: Anthony Mayne - Councillor

Attachments: 1. Confidential - Petition

Councillor Anthony Mayne has given notice that at the Ordinary Meeting of Council on 23 March 2021, he will submit a petition provided to him by Kim Griffiths, a resident of Mossy Point.

MOTION

THAT Council forward the petition to the Local Traffic Committee for consideration.

BACKGROUND

Petition specifically states:

We the undersigned, petition Council to:

Undertake a Speed Zone Review on Annetts Parade, Mossy Point NSW between house number 45 River Road (eastern intersection with Annetts Parade) to the Mossy Point Boat Ramp and Headland with view to implementing a permanent 40km/hour speed zone.

For the following reasons:

1. Excessive vehicle speed frequently observed in the area.
2. High pedestrian activity area.
3. High bicycle activity area.
4. Many vulnerable road users - children, elderly and disabled.
5. High number of vehicles with boats and trailers attached use the road.
6. Road alignment, geometry, shape, curves & rises limits vision.
7. Frequency of residential and driveways.
8. Short sight distance at access driveways especially between Nos. 193 to 175 Annetts Parade.
9. Short sight distance for pedestrians crossing road especially between Nos. 193 to 175 Annetts Parade.
10. Residential driveway Sight distance is further restricted on both sides of Annetts Parade by vehicles parked on roadside.
11. Vehicle conflict point at Surfside and Pacific Street '5 ways' intersection with Annetts Parade.
12. Rolled curbs that invite car parking on grass verges forcing pedestrians to walk on the road.
13. No footpaths.
14. Several motor vehicle accidents have occurred in the area in recent years. The most recent being on Monday 28 December 2020 when a seven year old child and his father waiting to cross the road were hit by a speeding vehicle. Tragically the child suffered multiple critical injuries.

GMR21/011	NSW GOVERNMENT FUNDING FOR COMMUNITY AND ECONOMIC RESILIENCE - GROWING LOCAL ECONOMIES FUND	S014-T00040 S014-T00007
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Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.3 Advocate and collaborate to advance the region and address local issues

Operational Plan Link: 9.1.3.2 Seek sources of funding to implement community vision

EXECUTIVE SUMMARY

This report seeks to inform Council of the offer of \$3M in grant funding towards the construction of the Mogo Adventure Trail from the NSW Government under their Growing Local Economies Fund administered by Infrastructure NSW.

The Growing Local Economies Fund formed part of the NSW Government's \$1.3 billion Regional Growth Fund which was designed to deliver economic growth and productivity in regional NSW. The fund was to invest in infrastructure projects right across regional NSW to ensure economic prosperity is spread around the state. The objective of the fund was to support projects of economic significance in regional NSW, which draw on the strengths or potential strengths of each Functional Economic Region

RECOMMENDATION

THAT Council accept funding from the NSW Government towards the Mogo Adventure Trails Hub.

BACKGROUND

Growing Local Economies funding was available to:

- local councils or Joint Organisations of Councils
- Aboriginal Land Councils
- infrastructure providers such as telecommunication, energy or water companies
- peak bodies such as incorporated business, industry and community associations
- cooperatives
- educational institutions and
- incorporated not-for-profit organisations.

Eligible projects had to seek a minimum grant amount of \$1 million and have a minimum financial co-contribution of 25 per cent of the total grant amount.

The Growing Local Economies Fund closed to expressions of interest on 14 July 2019. Council submitted an Expression of Interest for \$3M towards the \$4M construction of Stage 1 of the Mogo Adventure Trails Hub on 2 July 2019. Council was advised of the success of the Expression of Interest on 18 December 2019 and was invited to submit a full business case providing more detail on the project.

GMR21/011	NSW GOVERNMENT FUNDING FOR COMMUNITY AND ECONOMIC RESILIENCE - GROWING LOCAL ECONOMIES FUND	S014-T00040 S014-T00007
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The Business Case was submitted on 4 March 2020 and Council received formal notification of the success of the application on 22 October 2020 and the final funding deed is currently being prepared.

Since the initial application, a Masterplan has been developed and budget estimates provided indicate the cost of the project including supporting infrastructure is \$4M for Stage 1 and \$4M for Stage 2 of the Mogo Adventure Trails Hub.

Council is currently seeking additional funding for \$1M to enable the Mogo Adventure Trails Hub Stage 1, to be completed by December 2022.

CONSIDERATIONS

This project has been identified as a sustainability project in the Eurobodalla Nature Based Tourism Strategy that would substantively increase their visitor appeal.

In the Far South Coast Regional Economic Development Strategy 2018-2022, the bushfire recovery addition listed early stage priority actions which included the following project of relevance to Eurobodalla:

- 'identify and develop tourism products based on National Parks and State Forests, such as the proposed Mogo Deep Creek Mountain bike trails'.

The Eurobodalla Destination Action Plan 2018-2022 identified the potential for mountain bike trail development to enhance and better position Eurobodalla as a significant nature-based tourism destination on the South Coast and aligns with the NSW Visitor Economy Industry Action Plan 2030:

To grow visitation, revitalise destinations and increase visitor spend:-

- Focus 4 - Support, bolster and encourage the visitor economy
- Focus 5 – Invest in infrastructure
- Focus 6 – Make opportunities to support growth.

Specifically, in relation to this Plan, the Trail Hub will provide a quality visitor experience and capitalise on the opportunities presented by the unique Aboriginal culture, nature and heritage of the Batemans Bay region.

Marketing and supporting interpretive materials will help attract visitors and allow them to appreciate the spectacular natural and cultural heritage of the region throughout the year.

During the construction of the trail hub there will be direct job creation with ongoing direct operational job creation. Indirect job creation will be in the hospitality, retail and tourism fields.

Economic Development Employment Potential

The project aligns closely with the South Coast Destination Management Plan 2013-2020.

GMR21/011 NSW GOVERNMENT FUNDING FOR COMMUNITY AND ECONOMIC RESILIENCE - GROWING LOCAL ECONOMIES FUND **S014-T00040**
S014-T00007

Specific objectives that the project aligns with include:

Number	Objective
S2.1	Continue to recognise the importance of the natural environment to the ongoing sustainability of the visitor economy of the South Coast Region.
S2.2	Encourage development that is innovative, sustainable and compatible with the branding and character of the Region.
S5.7	Identify relevant funding opportunities to support product and experienced development
S6.1	Identify priorities for tourism related infrastructure development projects and work cooperatively with relevant support agencies to advise and progress funding and project submissions

Financial

Co-funding of \$1M is required for completion of Stage 1 and Council is actively seeking additional grant funding for this project from the Regional Sports Facilities Fund and also from Bushfire Local Economic Recovery Fund. Should these applications not be successful, other funding sources are available.

Social

The infrastructure development will be an iconic addition to our tourism product. It will make the region a more attractive place to live and visit.

CONCLUSION

Council has been offered \$3M in funding under the Commonwealth Government's Growing Local Economies Fund administered by Infrastructure NSW. This grant funding from the NSW Government is welcomed and is recommended it be formally accepted.

**GMR21/012 NSW GOVERNMENT FUNDING FOR COMMUNITY AND ECONOMIC
RESILIENCE - STREETS AS SHARED SPACES PROGRAM**

**S014-
T00037**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.3 Advocate and collaborate to advance the region and address local issues

Operational Plan Link: 9.1.3.2 Seek sources of funding to implement community vision

EXECUTIVE SUMMARY

This report seeks to inform Council of the offer of \$465,000 in grant funding towards an activation project for the Batemans Bay Foreshore under the Streets as Shared Spaces Program administered by Planning NSW.

The Streets as Shared Spaces Program is a grants funding program to support councils to test and pilot new and innovative ideas for streets as safe shared public spaces.

The focus of the Streets as Shared Spaces Program is to support quick response demonstration projects and strategic pilots which implement temporary measures to allow pedestrians to maintain physical distancing requirements safely, support jobs and boost business confidence in response to the COVID-19 pandemic, and which may build the case for more permanent changes.

RECOMMENDATION

THAT Council endorse staff action in accepting funding from the NSW Government towards the Batemans Bay Activation project.

BACKGROUND

The Streets as Shared Spaces Program was open to submissions in June 2020, to encourage local councils to prepare innovative plans to activate public spaces in response to economic downturn as a response to firstly the bushfires and then COVID.

Council made submissions to the fund in June 2020 and was offered \$465,000 towards a Batemans Bay project in February 2021.

The project objectives are to build on the local character and improve the attractiveness of spaces through creative and innovative approaches. In particular, the funding will build on the success of the Streets As Shared Spaces Grant Category 1 project which saw the waterfront activated with a pop-up youth central.

The Batemans Bay Foreshore Masterplan identified some opportunities for delivery of priority actions that could be funded through this program.

The project will also result in an interpretation plan that will inform new seating, lighting, interpretive signage and improved pedestrian wayfinding.

GMR21/012	NSW GOVERNMENT FUNDING FOR COMMUNITY AND ECONOMIC RESILIENCE - STREETS AS SHARED SPACES PROGRAM	S014- T00037
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CONSIDERATIONS

Strategic Alignment

This project delivers on identified actions in the adopted Batemans Bay Foreshore Masterplan by way of reducing barriers to walking, the development of a parklet including outdoor furniture and landscaping, bike racks and bubblers, lighting, interpretive signage and art.

Financial

Council co-funding is not required for this \$465,000 project. Construction must commence by May 2021 and be completed within the 2021-22 financial year budget.

CONCLUSION

Council has been offered \$465,000 in funding under the NSW Government's Streets as Shared Spaces fund administered by Planning NSW. This grant funding from the NSW Government is welcomed and has been formally accepted.

GMR21/013 INVESTMENTS MADE AS AT 28 FEBRUARY 2021

**S011-T00006,
S012-T00025**

Responsible Officer: Scott Westbury - Chief Financial Officer

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.4.2 Provide financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

THAT the certification that the investments as at 28 February 2021, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

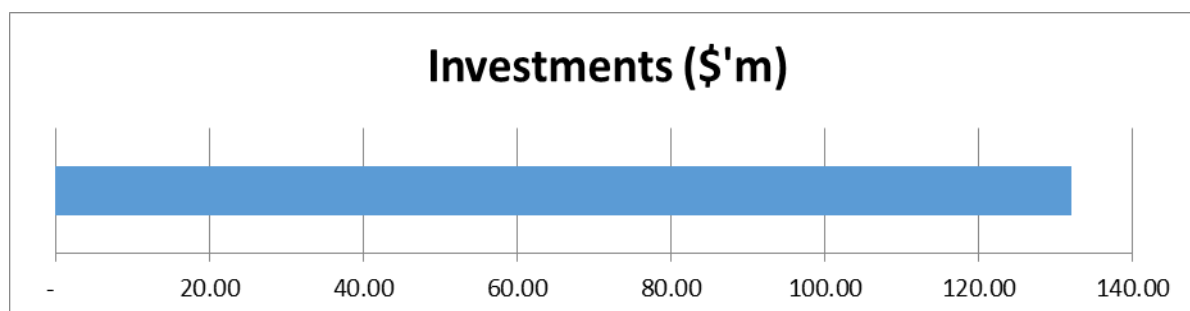
CONSIDERATIONS

Policy

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

Financial

Council investing overall



GMR21/013 INVESTMENTS MADE AS AT 28 FEBRUARY 2021

**S011-T00006,
S012-T00025**

Council has \$132.08M (100%) invested in bank deposits. The bank deposits are held in banks rated A or greater, or covered by the AAA rated Government guarantee, except for \$36.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments were stable during February 2021.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 27.63% invested in BBB+. Investment in Government guaranteed deposits is \$1.50M representing 1.14% of the portfolio.

There are \$50.0M (37.85%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 0.73%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (0.26%).

Summary investment information

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

CATEGORY	(\$)
At call deposit	16,838,447
Term deposits	113,750,000
Term deposits Government guaranteed	1,500,000
	132,088,447
<i>Weighted average interest %:</i>	0.73%
<i>Average 90 day BBSW + 0.25%</i>	0.26%

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	1.14	1.14	100.00
Near risk free	71.23	71.23	100.00
Some limited risk (BBB+)	27.63	27.63	30.00
Grand total	100.00	100.00	

GMR21/013 INVESTMENTS MADE AS AT 28 FEBRUARY 2021

**S011-T00006,
S012-T00025**

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2020 is 3.47:1. Council therefore has approximately \$3.47 of current assets for each \$1 of current liabilities.

CONCLUSION

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

PSR21/006 CLASSIFICATION OF LAND - BROULEE

**S023-T00001/LAND
ID 40535**

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

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Lot 1 DP 1263337 be classified as operational land for sewer infrastructure.

At its ordinary meeting of 9 February 2021 Council resolved that public notice be given of Council's intention to resolve that Lot 1 DP 1263337 be classified as operational land.

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

In accordance with the provisions of the Local Government Act 1993, public notice was given of Council's intention to classify the land as operational land. No submissions were received.

RECOMMENDATION

THAT Lot 1 DP 1263337, Broulee, be classified as operational land.

BACKGROUND

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

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

Lot 1 DP 126337 was created to accommodate a sewer pump station. Lot 1 was transferred to Council on 8 December 2020.

Following Council's ordinary meeting of 9 February 2021 public notice for a period of 28 days was given to classify the land as operational land from 10 February to 9 March 2021 and no submissions were received.

PSR21/006 CLASSIFICATION OF LAND - BROULEE

S023-T00001/LAND
ID 40535

CONSIDERATIONS

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



Lot 1 DP 1263337 - Broulee

Legal

All land owned by Council must be classified as either community or operational land.

In accordance with Section 34 of the *Local Government Act 1993*, public notice has been given of Council's intention to classify the land as operational land and 28 days have been allowed for submissions. No submissions have been received.

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

Policy

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

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

Environmental

Sewer pump stations are required to service urban expansion.

Asset

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

Financial

This report is regarding classification of land only, there are no financial costs attached.

PSR21/006 CLASSIFICATION OF LAND - BROULEE

**S023-T00001/LAND
ID 40535**

Community and Stakeholder Engagement

We informed the community of Council's intention to classify the land as operational land by public notification and allowed 28 days for submissions.

No submissions were received.

CONCLUSION

This report recommends that Lot 1 DP 1263337 be classified as operational land, as it is to accommodate a sewer pump station.

Public notice has been given of Council's intention to classify the land as operational land and 28 days have been allowed for submissions. No submissions have been received.

**IR21/010 REQUEST FOR TENDER NO. 2021-024 - CONSTRUCTION OF
CONCRETE BRIDGE WIDENING AT UNNAMED CREEK
(GARLANDTOWN BRIDGE), NORTH HEAD DRIVE, MORUYA**

**S028-T00007,
P600429**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: 1. Confidential: RFT No. 2021-024 Garlandtown Bridge Widening
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: 7.1.2.1 Provide a safe efficient and integrated transport network

EXECUTIVE SUMMARY

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 2021-024 for the construction of concrete bridge widening at Garlandtown Bridge, North Head Drive, Moruya, and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT:

1. Council endorses the selection of the preferred tenderer listed for Request for Tender (RFT) No. 2021-024 Construction of Concrete Bridge Widening at Garlandtown Bridge, North Head Drive, Moruya; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

BACKGROUND

At present Garlandtown Bridge on North Head Drive is narrow with constrained shoulders. Widening of the bridge will improve safety for all road users. This is particularly the case for cyclists, who are obliged to move into travel lanes when riding over the bridge. Additionally, the bridge is the limiting factor for heavy vehicle movements along this route. The upgrade of the bridge will address safety concerns as well as provide an upgraded transport link to serve current traffic and future growth, providing an improved connection from the Princes Highway to George Bass Drive and the Moruya Regional Airport.

The bridge will be widened to achieve two 3.5m wide travel lanes plus 2m shoulders by widening approximately 5 metres on the upstream side. The existing bridge deck will be replaced and strengthened to meet load capacity requirements. The existing bridge abutments are to be retained and widened to suit the new dimensions and road alignment.

The intention is for North Head Drive to be limited to some temporary road closures for the duration of the work. The widening of the bridge will be constructed first and then the existing bridge deck will be demolished and replaced.

The new concrete bridge will be designed in accordance with current standards and codes which will result in a durable higher load carrying capacity bridge designed for a 100 year lifespan.

**IR21/010 REQUEST FOR TENDER NO. 2021-024 - CONSTRUCTION OF
CONCRETE BRIDGE WIDENING AT UNNAMED CREEK
(GARLANDTOWN BRIDGE), NORTH HEAD DRIVE, MORUYA**

**S028-T00007,
P600429**

RFT No. 2021-024 was advertised on 8 December 2020 with a closing date of 16 February 2021. Upon close of tender, five (5) tenders were received and assessed in accordance with the Tender Evaluation Plan.

Offers were received from the following tenderers:

- Bridgeworks (Aust.) Pty Ltd
- Robar Civil
- Menai Civil Contractors
- Saunders Civil Build
- SD Civil Engineering.

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2021-024 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and *Local Government Act 1993*.

The tender was advertised on Council's noticeboard page, in the Sydney Morning Herald and on the NSW government eTendering website (<https://tenders.nsw.gov.au>).

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

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

Policy

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

Environmental

The construction of the concrete bridge widening at Garlandtown Bridge, North Head Drive, Moruya will be undertaken in accordance with environmental permits issued by the NSW Department of Primary Industries. The contractor is responsible for implementation of protective measures during the construction of the bridge.

Asset

The new bridge will provide a significant improvement in road safety by removing the narrow bridge constraint from the Regional Road network. The additional width is also designed to provide wider shoulders to improve cycling safety. The associated roadworks will carry this widening from the Garlandtown driveway to the widening at the Moruya Airport intersection.

**IR21/010 REQUEST FOR TENDER NO. 2021-024 - CONSTRUCTION OF
CONCRETE BRIDGE WIDENING AT UNNAMED CREEK
(GARLANDTOWN BRIDGE), NORTH HEAD DRIVE, MORUYA**

**S028-T00007,
P600429**

The bridge and roadworks have been designed to integrate with future intersection upgrades planned for the Moruya Airport and racecourse developments when funded.

The project includes replacement and strengthening of the existing bridge deck to carry design loads. The project is jointly funded by the Australian and NSW Governments and Council.

The replacement of the existing deck assists Council meet its obligations to renew existing community and transport infrastructure. The use of grant funding in this way reduces the reliance on Council ratepayer funds. This assists Council meet the Fit for Future obligations by increasing the funding available to meet the Infrastructure Renewal Ratio (one of seven measures set by the Office of Local Government).

The new bridge is designed for an anticipated life of 100 years, minimising ongoing costs to Council whilst achieving the objectives within Council's adopted Delivery Program to "*provide a safe, efficient and integrated transport network*" (as per 7.1.2 of the Delivery Program).

The ongoing maintenance of the new bridge and associated roadworks is funded through the Regional Road Block Grant.

The bridge work and approaches will be undertaken by the contractor.

Council will be undertaking road work outside of the defined limit of work under the contract.

Council has also secured Fixing Local Roads funding to undertake road pavement renewal west of Garlandtown. These works are scheduled to occur in 2020-21 and will be coordinated with the bridge works.

Economic Development Employment Potential

The provision of an upgraded bridge with suitable load carrying capacity will facilitate improved transport efficiency, including access for 26m HML B-double trucks. This bridge will service the broader community via the Regional Road network (North Head Drive and George Bass Drive), including the proposed expansion of the Moruya Airport development.

The injection of grant funding into the Eurobodalla community brings local employment and flow-on benefits to the economy during construction.

Financial

There is sufficient funding available through grants secured under the Restart NSW Fund (Fixing Country Roads) and Federal Assistance Grant – Roads Component fund and the allocation of funds by Council in the 2020-21 budget to cover the bridge works and associated road approaches.

Community and Stakeholder Engagement

Prior to works commencing, local residents will be advised by letter of the project's timeframe and impacts. A project noticeboard will also be erected onsite. A project page will be established on Council's website to inform the wider community about the project and a media release will be circulated.

**IR21/010 REQUEST FOR TENDER NO. 2021-024 - CONSTRUCTION OF
CONCRETE BRIDGE WIDENING AT UNNAMED CREEK
(GARLANDTOWN BRIDGE), NORTH HEAD DRIVE, MORUYA**

**S028-T00007,
P600429**

Regular media will be undertaken as works proceed to advise modification to traffic movements along North Head Drive.

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. The preferred tenderer has been identified in the Confidential Attachment, which details an extensive evaluation, as representing best value for money.

This report recommends the preferred tenderer.

CAR21/006 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATIONS

S003-T00034

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

Attachments: 1. PAAC Recommendations attachment
2. Confidential - PAAC Recommendations Confidential attachment

Outcome: 2 Celebrated Creativity, Culture and Learning

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

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

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

EXECUTIVE SUMMARY

Over the last year public art in Eurobodalla has received a great deal of energy and attention. Two public artwork projects have been commissioned in collaboration with Council and its Public Art Advisory Committee (PAAC) and have reached the stage for Council consideration.

The first project is the artwork commissioned as part of the Bridge Replacement Project in Batemans Bay, funded by Transport for NSW (TfNSW) and managed by John Holland, who have worked with Council staff and the PAAC to achieve this recommendation as a gift to Council. As the project is bound by the terms of the contract between John Holland and TfNSW all announcements and information relating to the sculpture will be embargoed until these organisations are ready to promote the sculpture.

The second is the commission of a sculpture to be created by preeminent Australian sculptor Terrance Plowright OAM, by philanthropist and supporter of arts and culture in Eurobodalla, Basil Sellers AM, as a gift to the Council. This artwork, valued at \$100,000, has been developed in consultation with Council and Mr Sellers and designed specifically for the front of the Council building in Moruya.

This report will seek endorsement from Council to accept the commissioned sculptures and recommendations for these works.

RECOMMENDATION

THAT Council

1. Endorse the Public Art Advisory Committee's (PAAC) unanimous recommendation to accept the selected concept design for the Batemans Bay Bridge Replacement sculpture as per the information provided in the confidential attachment;
2. Endorse the PAAC's unanimous recommendation to accept the gift of the sculpture 'Ocean' created by Terrance Plowright to be installed at the front of the Moruya Council building; and
3. Support the transport, installation, landscaping around and lighting of the sculpture 'Ocean' via a budget allocation of \$12,000.

CAR21/006 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATIONS

S003-T00034

BACKGROUND

The Bridge Replacement Artwork

Working closely with TfNSW, construction contractor John Holland has commissioned a public artwork as part of the \$274 million Batemans Bay Bridge replacement project.

A budget of \$150,000 was set aside for the artwork commission and John Holland working with Council staff and followed the method laid out in Council's Public Art Policy and Code of Practice as their commissioning process. The PAAC has been briefed at all stages of the process.

An expression of interest (EOI) process attracted 16 high quality submissions from artists around NSW and the ACT and these were further shortlisted in December 2020 by a panel consisting of TfNSW, John Holland and Council representatives. The shortlisted artists presented their detailed concepts to the panel in January 2021, who scored each presentation against the criteria laid out in the artist brief. A winning concept was selected at the end of this process.

The panel were satisfied that the sculpture reflected key concepts and specifications of the brief as determined by location, community consultation and safety requirements for the sculpture.

The artwork was submitted to the PAAC and the fine details of the design were discussed with the artist including safety, construction, concept, longevity, and finish.

The artist is currently working with John Holland engineers on a detail design package. Upon Council endorsement, John Holland will contract the artist and work on the artwork will begin. Installation of the piece is scheduled for September/October 2021.

Terrance Plowright OAM Sculpture Commission

In 2017 Mr Sellers committed a \$250,000 donation plus \$50,000 naming rights to the building of the art centre in Moruya. During the build Mr Sellers offered Council the gift of a commissioned artwork by Australian sculptor Terrance Plowright OAM. He requested that this public artwork be sited at the front of the Council building in Moruya (roughly where the garden boxes were) and serve to act both as an aesthetic enhancement to the main Council site and a wayfinding marker to the Bas.

Terrance Plowright is one of Australia's most recognised artists. He has been creating fine art for over 30 years and has been commissioned by State Governments, city Councils, corporations, church groups and individuals. His artwork is installed throughout Australia and overseas. In 2019 he was awarded an 'Order of Australia', for his contribution to the arts, notably in sculpture. A Terrance Plowright sculpture is an important addition to Council's art collection and a substantial gift to the community.

Terrance Plowright visited Eurobodalla in mid-2020 for research and while here collected source material for the commissioned piece. His process was to develop multiple drawings for consideration which were submitted to Mr Sellers in October of 2020. In December Council staff met with Mr Sellers and his team to discuss the drawings and select the sculpture to be built, that best worked conceptually and aesthetically and fitted within the budget, which is \$100,000.

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The artwork entitled 'Ocean' was submitted to the PAAC for consideration and the committee discussed the design, concept safety and finish with the artist. A Native Title assessment is underway, and upon Council acceptance, it is anticipated that the sculpture will be ready for installation in July 2021.

CONSIDERATIONS

A thorough assessment of each of the proposed artworks has been undertaken by the PAAC. The committee has been able to meet with both artists to troubleshoot potential issues that may arise and are satisfied by the quality of the concept designs, the appropriateness of the work to the sites they will be installed, the ability of the artists to deliver the work and the processes that have been undertaken to bring the works to Council for consideration.

The PAAC took into consideration the following when assessing the artworks:

- The impact of the artwork within the proposed sites
- The individual sculpture's structural and conceptual merits
- The level of ongoing maintenance required by Council.
- Any physical, financial or other risk to the community

Asset

The PAAC are satisfied that both artists were fully briefed about the intended location of the work, have considered all engineering prerequisites and can deliver the work presented in the concept designs. Both works represent significant additions to Council's sculpture assets and permanent art collection.

Social Impact

Statistics show that 98% of Australians engage with the arts in one form or another and recognize the positive impact of the arts.

Public art is accessible to the broad community and helps develop our identity and pride as a society. The further creative development of our public spaces will support our community with its wellbeing and appreciation of our unique cultural landscape.

Economic Development Employment Potential

The addition of these major sculptural works coupled up with the new infrastructure developments in the shire, are assisting the growth of the shire's creative arts profile in NSW. Moreover, these sculptures have been enabled by significant investment of external funding.

The development of the sculpture walk in Batemans Bay, and installation of these two major sculptures the shire support high level strategic aims and local business group aspirations to help attract visitor numbers and make the Eurobodalla a great place to live, work and invest.

Financial

Both sculptures will be gifted to Council and become part of the ongoing maintenance program of all Council's sculpture assets.

The Batemans Bay sculpture installation is covered in the \$150,000.00 budget set for the artwork and will be installed in collaboration with John Holland engineers and crew.

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The sculpture for Moruya is valued at \$100,000.00 will require a \$12,000.00 budget to support transport, installation, lighting and landscaping.

Community and Stakeholder Engagement

We will inform the community by distributing a media release and providing information Council's website and other communications platforms.

The community have been involved in the development of the Batemans Bay Bridge Replacement project through workshops; drop in sessions; sunset committee meetings; and online engagement.

We have collaborated with the community through by seeking advice, ideas, and recommendations from Council's Public Art Advisory Committee.

CONCLUSION

The gifting of the two sculptures outlined in this report support actions in the Council's Creative Arts Strategy to integrate public art into our civic life. These sculptures have both been undertaken in partnership and minimized Council expenditure on achieving key actions of adopted plans.

The sculptures will be welcomed aesthetic additions to support wellbeing and economic development in the shire and assist the development of Council's profile and vision to become known as the creative arts destination for south east NSW.

Proposed sites for public artworks.

Batemans Bay Bridge Replacement Sculpture



Terrance Plowright/ Basil Sellers Gift.





15. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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