

AGENDA

Ordinary Meeting of Council

28 June 2022

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

ON TUESDAY 28 JUNE 2022

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 14 June 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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Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

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**DR CATHERINE DALE
GENERAL MANAGER**

MR22/008 ADVICE TO COUNCIL REGARDING THE GENERAL MANAGER'S RECRUITMENT
PROCESS AND THE SELECTION PANEL COMPOSITION

File Ref: S012-T00025

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to outline the recruitment process and selection panel composition of a new General Manager.

Council's General Manager, Dr Catherine Dale, informed Council that she will not seek a contract renewal and will conclude employment on 30 September 2022.

The Office of Local Government released the '*Guidelines for the Appointment and Oversight of General Managers*'. Section B outlines the recruitment and selection of the General Manager. The process for the selection of a new General Manager will be in accordance with these guidelines. These guidelines state that the selection panel should consist of a suitably qualified person independent of the council.

From a Request for Quote (RFQ) process, Councillors appointed LGNSW as the independent recruitment consultants to undertake the recruitment for the General Manager.

A further confidential report will be presented back to Council with the outcome of the recruitment process of the General Manager.

RECOMMENDATION

THAT Council:

1. Receive and note the recruitment process as outlined in this report.
2. Delegate to the Mayor the task of ensuring:
 - (a) The selection panel is established
 - (b) The General Manager position description is current and evaluated in terms of salary to reflect the responsibility of the position
 - (c) The proposed salary range reflects the responsibilities and duties of the position
 - (d) The position is advertised according to the requirements of the Local Government Act 1993
 - (e) Information packages are prepared
 - (f) Applicants selected for interview are notified.
3. Receive a further confidential report regarding the outcome of the recruitment process and the appointment of a new General Manager.

REPORT

The council's governing body is responsible for recruiting the General Manager.

The recruitment process must be open and transparent, but the confidentiality of individual applicants must be maintained. A failure to maintain appropriate confidentiality may constitute a breach of the Act and/or Privacy legislation.

The council's governing body is responsible for recruiting the General Manager.

**MR22/008 ADVICE TO COUNCIL REGARDING THE GENERAL MANAGER'S
RECRUITMENT PROCESS AND THE SELECTION PANEL COMPOSITION**

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The recruitment process must be open and transparent, but the confidentiality of individual applicants must be maintained. A failure to maintain appropriate confidentiality may constitute a breach of the Act and/or Privacy legislation.

From a Request for Quote (RFQ) process, Councillors appointed LGNSW as the independent recruitment consultants to undertake the recruitment for the General Manager.

At its meeting on 24 May 2022, Council resolved to receive a further report regarding the recruitment process and selection panel composition for the recruitment of the General Manager. This report outlines these aspects of the recruitment process and selection panel composition.

Recruitment process

The following key dates for the recruitment of the General Manager have been determined as follows:

- 1 July 2022 – Advertising of position commences
- 25 July 2022 – Advertising of position closes
- 29 July 2022 – The Selection Panel determine suitable applicants for first round of interviews
- 10 - 11 August 2022 – First round of interviews with Selection Panel
- 22 August 2022 – Second round of interviews with all Councillors
- 13 September 2022 – Report to Council with a recommendation of the successful candidate and the expected commencement date.

The recruitment process will be undertaken in accordance with the *Guidelines for the Appointment and Oversight of General Managers* (the guidelines), issued by the Office of Local Government, pursuant to section 23A of the Local Government Act 1993. The Guidelines advise that the governing body “delegate to one person (generally the Mayor) the task of ensuring:

- The selection panel is established
- The General Manager position description is current and evaluated in terms of salary to reflect the responsibilities of the position
- The proposed salary range reflects the responsibilities and duties of the position
- The position is advertised according to the requirements of the Act
- Information packages are prepared
- Applications selected for interview are notified.

Selection panel

The Selection Panel for the recruitment of the General Manager is intended to comprise of the following individuals:

- Mayor Mathew Hatcher
- Deputy Mayor Alison Worthington

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- Councillor Amber Schutz
- Councillor Tubby Harrison
- Mr Christian Morris, Senior Management Consultant, LGNSW

The guidelines also advise that “The Mayor, or another person independent of council staff, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants”.

The selection panel is responsible for preparing a report to Council that:

- outlines the selection process
- recommends the most meritorious applicant with reasons
- recommends an eligibility list if appropriate
- recommends that no appointment is made if the outcome of interviews is that there are no suitable applications.

This report should be confidential and reported to a closed meeting of Council.

Council’s governing body must by resolution approve the position of the General Manager being offered to the successful candidate before that position is actually offered to that candidate.

I recognise that each Councillor will bring a unique and valuable perspective to the recruitment process. I will therefore provide all documentation to Councillors. This arrangement will be subject to the signing of a confidentiality agreement, which will also be signed by all selection panel members.

**GMR22/067 ADOPTION OF THE 2022-26 DELIVERY PROGRAM, 2022-23
OPERATIONAL PLAN INCLUDING THE 2022-23 FEES AND
CHARGES**

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Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Delivery Program 2022-26 and Operational Plan 2022-23
2. Under Separate Cover - 2022-23 Fees and Charges

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

Operational Plan Link: 9.1.1.1 Review Council's Delivery Program and prepare the Operational Plan

EXECUTIVE SUMMARY

The purpose of this report is to seek adoption of Council's Delivery Program 2022-26 and Operational Plan 2022-23, incorporating the budget, Fees and Charges, Revenue Policy and the making of the general rate and water, sewer, waste, stormwater and liquid trade waste charges.

Under NSW Integrated Planning and Reporting legislation, councils are required to prepare a Community Strategic Plan, Delivery Program and Operational Plan for each term of council. Council endorsed the Community Strategic Plan on 12 April 2022.

The Delivery Program 2022-26 sets out the activities that Council aims to deliver in during 2022-26 and the measures used to track progress. The Operational Plan 2022-23 shows the actions, key projects, capital works and infrastructure renewals and maintenance that Council plans to deliver in the year ahead. The aim is to meet the needs of our community in a financially responsible way, while focusing on building a sustainable future for Eurobodalla.

The general rate income will increase by 1.7% which is made up of IPART's rate peg amount of 0.7% plus the population growth factor of 1% for 2022-23.

The draft Delivery Program 2022-26 and Operational Plan 2022-23 was exhibited for 28 days between 27 April and 26 May 2022 and the community was invited to provide feedback.

Six submissions were received and considered in the final version of the Delivery Program 2022-26 and Operational Plan 2022-23 and the 2022-23 Fees and Charges (attached). A further two submissions were received in relation to the changes to the Revenue Policy.

To meet the statutory requirement for Council to endorse its budget by 30 June 2022, the Delivery Program 2022-26 and Operational Plan 2022-23, incorporating the budget, Capital Works program, Statement of Revenue Policy and Fees and Charges for 2022-23 is reported to Council for adoption, incorporating amendments since exhibition as outlined in this report.

**GMR22/067 ADOPTION OF THE 2022-26 DELIVERY PROGRAM, 2022-23
OPERATIONAL PLAN INCLUDING THE 2022-23 FEES AND
CHARGES**

**S004-
T00028,S004-
T00029**

RECOMMENDATION

THAT:

1. Council make the annual Ordinary and Special Rates for 2022-23 in accordance with the rate peg set by IPART which is 0.7% plus 1.0% population growth factor, as contained in the table in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2022-23 in accordance with the Revenue Policy and the charges as contained in the tables in the report.
3. Council make each fee and charge for 2022-23 in accordance with the Revenue Policy and Fees and Charges as attached to the report.
4. Council adopt the Delivery Program 2022-26 and Operational Plan 2022-23 attached to the report as per the statutory requirements with implementation to commence 1 July 2022.
5. Council thank the community members who made a submission and provide them with a response.

BACKGROUND

The *Local Government Act 1993* requires all NSW councils to prepare a Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan.

The Community Strategic Plan is the highest-level plan that Council prepares and is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's long-term aspirations, priorities and vision. Council's Community Strategic Plan was endorsed on 12 April 2022.

The Resourcing Strategy articulates how the council will allocate resources to deliver the objectives under its responsibility. A report to Council at this meeting proposes the endorsement and adoption of the components of Council's Resourcing Strategy.

The Delivery Program details the activities that the Council will deliver during 2022-26 and the strategies it will implement in consultation with the community and contained in the Community Strategic Plan.

The Operational Plan details the actions to be undertaken during the next financial year and includes the annual budget and fees and charges for the year ahead.

At the close of the exhibition period there were six submissions. Councillors received a copy of all submissions. A further two submissions were received in relation to the changes to the Revenue Policy in terms of the Water and Sewer access charges. A summary of the public submissions is provided under the Community Engagement section of this report.

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CONSIDERATIONS

The Delivery Program 2022-26 and Operational Plan 2022-23 has been developed with the aim of building a sustainable future. The Delivery Program 2022-26 and Operational Plan 2022-23 will enhance Council's ability to meet ongoing financial sustainability, while maintaining a focus on meeting identified community needs and aspirations.

The Delivery Program 2022-26 and Operational Plan 2022-23 continues to focus on building a sustainable future for Eurobodalla and delivering services, key projects, capital works and infrastructure maintenance to support the community in its daily activities, economic development and employment growth. It also systematically implements strategies and plans that Council has adopted following extensive community engagement. Examples include the recent *Our Eurobodalla* campaign for the Community Strategic Plan, the Disability Inclusion Action Plan, the Recreation and Open Space Strategy, Creative Art Strategy, Batemans Bay Waterfront Masterplan and Activation Strategy, Tourism and Way Finding Strategy, Mogo Adventure Trail Hub Strategy and Local Strategic Planning Statements.

The Delivery Program 2022-26 and Operational Plan 2022-23 is structured around the five goals in the Community Strategic Plan (CSP):

1. Our sustainable shire, that celebrates our natural environment and outdoor lifestyles
2. Our community that welcomes, celebrates, and supports everyone
3. Our region of vibrant places and spaces
4. Our connected community through reliable and safe infrastructure networks
5. Our engaged community with progressive leadership

From the five goals there are 18 supporting strategies that provide guidance to achieve the goals. In response to the CSP strategies, Council has developed 65 delivery program activities and 268 operational plan actions to deliver and implement. Each service that assists in achieving the outcome is identified. Measures to track and report on progress in achieving each activity is also provided.

Key supporting documents such as plans and strategies that support the Delivery Program 2022-26 have been included in the services table. Hyperlinks to the relevant plans and strategies will be provided, where possible, in the final document. This will ensure ease of access for community members reviewing the document.

Legal / Financial

The Office of Local Government's Integrated Planning and Reporting Manual and Integrated Planning and Reporting Guidelines are comprehensive tools which have been used in the development of the Delivery Program 2022-26 and Operational Plan 2022-23.

The combined Delivery Program 2022-26 and Operational Plan 2022-23 has been prepared in accordance with the *Local Government Act 1993*.

- Section 404 requires Council to have a Delivery Program to implement the strategies established in its Community Strategic Plan within the resources available.

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- Section 405 requires Council to have an Operational Plan which details the activities to be engaged in by the Council during the year as part of the Delivery Program. The Operational Plan must include a statement of the Council's revenue policy for the year covered by the Plan. The statement of revenue policy must include the statements and particulars required by the regulations.
- Section 535 requires a Council resolution to make a rate or charge.

The following presents the rates and charges as detailed in the Revenue Policy and Fees and Charges Schedule for making:

General Revenue Increase

The General rate income will increase by 1.7% which is made up of IPART's rate peg amount of 0.7% plus the population growth factor of 1.0% for 2022-23.

In accordance with Section 494 of the *Local Government Act 1993*, it is recommended that Council makes the following Ordinary Rates for 2022-23:

Ordinary Rate Name	Rate (cents in \$)	Base Charge (\$)	Base Charge as a % of total Ordinary Rate
Residential	0.2313	546.00	49.84
Business	1.006	546.00	14.09
Farmland	0.1625	546.00	32.38
Business Inactive	0.2313		

Environment Special Rate

In 1996-97 Council introduced an Environmental Levy to provide funds to assist with the preservation and protection of the environment. A separate fund, the Environment Fund, was established for the levy to ensure that monies collected are accounted for separately from other activities of Council.

The Environmental Levy will increase by 1.7% which is made up of IPART's rate peg amount of 0.7% plus the population growth factor of 1% for 2022-23.

In accordance with Section 495 of the *Local Government Act 1993*, it is recommended that Council makes the following Environmental Levy for 2022-23:

Category	Rate (cents in \$)	Base charge (\$)	Base Charge as a % of total Environmental Levy
Environmental Levy	0.008813	21.35	49.51

Interest Charges on Overdue Rates and Charges

The Minister for Local Government has determined the maximum rate of interest that may be charged on overdue rates and charges for 2022-23 will be 6.0%.

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In accordance with Section 566(3) of the *Local Government Act 1993*, it is recommended that Council resolves to adopt the maximum interest rate allowed.

Council has a [hardship policy](#) that provides a framework for ratepayers experiencing genuine hardship for assistance with their rates and charges, in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Waste Management Charges

Council provides a waste management and collection service to the community. Waste management charges are designed to recover costs from people who actually benefit from the availability and/or use of Council's waste management services. Waste collection charges will increase by 1.7%.

In accordance with Sections 496 and 501 of the *Local Government Act 1993*, it is recommended that Council makes the following Waste Management Charges for 2022-23:

Waste Management Charges	Charge (\$)
Domestic waste availability charge	19.95
Domestic waste collection service charge	248.00
+Additional service 240L recycling bin	72.70
+Additional service 240L garden organics bin	72.70
Waste management charge (Section 501)	56.40

Stormwater Charges

In 2006-07 Council introduced a Stormwater Charge on all developed urban properties. A special 'Stormwater Fund' was established as part of the General Fund to record and report the income and expenditure related to this charge.

Stormwater charges will remain the same as 2021-22.

In accordance with Section 496A of the *Local Government Act 1993*, it is recommended that Council makes the following Stormwater Charges for 2022-23:

Stormwater Charge	Charge (\$)
Land categorised as residential	25.00
Residential strata (per lot)	12.50
Land categorised as business	25.00 (for land up to 1,050 square metres) 50.00 (for land 1,051 to 2,100 square metres) 75.00 (for land 2,101 to 3,150 square metres) 100.00 (for land greater than 3,150 square metres) The charge for business strata units is as for business, divided by the number of units, subject to a minimum charge of \$5.00.

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Water Charges

Supplying water to the community is one of the major activities of Council. To pay for the provision of this service, Council collects revenue from the people who benefit from the availability and use of the water supply. All consumers are charged a fixed access charge and a water consumption charge. The charges have been balanced to maintain best practice established by the NSW Department of Planning and Environment.

The water consumption charge will increase by 2.63% to maintain best practice pricing. The water access charge will increase by 2.86%.

In accordance with Sections 501, 502 and 552 of the *Local Government Act 1993*, it is recommended that Council makes the following Water Charges for 2022-23:

Water Access	Charge (\$)
Minimum single residential – metered, unmetered, strata unit	360.00
Minimum dual occupancy / secondary dwelling	576.00

Business, Multi Residential (non-strata flats) and Mixed-Use (residential/business)		
Water meter size (mm)	Capacity factor	Charge (\$)
20	1.0	360.00
25	1.6	576.00
32	2.6	936.00
40	4.0	1,440.00
50	6.3	2,268.00
65	10.6	3,816.00
80	16.0	5,760.00
100	25.0	9,000.00
Vacant unmetered	1.0	360.00
Mixed-Use 20mm	1.6	576.00

Water Consumption	Usage Charge (\$)
Residential and business	3.90 per kL
A minimum charge of \$10.00 applies to all accounts 0-2 kL	

Sewer Charges

Council is responsible for the sewerage services within the Eurobodalla. To pay for the provision of this service, Council collects revenue from people who benefit from the availability and use of Council's sewerage system.

The sewer access charge will increase by 1.98%.

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In accordance with Sections 501, 502 and 552 of the *Local Government Act 1993*, it is recommended that Council makes the following Sewer Charges for 2022-23:

Sewer Access	Charge (\$)
Residential general service – metered, unmetered, strata unit	1,030.00
Turlinjah general service (85%)	875.50
Dual occupancy / secondary dwelling	1,648.00

Business, Multi Residential (non-strata flats) and Mixed-Use (residential/business)		
Water meter size (mm)	Capacity factor	Charge (\$)
20	1.0	1,030.00
25	1.6	1,648.00
32	2.6	2,678.00
40	4.0	4,120.00
50	6.3	6,489.00
65	10.6	10,918.00
80	16.0	16,480.00
100	25.0	25,750.00
Vacant unmetered	1.0	1,030.00
Business strata unit	1.0	1,030.00
Mixed-Use 20mm	1.6	1,648.00

Sewerage Usage	Usage Charge (\$)
Business	2.05 per kL

Liquid Trade Waste Charges

Dependent on the type of business listed on the schedule, properties are charged a usage fee discounted by a discharge factor. The liquid trade waste discharge factor is the ratio of the volume of liquid trade waste discharged into the sewerage system divided by the volume of water consumed.

Liquid trade waste compliant discharge will increase by 3.12%. The annual fee will increase by 1.85%.

In accordance with Sections 501 and 502 of the *Local Government Act 1993*, it is recommended that Council makes the following Liquid Trade Waste Charges for 2022-23:

Liquid trade waste annual fee	110.00
Liquid trade waste annual fee (large discharger)	590.00
Compliant Discharge	1.65/kL
Non-Compliant Discharge (without appropriate treatment)	16.00/kL

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Mixed-use 20mm (residential/business) property water and sewer charges

A review of the annual water and sewer access charges was undertaken to ensure that all properties are contributing adequately and equitably to the costs of providing water and sewer services. This includes the maintenance of Council's water and sewer infrastructure. Council considered the nature of the premises on the land, the capacity requirements and demand those premises place on the water and sewer systems.

This review brought to Council's attention ten properties that are serviced by a single 20mm water meter. This meter size and its related charges are applicable to a single residence however, Council's records show that the nature of the premises on the land is that of both a business and a residence.

Whilst a 20mm meter can adequately supply water to the premises, the mixed-use nature of the property is such that the capacity requirements and the demand on Council's water and sewer infrastructure is greater than that of a property with a single residence.

The practice of charging properties with two residences (dual occupancy properties) water and sewer access charges proportional to the demand placed on the system by those properties has been implemented by Council for many years. It became evident that mixed-use properties with a business and a residence that place the same increased demand on the system were not being equitably charged for the services provided.

In Council's 2022-23 Revenue Policy for dual occupancy properties, the minimum water access charge is \$576 and the minimum sewer access charge \$1,648 reflecting the increased demand on the system. This same methodology is proposed to be applied to mixed-use properties.

To date, mixed-use properties have been charged the single 20mm water and sewer access charges however, for equity, Council should treat these properties the same as dual occupancy properties for charging purposes as they both have the same increased capacity requirements and place the same increased demand on the system.

These dual occupancy and mixed-use charges are in effect 1.6 times the single 20mm charge, noting that a residence and a business on separate properties would pay one full charge each for water and sewer. The mixed-use charges provide an overall reduction to that full cost while still contributing adequately to the costs of providing the services to the mixed-use premises.

Staff sent a letter to the affected property owners to bring the proposed changes to the annual charges to their attention and invited them to submit a response. We received two responses from the property owners suggesting the increase is untimely.

In consideration to the property owners' concerns, Council has the option to defer the implementation of the charges for 12 months to the ten identified properties.

Proposed Amendments

During the public exhibition period, minor editorial amendments to the documents have been made to phrasing, punctuation and format to improve the quality and clarity of the documents.

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In terms of the 2022-23 Fees and Charges, a number of statutory fees have been updated to reflect the current charge such as the *Companion Animals Regulation 1998*, Section 603 (Outstanding debts) fee and the water and sewer headworks charges to reflect Council's current policy. Minor amendments were also made to the SAGE Farmers Market fees as per Council minute 22/96 and to the Bay Pavilions charges to ensure consistency of the charges.

Finally, it is proposed the Developer Contributions fees will be amended following the Council meeting to reflect the new Contributions Plans 2022.

Asset

The Delivery Program 2022-26 and Operational Plan 2022-23 has a focus on working with peak bodies to advocate to the Australian and NSW governments for enhanced funding models to better support regional communities across NSW.

The maintenance allocations are indexed to partially account for cost escalation for materials supply, wages and plant hire costs. Additionally, focus is being placed on grant applications with a substantial renewal component.

The Capital Program included in the Plan has a focus on sustaining community infrastructure through the renewal of assets, particularly short-lived assets. The Program includes the provision of new infrastructure to meet demand from growth and progressively address network deficiencies.

Social Impact

The Community Strategic Plan provides an overarching framework for all other Council plans and policies. The purpose of the Community Strategic Plan is to identify the community's priorities and aspirations for the future and plan strategies to achieve them. The Delivery Program 2022-26 and Operational Plan 2022-23 are Council's response to the Community Strategic Plan and provide a range of programs, services and infrastructure projects to meet identified community needs.

Economic Development Employment Potential

The Delivery Program 2022-26 and Operational Plan 2022-23 focus on building a sustainable future for Eurobodalla and delivering services, key projects, capital works and infrastructure maintenance that support economic development and employment growth within the Eurobodalla.

Attracting people to live, work, invest and visit Eurobodalla will be supported by the implementation of Advancing Eurobodalla and other related strategies, which will include a focus on providing, renewing and maintaining assets and infrastructure, managing environmental change, planning for sustainable development and growth in population, business and tourism.

The Delivery Program 2022-26 and Operational Plan 2022-23 set out the activities that support Council's role in helping to grow the local economy and employment potential.

The activities will support Council to:

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- advocate for funding for major projects, and legislation to support growth
- provide and maintain public infrastructure
- promote the tourism industry
- promote and support business investment and employment growth
- partner with business and industry to attract funding and investment
- provide support services, networking and training opportunities
- partner with industry to develop opportunities for job growth
- provide opportunities for cadetships, apprenticeships and work experience.

Community and Stakeholder Engagement

The Delivery Program 2022-26 and Operational Plan 2022-23 was developed through Councillor and staff workshops. It also systematically implements strategies and plans that Council has adopted following extensive community engagement. Examples include the recent *Our Eurobodalla* campaign for the Community Strategic Plan, the Disability Inclusion Action Plan, the Recreation and Open Space Strategy, Creative Art Strategy, Batemans Bay Waterfront Masterplan and Activation Strategy, Tourism and Way Finding Strategy, Mogo Adventure Trail Hub Strategy and Local Strategic Planning Statements.

The Delivery Program 2022-26 and Operational Plan 2022-23 was endorsed for public exhibition from 27 April to 26 May 2022. Council continued to engage the community during this period by:

- making the draft Delivery Program 2022-26 and Operational Plan 2022-23 available for the community to read on Council's website
- informing the community about the public exhibition and inviting the community to have their say through information on Council's website, Eurobodalla News - Council's online newsletter and media release
- notifying and inviting community associations and groups to have their say
- consulting the community by considering and acknowledging submissions received and providing the community's feedback to Council prior to any decisions being made about the Delivery Program 2022-26 and Operational Plan 2022-23.

Six public submissions were received during the exhibition period. Councillors received all submissions in the final combined document. The table below provides a summary of the issues raised in the submissions and Council's response.

Issue	Proposed Response
More Council community notice boards	Council continues to support community groups to establish community noticeboards upon request, and some towns also maintain these independently. For example,

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Issue	Proposed Response
	noticeboards in South Durras, Long Beach, Mogo, Guerilla Bay, Bodalla, and Tilba, amongst others. Recent emergency management experience has illustrated that other communication methods complement noticeboards or provide greater reach, so we also invest in our communications teams (online and traditional media), emergency management and bushfire recovery facilities and staff.
Waiving green waste fees in the lead up the next bushfire season.	<p>During the 2019-20 bushfire disaster and recovery, a lot of green waste was generated due to bushfire preparation and preparedness, and the emergency response and recovery which was challenging to manage. Council's capacity to accept green waste during this time was impacted due to increased volumes and limited receival area and was approximately \$300,000 in additional costs to manage.</p> <p>Mulching and stump grinding of green waste is an expensive and time-consuming process that requires specific fit for purpose machinery and ample space to manage. Council pays contractors to process green waste and the cost of this service is partly supported by the gate fees.</p> <p>Council has a well-established household garden organics collection service for those properties on the domestic collection service which provides 26 kerbside garden organics collections of 240L bins annually. This meets most resident's needs, and we encourage residents to utilise this service year-round to minimise the accumulation of excess vegetation on their properties.</p> <p>Council was recently successful in receiving grant funding from the Environment Protection Authority's Bushfire Recovery Program for improvements to infrastructure for disaster resilience. In response to the issues identified above associated with the receival and processing of green waste, Council is expanding its organics area to mitigate the impacts. Notwithstanding the above, staff are considering how it can best support residents leading into the coming bushfire season.</p>
Upgrade community halls across the Eurobodalla to be heatwave and bushfire havens	Eurobodalla designated evacuation centres (at the Hanging Rock sportsground, Moruya Showground, and Narooma Leisure Centre) were recently upgraded due to Bushfire Recovery Funding to provide direct facility connectivity for

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Issue	Proposed Response
	<p>off-grid energy supplies during emergencies, i.e., generators (recognising that with the significant smoke during bushfires, solar panels with batteries would not be able to provide sufficient consistent power). Regarding HEPA air filters, as Council renews our community facility air filtration systems, we will seek to upgrade these to HEPA air filters.</p> <p>Council has undertaken significant sustainability assessments and investments over the years to identify sites most suitable for solar power. Twenty-eight Council facilities currently have solar PV units, and we are currently undertaking a project to inspect and audit our existing solar PV systems to improve operation and efficiency at these consistent-energy use sites.</p> <p>The NSW Government is responsible for emergency management and community refugees. The Council is working with the ANU to determine the feasibility of microgrids.</p> <p>The determination of heatwave and bushfire havens requires strategic decisions about the viability and safety of buildings, the community needs and the associated costs with any upgrades.</p>
<p>Environment levy expenditure and suggesting an allocation of \$100,000 of levy to community environment grants</p>	<p>The environmental levy as documented on Page 112 of the Delivery Program and Operational Plan is fully expended. The funds raised are devoted exclusively to tasks such as landcare, estuary management, weeds and pest control, environmental monitoring and research, erosion works and environmental compliance. It is estimated that \$1,468,140 will be used for these tasks during 2022-23.</p> <p>Council provides significant support to community groups to undertake environmental works and sustainability projects, particularly through support for Eurobodalla Landcare groups and other community groups. This assistance has consisted of support to apply for grant funds which significantly fund on ground works.</p> <p>It is considered administration costs associated with the community grants proposal outweighs the benefit and the current success in securing external grants for community group projects has been highly successful.</p>
<p>Food and Organics and Garden</p>	<p>The NSW Government's Waste and Sustainable Materials</p>

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Organics (FOGO)	<p>Strategy 2041 requires all NSW councils to commence FOGO (Food and Organics and Garden Organics) collection by 2030. At this stage, there is not a definitive start date for Eurobodalla, however staff are currently investigating options for the management of FOGO and the feasibility of various options.</p> <p>While FOGO has many benefits, it requires a concerted and committed buy-in from the community and, importantly, large-scale space and infrastructure and we need to consider which strategies and infrastructure will best support a successful implementation.</p> <p>Over the past 18 months staff have been investigating a variety of options with regards to the collection and processing of FOGO and explored solutions that may be appropriate for Eurobodalla. Council staff have met with industry experts, suppliers of composting systems, regional Council's, and regulatory authorities to discuss options regarding infrastructure and space requirements, environmental licensing, industry training and skills development, and financial implications requirements to assess feasibility.</p> <p>Council will continue to investigate its options in this space to meet the requirements of the NSW Government's mandate.</p> <p>Council conducts free home composting and worm farming workshops for Eurobodalla residents at Moruya Waste Transfer Station twice a year. Participants receive a free starter kit to get them composting or worm farming.</p> <p>Council also conducts free workshops at local schools and preschools, with many setting up their own compost and organic reuse systems that support their herb and veggie gardens.</p>
Greater investment needed in cycleways	<p>The Eurobodalla Pathway Strategy 2017 is the guiding document for the development and implementation of new pathway facilities for pedestrians and cyclists within Eurobodalla. It identifies the need to increase the safety of</p>

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	<p>pedestrians and cyclists encouraging walking cycling as alternative modes of transport.</p> <p>In 2020-21, whilst \$297k was originally budgeted for shared pathways, Council delivered over \$800k pathway projects by leveraging Council funds with external grant opportunities.</p> <p>The pathway strategy is scheduled to be reviewed during 2022-23 (Operational Plan action 4-1-5-4).</p>
Budgets to mention climate change	<p>The consideration of climate change is undertaken through a variety of mechanisms in planning, sustainability and infrastructure.</p> <p>Activity 1-3-1 of Council's 2022-26 Delivery Program is to 'Reduce Council's contribution to the effects of man-made climate change through the implementation of the Climate Action Plan' (page 32).</p>
Electric vehicle charging points	<p>The Council is working with the NSW Government and relevant funding bodies to continue to roll out Electric Vehicle (EV) charging infrastructure across the Eurobodalla. Note that many private businesses are providing charging stations. The positioning of charging stations requires consideration of the user, cost of the parking spot, and ready access to the appropriate infrastructure. Currently Council has two grant applications for EV charging in Narooma and Moruya.</p>
Funding of the Climate Action Plan from Council's recreation and transport services	<p>Any reallocation from transport or recreation will result in a reduction to either services and or the standard, functionality or safety of community facilities. The impacts of any reductions will need to be weighed up.</p> <p>It should be noted that the transport and recreation budgets already contribute to Climate Resilience Plan goals, such as increasing and improving green spaces and the provision of shade (built and natural) and water refill points in recreation and open spaces.</p>
Revenue Policy - increase in rates and charges and terminology of the water and sewer access charges	<p>Council is responsible for ensuring that it is financially sustainable to generate sufficient funds to deliver the services and infrastructure that meet our community's needs and expectations.</p> <p>This year, Council proposed to increase the General Rate</p>

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	<p>and Environmental Levy by 1.7% in accordance with rate pegging approved by the Independent Pricing and Regulatory Tribunal.</p> <p>The implication for our ratepayers includes:</p> <ul style="list-style-type: none"> • a 1.7% increase to the General Rate in all rating categories • a 1.7% increase to the Environmental Levy • waste collection charges increasing by 1.7% • average water charges increasing by 2.75% with the access charge increasing by 2.86% and the usage charge by 2.63% • sewer access charge increasing by 1.98%, the usage charge by 2.5% and the liquid trade waste usage charge increasing by 3.13% <p>The water and sewer charges are consistent with Best Practice Management of Water Supply and Sewerage pertaining to water pricing established by the NSW Department of Planning and Environment and Council's adopted Integrated Water Cycle Management Strategy.</p> <p>The phrases on pages 114 and 116 of the "including but not limited to, shop top housing" is an inclusive phrase and has regard to sections 495, 501, 539, 541 and 552 of the <i>Local Government Act 1993</i> and the Best Practice Management of Water Supply and Sewerage Guidelines, August 2007. It is intended to apply to a mixed-use property, where for example, a retail shop is located on the bottom as a separate premises and the top is a separate dwelling, in those circumstances it would be a mixed-use property and therefore attract, for the purposes of the Revenue Policy, a mixed-use designation. It is not desirable to nominate every single circumstance in which this could or might occur or apply, thus the most transparent, fair and equitable phrase that is used, is that which is contained in the Revenue Policy.</p> <p>In relation to previous revenue policies, an ongoing review of this policy is considered both prudent and necessary. In these circumstances, the Revenue Policy now addresses that requirement of appropriately dealing with mixed-use designation premises, which had not appeared in the previous policies.</p> <p>In the context of the demand on the system the reference to</p>

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	<p>demand on the system is retained, as the term relates to the demand on Council's infrastructure and is a relevant consideration. The Revenue Policy has been drafted to read instead of "capacity and/or demand requirements", to now read as "capacity requirements" noting that this relates to a property's capacity to use water.</p> <p>In relation to mixed-use premises, the demand on the system of a property, for example a property with both a residence and a business, is greater than that of a property with a single residence or single business premises only, with all things being equal. In the case of a charge for a mixed-use premises, staff have considered its infrastructure, the purpose, and costs of providing the service, together with the nature and use of the premises, noting the fact that each of the premises on the property, being the residence and the business, places the same demand on the system as a residence and business on separate properties, with all things being equal.</p> <p>The nine other property owners that are potentially impacted by the change in the Revenue Policy in terms of the mixed-use were sent a letter to inform them of the proposed change and invited to provide comment. Council received two responses from the property owners suggesting the increase is untimely.</p> <p>Therefore, to assist the identified property owners with the transition to the equitable mixed-use charge, Council can delay the implementation of the charge for 12 months to the ten identified properties.</p> <p>In the context of the pandemic, it is considered that the remaining increases proposed are reasonable, equitable with other similar property uses such as dual occupancy and relatively modest. Council has a hardship policy that provides a framework for ratepayers experiencing genuine hardship for assistance with their rates and charges.</p>
The provision of non-traditional council services provided to benefit to select community sectors such as Children's services, NDIS, cultural development, youth	The traditional functions of local government have expanded over time, primarily to service improved liveability and future of communities. The role of local government in economic development and consequently tourism can be a contested place in terms of what that means for different local government areas, however there is no dispute that

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services and community care and in particular Tourism.	<p>there is a fundamental role for councils in local and regional economic development. Council's role in tourism is not just about supporting business and wealth creation but more broadly around community development, social equity and sustainability, and this is reflected in the structure, goals, budgeting and resourcing of tourism in Eurobodalla Council.</p> <p>The most critical economic issue for the Eurobodalla is its ageing population and aged dependency ratio. Eurobodalla has a higher aged resident population of over 50s compared to other LGAs in NSW. In the last available data Eurobodalla had a growth of residents in over 60s and a decrease in residents below the age of 50 (Source: https://economy.id.com.au/eurobodalla). If this trend continues, approximately 20 years' time, two out of every three residents in Eurobodalla will be over 55 years of age. This requires Council to take a leadership position to attract a younger workforce and create opportunities to retain our younger population once they are looking for working opportunities. This is a key reason for Eurobodalla Shire to take a strategic approach to tourism and more broadly economic development to ensure the long-term approach to seek out opportunities and industry diversity.</p> <p>We are fortunate to live within a community and environment that is desirable and because of that a tourism industry has grown that has supported an increase in amenity and desirability of the shire as a place to live and retire. This is largely driven through improved infrastructure (e.g. walking and mountain biking trails, play spaces, access to beaches, and marine infrastructure such as boat ramps and pontoons), vibrant hospitality and event offerings, small business and employment opportunities for a diverse age group.</p> <p>Data shows that:</p> <ul style="list-style-type: none"> • 39.9% of spend captured in Eurobodalla in the past 12 months (to April 2022) was from non-residents. • Within the industries of dining and entertainment spend was 60.9% non-resident (Source: Spendmapp) • Number of jobs generated by tourism direct 8.7% and 6.2% indirect totaling 14.7% of Shire employment (Source: Economy ID) - often providing entry level roles for young people, allowing greater diversification of

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	<p>jobs available to attract a broader range of demographics to the Shire and offering flexibility of other workers</p> <ul style="list-style-type: none"> • The number of direct and indirectly related tourism businesses in the Shire as at the last census was 364 - considerably more than the next industry sector - 254 in agriculture (source Advancing Eurobodalla - Economic Development Strategy 2019-2028) <p>Council facilitates industry development and strategic directions to not only support businesses, but also guide sustainable development. A key example of this is the Eurobodalla Nature Based Tourism Strategy which lead to identification and strategy around Mountain Biking. This has resulted in identifying Mogo as the best location to develop a nature-based tourism asset which is being constructed with funding from State and Federal Governments. Projects like these lead to a broader range of positive community social impacts such as pride, active and healthy lifestyles, volunteerism, youth employment opportunities, Aboriginal employment, business development, greater accessibility of place and space, upgraded infrastructure and spread of visitation to across the calendar rather than summer focus to support businesses.</p> <p>The tourism budget for Council is \$936,641. In relation to the above objective and broader strategic intent, this supports strategy, research, industry development, advocacy, events for community and visitors, promotion, and visitor servicing.</p> <p>All ratepayers contribute to functions that they may not receive a direct benefit from; however, the determination of functions is to enable a greater good for a community in the long term.</p> <p>Council aims to support all sections of our community and during this difficult time taking into account that most impacts are outside of Council's control. It is considered to be imperative that the support continues for the businesses and the community that rely so heavily on Tourism and ensure that this is done in a strategic and sustainable way to not only be supporting the right now but future years for Eurobodalla.</p>

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Issue	Proposed Response
Transport plans only focusing on the larger roads	<p>The Northern Area Transport Network Plan (NATNP) does have a primary focus on the major transport routes within our network, being the busier higher volume roads. The reason for this is that a disproportionately higher percentage of casualty crashes are occurring on this relatively small percentage of our network. As highlighted within our Eurobodalla Road Safety Plan 2019-22 (ERSP), of the 376 casualty crashes occurring on local, regional and other roads, 152 or 46.9% of these occurred on only 9% of the Council network, being the busier regional and distributor roads covered by the NATNP. These same roads are also experiencing significant growth which is expected to continue.</p> <p>The creation of the NATNP addresses a key action within the ERSP to save lives on or our roads. This action includes developing route upgrade plans for all regional and distributor roads commencing with Beach Road, George Bass Drive, Tomakin Road, Dunns Creek Road and North Head Drive and pursue grant funding to implement (See Action 6.1.10). These proposed upgrades are identified within the NATNP. This plan does not intend to replace other strategies, plans and studies that Council has already developed in relation to the overall transport network. Instead, it has been developed to complement them and ensure actions in relation to the key major routes within the plan are undertaken in a coordinated way considering the whole of the network.</p> <p>Other existing plans and strategies that Council has developed that are relevant to the rest of the network that address some of the points that you have raised include:</p> <ul style="list-style-type: none"> • Eurobodalla Pathway Strategy 2017. This is the guiding document for the development and implementation of new pathway facilities for pedestrians and cyclists within Eurobodalla. It identifies the need to increase the safety of pedestrians and cyclists encouraging walking cycling as alternative modes of transport. • Eurobodalla Road Safety Plan 2019-2022. Council recognises and accepts the key role we play in road safety through the implementation of a safe systems approach (safer roads, people, vehicles and speeds) within our area

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	<p>of responsibility. The ERSP outlines specific measures Council needs to continue undertake to reduce road related trauma and improve safety for our community and visitors to Eurobodalla as they drive our local and regional roads or bus, scooter, cycle and walk around our community.</p> <ul style="list-style-type: none"> • Local Strategic Planning Statement 2020-2040. This sets out a 20-year vision for land-use planning in the region and how it will be managed in the future. It explains the basis for strategic planning with regards to economic, social and environmental matters. The statement addresses a broad range of matters such as placemaking, housing supply, diversity and affordability, employment and economic growth, environmental management, town and village character enhancement and infrastructure provision. <p>These plans and strategies are included within our Integrated Planning and Reporting Framework and are to be read in conjunction with other strategic plans such as our Community Strategic Plan, Long Term Financial Plan, Workforce Management Plan, Asset Management Strategy and Plans, Delivery Program and Operation Plan.</p>
Level of budget detail provided in the document including legal and consultants' budgets	<p>The budgets included in the Delivery Program and Operational Plan (DPOP) provide an overview of the three funds, General, Water and Sewer as well as the Consolidated budget for 2022-26. It also provides the income, expenditure and net spend of each service Council provides as well as the capital program for 2022-23.</p> <p>Council's quarterly budget reviews include a report on major contracts entered into, legal fees incurred and consultancy costs for the quarter.</p>
Public consultation including public meetings	<p>Council has complied with its obligations regarding both the Integrated Planning and Reporting Review 2021 – Community Engagement Strategy and the Community Engagement Charter. Council has consulted with the community by placing the Delivery Program and Operational Plan on public exhibition for 28 days to allow community members to provide their respective comments.</p>

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Issue	Proposed Response
	In addition, throughout the year, Council receives many requests for projects and funding which are considered in the development of the Operational Plan and budget. Council meets annually with Community Associations to ascertain the needs of the individual communities. These meetings are held during the development of the Delivery Program and Operational Plan. In addition, strategies and plans that Council has adopted following extensive community engagement are also included in the Delivery Program and Operational Plan. Examples include Recreation and Open Space Strategy, Pathways Strategy and Recreation Masterplans.
Eurobodalla Animal Pound	The current animal shelter has had a range of improvements implemented over the past two years and these have been based on advice from the RSPCA and the local veterinarians. Funds have been allocated to undertake a review of the site and expenditure of these funds will be discussed with the Councillors in the near future.
Reference to the Destination Southern NSW Destination Management Plan	<p>Delivery Program Activity 3-2-2 has been updated to 'Support the tourism industry to be viable year-round and encourage development of sustainable visitor experiences as guided by the Destination Action Plan, Nature Based Tourism study, Wayfinding and Tourism Signage Strategy and Events Strategy'.</p> <p>Operational Plan Action 3-2-2-3 has been updated to reference the Destination Management Plan to 'review the Eurobodalla Destination Action Plan to align with the directions of the Destination Southern NSW Destination Management Plan and include a product audit to identify land based and marine infrastructure and commercial opportunities'.</p>

CONCLUSION

The Delivery Program 2022-26 and Operational Plan 2022-23 has been developed taking into account the various inputs and responses provided by stakeholders and community members. Six submissions were received and considered in the final version of the Delivery Program 2022-26 and Operational Plan 2022-23 and the 2022-23 Fees and Charges. A further two submissions were received in relation to the changes to the Revenue Policy.

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Council is required to adopt the Delivery Program 2022-26, Operational Plan 2022-23 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges by 30 June 2022.

GMR22/068 RESOURCING STRATEGY

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Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Resourcing Strategy

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

Operational Plan Link: 9.1.1.1 Review Council's Delivery Program and prepare the Operational Plan

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement and adoption of the components of Council's Resourcing Strategy.

The Resourcing Strategy is an essential element of the Integrated Planning and Reporting (IPR) framework. The Resourcing Strategy articulates how the council will allocate resources to deliver the objectives under its responsibility.

The Resourcing Strategy contains information on the time, money, assets and people required by Council to progress the activities within the Delivery Program and towards achieving our community's vision as articulated in the Community Strategic Plan. It is made up of the following components:

- Long-Term Financial Plan
- Asset Management Strategy and Plan
- Workforce Management Strategy

It should be noted that each component in the Resourcing Strategy is an operational document that is regularly reviewed and updated as circumstances change.

RECOMMENDATION

THAT Council

1. Adopt the Long-Term Financial Plan 2022-32.
2. Adopt the Asset Management Strategy and Plan 2022-32.
3. Endorse the Workforce Management Strategy 2022-26.

BACKGROUND

The Resourcing Strategy is an essential element of the Integrated Planning and Reporting (IRP) framework. The Strategy ensures sufficient financial and human resources exists to provide services and infrastructure assets expected by the community. The Long-Term Financial Plan, Asset Management Strategy and Plan, and Workforce Management Strategy contained within

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the Resourcing Strategy address the activities and actions contained within the Delivery Program and Operational Plan.

CONSIDERATIONS

Policy

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

IPR is prescribed by the *Local Government Act 1993* and was introduced in 2009. It comprises a series of interrelated documents that together provide a rigorous, consistent approach to community planning across all NSW local councils, while also ensuring alignment with regional and state priorities. The IPR framework is outlined in the figure below and consists of the Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan.

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The IPR framework allows councils to draw their various plans together, to understand how they interact and inform each another, and to get the maximum benefit from their efforts by planning holistically for the future.

Each component in the Resourcing Strategy is an operational document that is regularly reviewed and updated as circumstances change.

Long-Term Financial Plan

The Long-Term Financial Plan (LTFP) is a 10-year rolling plan that informs decision-making and demonstrates how the objectives of the Community Strategic Plan, and commitments of the Delivery Program and Operational Plan, will be resourced and funded. The LTFP captures financial implications of asset management and workforce planning. For example, it identifies how additional assets will be funded, or existing assets renewed/upgraded, and what provisions are made for changes to service levels.

Council's key objective when managing its financial resources is to remain financially sustainable. Council's LTFP is an essential tool to assess Council's financial sustainability and also demonstrate Council's long-term capacity to deliver the strategic objectives contained within the Community Strategic Plan, Delivery Program and Operational Plan. It is essential that

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the LTFP adopted by Council provides a level of certainty to the community that it is a sustainable financial model and represents an acceptable balance in the context of meeting community expectations, sound financial management, and the achievement of strategic objectives that are clear and measurable and have community and Council support.

It is important that community assets are maintained so that the cost does not become a burden for future rate payers. Financial sustainability is achieved when service and infrastructure levels are delivered according to a long-term plan without the need to significantly increase rates or significantly reduce services.

The LTFP is developed in conjunction with the Asset Management and Workforce Management Strategies and incorporates the strategies and actions contained within Council's Delivery Program. The LTFP is for a period of ten years and includes the following:

- the planning assumptions used to develop the plan
- projected income and expenditure, balance sheet and cash-flow statement
- sensitivity analysis
- monitoring financial performance and sustainability

The primary purpose of this LTFP is to facilitate effective financial decision-making which is informed by the short-, medium- and long-term expectations of the community. The LTFP is reviewed on an annual basis, with a major review process undertaken in line with the review of the Community Strategic Plan.

The Long-Term Financial Plan (LTFP) was endorsed for public exhibition at the 26 April 2022 ordinary Council meeting for 28 days. The community were invited to have their say on the Plan from 27 April to 26 May 2022. No submissions were received in relation to the LTFP.

Asset Management Strategy and Plan

The Asset Management Strategy (AMS) and associated Plan is supported by the Asset Management Policy adopted by Council on 26 April 2022. The key objective of asset management planning is to provide the required level of service for the community in accordance with the Community Strategic Plan and in the most cost-effective manner.

This AMS is prepared to assist Council in improving the way it delivers services from infrastructure for the major asset groups (transport and stormwater, recreation, buildings and facilities, marine, waste, airport and Batemans Bay Beach Resort).

The purpose of the AMS is to enable Council to:

- show how its asset portfolio will meet the service delivery needs of its community into the future,
- enable Councils' asset management policies to be achieved, and
- ensure the integration of Councils' asset management practices with its long-term strategic plan.

Asset management planning is a comprehensive process to ensure delivery of services from infrastructure is provided in a financially sustainable manner taking account of the current and

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future social, economic and environmental context, and the need to ensure intergenerational equity so we do not pass on a debt to our children and grandchildren.

The Asset Management Plan (AM Plan) details information about infrastructure assets including actions required to provide general fund services in a cost-effective manner taking account of the legacy and future challenges and opportunities facing our community over an 10-year planning period. The plan also seeks to effectively manage risks in accord with the *Civil Liabilities Act 2002*, Council's available budget and associated policy framework.

Council is the custodian of infrastructure assets valued at over \$1.2B (replacement cost) and represent 98.3% of general fund assets. These assets have been acquired by purchase, contract, construction by staff or assets constructed and donated by developers. Assets include roads, drains, bridges, footpaths, buildings, recreational facilities, parks and gardens.

Water and Sewer assets are not considered in the AM Strategy or Plan as these infrastructure assets are managed through the 'Integrated Water Cycle Management Strategy and Strategic Business Plan' adopted by Council on 13 December 2016. This strategy is currently under review.

Workforce Management Strategy

The Workforce Management Strategy (WMS) is an essential element of the Resourcing Strategy and details the approach taken in planning for our future workforce.

This WMS supports our workforce to achieve outcomes for our community aligned with the Community Strategic Plan. It details the commitments and actions we will take over the next four years to ensure our staff are supported, engaged and connected to continue delivering outcomes for the community.

The WMS is Council's commitment to continuing to build a robust, resilient and capable workforce that is equipped to deliver the 2022-2026 Delivery Program and Operational Plan.

The Strategy identifies four key themes to enable high level workplace performance and service delivery for our community:

- An inclusive and engaged culture
- A capable workforce
- A responsive and agile workforce
- A safety and wellbeing focus

The above themes are supported by commitments and actions Council will deliver over the next four years. Annual action plans will be developed and reported periodically to measure and report progress in realising our vision for our workforce.

Community Engagement

The Long-Term Financial Plan (LTFP) was endorsed for public exhibition at the 26 April 2022 ordinary Council meeting for 28 days. The community were invited to have their say on the Plan from 27 April to 26 May 2022. No submissions were received in relation to the LTFP.

There are no statutory requirement to publicly exhibit the Asset Management Strategy, Plan or the Workforce Management Strategy.

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CONCLUSION

The Resourcing Strategy is an essential element of the Integrated Planning and Reporting (IPR) framework. The Resourcing Strategy articulates how the council will allocate resources to deliver the objectives under its responsibility.

The Resourcing Strategy contains information on the time, money, assets and people required by Council to progress the activities within the Delivery Program and towards achieving our community's vision as articulated in the Community Strategic Plan. It is made up of the following components:

- Long-Term Financial Plan
- Asset Management Strategy and Plan
- Workforce Management Strategy

GMR22/069 ACCEPTANCE OF GRANT FUNDING

S014-T00019

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 six successful grant applications from the Australian and NSW governments:

- \$1,730,050 from the Australian Government under the Black Summer Bushfire Recovery Grants Program:
 - \$902,000 for the Moruya Showground Canteen Building Renewal.
 - \$628,050 for the Reconstruction of the SES Batemans Bay facility.
 - \$200,000 for the Regional Co-located Emergency Services Precinct.
- \$106,892 from the NSW Government under the Crown Reserves Improvement Fund for the Moruya Showground Area lighting upgrade.
- \$495,000 from the NSW Government under the Regional Tourism Activation Fund for the Accessible Beaches project.
- \$57,365 from the NSW Government under the Stronger Country Communities Fund (round 4) for the Tilba Accessibility project.

The grants have been accepted and the report to Council is seeking a resolution to formally endorse the actions taken.

RECOMMENDATION

THAT:

1. Council endorse the actions taken to accept the \$902,000 in grant funds offered under the Black Summer Bushfire Recovery Grants Program for the Moruya Showground Canteen Building Renewal.
2. Council endorse the actions taken to accept the \$628,050 in grant funds offered under the Black Summer Bushfire Recovery Grants Program for the Reconstruction of the SES Batemans Bay facility.
3. Council endorse the actions taken to accept the \$200,000 in grant funds offered under the Black Summer Bushfire Recovery Grants Program for the Regional Co-located Emergency Services Precinct.

GMR22/069 ACCEPTANCE OF GRANT FUNDING

S014-T00019

4. Council endorse the actions taken to accept the \$106,892 in grant funds offered under the Crown Reserves Improvement Fund for the Moruya Showground Area lighting upgrade.
5. Council endorse the actions taken to accept the \$495,000 in grant funds offered under the Regional Tourism Activation Fund for the Accessible Beaches project.
6. Council endorse the actions taken to accept the \$57,365 in grant funds offered under the Stronger Country Communities Fund (round 4) for the Tilba Accessibility project.
7. Letter of appreciation be sent to the local federal members and state member for support in securing these grants for the Eurobodalla community.

BACKGROUND

Black Summer Bushfire Recovery Grants Program

Overview

The Black Summer Bushfire Recovery Grants Program forms part of the Australian Government's \$2 billion National Bushfire Recovery Fund to support communities impacted by the 2019-20 bushfires. The \$390 million program was developed to address community priorities for recovery.

Council has been successful in securing grant funding for three projects which will all be completed by 31 March 2024.

\$902,000 - Moruya Showground Canteen Building Renewal

This project will see the demolition of the existing Moruya Showground canteen and separate male and female toilet blocks and replace them with a single facility. The heritage recognised original showground secretary's office in the vicinity of these buildings will be relocated as part of this project.

The outcomes of this project will contribute to the rejuvenation of the Moruya Showground. The consolidation of the existing, dated structures to a purpose-built facility will bring a range of benefits to the Moruya Showground and the Eurobodalla community that will increase use and activation of the site into the future, including future use of the Moruya Showground as an emergency evacuation centre.

\$628,050 for the Reconstruction of the SES Batemans Bay facility

After the previous facility was destroyed on 31 December 2019 during the Black Summer Bushfires, this project will reconstruct the Batemans Bay SES facility at a new location at 311 George Bass Drive, Surf Beach. This project will see the construction of a new modern facility for the permanent use of the Batemans Bay SES and NSW RFS teams.

The new Batemans Bay SES facility at Surf Beach will provide a dedicated site for volunteers to train, prepare and respond to a wide range of emergency and rescue situations across the Eurobodalla. The facility will ensure positive outcomes for the community and allow volunteers

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to be fully trained and prepared, ready to respond to a wide range of emergency and rescue requests from the community into the future.

\$200,000 for the Regional Co-located Emergency Services Precinct

This project will see Council engage NSW Public Works Advisory (PWA) to identify a site for the Regional Co-located Emergency Services Precinct in Moruya. The Moruya RFS Incident Management Centre proved not fit for purpose during the Black Summer Bushfires, nor did the separate Emergency Operations Centre set-up in the Moruya RSL Hall.

Eurobodalla Shire Council and emergency services agencies have been advocating for more than eight years for a modern co-located facility for emergency services agencies and their operations to be based in Moruya. There have been previous reviews of emergency operations centres across NSW, and on each occasion, the conclusion has been that a purpose-made emergency services precinct is required in Moruya.

Considerations

The 2019-20 summer bushfires devastated Eurobodalla, including the tragic loss of three lives. More than 271,000 hectares of our 343,000 hectares, or 81% of our Shire, was directly fire impacted. These fires had devastating impacts on life, property, the environment and the community.

The Black Summer Bushfire Recovery Grants Program is an opportunity for Council to collaborate with the Australian Government on three important projects that form part of our recovery process.

Council's three projects being funded by the Black Summer Bushfire Recovery Grants Program align with the following recommendations and strategies:

- Recommendations from Royal Commission into National Natural Disaster Arrangements Report
- Recommendations from NSW Bushfire Inquiry Report
- Advancing Eurobodalla: Economic Development Strategy 2019-28
- Far South Coast Regional Economic Development Strategy 2018-2022
- Moruya Showground Landscape Masterplan 2018
- Moruya Golf Course and Showground Plan of Management 2020.

Social Impact

Council's projects funded through the Black Summer Bushfire Recovery Grants Program all play an important role within our ongoing recovery. Since the fires, Council has worked alongside Australian and NSW government agencies and other councils, and continues to implement the actions listed in the Eurobodalla Recovery Action Plan.

These projects will each have a unique positive social impact in the lives of our community. All are focused on delivering infrastructure that ensures our region is in a higher state of preparedness and readiness for the next emergency or natural disaster.

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Financial

These projects will be accommodated in the 2022/2023/2024 budgets. Project overheads have been factored into the project estimates, so that Council's operating costs will be covered by the project funds.

The Reconstruction of the SES Batemans Bay facility project budget includes the grant of \$682,050, plus an existing \$200,000 in grant funding received from the NSW Government's Infrastructure Grants, and an allocation of insurance monies as a result of the damage from the Black Summer Bushfires.

Crown Reserves Improvement Fund – Moruya Showground Area lighting upgrade

Overview

The Crown Reserves Improvement Fund supports Crown land managers by providing funding for repairs, maintenance and improvements on Crown reserves. The funding aims to benefit the community, boost our economy and contribute to the cultural, sporting and recreational life of NSW.

Council has been successful in applying for \$106,892 in grant funding to provide LED lighting at the Moruya Showground arena enhancing its capacity as a venue that attracts local and regional agricultural, cultural, social, educational, sporting, recreational, canine and equestrian activities and events.

The result will be energy efficient, reliable, and uniform lighting across the arena providing a safe environment to host weekly activity, monthly community events, an annual showcase events. It will also allow Moruya Showgrounds to be retained with confidence as an evacuation site, as was the case during the Black Summer Bushfires.

This project will be completed in March 2023.

Considerations

Substantial stakeholder consultation has taken place in recent years initially through the development of the Moruya Showgrounds Landscape Masterplan 2018 followed by the Moruya Golf Course and Showground Plan of Management 2020.

Both plans reflect the communities desire for intelligent investment in infrastructure that ensures the showgrounds become a contemporary event, exhibition and activity space that respects agricultural and heritage characteristics. Specifically relating to challenges with the current arena lighting, Council has been in regular consultation with showground users through the Moruya Showgrounds Management Committee.

Social Impact

Specific user groups that will benefit from the project include camping and overnight visitors, Eurobodalla Show Committee, Eurobodalla Canine Club, Moruya Rodeo Committee, Moruya Showgrounds Management Committee, Mirrabooka Show Jumping, Eurobodalla Dressage Association, and multiple community and tourism event organisers.

The broader Eurobodalla community will benefit as the showground arena is used as a community evacuation site during disasters as was evidenced in the Black Summer Bushfires.

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Reliable lighting that turns on when it's supposed to and provides uniformity across the field is critical to put residents at ease in moments of extreme stress.

This lighting project will further support the showgrounds in attracting regional events which provide substantial economic returns through the visitor economy. Eurobodalla has its roots in agricultural enterprises, and a strong agricultural influence is evident in the local communities.

Financial

The \$106,892 in grant funds will be accommodated in the 2022/2023 budget. Council will provide a matching 50% contribution of \$106,892 from existing operational budgets. Council will also provide in-kind project management resources across all components of the project.

Regional Tourism Activation Fund – Accessible Beaches

Background

The NSW Government's \$30 million Regional Tourism Activation Fund forms part of the \$2 billion Regional Growth Fund. The Regional Tourism Activation Fund is designed to accelerate the development of new and existing tourism infrastructure providing visitors with unique and high impact experiences while visiting regional NSW.

The Fund focuses on projects that increase visitation, expenditure and length of stay in regional NSW. The funding also provides support to projects that improve accessibility and inclusion and enhance the visitor experience for people with disability.

Council has been successful in receiving \$495,000 in grant funds from the Regional Tourism Activation Fund for the Accessible Beaches project. This project will see the construction of permanent improvements to eight beach paths using a durable recycled-plastic product for year-round improved access. Funds will enable the procurement of eight mobility mats, one for each of our patrolled beaches, that will be deployed by lifeguards when on duty. This project will also see the removal of the beach access stairs at Narooma's South Bar beach, to be replaced with a concrete ramp for improved access.

Considerations

The spectacular Eurobodalla nature coast incorporates 83 beaches which are a drawcard for visitors from near and far. With the nature of shifting sands and a varied coastline, these beaches are not always accessible to users of reduced or limited mobility, and can be a challenge for parents with prams.

This project will establish improved beach accessibility to Eurobodalla's eight patrolled beaches during peak season, and significantly enhance inclusive access to key beach locations year-round. The eight beaches are spread evenly across the Shire, from Narooma in the South to Surf Beach in the north, thus giving visitors access to a wide range of locations.

This project will give visitors and residents with a disability, or reduced mobility, an advantage enjoyed regularly by able-bodied beach goers - the ability to experience and explore a range of beaches, and the option to select a beach which has the preferred water and wind conditions depending on the weather of the day.

This project aligns with outcomes set out in Council's Disability Inclusion Action Plan 2022, the Eurobodalla Destination Action Plan and the Southern Destination Management Plan. These

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documents recognise the need to prioritise accessible tourism opportunities, to ensure the needs of all beach users are met.

Social Impact

Inclusive access to beaches is a challenge in the Australian coastal environment and providing a range of improved access options will bring a significant benefit to visitors of all ages and abilities to regional NSW. It is estimated that there are 7,000 people in Eurobodalla living with a disability. Approximately 19 per cent of our population. With the addition of visitors during peak holiday periods, the need for accessible beaches within our Shire is extremely important and has a meaningful impact on people's lives.

Eurobodalla is an important destination within the south coast region of NSW, welcoming around 1.2 million visitors per year. It is estimated that around 1,425 jobs are directly supported, and 850 jobs are indirectly supported by tourism. Nature-based tourism is a particular feature of the tourism offering in this part of Regional NSW, this includes visits to the 83 beaches located with Eurobodalla Shire.

Combining this with the opportunity for inclusive nature-based experiences, will help to provide a unique offering for the region to attract more visitors, as well as providing an increased variety of experiences for visitors from Regional and urban NSW requiring accessible options.

Financial

The \$495,000 in grant funds received for the Accessible Beaches project will be accommodated in the 2022/2023 budget. All project overheads have been factored into the project estimates.

Stronger Country Communities Fund (round 4) – Tilba Accessibility

Background

The Stronger Country Communities Fund was established in 2017 by the NSW Government and has since provided \$400 million for more than 1500 local projects that enhance the lives and wellbeing of regional communities. Round Four of the Stronger Country Communities Fund has seen a further \$100 million made available for community projects that increase the liveability of regional NSW communities.

Council has been successful in receiving \$57,365 in grant funds for the Tilba Accessibility project, which will see the design and construction of a handrail and footpath from the main Central Tilba carpark, up to Bate Street. Funds will also allow for the construction of shaded seating in the grassed area off to the side of the carpark for residents and visitors to the unique village.

Considerations

Tilba is a heritage listed town with limited and steep access/egress between the carpark and the main street. This project will result in a safer, more accessible pathway, with a handrail to enable visitors to move between the carpark and the main street with a greater degree of confidence. It will also provide shaded seating adjacent to the carpark to enable residents and visitors to pause and enjoy the scenic location.

Social Impact

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S014-T00019

The gradient from the carpark to the main street is between 20 and 30 degrees. This makes navigation difficult for less sure-footed people. Provision of a path and handrail will make the carpark more useful for a broader range of people and the provision of shaded table will enable more visitors and residents to stay longer.

Financial

The \$57,365 in grant funds received for the Tilba Accessibility project will be accommodated in the 2022/2023 budget. All project overheads have been factored into the project estimates.

CONCLUSION

Council has secured grant funding from the Australian and NSW Governments:

- \$1,730,050 from the Australian Government under the Black Summer Bushfire Recovery Grants Program:
 - \$902,000 for the Moruya Showground Canteen Building Renewal.
 - \$628,050 for the Reconstruction of the SES Batemans Bay facility.
 - \$200,000 for the Regional Co-located Emergency Services Precinct.
- \$106,892 from the NSW Government under the Crown Reserves Improvement Fund for the Moruya Showground Area lighting upgrade.
- \$495,000 from the NSW Government under the Regional Tourism Activation Fund for the Accessible Beaches project.
- \$57,365 from the NSW Government under the Stronger Country Communities Fund (round 4) for the Tilba Accessibility project.

This grant funding from the Australian and NSW Governments is welcomed and has been formally accepted.

GMR22/070 INVESTMENTS MADE AS AT 31 MAY 2022

**S011-T00006,
S012-T00025**

Responsible Officer: Dr Catherine Dale - General Manager

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 of investments as at 31 May 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.

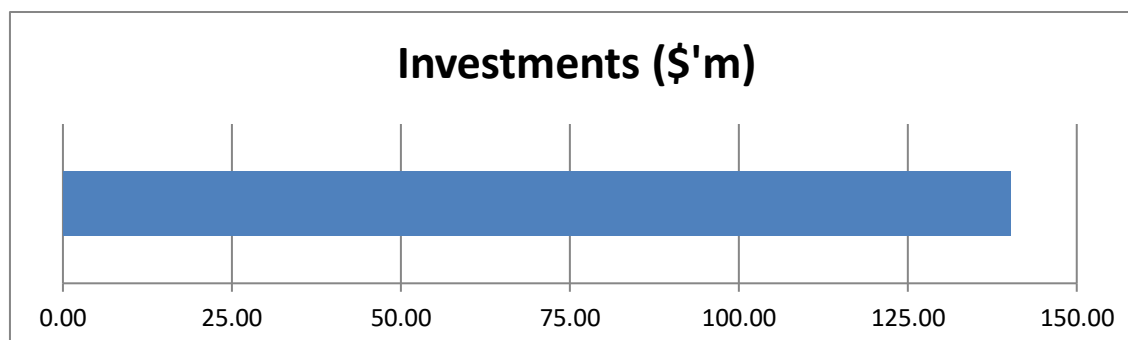
CONSIDERATIONS

Policy

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

Financial

Council investing overall



GMR22/070 INVESTMENTS MADE AS AT 31 MAY 2022

**S011-T00006,
S012-T00025**

Council has \$140.15M (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 remained flat during May 2022 with no new investments placed or existing investments rolled off at maturity due to cash flows.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 26.04% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.25% of the portfolio.

There are \$49.0M (34.96%) 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 1.80%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (1.24%).

Summary investment information

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

CATEGORY	(\$)
At call deposit	12,903,091
Term deposits	125,500,000
Term deposits Government guaranteed	1,750,000
	140,153,091
<i>Weighted average interest %:</i>	1.80%
<i>Average 90 day BBSW + 0.25%</i>	1.24%

GMR22/070 INVESTMENTS MADE AS AT 31 MAY 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	1.25	1.25	100.00
Near risk free	72.71	72.71	100.00
Some limited risk (BBB+)	26.04	26.04	30.00
Grand total	100.00	100.00	

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2021 is 2.43:1. Council therefore has approximately \$2.43 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.

GMR22/071 POLICY REVIEW FOR EXHIBITION - JUNE 2022

S004-T00060

Responsible Officer: Dr Catherine Dale - General Manager
Attachments: 1. Under Separate Cover - Policy Review - June 2022
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: 9.1.2 Implement effective governance
Operational Plan Link: 9.1.2.4 Review Council policies

EXECUTIVE SUMMARY

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993 (LGA)*.

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The following policies have been reviewed.

- Complaints
- Customer Service
- Naming Of Parks, Reserves, Sports Fields, Public Pathways
- National Clean Up Day Campaign
- Pathway Construction – Contributions by Property Owners
- Pathways Risk Management
- Pesticides/ Herbicides
- Planning Agreements
- Pricing
- Procurement
- Water And Sewer Connections

GMR22/071 POLICY REVIEW FOR EXHIBITION - JUNE 2022

**S004-
T00060**

RECOMMENDATION

THAT:

1. Council places the following draft policies for the purposes of public consultation for a period of 28 days:
 - (a) Complaints
 - (b) Customer Service
 - (c) Naming Of Parks, Reserves, Sports Fields, Public Pathways
 - (d) National Clean Up Day Campaign
 - (e) Pathway Construction – Contributions by Property Owners
 - (f) Pathways Risk Management
 - (g) Pesticides/ Herbicides
 - (h) Planning Agreements
 - (i) Pricing
 - (j) Procurement
 - (k) Water And Sewer Connections
2. Following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.

BACKGROUND

Complaints

Eurobodalla Shire Council is an organisation which exists to assist its customers and stakeholders consistent with the common good and within legal and statutory responsibilities. Dealing with complaints about Council's decisions, actions or procedures and analysing their causes is a positive process as it allows Council the opportunity to improve policy, procedures and services.

Council treats all complaints seriously. Every complaint received by council is given attention by appropriate staff in order to resolve the issues which are raised. Complaints should be resolved in a timely and cost effective manner.

The purpose of this policy is to facilitate a consistent, fair and equitable resolution to customer complaints at the earliest opportunity and in the most efficient, prompt and professional manner.

Customer Service

Eurobodalla Shire Council's Customer Service policy was created to guide the development of an organisational culture focused on meeting the needs and expectations of its customers and to continuously improve its services for customers.

GMR22/071 POLICY REVIEW FOR EXHIBITION - JUNE 2022

**S004-
T00060**

Naming of Parks, Reserves, Sports Fields, Public Pathways

Eurobodalla Shire Council's policy provides guidance to assist in naming public land including parks, reserves, sports fields and public pathways to identify land in Council records, maps and plans for general public use.

The policy ensures compliance with the Geographical Names Board of NSW (GNB) naming and renaming of sites for which Council is the authority.

The Geographical Names Board of NSW (GNB) is the authority, under the *Geographical Names Act 1966*, responsible for the assigning of names to places and geographical features.

National Clean Up Day Campaign

Eurobodalla Shire Council's policy was developed to confirm Council's support of the campaign to promote the National Clean Up Day Campaign and to assist with waste disposal generated from the clean-up operations.

Pathway Construction – Contributions by Property Owners

Eurobodalla Shire Council's policy was developed to establish Council's position in regard to seeking contributions from property owners toward the construction of public pathways along their property frontage.

Eurobodalla Shire has a large number of urban streets without formed pathways, i.e. either a footpath or shared pathway (for pedestrians, scooters and cyclists). Less than one in three urban roads has a pathway on at least one side.

Pathways Risk Management

This Policy provides for the management of risks associated with Council's formed pathway network.

Council has a duty of care to take reasonable measures within the limitations of its budget to manage the risks arising from defects on Council's formed footpath and shared pathway networks.

The *Civil Liability Act 2002 (the Act)* provides special nonfeasance protection for roads authorities such as Council. Section 45 of *the Act* stipulates that a roads authority is not liable for harm arising from a failure to act in respect of maintenance of its roads and road reserves, unless at the time of the alleged failure the roads authority had actual knowledge of the particular risk which resulted in the harm. The importance of this defence is that a roads authority, such as Council, can in some circumstances avoid liability for injuries or damage related to the state of repair or maintenance of its roads and road reserves.

Section 42 of the Act also makes allowance for Council's ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions. To rely on this defence, Council is required to show evidence of its compliance with the general procedures and applicable standards for the exercise of its functions, such as risk management of its pathway networks.

GMR22/071 POLICY REVIEW FOR EXHIBITION - JUNE 2022

**S004-
T00060**

It is accepted that the removal of all risk is not practically achievable. The systems implemented by Council to provide the management of risks will be based on prioritising works within the limited budgets available to Council.

Pesticides/ Herbicides

In accordance with requirements under the *Pesticides Regulation 2009*, Council is required to have a Pesticides/Herbicides Plan prepared and available to the public.

The aim of the Plan is to meet the community's right to know about pesticide applications made to public places that are owned or controlled by Council. Public places are areas that the public is entitled to have access to (whether or not on payment of fee) and are described in detail in the *Pesticides/Herbicides Use Notification Plan Code of Practice*.

The Code allows members of the community to take action to avoid contact with pesticides, if they wish. Council ensures that pesticides are applied to public places in a safe, responsible manner without harm to the community or the environment.

Planning Agreements

Planning agreements provide enhanced and more flexible infrastructure funding opportunities for planning authorities to achieve tailored development outcomes and targeted public benefits, subject always to good planning.

The Planning Agreement Policy sets out Council's framework to negotiate the provision of public infrastructure, facilities and services.

Pricing

To enable a pricing methodology based on guiding principles, with respect to fees and charges made by Council under Section 608 of the *Local Government Act (NSW) 1993* (the Act) and required to be shown in Council's Operational Plan under Section 405 of the Act.

Procurement

To ensure principles of value for money, efficiency, ethics, and fair dealing are maintained in the procurement of goods and services by Eurobodalla Shire Council.

The policy requires an emphasis on a planned, risk considerate approach to the purchase of goods and services through achieving:

- High levels of customer service;
- Accurate determination of the requirement;
- Minimisation and mitigation of risks;
- Efficient use of Council resources;
- Open and effective competition;
- Ethics and fair dealing; and
- Accountability and transparency.

Water And Sewer Connections

GMR22/071 POLICY REVIEW FOR EXHIBITION - JUNE 2022

**S004-
T00060**

Council provides, manages and operates water supply and sewerage services in accordance with operating licenses and State and Federal legislation. Detailed requirements for the provision of water and sewer connections to Council's water supply and sewerage systems can be found in legislation, standards, industry codes of practice and guidelines.

CONSIDERATIONS

The policies have been reviewed and no substantive changes are recommended at this time, apart from minor referencing updates.

Community Engagement

Council will place the draft policies on public exhibition for a period of not less than 28 days commencing Wednesday 29 June 2022 until Wednesday 27 July 2022.

CONCLUSION

The draft policies will be publicly exhibited for 28 days. At the end of the public exhibition period, the draft policies will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.

GMR22/072 POLICY ADOPTION - APRIL REVIEW

S004-T00060

Responsible Officer: Dr Catherine Dale - General Manager
Attachments: 1. Under Separate Cover - Policy Adoption - April Review
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: 9.1.2 Implement effective governance
Operational Plan Link: 9.1.2.4 Review Council policies

EXECUTIVE SUMMARY

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993* (LGA).

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The following policies have been reviewed and placed on public exhibition from 26 April 2022 to 24 May 2022. During this time, no submissions were received.

- Development Contributions – Requests for Refunds
- Disability Services
- Drinking Water Quality
- Engineering Design Standards
- Fingerboard Signs – Local Directional
- Fiscal Responsibility
- Food Inspection
- Fraud Control

A report is being presented to Council on 28 June 2022 recommending adoption of the policies.

RECOMMENDATION

THAT the following policies be adopted.

- Development Contributions – Requests For Refunds
- Disability Services
- Drinking Water Quality
- Engineering Design Standards
- Fingerboard Signs – Local Directional

GMR22/072 POLICY ADOPTION - APRIL REVIEW

**S004-
T00060**

- Fiscal Responsibility
- Food Inspection
- Fraud Control

BACKGROUND

Development Contributions – Requests for Refunds

Development Contributions, typically paid in association with a development consent, are a Restricted Asset of Council.

This policy is intended to provide:

- consistency in the processing of requests for refunds of Development Contributions
- compliance with legislative requirements under the Environmental Planning and Assessment Act 1979 and the Recovery of Imposts Act 1963
- conformity to relevant case law
- a readily accessible and understandable context for consideration of a request to refund Development Contributions.

Disability Services

This policy is designed to outline the relationships and parameters of disability service delivery by Eurobodalla Shire Council and key areas of responsibility under legislation, NDIS Terms of Business and funding agreements.

Drinking Water Quality

Eurobodalla Shire Council's policy was developed to support the provision of a water supply service which delivers potable quality water to its customers. Given the risk to public health of unsatisfactory water quality, it is of paramount importance that preventative risk management systems are developed, implemented and managed to ensure the protection of human health.

Engineering Design Standards

This Engineering Design Standards Policy aims to ensure appropriate infrastructure is designed and constructed for subdivisions and other forms of development.

It is in both the developer's and community's interest that appropriate infrastructure is provided to service all new subdivisions and other forms of development. This infrastructure needs to be designed and constructed to industry standards to ensure consistency in service provision, public safety, reasonable development costs and affordable on-going costs to the community, acceptable environmental impacts and minimising potential public risk and liability from poor designs and/or construction.

Under Guiding principles for Councils (Section 8A (2)(c) of the Local Government Act 1993) Council should consider the long term and cumulative effects of actions on future generations.

It is therefore important that constructed infrastructure is of a high standard and the ongoing costs are affordable taking a long term view.

GMR22/072 POLICY ADOPTION - APRIL REVIEW

**S004-
T00060**

Fingerboard Signs – Local Directional

This Policy recognises the importance of providing directional signage for residents, visitors and emergency services. It provides Council with a mechanism to ensure that fingerboard signs (street signposts) are erected on a priority basis without compromising road safety.

Fingerboard signs at street junctions provide key directional information for residents, visitors and emergency services about the street name and location of key destination points (e.g. public facilities).

Supporting businesses and tourism is important to ensure the economic and social wellbeing of our community. Council receives requests from businesses and tourism operators to permit signs directing people to their enterprise.

The number of signs provided at each junction point must be limited to ensure drivers have the ability to safely read, make decisions and turn if required without impacting on road safety. The policy does this by applying a priority to the types of signs that can be erected at any one junction, and placing a limit on the number of visible signs per post.

Fiscal Responsibility

To provide guidance and targets for budgeting and financial results.

Eurobodalla Shire Council's policy is designed to ensure that reasonable financial health and sustainability is maintained.

Food Inspection

This policy provides a risk-based food inspection program that offers an opportunity for food businesses to reduce their inspection frequency. The policy ensures that food for sale is safe and suitable for human consumption in accordance with the NSW Food Authority's Food Regulation Partnership and the *Food Act 2003*. Businesses that demonstrate a continued high level of compliance with legislative requirements are rewarded.

Fraud Control

This policy is designed to protect public funds and assets, protect the integrity, security and reputation of Eurobodalla Shire Council and its staff, and maintain a high level of services to the community.

CONSIDERATIONS

The draft policies have been reviewed and minor formatting and changes to links in the governance section of the policies were undertaken as a result of Council resolution 22/66.

Community and Stakeholder Engagement

The draft policies were placed on public exhibition for a period of no less than 28 days commencing on Wednesday 27 April 2022 to Tuesday 24 May 2022.

During this time, no submissions were received.

GMR22/072 POLICY ADOPTION - APRIL REVIEW

**S004-
T00060**

CONCLUSION

The draft policies were placed on public exhibition for 28 day and no submissions were received. They are now presented to Council for adoption.

**PSR22/017 CONSERVATION OF THE YELLOW-BELLIED GLIDER POLICY IN THE
BROULEE AREA**

**S004-
T00060**

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

Attachments: 1. Draft Conservation of the Yellow-bellied Glider in the Broulee Area Policy 2022

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: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.4 Review Council policies

EXECUTIVE SUMMARY

The purpose of this report is to advise Council that submissions received during the public exhibition period of the 'Conservation of the Yellow-Bellied Glider in the Broulee Area Policy' (the Policy) have been considered.

A draft of the Policy was placed on public exhibition for 28 days from 22 March to 19 April 2022. During this time, four submissions were received.

The main issue raised in submissions was the need for a more comprehensive review of the Policy. This would take time and resources that are currently not available. Issues raised in submissions will be considered in more detail as part of the Biodiversity Strategy process currently being developed. This process would consider legislative and policy changes made since 2006, such as the introduction of the Biodiversity Offsets Scheme (BOS) and Biodiversity Certification of development lands at Broulee. A Biodiversity Strategy will consider these changes to avoid duplication of effort, prioritising actions that balance likelihood of success with available resources and apply to habitat across the Eurobodalla, not limited to Broulee. To ensure the Policy continues to apply until a Biodiversity Strategy is prepared, a minor review was completed.

There are minor administrative changes proposed to the draft Policy (attached), and it is ready for Council to consider adoption.

RECOMMENDATION

THAT:

1. Council adopt the draft Conservation of the Yellow-Bellied Glider in the Broulee Area Policy.
2. Council write to those who made a submission thanking them for their contribution and advising the outcome of the process.

**PSR22/017 CONSERVATION OF THE YELLOW-BELLIED GLIDER POLICY IN THE
BROULEE AREA**

**S004-
T00060**

BACKGROUND

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993* (LGA):

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The Policy recognises the need to balance sustainable development with the protection of the threatened Yellow-Bellied Glider and its habitat. The Policy aims to:

- a) ensure the long-term presence of Yellow-Bellied Gliders within the Broulee area, through retention of suitable habitat and other development controls as appropriate
- b) provide clarity and certainty to developers applying to undertake development or activities in the Broulee area about how development proposals may avoid significant impact on the Yellow-Bellied Glider population
- c) allow consent and concurrence authorities to make a more informed decision about developments and activities that may impact upon the habitat of the Yellow-Bellied Glider
- d) reduce cost to the landholder and the development industry, by reducing the frequency that Species Impact Statements are required
- e) facilitate sensitive development without significant impact on the Yellow-Bellied Glider or its habitat.

CONSIDERATIONS

The draft Conservation of the Yellow-Bellied Glider in the Broulee Area Policy was placed on public exhibition for 28 days from 22 March to 19 April 2022. During this time, four submissions were received. Table 1 provides a summary of the issues raised in submissions and how they have been considered. Everyone who made a submission were invited to attend a workshop and help inform the development of the current Biodiversity Strategy.

The main issue raised in submissions was the need for a more comprehensive review of the Policy. This would take time and resources that are currently not available. Issues raised in submissions will be considered in more detail as part of the Biodiversity Strategy process currently being developed. To ensure the Policy continues to apply until a Biodiversity Strategy is prepared, a minor review was completed.

Since 2006 there have been changes in legislation and an order to confer Biodiversity Certification on certain development lands in Broulee, which may negate the need for a policy. A Biodiversity Strategy will consider these changes to avoid duplication of effort, prioritising actions that balance likelihood of success with available resources.

In 2014, Biodiversity Certification of development land in Broulee strategically identified areas that can be developed, and areas that must be retained to protect Yellow-Bellied Gliders and

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other threatened biodiversity. Mitigation measures such as offsetting and wildlife corridors have been applied in Broulee under the Biocertification Order to ensure the long-term presence of Yellow-Bellied Gliders in Broulee.

The Biodiversity Offsets Scheme (BOS), introduced when the *NSW Biodiversity Conservation Act 2016* commenced, made the hierarchy of avoid and minimise impacts to biodiversity, stronger, and clearly identified thresholds for when a significant impact to threatened species and ecosystems is likely. This applies to local development across the Eurobodalla.

Table 1. How submissions to the draft Conservation of the Yellow-Bellied Glider in the Broulee Area Policy have been considered

Submission topic	Consideration
The Policy is relatively unchanged from the previous version and the review has not been informed by recent surveys, species specific experts or NSW recovery plan for the species.	Noted. Council policies must be reviewed and adopted within 12 months of a new council term. To ensure the Policy continues to apply until a Biodiversity Strategy is prepared, a minor review was completed. A more comprehensive review of the Policy would take considerable time and resources than is currently available. A Biodiversity Strategy will identify actions that can be achieved with consideration of available resources and likelihood of success. This will consider legislative changes that have occurred since 2006 to avoid duplication of effort.
The Policy needs to reflect current legislation and threatened species listing status under Federal legislation.	Noted. The Policy acknowledges the species is threatened and aims to ensure the long-term presence of Yellow-Bellied Gliders within the Broulee area through development controls under the NSW Planning framework. It is not necessary to mention the Federal species listing specifically in this Policy.

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Submission topic	Consideration
The Policy should apply to the entire Eurobodalla, especially since the Black Summer bushfires, to implement the actions in the Eurobodalla Settlement Strategy 2006.	<p>Noted. While specific actions in the Settlement Strategy have not been implemented, Council used available resources and grant funding to work towards the intent of the actions. For example, Biodiversity Certification of development land in Broulee was conferred in 2014. This strategically identified areas that can be developed and areas that must be retained to protect Yellow-Bellied Gliders and other threatened biodiversity.</p> <p>In 2015 staff collaborated with the NSW Government to map areas of high environmental value across Eurobodalla. Wildlife corridors are being considered as part of Council's Biodiversity Strategy.</p> <p>The specific actions in the Settlement Strategy require considerable resources. A Biodiversity Strategy will prioritise actions that balance likelihood of success with available resources.</p>
Request for stronger development controls to protect Yellow-Bellied Gliders throughout Eurobodalla, including NSW State Forests.	<p>Noted. This Policy applies to all local development that requires development consent from Council in the Broulee area. A Biodiversity Strategy is being prepared by Council which will identify objectives and actions to better integrate biodiversity with planning, development, and natural area management in the Eurobodalla Shire. This would consider whether development controls can be improved to address threats to biodiversity.</p> <p>Council is not the regulatory authority for State Forests and Council policies and regulatory frameworks cannot extend onto Forestry land. FCNSW will be consulted in the development of the Biodiversity Strategy along with other key government authorities.</p>

The exhibited version of the draft Policy was based on the superseded 2013 version of the Policy rather than the current 2017 version. The 2013 and 2017 versions are consistent, and any administrative differences in wording and format do not change how the Policy is applied. There are minor differences in wording and format of the draft Policy because it is based on the current 2017 version rather than the 2013 version.

Legal

The main legislation that identifies and protects threatened species populations and ecological communities in NSW is the *Biodiversity Conservation Act 2016* (BC Act) and its supporting Regulations.

The Yellow-Bellied Glider is listed as Vulnerable in NSW (BC Act) and at the Commonwealth level (*Environment Protection and Biodiversity Conservation Act 1999*).

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Council is a decision-maker for development applications and activities under Part 4 and Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Impact to threatened species, ecological communities or their habitats must be assessed for proposed development and activities in accordance with section 1.7 and 4.15 of the EP&A Act and Part 7 of the BC Act. This Policy supports this legislation.

Environmental

This Policy aims to guide development to avoid and minimise impacts to Yellow-Bellied Gliders. Development has the potential to impact on threatened species, ecological communities, and their habitat. Council officers apply this Policy to ensure a significant impact is not likely due to developments for which Council is the planning authority.

Community and Stakeholder Engagement

The draft Conservation of the Yellow-bellied Glider in the Broulee Area Policy was placed on public exhibition for 28 days from 22 March to 19 April 2022. The draft Policy was available for viewing on Council's website. Everyone who made a submission were invited to attend a workshop and help inform the development of the current Biodiversity Strategy.

CONCLUSION

Submissions received during the public exhibition period of the Conservation of the Yellow-Bellied Glider in the Broulee Area Policy have been considered resulting in minor administrative changes proposed to the draft Policy.

The draft Conservation of the Yellow-Bellied Glider in the Broulee Area Policy (attached) is ready for Council to consider adoption.



Policy

Policy title	Conservation of the Yellow-bellied Glider in the Broulee Area
Responsible manager(s)	Divisional Manager, Strategic Services
Contact officer(s)	Strategic Planning Officer, Environment
Directorate	Planning and Sustainability Services
Approval date	TBA
Outcome area	3. Protected and valued natural environment
Strategy	3.2 Value, protect and enhance our natural environment and assets
Delivery Program	3.2.2 Work in partnership to provide natural resource management
Operational Plan	3.2.2.2 Plan and implement environmental protection and restoration program

Purpose

This policy recognises the need to balance sustainable development with the protection of the threatened Yellow-bellied Glider and its habitat.

Policy aims

This policy, developed in conjunction with the NSW Department of Planning and Environment, aims to:

- ensure the long-term presence of Yellow-bellied Gliders within the Broulee area, through retention of suitable habitat and other development controls as appropriate
- provide clarity and certainty to developers applying to undertake development or activities in the Broulee area about how development proposals within the Broulee area may avoid significant impact on the Yellow-bellied glider population
- allow consent and concurrence authorities to make a more informed decision about developments and activities that may impact upon the habitat of the Yellow-bellied Glider
- reduce cost to the landholder and the development industry, by reducing the frequency that Species Impact Statements are required
- facilitate sensitive development without significant impact on the Yellow-bellied Glider or its habitat.

Policy details

1	Application This Policy applies to all land within the Broulee area, comprising land bordered by the Pacific Ocean to the east, the Tomaga River to the north, the Moruya River to the south and a line 1km parallel to the west of the Princes Highway. This area is outlined in Map 1 of this policy. In the absence of a Shire-wide policy for the conservation of the Yellow-bellied Glider on the coastal plains of the Eurobodalla, this policy will be used by Council officers to assist in assessing development applications and proposed activities for land on the coastal plains of Eurobodalla Shire containing suitable Yellow-bellied Glider habitat.
2	Legislation This policy supports sections 1.7 and 4.15 of the Environmental Planning and Assessment Act 1979 and Part 7 of the Biodiversity Conservation Act 2016 .
3	Council will grant consent or approval for development or activity on land to which this policy applies that is not in accordance with this policy, where it can be demonstrated that



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	the development or activity will not significantly impact upon Yellow-bellied Gliders or their habitat.
4	<p>This policy does not:</p> <ul style="list-style-type: none"> - alter the requirement for carrying out threatened species assessment; or - substitute the need for a threatened species test of significance to determine whether a proposed development or activity is likely to significantly affect threatened species or ecological communities or their habitats, in accordance with s1.7 of the EP&A Act and s 7.3 of the BC Act , or - Alter the Biodiversity Offset Scheme (BOS) entry requirements triggered by development, projects and activities that meet the thresholds in accordance with s7.4 of the BC Act. <p>However, a Species Impact Statement will not be required for development or activities performed in accordance with this policy.</p> <p>Explanatory Note: Application of the threatened species test of significance for the Yellow-bellied Glider to development or activities that take place in accordance with this policy and that do not exceed thresholds for entry into the Biodiversity Offsets Scheme, will conclude that a significant impact will be unlikely and therefore a Species Impact Statement will not be required.</p>
5	This policy does not consider the impact of development or activities on other listed Threatened Species that may or may not occur in the area.

Implementation

Requirements		Responsibility
1	<p>Code of Practice</p> <p>This policy will be implemented by following Council's Conservation of the Yellow-bellied Glider in the Broulee Area Code of Practice, which specifies in detail the procedures and matters to be considered.</p>	Divisional Manager, Strategic and Sustainable Growth
2	<p>Staff</p> <p>Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Environmental Planner and Environmental Engineer Support Officer
3	<p>Concerns</p> <p>Concerns received regarding this Policy will be recorded on Council's Customer Service or records system and handled in accordance with Council's Customer Service or Complaints Policy. They will be used to analyse the history of complaints and to help determine follow up actions.</p>	Environmental Planner



Policy

4 Consultation	<p>This policy may only be modified by agreement between Eurobodalla Shire Council and the NSW Department of Planning and Environment. Consultation regarding this policy will occur as relevant with key stakeholders and public submissions regarding this policy will be considered during the policy exhibition period.</p>	<p>Coordinator Strategy and Place NSW Department of Planning and Environment</p>
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Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages development in the area to which this policy applies.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner. **Note:** *The next general local government election is expected to be held in September 2024.*

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

Performance indicator	Data source(s)
Customer concerns and complaints, Feedback Survey Responses	Council records
Internal or external audit	Audit

Governance

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

Related legislation and policies

Name	Link
Conservation of the Yellow-bellied Glider in the Broulee Area – Code of Practice	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0006/138732/Conservation-of-the-Yellow-Bellied-Glider-in-the-Broulee-area.pdf
Biodiversity Conservation Act 2016	https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063
Environmental Planning and Assessment Act 1979	https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203
Recovery Plan for the Yellow-bellied Glider (<i>Petaurus Australis</i>)	https://www.environment.nsw.gov.au/research-and-publications/publications-search/recovery-plan-for-the-yellow-bellied-glider-petaurus-australis

Related external references

Name	Link
NSW Department of Planning and Environment Saving our Species Program	https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/saving-our-species-program



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Office of Environment and Heritage (2018) Threatened Species Test of Significance Guidelines	https://www.environment.nsw.gov.au/research-and-publications/publications-search/recovery-plan-for-the-yellow-bellied-glider-petaurus-australis
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Change history

Version	Approval date	Approved by	Min No	File No	Change
1	26 Mar 2002	Council		E06.0381	Policy commenced
2	22 Sept 2009	Council	09/291	E09.3418 E06.0381	Policy retained (report G09/99)
3	10 Sep 2013	Council	13/277	E13.7095 E06.0381	Reviewed and updated.
4	27 Jun 2017	Council	17/214	E16.0297 E06.0381	Reviewed and updated. Report GMR 17/021
5	28 Jun 2022	Council	TBA	TBA	TBA

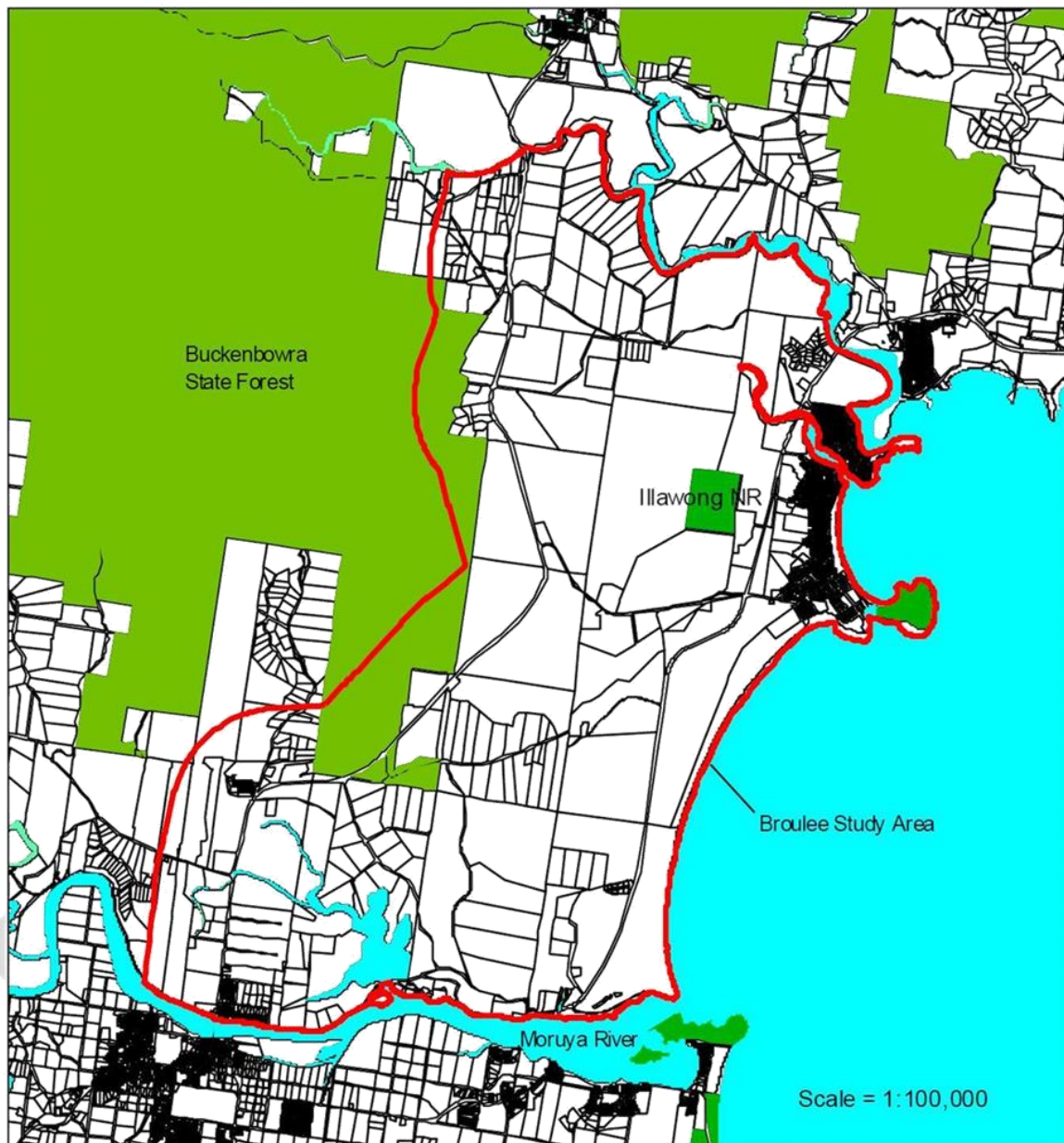
Internal use

Responsible officer	Director Planning & Sustainability Services	Approved by	Council
Minute	TBA	Report	TBA
File no	E13.7095	Review date	Jun 2022
		Pages	TBA



Policy

MAP 1



PSR22/018 DRAFT MOGO VILLAGE PLACE ACTIVATION PLAN

OP0058

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

Attachments: 1. Under Separate Cover - Draft Mogo Village Place Activation Plan

Outcome: 6 Responsible and Balanced Development

Focus Area: 6.1 Plan for growth and encourage increased investment and development outcomes

Delivery Program Link: 6.1.2 Review and prepare planning strategies, policies and studies

Operational Plan Link: 6.1.2.1 Ongoing review and update of planning controls

EXECUTIVE SUMMARY

The purpose of this report is to seek a resolution of Council about whether to adopt the draft Mogo Village Place Activation Plan (the draft Plan - attached).

The draft Plan was on public exhibition from 3 November 2021 to 28 January 2022. A summary of the feedback we received via submissions is available on [Council's website](#). Revisions have been made in response to submissions received during the public exhibition period.

The key changes that have been incorporated into the revised draft Plan to address the submissions are:

- change the proposed location of toilets to John Street instead of Charles Street
- introduce a new high priority action to master plan Mogo Oval to integrate the Mogo Chamber's community facility, parking and mountain bike facilities
- identify that mountain biking parking and shuttles are also outside of the Mogo Village CBD
- introduce a new high priority action to investigate the feasibility of a pedestrian and cyclist connection along Cabbage Tree Creek
- identify that the design of Charles Street swale will need to meet flood mitigation, maintenance, development, and amenity/landscaping goals for it to appear natural
- further analysis of movement and place to support pedestrian and cyclist safety in Mogo
- introduce a long-term action to prepare a flood risk management plan for Mogo
- move the action to investigate a community facility on the corner of Tomakin Road and Princes Highway from long-term to high priority.

RECOMMENDATION

THAT:

1. Council adopt the draft Mogo Village Place Activation Plan and continue to seek opportunities for implementation.
2. Council write to those who made a submission thanking them for their contribution and advising the outcome of the process.

BACKGROUND

In February 2021, Council engaged Ethos Urban to prepare a Mogo Village Place Activation Plan. Through aligning multiple projects already underway in Mogo and building upon the opportunities of transformative projects such as the Mogo Trails, the draft Plan identifies

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actions and projects that will activate the local economy, strengthen community resilience, and reinforce Mogo as a key destination. It aligns multiple projects already underway in Mogo and builds upon opportunities of transformative projects such as Mogo Trails.

Community engagement has been a core part of the process since April 2021 with an aim to hear from the diversity of people in the Mogo community through all phases of the project and to test ideas. The engagement focused on being inclusive and open-minded, so everyone could:

- know they were being heard and all input was respected
- express opinions openly
- feel welcome to share their views
- access the opportunity to provide input via a range of engagement methods.

We could not have prepared a plan for Mogo without the incredible input from all parts of the Mogo community.

The consultation approach is made up of four phases:

- **Phase 1:** to establish the Mogo community's vision and guiding principles for Mogo.
- **Phase 2:** to seek ideas from the community about the types of projects and actions they felt would realise the vision and principles for Mogo.
- **Phase 3:** testing the emerging actions with stakeholders.
- **Phase 4:** public exhibition of the draft Plan.

Across each of the phases there have been opportunities for the community to have input to the draft Plan via:

- three community drop-in sessions in April 2021
- two surveys (available online and in hardcopy) in April and May/June 2021
- doorknocking (April 2021)
- a letterbox-drop in Mogo to encourage participation (May 2021)
- stakeholder meeting at Boomerang meeting place (June 2021)
- online stakeholder workshops, including targeted business workshops (April and August 2021)
- attendance at Mogo Village Business Chamber meetings (August 2021 and June 2022)
- a web page on Council's website updated throughout the project
- social media post on Council's Facebook page (May 2021 and November 2021)
- public exhibition period from 3 November 2021 to 28 January 2022. The community was made aware of the opportunity to comment on the draft Plan during the public exhibition period via:
 - media release
 - social media post including a video of stakeholders encouraging submissions
 - emails to all stakeholders engaged throughout the process so far
 - a letter to all landholders/residents in Mogo
 - Council's website
 - Council's noticeboard in the local newspaper.

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The following stakeholders provided feedback that has been considered in the revised draft Plan:

- Mogo residents
- Mogo businesses
- community groups (eg, Eurobodalla Woodcraft Guild/Mens Shed, Moruya Antique and Machinery Association)
- NSW Government agencies eg, Crown
- Mogo Local Aboriginal Land Council
- government authorities eg, Transport for NSW (TfNSW), Rural Fire Service, Resilience NSW
- councillors
- staff across all of Council's directorates.

Like all communities, there has been a variety of opinions and feedback received about the actions people would like to see in the draft Plan. Ethos Urban and Council staff carefully considered all feedback received since April 2021 to prepare the revised draft Plan.

CONSIDERATIONS

During the public exhibition period from 3 November 2021 to 28 January 2022:

- we received 28 submissions
- we received 5 expressions of interest for Place Activation Champions
- there were 504 individual visits to the 'On-exhibition' web page and 323 to the 'Project' page
- 246 people downloaded the draft Plan.

A summary of the feedback we received via submissions is available on [Council's website](#).

Table 1 summarises how the revised draft Plan has considered submissions. The three key moves have been revised, as shown in Figure 1 to reflect public toilets now proposed to be located in John Street Reserve rather than Charles Street (and removed from their current location on the corner of Tomakin Road and Princes Highway). This change in location for the public toilets supports community feedback requesting they be in John Street and to move mountain biking facilities (eg, showers and parking) to the edge of Mogo. Investors have also shown support for providing toilets as part of new developments, as part of their submissions.

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Table 1: How submissions have been addressed in the revised draft Plan

Submission topic	How addressed
<p>Toilets: support for centrally located accessible toilets, however preferred site is John Street, and the accessible toilet facility should be separated from the mountain biking facilities. Potential for investment in mountain biking facilities as part of private development.</p>	<p>The structure plan changed to show the proposed location of toilets at John Street instead of Charles Street, and amend high priority action 1.1 to reflect this. The toilets would be a smaller facility to suit the John Street Reserve space.</p> <p>Introduce a new high priority action to master plan Mogo Recreation Park to integrate the Mogo Chamber's community facility, parking and facilities for Mogo Trails and pump track.</p> <p>Identify mountain biking parking and shuttles outside of the Mogo Village CBD (including amending high priority actions 1.21 and 1.20).</p>
<p>Mountain biking facilities: separate mountain biking and other visitors to Mogo eg, provide parking and facilities outside of the CBD.</p>	<p>Revised structure plan showing shuttle drop and parking in decentralised locations eg, at Mogo Recreation Park. Further trail heads including parking and toilets (where appropriate) will be provided at Dog Trap Road, Deep Creek Dam Road, Curtis Avenue (Batehaven) and Maulbrooks Road.</p>
<p>Parking: the need for more parking in the CBD, especially with Mogo Trails and Princes Highway works. Objections from residents for increased parking on James Street and Bateman Street. Consider timed parking.</p>	<p>The draft Plan already includes short-term actions to deliver more parking in Mogo and undertake a parking study as part of a place and movement analysis. This would investigate the demand for more parking to ensure enough parking is available, but also balanced with other priorities eg, pedestrian movement, trees, and access. Potential parking shown in the draft Plan, including James Street and Bateman Street, and timed parking would be considered in this analysis.</p>

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Submission topic	How addressed
Traffic and movement: support for improved pedestrian movement and safety and to ease traffic congestion. Expand public and alternative transport options.	Submissions suggest a preference to prioritise pedestrian movement and safety, especially on Annett Street, however, also call for parking and traffic access. Further analysis of movement and place (including carparking) to ensure the vision in the draft Plan is realised, is proposed by amending high priority actions 1.8, 1.10 and 1.19. The draft Plan already includes actions to investigate opportunities for alternative transport modes eg, shuttle buses.
Charles Street swale: support for this to have high amenity but to also acknowledge it is private land, so vision should support development in the CBD.	Identify that the design of Charles Street swale will need to meet flood mitigation, maintenance, development, and amenity/landscaping goals for it to appear natural (amended high priority action 1.3).
Open and green spaces: support.	The draft Plan encourages green and open space eg, increasing canopy (eg, action 3.2).
Flood mitigation: requests for a Flood Risk Management Plan to be prepared for Mogo.	The revised draft Plan introduces a long-term action to prepare a Flood Risk Management Plan for Mogo (ie, action 3.5).
Connectivity: support improved and more accessible pedestrian connectivity throughout Mogo.	Connectivity is already identified as a priority in the draft Plan, but the revised draft introduces a new high priority action to investigate the feasibility of a pedestrian and cyclist connection along Cabbage Tree Creek. The proposed movement and place analysis would review all transport networks within the town and identify existing, planned, and desired future movement functions that will best address the vision and principles for the village into the future.
Community facilities: support for community facility on the corner of Tomakin Road and Princes Highway and that this should be investigated as a high priority instead of long-term. The recreation facility being delivered by the Mogo Village Business Chamber needs to be reflected in the draft Plan.	The priority for investigation of the community facility on the corner of Tomakin Road and Princes Highway is now a high priority action.

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Submission topic	How addressed
Development: concerns for tourist accommodation identified in residential areas eg, Veitch Street and James Street - Mogo's heritage look and feel needs to be retained.	Action 2.9: this draft Plan is to review zoning on James Street to support land-uses that are consistent with this Plan. Some opportunities already exist eg, tourist and visitor accommodation on R5 large lot residential zoned land. A review of the zoning would require a planning proposal and further community engagement in accordance with the <i>Environmental Planning and Assessment Act 1979</i> . Veitch Street is zoned R2 low density residential, and the structure plan supports developments that would support tourism and accommodation uses that are already permissible with consent eg, secondary dwellings. There is an existing Mogo Village Development Control Plan that includes controls for development that complements the village character. The draft Plan includes principles that support this.



Figure 1: Revised three key moves in the draft Plan.

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There were also submissions that were not within the scope of the Mogo Village Place Activation Plan and/or not within Council's influence, for example:

- bypassing Mogo: while this is a long-term plan, it is not a priority for TfNSW and therefore not considered in the draft Plan
- reviewing speed limits on Tomakin Road: Council can advocate for this if found appropriate in the Place and Movement Analysis
- intersection treatment at Tomakin Road and Princes highway: this is currently being considered by TfNSW and Council supports safer pedestrian movements
- purchase of vacant land: while this was considered, there is investment already occurring in Mogo that will result in development that supports the draft Plan
- objections to developments either approved or being assessed: developments are assessed on their merit by Council.

Legal

Some actions in the draft Plan will require permits, approvals, or other agreements with other agencies eg, Cabbage Tree Creek is Crown Land.

A Native Title claim over a large area of the south-east coast of NSW also means that there may be obligations to refer certain activities to the Native Title Services Corporation (NTS Corp), on behalf of the South Coast Claimants, before undertaking them.

Environmental

Implementing the draft Plan is not expected to negatively impact on the environment, and some concepts in the draft Plan would require feasibility and environmental assessment before proceeding.

Asset

The draft Plan proposes substantial infrastructure that would become a Council asset requiring ongoing maintenance and renewal. Before proceeding, the cost-effectiveness and maintenance requirements must be considered. The draft Plan proposes to investigate options and feasibility of some elements proposed. This is an important step to help Council and funding bodies to focus on investments that would support the growth or establishment of new business and a place that will attract people to live and visit. This is vital for the recovery of Eurobodalla after the impacts of the bushfires and COVID-19.

Social Impact

The draft Plan acknowledges the strength and tenacity of the local community. The community will continue to shape Mogo in ways that celebrate and complement the opportunities identified in the draft Plan. Mogo is well placed to benefit economically and socially from implementing the actions of an adopted Plan. A key principle of the draft Plan is to deliver infrastructure and facilities to support the needs of the community and visitors.

Economic Development Employment Potential

Implementing an adopted Plan would support Mogo in a time of transformative change due to the Mogo Trails. The draft Plan, if adopted, would position Mogo to realise its full potential as a

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unique visitor destination with adventures and experiences for all.

Financial

Most actions in the draft Plan would require grant funding to be sourced and/or partnerships and collaboration with the local community. The draft Plan identifies potential funding sources and provides a score of the overall cost/benefit of each action. An adopted Plan would strengthen grant applications and advocacy to be ready for when funding opportunities arise.

Community and Stakeholder Engagement

Community engagement has been a core part of the process since April 2021 with an aim to hear from the diversity of people in the Mogo community through all phases of the project and to test ideas. The engagement focused on being inclusive and open-minded, so everyone could:

- know they were being heard and all input was respected
- express opinions openly
- feel welcome to share their views
- access the opportunity to provide input via a range of engagement methods.

We could not have prepared a plan for Mogo without the incredible input from all parts of the Mogo community.

The consultation approach was made up of four phases:

- **Phase 1:** to establish the Mogo community's vision and guiding principles for Mogo.
- **Phase 2:** to seek ideas from the community about the types of projects and actions they felt would realise the vision and principles for Mogo.
- **Phase 3:** testing the emerging actions with stakeholders.
- **Phase 4:** public exhibition of the draft Plan.

Across each of the phases there have been opportunities for the community to have input to the draft Plan via:

- three community drop-in sessions in April 2021
- two surveys (available online and in hardcopy) in April and May/June 2021
- doorknocking (April 2021)
- a letterbox-drop in Mogo to encourage participation (May 2021)
- stakeholder meeting at Boomerang meeting place (June 2021)
- online stakeholder workshops, including targeted business workshops (April and August 2021)
- attendance at Mogo Village Business Chamber meetings (August 2021 and June 2022)
- a web page on Council's website updated throughout the project
- social media post on Council's Facebook page (May 2021 and November 2021)
- public exhibition period from 3 November 2021 to 28 January 2022. The community was made aware of the opportunity to comment on the draft Plan during the public exhibition period via:

PSR22/018 DRAFT MOGO VILLAGE PLACE ACTIVATION PLAN

OP0058

- media release
- social media post including a video of stakeholders encouraging submissions
- emails to all stakeholders engaged throughout the process so far
- a letter to all landholders/residents in Mogo
- Council's website
- Council's noticeboard in the local newspaper.

The following stakeholders provided feedback that has been considered in the revised draft Plan:

- Mogo residents
- Mogo businesses
- community groups (eg, Eurobodalla Woodcraft Guild/Mens Shed, Moruya Antique and Machinery Association)
- NSW Government agencies eg, Crown
- Mogo Local Aboriginal Land Council
- government authorities eg, Transport for NSW, Rural Fire Service, Resilience NSW.

CONCLUSION

The draft Mogo Village Place Action Plan has been through a substantial stakeholder engagement process and is supported by best practice guiding principles. It is ready for Council to consider adoption and implementation.

PSR22/019 DRAFT DEVELOPMENT CONTRIBUTIONS PLANS 2022

OP0050

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

Attachments: 1. Under Separate Cover - Eurobodalla Local Infrastructure Contributions Plan 2022
2. Under Separate Cover - Eurobodalla s7.12 Contributions Plan 2022

Outcome: 6 Responsible and Balanced Development

Focus Area: 6.1 Plan for growth and encourage increased investment and development outcomes

Delivery Program Link: 6.1.2 Review and prepare planning strategies, policies and studies

Operational Plan Link: 6.1.2.3 Continue to review Infrastructure Contributions Plans

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's adoption of two new draft development contributions plans.

The public exhibition of the following draft plans has recently been completed:

- Draft Eurobodalla Local Infrastructure Contributions Plan 2022 - see Attachment 1
- Draft Eurobodalla s7.12 Contributions Plan 2022 – see Attachment 2.

The two new draft contributions plans (attached) reflect Council's current and future infrastructure needs.

Council resolved to publicly exhibit the draft contributions plans for a minimum period of 28 days at its meeting held on 22 March 2022. The draft plans were exhibited from 30 March to 26 April 2022.

No submissions were received during the exhibition period.

This report now recommends the adoption of the two new contributions plans.

RECOMMENDATION

THAT Council

1. Adopts the:
 - Draft Eurobodalla Local Infrastructure Contributions Plan 2022
 - Draft Eurobodalla s7.12 Contributions Plan 2022.
2. Repeals the:
 - Eurobodalla Local Infrastructure Contributions Plan 2012
 - Eurobodalla Section 94 Development Contributions Plan 2000 – 2005.
 - Eurobodalla Section 94 Contributions Plan - Rural Roads
 - Eurobodalla s94A Levy Contributions Plan 2007.
3. Amends the Fees and Charges document, as required, to reflect the new contributions in the Draft Eurobodalla Local Infrastructure Contributions Plan 2022.

PSR22/019 DRAFT DEVELOPMENT CONTRIBUTIONS PLANS 2022

OP0050

BACKGROUND

Council engaged GLN Planning, a firm highly experienced in the field of contributions plans, to conduct a review of Council's current contributions plans: They are the:

- Eurobodalla Local Infrastructure Contributions Plan 2012 which levies for open space and recreation facilities, community facilities, roads, and pathways
- Eurobodalla Section 94 Development Contributions Plan 2000 – 2005 which levies for carparking, specific local roads and waste disposal
- Eurobodalla Section 94 Contributions Plan - Rural Roads which levies for roads in discrete rural residential catchments
- Eurobodalla s94A Levy Contributions Plan 2007 which levies for stormwater drainage, bus shelters, streetscaping and other infrastructure projects not directly related to population growth.

Note: Changes to the *Environmental Planning and Assessment Act 1979* (EP&A Act) renamed s94 and s94A as s7.11 and s7.12, respectively.

The review resulted in two new draft contributions plans (attached), which reflect Council's current and future infrastructure needs. They are:

- Draft Eurobodalla Local Infrastructure Contributions Plan 2022 (under s7.11)
- Draft Eurobodalla s7.12 Contributions Plan 2022.

The draft s7.12 plan would replace the s94A Levy Contributions Plan, while the draft s7.11 plan would replace all existing section 94 plans in one consolidated plan.

CONSIDERATIONS

The Draft Eurobodalla Local Infrastructure Contributions Plan 2022 (under s7.11) would have the effect of increasing the current s7.11 development contributions by an average of \$1,600 per new residential lot across the Eurobodalla Shire. This is an average increase of 22% per lot compared to current contributions as shown in Table 1 below.

This is due to the contributions rates being a factor of the value of the infrastructure works required to service the growth in population. The higher the value of the infrastructure works, the higher the contributions rates.

Table1: Draft increases in infrastructure contributions across the Eurobodalla Shire

	North	Central	South	Average
Current plans	\$5,534	\$5,439	\$5,812	
Draft Plan	\$7,794	\$6,776	\$7,018	
\$ Increase	\$2,259	\$1,337	\$1,205	\$1,600
% Increase	29%	20%	17%	22%

PSR22/019 DRAFT DEVELOPMENT CONTRIBUTIONS PLANS 2022

OP0050

Conversely, the contributions rates under a s7.12 Contributions Plan are calculated as a percentage of the cost of the development that is being levied. This means that the Draft Eurobodalla s7.12 Contributions Plan 2022 will not change the level of contributions raised on development. Table 2 below shows the rates of contribution relevant to the estimated cost of the development.

Table 2: Section 7.12 contribution rates

Proposed development cost	Levy rate
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5% of that
More than \$200,000	1% of that cost

Legal

The draft plans comply with the requirements of Part 7, Division 7.1 - development contributions of the *EP&A Act* and Part 4 - development contributions of the *Environmental Planning and Assessment Regulation 2000*.

Asset

Any assets delivered through funding from the contributions plan will be included in Council's asset management plans.

Social Impact

The draft plans support the implementation of infrastructure identified in Council's strategies and plans including:

- Recreation and Open Space Strategy
- Creative Arts Strategy
- Library Strategic Plan
- Pathways Strategy
- Batemans Bay Waterfront Masterplan and Activation Strategy
- Northern Area of Eurobodalla Shire Traffic Study
- Batemans Bay traffic and Transport Study
- Road Safety Plan.

These strategies lead to livable communities that have opportunities for connections, active transport, and cultural experiences.

Economic Development Employment Potential

Modern, robust infrastructure plans will assist Council to fund vital community infrastructure to accommodate residential living and economic development.

PSR22/019 DRAFT DEVELOPMENT CONTRIBUTIONS PLANS 2022

OP0050

Financial

Contributions help fund infrastructure to serve the community. They will need to be matched by other Council funds and any available government grants.

Community and Stakeholder Engagement

We informed the community via Council's website and an advertisement on Council's Noticeboard page in the local newspaper.

We engaged with the community by seeking feedback through a 28-day public exhibition from 30 March to 26 April 2022, during which the following documents were placed on Council's website:

- Draft Eurobodalla Local Infrastructure Contributions Plan 2022
- Draft Eurobodalla s7.12 Contributions Plan 2022.

No submissions were received from the community during the exhibition period.

CONCLUSION

The review of Council's contributions plans resulted in the development of two new draft contributions plans (attached):

- Draft Eurobodalla Local Infrastructure Contributions Plan 2022
- Draft Eurobodalla s7.12 Contributions Plan 2022.

The draft plans were exhibited from 30 March to 26 April 2022. No submissions were received from the community during the exhibition period.

This report now recommends the adoption of the two new contributions plans and the repeal of Council's current development contributions plans.

**PSR22/020 LAND ACQUISITION - ROAD WIDENING
DUNNS CREEK ROAD - FORESTRY**

**S023-T00027, LAND IDS 20011,
20013, 19996, 19995, 36043**

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

Attachments: 1. Confidential - Land acquisition road widening Dunns Creek Road

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the proposed acquisition of Forestry Corporation of NSW (Forestry) land by compulsory process for the realignment of Dunns Creek Road project.

The project road works have been completed as agreed with Forestry and, to finalise the matter, the acquisition of Forestry land is required. The land acquisition will rectify the historical encroachment of Dunns Creek Road together with the recent realignment works on Forestry land referred to below:

- part Lot 38 DP 755902
- part Lot 39 DP 755902
- part Lot 20 DP 1183162
- part Lot 19 DP 1183163.

Forestry has consented to the acquisition of the land by Council. A compulsory acquisition process is required when acquiring land from Forestry.

RECOMMENDATION

THAT

1. Application be made to the Minister for Local Government and Governor to acquire by compulsory process part acquire part Lot 38 DP755902, part Lot 39 DP755902, part Lot 20 DP 1183162 and part Lot 19 DP 1183163 for road purposes.
2. All actions necessary be taken for the acquisition part Lot 38 DP755902, part Lot 39 DP755902, part Lot 20 DP 1183162 and part Lot 19 DP 1183163 for road purposes in accordance with Council's *Land Acquisition and Disposal Policy*.
3. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
4. All costs associated with the proposed land acquisitions including landowner's reasonable costs be borne by Council.

**PSR22/020 LAND ACQUISITION - ROAD WIDENING
DUNNS CREEK ROAD - FORESTRY**

**S023-T00027, LAND IDS 20011,
20013, 19996, 19995, 36043**

5. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation.

BACKGROUND

Acquisition by compulsory process is required when acquiring land from a State Authority, in this case being Forestry Corporation NSW ('Forestry'). With the consent of Forestry, Council will apply to the Minister for Local Government and the Governor and acquire the land by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

Dunns Creek Road provides a vital connection from the southern suburbs of Batemans Bay to and from the coastal villages of Tomakin, Mossy Point and Broulee. Due to land developments in the area and the resulting increase in population, the traffic volume and movements on Dunns Creek Road have increased dramatically from approximately 900 vehicle movements per day recorded in 2008 to approximately 2,500 recorded in 2017. This increase in traffic has also resulted in an increase in motor vehicle accidents, particularly run-off road accidents due to the curvy linear alignment and the steep terrain.

A vital part of this road safety project was the realignment of a series of bends located to the north of the Dunns Creek Bridge.

The works were carried out in 2021 and approval was gained from Forestry for the works to be carried out prior to acquisition of the land. Approval is achieved by way of a Permit to Enter signed by the landowner granting permission for Council and its workers to enter onto the land to carry out works as noted in that Permit.

Acquisition of part Forestry land is required to accommodate the existing encroachment as well as the new realignment works at Dunns Creek Road.

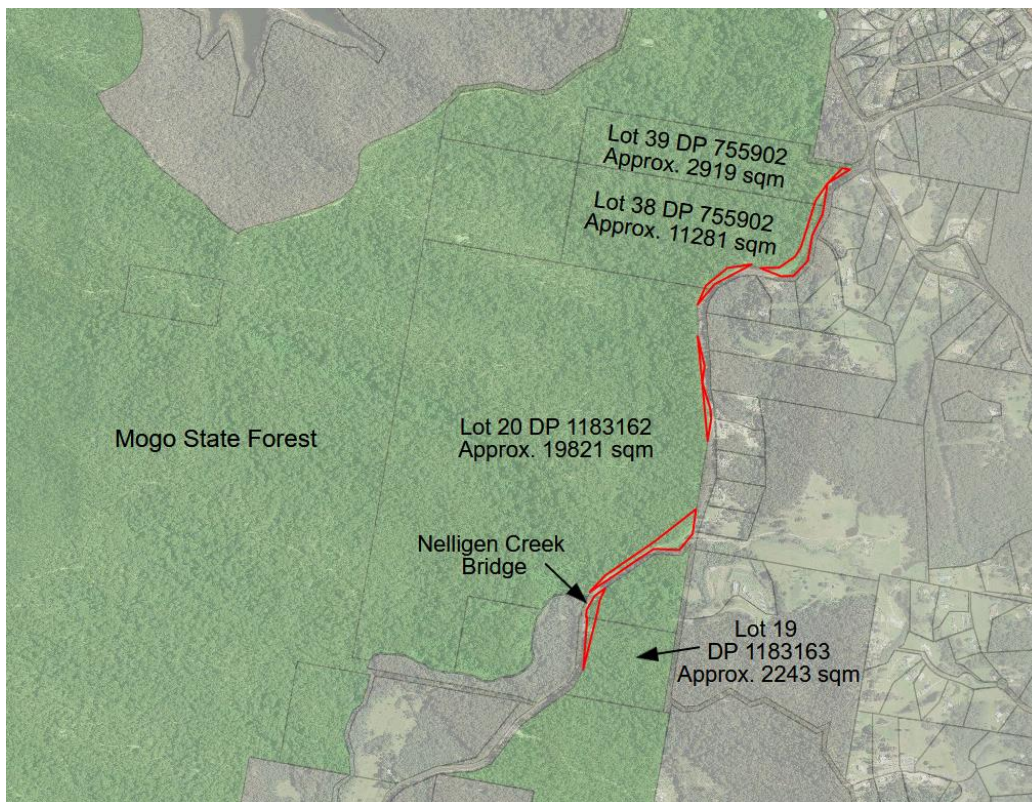
CONSIDERATIONS

Forestry has consented to the acquisition of part Lot 38 DP755902, part Lot 39 DP755902, part Lot 20 DP 1183162 and part Lot 19 DP 1183163 for compulsory acquisition by agreement.

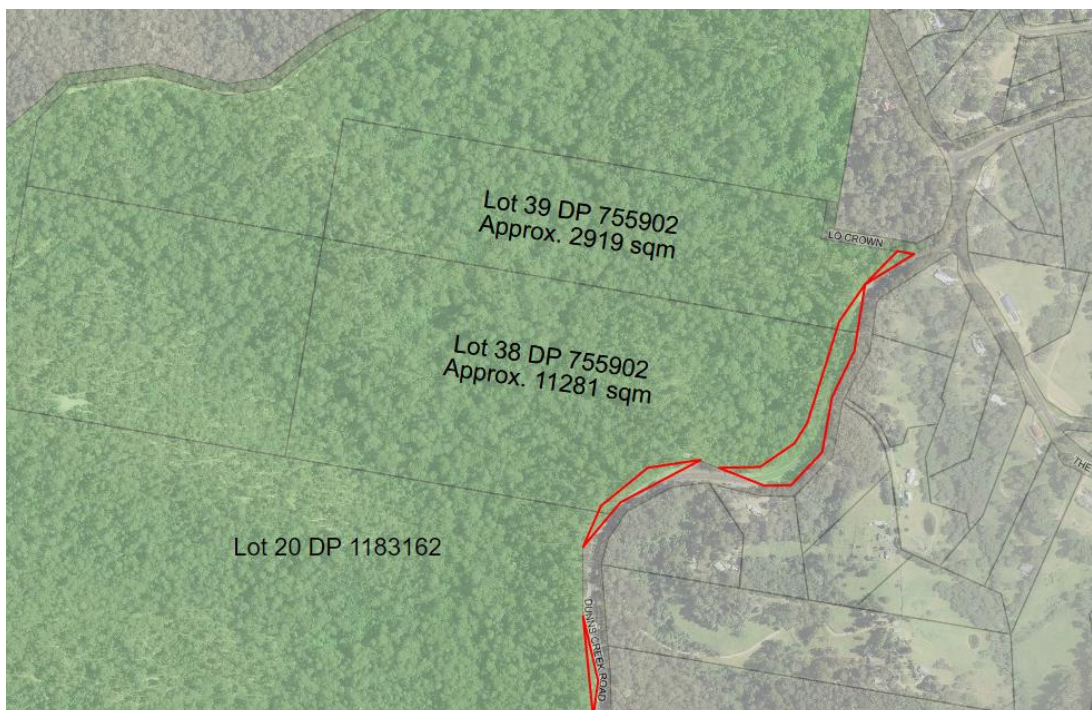
The relevant areas subject to these property transactions are shown in the sketches below:

**PSR22/020 LAND ACQUISITION - ROAD WIDENING
DUNNS CREEK ROAD - FORESTRY**

**S023-T00027, LAND IDS 20011,
20013, 19996, 19995, 36043**



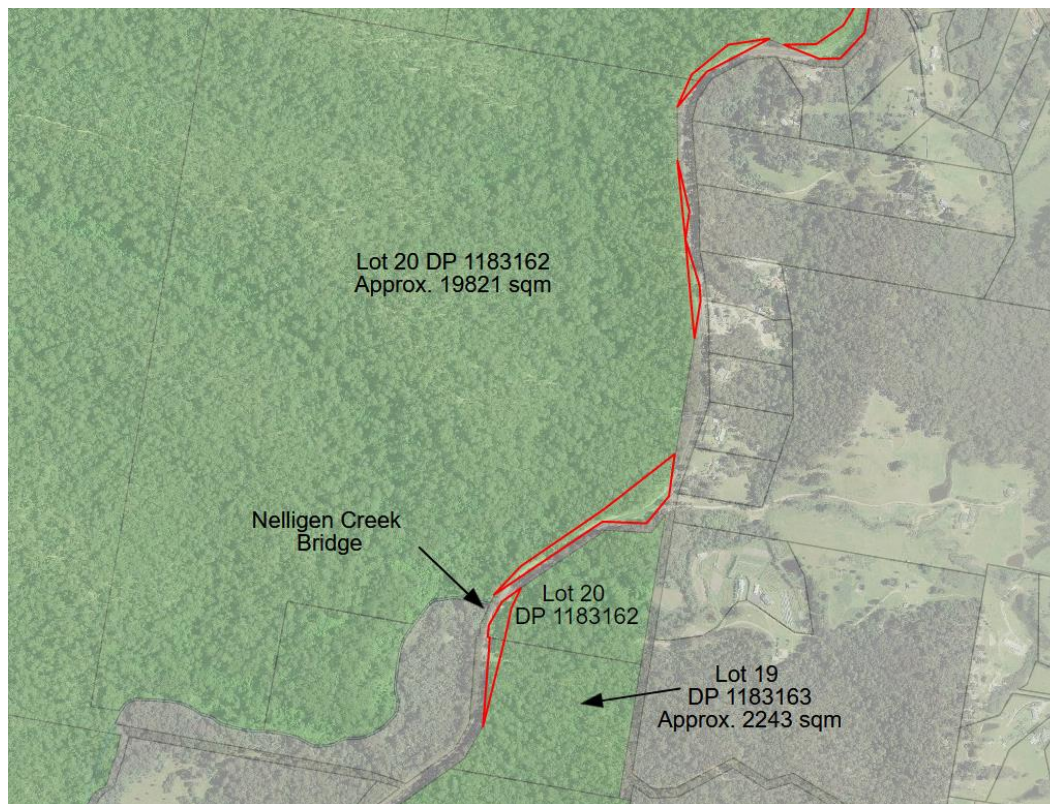
Dunns Creek Road – part Mogo State Forest



Lot 39 DP 755902 and Lot 38 DP 755902 – Dunns Creek Road

**PSR22/020 LAND ACQUISITION - ROAD WIDENING
DUNNS CREEK ROAD - FORESTRY**

**S023-T00027, LAND IDS 20011,
20013, 19996, 19995, 36043**



Lot 20 DP 1183162 and Lot 19 DP 1183163 – Dunns Creek Road

Legal

The compulsory acquisition process requires application to be made to the Minister for Local Government and the Governor to acquire part Lot 38 DP755902, part Lot 39 DP755902, part Lot 20 DP 1183162 and part Lot 19 DP 1183163 in accordance with Section 177(1) of the *Roads Act 1993*. Once consent is granted, the acquisition of the land for public road purposes will be finalised in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

[Roads Act 1993 s177](#)

[LAJTC Act 1991](#)

Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests, to ensure a valid acquisition.

Policy

The acquisition of land for the project will proceed in accordance with Council's Land Acquisition and Disposal Policy - [Land-Acquisition-and-Disposal-Policyp](#)

Financial

Compensation for the land will be determined following a valuation obtained from a registered valuer and the application of the *Land Acquisition (Just Terms Compensation) Act* provisions. The estimated cost of the land, based on other local Forestry land acquisitions, is listed in the Confidential Attachment.

**PSR22/020 LAND ACQUISITION - ROAD WIDENING
DUNNS CREEK ROAD - FORESTRY**

**S023-T00027, LAND IDS 20011,
20013, 19996, 19995, 36043**

Land acquisition costs will be sourced from development contribution funds, which are part of the development fees paid by all developers and these can be utilised for works in associated areas.

Together with compensation, Council will be responsible for costs associated with the acquisitions including survey and legal fees, and the landowners' reasonable legal costs if any.

Community and Stakeholder Engagement

Forestry has been consulted and consented in writing to the proposed acquisition.

CONCLUSION

The realignment of Dunns Creek Road was essential to rectify the historical encroachment of Dunns Creek Road together with more recent realignment works on the subject Forestry land.

The project road works have been completed as agreed with Forestry and, to finalise the matter, the acquisition of Forestry land is required for road purposes.

This report recommends Council approve acquisition by compulsory process of the subject Forestry land for road purposes.

**IR22/017 REQUEST FOR TENDER NO. 10018541 - EUROBODALLA SOUTHERN
STORAGE - STORAGE CONSTRUCTION**

**S032-
T00009**

Responsible Officer: Carlyle Ginger - Acting Director Infrastructure Services

Attachments: 1. Confidential - RFT No. 10018541 - Eurobodalla Southern Storage - Storage Construction

Outcome: 4 Sustainable Living

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

Delivery Program Link: 4.1.3 Advance planning for and development of the Southern Water Supply Storage

Operational Plan Link: 4.1.3.1 Commence stage 1 construction of Southern Water Supply Storage

EXECUTIVE SUMMARY

The Eurobodalla Southern Water Supply Storage (ESWSS) is a priority project to drought proof the Shire's water supply for current and future populations. The storage will also significantly improve the resilience of Council's water supply in times of natural disasters.

The Australian Government has committed \$51.2 million through the National Water Grid Fund and the NSW Government has committed \$25.612 million through the Safe and Secure Water Program to the project.

The construction of the new water supply storage will be through a separate construction contract than the previously awarded Tuross River Intake Pump Station Contract.

Dam construction is a highly specialised field. Council therefore adopted an Early Tender Involvement (ETI) procurement strategy for the works. A panel of four entities was selected through an expression of interest (EOI) process to participate in an early engagement process prior to tendering of the project. The panel was approved by Council at its Ordinary Meeting held 26 October 2021. The prospective tenderers then engaged in reviews of the documentation and constructability meetings prior to the calling of tenders.

Following the ETI process, tenders were invited from the four ETI participants on 27 January 2022, with four tenders received. This report outlines the evaluation of these offers in response to Request for Tender (RFT) No. 10018541 for construction of the Eurobodalla southern storage.

A separate contract will also be called to undertake a required power supply upgrade.

RECOMMENDATION

THAT Council:

1. Endorses the selection of the preferred tenderer listed for Request for Tender No. 10018541 Eurobodalla Southern Storage – Storage Construction; 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.

**IR22/017 REQUEST FOR TENDER NO. 10018541 - EUROBODALLA SOUTHERN
STORAGE - STORAGE CONSTRUCTION**

**S032-
T00009**

BACKGROUND

Council's adopted Integrated Water Cycle Management Strategy (IWCMS) 2017 identified that an increase in the raw water supply capacity was needed to ensure water demand during drought could continue to be met.

The construction of a new 3,000ML off stream water supply storage supplied from the Tuross River was therefore included in Council's long term capital works program. Council was subsequently successful in obtaining a grant of \$25.612 million from the NSW State Government through the Restart program and a grant of \$51.2 million from the Australian Government through the National Water Grid Fund for this works.

The overall project will be constructed through three contracts, with the first being for the construction of the Tuross River Intake Pump Station to transfer water from the Tuross River to the new storage, in compliance with the Tuross River Water Sharing Plan. This Contract was awarded in July 2020, with construction underway.

The second contract will be for the construction of the necessary upgrade to the power supply at the site. Tenders for this part of the work will be called later in 2022. This will be reported to Council separately at that time.

The third contract will be for the construction of the water supply storage. The construction of dams is a highly specialised field, and only those construction firms with considerable experience in the field would be considered appropriate for this contract. Council therefore sought to seek expressions of interest from interested and experienced Contractors through a selective tendering method, in accordance with Clause 166 of the Local Government (General) Regulation 2005. A panel of four entities was selected as a result of this expression of interest to participate in an Early Tenderer Involvement (ETI) process. After review of the tender documents and project constructability with the four panel members, tenders were invited from the four ETI participants on the 27 January 2022. This report deals with the results of this tender process.

Council has undertaken construction of the new access road internally and liaised with Forestry Corporation of NSW to facilitate the site being partially cleared whilst undertaking this tender process.

Council is also seeking cost estimates from NSW Public Works Advisory for Contract Management/site surveillance services, and SMEC Australia as the project designers, for construction phase design services.

**IR22/017 REQUEST FOR TENDER NO. 10018541 - EUROBODALLA SOUTHERN
STORAGE - STORAGE CONSTRUCTION**

**S032-
T00009**

CONSIDERATIONS

Legal

Clause 166 of the Local Government (General) Regulation allows Council to tender through a selective tendering method though a public expression of interest process as was undertaken.

The four selected panel members were invited to tender as a result of this process.

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

The offer submitted by the preferred tenderer has been assessed as representing good value for money for Council due to the company's demonstrated experience, quality of workmanship and satisfactory price in comparison to the other tenderers.

NSW Public Works Advisory will be engaged in accordance with Section 55 of the *Local Government Act 1993*.

SMEC Australia will be engaged as a variation to the initial design engagement at prespecified rates.

Development consent for the construction and operation of the ESWSS was given by the Minister for Planning on the 17 October 2019.

Policy

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

Environmental

The works are designed to allow Council to continue to meet the Shire's water supply needs during drought and comply with the NSW State Government Water Sharing Plans which provide for environmental flows in both the Deua and Tuross Rivers. The National Water Grid Funding is subject to Council foregoing part of our Tuross River daily extraction limits when river flows are low, allowing for more water for the environment and local irrigators. Modelling has shown that this will reduce our secure yield, however with the new water storage in place, we are able to continue to meet water demand during drought across the next 30 year planning horizon.

Social Impact

Construction of the ESWSS will ensure a secure potable water supply for the Eurobodalla region.

The ESWSS is also a major piece in our progression to ensure resilience during natural and other disasters, through the provision of a second off river storage, located in the southern half of the Eurobodalla region.

Economic Development Employment Potential

The ESWSS is a critical piece of infrastructure to support the economic growth of the Eurobodalla Region including commercial and industrial development. The ESWSS is also included in the Far South Coast Regional Economic Development Strategy as a key action.

**IR22/017 REQUEST FOR TENDER NO. 10018541 - EUROBODALLA SOUTHERN
STORAGE - STORAGE CONSTRUCTION**

**S032-
T00009**

The ESWSS also results in reduced impact on the Moruya and Tuross Rivers in dryer periods, leaving more water for agricultural activities and the environment.

The construction of the ESWSS will have employment benefits. The provision of NSW and Commonwealth Government funds brings external funding to Eurobodalla to support employment within the region.

Financial

A grant of \$25.612 million (ex GST) through the NSW State Government Restart program has previously been accepted by Council for the Eurobodalla Southern Storage.

A further grant of \$51.2 million (ex GST) through the National Water Grid Fund for this project has also been accepted by Council for the project.

The pre-construction estimate for the entire project was \$102.5 million (ex GST), leaving Council initially only responsible for funding 25% of the total construction costs, including land acquisition and biodiversity offsets.

Due to significant recent increases in construction costs as a result of COVID-19, bushfires, floods, and the war in the Ukraine, tender prices for the storage construction were higher than previously budgeted, considerably increasing the total project budget estimate. However, due to the \$76.8 million in funding already received, the amount tendered by the preferred Tenderer and the anticipated contract administration and design advice costs can be accommodated within the existing water fund capital budget.

Community and Stakeholder Engagement

Community consultation was undertaken with directly affected residents and businesses on Eurobodalla Road, and the broader Eurobodalla community, as part of the development of the detailed design and Environmental Impact Statement. They have continued to be kept informed of project progress during the various stages of construction.

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

CONCLUSION

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

This report recommends the preferred tenderer for the construction of the Eurobodalla Southern Water Supply Storage.

CAR22/009 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATIONS

S003-T00034

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

The new Public Art Advisory Committee (PAAC) met on Monday 6 June at the Bay Pavilions meeting rooms.

Three projects were presented to the PAAC for consideration and feedback. These being:

- The Batemans Bay Water-front activation, interpretive elements
- The Maureen Nathan Sculpture Commission, SOAR
- The Moruya Transfer Station Mural project.

This report will seek Council endorsement of the recommendations of the PAAC.

RECOMMENDATION

THAT Council endorses:

1. The PAAC's support for the direction of proposed interpretive elements of the Batemans Bay Waterfront activation plan and that installation considers the lighting of those elements to support night-time activation.
2. The PAAC's support for the design and placement of the 'Soar' sculpture at Hanging Rock, subject to agreement by Maureen Nathan, with consideration of maximising scale of at least an extra metre in height and adequate lighting for the sculpture.
3. The PAAC's support for the concept and placement of the mural at Moruya Transfer Station, commend the Waste team for funding the project and encourage other teams within Council to seek opportunities to incorporate art into public spaces and places.

BACKGROUND

Where public art is requested to be supported on public land an application is put to the PAAC to consider and provide advice to Council.

The new PAAC was presented with three submissions to consider at the meeting on 6 June 2022.

As per the Terms of Reference the PAAC will present recommendations for council to consider for adoption.

CAR22/009 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATIONS

S003-T00034

CONSIDERATIONS

Batemans Bay Water-front activation

An Interpretation Plan was prepared in May 2021 for the Batemans Bay Waterfront and Observation Point. The Interpretation Plan has provided the framework for guiding interpretation planning in the shire.

The Batemans Bay Activation strategy started via the bridge redevelopment, highlighting that the CBD foreshore space required design ideas to support more people traffic to the space to support economic development. Consultation for the project was completed in 2022. Council has been successful in receiving grants to 'test' various types of infrastructure such as seating pods, art, and activities like skateboarding and basketball etc., and for interpretation and planning. Some temporary interpretation items will soon be installed for testing with a view to also looking at interactive approaches. The interpretation plan is also inclusive of foreshore sites up to Observation Point.

From the plan, several locations were identified for interpretative elements on the Batemans Bay waterfront. Examples of forms and opportunities were presented to the PAAC where ideas and processes for transferring art on to infrastructure were also discussed.

The PAAC supported the concepts presented for interpretation.

Maureen Nathan Sculpture Commission, SOAR

Former Councillor Maureen Nathan is donating her Councillor fees from her term as a Councillor to commission a public artwork in Batemans Bay. The commission process has been undertaken with assistance from Council staff, with artist Terri Watling from Everlon selected as the successful candidate to create the work.

The location for the sculpture will be on the southern corner entrance to the Hanging Rock complex on Beach Road and is entitled 'Soar' to reflect human endeavour, and seeking to inspire best that one can be.

Terri Watling briefed the PAAC on the project design and provided an opportunity for the committee to ask questions about the concept and design.

Unanimously, the PAAC were very supportive of the design and that the artwork delivered on the brief and its relation to place and location character. The main feedback was in relation to exploring the opportunity to increase the scale to support the space available at the location and to consider lighting that would enhance visual amenity at night.

Moruya Transfer Station Mural Project

Council's Waste Services are implementing a project to beautify the Moruya Waste Transfer Station as an education hub and presented a concept of a mural to cover a large external wall of the transfer station. The PAAC were updated on the project brief and discussed location, artist and opportunities for further art on public facilities.

The upgrades to the transfer station include a new education area where it is envisioned school and community groups can visit to undertake education on waste minimisation and recycling.

The mural will be designed to reinforce the educational messages and provide a bright and engaging backdrop to the facility.

CAR22/009 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATIONS

S003-T00034

Asset

The installation of public art requires pieces to be placed on the asset register to ensure Council captures requirements for insurance, depreciation, and maintenance. Public art will also be recorded on Council's art collection register and maintenance schedule.

Social Impact

The three projects will result in the shire having additional public artworks installed in Batemans Bay and Moruya. This will support aesthetic improvements for the shire and build upon the momentum of public art being revealed and gifted across the shire. This assists our community to enjoy a greater range of amenity and supports the engagement of visitors to the area.

Financial

All artworks in this report are funded either philanthropically, via grant funds or within a project budget. No installation or lighting fees will be requested from Council. Where engineering advice is required, if needed, the fee will be absorbed by existing budgets.

Items will need insurance coverage and ongoing maintenance as per the requirements of each piece.

Community and Stakeholder Engagement

We will inform the broader community of the projects by providing the information on Council's website and other communication channels, and by distributing a media release.

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

CONCLUSION

The PAAC reconvened in 2022 and held its first meeting on Monday 6 June. Three projects were submitted to the PAAC for consideration. The PAAC has put three recommendations to Council.

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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.