



# **AGENDA**

**Ordinary Meeting of Council**

**26 July 2022**



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

**ON TUESDAY 26 JULY 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 28 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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- 6. MAYORAL REPORTS**  
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  - 7. NOTICES OF MOTION**  
Nil
  - 8. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
  - 9. PETITIONS**  
Nil

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**DR CATHERINE DALE  
GENERAL MANAGER**

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MR22/010 CODE OF MEETING PRACTICE

File Ref: S004-T00060, S0012-T00025

Attachments: Nil

### **EXECUTIVE SUMMARY**

The draft Code of Meeting Practice was placed on public exhibition for 42 days. Council received five submissions on the draft code.

Due to several unforeseen circumstances the workshop with the submitters has not been held however is scheduled 30 August 2022.

A further report will be presented back to Council following the workshop.

### **RECOMMENDATION**

THAT a further report on the draft Code of Meeting Practice be deferred until after the workshop with the submitters has been conducted.

### **REPORT**

The draft Code of Meeting Practice was placed on public exhibition for 42 days. Council received five submissions on the draft Code.

At its meeting on 10 May 2022, Council resolved as follows:

*22/123 MOTION Councillor Hatcher/Councillor Diskon*

*THAT a further report be presented to Council on 26 July 2022 to consider adoption of the draft Code of Meeting Practice and that prior to that report being presented that a workshop with submitters be conducted.*

*(The Motion on being put was declared CARRIED)*

Due to several unforeseen circumstances the workshop with the submitters has not been held however is scheduled 30 August 2022.

A further report will be presented back to Council following the workshop.

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MR22/011 TREATMENT OF RURAL FIRE SERVICE EQUIPMENT

File Ref: S012-T00025

Attachments: Nil

### EXECUTIVE SUMMARY

The NSW Auditor General has tabled a report to Parliament on Local Government 2021, which in part, recommends that NSW Council's should include rural firefighting equipment, that has been vested to them, in their financial statements and depreciate them. Despite numerous requests from the Local Government sector, this matter has remained unresolved for a significant number of years and continues to be an issue for the preparation and audit of council financial statements.

The determination as to whether councils "control" these assets by the NSW Auditor General appears to have been formed on advice from State agencies that the State Government does not control these assets, so therefore, "by default" they must be controlled by the councils that they are vested in.

The State Government's own Local Government Accounting Code of Accounting Practice and Financial Reporting states councils can choose whether to record this Rural Fire Service (RFS) equipment as part of their financial statements. When ascertaining whether an asset is to be recognised in a financial statement, the Australian Accounting Standards Board prescribe the application of a "control" test. The Local Government Code of Accounting Practice acknowledges the need for this assessment to be undertaken prescribing that .... "Councils need to assess whether they control any rural firefighting equipment in accordance with Australian Accounting Standards".

In 2020–21, 68 (2019–20: 68) councils did not record rural firefighting equipment in their financial statements estimated to be \$145 million (2019–20: \$119 million). Forty-one councils recognised this equipment in their financial statements with a total value of \$162.8 million, highlighting the inconsistent recognition practices across the local government sector. The RFS assets include fire control centres, fire training centres and all the fire sheds. It also includes plant and equipment commonly referred to as 'red fleet assets' which refer to fire trucks and vehicles.

Those councils not recording this equipment and Local Government NSW refute the determination that council's control the rural firefighting equipment and hence do not meet the asset definition criteria due to lack of such control. Councils do not have any say in the acquisition, deployment or disposal of these assets. Some Councils have also raised concerns that the requirement breaches Australian Accounting Standards.

#### Statement of Accounting Concepts (SAC) 4 – Definition and Recognition of the Elements of Financial Statements

##### **Definitions**

###### *Clause 14*

*"Assets" are future economic benefits controlled by the entity as a result of past transactions or other past events; and*

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**MR22/011 TREATMENT OF RURAL FIRE SERVICE EQUIPMENT**

**S012-  
T00025**

*“Control of an asset” means the capacity of the entity to benefit from the asset in the pursuit of the entity’s objectives and to deny or regulate the access of others to that benefit.*

It is considered that Council must have the right to economically benefit from the assets. The benefit being measured in economic terms, would relate to the ability of Council to use the assets to deliver its own services. Council has no right of use to the RFS equipment and hence does not economically benefit from them.

A right not only includes the right of the entity to benefit from the asset but also the ability to deny other entities having any access to the use of rights. Council is unable to deny the RFS from using the equipment. State Government legislation including Rural Fires Act 1997 which is applicable to the RFS would stipulate they deliver their services using these assets for their whole life. On interpretation, it could be argued that the RFS has the rights to economically benefit from these assets.

SAC 4 provides guidance to councils to ascertain control. Clause 37 of SAC 4 confirms that an asset that has been “vested” does not determine control.

For control to exist there does not necessarily need to be legal ownership. Control is defined as the ability to ensure benefit is received by an entity from the economic resource. Control links an economic resource to an entity. Control exists if the entity has the present ability to direct the use of the economic resource and obtain the economic benefit.

From FY2020/21, Council ceased to depreciate RFS equipment and exclude future additions or disposals on the basis that the rural firefighting equipment whilst vested to Council, was not controlled by Council. Council continued to account for RFS buildings in its financial statements, taking a prudent view on the basis that the land under RFS buildings is owned by Council which may complicate such a determination.

The Audit, Risk and Improvement Committee has been briefed on this issue and at its last meeting confirmed its support for Council’s current treatment of RFS assets. It has also been supported by LGNSW, Country Mayor’s Association, IPWEA and Local Government Professionals NSW.

**RECOMMENDATION**

THAT Council write to the Auditor-General for New South Wales to advocate that the NSW Government acknowledges rural firefighting equipment is controlled by and is the property of the State government and advise that Council’s financial statements have been prepared in accordance with the Australian Accounting Standards, as required by the Local Government Act and such assets will not be recorded in Council’s financial statements.

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**GMR22/073 ORGANISATION STRUCTURE - SENIOR STAFF**

**S004-T00026**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: Nil  
Outcome: 5 Our engaged community with progressive leadership  
Focus Area: 5.3 Work together to achieve our collective vision  
Delivery Program Link: 5.3.4 Develop and grow a skilled, motivated and accountable workforce and position Council as an organisation people want to work for  
Operational Plan Link: 5.3.4.1 Provide human resource management

**EXECUTIVE SUMMARY**

Under Section 332 of the Local Government Act, Council must determine the senior staff positions within the organisation structure after consulting with the General Manager. Section 333 of the Local Government Act further requires Council to review the organisation structure within 12 months of the ordinary election of Council.

Since the election in December 2021, the Council has undertaken an extensive review of Council's Integrated Planning and Reporting framework. This included the revision of the Community Strategic Plan (CSP), development of the Delivery Program 2022-26, Operational Plan 2022-23 (DPOP) and Resourcing Strategy 2022-32.

With the development and adoption of these strategic plans on 12 April 2022 and 28 June 2022 respectively, it is appropriate for Council to adopt the organisation structure for senior staff that underpins its delivery.

It is considered that the current senior structure aligns with the future needs of the organisation, synergies and effectiveness of the corporate functions and financial implications now and into the future.

It is also noted that Council is in the process of appointing a new General Manager. This person is not likely to commence until mid-October 2022, so it is considered appropriate for Council to approve the current senior staff structure, noting that the new General Manager may recommend a different structure once they have had the opportunity to review the relevant strategies.

**RECOMMENDATION**

THAT

1. Council endorse the senior structure being:
  - (a) Director, Community, Arts and Recreation
  - (b) Director, Infrastructure Services
  - (c) Director, Planning and Sustainability.
2. The Director positions continue to be classified as senior staff officers, noting that Council is in the process of recruiting for a new General Manager who may recommend a revised structure following a review of Council's priorities and strategies.



**GMR22/073 ORGANISATION STRUCTURE - SENIOR STAFF**

**S004-T00026**

**BACKGROUND**

The Community Strategic Plan is the highest-level strategy 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. The Council's vision, as articulated in the CSP, is *'From our beaches to our bushlands, rivers and mountains... Our Eurobodalla is a place of inclusive communities embracing sustainable lifestyles. Our future balances our natural assets and thriving economy. Our community is resilient and collaborative, and this underpins all that we do'*. This vision is supported by five goals and 18 strategies that provide more detail about how our vision is translated.

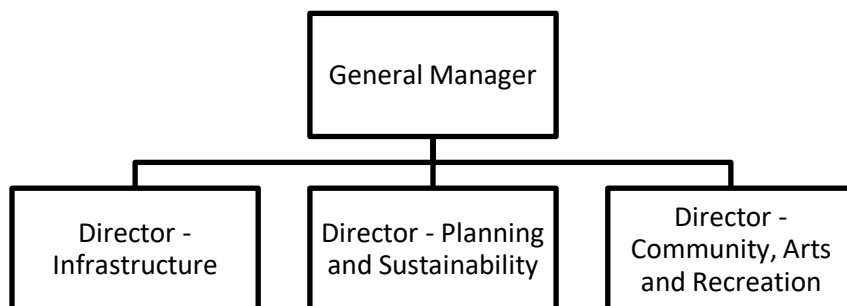
The Delivery Program details the activities that the Council will deliver over its term and the strategies it will implement in consultation with the community and contained in the Community Strategic Plan.

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.

The General Manager, supported by the Executive Leadership Team, implements the program of services, capital works and projects set out in the annual Operational Plan and endorsed by the Council.

The organisation structure should facilitate the delivery of services to achieve the Operational Plan actions. It is considered that the current senior structure has a focus on the current and future needs of the community. It is designed to provide the leadership and management of appropriately grouped services which currently work across directorates to enable improved and effective delivery of services for our community. The aim is to also ensure the senior structure of the organisation aligns with the priorities of the Community Strategic Plan, Delivery Program, Operational Plan and Resourcing Strategy.

The proposed three Directorate structure report directly to the General Manager and supports the delivery of the activities and actions in the Delivery Program 2022-26 and Operational Plan 2022-23 as follows:



The five goals and 18 strategies of the Community Strategic Plan are met through the activities and actions outlined in the Delivery Program 2022-26 and Operational Plan 2022-23. The outcomes are delivered through the following services, which have been grouped under the three directorate structure as follows:

**GMR22/073 ORGANISATION STRUCTURE - SENIOR STAFF**

**S004-T00026**

<b>Directorate</b>	<b>Goals</b>	<b>Services that contribute to the outcome</b>
Community, Arts and Recreation	Our sustainable shire celebrates our natural environment and outdoor lifestyles	<ul style="list-style-type: none"> <li>• Community facilities</li> <li>• Recreation</li> <li>• Youth Services</li> </ul>
	Our community that welcomes, celebrates, and supports everyone	<ul style="list-style-type: none"> <li>• Children’s Services</li> <li>• Community and Cultural Development</li> <li>• Community Care</li> <li>• Community Facilities</li> <li>• Libraries</li> <li>• Recreation</li> <li>• Youth Services</li> </ul>
	Our region of vibrant places and spaces	<ul style="list-style-type: none"> <li>• Community and Cultural Development</li> </ul>
	Our connected community through reliable and safe infrastructure networks	<ul style="list-style-type: none"> <li>• Community Care</li> <li>• Recreation</li> </ul>

**GMR22/073 ORGANISATION STRUCTURE - SENIOR STAFF**

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Planning and Sustainability	Our sustainable shire celebrates our natural environment and outdoor lifestyles	<ul style="list-style-type: none"> <li>• Economic Development</li> <li>• Environmental Management</li> <li>• Public and Environmental Health</li> <li>• Strategic Planning</li> <li>• Waste Management</li> </ul>
	Our community that welcomes, celebrates, and supports everyone	<ul style="list-style-type: none"> <li>• Development Assessment and Building Certification</li> <li>• Public Order and Safety</li> </ul>
	Our region of vibrant places and spaces	<ul style="list-style-type: none"> <li>• Commercial Entities</li> <li>• Development Assessment and Building Certification</li> <li>• Economic Development</li> <li>• Strategic Planning</li> <li>• Tourism</li> </ul>
	Our connected community through reliable and safe infrastructure networks	<ul style="list-style-type: none"> <li>• Commercial Entities</li> <li>• Strategic Planning</li> </ul>
	Our engaged community with progressive leadership	<ul style="list-style-type: none"> <li>• Property</li> </ul>
Infrastructure Services	Our sustainable shire celebrates our natural environment and outdoor lifestyles	<ul style="list-style-type: none"> <li>• Sewer Services</li> <li>• Stormwater</li> <li>• Water Services</li> </ul>
	Our community that welcomes, celebrates, and supports everyone	<ul style="list-style-type: none"> <li>• Public Order and Safety</li> </ul>
	Our connected community through reliable and safe infrastructure networks	<ul style="list-style-type: none"> <li>• Public Order and Safety</li> <li>• Stormwater</li> <li>• Transport</li> </ul>
	Our engaged community with progressive leadership	<ul style="list-style-type: none"> <li>• Technical Services</li> <li>• Works and Operations</li> </ul>

All other service areas report directly to the General Manager.

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**GMR22/073 ORGANISATION STRUCTURE - SENIOR STAFF**

**S004-T00026**

**CONSIDERATIONS**

It should be noted that the organisational structure must be reviewed by Council within 12 months after any ordinary election of the council as stated in Section 333 of the Local Government Act:

***Section 333 Re-determination and review of structure***

*The organisation structure may be re-determined under this Part from time to time. The council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council'.*

**Legal**

Following are relevant extracts from the *Local Government Act 1993*.

***Section 332 Determination of structure***

- (1) *A council must, after consulting the general manager, determine the following:*
  - (a) *the senior staff positions within the organisation structure of the council,*
  - (b) *the roles and reporting lines (for other senior staff) of holders of senior staff positions,*
  - (c) *the resources to be allocated towards the employment of staff.*
- (2) *A council may not determine a position to be a senior staff position unless--*
  - (a) *the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Local Government (State) Award, and*
  - (b) *the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the [Statutory and Other Offices Remuneration Act 1975](#) ) payable with respect to senior executives whose positions are graded Band 1 under the [Government Sector Employment Act 2013](#).*

As at 1 July 2021, the Band 1 range under the [Government Sector Employment Act 2013](#) was \$197,400 - \$281,550.

**Policy**

The adopted Community Strategic Plan, Delivery Program 2022-26, Operational Plan 2022-23 and Resourcing Strategy 2022-32 have provided direction for the proposed senior structure.

**Financial**

The resources for the employment of staff (Section 332 (1) (c)) is included in the adopted Operational Plan 2022-26. Senior staff remuneration package details are outlined in the Annual Report.

**CONCLUSION**

The organisation structure should facilitate the delivery of services to achieve the Operational Plan actions. The current structure is designed to provide the leadership and management of appropriately grouped services which currently work across directorates to enable improved and effective delivery of services for our community. The aim is to also ensure the structure of the organisation aligns with the priorities of the Community Strategic Plan, Delivery Program,

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**GMR22/073 ORGANISATION STRUCTURE - SENIOR STAFF**

**S004-T00026**

Operational Plan and Resourcing Strategy. It is considered that the three Directorate structure proposed aligns with these strategies.

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**GMR22/074 CODE OF CONDUCT - CONDUCT REVIEWERS PANEL**

**S012-T00003**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: Nil  
Outcome: 5 Our engaged community with progressive leadership  
Focus Area: 5.2 Proactive, responsive and strategic leadership  
Delivery Program Link: 5.2.2 Implement effective governance and long-term planning  
Operational Plan Link: 5.2.2.1 Assist the Council in meeting its statutory obligations and roles

**EXECUTIVE SUMMARY**

The Administrative Framework, *Part 3 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in New South Wales 2020*, requires that councils and joint organisations establish a Panel of Conduct Reviewers. Councils may enter an arrangement with one or more councils to share a panel of conduct reviewers including through a joint organisation. The Canberra Region Joint Organisation (CRJO) has conducted an Expression of Interest (EOI) process to establishing a panel of conduct reviewers for the period 1 July 2022 to 30 June 2026. This process has now been completed, and if a Council wishes to use the CRJO panel then it will need to determine this by way of its own resolution.

**RECOMMENDATION**

THAT Council adopts the Canberra Regional Joint Organisation Panel of Conduct Reviewers listed below for the period 1 August 2022 to 30 June 2026:

- Australian Workplace Training & Investigation
- BAL Lawyers
- BDO Services
- Centium Pty Ltd
- Local Government Legal
- Maddocks
- McCullough Robertson Lawyers
- Mediate Today Pty Ltd
- Nemesis Consultancy Group
- O'Connor Marsden and Associates Pty Ltd
- Pendlebury Work Place Solutions
- RSM
- Sinc Solutions Pty Ltd
- Train Reaction Pty Ltd
- Weir Consulting (National)
- Winton Consulting Pty Ltd

**GMR22/074 CODE OF CONDUCT - CONDUCT REVIEWERS PANEL**

**S012-T00003**

- Wise Workplace
- Workdynamic Australia

**BACKGROUND**

Council’s Code of Conduct panel expired on 30 June 2022. On behalf of the CRJO, Bega Valley Shire Council with the assistance of representatives from Yass and Wingecarribee Councils have facilitated an EOI process seeking eligible persons or firms for appointment to a Regional Panel of Conduct Reviewers to replace the existing panel which expired on 30 June 2022.

The EOI was posted to the open market via the Bega Valley Shire Council Vendorpanel portal and closed at 4pm on Monday 13 June 2022. As at the time of closing 127 consultants had read the EOI, with 28 lodging a response including 11 who were also on the previous CRJO Panel.

An evaluation panel was formed consisting of employees from across several CRJO member councils, who combined, have experience in a broad range of professional areas including, governance, procurement, law and investigation.

Following closure of the EOI submission period, the evaluation panel members independently reviewed all the submission. The evaluation panel members then met to conduct a group evaluation based on the evaluation criteria as well as the criteria set out within the Model Code Procedures.

**CONSIDERATIONS**

The evaluation process was conducted utilising the evaluation criteria which was published within the EOI package that was provided via the Bega Valley Shire Council’s Vendorpanel site. This criteria was the same criteria used for the 2019 EOI Process and based on the Model Code of Conduct for Councils in NSW- Administrative Framework (Part 3 – of the Procedure).

The valuation criteria consist of the following.

Evaluation Criteria	Weighting
1. Compliance with the minimum eligibility requirements	Mandatory
2. Suitable legal or relevant tertiary qualification	15%
3. Demonstrated Knowledge and Experience a. An understanding of Local Government b. Knowledge and experience in one of more of the following: i. Investigation ii. Law iii. Public Administration iv. Public Sector Ethics v. Alternative Dispute Resolution	65%
4. Demonstrated knowledge and experience in the application of natural justice principals	20%

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**GMR22/074 CODE OF CONDUCT - CONDUCT REVIEWERS PANEL**

**S012-T00003**

To be eligible to be a member of the Regional Panel of Conduct Reviewers, a person must as a minimum, meet the following requirements: -

- (a) have an understanding of local government, and
- (b) have knowledge of investigative processes including but not limited to procedural fairness requirements and requirements of the Public Interest Disclosure Act 1994 (NSW), and
- (c) have knowledge and experience of one or more of the following
  - (i) investigations
  - (ii) law
  - (iii) public administration
  - (iv) public sector ethics
  - (v) alternative dispute resolution, and
  - (vi) meet the eligibility requirements for membership of a panel of conduct reviewers.

The evaluation panel determined that 18 firms be recommended for appointment to the CRJO Conduct Review Panel for the period of 1 July 2022 to 30 June 2026.

The CRJO provided a report with its recommendations to Council on 27 June 2022 which was too late to make the Council meeting of 28 June 2022. In the interim between the expiry of Council's previous Code of Conduct panel (30 June 2022) and the establishment of a new panel (1 August 2022), Council has access to conduct reviewer services from the Performance and Management Services Prequalification Scheme administered by the NSW Treasury.

The access to this panel has been approved by the Office of Local Government Circular No 16-08/ 31 March 2016 / A459248 *Approval of Investigation services suppliers specified under NSW Procurement's Performance and Management Services Prequalification Scheme for referrals of councils' code of conduct complaints.*

As a member council of the CRJO, it is considered that Council should utilise the procurement process undertaken on behalf the CRJO to form a panel of conduct reviewers.

**Legal**

*Part 3 of the Procedure for the Administration of the Model Code of Conduct for Local Council in NSW 2020* sets out the process for establishing a panel of conduct reviewers.

**Community and Stakeholder Engagement**

On behalf of the CRJO, Bega Valley Shire Council with the assistance of representatives from Yass and Wingecarribee Councils have facilitated an EOI process seeking eligible persons or firms for appointment to a Regional Panel of Conduct Reviewers to replace the existing panel which expired on 30 June 2022.

The EOI was posted to the open market via the Bega Valley Shire Council Vendorpanel portal and closed at 4pm on Monday 13 June 2022. As at the time of closing 127 consultants had read the EOI, with 28 lodging a response including 11 who were also on the previous CRJO Panel.



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**GMR22/074 CODE OF CONDUCT - CONDUCT REVIEWERS PANEL**

**S012-T00003**

**CONCLUSION**

The Canberra Region Joint Organisation (CRJO) has conducted an Expression of Interest (EOI) process to establishing a panel of conduct reviewers for the period 1 July 2022 to 30 June 2026. This process has now been completed, and if councils' wish to use the CRJO panel then they will need to determine this by way of its own resolution.

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**GMR22/075 POLICY REVIEW FOR EXHIBITION - JULY 2022**

**S004-T00060**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: 1. Under Separate Cover - Policy Review - July 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.

- Privacy and Information Protection
- Financial Hardship (formally named Rates and Debtors Hardship Policy)
- Debt Recovery
- Recreational Horse-Riding on Beaches
- Recycled Water
- Related Party Disclosures Policy
- Road and Pathway Opening
- Road Naming
- Rural School Bus Routes and Bus Stops

**RECOMMENDATION**

THAT:

1. Council places the following draft policies for the purposes of public consultation for a period of 28 days:
  - (a) Privacy and Information Protection
  - (b) Financial Hardship (formally named Rates and Debtors Hardship Policy)
  - (c) Debt Recovery
  - (e) Recreational Horse-Riding on Beaches

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**GMR22/075 POLICY REVIEW FOR EXHIBITION - JULY 2022**

**S004-  
T00060**

- (f) Recycled Water
  - (g) Related Party Disclosures Policy
  - (h) Road and Pathway Opening
  - (i) Road Naming
  - (j) Rural School Bus Routes and Bus Stops
2. Following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.

**BACKGROUND**

**Privacy and Information Protection**

Eurobodalla Shire Council respects the privacy of residents and ratepayers, workers, volunteers, contractors, councillors, and all that do business with Council. While encouraging transparency, Council is committed to accountability in managing the various types of information that it collects and holds, including personal and health information.

As a NSW public sector agency Council is bound by the *Privacy and Personal Information Protection Act 1998 (PPIP Act)* and the *Health Records and Information Privacy Act 2002 (HRIP Act)*, and as a council it is bound by the *Privacy Code of Practice for Local Government (2019) (Privacy Code)*. This policy supports efficient and timely Council decision-making to meet its statutory obligations regarding privacy and information protection. It intends to assure confidence that personal or health information held by Council is dealt with in accordance with relevant legislation.

**Financial Hardship (formally named Rates and Debtors Hardship Policy)**

This policy applies to Eurobodalla Shire Council and its ratepayers. It provides a framework for responding to applications from property owners/ratepayers experiencing genuine hardship for assistance with the payment of the rates and charges, in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

**Debt Recovery**

The purpose of this policy is to ensure ethical, effective and efficient debt recovery, including rates, charges and other debts.

Council pursues commercial debt recovery procedures in order to minimise the impact of outstanding debts on Council's financial position.

Debt recovery procedures of Council and any agent employed by Council must meet the highest ethical and professional standards, such as the Debt Collection Guideline for collectors and creditors, developed jointly by the Australian Competition and Consumer Commission (ACCC) and Australian Securities and Investments Commission (ASIC), in 2010.

**Recreational Horse-Riding on Beaches**

Horse-riding is a popular recreation and sporting activity, and appreciation and enjoyment of coastal areas on horseback is a quality experience for horse-riders. All recreational activities, including horse-riding, can generate impacts on the environment and must therefore be

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**GMR22/075 POLICY REVIEW FOR EXHIBITION - JULY 2022**

**S004-  
T00060**

managed in accordance with legislative requirements and the objectives for which certain lands are allocated.

Eurobodalla Shire Council's policy was formulated to regulate the use of beaches by recreational horse-riders as a result of community and tourism engagement, coupled with environmental constraints. The policy addresses effects on the environment from horse-riding, particularly coastal beach zones, and defines areas where horse-riding on beaches is permitted.

**Recycled Water**

This policy was developed to detail the requirements for managing Council's recycled water systems. Council operates six sewage treatment plants, each of which provides recycled water for on-site operations, dust suppression and/or irrigation of recreation facilities.

**Related Party Disclosures Policy**

The purpose of the policy is to ensure that the existence of certain related party relationships and associated related party transactions, necessary for the users to understand the potential effects on the Financial Statements, are properly identified.

They should be recorded in Council's systems, and summarily disclosed in Council's General Purpose Financial Statements in compliance with *Australian Accounting Standards Board AASB 124 Related Party Disclosures July 2015 (AASB 124)*, the *Privacy and Personal Information Protection Act 1998 (PPIPA)* and the *Government Information (Public Access) Act 2009 (GIPA Act)*.

**Road and Pathway Opening**

This Policy provides a standard procedure for the management of any works and activities undertaken under the *Roads Act 1993* affecting Council's road reserves. These works or activities must provide construction to suitable standards, minimise Council's risk exposure and limit damage to Council's assets, including minimising the risk of reducing the life of those assets.

This Policy is designed to specifically address the process of controlling works and activities on Council road reserves and to provide a system for ensuring that Council's and the community's interests are protected as far as possible.

**Road Naming**

As the Roads Authority, Council is empowered to name public roads under Section 162 of the *Roads Act 1993*. Council is also required to maintain a register that identifies roads by a given name and number.

The Roads Naming policy provides guidance for developers, the community and Council when allocating new road names or re-naming existing roads.

The policy ensures that appropriate naming and renaming of roads for which Council is the Roads Authority is undertaken in compliance with the Geographical Names Board of NSW (GNB).

**Rural School Bus Routes and Bus Stops**

Eurobodalla Shire Council's policy was developed to provide Council with the means to consistently and objectively assess requests for rural school bus routes and bus stops.

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**GMR22/075 POLICY REVIEW FOR EXHIBITION - JULY 2022**

**S004-  
T00060**

Council is defined as a Roads Authority under the *Roads Act 1993*. This policy assists Council with the location, design and operation of school bus routes and bus stops in rural areas. It will provide a risk orientated approach to the approval and provision of road related infrastructure associated with rural school bus services (bus routes, bus stops and bus bays).

**CONSIDERATIONS**

Rates and Debtors Hardship Policy has been renamed to Financial Hardship Policy due to the following reasons

- The hardship provisions (that of writing off interest) only relate to the ratepayer's primary place of residence and therefore only the rates, water and property debts relevant to that property
- The only financial relief we can provide under the act is the writing off of interest and interest does not accrue on Debtor accounts anymore (pre TechOne it did accrue on Property related Debtor accounts On-Site Sewer, K&G etc.)
- Making it more broad as Financial Hardship, we can also accept payment arrangements if necessary for other debts such as Debtors (K&G) and Regulatory (On-site Sewer) they just don't accrue interest so there is no 'relief' as such just extra time to pay them off

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

**Community and Stakeholder Engagement**

Council will place the draft policies on public exhibition for a period of not less than 28 days commencing on Wednesday 27 July 2022 until Tuesday 23 August 2022. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**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.

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**GMR22/076 INVESTMENTS MADE AS AT 30 JUNE 2022**

**S011-T00006,  
S012-T00025**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

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

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

### EXECUTIVE SUMMARY

The purpose of this report is to:

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

### RECOMMENDATION

THAT the certification of investments as at 30 June 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.

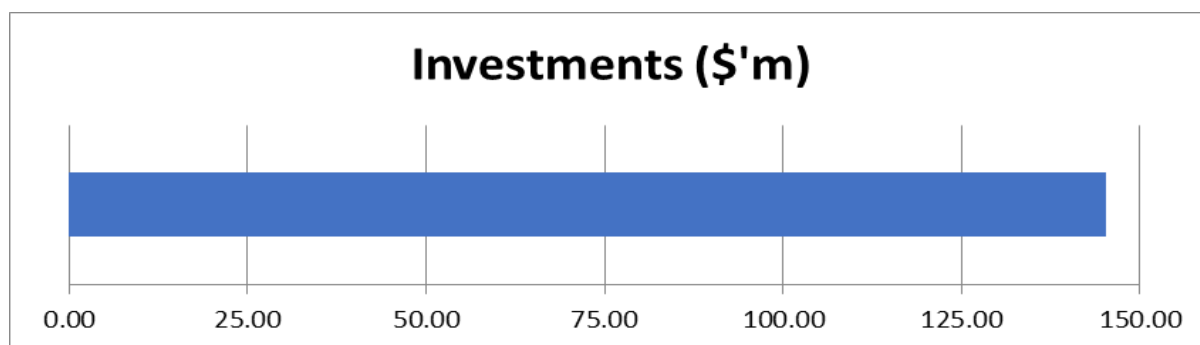
### CONSIDERATIONS

#### Policy

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

#### Financial

Council investing overall



**GMR22/076 INVESTMENTS MADE AS AT 30 JUNE 2022**

**S011-T00006,  
S012-T00025**

Council has \$145.16M (100%) invested in bank deposits. The bank deposits are held in banks rated A or greater, or covered by the AAA rated Government guarantee, except for \$36.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments increased by \$5m during June 2022 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 25.14% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.21% of the portfolio.

There are \$49.0M (33.76%) of funds invested in institutions which either have no direct financing exposure to projects in the fossil fuel sector or no longer directly finance projects in the fossil fuel sector but still have some exposure from historical funding.

The weighted average return for all investments for the month is 3.10%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (1.85%).

Summary investment information

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

<b>CATEGORY</b>	<b>(\$)</b>
At call deposit	12,911,138
Term deposits	130,500,000
Term deposits Government guaranteed	1,750,000
	<b>145,161,138</b>
<i>Weighted average interest %:</i>	3.10%
<i>Average 90 day BBSW + 0.25%</i>	1.85%

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.

<b>Policy risk</b>	<b>Low liquidity risk %</b>	<b>Total % of investments</b>	<b>Policy risk % (max holdings)</b>
<b>Remote risk</b>	1.21	1.21	100.00
<b>Near risk free</b>	73.65	73.65	100.00
<b>Some limited risk (BBB+)</b>	25.14	25.14	30.00

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**GMR22/076 INVESTMENTS MADE AS AT 30 JUNE 2022**

**S011-T00006,  
S012-T00025**

<b>Grand total</b>	<b>100.00</b>	<b>100.00</b>	

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.



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**GMR22/077 REQUEST FOR TENDER (RFT) - 2122-095 SUPPLY AND DELIVERY OF SIX (6) INDUSTRIAL WORKSITE CARAVANS S022-T00015**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Confidential - Request for Tender (RFT) - 2122-095 Supply and Delivery of six (6) Industrial Worksite Caravans

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

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

Operational Plan Link: 5.3.3.5 Manage fleet services

### **EXECUTIVE SUMMARY**

Council has six (6) Industrial Worksite Caravans that have surpassed their useful life and require replacement as per the approved 2021-22 Fleet Replacement Plan. These units are utilised by Works teams on various jobs.

This report outlines the associated evaluation process for Request for Tender (RFT) No. 2122-095 – Supply and Delivery of Six (6) Industrial Worksite Caravans, that was advertised on 17 May 2022 for the purpose of procuring six (6) industrial worksite caravans for the Works team.

This report outlines the associated evaluation process involved in this tender.

### **RECOMMENDATION**

THAT:

1. Council approves additional expenditure for the six (6) Industrial Worksite Caravans of \$212,544.00 for the Plant Capital Fund budget and vote the funds necessary to meet the expenditure.
2. Council endorses the selection of the preferred supplier for RFT No. 2122-095 within the Confidential Attachment.
3. Accordingly approves entering into a Deed of Standing Offer with the preferred supplier as detailed within the Confidential Attachment.

### **BACKGROUND**

Council has six (6) Industrial Worksite Caravans that have surpassed their useful life and require replacement as per the approved 2021-22 Fleet Replacement Plan. These units are utilised by Works teams on various jobs.

### **CONSIDERATIONS**

This report outlines the associated evaluation process for Request for (RFT) No. 2122-095 – Supply and Delivery of Six (6) Industrial Worksite Caravans, that was advertised on 17 May 2022 for the purpose of procuring six (6) industrial worksite caravans for the Works team.

Four (4) Submissions were received as follows:

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**GMR22/077 REQUEST FOR TENDER (RFT) - 2122-095 SUPPLY AND DELIVERY OF  
SIX (6) INDUSTRIAL WORKSITE CARAVANS**

**S022-  
T00015**

- Kings Caravans
- Traymark Industrial Caravans Pty Ltd
- Work Structures
- Xinc Engineering Pty Ltd

### **Operational Requirements**

The specification for this RFT was developed in coordination with the following stakeholders: Works Coordinator (South), Water and Sewer Coordinator (North), Workshop Coordinator, Fleet Management Officer (Acting), and WHS Project Officer.

The final configuration and fit-out was approved by all parties and took into consideration the requirement for a more durable product to address longevity of the asset and safety risks.

### **Work Health and Safety (WHS)**

The specification and responses to this RFT were in accordance with *SafeWork NSW Code of Practice Managing the Work Environment and Facilities August 2019*.

### **Legal**

RFT No. 2122-095 was advertised in accordance with *Local Government (General) Regulation 2021 REG 167* and *Local Government Act 1993*. The tender was advertised on Council's noticeboard, in the Sydney Morning Herald and at Council's Tenderlink web portal ([www.tenderlink.com/eurobodalla](http://www.tenderlink.com/eurobodalla)).

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

### **Policy**

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

### **Financial**

Funds have been allocated to the Plant Capital Fund as per the approved 2021-22 Fleet Replacement Plan. The most competitive quote received through the tender process, was approximately 83% higher. Council will need to approve additional expenditure for the six (6) Industrial Worksite Caravans of \$212,544.00 for the Plant Capital Fund budget and vote the funds necessary to meet the expenditure.

This is due to a number of factors including the specification being changed to procure a more durable product that will ensure better safety and operational requirements over the life of the asset, increased manufacturing costs relating to supply chain issues and COVID-19 and delivery costs.

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<b>GMR22/077</b>	<b>REQUEST FOR TENDER (RFT) - 2122-095 SUPPLY AND DELIVERY OF SIX (6) INDUSTRIAL WORKSITE CARAVANS</b>	<b>S022-T00015</b>
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These industrial worksite caravans were last replaced in the 2003-2006 period.

**Community and Stakeholder Engagement**

Subject to the resolution of Council to the Request for Tender (RFT) No. 2122-095 – Supply and Delivery of Six (6) Industrial Worksite Caravans, the community will be informed of the contract via Council’s contract register found on Council’s website.

**CONCLUSION**

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

The preferred supplier as identified in the Confidential Attachment is therefore recommended for the award of the contract.

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**GMR22/078 ATTENDANCE AT THE LGNSW ANNUAL CONFERENCE**

**S012-T00025,  
S004-T00019**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.1 Be proactive leaders with a focus on 'community better'

Operational Plan Link: 5.2.1.4 Provide professional development opportunities for Councillors

**EXECUTIVE SUMMARY**

This report seeks a nomination from Councillors to attend the LGNSW Annual Conference from 23 October to 25 October 2022.

At its meeting on 8 February 2022, three Councillors were nominated to attend the LGNSW Special Conference. Due to a change in circumstances the Mayor is now able to attend.

The Local Government NSW Annual Conference is to be held in Sydney. This event provides an opportunity to share ideas, seek inspiration, and help determine our sector's policy directions for the coming year.

Council-submitted motions will be debated and resolved to set Local Government NSW advocacy priorities for the year ahead, while a tradeshow, workshops and training sessions are available to support delegates in Local Government NSW efforts to effectively represent their communities. The conference and registration brochures are available on the conference website: <https://lgnswconference.org.au/>

Under the *Councillor's Professional Development, Expenses and Facilities Policy*, Councillors are entitled to an annual amount of \$3,500 per year to attend conferences and seminars.

**RECOMMENDATION**

THAT Mayor Hatcher attend the LGNSW Special Conference in Sydney from 23 October to 25 October 2022

**CONSIDERATIONS**

**Policy**

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

Councillors attending training, seminars and conferences are to provide a detailed report to Council on the outcome and issues. Where there are a number of Councillors attending the same conference, a joint report is acceptable. Councillors not meeting these criteria without reasonable explanation may not receive priority or opportunities for future events.

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**GMR22/078 ATTENDANCE AT THE LGNSW ANNUAL CONFERENCE**

**S012-T00025,  
S004-T00019**

**Financial**

Councillors are allocated the annual sum of \$3,500 annually to attend conferences and/or seminars. Additional expenses associated with conferences and seminars, such as travel and accommodation, are covered in line with section 2.0 to 2.4 of the Councillor Professional Development, Expenses and Facilities Policy.

**CONCLUSION**

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

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**GMR22/079 SUSTAINABLE ECONOMIC GROWTH FOR REGIONAL  
AUSTRALIA (SEGRA) CONFERENCE**

**S004-T00019,  
S012-T00025**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.1 Be proactive leaders with a focus on 'community better'

Operational Plan Link: 5.2.1.4 Provide professional development opportunities for Councillors

### **EXECUTIVE SUMMARY**

The 2022 Sustainable Economic Growth for Regional Australia (SEGRA) Conferences is being held on 31 August – 2 September 2022 in Devonport, Tasmania. The conference theme is Regional Activity, Transition and Sustainability.

### **RECOMMENDATION**

1. THAT Council determine which Councillors will attend the Sustainable Economic Growth for Regional Australia (SEGRA) Conferences being held on 31 August – 2 September 2022.
2. Council representatives be reimbursed out of pocket expenses in accordance with the Councillors' Professional Development, Expenses and Facilities Policy.
3. Councillors are required to provide a written delegates report to Council following the Conference.

### **BACKGROUND**

The SEGRA conference provides an opportunity for all sections of the Australian community (rural and urban) to explore the key issues affecting regional, rural and remote Australia and be part of providing positive sustainable outcomes to ensure future prosperity.

The conference action agendas include:

1. Regions planning for and preparing, managing, responding and leading recovery from crises
2. Celebrating and supporting volunteers
3. First Nations organisations role in regional development
4. Protecting and valuing natural and built assets
5. Attracting and retaining people in your region
6. The role of regional, rural and remote Australia in renewables and ESG
7. Integration, collaboration and connectivity
8. Visitor Economy.

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**GMR22/079 SUSTAINABLE ECONOMIC GROWTH FOR REGIONAL  
AUSTRALIA (SEGRA) CONFERENCE**

**S004-T00019,  
S012-T00025**

**CONSIDERATIONS**

**Policy**

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

Councillors attending training, seminars and conferences are to provide a detailed report to Council on the outcome and issues. Where there are a number of Councillors attending the same conference, a joint report is acceptable. Councillors not meeting these criteria without reasonable explanation may not receive priority or opportunities for future events.

**Financial**

Councillors are allocated the annual sum of \$3,500 annually to attend conferences and/or seminars. Additional expenses associated with conferences and seminars, such as travel and accommodation, are covered in line with section 2.0 to 2.4 of the Councillor Professional Development, Expenses and Facilities Policy.

**CONCLUSION**

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

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**PSR22/021 DRAFT CLIMATE ACTION PLAN 2022-2032**

**S010-T00037**

Responsible Officer:	Lindsay Usher - Director, Planning and Sustainability Services
Attachments:	<ol style="list-style-type: none"><li>1. Annexure - Climate Action Plan 2022-2032 - consolidated feedback</li><li>2. Under Separate Cover - Draft Eurobodalla Climate Action Plan 2022-2032</li><li>3. Under Separate Cover - Summary - Draft Climate Action Plan 2022-2032</li></ol>
Outcome:	1 Our sustainable shire celebrates our natural environment and outdoor lifestyles
Focus Area:	1.3 Respond to our changing climate and natural hazards
Delivery Program Link:	1.3.1 Improve Eurobodalla's resilience to the effects of man-made climate change through the implementation of the Climate Action Plan
Operational Plan Link:	1.3.1.3 Facilitate a Climate Change Advisory Group

### **EXECUTIVE SUMMARY**

This report seeks Council's adoption of the 2022-2032 Draft Climate Action Plan (CAP) that was exhibited for four weeks in March and April 2022. The report presents the public submissions on the draft CAP, changes made to the draft CAP in response to these submissions and recommends the adoption of the CAP.

The draft CAP is the next iteration to progress the Eurobodalla's response to mitigating climate change and adapting to its impacts. It sets out some longer-term ambitions for reducing greenhouse gas emissions and adapting to the impacts of climate change.

The draft CAP identifies actions that Council can take to further reduce its own carbon footprint and make its operations and service delivery for the community more resilient to the impacts of climate change. It also identifies how Council support households and businesses across Eurobodalla to reduce their greenhouse gas (GHG) emissions and build climate resilience.

There were 56 proposed actions in the draft CAP which are either Council actions (39) or Council actions to assist business and the community (17). These are also linked to timeframes such as ongoing, short (1-2 years), medium (3-5 years) or long-term (5+ years). Importantly, there are actions that will require further work and may seem ambitious - they may assist with a framework for consideration against environmental, social, financial and governance factors.

A range of internal and external stakeholders were involved in developing the draft CAP. Public exhibition of the draft CAP resulted in Council receiving a total of 47 written submissions. This included submissions from 32 community members and 15 community groups.

Feedback has been incorporated into the draft CAP where appropriate and has also been used to refine the actions in the draft CAP. This has included six changes to existing actions and the addition of two new actions. An additional chapter has also been added to the draft CAP titled 'Community consultation and engagement' (page 27 in the attached draft CAP) which highlights the significant contribution of the submissions received, along with the engagement that was undertaken during the development of the draft CAP.



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**PSR22/021 DRAFT CLIMATE ACTION PLAN 2022-2032**

**S010-T00037**

Of the submissions received, 44 were supportive of the draft CAP and three opposed and were sceptical of the science. There was united support for implementing actions that can deliver cost savings to Council and support the community.

Two submissions were received from NSW Forestry and Department of Primary Industries correcting and opposing some of the information and the action in the draft CAP related to forestry.

Overall, minor changes have been made to the draft CAP and there are recommendations for eight changes to the actions, including the two new actions (Attachment 1).

**RECOMMENDATION**

THAT Council:

1. Receive and note the feedback provided during the public exhibition of the draft 2022-2032 Climate Action Plan and write to those who made a submission thanking them for their input and advising of the outcome
2. Adopt the 2022-2032 Climate Action Plan, as attached to the Report titled 'Eurobodalla Climate Action Reduction Plan 2022-2032'.

**BACKGROUND**

Council has had a Climate Action Plan (previously Greenhouse Action Plan and Emissions Reduction Plan) since 2007, and this is the third review and fourth iteration of Council's plan towards climate mitigation and adaptation.

The current Emissions Reduction Plan (ERP) 2017-2021 has been reviewed and is the revised draft document titled 'Eurobodalla Climate Action Plan 2022-2032' (CAP).

At the Council meeting of 8 March 2022 (PSR22/001), it was resolved that:

- 1. The draft Climate Action Plan 2022-23 (CAP) be endorsed by Council for a 28-day period of public exhibition, during which submissions may be made to Council;*
- 2. A further report detailing the results of the public exhibition period, any submissions received, recommendations for improvements and a final CAP be presented to Council at the conclusion of the exhibition period.*

The draft CAP was placed on public exhibition for 28 days in March/April 2022 and received a total of 47 written submissions. This included submissions from 32 community members and 15 community groups.

A report summarising the submissions received, and the way these have been responded to in the final version of the draft CAP, is included as an Appendix for reference. The amended draft Eurobodalla Climate Action Plan 2022-2032 is also attached for Council endorsement (Attachment 2).

A summary of the draft CAP is also included as an additional attachment to this report (Attachment 3).

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**PSR22/021 DRAFT CLIMATE ACTION PLAN 2022-2032**

**S010-T00037**

**CONSIDERATIONS**

The draft CAP is an ambitious ten-year plan encompassing both Council and the community. There is focus on Council actions and how Council will support the community and businesses to reduce their footprint and move to a more sustainable Eurobodalla.

There are ten sectors identified in the draft CAP:

1. electricity supply and use
2. integrated transport
3. built environment
4. waste
5. water supply and wastewater treatment
6. ecosystems and biodiversity
7. agriculture and livestock
8. regional economy
9. natural hazards
10. adaptive, responsive Council.

There are divergent views in some aspects of the draft CAP, and these have been considered along with the economic, social, environmental, and financial impacts of implementing actions, and the implications if we fail to take actions.

The policies, science and technologies surrounding the draft CAP actions will be changing and the draft Plan endeavours to recognise this. The draft CAP is a living document enabling review, updates and additions when required.

The annual reporting to Council on the climate actions will ensure there is accountability and transparency to the community.

Importantly, the implementation of the draft CAP 2022 -2032 will be influenced and impacted by:

- Australian and NSW Government emission targets and associated policies
- provision of sufficient financial resources from the NSW Government to support local government to address climate change
- Council resourcing and capacity
- ability to secure external grant funding
- partnership programs with community, business, universities, and other stakeholders
- new, changing and improved technology
- change in the climate scenarios data.

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**PSR22/021 DRAFT CLIMATE ACTION PLAN 2022-2032**

**S010-T00037**

**Legal**

The draft CAP has been based on outcomes of the climate change risk assessment completed in 2020. The climate change risk assessment and planning:

- identifies and assesses the risks that climate change poses to local government operations (including staff, assets, and services)
- prioritises risks that require further action as a basis for decision-making and planning
- familiarises Council staff with the local climate change risks and normalises the concept of climate change adaptation across all areas of Council decision-making.

**Policy**

The draft CAP is a ten-year plan which will link and be coordinated with the Delivery and Operational Plans of Council.

The draft CAP will be influenced by the NSW Government's commitment to a net zero by 2050 strategy and adopted target of 50% reduction in emissions by 2030, compared with 2005 levels as part of its Net Zero Plan Stage 1: 2020-2030 (NSW Government 2021).

The adopted CAP would be reported against annually and consideration of a review should be undertaken when new actions are identified, or there is a change in the climate scenarios data that impacts the CAP.

**Environmental**

The draft CAP will help deliver emission reductions and improved environmental management resulting in a positive environmental outcome by helping to minimise the impacts of climate change. There are also proposed actions that will protect and expand areas for biodiversity and ecosystems.

The submissions from Forestry Corporation NSW and the Department of Primary Industries have been considered and there are recommended changes in the text of the draft CAP. There is no change to Action 6.6: advocate to NSW and Australian Governments to protect key sites (such as voluntary acquisition schemes or other mechanisms like biodiversity or carbon offsets, and consideration of reducing commercial logging of native forests).

**Asset**

Assets require consideration of climate change to ensure their longevity and performance.

**Social Impact**

Climate change is a significant consideration for our community and for future generations. The impacts are being felt locally, particularly through recent natural disasters, which are predicted to increase in intensity and number. The long-term impacts of climate change may also affect our community in multiple ways, in particular the most vulnerable such as the elderly, disabled, Aboriginal people and the very young.

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**PSR22/021 DRAFT CLIMATE ACTION PLAN 2022-2032**

**S010-T00037**

Whilst there were some submissions that opposed the draft CAP, the majority were in favour and sought a more ambitious plan from Council.

**Economic Development Employment Potential**

The draft CAP will also aim to foster economic growth in a sustainable manner with consideration of climate change. There are opportunities to attract investment and target new and emerging technologies and employment sectors based on the requirements and changes, as evident in the energy sector, electric vehicles market, changing technologies and infrastructure to both mitigate and adapt to climate changes. This may also see an increasing diversification in the region's economy and being well placed to navigate and embrace these changes will assist our economy and social wellbeing.

**Financial**

Business cases for all projects from the draft CAP would be prioritised and evaluated before they are approved for implementation. Projects with an attractive payback period and positive rate of return should be prioritised, along with ones that significantly reduce CO2 emissions or achieve the adaptation objectives.

Actions that cannot be funded within existing budgets will be reviewed annually and budgeted, subject to review and determination by Council. Additional grant opportunities will also be sought for projects.

The ability to implement actions in the draft CAP are dependent on:

- NSW and Australian Government emission targets, policies, and resources to support local government
- Council resourcing and capacity
- ability to secure external grant funding
- partnership programs with community, business, universities, and other stakeholders.

**Community and Stakeholder Engagement**

A range of internal and external stakeholders have been engaged in the development of the draft CAP over the past two years. This has included:

- internal review with the Council's Sustainability Matrix Group (a cross-Council staff working group)
- internal assessment of climate change risk for Council by Statewide Mutual
- formation of the external Climate Change Working Group (eight submissions to the draft CAP were received from participants in this group)
- presentations to three Council advisory committees

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**PSR22/021 DRAFT CLIMATE ACTION PLAN 2022-2032**

**S010-T00037**

- youth forum workshop
- online webinars
- media releases
- information on Council's website, along with media releases and other promotions on Council's platforms

During the exhibition period, the opportunity to make a submission about the draft CAP was promoted as follows:

- Media release: 9 March 2022, distributed to all local and regional media and published on Council's website in news section
- Council Noticeboard in the local newspapers
- Council News: article in March 2022 edition (email newsletter to ~3,000 subscribers)
- Facebook posts: 11 March 2022 and 1 April 2022, reached 10,924 users, 178 link clicks
- Instagram posts
- Council's website: homepage slider inviting submissions, linking to public exhibition page
- Councillor Catch-up: Moruya, Wednesday 6 April 2022
- emails sent to:
  - all members of the working group
  - high schools
  - chambers of commerce
  - contacts across the organisation.

A diverse range of people provided submissions and 15 groups made submissions on behalf of:

1. The Climate Factory
2. Biomedical Honey Search
3. Carroll College Rosellas
4. The Southcoast Health and Sustainability Alliance (SHASA)
5. 350 Eurobodalla
6. Broulee Mossy Point Dunecare

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**PSR22/021 DRAFT CLIMATE ACTION PLAN 2022-2032**

**S010-T00037**

7. Broulee Mossy Point Community Association
8. Broulee Developments
9. Ke Loha Constructions Pty Ltd
10. Eurobodalla Landcare Network
11. South Durras Landcare
12. Nature Coast Marine Group Inc.
13. Tilba Environment Landcarers
14. SAGE NSW Inc.
15. A Better Eurobodalla (ABE).

All writers of the submissions were thanked for their submission and efforts and notified of the Council meeting presenting the revised draft CAP.

**General comments received on the Plan:**

- Of the 47 submissions received 44 were supportive of the draft CAP and provided constructive feedback.
- Three submissions were sceptical of the science of climate change and critical of Council actions on this issue.
- There were 11 submissions complimentary of the draft CAP and Council actions to date and in developing the new Plan.
- There was united support for implementing actions that can deliver cost savings to Council.
- The majority of the suggestions are covered by the existing draft CAP actions.
- The potential for more inclusion on local food production and food security.
- Requests to be more ambitious and more specific actions.
- To develop key performance indicators.

Many of the submissions received are comprehensive and there are over 400 suggestions that have been summarised and amalgamated into the ten sectors, as outlined in Table 1 below.

The details of the submissions are in the Appendix, which summarises the submissions and shows how they have been considered. The full submissions have been provided to councillors.

PSR22/021 DRAFT CLIMATE ACTION PLAN 2022-2032

S010-T00037

**Table 1 -Summary of suggestions and changes to the CAP**

Sector	Total number of suggestions	Summary of suggestions	Recommended changes to the actions
Electricity supply and use	14	4	No changes.
Integrated transport	21	6	<b>Change Action 2.3:</b> to ongoing and short-term timeframe.  The Pathway Strategy is planned to be reviewed in 2022-2023 and the implementation is ongoing.
Built environment	98	13	No changes.
Waste	21	5	No changes.
Water supply and wastewater treatment	13	4	No changes.
Ecosystems and biodiversity	48	15	<b>Change Action 6.8:</b> the timeframe change from medium to short-term and ongoing.  <b>Change Action 6.8:</b> add to work with Aboriginal groups to undertake and advocate further cultural burning.  <b>Change Action 6.8:</b> to include the symbol for natural hazards.  <b>Change Action 6.5:</b> add the marine environment.
Agriculture and livestock	34	12	<b>New Action 7.3:</b> advocate and support local food production and aquaculture.
Regional economy	10	5	No changes.
Natural hazards	30	15	<b>Change Action 9.2:</b> timeframe from medium-term to short-term and ongoing.
Adaptive, responsive Council	129	23	<b>New Action 10.9:</b> support education programs associated with energy, waste, water, and climate resilience.
General comments	16	3	No changes.
TOTALS	434	105	

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**PSR22/021 DRAFT CLIMATE ACTION PLAN 2022-2032**

**S010-T00037**

The feedback has been incorporated into the draft CAP where practical and information updates are included in the draft CAP. There have been eight recommended changes to the actions inclusive of two new actions.

**Recommended amendments to the draft CAP:**

1. Change Action 2.3 timeframe: further promote active, inclusive transport, by implementation and review of 'Council's Pathways Strategy 2017' from medium-term (3-5 years) timeframe to ongoing and short-term (1-2 years). The review of the Plan is due to commence in 2022-23 and the implementation is ongoing.
2. Change Action 6.8, timeframe and add symbol. Current action is to undertake and advocate further cultural burning and other fire techniques to manage natural areas in collaboration with other stakeholders where appropriate, in three areas to:
  - 2.1 change action: by adding; to work with Aboriginal groups. Action reads work with Aboriginal groups to undertake and advocate further cultural burning and other fire techniques to manage natural areas in collaboration with stakeholders where appropriate
  - 2.2 change the timeframe from medium-term (3-5 years) to short-term (1-2 years)
  - 2.3 add the natural hazard symbol.
3. Change Action 6.5: by adding the marine environment. Current action is continue to support Landcare and natural resource management programs (inclusive of invasive species) on private and public tenure and change to:  
continue to support the marine environment, Landcare and natural resource management programs (inclusive of invasive species) on private and public tenure.
4. Add new Action 7.3: advocate and support local food production and aquaculture.
5. Change Action 9.2 timeframe: continue to update flood studies and floodplain risk management studies as required and consider developing a Flood Management Code across Eurobodalla (to apply consistent flood controls and advice).  
Change the timeframe from medium-term (3-5 years) to short-term (1-2 years) and ongoing.
6. Add new Action 10.9: support education programs associated with energy, waste, water, and climate resilience.

**CONCLUSION**

The draft CAP 2022-2032 has been developed with input from internal and external stakeholders as well as members of the community. The feedback and submissions received showed strong support for Council to continue implementing climate adaptation and mitigation actions for both Council operations and to support our community and businesses.

It is recommended that Council now adopt the draft Eurobodalla Climate Action Plan 2022-2032.



## Annexure: Climate Action Plan 2022-2032 – consolidated feedback

Sector: 1. Electricity supply and use	
Summary of submission suggestions (#)	How the suggestions will be considered
Council should be investigating and implementing programs that support communities with access to solar panels, batteries, microgrids, and rebates related to energy efficiency (9).	<p>This is in the Climate Action Plan where Council will support:</p> <ul style="list-style-type: none"> <li>• the community with tools and initiatives to assist with informed choices about renewable energy (Action 1.4)</li> <li>• advocate to the NSW Government for sustainability upgrade financing mechanisms (Action 1.5), and</li> <li>• improved energy efficiency of social housing and vulnerable communities (Action 1.6).</li> </ul>
Alternative energy supply systems eg, tidal, biofuel, should be investigated and invested in (3).	Council will be seeking an alternative energy supply for facilities not already part of the renewable energy Power Purchase Agreement (Action 1.1) and will work with other community groups and experts to develop alternative energy projects through the Climate Change Advisory Group (Action 10.8).
Council should also be replacing small petrol-powered machinery with battery power, eg, whipper snippers, lawn mowers, chainsaws, power tools etc, (1).	Council will continue to lower energy usage through a range of opportunities (Action 1.2), including through operations, tools, and equipment upgrades.
Self-reliance and localised renewable power sources should be established to support communities (1).	<p>There is no action specific to developing localised power sources and Council is not an energy provider, however, Council will:</p> <ul style="list-style-type: none"> <li>• support renewable energy options (Action 1.4)</li> <li>• facilitate the update of the Eurobodalla Local Emergency Management Plan 2019 (Action 9.5), and</li> <li>• advocate to the NSW and Australian Governments for support to improve disaster preparedness and resilience (Action 9.6).</li> </ul> <p>Council is also supporting the feasibility study into microgrids being undertaken by the Australian National University and partners such as the Southcoast Health and Sustainability Alliance (SHASA).</p>

<b>Sector: 2. Integrated transport</b>	
Summary of submission suggestions (#)	How the suggestions will be considered
<p>Improve and expand cycleways and bike paths to reduce reliance on vehicle use, including upgrade of cycleways on the highway and between major centres and smaller towns (7).</p> <p>Council's Pathways Strategy is not adequate, and it should be reviewed in the short-term (not a medium-term priority) (6).</p>	<p><b>Change Action 2.3:</b> to ongoing and short-term from medium-term timeframe.</p> <p>The implementation is long term and ongoing. The review will be short-term due to commence in 2022/2023. Council will continue to promote active transport, inclusive transport, by implementation and review of Council's Pathways Strategy 2017 (Action 2.3). Note the implementation is also dependent on securing grant funding.</p>
<p>Encourage public transport by supporting changes to traffic operations and public transport opportunities (2).</p>	<p>Public transport is primarily the function of the NSW Government and private companies. Council will continue to advocate.</p>
<p>Transition to EV for Council's fleet should be faster ie, short-term (1).</p>	<p>Council will develop (short-term) and implement (medium-term) an Electric Vehicle Strategy (Actions 2.1 and 2.2) for Council operations where appropriate, recognising that EVs may not be suitable in some applications.</p> <p>The EV implementation will commence as soon as practical and will be constrained by financial opportunities, NSW and Australian policies and incentives.</p> <p>The large number of vehicles and different operations across Council means 5+ years is realistic for the Council operations to transition.</p>

Sector: 2. Integrated transport	
Summary of submission suggestions (#)	How the suggestions will be considered
<p>Council should establish EV charging infrastructure to facilitate a community shift to EVs (2).</p>	<p>Council has, and will continue, to advocate to the NSW and Australian Governments for support for EVs (Action 2.5).</p> <p>Council is working with community and businesses on EV charging infrastructure across the Eurobodalla on public and private lands. The NSW Government has a number of grant opportunities available, and Council and the community will continue to work together to secure funds as they become available.</p> <p>EVs are installed at the Bay Pavilions in partnership with NRMA, and Council has grant submissions for additional charging stations across the Eurobodalla and has supported business with grants also.</p>
<p>It is recommended that the Eurobodalla Shire Council has a contact person to provide advice for businesses on electric cars (1).</p>	<p>Council has a dedicated Sustainability Supervisor, supported by other areas of Council (Education Officers, Economic Development Officer, Communications Team) who can assist with provision of advice to businesses and residents.</p> <p><b>New Action 10.9:</b> support education programs associated with energy, waste, water, and climate resilience.</p>
<p>Issues raised with the design of main roads for safety and lack of pedestrian crossings in towns (2).</p>	<p>The Princes Highway and Kings Highway are the jurisdiction of the NSW Government. Council continues to advocate for further improvements.</p>

Sector: 3. Built environment	
Summary of submission suggestions (#)	How the suggestions will be considered
<p>Offsetting should be the last resort and allowed only after every attempt to avoid or minimise the impact (9).</p>	<p>Council is required to adhere to the NSW legislation and further education is also recommended from the NSW Government and local governments on the legislative framework, and competing and at times conflicting, objectives of legislation related to offsetting.</p> <p>Council will deliver Action 5.2 of the Eurobodalla Local Strategic Planning Statement <a href="#">Eurobodalla-Local-Strategic-Planning-Statement.pdf (nsw.gov.au)</a> – to review the Local Environmental Plan (LEP) and Development Control Plans (DCPs) to provide guidelines for developers, designers, and development assessors to avoid, minimise and offset the impacts of development consistently, efficiently, and effectively.</p>
<p>Council needs stronger controls on subdivision design to ensure they are more sustainable and consider the impacts of climate change (9).</p> <p>Four of these submissions suggested Council should adopt similar sustainable subdivision tools and sustainability measures developed by the Council Alliance for a Sustainable Built Environment (CASBE) referenced in the CAP.</p>	<p>Council to facilitate improvements in the design of residential and commercial buildings, and the urban form (new subdivisions) that integrate sustainability and climate resilience (Action 3.3).</p> <p>Councils are also limited in the extent that they can enforce greater sustainability measures in buildings given the presence of NSW and Australian legislative requirements, ie, BASIX and the National Construction Code (NCC). Additionally, there are conflicting objectives between bushfire management and biodiversity which are legislated by the NSW Government.</p> <p>Council has a Development Control Plan (DCP) for residential development which is guided by legislation set by the NSW Government. The Eurobodalla Local Strategic Planning Statement (LSPS) sets out a 20-year vision for land-use planning in the region and includes an action to review the DCP in the medium-term.</p> <p>Council will investigate opportunities to apply the CASBE guidelines in the review of the DCP.</p>

Sector: 3. Built environment	
Summary of submission suggestions (#)	How the suggestions will be considered
<p>Council needs to improve the sustainability standards for houses through updating the DCP, advocacy to the NSW Government and education and support of alternative housing design, including building materials (23).</p>	<p>As above, the Development Control Plans (DCPs) will be reviewed as a requirement of the LSPS. Additionally, Council will incorporate the suggestions to deliver the following actions:</p> <ul style="list-style-type: none"> <li>• advocate to the NSW Government to upgrade existing sustainability requirements for new buildings and significant upgrades, ie, to strengthen existing BASIX standards (submission was made by Council in 2022 to the NSW Government about higher standards), and to introduce a measure for extreme heat scenarios (Action 3.1)</li> <li>• advocate to the Australian Government and national bodies to improve the National Construction Code (ie, raise energy efficiency standards and integrate new standards related to acute heat risks) (Action 3.2)</li> <li>• build awareness and capacity about sustainable design (energy performance), particularly among developers, homeowners, and builders, for instance by: forums; design guides; workshops, and specialist advice services (Action 3.7)</li> <li>• advocate to the NSW and Australian Governments to support older housing stocks to improve energy efficiency, climate resilience and sustainability (Action 3.8)</li> <li>• education programs and workshops with landholders on sustainable building designs and promoting local sustainable housing case studies within resourcing and funding capacity.</li> </ul>

Sector: 3. Built environment	
Summary of submission suggestions (#)	How the suggestions will be considered
<p>Ensure open spaces (including streets, carparks, and playgrounds) incorporate plantings for shade and other opportunities for cooling as a preference to artificial shade (13), and these areas are managed by qualified horticultural staff (1).</p> <p>Update the Recreation and Open Space Strategy (ROSS) to reflect this.</p>	<p>Council will deliver these suggestions through design and implementation of programs for plantings and/or artificial shading of strategic urban streetscapes, Council carparks and playgrounds (Action 3.6).</p> <p>These actions are to be included in the update of the Recreation and Open Space Strategy where appropriate, and implementation is based on funding.</p>
<p>Consider a Living Infrastructure/Green Infrastructure Plan for selection of materials with reduced heat scores (1).</p>	<p>Material selection will be incorporated into the current actions:</p> <ul style="list-style-type: none"> <li>• Council will lead by example to showcase better building design and construction when undertaking works on facilities and new buildings (ie, incorporating performance standards for key sustainability criteria, use of sustainable materials and piloting new ideas where feasible) (Action 3.4), and</li> <li>• build awareness and capacity about sustainable design (energy performance), particularly among developers, homeowners, and builders, for instance by: <ul style="list-style-type: none"> <li>○ forums</li> <li>○ design guides</li> <li>○ workshops, and</li> <li>○ specialist advice service (Action 3.7).</li> </ul> </li> </ul>
<p>The plan should include a Tree Strategy to ensure a healthy urban environment and guidance on canopy targets, suitable species, and climate-friendly planting designs (6).</p>	<p>Council will design and implement programs for:</p> <ul style="list-style-type: none"> <li>• plantings and/or artificial shading of strategic urban streetscapes, carparks, and playgrounds (Action 3.6), and</li> <li>• build awareness and capacity about sustainable design (energy performance), particularly among developers, homeowners, and builders, for instance by: <ul style="list-style-type: none"> <li>○ forums</li> <li>○ design guides</li> </ul> </li> </ul>

Sector: 3. Built environment	
Summary of submission suggestions (#)	How the suggestions will be considered
	<ul style="list-style-type: none"> <li>○ workshops, and</li> <li>○ specialist advice service (Action 3.7).</li> </ul> <p>Council is currently trialing verge gardens and aims to develop Verge Garden Guidelines, which will consider appropriate areas allowing residents to plant in the street verges.</p> <p>Council is developing the Eurobodalla Biodiversity Strategy (Action 6.1) that will include identification of opportunities to improve biodiversity outcomes in urban areas where appropriate. Actions will be identified and prioritised in consultation with the community and other key stakeholders.</p> <p>An action, such as a strategy or policy, to establish trees and vegetation in our existing areas and future subdivisions, will be given due consideration as part of this process.</p>
<p>Implement Water Sensitive Urban Design (WSUD) to ensure landscapes are watered passively and stormwater slowed or captured for urban cooling, recreation, and aesthetics (5).</p>	<p>Water Sensitive Urban Design (WSUD) is included in the existing Infrastructure Design Standards (IDS), and all new subdivisions are required to address water quality with WSUD being one of the options. The IDS will need to be updated if it is proposed to make WSUD mandatory.</p> <p>Council will review the Local Environment Plan (LEP) and Development Control Plan (DCP) in relation to environmental and water-sensitive urban design practices, as required in Action 6.1 in the Eurobodalla Local Strategic Planning Statement 2020-2040.</p>
<p>Planning for development needs to incorporate climate change risk, including bushfires, floods, coastal hazards (10).</p>	<p>Climate change is considered in Council’s coastal management programs, the Local Environment Plan (LEP), and all development is in accordance with the relevant hazard studies, flood studies and sea level rise projections. Planning is in accordance with the NSW legislation and requires multiple considerations as outlined</p>

<b>Sector: 3. Built environment</b>	
<b>Summary of submission suggestions (#)</b>	<b>How the suggestions will be considered</b>
	<p>in the <i>Environmental Planning and Assessment Act 1979</i> (objects of Act s1.3).</p> <p>Bushfire legislation is regulated by the Rural Fire Service (RFS) and regularly updated to align with new climate change risk data.</p> <p>Development must consider the economic, environmental, and social considerations in decision-making, and is underpinned by strategic planning instruments from a State, region, and local level, which identifies land-use and zonings permissible within an area.</p>
Council should review the Local Environment Plan (LEP)/Settlement Strategy in relation to climate risk (11).	Climate risk is already considered in the LEP and the Eurobodalla Settlement Strategy and will be further considered in future reviews.
CMP/Sea Level Rise Strategy should include protection of land for expansion of saltmarsh and mangroves, including acquisition of property at risk and installation of marine-life, friendly protection measures (5).	<p>Coastal management programs provide recommendations for protection of land for expansion of estuarine environments (saltmarsh and mangroves) and installation of marine-life, friendly protection measures.</p> <p>Council does not have the resources to consider acquisition of land, and this would be managed by the NSW Government and would potentially focus on voluntary acquisition in the first instance.</p>
Provide staff training on evaluating good design (2).	Council has qualified staff and engage independent experts when required. Urban designers have been engaged to develop urban design controls for Batemans Bay, and it is hoped that some of these controls can be transposed to other situations within the Eurobodalla and further develop staff skills in evaluating good design.



<b>Sector: 3. Built environment</b>	
<b>Summary of submission suggestions (#)</b>	<b>How the suggestions will be considered</b>
Develop and implement a strategic plan for our community's housing security and implement emergency housing in the short-term (1).	A Eurobodalla Housing Strategy is being developed and is not required as an action in the Climate Action Plan.
In weighing up putting developments on agricultural land, better consideration of all factors, including the effects of climate change (2).	Climate risk and the protection of agricultural land is already considered in the Eurobodalla Settlement Strategy and will be further considered in future reviews.

<b>Sector: 4. Waste</b>	
<b>Summary of submission suggestions (#)</b>	<b>How the suggestions will be considered</b>
Review the Eurobodalla Waste Strategy and incorporate an organics recycling program like FOGO (4).	<p>Council has previously investigated FOGO and found this was unviable at the time in the Eurobodalla due to cost, space and resourcing requirements and data from other councils about contamination. It will be considered again through the review of the Waste Strategy (Action 4.2), along with other options for diverting food organics from landfill (Action 4.4). This includes community and business education, as required through the NSW Government Waste and Sustainable Materials Strategy 2041, which mandates the collection of food organics (FOGO) by 2030.</p> <p>Council currently undertakes green waste programs to prevent this material from landfill.</p>
Eliminate single-use plastic and non-biodegradable plastics (2) and assist business.	<p>Council has actively supported reduction of single-use plastic (Action 4.4) and waste diversion programs.</p> <p>Council is currently delivering the We Care Program supporting local businesses to transition to sustainable products in place of single-use plastics. The NSW Government ban on some single-use plastics will commence from July 2022 and further reduce single-use plastics from the environment.</p>
Council should be capturing methane from landfills to generate energy (6).	<p>Council will continue to investigate options for methane capture and reuse where viable (Action 4.1). The feasibility, to date, has not enabled the methane to be converted to electricity usage.</p> <p>Council currently captures and flares methane at Surf Beach Waste Facility which significantly reduces carbon emissions.</p>
Resource recovery and circular economy should be considered as essential elements in addressing climate change, and Council should expand waste diversion operations at landfill sites, including more tip shops at each facility (6).	<p>Council will continue to implement waste diversion, resource recovery and circular economy programs that reduce the volume of waste going to landfill (Action 4.4).</p>

Sector: 4. Waste	
Summary of submission suggestions (#)	How the suggestions will be considered
	<p>Council has buyback shops at each facility to divert waste from landfill. Future planned upgrades at Surf Beach and Brou Waste Facilities will consider improvements to the buyback shop.</p> <p>Review of the Waste Strategy (Action 4.2) will also consider appropriate programs.</p>
<p>Council should promote and educate the community about opportunities to reduce consumption and seek goods and services which have less waste impact (3).</p>	<p>Council will continue to implement waste diversion programs that reduce the volume of waste going to landfill (Action 4.4), and provide education on reduce, reuse, and recycle.</p> <p>Council also works with the Canberra Regional Joint Organisation to deliver waste education programs across the south-east region.</p>

<b>Sector: 5. Water supply and wastewater treatment</b>	
<b>Summary of submission suggestions (#)</b>	<b>How the suggestions will be considered</b>
Introduce a rainwater tank requirement for all new developments, and support/rebates for residents who install water storage tanks at existing properties (7).	Rainwater tanks are a mandatory requirement for new residential developments through BASIX. Council previously offered a rainwater tank rebate, however the uptake by residents was low. Council will investigate the feasibility and cost of reinstating this rebate/subsidy along with other water-efficiency programs (Action 5.5).
Increase water storage and supply infrastructure, including booster pumps with backup power supply to ensure supply is maintained during emergency events and drought (2).	<p>Council will increase water security through construction and utilisation of the southern water supply storage (Action 5.1). The Southern Storage Dam significantly increases Council’s water security by providing an additional 3,000ml of water storage (an increase of 61.2% on existing storage volumes). This water will be drawn from the Tuross River which diversifies Council’s source water supply (increasing resilience) and utilises the increased volumetric flows of the Tuross River (compared to the Deua River).</p> <p>Temporary backup power supply (generator) is provided at critical points (Northern Water Treatment Plant and Deep Creek Dam) during the peak demand and highest power outage period (summer) to manage the risk of lengthy power outages.</p> <p>Permanent backup power supply is investigated during the design/construction of new critical infrastructure and critical infrastructure upgrades, to determine cost/benefit to Council and the community.</p>
Encourage people to stop using bottled water by promoting the safety and quality of mains and tank water supplies (2).	Council will continue to conduct water efficiency programs (Action 5.5) which have previously included a 'Tap Water Please' campaign to encourage reusable drink bottles and installation of water refill stations.

**Sector: 5. Water supply and wastewater treatment**

**Summary of submission suggestions (#)**

Monitor waterways regularly for pollutants associated with climate change, logging, and mining, and ensure mechanisms are in place eg, buffers to prevent run-off (2).

**How the suggestions will be considered**

Council undertakes an Estuary Health and Water Quality Monitoring Program and Beachwatch Program in the Eurobodalla within budgetary and resource constraints.

Council does not undertake monitoring of logging or mining, and this is the jurisdiction of the NSW Government.

<b>Sector: 6. Ecosystems and biodiversity</b>	
<b>Summary of submission suggestions (#)</b>	<b>How the suggestions will be considered</b>
<p>Protect natural resources through reduced land clearing and better protection for threatened ecosystems and biodiversity (10).</p>	<p>Development and implementation of the Biodiversity Strategy (Action 6.1 and 6.2) will aid in strategic protection of biodiversity and give improved direction for approvals for land clearing. Bio-certification of priority land release areas (Action 3.5) will achieve better protection of high value areas.</p> <p>Support for Landcare and natural resource management programs will continue (Action 6.5) and advocacy to the NSW and Australian Governments for better protection of natural assets will be undertaken (Action 6.6 and 6.7).</p> <p>Note: Land clearing is permissible based on NSW Government legislation, and there are competing priorities for development vs protecting the natural environment vs bushfire regulations vs infrastructure requirements.</p>
<p>Council should advocate to end native forest logging in the Eurobodalla and consider options for plantation forests (12).</p>	<p>Supported by Action 6.6, Council can advocate to the NSW and Australian Governments to protect key sites (.....and consideration of reducing commercial logging of native forests).</p> <p>Council is also facilitating workshops on native forestry logging in accordance with a Notice of Motion (NOM22/005) dated 12 April 2022 to seek agency, community, and businesses views.</p> <p>Note: Forestry activities are the jurisdiction of the NSW Government.</p>
<p>Information related to native forestry logging is not technically correct and inclusion of additional information from NSW Forestry (2).</p>	<p>Amendments completed:</p> <p>Page 13: under 'Australian Government role' - removed reference to native forest logging as the Australian Government does not subsidise the activity.</p> <p>Page 23: removed reference to native forest logging in the last paragraph as it is debated that it is a source of GHG - land clearing remains.</p>

Sector: 6. Ecosystems and biodiversity	
Summary of submission suggestions (#)	How the suggestions will be considered
	<p>Page 27, Table 3.3a: in high impact on GHG - changed native forest logging to native vegetation clearing.</p> <p>Annex 6: Ecosystems and biodiversity, native forestry logging section - updated - removed references from ZeroSE2021 as document is not peer reviewed and the NRC report as this is not endorsed by the NSW Government at this time.</p> <p>Reference to ceasing native forest logging remains in the Eurobodalla youth on climate change - page 12.</p> <p>Action 6.6: advocate to the NSW and Australian Governments to protect key sites (such as voluntary acquisition schemes or other mechanisms like biodiversity or carbon offsets, and consideration of reducing commercial logging of native forests) remains.</p> <p>Councillor workshops to consider agency and community views on native forest logging (8 and 22 June 2022).</p>
<p>Improve forest management for bushfire protection within a buffer zone between residential and forested areas (3).</p>	<p>Bushfire risk management activities and the Eurobodalla Bush Fire Management Committee are managed by the Rural Fire Service (RFS), and the relevant legislation. The RFS will direct Council and other land managers to mitigate bushfire risk as required.</p> <p>Council will undertake and advocate cultural burning and other fire techniques to manage natural areas in collaboration with other stakeholders where appropriate (Action 6.8).</p>
<p>Removal of biodiversity overlays from the LEP - they should be replaced (4).</p>	<p>Council reviews all development applications according to the latest vegetation mapping data supplied by the NSW Government. The former Terrestrial Biodiversity Map referred to, continues to be used by Council. While it has been repealed from the Eurobodalla LEP, the same considerations apply through the Eurobodalla Development Control Plans (DCPs). This mapping layer is now referred to as 'Native</p>

Sector: 6. Ecosystems and biodiversity	
Summary of submission suggestions (#)	How the suggestions will be considered
	<p>Vegetation Map,' available to view on Council's public GIS land-mapping tool.</p> <p>Council also considers other NSW Government biodiversity mapping, such as the Biodiversity Values Map.</p>
Road management needs to integrate biodiversity/ecosystem outcomes (2).	Council will continue to improve the understanding and integration of biodiversity objectives within Council operations (Action 6.4). Council already undertakes detailed reviews of environmental factors to assess the impacts of the removal of vegetation when undertaking road upgrades. The Council Natural Resource Management and Infrastructure Teams are working on strategies to improve biodiversity outcomes when new roads or existing roads undergo works.
Develop conservation management plans for iconic endangered species that will guide future development as well as Council works (1).	<p>The key legislation that identifies and protects threatened species, populations and ecological communities in NSW is the <i>Biodiversity Conservation Act 2016</i>, and its Regulation.</p> <p>Council will develop a Eurobodalla Biodiversity Strategy identifying high conservation areas and wildlife connectivity on public and private lands and mechanisms to protect biodiversity (Action 6.1), which includes identification of iconic species. Potential actions for threat mitigation, recovery, and activities to assist these species will be considered as part of this process.</p>
Protect biodiversity from the impacts of major infrastructure projects eg, Moruya Bypass (1).	<p>The principal legislation for the approval of major infrastructure proposals, such as the Moruya Bypass, is covered under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act).</p> <p>Council is not the applicant or the approval authority for this project. A detailed environmental impact assessment will be undertaken for this project, giving consideration to all relevant environmental legislation.</p>



Sector: 6. Ecosystems and biodiversity	
Summary of submission suggestions (#)	How the suggestions will be considered
	The key legislation used to assess potential biodiversity impacts of this project is the <i>Biodiversity Conservation Act 2016</i> .
Advocate and seek long-term protection of inter-tidal ecosystems (1).	Council will advocate and seek long-term protection of inter-tidal ecosystems to permit landward migration through the NSW Coastal Management Programs (Action 6.3).
Support Landcare work and utilise the knowledge of Landcare for local land-use history and environment (2).	Council will continue to support and consult via the Eurobodalla Landcare Network and associated groups on natural resource management programs (inclusive of invasive species) on private and public tenure (Action 6.5). From 2022/23 there is the proposed permanent staff resource (0.6) for a Natural Resource Officer (Landcare), and additionally grants will continue to be sought.  Council consults with groups of the Eurobodalla Landcare Network when required. Further information from groups is always welcome
Update the Broulee Biobanking Agreement (1).	The Bengello Biobank site (conservation offset area) was established as part of the biodiversity certification process for the Broulee area. This process involved a detailed ecological assessment. The Biobank site has been established as an in-perpetuity agreement administered by the NSW Biodiversity Conservation Trust. An update to this agreement is not required or proposed.
Cultural burning and other fire management techniques should be implemented as a short-term, not a medium-term goal (1).	<b>Change Action 6.8:</b> the timeframe will be changed from medium to short-term and ongoing – to undertake and advocate further cultural burning.
Investigate the benefits which a Biosphere Reserve under UNESCO guidelines might provide to the Eurobodalla (2).	Previous investigations have been undertaken and it was determined not feasible due to the complexities of the criteria required to obtain the listing. Council welcomes further investigation be undertaken by Tilba Landcare Group and advice can be provided to Council.
Marine environment actions should be included in this sector (6).	<b>Change Action 6.5:</b> add the marine environment.

Sector: 6. Ecosystems and biodiversity	
Summary of submission suggestions (#)	How the suggestions will be considered
	<p>Continue to support Landcare, natural resource management programs (inclusive of invasive species), and marine ecosystem protection projects on private and public tenure.</p> <p>Council's Open Coastal Management Program (CMP) covers the coastal environment area along Eurobodalla's coastline (excluding areas under NSW National Parks management), and will contain management actions for weed control, revegetation, bank stabilisation, threatened species protection and more.</p> <p>Actions relating to wetlands and the marine environment such as mangrove and seagrass management, are supported through coastal management programs.</p> <p>While Council manages land-based activities and access to our waterways, Crown Lands, Batemans Marine Park, National Parks and Department of Fisheries have a primary role in management over much of the marine environment itself.</p> <p>Council works with NSW agencies to deliver partnership projects in the marine environment that align with the NSW Marine Estate Management Strategy.</p>
<p>Local biodiversity and land management knowledge the Aboriginal community brings is considerable. 'Gaps' in health that remain for Aboriginal people mean they are more vulnerable to the effects of climate change (1).</p>	<p><b>Change Action 6.8:</b> add to work with Aboriginal groups.</p> <p>Work in partnership with Aboriginal groups to gain land management knowledge and undertake and advocate further cultural burning and other fire techniques to manage natural areas in collaboration with other stakeholders, where appropriate.</p>
<p>Asbestos removal lands should be tested for residual materials and monitored for impact on microorganisms (1).</p>	<p>The land manager is responsible for contaminated land cleanups and remediation work, and this is regulated by NSW Government legislation.</p>

<b>Sector: 6. Ecosystems and biodiversity</b>	
<b>Summary of submission suggestions (#)</b>	<b>How the suggestions will be considered</b>
Develop methods of sequestration, reuse, and capture in tandem with mitigation strategies, restoring and minimising damage rather than only mitigating it (1).	Opportunities for mitigation and adaptation occur across a range of sectors and Council will encourage research institutions to undertake local projects.
Support for development and implementation of a Biodiversity Strategy (1).	Council will develop and implement the Eurobodalla Biodiversity Strategy identifying high conservation areas and wildlife connectivity on public and private lands and mechanisms to protect biodiversity (Action 6.1 and 6.2).
Support for the Sector 6: Ecosystems and biodiversity actions (3), and suggestion to increase weeds budgets.	Section 6 actions will remain. Additionally, funding for invasive species management will be sought through grants, and consideration of additional funds would be required to go through Council budget processes.
Prepare management plans for Council bushland reserves so they are protected and managed as biodiversity habitat and carbon stores, and management of reserves is undertaken by contractors (2).	<p>Council has a bushland management program, including a prioritisation process in place for protecting and enhancing bushland reserves.</p> <p>Bushland management is undertaken by private contractors tendered through Council's Bushland Management Services Panel. This work will continue (Action 6.5) to support Landcare and NRM programs (inclusive of invasive species) on private and public tenure with resource and funding capacity. Additionally, review of the Plan of Management for natural areas is to be undertaken.</p> <p>Council also needs to continue maintenance of asset protection zones to mitigate bushfire risk in accordance with the Far South Coast Bushfire Risk Management Plan.</p>
<p>Council should support the community to plant native gardens and street verges by providing free native plants.</p> <p>New development should be required to plant native species (2).</p>	Council currently delivers a long running program of promoting native gardens and free plants for property owners through the Bush-

Sector: 6. Ecosystems and biodiversity	
Summary of submission suggestions (#)	How the suggestions will be considered
	<p>Friendly Garden Program. The program includes community plant swap events and sustainable garden audits.</p> <p>The Eurobodalla Botanic Garden hosts indigenous plant species.</p> <p>Council will design and implement programs for plantings and/or artificial shading of strategic urban streetscapes, Council carparks and playgrounds (Action 3.6).</p>

Sector: 7. Agriculture and livestock	
Summary of submission suggestions (#)	How the suggestions will be considered
Advocate and support aquaculture enterprises (4).	<p><b>New Action 7.3:</b> advocate and support local food production and aquaculture.</p> <p>Aquaculture is recognised and actioned in the Economic Development Strategy 2019-28 – ‘Grow our rural food producers and aquaculture industries’.</p>
Exclude livestock and waste from agricultural practices from entering waterways and provide education. (3)	<p>The primary agency for working with farmers is the Southeast Local Land Services who actively encourage fencing stock from waterways.</p> <p>Council will continue to support Landcare and NRM programs on private and public tenure (Action 6.5).</p> <p>Council currently works with Local Land Services and other agencies to deliver grant-funded riparian protection projects. Excluding stock from waterways is a high priority through these programs as is education.</p>
Grants for local food producers wanting to start new enterprises (1).	Council can advocate for the NSW and Australian Government’s grant support to assist local food production.
Better consideration of climate for livestock industry - allow local slaughter and encourage people to buy local meat (2).	Local Land Services is the NSW Government agency that are to support rural enterprises. The provisions for slaughter of livestock and licence requirements are the jurisdiction of NSW Department of Primary Industries, Food Authority, where meat is for sale. The Local Environment Plan also allows for this to occur in certain zones.
Clearer and more definite commitment to reducing methane from livestock (1).	Local Land Services is the NSW Government agency that are to support rural enterprises. Council can continue to advocate and work with the NSW agencies to support programs (Action 7.2).
Encourage 'intensified cell grazing' (livestock grazed more intensively in smaller areas for shorter time periods) (1).	Local Land Services is the NSW Government agency that are to support rural enterprises. Council can continue to advocate and work with the NSW agencies to support programs (Action 7.2).

Sector: 7. Agriculture and livestock	
Summary of submission suggestions (#)	How the suggestions will be considered
Consideration of likely impact of the changing marine environment on the aquaculture industry (1).	Climate change considerations are recognised in the sector 'Ecosystems and biodiversity'.
<p>Include a section on food security in the Plan (6).</p> <p>Council needs to recognise the centralised food distribution system is increasingly vulnerable due to the risks from climate change.</p>	<p>Food security and local production are identified actions in the Economic Development Strategy 2019-28 – 'Grow our rural food producers and aquaculture industries'.</p> <p>When the Strategy is reviewed (Action 8.1) further consideration will be integrated to consider climate resilience.</p>
Encourage and support local food production (8), including local producers, growers, and community organisations - with legislative and financial support.	<p><b>New Action 7.3:</b> advocate and support local food production and aquaculture.</p> <p>Local food production is identified as an action in the Economic Development Strategy 2019-28 – 'Grow our rural food producers and aquaculture industries'. Council currently supports Sustainable Agriculture and Gardening Eurobodalla (SAGE) through discounted fees for the markets and provision of reduced rate for land that the market gardens are located on.</p> <p>Council also supports a number of community gardens across the Eurobodalla.</p>
Learn about food security from other councils and plans (1).	Council will advocate and support local food production (Action 7.3).
Recognise and support SAGE (3), including to help resolve their financial challenges.	<p>Council will advocate and support local food production (Action 7.3) within our resource capacity.</p> <p>Council currently supports Sustainable Agriculture and Gardening Eurobodalla (SAGE) through discounted fees for the markets and provision of reduced rate for land that the market gardens are located on.</p>
Support new farmers markets (3).	Council will advocate and support local food production (Action 7.3).

Sector: 8. Regional economy	
Summary of submission suggestions (#)	How the suggestions will be considered
Be realistic about the impact of economic growth (1).	The Economic Development Strategy and Destination Action Plan future updates are to integrate climate resilience into the plan (Action 8.1).
Encourage people to shop local (1).	Council can continue to encourage people to shop locally.
Communicate with and educate businesses about climate change and the Climate Action Plan (2).	<b>New Action 10.9:</b> support education programs associated with energy, waste, water, and climate resilience.  Council's Sustainability Education Program will continue with a focus on engagement in climate change actions. Undertake education in water, waste, energy, and climate resilience.
Encourage and support the opportunities arising from the challenge of climate change (5), including training, jobs, and business opportunities in sustainability-related industries.	Council has an advocacy role across the sectors related to the Climate Action Plan. Whilst the NSW Government is responsible for TAFE training opportunities to support innovation, this may occur in Council and through support to community and business.
Expand Council's regional business development role - with responsibilities for developing marketing plans (1).	Council's Economic Development Strategy outlines the actions relevant to Council (Action 8.1).

Sector: 9. Natural hazards	
Summary of submission suggestions (#)	How the suggestions will be considered
<p>Provide somewhere for people to go in natural disasters such as fires, floods, and heatwaves (6), including opening community centres (2).</p> <p>Better fit-out evacuation centres eg, with Hepa filters, insulation, water tanks, air-conditioning, genset switches, so a generator can be plugged in, as well as independent (off-grid) power supplied by solar and battery technology.</p> <p>Apply for NSW Government funding.</p>	<p>Emergency management and response is the responsibility of the NSW Government and local government plays a support role.</p> <p>Council will assist with facilitating the update of the Eurobodalla Local Emergency Management Plan 2019 (Action 9.5) which is written by the Local Emergency Management Committee and consists of a range of agencies in emergency management.</p> <p>Council will advocate to the NSW and Australian Governments for ongoing support to improve disaster preparedness and resilience, including:</p> <ul style="list-style-type: none"> <li>• emergency management capabilities</li> <li>• evacuation centres and refuge facilities</li> <li>• resilient infrastructure, including telecommunications, energy systems and roads, and</li> <li>• ensuring local providers of crucial goods and services are able to continue operating during disaster events (Action 9.6).</li> </ul> <p>Council has been successful in receiving grant funding to upgrade back-up power readiness at our main evacuation centres. Further upgrades are reliant upon future grant opportunities however, it is important to note that grants typically require a 50% cash contribution from Council and therefore, can be limiting for projects that do not have an existing budget.</p>
<p>Help make population centres more resilient to climate change improving power, communications, water supply and heat havens (2).</p>	<p>Council will continue to work with NSW agencies, implement projects and deliver and update the Eurobodalla Infrastructure and Community Resilience Plan 2020-22 to help make population centres more resilient to climate change.</p>
<p>Be upfront with the community about the risks posed by climate change (2).</p>	<p>The impacts and risks posed by climate change are outlined on pages 3 to 7 of the CAP and in the Statewide Mutual Climate Change Risk Assessment for Eurobodalla Shire Council 2020, which is published on</p>



<b>Sector: 9. Natural hazards</b>	
Summary of submission suggestions (#)	How the suggestions will be considered
	Council's website. Updates will be provided as new information is released.
Consider alternative opportunities for refuges other than buildings eg, rainforests, waterplay areas (2).	Refuges other than buildings are valuable and practical and will be considered in advocacy to the NSW and Australian Governments for ongoing support to improve refuge facilities (Action 9.6).  NSW Health <a href="https://www.nsw.gov.au/beat-the-heat">Beat the heat (nsw.gov.au)</a> provides advice on staying cool and actions that may help.
Establish a fund for emergency management (3).	Funding for emergency services agencies is the responsibility of the NSW Government. Council contributes approximately \$1m per year in funding to the NSW Government to support the work of emergency services in NSW through the payment of an Emergency Services Levy.  Council also provides Rural Fire Service and State Emergency Services buildings and provides administrative support to the Local Emergency Management Committee. We continue to advocate to the NSW and Australian Governments for improved funding to improve disaster preparedness and resilience (Action 9.6).
Work with groups to mitigate health issues from smoke due to increased burning-off (1).	Council has a Clean Air Policy and provides information on its website. NSW Health is responsible for warnings associated with smoke. The Rural Fire Service is responsible for hazard reduction burning.
Re-write the Eurobodalla Local Emergency Management Plan in light of the 2019-20 bushfires and subsequent flooding, as well as COVID (2).	Council will assist with facilitating the update of the Eurobodalla Local Emergency Management Plan 2019 (Action 9.5), which is written by the Local Emergency Management Committee and consists of a range of agencies in emergency management. This action is to be delivered in the short-term (1-2 years)
A Flood Management Code should be developed straight away, not be merely considered, as a short-term, not medium-term objective (1).	<b>Change Action 9.2:</b> timeframe from medium-term to short-term and

Sector: 9. Natural hazards	
Summary of submission suggestions (#)	How the suggestions will be considered
	<p>ongoing.</p> <p>Council will continue to update flood studies and floodplain risk management studies as required and consider developing a Flood Management Code across Eurobodalla (to apply consistent flood controls and advice) (Action 9.2).</p> <p>These works are also funding dependent, and funding is currently being sought.</p>
<p>With NSW Government's help, set up a permanent response group to coordinate help to those in need such as evacuees seeking help with government assistance, insurance, etc, (1).</p>	<p>The NSW Government is responsible for providing funding and support to communities that have been impacted by natural disasters. For larger scale events, Council will participate in the establishment of a local Recovery Committee, as well as serving as the chair and providing administrative support.</p> <p>The local Recovery Committee brings together relevant agencies involved in recovery to coordinate activities to rebuild, restore and rehabilitate the social, built, economic and natural environments of the affected community. To assist this process, recovery centres may open to the community, providing a one-stop shop to assist disaster-affected people transition from response into clean-up and recovery.</p>
<p>The plan underestimates the impact it will have on the ocean, marine and estuarine environments, and the effect that these changes (sea level rise, storm surges, warming and acidification) will have on our built and natural environment. Similarly, actions to mitigate the effect of climate change on the marine environment are minimal.</p>	<p><b>Change Action 6.5:</b> add marine environment to action.</p> <p>Continue to support Landcare, natural resource management programs (inclusive of invasive species) and marine ecosystem protection projects on private and public tenure.</p> <p>Council's Open Coast Coastal Management Program (CMP) covers the coastal environment area along Eurobodalla's coastline (excluding areas under NSW National Parks management), and will contain management actions for weed control, revegetation, bank stabilisation, threatened species protection and more.</p> <p>Actions relating to wetlands and the marine environment such as</p>

Sector: 9. Natural hazards	
Summary of submission suggestions (#)	How the suggestions will be considered
	mangrove and seagrass management are supported through coastal management programs. While Council manages water quality and access to our waterways, Crown Lands, Batemans Marine Park and Department of Fisheries have a primary role of management over much of the marine environment itself. Council however currently works with NSW agencies to deliver partnership projects in the marine environment that align with the NSW Marine Estate Management Strategy.
Sea level rise: expand comment to include the additional issues of storm surges (1).	Coastal Management Program coastal hazard studies include the impacts of storm surges.
Develop a plan for managing coastal hazards (coastal inundation, storm surges, floods and fires), and include options for planned retreat (1).	This is an ongoing intent for all CMPs for Eurobodalla, however, note that property acquisition is expensive and requires cooperation from land holders. Realistically, property acquisition actions require significant financial support from the NSW Government.  Sea-level rise studies, coastal hazard assessments and wetland expansion studies can inform this process and are also examined through CMPs (eg, Moruya, Mummaga Wagonga CMP, Wharf Road Coastal Zone Management Plan).
Needs mention of Indigenous land management practices eg, cultural burning over hazard reduction (1).	<b>Change Action 6.8:</b> to include the symbol for natural hazards. Cultural burning is an action in Sector 6: Biodiversity and ecosystems.
Council needs to assess the increasing threats to Eurobodalla from natural hazards due to climate change, plan adaptation measures and update plans and operations as new data emerges (2).	Council will integrate climate change responses into Council plans, programs, reports as they are developed/updated (Action 10.2), and consider the impacts of climate change on Council operations and activities (Action 10.3).
Provide a fire protection zone around population centres (2).	Bushfire risk management activities are managed by the Rural Fire Service (RFS). The RFS will direct Council and other land managers to mitigate bushfire risk as required.

Sector: 10. Adaptive, responsive Council	
Summary of submission suggestions (#)	How the suggestions will be considered
Declare a climate emergency (5).	<p>A Notice of Motion went to Council on 13 August 2019 (NOM19/004) and was amended relating to a climate emergency. A declaration does not change the intent or actions contained in the Climate Action Plan and is a matter for councillors if they wish to pursue.</p> <p>Council is a member of the Cities Power Partnership and Australian Coastal Councils that collectively considers impacts of climate change and mitigation and adaptation strategies.</p>
Climate change should be considered through all Council decisions (4).	Council is to consider integration of climate change in plans, programs, and reports as they are developed and updated (Action 10.2).
Connect, share ideas, and learn from other councils (4).	Council is part of the Canberra Joint Regional Organisation, Local Government Association, Cities for Power Partnership and Australian Coastal Councils and joint programs with our neighbouring councils and agency partners. Learning from other councils, our community and experts is important in assisting Eurobodalla to implement initiatives.
Educate Council employees on climate change and ensure Environmental Teams are adequately resourced (1).	<p><b>New Action 10.9:</b> support education programs associated with energy, waste, water, and climate resilience.</p> <p>Internal education on climate change is ongoing. Resourcing is also a budgetary consideration for Council.</p>
Be positive, innovative, and more ambitious in communicating and delivering climate action activities (21).	The Eurobodalla Climate Action Plan 2022-2032 is a realistic plan. There may be opportunities to accelerate actions and be more ambitious pending funding and NSW and Australian Government's policy influencing factors and resourcing.
The plan will need to adapt and change (3).	Council will conduct annual reporting of the Plan and review and update as required (Action 10.1).

<b>Sector: 10. Adaptive, responsive Council</b>	
Summary of submission suggestions (#)	How the suggestions will be considered
Agreement on the need for a Climate Advisory Group (6).	Agreement on: facilitate a Climate Change Advisory Group (Action 10.8).
Communicate, educate, and genuinely engage with the community, including with schools to deliver the actions of the Plan (11).	Council conducts multiple education and programs with the community and schools.
Harness the knowledge, skills, and experience in the community (4).	Council is to facilitate a Climate Change Advisory Group comprising external, technical expertise (Action 10.1) that can assist Council and the community to implement the Plan.
Consult and work with local Aboriginal people (1).	Council currently consults and works with Aboriginal communities and recognises their contributions.  <b>Change Action 6.8:</b> add to work with Aboriginal groups.
Outline clear actions and key performance indicators (KPIs) and provide regular reporting (19).  Targets need to be set (7).	The Climate Action Plan's targets are: <ul style="list-style-type: none"> <li>• reduce emissions from the 2005-06 baseline by 80% by 2030</li> <li>• net zero emissions by 2040, and</li> <li>• sourcing 100% of Council's electricity from renewable energy by 2030.</li> </ul> <p>Council will also support the community to achieve the NSW Government targets to net zero by 2050 and a 50% reduction in emissions by 2030. The actions in the Plan do not have KPIs and each action has a delivery timeframe (short 1-2 years, medium 3-5 years, long term 5+ years).</p> <p>All actions are dependent on funding and therefore exact delivery details, timing and budgets are difficult to accurately present. Council will report annually against the actions and proposes to add KPIs/targets where possible and hopes to work with the Climate Advisory Group on improving this area.</p>

Sector: 10. Adaptive, responsive Council	
Summary of submission suggestions (#)	How the suggestions will be considered
Annual reporting is supported (7).	Action 10.1 identifies the action of annual reporting of the Climate Action Plan.
Make the language/actions more specific and less vague (4).	<p>An explanation about what advocate entails will be added: grant writing; submission for policy changes; support for community projects etc.</p> <p>At this stage much of Council's policy, particularly in the 'Built environment' section, is mandated by NSW legislation. 'Guidelines' and 'education' are actions Council can change and deliver more readily, while continuing to advocate for changes in NSW policy.</p>
Plan needs further work on Scope 3 emissions (indirect GHG emissions) (1) and to check data (1).	<p>Council can consider including additional information in future iterations of the CAP. There is also the opportunity to include further information on Council's website.</p> <p>Council will also review and check information and data.</p>
The Statewide Mutual Climate Risk Assessment should be in the annexure to the Plan (1).	The Statewide Mutual Climate Risk Assessment will continue to be public, and links will be provided on Council's website to the final Climate Action Plan and associated documentation.
Use decision tools such as Multicriteria Analysis, for benchmarking, funding, transparency, auditing, and fiduciary oversight (2).	<p>Council uses a range of analysis tools to assist in decision-making, including cost benefit analysis, prioritisation matrix and whole of life considerations, and will commence with circular economy criteria.</p> <p>The analysis requirements differ for different projects and activities and must also have consideration of the social, environment, financial and governance impacts.</p>
Current estimates of emissions are not the whole truth. It doesn't include embedded emissions for example (1).	Council emissions are monitored and calculated through the EPA approved method. The emission calculations include: energy; water; wastewater; landfill waste; fuel, and gas. The community emission estimates are from 'Snapshot Climate - Australian Emissions Profile'.

<b>Sector: 10. Adaptive, responsive Council</b>	
<b>Summary of submission suggestions (#)</b>	<b>How the suggestions will be considered</b>
Delivery of the CAP needs more funding. Seek grant funding and partnerships and increase recurrent Council funding for successful delivery of the CAP (10).	Council, with the Climate Advisory Group, is to seek funds/grants to support actions associated with the Climate Action Plan (Action 10.8).
Commit to a new budget line - 2.5% of total Council budget (2).	Budget considerations are made by councillors through the budget submission process.
Divest from fossil fuels (2).	Council will consider further divestment of Council's investment portfolio to fossil free funds (Action 10.4), and advocate to the NSW Government to create clear pathways and opportunities for greater divestment of fossil fuels by local councils (Action 10.5).
Transfer pricing between councils for infrastructure peak capacity to meet inter-regional tourism (ie, capturing 50,000 vehicle registrations) (1).	Council does not have the ability to change the NSW Government vehicle registrations funding model to secure additional funds associated with peak tourism.
Provide rate payers incentives for climate action (1).	Council currently offers some incentives through water, waste and energy through Council and grant-funded programs to community and business. Additional further opportunities through grants would be sought (Action 10.8)

<b>General comments</b>	
<b>Summary of submission suggestions (#)</b>	<b>How the suggestions will be considered</b>
Climate change is a myth (4).	The science of climate change has been well documented, and Council has been undertaking action to reduce emissions for over a decade and aims to continue to do so, and as aligned with the NSW and Australian Governments.
Cost of alternative energy sources and whole of life, including disposal needs to be considered (2).	Business cases should consider the circular economy, cost benefit analysis, disposal and whole of life considerations.  Additionally, the social and environmental impacts should be considered.
Complements to Council on the Plan (10).	Acknowledgements received.



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**PSR22/022 SHORTAGE OF CONCRETE STORMWATER PIPES**

**S012-T00025**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: Nil  
Outcome: 3 Our region of vibrant places and spaces  
Focus Area: 3.1 Balance development between the needs of people, place and productivity  
Delivery Program Link: 3.1.2 Provide receptive and responsive development assessment services  
Operational Plan Link: 3.1.2.1 Assess and determine development applications

**EXECUTIVE SUMMARY**

The development industry is one of many industries suffering from availability of materials. One of the key items is steel reinforced concrete pipe (RCP) for stormwater infrastructure. RCP is used in civil engineering projects such as residential subdivisions, and the delays in getting access to this product are affecting the ability of developers to bring urban lots onto the market. This also affects the ability to provide more land supply, and by default, additional housing.

The purpose of this report is to highlight the risks and advantages of using alternate product, and secondly, make an informed decision about whether to use these alternatives.

There are several different products available for use as an alternate to RCP and these include:

- fibre reinforced concrete pipes (FRC)
- glass reinforced plastic pipes (GRP)
- PVC and polypropylene (generally only for small diameter pipes, not typically for trunk drainage)
- box culverts.

This report will discuss these alternatives, including the advantages and disadvantages of each product, and make a recommendation for the conditional use of fibre reinforced concrete pipes (FRC).

This will enable works to proceed in a timely manner and provide a greater certainty to Council that these pipes are suitable for their intended use, and that the quality and overall costs will not be an adverse burden on public resources.

**RECOMMENDATION**

THAT Council permit the use of fibre reinforced concrete pipe (FRC) in urban subdivisions where, in the opinion of the Director Technical Services or Director Planning and Sustainability, the lead time to secure steel reinforced concrete pipe (RCP) would have an adverse impact on the delivery of civil works and/or residential land supply, subject to the following criteria:

- Compliance with applicable requirements of Council's IDS, ESC Civil Works Specification, Australian Rainfall and Runoff, Roads and Maritime Road Design Guidelines, Austroads

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(Guide to Traffic Management, Guide to Road Design, Guide to Road Safety), Soils and Construction – Volume 1 Rev 4th Edition Reprinted July 2006

- Fibre reinforced concrete pipe (FRC) shall only be used on local streets and not on collector or regional roads
- Fibre reinforced concrete pipe (FRC) is only acceptable for pipes less than 600mm in diameter, ie, RCP is required for 600mm diameter pipes or greater
- Fibre reinforced concrete pipe (FRC) shall be minimum Class 4
- Fibre reinforced concrete pipe (FRC) joints to be dual rubber ring with collar
- Fibre reinforced concrete pipe (FRC) support must be HS2 or HS3 type
- Design of FRC drainage pipes shall comply with the requirements of *AS 4139*
- Contractors shall provide product information, obtained from the FRC pipe manufacturer, prior to the delivery of materials to site. No pipes shall be delivered to the site until written acceptance has been obtained from Council. Information shall include:
  - the type of fibre used in the pipe
  - the test methods and values used to control the properties of the fibre
  - drawings or tabulations showing critical dimensions of the pipes and joints, including wall thickness for different classes of pipe
  - the methods of manufacture and testing
  - the type of cement used
  - the water absorption value
  - the values of C and R, as defined by *AS 4139* and amended loads, with test data (not more than two years old and for the current material formulation) establishing these values and the results of any screening evaluation performed:
    - One pipe per 100 pipes or part thereof of each size and class shall be load tested in accordance with Clause 11.1 of *AS 4139*. Load testing of nonstandard pipes ordered for specific projects shall be a witness point
    - One pipe per 50 pipes or part thereof each size and class shall be tested for internal diameter, wall thickness, pipe length, squareness of ends, and straightness in accordance with the dimension and tolerance requirements of Clause 10 of *AS 4139*.
  - with each batch of pipes delivered to the site a delivery docket shall be supplied that provides traceability to a conformance report for the batch. The delivery docket shall also state that the pipes conform to the requirements of *AS 4139*

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- At no less than monthly intervals, the contractor shall provide a conformance report issued by the FRC pipe manufacturer, confirming that the pipes supplied comply with the requirements of AS 4139, along with copies of test results as described in above for the pipes supplied.
- Once delivered to site, Council development engineers are to be given 48 hours' notice to inspect the pipes, prior to installation of the pipes.
- Amended designs will be required for review and consideration by Council where the internal diameter of the proposed product is less than 95% of the nominal internal diameter specified on the drawings for all classes of pipes.
- Due to the specific requirements for FRC pipe installation, pipe installers must demonstrate sound knowledge and experience in FRC pipe installation.
- It is the contractor's responsibility to ensure that construction methods, machinery etc, do not damage, crack or impact the pipes as they will not be accepted by Council.
- CCTV footage and report will be required prior to the carrying out of pavement sealing / wearing course to ensure construction activity has not caused any damage or non-conformance issues.
- A second CCTV inspection and report may be requested at the end of the defect's liability period.
- An additional fee of \$20 per lineal metre (which will be indexed annually to the rise and fall of the building and construction industry index) to be exhibited for a period of 28 days and a report be brought back to Council for adoption and consideration of any submissions received.

**BACKGROUND**

The construction industry has been experiencing a supply shortage of steel reinforced concrete pipes (RCP), with lead times of more than 40 weeks. This has led to an increased demand from developers, for Council to consider alternative pipe materials such as fibre reinforced concrete pipes (FRC), or glass reinforced plastic pipes (GRP).

This report aims to ensure stormwater infrastructure is designed and constructed for subdivisions and other forms of development, in a manner that does not adversely impact on Council. It is in both the developer's and community's interest that appropriate infrastructure is provided. This infrastructure needs to be designed and constructed to industry standards to ensure consistency in:

- service provision
- public safety
- reasonable development costs, and affordable ongoing maintenance and renewal costs to the community

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- acceptable environmental impacts and
- minimising potential public risk and liability from poor designs and/or construction.

**CONSIDERATIONS**

Council staff have researched the use of alternate stormwater pipe material and further discussed this with other local government engineering teams. The main risks associated with the use of alternate stormwater pipe material to the traditional steel reinforced concrete pipe are:

- risk of reduced design life and performance, and subsequent cost of replacement in the future (this may be offset by requiring additional costs to be estimated towards future replacement/relining etc, and a payment made by developers now)
- challenges with accepting lower strength/performance/design life pipes (even for a short period) until RCP supply improves
- safety risks generally for pipe failure - collapse/defects/bushfire/scour/water absorbency
- seeking advice on differences in pipe technology, design life and performance, including from manufacturers and the Concrete Pipe Association of Australia (CPAA)
- the specific environment, loading, filling of site and longitudinal gradient of pipelines.

The advantages and disadvantages of known alternatives to RCP stormwater infrastructure are detailed below.

**Steel reinforced concrete pipes (RCP)**

Typically, RCP has long been Council's preferred material for public infrastructure stormwater pipe installation. Key advantages include:

- a product life of 100 years or more
- can be re-lined, potentially extending the life by up to an additional 50 years
- gains strength over time
- does not lose stiffness
- no limit to the time the pipe can be exposed to weather before installation
- sound performance above or below water table
- does not fail through buckling or delaminating
- easy to join and install
- fire resistant.

**Fibre reinforced concrete pipes (FRC)**

Key advantages include:

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- lead time substantially less (currently 22 weeks)
- pipes are longer than conventional steel RCP, so increases installation speed
- reduced weight per metre, easier handling, and improved efficiency
- generally, the same nominal pipe diameter and strength classes (AS 3725) as RCP. If internal diameter varies, it should not be less than 95% of the nominal internal diameter specified on the drawings for all classes of pipes
- some manufacturers claim that they are designed for a 100-year service life
- can incorporate joint collar (optional) to provide a high strength connection where additional joint strength is required
- can be relined eg, full structural liner (UV cured in place).

Disadvantages include:

- actual service life likely to be 50 years (or less)
- FRC pipes are brittle and can therefore pose a higher risk of failure
- contractors may not understand the different requirements between installing an FRC pipe (semi-rigid pipe) versus an RCP (rigid pipe)
- known to have a 20% water absorbency (normally 6% for RCP) which can cause defects
- it is essential that quality support material and installation is provided. It is important not to exceed the width of the pipe trench, otherwise the forces will be more severe
- depressions left in the trench bottom below the pipe can result in damage to the pipe. Greater importance on appropriate bedding material. Local recess is required for collars so the pipe can rest evenly on the pipe barrel
- more susceptible to failure during construction (heavy machinery loads and less cover)
- careless handling can damage pipes and couplings
- need to be stored out of direct contact with sunlight to prevent the rubber from experiencing UV damage
- a source of respirable crystalline silica - only cut with appropriate masks and ventilation. Only use suitable cutting equipment capable of adequately suppressing dust.

Due to the RCP shortages, Council has also been increasingly using fibre reinforced concrete pipes (FRC) in our own projects.

Some councils have experienced defects as early as 10 years after installation. Defects include circumferential and longitudinal cracking, scour of inverts and pitting and sweating at obverts (moisture ingress from delamination of the pipes).

Fibre reinforced concrete pipe (FRC) under the Australian Standards for manufacture can have several completely different types of fibre for its reinforcement.

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**PSR22/022 SHORTAGE OF CONCRETE STORMWATER PIPES**

**S012-T00025**

From an asset management perspective, FRC has a lifespan (on paper) of 50 years, whereas RCP has an asset lifespan of 100 years. The material, handling and installation costs are lower for FRC, and so when Council installs the alternative pipe types, the shorter asset life can be offset against the lower capital cost. However, when a developer installs the alternative pipework, they get the benefit of the lower capital cost, and the public wears the cost for the shorter lifespan.

Council should therefore consider charging a fee to account for the higher maintenance costs when developers use FRC. The most straightforward way to roll out a fee would be on a per metre of pipe basis.

**Glass reinforced plastic pipes (GRP)**

GRP pipes are composite material pipes consisting of a polymer matrix that is reinforced with glass fibres. They are not typically used for stormwater applications (generally used for high pressure water, sewer, and industrial applications).

They have high corrosion resistance and are thus used widely for low-temperature corrosion-resistant applications. At the same time, the pipes can withstand high pressures. GRP pipes are slowly replacing the steel in various services like fire water services.

Known disadvantages are:

- too many unknowns about long-term durability as they have not been used in stormwater applications
- they are not fire resistant
- cannot re-line the pipes to extend product life
- Council water crews have reported handling was challenging due to fibreglass shards.

It is not recommended that Council allow the use of GRP for stormwater applications.

**Box culverts**

Council would encourage in-situ box culvert construction where RCP supply is limited, and use is appropriate given design requirements. They are more expensive than RCP pipes, however they have most of the same material advantages as RCP.

**Legal**

In accordance with 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.

**Policy**

Council's Infrastructure Design standard (IDS) nominates prescribed standards for the design of civil infrastructure associated with subdivisions. Whilst it nominates a number of different types of pipes, it is practice that public stormwater pipes are constructed from RCP.

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**PSR22/022 SHORTAGE OF CONCRETE STORMWATER PIPES**

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Should Council decide to allow the restricted use of FRC, it would not erode or otherwise affect Council's standards but allow for the continued construction of urban subdivisions, and the delivery of residential lots to the market.

**Environmental**

It is considered that there would be a minimal difference in onsite impacts associated with the use of FRC pipes in subdivision construction.

**Asset**

As discussed above, the use of FRC pipes is expected to have a lesser design life (50 years versus 100 years), and therefore to offset this potential impact on the public, a fee could be charged to cover the lesser design life and higher maintenance cost.

**Social Impact**

There are not considered to be any direct social impacts associated with this decision, however there may be indirect impacts of less residential lots being available until supply of RCP returns to normal.

**Economic Development Employment Potential**

Construction of urban subdivisions contribute to the Eurobodalla's economic development, as well as providing for additional land supply and housing. Should Council resolve to permit the limited use of FRC pipe, this would assist with the continued supply of residential lots.

**Financial**

As outlined in the discussion above under Assets, there may be an additional burden on public finances due to the potential reduction in life span of stormwater infrastructure. This may be mitigated by charging an additional fee per length of pipe for future maintenance/replacement.

**Community and Stakeholder Engagement**

There has not been any formal consultation associated with this matter. The report is in response to feedback from local developers and civil contractors about the delays in procuring product.

The content of this report has also been prepared with input by Council's Infrastructure Team, and concurrence has been obtained as to the recommended way forward.

Council staff have also discussed this topic with a number of other regional councils and gained information on their experience and response.

**CONCLUSION**

The purpose of this report is to advise Council about the supply issues associated with obtaining steel reinforced concrete pipe (RCP) and the alternatives/risks associated with these alternatives. After considering the risks, it is considered that fibre reinforced concrete pipe (FRC) can be used as an alternative subject to conditions.

Council should maintain a preference for RCP pipe and should assess each request to vary material on a case-by-case basis. Should supply of RCP improve, this should still be the preferred material.

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**PSR22/022 SHORTAGE OF CONCRETE STORMWATER PIPES**

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Council should encourage in-situ box culvert construction where RCP supply is limited, where it is considered that box culverts would be an appropriate alternative.

Fibre reinforced concrete pipe (FRC) should not be supported for works on major roads, mainly due to the reduced life, but also many other councils have experienced failures. For major roads / critical infrastructure, RCP should always be used to limit impact to Council maintenance budgets, and community disruption during replacement.

Fibre reinforced concrete pipe (FRC) may be supported for residential streets / minor infrastructure, but with conditions.



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**CAR22/010 S355 MANAGEMENT COMMITTEES**

**S012-T00025**

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

Attachments: 1. Confidential - S55 Management Committees Confidential Attachment

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.1 Acknowledge our shared responsibility through an informed community

Delivery Program Link: 5.1.2 Provide a range of opportunities for the community to be consulted and engaged, guided by the Community Engagement Strategy

Operational Plan Link: 5.1.2.1 Invite community members to participate in decision-making by providing a broad range of engagement opportunities

**EXECUTIVE SUMMARY**

Under the *Local Government Act 1993* Section 355 Council can delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community members to manage its facilities or functions through a Management Committee.

The Committees provide a mechanism by which interested persons can have an active role in the provision/ management of Council facilities or services. This provides a two-fold benefit by giving protection to the committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions.

All S355 Management Committees are managing a community facility on behalf of Council in accordance with the Local Government Act. Therefore, Committees must do so within the broad rules and regulations established by Council to ensure they meet legal and statutory requirements, comply with Council Policy and Procedures and high operating standards.

As per the S355 Community Facility Management Committee Procedures Manual, Council is required to hold public meetings within 3 months of a Local Government election, to appoint committees for the four-year term. This briefing provides details of the meetings held, includes a list of proposed community members (confidential attachment) to be endorsed by Council.

**RECOMMENDATION**

THAT Council appoint community members to S355 Management Committees, as listed in the confidential attachment.

**CONSIDERATIONS**

Council supported the renewal of its S355 committees at the ordinary council meeting held on Tuesday 22 February 2022. Councillors can attend the meetings as observers or be appointed by Council as members of these committees with voting rights. No councillors nominated for any of the s355 committees for this term.

Notices were placed in the local papers and online advertising the public meetings and the meetings have taken place for the following S355 committees:

- Broulee Tennis Management Committee

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**CAR22/010 S355 MANAGEMENT COMMITTEES**

**S012-  
T00025**

- Moruya Showground Management Committee
- Kyla Hall Management Committee
- Tuross Head Memorial Gardens Management Committee

The meetings took place in May 2022:

Broulee Tennis Club	5 people attended
Kyla Park Hall	7 people attended
Tuross Head Memorial Garden	7 people attended
Moruya Showground	5 people attended.

**Legal**

Under sections 355 and 357 of the Local Government Act, Council is able to delegate some functions to a Committee of Council. Council uses this delegation to appoint community members to manage facilities or services on its behalf through the adopted s355 Committee.

Legally, the s355 Committee is 'Council' and any actions which the s355 Committee undertakes are Council's responsibility. This provides a two-fold benefit by giving protection to the Committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions.

**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.

**CONCLUSION**

Council continues to support its S355 committees. Nominations from the community have been received for all of Council's current S355 management committees as per the requirements stated in the S355 Community Facility Management Committee Procedures Manual. A full list of new community members, as listed in the confidential attachment, has been provided for endorsement by 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.

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## 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?

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

## AGENCY ADVICE

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

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

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

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

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

- Setback* Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);
- Envelope* taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;
- Footprint* the percentage of a lot taken up by a building on a site plan.