



# **AGENDA**

**Ordinary Meeting of Council**

**26 October 2021**



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

**ON TUESDAY 26 OCTOBER 2021**

**COMMENCING AT 11.00AM**

**AGENDA**

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

**1. WELCOME**

**2. ACKNOWLEDGEMENT OF COUNTRY**

**3. APOLOGIES**

Nil

**4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

4.1 Ordinary Meeting held on 12 October 2021

**5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**

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

**Page No.**

**6. MAYORAL REPORTS**

Nil

**7. NOTICES OF MOTION**

Nil

**8. QUESTIONS ON NOTICE FROM COUNCILLORS**

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**9. PETITIONS**

Nil

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DR CATHERINE DALE  
GENERAL MANAGER

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**QON21/009      DEVELOPMENT ADJOINING LAND WEST OF TURNBULLS LANE, MORUYA**

S006-T00001

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

Attachments:            1. EEC map  
                              2. Subdivision layout

The following question on notice was received from Councillor Anthony Mayne:

**Question**

1. Is there an Endangered Ecological Community (EEC) along Turnbolls Lane?
2. How will Council address the issue of the EEC, if it does exist, and how will Council manage the public amenity of the green corridor along Turnbolls Lane?
3. Whilst the amended application now shows retention of forest red gums and other significant trees, what risk is there that these trees will be removed once development is under way to allow those house owners to enter and exit their homes, as no other option is possible, and there would be issues of trees being later removed due to the close proximity to proposed dwellings.
4. What opportunity is there for Council to work with the Developer to set aside residential development fronting Turnbolls Lane in order to preserve the green corridor rather than having a number of new house drive ways leading directly on the Turbolls Lane?
5. What efforts have been made to incorporate a bio reserve into the development, similar to Braemar Estate?
6. Is there a current Aboriginal Heritage report or what is the status of the 14 year old Aboriginal Heritage report, submitted with this application?
7. What traffic management assessment will be undertaken?
8. Who will be the determining body for the planning decision?

**Response**

*It is not clear which specific development application the Question on Notice relates to, but it is assumed that it relates to DA 0632/20 – Proposed 96 lot residential subdivision, lot 6 DP 1171646, Turnbull's Lane Moruya. The application was lodged in May 2020, has been subject to several amendments and public exhibition periods. The land is zoned R2 low density residential with two different minimum lot sizes. Land at the front of the lot (closer to Turnbull's Lane) allows for 550m2 lots and the land at the rear allows for 1500m2 lots.*

1. *In relation to Endangered Ecological Community (EEC), Council records and the application notes that there is an EEC along the road frontage and at the rear of the site. The EEC in question is Low Land Grassy Woodland. The removal of native vegetation including EEC, is regulated by the NSW Government's Biodiversity Conservation Act. A Biodiversity Development Assessment Report (BDAR) has been lodged with the application and it should be noted that the application is still under assessment. BDARs can only be prepared by an 'accredited assessor' and the accreditation process is administered by the NSW Department of Planning, Industry and Environment.*

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**QON21/009 DEVELOPMENT ADJOINING LAND WEST OF TURNBULLS LANE,  
MORUYA**

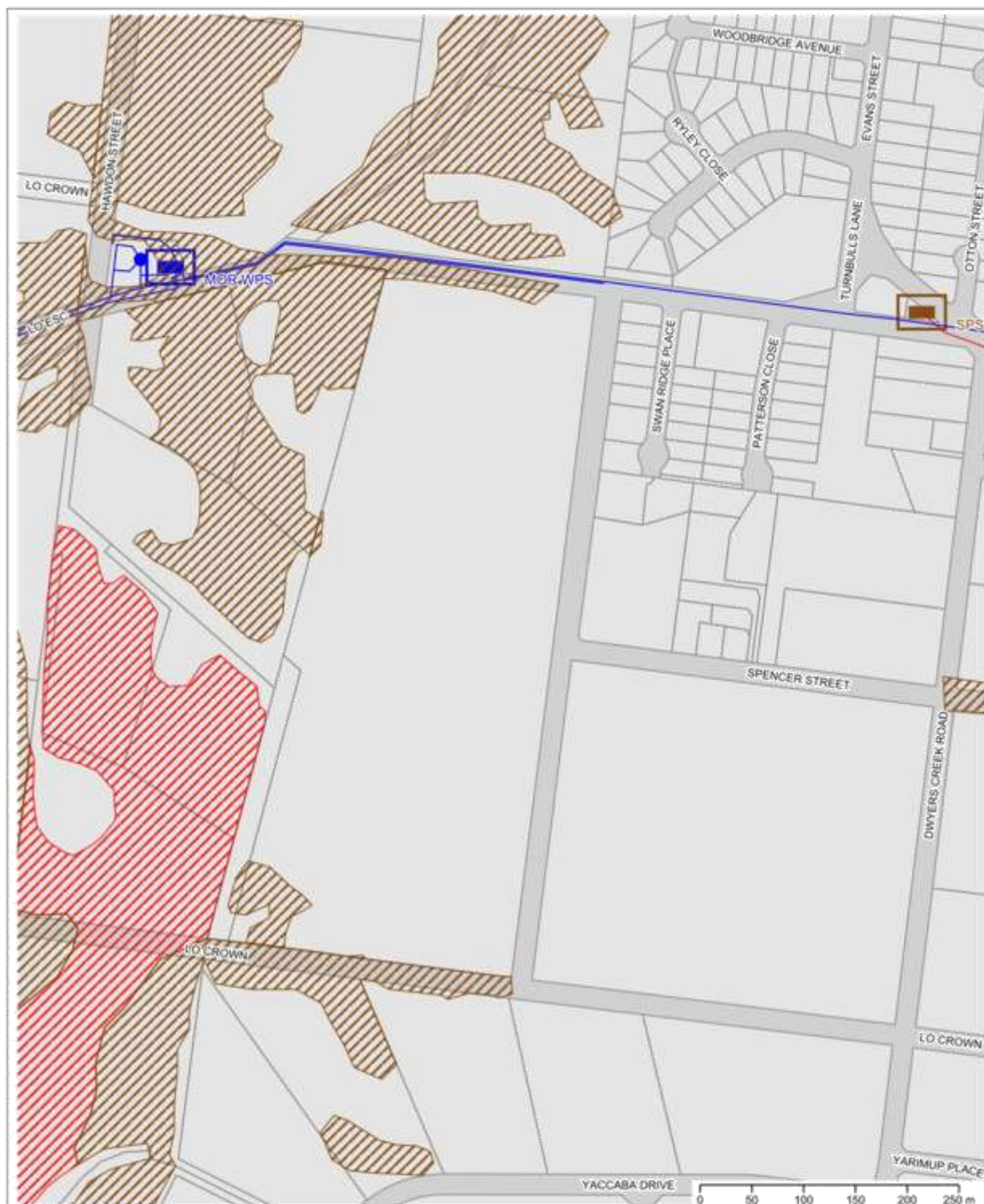
**S006-  
T00001**

*The current proposal is for the EEC at the rear to be preserved by a public reserve but for the trees along Turnbull's Lane to be removed. This has been supported by a addendum to the BDAR dated August 2021, which concluded that there would not be any significant impact on threatened species, endangered ecological communities or populations under NSW or Australian legislation. See attached extracts of Council's GIS system (showing approximate location of EEC) and current subdivision layout.*

2. *In assessing any application that includes vegetation removal, consideration of whether vegetation can be retained must be considered in relation to other aspects/requirements of the development: e.g., upgrades required to existing roads, stormwater and underground infrastructure, footpaths, bushfire risk assessment and gaining safe access to lots and/or alternative access.*
3. *Council can only consider tree removal as part of the current application. The removal of trees in the future will be considered against the current rules and policies that apply to the land. It is also important to note that a BDAR under the Biodiversity Conservation Act must consider the future use of the land and its ancillary clearing, i.e., building envelopes, Asset Protection Zone, effluent management areas, fencing, etc.*
4. *The current proposal provides for lots fronting Turnbull's Lane and this is consistent with previous development along this road. It is important to reiterate that native vegetation removal is regulated by the NSW Biodiversity Conservation Act and that Council is currently still assessing the application.*
5. *As detailed above, a proposed public reserve is a part of the current application. It is in the southwestern corner and contains EEC.*
6. *A current Cultural Heritage Assessment report was submitted with the application (it is dated April 2020) and it makes recommendations regarding Aboriginal cultural heritage. The report also notes previous reports and investigations. It is quite common for such assessments to make note of previous assessments. The report makes recommendations about avoiding some artefacts and requires that an Aboriginal Heritage Impact Permit (AHIP) be obtained for the destruction of other less significant artefacts.*
7. *A traffic assessment was provided with the application, and it has also been updated to reflect changes to the layout.*
8. *The application can be determined by Council staff under delegation.*

**RECOMMENDATION**

THAT the response to the question regarding Development Application No: 0632/20 for a 96 lot subdivision in Turnbolls Lane, Moruya raised by Councillor Anthony Mayne be received and noted.



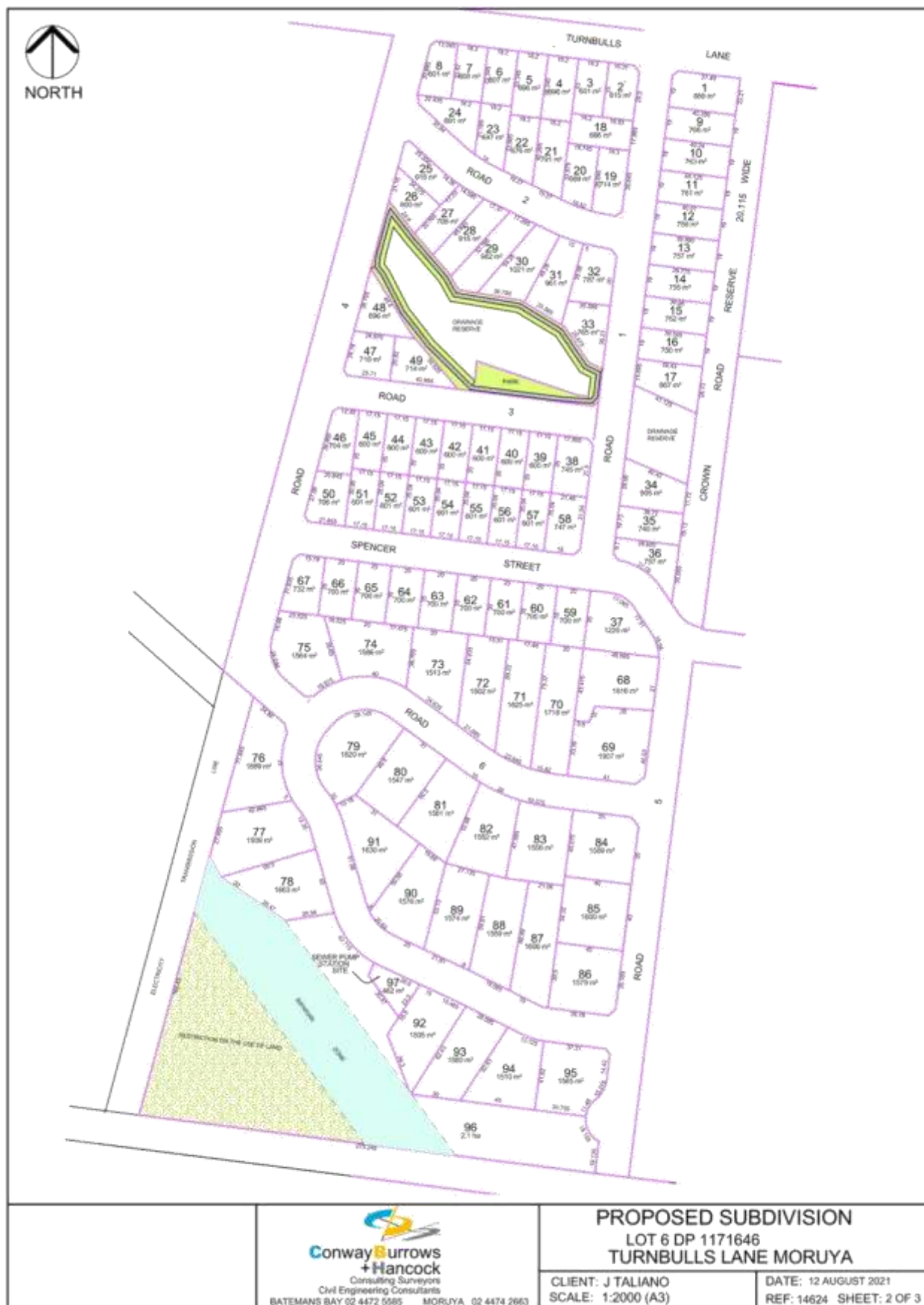
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Scale 1:5000 at A4







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**QON21/010      DALMENY LAND RELEASE AREA**

S023-T00014

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

Attachments:      Nil

The following question on notice was received from Councillor Patrick McGinlay:

**Question**

1. On what date was the contract to sell the land signed by the respective buying and selling parties?
2. What was the agreed sale price of the transaction as per the contract?
3. If Council is unwilling to publicly answer Q2, what is the reason for this refusal?
4. What is the settlement date of the transaction ie., when will Council receive the agreed amount of the sale price as per the contract of sale?
5. If Council is unwilling to publicly answer Q4, what is the reason for this refusal?
6. If Council is unwilling to publicly answer any of the foregoing questions, when will such information be made available to the public?
7. Has Council received applications for, and granted approval to the owners of this Lot or either of the two adjoining blocks of land, which are also slated for urban development, to clear trees and bush on these blocks for fencing construction or for any other purpose?

**Response**

1. *Council resolved on 13 July 2021 to proceed with the sale of a parcel of Council owned land at Dalmeny that is operational land and zoned R2 Low Density Residential.*

*The land was marketed by real estate specialists CBRE via a competitive Expression of Interest (EOI) process which closed on 15 September 2021.*

*Councillors were provided a verbal briefing on 21 September 2021 that the EOI process had concluded, that an offer had been accepted and that arrangements were progressing to exchange contracts.*

*Council signed the contract on 28 September 2021 and the purchaser signed between 22 September (when their solicitor was sent the contract) and 28 September 2021 (when Council's solicitor received a signed copy from the purchaser).*

*Councillors were again briefed on 5 October 2021 and advised that contracts had been exchanged and the property was being sold in accordance with Council's adopted Land Acquisition and Disposal Policy.*

*Council issued a media release on 6 October 2021 to inform the community that an offer had been accepted and contracts had been exchanged.*

2. *Council is not in a position to publicly disclose the price at this point.*
3. *At this point in time the property sale has not been completed, contracts have been exchanged and there are contractual matters to be completed prior to the sale being settled. Council has spoken to its solicitors who have confirmed that the sale price should not be made public as the sale transaction has not settled. Further the purchaser has*

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**QON21/010 DALMENY LAND RELEASE AREA**

**S023-T00014**

*requested that the price be kept confidential as the sale has not been finalised. Once the sale is settled then the price can be made public.*

*Councillors have been informed of the price in confidence. The price compares well with the independent valuation obtained by Council prior to going to market, to the market appraisal provided by the marketing agent and to recent comparable land sales in the area.*

4. *Settlement of the sale will not occur until a date early next year because Council is selling the part of Lot 2 DP 1151341 that is operational land. The remaining, community land part of the allotment is being subdivided off which will require survey and registration with the NSW Land Registry Services. The sale will be concluded when the allotment is registered.*
5. *As per Question 4, answered above.*
6. *See responses to above questions.*
7. *No*

**RECOMMENDATION**

THAT the response to the question regarding sale of Council owned land in the Dalmeny Land Release Area raised by Councillor Patrick McGinlay be received and noted.

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**GMR21/056 INVESTMENTS MADE AS AT 30 SEPTEMBER 2021**

**S011-T00006,  
S012-T00025**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: Nil  
Outcome: 9 Innovative and Proactive Leadership  
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations  
Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status  
Operational Plan Link: 9.2.4.2 Provide financial management and reporting

**EXECUTIVE SUMMARY**

The purpose of this report is to:

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

**RECOMMENDATION**

THAT the certification of investments as at 30 September 2021, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

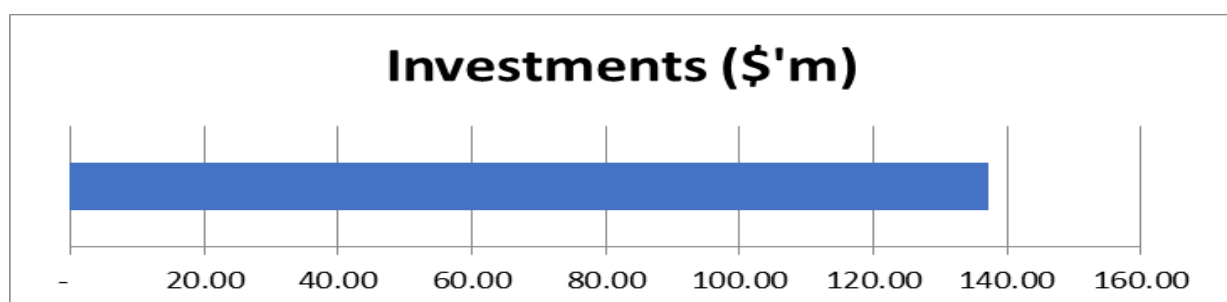
**CONSIDERATIONS**

**Policy**

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

**Financial**

Council investing overall



**GMR21/056 INVESTMENTS MADE AS AT 30 SEPTEMBER 2021**

**S011-T00006,  
S012-T00025**

Council has \$137.11M (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 \$39.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments increased by \$8.0m during September 2021 due the normal variations in timing of cash flows.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 28.81% invested in BBB+. Investment in Government guaranteed deposits is \$1.75M representing 1.28% of the portfolio.

There are \$51.0M (37.19%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 0.37%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (0.26%).

Summary investment information

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

<b>CATEGORY</b>	<b>(\$)</b>
At call deposit	12,866,675
Term deposits	122,500,000
Term deposits Government guaranteed	1,750,000
	<b>137,116,675</b>
<i>Weighted average interest %:</i>	0.37%
<i>Average 90 day BBSW + 0.25%</i>	0.26%

Policy and liquidity risk

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

<b>Policy risk</b>	<b>Low liquidity risk %</b>	<b>Total % of investments</b>	<b>Policy risk % (max holdings)</b>
<b>Remote risk</b>	1.28	1.28	100.00
<b>Near risk free</b>	69.91	69.91	100.00
<b>Some limited risk (BBB+)</b>	28.81	28.81	30.00
<b>Grand total</b>	<b>100.00</b>	<b>100.00</b>	

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**GMR21/056 INVESTMENTS MADE AS AT 30 SEPTEMBER 2021**

**S011-T00006,  
S012-T00025**

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the unaudited unrestricted current ratio as at 30 June 2021 is 2.39:1. Council therefore has approximately \$2.39 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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**GMR21/057 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
SEPTEMBER 2021**

**S011-  
T00003**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - September Quarterly Budget Review

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

### **EXECUTIVE SUMMARY**

This Budget Review reports on Council's performance against the current Operational Plan budget for the quarter ending 30 September 2021. Major variations are highlighted.

The original Operational Plan budget, on a consolidated basis (which includes all of Council's funds), for 2021-22 forecasts were:

- Income Statement deficit, before capital revenue, of \$1.40 million
- Income Statement surplus, after capital revenue, of \$33.61 million
- Increase of \$7.64 million in unrestricted funds.

The proposed revised budgets after the quarter ending 30 September 2021 are:

- Income Statement deficit, before capital revenue, of \$4.55 million
- Income Statement surplus, after capital revenue, of \$62.82 million
- Increase of \$5.00 million in unrestricted funds.

The proposed revised, consolidated 2021-22 budget is impacted by the carry forward of ongoing projects from the 2020-21 year. This is primarily due to the timing of grants received and ongoing capital works. Further detail is provided in this report.

The result of bringing these projects from last financial year into the 2021-22 year is:

- Unfavourable income statement impact of \$3.24 million before capital revenue
- Use of \$3.70 million of unrestricted funds.

The current year, September Review, adjustments result in a favourable variation for the income statement, before capital revenues, of \$0.09 million and a decrease in the amount of unrestricted funds to be used of \$1.06 million as per the Consolidated Fund Flow Statement.

There are no material concerns at the quarterly review about Council meeting budget targets for 2021-22.

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**GMR21/057 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
SEPTEMBER 2021**

**S011-  
T00003**

**RECOMMENDATION**

THAT;

1. The budget review report for the quarter ended 30 September 2021 be received and noted.
2. The favourable variation to the Income Statement after capital revenue of \$29.21 million and unfavourable variation to the Consolidated Fund Flow Statement of \$2.64 million be adopted.

**BACKGROUND**

Council reviews its performance and financial results against the adopted Operational Plan quarterly, authorises adjustments to budget items, and highlights variations from its original budget strategy.

It should be noted that the results referred to in this report are unaudited.

**The attachments to this report are as follows:**

**Financial reports (Attachment 1)**

These reports provide information on Council's performance against its financial objectives contained in the Operational Plan, presented for the consolidated entity.

Financial reports include:

- a) Consolidated Fund Flow Statement – This report shows the impact of operating, financing and investing activities on Council's unrestricted working capital.
- b) Consolidated Income Statement – Provides sources of income and expenditure, including depreciation, per Council service areas.
- c) Consolidated Capital Program Statement – Provides capital expenditure information for each program area and associated services.
- d) Projected Funds Balance Statement – Provides information on the movements in both unrestricted and restricted fund accounts.
- e) Budget Amendment Report – Provides details of proposed significant adjustments to budgets.
- f) SRV capital program – Provides capital expenditure information for each of the projects in the SRV program of works for 2021-22.

**Consultancy, Legals and Contractors Report (Attachment 2)**

This attachment provides information on major contracts entered into, legal fees incurred and consultancy costs for the quarter ended 30 September 2021.

**Key Financial Indicators (Attachment 3)**

This attachment provides information about key financial indicators designed to assist in monitoring Council's financial sustainability. The indicators are for the consolidated entity.



**GMR21/057 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
SEPTEMBER 2021**

**S011-  
T00003**

**Mayoral and Councillor Expenses (Attachment 4)**

Provides information about Mayoral and Councillor expenditure for the quarter ended 30 September 2021.

**CONSIDERATIONS**

**Consolidated Fund flow Statement (Attachment 1(a)):**

Council requires sufficient funds to pay for its debts as and when they fall due. The Fund Flow Statement shows the change in Council's freely available funds or working capital.

It includes all transactions having an impact on Council's funds i.e. income and expenses from its operating activities, capital program and borrowing activities. It also includes the transfer into or use of restricted funds for capital or non-recurrent projects. Depreciation is not included as it does not represent a cash flow.

The net fund flow shows the amount of unrestricted funds that will be used to deliver the agreed Operational Plan outcomes for 2021-22. The consolidated original budget forecast a \$7.64 million increase to unrestricted funds. The impact of proposed carry forward items from last financial year and the September 2021 quarterly review amendments result in a projected increase to unrestricted funds of \$5.00 million for 2021-22. See table 1.1 and graph 1.1 below.

*Table 1.1 Net Increase (decrease) in unrestricted funds, per fund, \$'000*

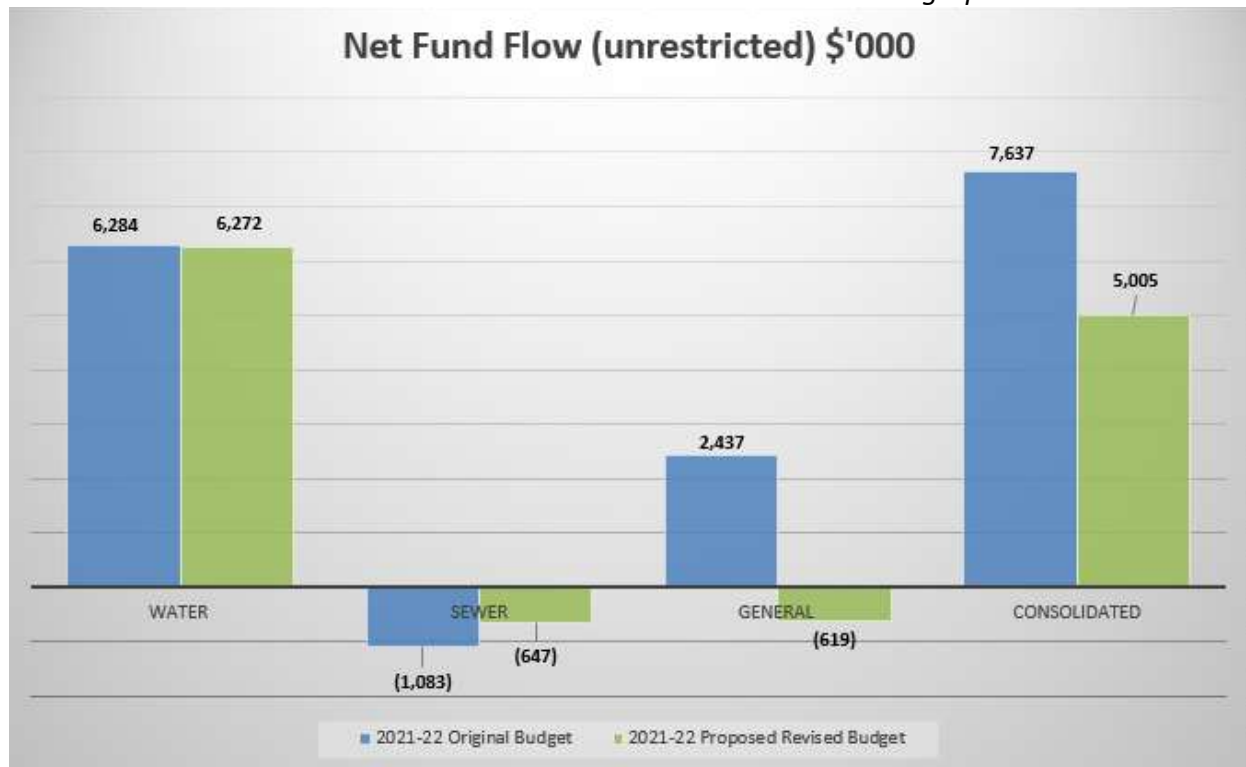
<b>Fund</b>	<b>2021-22 Original Budget</b>	<b>Proposed Carry Overs</b>	<b>Proposed Adjustments</b>	<b>2021-22 Proposed Revised Budget</b>
Water	6,284	0	(11)	6,272
Sewer	(1,083)	(124)	559	(647)
Waste	2,418	(1,182)	0	1,236
Environment	33	88	100	221
General	(14)	(2,484)	421	(2,076)
<b>Consolidated</b>	<b>7,637</b>	<b>(3,702)</b>	<b>1,069</b>	<b>5,005</b>

**GMR21/057 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
SEPTEMBER 2021**

**S011-  
T00003**

*Graph 1.1 Net fund flow (unrestricted)*

*Note that General Fund includes Waste and Environment Funds in this graph.*



**Consolidated Income Statement (Attachment 1(b)):**

The Consolidated Income Statement shows the types of income, and expenditure per council service areas. This result can indicate whether Council is able to raise sufficient revenue to cover the operational cost (including depreciation which measures the wear and tear of Council assets) of delivering services to the community before considering its capital revenue.

The result can be impacted by the timing of project funding, where funds are received in a different year to the expenditure taking place.

The proposed revised budget, incorporating the carry forward items from 2020-21 and September Review adjustments is a deficit of \$4.55 million before capital revenues (per table 1.2 and graph 1.2 below).

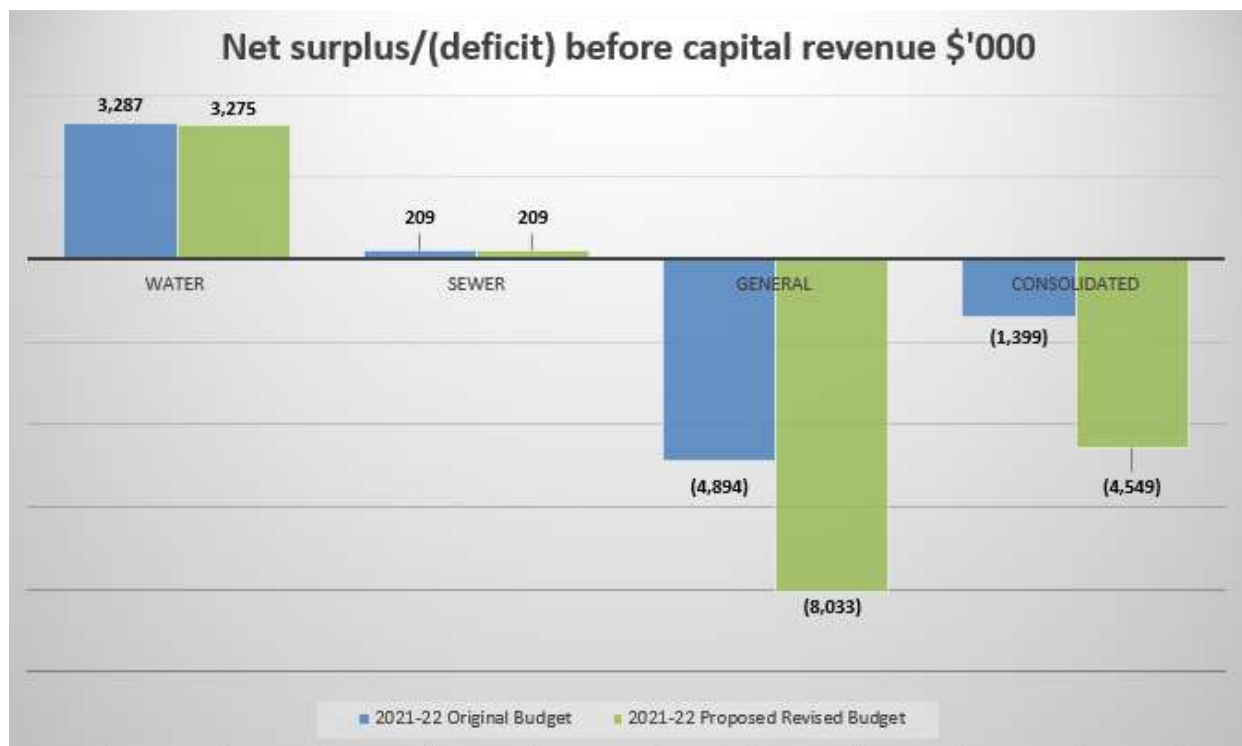
*Table 1.2 Net Surplus/ (deficit) before capital revenue, \$'000*

Fund	2021-22 Original Budget	Proposed Carry Overs	Proposed Adjustments	2021-22 Proposed Revised Budget
Water	3,287	0	(11)	3,275
Sewer	209	0	0	209
General	(4,894)	(3,237)	99	(8,033)
Consolidated	(1,399)	(3,237)	87	(4,549)

**GMR21/057 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
SEPTEMBER 2021**

**S011-  
T00003**

*Graph 1.2 Net surplus/ (deficit) before capital revenue*



**Carry overs (operational)**

The operating result has been impacted by the proposed carry forward of ongoing projects from the 2020-21 financial year. The result of bringing these projects from last financial year into the 2021-22 is an unfavorable income statement impact of \$3.24 million before capital revenue. The majority of projects carried forward into 2021-22 were funded by grants and contributions received in prior years with associated works to continue across financial years.

Significant carried forward operational items, predominately from grants, include:

- \$1.3m Environmental Management works including Bushfire affected Waterways Programs to be introduced across multiple years
- \$1.0m Community Care & Children's Services programming
- \$0.6m Strategic Planning work including Light up the Bay & Coastal Flood management works
- \$0.55 million Corporate & Community Leadership – includes Resilience funding for Bushfire Recovery support services
- \$0.5m Community Development, Library & Cultural Services
- \$0.5m Business Development – Light up the Bay
- \$0.5m Youth Services

**GMR21/057 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
SEPTEMBER 2021**

**S011-  
T00003**

- \$0.2m ERGB Horticulturalist & Airport Resilience plan
- various other funded programs across Council

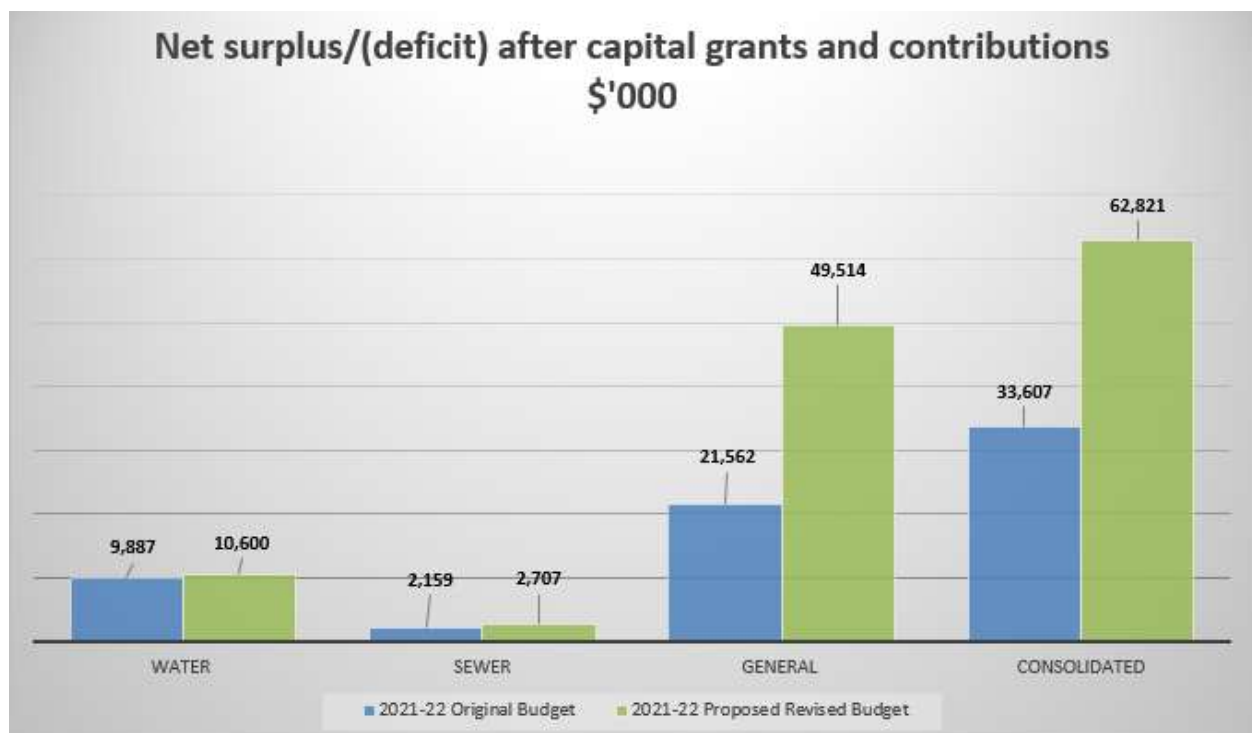
**September Review adjustments (operational)**

The proposed September Review adjustments to the originally adopted Operational Plan budget for 2020-21 result in a small favourable variation of \$0.09 million to the operating result before capital.

*Table 1.3 Net surplus/(deficit) after capital revenue, \$'000*

Fund	2021-22 Original Budget	Proposed Carry Overs	Proposed Adjustments	2021-22 Proposed Revised Budget
Water	9,887	725	(11)	10,600
Sewer	2,159	108	441	2,707
General	21,562	24,506	3,446	49,514
<b>Consolidated</b>	<b>33,607</b>	<b>25,338</b>	<b>3,876</b>	<b>62,821</b>

*Graph 1.3 Net surplus/(deficit) after capital revenue*



**GMR21/057 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
SEPTEMBER 2021**

**S011-  
T00003**

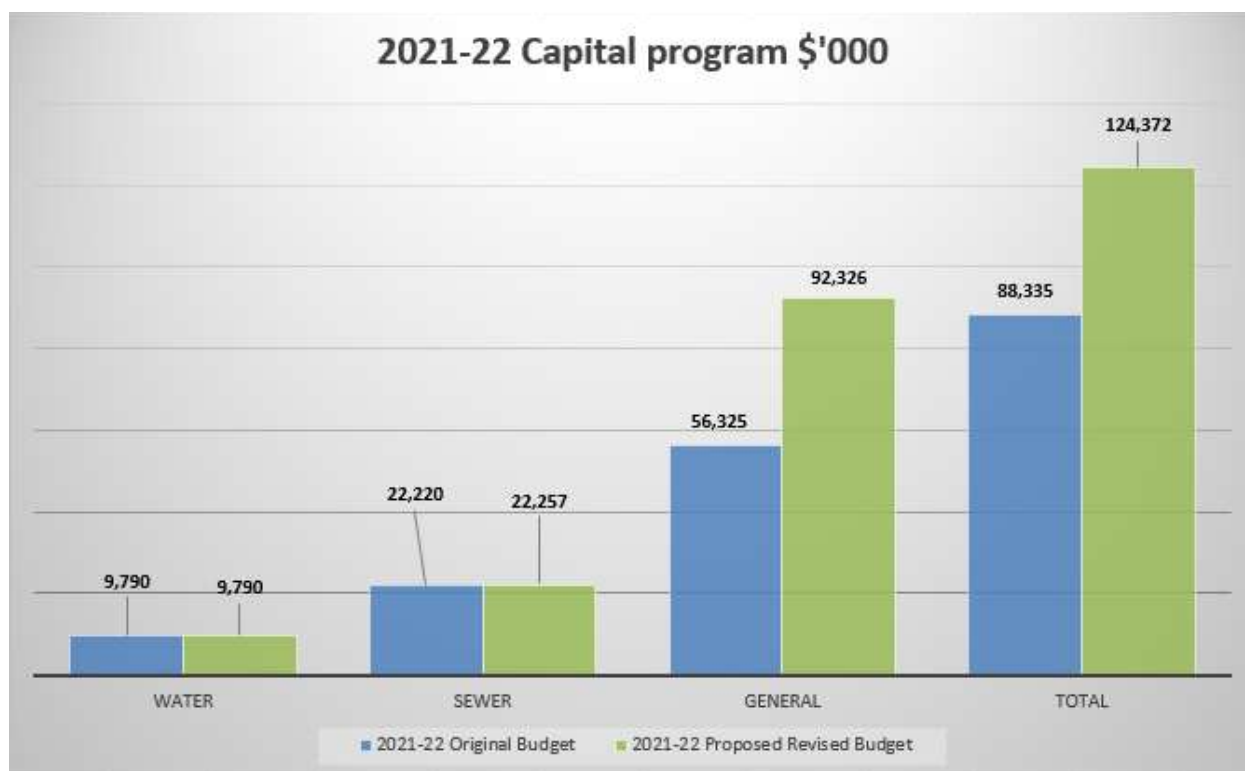
**Consolidated Capital Program Statement (Attachment 1(c)):**

**Capital Program**

The original capital expenditure budget for 2021-22 was \$88.3 million. The proposed revised budget, incorporating carry forward items and September variations is \$124.4 million (per table 1.4 and graph 1.4 below).

*Table 1.4 Capital Program per fund, \$'000*

Fund	2021-22 Original Budget	Proposed Carry Overs	Proposed Adjustments	2021-22 Proposed Revised Budget
Water	9,790	0	0	9,790
Sewer	22,220	155	(119)	22,257
General	56,325	32,206	3,794	92,326
<b>Consolidated</b>	<b>88,335</b>	<b>32,361</b>	<b>3,676</b>	<b>124,372</b>



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**GMR21/057 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
SEPTEMBER 2021**

**S011-  
T00003**

**Carry Overs (Capital)**

Significant carried forward capital items, predominately from grants, include:

- \$13.9 million Fixing Country Bridges & other Transport projects & Grandfathers Gully
- \$5.32 million Coastal Headlands Walk
- \$3.98 million Mogo Adventure Trail – Stage 1
- \$1.78 million Shellfish Hatchery
- \$1.4 million Eurobodalla RFS capital works
- \$1.2 million Waste Plant & Fleet
- \$0.8 million Casey's Beach Rockwall
- \$0.7 million Brierley's Boat Ramp facility upgrade
- \$0.4 million Observation Point viewing platform

**September Review Adjustments (capital)**

Capital budget adjustments totaling \$3.68 million have been made during the September quarter and affect the current year's capital program. Significant variations increasing the originally adopted capital works program, predominately from grants, include:

- \$1.7m funded transport works
- \$0.9m Tomakin Road safety improvements
- \$0.5m Botanic Gardens– Sensory Garden Upgrade
- \$0.3m Moruya Airport runway upgrade
- \$0.3m Moruya Shared Maintenance Facility

***Special Rate Variation (SRV) – progress update (Attachment 1 (f)):***

2021-22 is the sixth year of the SRV program and over \$7.50 million of infrastructure works for the year are underway. \$2.65 million of SRV designated funds are being utilised on these works. At the September review, approximately 4.2 % of the programmed SRV works for this year have been expensed. Significant variations at September include:

- Caseys Beach Rockwall \$0.9m: not yet commenced as this is waiting on coastal impact studies; this project will likely carry over into the next financial year.
- Transport reseal and resheet programs timing \$0.6m: contracts are signed and the work will be completed during the current financial year. Works commenced in September.
- Shire-wide drainage renewals \$0.2m: contracts are signed but work not yet commenced
- Riverside Park improvements \$0.2m: not yet commenced.

**GMR21/057 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
SEPTEMBER 2021**

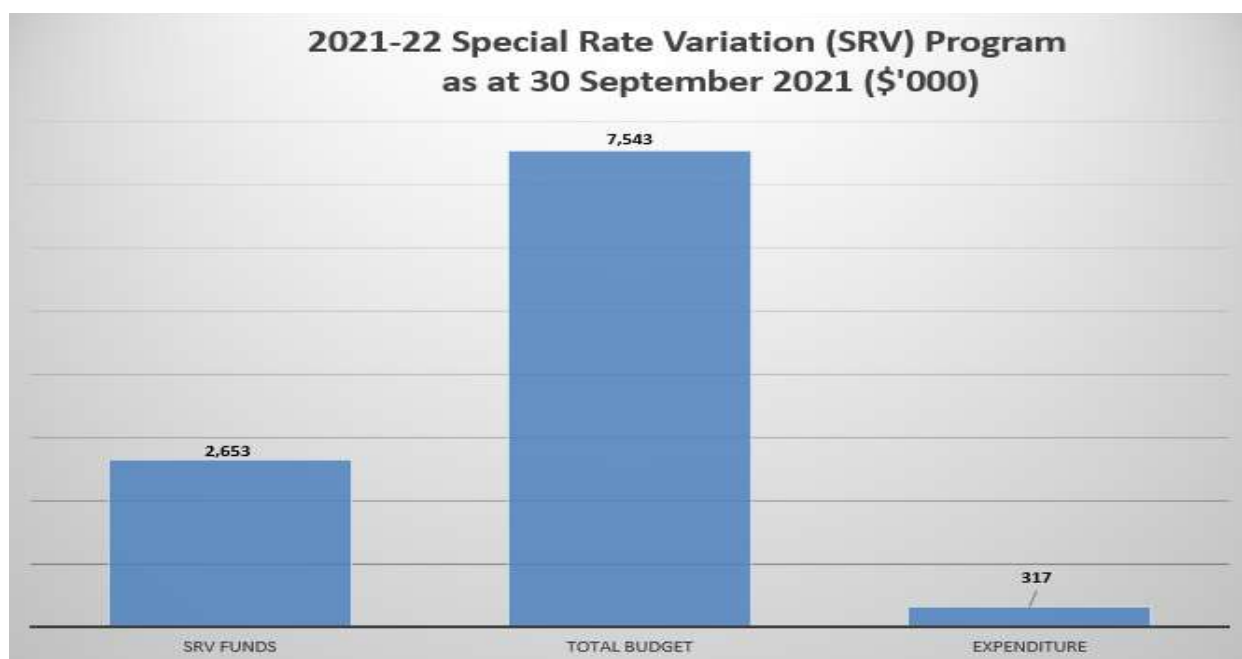
**S011-  
T00003**

*Attachment 1 (f)* reports the detailed progress of the capital program showing individual project budgets and expenses with updates as at 30 September 2021. Total expenditure on the SRV designated projects as at 30 September 2021 is \$0.32 million (per Table 1.5 below).

*Table 1.5 2021-22 Special Rate Variation Capital Program \$'000*

<b>2021-22 Special Rate Variation (SRV) Capital Program</b>	<b>\$</b>
SRV Funds	2,653
Total Budget	7,543
Expenditure to 30 September 2021	317
Percentage spent	4.21%

*Graph 1.5 2021-22 Special Rate Variation Capital Program*



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**GMR21/057 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
SEPTEMBER 2021**

**S011-  
T00003**

**Legal**

This review is based on the Quarterly Budget Review Statement Guidelines issued December 2010, pursuant to the provisions of the *Local Government Act 1993* relating to integrated planning.

**Policy**

The accounting policies being used are based on those detailed in the financial statements for the year ended 30 June 2021.

“Variations” in the Fund Flow Statement are changes in the funding requirements where “funds” are net current assets (working capital) excluding both internal and externally restricted funds.

**CONCLUSION**

There are no material concerns at this quarterly review about meeting budget targets for 2021-22.

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

*As the Responsible Accounting Officer, it is my opinion that the September Quarterly Budget Review for Eurobodalla Shire Council indicates that Council’s projected financial position as at 30 June 2022 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2021-22 financial year.*



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**GMR21/058 CODE OF CONDUCT COMPLAINTS STATISTICS**

**S012-T00003**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Code of Conduct Complaints Statistics Report

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: 9.1.2.2 Assist the Council in meeting its statutory obligations and roles

**EXECUTIVE SUMMARY**

The Office of Local Government (OLG) requires Council to submit a Code of Conduct Complaints Statistics Report by the 30 November each year. Council submitted its Code of Conduct Statistics Report to the OLG on 18 October 2021. A copy of the report is attached for Council information.

The report includes statistical information on Code of Conduct complaints relating to councillors and the General Manager from 1 September 2020 to 31 August 2021. As part of this process the report must be presented to Council by 31 December 2021. As Council will enter a caretaker period commencing 4 November 2021, this report has been brought forward.

**RECOMMENDATION**

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

**BACKGROUND**

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

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

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

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

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

- to take no action, or
- to resolve the complaint by alternative and appropriate strategies such as counselling, training, mediation, informal discussion, negotiation or apology, or
- refer the matter back to the General Manager for by alternative and appropriate strategies such as, counselling, training, mediation, informal discussion, negotiation or apology, or

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**GMR21/058 CODE OF CONDUCT COMPLAINTS STATISTICS**

**S012-T00003**

- to refer the matter to another agency or body such as, the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, the OLG or the Police, or
- to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

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

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

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

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

- Total number of complaints received in the period about councillors and the General Manager.
- Total number of complaints finalised in the period about councillors and the General Manager.
- Number of complaints finalised at the outset by alternative means by the General Manager or Mayor.
- Number of complaints finalised referred to the Office of Local Government under a special complaints management arrangement.
- Number of complaints referred to a conduct reviewer.
- Number of complaints finalised at preliminary assessment by conduct reviewer.
- Number of complaints referred back to the General Manager or Mayor for resolution after preliminary assessment by conduct reviewer.
- Number of finalised complaints investigated by a conduct reviewer.
- Number of finalised complaints investigated where there was found to be no breach.
- Number of finalised complaints investigated where there was found to be a breach.
- Number of complaints referred by General Manager or Mayor to another agency of body such as ICAC, the NSW Ombudsman, OLG or the Police.

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**GMR21/058 CODE OF CONDUCT COMPLAINTS STATISTICS**

**S012-T00003**

- Number of complaints being investigated that are not yet finalised.
- Total cost of dealing with Code of Conduct complaints relating to councillors and the General Manager, including staff costs.

**CONSIDERATIONS**

All complaints under the Code of Conduct that were received about councillors and the General Manager in the reporting period from 1 September 2020 to 31 August 2021 have been included in this report.

There were ten (10) complaints received with five (5) finalised within the period. From the Five (5) complaints not finalised, three (3) are being dealt with at a preliminary assessment stage and two (2) are being investigated.

The five (5) complaints that were finalised within the period were all assessed to take no action.

**Legal**

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

**Policy**

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

**Financial**

The total cost of dealing with code of conduct complaints relating to Councillors and the General Manager for the 2020-2021 period was \$18,516.00. This cost doesn't include the five (5) complaints not finalised as of 31 August 2021.

This is compared to the total cost of dealing with code of conduct complaints for the 2019-2020 period of \$13,469.00.

**CONCLUSION**

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

Council submitted the Code of Conduct Complaints Statistics report to the Office of Local Government on 18 October 2021. It is recommended that Council receive and note the Code of Conduct Complaints Statistics report.

Model Code of Conduct Complaints Statistics Eurobodalla Shire Council		
Number of Complaints		
1	a The total number of complaints <b>received</b> in the period about councillors and the General Manager (GM) under the code of conduct	10
	b The total number of complaints <b>finalised</b> in the period about councillors and the GM under the code of conduct	5
Overview of Complaints and Cost		
2	a The number of complaints <b>finalised at the outset</b> by alternative means by the GM or Mayor	0
	b The number of complaints <b>referred to the Office of Local Government (OLG)</b> under a special complaints management arrangement	0
	c The number of code of conduct complaints <b>referred to a conduct reviewer</b>	10
	d The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer	5
	e The number of code of conduct complaints <b>referred back to GM or Mayor</b> for resolution after preliminary assessment by conduct reviewer	0
	f The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>	0
	g The number of finalised complaints investigated where there was found to be <b>no breach</b>	0
	h The number of finalised complaints investigated where there was found to be <b>a breach</b>	0
	i The number of complaints referred by the GM or Mayor <b>to another agency</b> or body such as the ICAC, the NSW Ombudsman, OLG or the Police	0
	j The number of complaints being investigated that are <b>not yet finalised</b>	2
	k The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	18,516

Preliminary Assessment Statistics		
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action (clause 6.13(a) of the 2018 and 2020 Procedures)	5
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2018 and 2020 Procedures)	0
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2018 and 2020 Procedures)	0
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2018 and 2020 Procedures)	0
e	To investigate the matter (clause 6.13(e) of the 2018 and 2020 Procedures)	2
Investigation Statistics		
4	The number of investigated complaints resulting in a determination that there was <b>no breach</b> , in which the following recommendations were made:	
a	That the council revise its policies or procedures	0
b	That a person or persons undertake training or other education (clause 7.37 of the 2018 Procedures or clause 7.40 of the 2020 Procedures)	0
5	The number of investigated complaints resulting in a determination that there <b>was a breach</b> in which the following recommendations were made:	
a	That the council revise any of its policies or procedures (clause 7.36(a) of the 2018 Procedures or clause 7.39 of the 2020 Procedures)	0
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.36(h) of the 2018 Procedures or clause 7.37(a) of the 2020 Procedures)	0
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.36(i) of the 2018 Procedures or clause 7.37(b) of the 2020 Procedures)	0
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.36(j) of the 2018 Procedures or clause 7.37(c) of the 2020 Procedures)	0
6	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2018 or 2020 Procedures)	0

Categories of misconduct	
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:
a	General conduct (Part 3) <input type="text" value="0"/>
b	Non-pecuniary conflict of interest (Part 5) <input type="text" value="0"/>
c	Personal benefit (Part 6) <input type="text" value="0"/>
d	Relationship between council officials (Part 7) <input type="text" value="0"/>
e	Access to information and resources (Part 8) <input type="text" value="0"/>
Outcome of determinations	
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation <input type="text" value="0"/>
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG <input type="text" value="0"/>

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**GMR21/059 REBUILDING STATE EMERGENCY SERVICES (SES) BUILDING -  
BATEMANS BAY**

**S008-T00025;  
S008-T00012**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: 3 Protected and Valued Natural Environment

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

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

Operational Plan Link: 3.1.3.4 Provide funding support to Rural Fire Services, State Emergency Service, NSW Fire and Rescue in line with legislation

### **EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the status of the rebuilding of the State Emergency Services (SES) Building in Batemans Bay and seek Council's approval to extend the timeline for the determination of the location of the Headquarters from November 2021 until February 2022.

At its meeting on 13 July 2021, Council resolved as follows:

*'THAT:*

- 1. Council apply for grants to fund the shortfall of \$500,000 to relocate the SES Headquarters to 311 George Bass Drive, Surf Beach.*
- 2. By November 2021, should Council be unsuccessful in its grant efforts of \$500,000, the SES Headquarters be re-established at the Batemans Bay Depot'.*

Council made a submission under the Black Summer Bushfire Recovery Program, to seek grant funding for the rebuilding of the SES building in Batemans Bay.

The grant funding body extended the submission period by an additional month and therefore notification of the outcome of this grant will not be known by the November 2021 deadline.

### **RECOMMENDATION**

THAT by February 2022, should Council be unsuccessful in its grant application to the Black Summer Bushfire Recovery Program for the rebuilding of the State Emergency Services (SES) building in Batemans Bay, the Headquarters be re-established at the Batemans Bay Depot.

### **BACKGROUND**

As a result of the Black Summer Bushfires, the State Emergency Services (SES) Unit Headquarters and equipment in Batemans Bay was destroyed.

The SES Unit Headquarters, comprising two sheds, was located adjacent to the Batemans Bay depot on Crown Land. This facility is owned by Council and therefore Council's insurance covers its replacement on a like for like basis.

At its meeting on 13 July 2021, Council resolved as follows:



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<b>GMR21/059 REBUILDING STATE EMERGENCY SERVICES (SES) BUILDING - BATEMANS BAY</b>	<b>S008-T00025; S008-T00012</b>
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*‘THAT:*

1. *Council apply for grants to fund the shortfall of \$500,000 to relocate the SES Headquarters to 311 George Bass Drive, Surf Beach.*
2. *By November 2021, should Council be unsuccessful in its grant efforts of \$500,000, the SES Headquarters be re-established at the Batemans Bay Depot’.*

Council has made a submission to the Black Summer Bushfire Recovery Program, to seek grant funding for the rebuilding of the SES building in Batemans Bay.

The grant funding body has extended the submission period by an additional month and therefore notification of the outcome of the grants will not be known by November 2021.

Should Council be unsuccessful in its application under the Black Summer Bushfire Recovery Program, the Headquarters will be re-established at the Batemans Bay Depot.

Council’s insurer has been notified of the changes to the timeline. These changes will not affect this claim.

## **CONSIDERATIONS**

### **Legal**

Section 17 of the *State Emergency Services Act 1989* states:

‘(5) The council of a local government area must, within 3 months of the appointment of a local commander for the area, provide (free of charge) suitable training facilities and storage and office accommodation to enable the local commander to exercise his or her functions’.

### **Financial**

Council has applied for grant funding under the Black Summer Bushfire Recovery Program to relocate the SES Headquarters to 311 George Bass Drive, Surf Beach. The grant funding would complement other insurance monies received.

Should Council be unsuccessful in its application, the SES building will be reestablished at the Batemans Bay Depot.

## **CONCLUSION**

Council made a submission under the Black Summer Bushfire Recovery Program, to seek grant funding for the rebuilding of the SES building in Batemans Bay.

The grant funding body extended the submission period by an additional month and therefore notification of the outcome of this grant will not be known by the November 2021 deadline. Therefore, it is necessary to amend the timeline for the determination of the rebuild location until February 2022.



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**GMR21/060 2021 EDUCATION AND SCHOOL GRANTS**

**S014-T00011**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Confidential - 2021 Education and School Grants Summary

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.2 Facilitate community grants and donations

**EXECUTIVE SUMMARY**

The Education and School Grant is a funding stream within the Annual Grants category and provides funding to local schools and education establishments for annual award presentations for academic and other achievement or annual scholarships offered by other educational institutions.

The grant was first opened to the public on Friday 20 August 2021 and closed on Friday 24 September 2021. 8 applications were received during this time.

Due to the low number of applications, Council's 2021 Education and School Grant was reopened on Tuesday 5 October 2021 to primary and secondary schools who did not previously apply. The grant closed on Friday 8 October 2021. Council received 11 applications in total.

It should be noted that some organisations did not apply this year due to the COVID-19 pandemic.

**RECOMMENDATION**

THAT Council approve the allocation of funds to the Education and School Grant recipients as noted in the confidential attachment.

**BACKGROUND**

The Education and Schools Grant stream is part of Council's Annual Grants category within its Community Grants policy. This grant is for local schools and education establishments for annual awards presentations for academic and other achievements or annual scholarships offered by other educational institutions.

The grant is structured as follows:

- Council may approve a budget allocation in the Operational Plan for each financial year.
- If a budget is approved, applications are invited once per year and will not be accepted outside the advertised application window.
- Successful grantees will be granted an annual amount to contribute to school presentation awards or annual scholarships.

The grant was first opened to the public on Friday 20 August 2021 and closed on Friday 24 September 2021. 8 applications were received during this time.

**GMR21/060 2021 EDUCATION AND SCHOOL GRANTS**

**S014-T00011**

Due to the low number of applications, Council's 2021 Education and School Grant was reopened on Tuesday 5 October 2021 to primary and secondary schools who did not previously apply. The grant closed on Friday 8 October 2021.

Council received the following 11 applications as listed below:

	<b>Organisation</b>	<b>Application Type</b>
1	Central Tilba Public School	Primary
2	St Mary's Primary School	Primary
3	Batemans Bay High School	Secondary
4	Broulee Public School	Primary
5	Narooma High School	Discretionary
6	Bodalla Public School	Primary
7	Eurobodalla St Cecilia Music Scholarships Inc	Discretionary
8	Batemans Bay Youth Foundation Inc	Discretionary
9	St Bernard's Primary School	Primary
10	Narooma Public School	Primary
11	Batemans Bay Public School	Primary

All applications received for 2021-22 were assessed within the total budget of \$8,530.

**CONSIDERATIONS**

There were 11 applications received. A confidential summary sheet is attached for Councillor's information.

**Policy**

The Education and Schools Grant stream is part of Council's Annual Grants category within its Community Grants policy.

**Financial**

In 2021-22 Council has a budget of \$8,530 for Education and School Grants.

**Community and Stakeholder Engagement**

We have informed the community through providing information on Council's website and advertising on Council's noticeboard page. All schools were also notified in writing of grant application process.

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**GMR21/060 2021 EDUCATION AND SCHOOL GRANTS**

**S014-T00011**

**CONCLUSION**

The Education and Schools Grants provide the opportunity to support local schools and education establishments for academic or other achievement.

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**GMR21/061 RECOGNITION OF SERVICE**

**S012-T00020**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Focus Area: 9 Innovative and Proactive Leadership

Delivery Program Link: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision

Operational Plan Link: 9.1.2 Implement effective governance

**EXECUTIVE SUMMARY**

In recognition of the service made to the community by non-returning Councillors after the 2021 local government elections, it is proposed to invite such former Councillors to a morning tea at the first meeting of the new Council where they will be presented with Letters under Seal acknowledging their contribution to the business of Council over the preceding five years.

**RECOMMENDATION**

THAT:

1. Non-returning Councillors after the 2021 local government elections, be invited to morning tea at the first meeting of the new Council;
2. Council resolve to present Letters under the Seal of Council to former Councillors in acknowledgement of their contribution to the business of Council over the preceding term.

**BACKGROUND**

It is the practice in many jurisdictions to recognise service provided by former Councillors during the previous term of Council, with the presentation of Letters under the Seal of Council acknowledging their contributions to the community and progressing the business of Council.

These letters will also outline their contributions to Council Committees and any other additional responsibilities they have undertaken in their role as Councillors.

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**PSR21/050 MOGO VILLAGE PLACE ACTIVATION PLAN**

**OP0058**

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

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

Outcome: 6 Responsible and Balanced Development

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

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

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

**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement to place the draft Mogo Village Place Activation Plan on public exhibition for 28 days in accordance with Council's Community Engagement Framework and Participation Plan.

The draft Mogo Village Place Activation Plan (the draft Plan, attached under separate cover) has been prepared in consultation with key stakeholders and is ready to be placed on public exhibition.

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

Extensive consultation between April and August 2021 resulted in a shared vision for Mogo and five key principles to guide the future of Mogo. The draft Plan includes a structure plan to guide the spatial development of Mogo that identifies:

- an integrated hub in the centre of Mogo that transitions Annett Street to a high pedestrian area
- relocating the toilets to a more central location, and
- reimagining John Street Reserve as a meeting place.

The draft Plan includes 24 high priority actions, 16 medium priority actions and six long term actions that support the vision, principles and structure plan.

It is recommended that the draft Plan be placed on public exhibition for 28 days in accordance with Council's Community Engagement Framework and Participation Plan.

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**PSR21/050 MOGO VILLAGE PLACE ACTIVATION PLAN**

**OP0058**

**RECOMMENDATION**

THAT

1. Council publicly exhibit the draft Mogo Village Place Activation Plan for a period of 28 days.
2. A further report regarding the draft Mogo Village Place Activation Plan be provided to Council following the exhibition period.

**BACKGROUND**

In February 2021, Council engaged Ethos Urban to prepare a Mogo Village Place Activation Plan. Through aligning multiple projects already underway in Mogo and building upon the opportunities of transformative projects such as the Mogo Trails, the draft Plan identifies actions and projects that will activate the local economy, strengthen community resilience and reinforce Mogo as a key destination.

The process builds on the Rebuilding Mogo Study, also undertaken by Ethos Urban immediately after the 2019-20 bushfires. The Rebuilding Mogo Study:

- brought a balance to the opportunity and risk of the bushland setting of Mogo
- provided guidance on achieving the diversity of building types that complement the historic character of Mogo, and
- showcased how collaboration between designers, planners and the community can forge better relationships between Council and the community, resulting in good planning and urban design outcomes and encouraging community resilience.

The draft Plan also coordinates and leverages projects in Mogo, especially the transformative Mogo Trails.

Other projects recently completed or underway include:

- restoration of Cabbage Tree Creek
- Mogo village entry signs
- new pathways and road surfacing
- accessible carparking, and
- rebuilding of destroyed commercial buildings.

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**PSR21/050 MOGO VILLAGE PLACE ACTIVATION PLAN**

**OP0058**

Community engagement has been a core part of the process aiming to hear from the diversity of people in the Mogo community through all phases of the project, and to test ideas. The consultation approach is made up of four phases:

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

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

- community drop-in sessions
- surveys
- door knocking
- a letterbox-drop in Mogo
- stakeholder meeting at Boomerang meeting place
- online stakeholder workshops, including targeted business workshops
- attendance at Mogo Village Business Chamber meeting
- a web page on Council's website updated throughout the project
- social media post on Council's Facebook page

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

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

**CONSIDERATIONS**

Stakeholder and community engagement between April and August 2021 resulted in the following shared vision for Mogo to:

*Retain its unique local village character and charm; meet the needs of residents, businesses and visitors; and a place that offer opportunities for discovery, adventure and everyday enjoyable experiences.*

**PSR21/050 MOGO VILLAGE PLACE ACTIVATION PLAN**

**OP0058**

Feedback also identified five key principles proposed in the draft to guide the future of Mogo:

1. Celebrate Mogo's history, and contribute to its unique community and village identity and character
2. Create a better connected and accessible village that enables safe movements and clear legibility for pedestrians
3. Connect with Country and protect natural assets of Mogo while becoming a leader in sustainability
4. Focus Mogo as a place for discovery and facilitate opportunities for experiences and adventures that attracts economic growth and investment
5. Deliver infrastructure and facilities to support the needs of the community and visitors

Like all communities, there has been a variety of opinions and feedback received about the actions people would like to see in the draft Plan. All feedback has been carefully considered to prepare the draft Plan.

The draft Plan includes a structure plan to guide the spatial development of Mogo that identifies the following actions (figure 1):

- an integrated hub in the centre of Mogo that transitions Annett Street to a high pedestrian area
- relocating the toilets to a more central location
- reimagining John Street Reserve as a meeting place



Figure 2: Three key actions shown on the structure plan in the draft Plan.



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**PSR21/050 MOGO VILLAGE PLACE ACTIVATION PLAN**

**OP0058**

The draft Plan includes 24 high priority actions, 16 medium priority actions and six long term actions that support the vision, principles and structure plan. The draft Plan:

- provides a clear vision for Mogo
- brings together and coordinates current and future projects proposed for Mogo
- identifies priorities that activate the local economy, strengthen community resilience and reinforce Mogo as a key destination and contributes to Mogo's village identity.

The draft Plan includes actions that facilitate:

- improvements to pedestrian safety and connectivity throughout Mogo eg, footpaths and a high pedestrian area for Annett Street
- additional carparking
- a centrally located accessible toilet
- opportunities for public art and cultural interpretation
- upgrades to Charles Street swale/stormwater system
- enhanced green space on Cabbage Tree Creek, John Street Reserve, shade trees and along the Charles Street swale
- investigate and improve transport options to Mogo.

**Legal**

Some actions in the draft Plan will require permits and approval. Some land is Crown land so there may also be a need for amending or creating new licences or leases and/or there may be obligations to refer certain activities to the Native Title Services Corporation (NTS Corp), on behalf of claimants, before undertaking them.

**Policy**

The draft Plan aligns and supports delivery of NSW Government policy such as:

- Key directions for economic growth in the region identified in the *South East and Tablelands Regional Plan 2036*
- The design principles in *Urban Design for Regional NSW Guideline*
- The objectives of the *Practitioner's Guide to Movement and Place*
- Opportunities for tourism product based on State Forests identified in the Far South Coast Regional Economic Development Strategy.

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**PSR21/050 MOGO VILLAGE PLACE ACTIVATION PLAN**

**OP0058**

The draft Plan aligns with Council's adopted Community Strategic Plan (CSP) outcomes related to achieving:

5. A vibrant and diverse economy
7. Connected and accessible places
8. Collaborative and engaged community

The Plan supports Council's adopted Destination Action Plan to strengthen the visitor economy and Local Strategic Planning Statement by encouraging business opportunities that complement Mogo Trails and develop niche employment opportunities in the Village.

**Environmental**

Implementing the draft Plan is not expected to negatively impact on the environment. The draft Plan provides opportunities for our community to better connect with the local environment via improved connections with Mogo Trails.

**Asset**

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

**Social Impact**

Implementing an adopted Plan will strengthen community resilience. The draft Plan provides a vision and guiding principles for the future of Mogo to ensure it is a place for people to live, work and visit.

**Economic Development Employment Potential**

Implementing an adopted Plan will further activate the local economy and reinforce Mogo as a key destination. The plan builds on project already underway, including the transformative Mogo Trails.

The draft Plan identifies opportunities to focus Mogo as a place for discovery and facilitate opportunities for experiences and adventures that attracts economic growth and investment.

**Financial**

If adopted the actions in the draft Plan would be progressively rolled out throughout Mogo as resources and funding were sourced. Grant funding opportunities for projects that align with the draft Plan are already available. An adopted Plan would make applications for funding more competitive, as it establishes a clear vision for Mogo. The draft Plan encourages strong community and business partnerships to deliver actions.

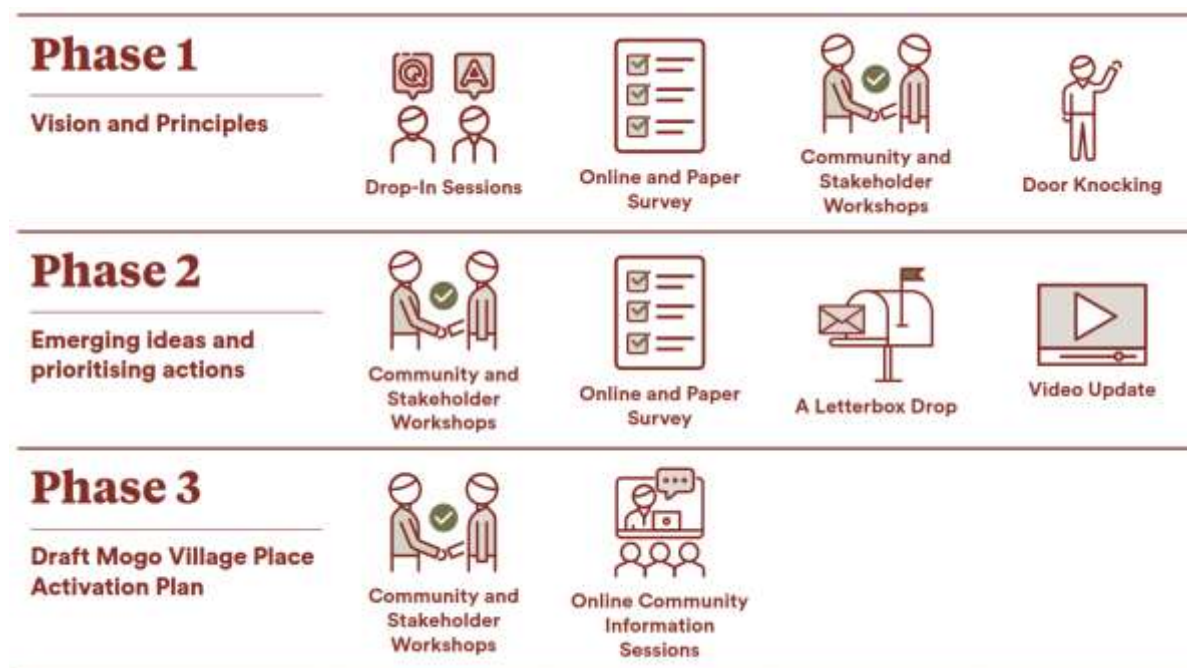
**PSR21/050 MOGO VILLAGE PLACE ACTIVATION PLAN**

**OP0058**

**Community and Stakeholder Engagement**

Extensive stakeholder engagement has been undertaken throughout the development of the draft Plan. The feedback received, at each phase has been considered and incorporated in the draft Plan.

An outline of the engagement process, steps and activities is provided in figure 2.



**Figure 2: An outline of the engagement process, steps and activities**

Along with feedback during workshops and sessions, over 55 surveys were received, over 30 ideas forms and over 30 emails and phone-calls received providing input to the draft Plan.

It is recommended that the draft Plan be placed on public exhibition for 28 days as the final step in the community consultation process. The draft Plan would be made available on Council's website. Public exhibition of the draft Plan would be promoted via a public notice in the local press and a media release.

**CONCLUSION**

The draft Mogo Village Place Activation Plan has been prepared in consultation with key stakeholders and is ready to be publicly exhibited for at least 28 days.

A further report will be provided to Council following exhibition.

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**PSR21/051 DRAFT COASTAL MANAGEMENT PROGRAM FOR MORUYA  
RIVER, MUMMAGA LAKE AND WAGONGA INLET**

**S017-T00013,  
S014-T00007**

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

Attachments: 1. Under Separate Cover - Draft Estuary CMP

Outcome: 3 Protected and Valued Natural Environment

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

Delivery Program Link: 3.1.1 Manage coastal use and hazards

Operational Plan Link: 3.1.1.1 Prepare the Eurobodalla Coastal Management Program

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council endorsement to publicly exhibit the draft Estuaries Coastal Management Program for Moruya River, Mummaga Lake and Wagonga Inlet for a period of 28 days.

The draft Estuaries Coastal Management Program for Moruya River, Mummaga Lake and Wagonga Inlet (the draft Estuaries CMP attached), identifies risks, issues and opportunities for the long-term management of these three high-value waterways. The draft Estuaries CMP outlines a series of actions to manage these Estuaries in a strategic and integrated manner, consistent with the *Coastal Management Act 2016* (CM Act) and Coastal Management Manual (the CM Manual).

A certified CMP enables Council to have access up to 2:1 funding allocated under the NSW Coastal Management Program Fund to carry out the actions identified in a certified CMP. It also contributes to Action 3.1.1 of Council's Delivery Program 2017-21 to manage coastal use and hazards.

Public exhibition of the draft Estuaries CMP would be for 28 days in accordance with Council's adopted Community Engagement Framework and Public Participation Plan.

Following public exhibition a report will be provided to Council for consideration whereby feedback would be considered and, where appropriate, addressed in a revised draft.

### **RECOMMENDATION**

THAT

1. Council publicly exhibits the draft Estuaries Coastal Management Program for Moruya River, Mummaga Lake and Wagonga Inlet for a period of 28 days.
2. A further report regarding the draft Estuaries Coastal Management Program for Moruya River, Mummaga Lake and Wagonga Inlet to be provided to Council following the exhibition period.

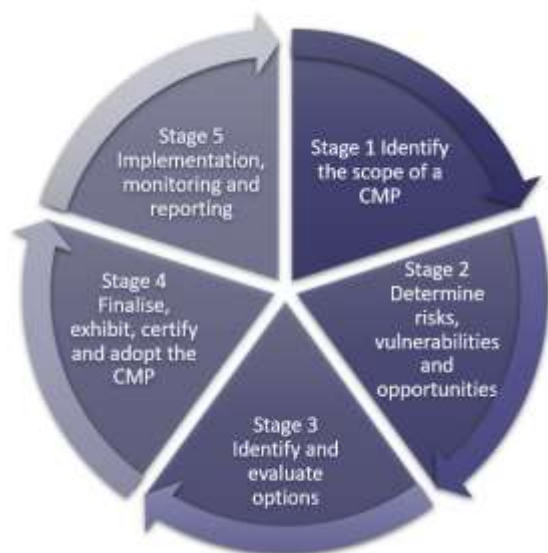
### **BACKGROUND**

All coastal councils are required to prepare a Coastal Management Program (CMP) under Part 13 of the *Coastal Management Act 2016* (CM Act) in order to secure financial support from the NSW Government. A CMP must be prepared in accordance with the Coastal Management

**PSR21/051 DRAFT COASTAL MANAGEMENT PROGRAM FOR MORUYA  
RIVER, MUMMAGA LAKE AND WAGONGA INLET**

**S017-T00013,  
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Manual (CM Manual) and aims to support the objectives of the Marine Estate Management Act 2014. Preparation of a CMP follows a five-stage process as outlined in the CM Manual (figure 1).



**Figure 1. A diagram of the 5 Stage Coastal Management process, as outlined in the Coastal Management Manual.**

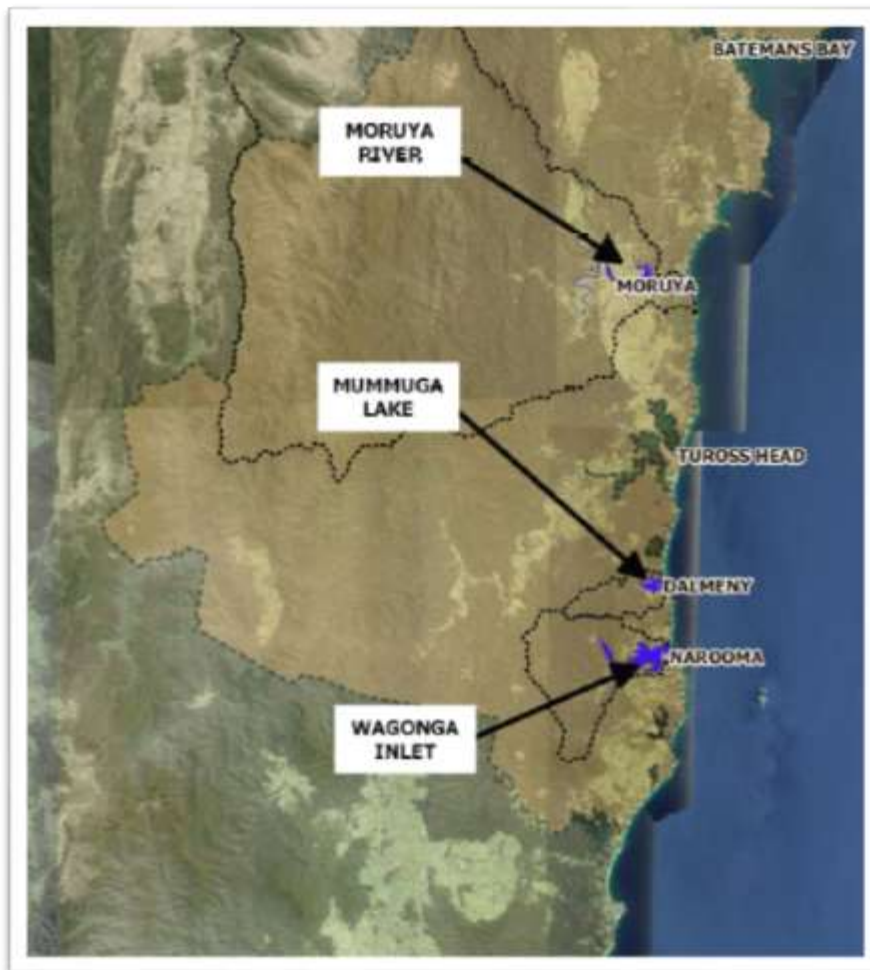
Council entered into a funding agreement with the NSW Government, who provided 1:1 funding of \$34,920 for the preparation of a Coastal Management Program (CMP) for Moruya River, Mummaga Lake and Wagonga Inlet, matched by Council funding of the same amount.

Following an open tender process in 2018, Council engaged coastal management specialists, Salients, to prepare a draft Estuaries CMP. These estuaries were considered the priority waterways to be included in the study area, as Moruya River and Wagonga Inlet have outdated

**PSR21/051 DRAFT COASTAL MANAGEMENT PROGRAM FOR MORUYA  
RIVER, MUMMAGA LAKE AND WAGONGA INLET**

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management plans and Mummaga Lake has no existing management plan. The locations of these estuaries are shown in figure 2.



**Figure 2. A map of the study area for the draft Moruya River, Mummaga Lake and Wagonga Inlet estuaries CMP**

A primary objective of the draft Estuaries CMP is to protect and enhance coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience.

The engagement process undertaken to inform the draft Estuaries CMP was undertaken in a manner consistent with the COVID restrictions in place at the time required due to COVID-19 restrictions, and included:

- Updates about the project made available on Council's website
- Late 2018: early community engagement including:
  - o Three community workshop/drop-in sessions in Narooma and Moruya
  - o A NSW Government agency stakeholder meeting held in Narooma
- 2019: using feedback to prepare the stage 1 scoping study for the draft Estuaries CMP

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**PSR21/051 DRAFT COASTAL MANAGEMENT PROGRAM FOR MORUYA  
RIVER, MUMMAGA LAKE AND WAGONGA INLET**

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- 2020: completing stage 2 and 3 of the coastal management process by undertaking meetings at various locations across the study area to discuss risks and management opportunities with:
  - o Two Local Aboriginal Land Councils (Wagonga and Cobowra)
  - o Two meetings with knowledge holders from the area on Country
  - o Council's Aboriginal Advisory Committee
  - o Residents
  - o NSW Government agencies including Department of Primary Industries (DPI) - Fisheries, Batemans Marine Park, Local Land Services and National Parks and Wildlife Service
  - o A Wagonga oyster farmer on site

Stage 3 also included a values and use survey advertised through Council's social media channels and a Landcare newsletter. Over 100 responses to the survey were received which resulted in an expanded list of proposed actions in the draft Estuaries CMP.

- 2021: the NSW Government reviewed the draft Estuaries CMP against the requirements of the CM Act and CM Manual.

## **CONSIDERATIONS**

Council is now up to Stage 4 of the coastal management process which includes public exhibition, Council adoption and certification by the NSW Government.

The draft Estuaries CMP has been finalised and is ready for public exhibition. The draft Estuaries CMP includes a scoping study, vulnerability assessment and actions for the coordinated management of the three estuaries, to be undertaken by Council and relevant NSW Government agencies.

The draft Estuaries CMP aims to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety. A key emphasis of the draft Estuaries CMP is on environmental outcomes, including management of high-value biodiversity areas, water quality and foreshore management.

The key actions and outcomes identified in the Estuaries CMP includes:

- Foreshore restoration and management plans for all three estuaries
- Construction of a "living shoreline" and oyster reef along the caravan park foreshore in Wagonga Inlet
- Preliminary mapping of at-risk Aboriginal Heritage sites in all three estuaries
- Coastal Vulnerability Area mapping for all three estuaries, focusing on tidal inundation
- Establishment of a NSW Government agency steering committee to manage the implementation of the actions identified in this CMP by the responsible agencies, including DPI Fisheries, Local Land Services, Department of Planning, Industry and Environment and Council
- Wetland migration pathways study for all three estuaries

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**PSR21/051 DRAFT COASTAL MANAGEMENT PROGRAM FOR MORUYA  
RIVER, MUMMAGA LAKE AND WAGONGA INLET**

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- Bank stability and rock wall rehabilitation in select locations in Moruya and Wagonga where existing walls or banks are currently failing
- Water quality studies for all three estuaries
- The removal of a derelict jetty in Ringlands Estate, Wagonga Inlet
- Restricting four-wheel drive access to high-value areas of Saltmarsh on the mud flats in Mummaga Lake which are being destroyed by vehicles.

A certified Estuaries CMP will enable Council to have access to up to 2:1 funding allocated under the NSW Government's Coastal & Estuary Management Grants Fund. This funding is only available for actions identified in a certified CMP.

**Legal**

All coastal councils are required to prepare a CMP under Part 13 of the *Coastal Management Act 2016* (CM Act) to secure financial support from the NSW Government. The draft Estuaries CMP has been prepared in accordance with the Coastal Management Manual.

**Policy**

The implementation of the Estuaries CMP actions for which the Council is to take responsibility, including the Monitoring, Evaluation and Reporting (MER) program, are to be enacted by Council through the Eurobodalla Shire Council Community Strategic Plan (2017), Delivery Program (2017-2022) and Operational Plan (2021-2022).

These are due for review in late 2021 and will be updated to be consistent with the vision and key objectives of this Estuaries CMP. The implementation of the Estuaries CMP actions will be listed within the local government responsibilities for relevant Delivery Plan outcomes, such as those relating to protection of the natural environment.

An estuary advisory committee comprised of relevant NSW Government agencies and chaired by Council will be established for the monitoring, evaluation and implementation of actions in this CMP.

**Environmental**

A primary objective of the draft Estuaries CMP is to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience. The draft Estuaries CMP is heavily focused on environmental outcomes.

**Social Impact**

The Estuaries CMP will provide the community with certainty about how the estuaries will be managed in the future. This ensure estuary health and resilience and the resulting ecosystem services this provides, and access to the natural environment that is highly valued by locals and visitors.



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**PSR21/051 DRAFT COASTAL MANAGEMENT PROGRAM FOR MORUYA  
RIVER, MUMMAGA LAKE AND WAGONGA INLET**

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**Financial**

A certified Estuaries CMP will enable Council to have access to up to 2:1 funding allocated under the NSW Government's Coastal Management Program Fund. This funding cannot be accessed unless it is for projects identified in a certified CMP.

Council's expenditure and grant contribution (external funds) for the four-year period following the anticipated certification of the finalised Estuaries CMP in 2022 has been outlined in the Business Plan Delivery of the attached draft Estuaries CMP (see Table 7 on Page 91) and summarised in Table 1 below. After four years, it is expected that the CMP will be reviewed.

**PSR21/051 DRAFT COASTAL MANAGEMENT PROGRAM FOR MORUYA  
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*Table 1. Projected Expenditure for the four years following certification of the Estuaries CMP*

Year	Council Funds	External Funds
2022/23	\$104,500	\$1,005,000
2023/24	\$104,966	\$1,032,033
2024/25	\$44,000	\$300,000
2025/26	\$57,333	\$211,667

Delivery of actions in the draft Estuaries CMP is subject to winning grant funding. Council's portion of funding in Table 1 does not require additional Council budget allocation, and will be derived from the following existing budgets:

- Coastal and Estuary Grant funds
- Rock Walls General
- Marine Facility Renewals
- Flood Mitigation

**Community and Stakeholder Engagement**

Public exhibition would be for no less than 28 days, in accordance with Council's adopted Community Engagement Framework and Public Participation Plan. The following will be undertaken during the exhibition period:

- A media release announcing the exhibition dates.
- An announcement in two local newspapers
- The draft Estuaries CMP will be available online for people to download.

All feedback provided to Council during exhibition will be considered and addressed in a revised draft Estuaries CMP where appropriate and a report will be presented to Council.

**CONCLUSION**

A draft Coastal Management Program for Moruya River, Mummaga Lake and Wagonga Inlet has been prepared and it is recommended Council publicly exhibits the draft for 28 days.

A further report will be provided to Council following exhibition.

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**PSR21/052 2020-21 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY  
PROGRESS REPORT**

**S010-  
T00037**

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

Attachments: 1. ERP - Actions update

Outcome: 4 Sustainable Living

Focus Area: 4.4 Work together to reduce our environmental footprint and develop a clean energy future

Delivery Program Link: 4.4.1 Plan for and work towards reducing Council's environmental footprint

Operational Plan Link: 4.4.1.1 Implement and review the Emissions Reduction Plan

### **EXECUTIVE SUMMARY**

The purpose of this report is to provide the annual update on the progress and activities to date on the 2017-21 Emissions Reduction Plan (ERP) for the period July 2020 to June 2021. It also provides a snapshot of other sustainability programs delivered by the whole of Council during the same time.

The ERP has continued to reduce emissions in 2020-21 and cost savings of over \$1m per year to Council. The ERP is largely on track with 18 of the 21 new actions completed. Compared to the 2005-06 baseline:

- building emissions are down 47%
- street lighting emissions are down 42%
- landfill methane emissions are down by an estimated 20% (some data from the Australian Clean Energy Regulator is unavailable and this figure will be more accurately calculated once data is available).

Significant savings to Council have already been achieved as a result of activities within the ERP and it is recommended to continue to resource the Plan in order to fully realise its objectives and targets. Council achieved the interim target of a 25% reduction in emissions by 2020, early in 2018, achieving a 34% reduction then compared to the 2005-06 baseline.

There were impacts on Council emissions for 2020-21 with the methane gas flaring being non-operational until December 2020 due to the impact of the bushfires at Surf Beach Waste Management Facility. Hence it was not operational for approximately half this reporting period (July -December 2020). The emissions from waste are a significant contribution to the Council emissions and further work is required to continue to seek opportunities to reduce CO<sup>2</sup> emissions from the landfill sites.

A significant achievement for Council was the signing of a 10 year Power Purchase Agreement whereby 80% of Council's energy is secured from renewable energy sources. This goes to the Council target of sourcing 100% of Council's electricity from renewable energy by 2030.

Council is to review the Emissions Reduction Plan 2017-21 and this has commenced with the development of a ten year Climate Resilience Plan 2022-32.

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**PSR21/052 2020-21 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY  
PROGRESS REPORT**

**S010-  
T00037**

**RECOMMENDATION**

THAT Council receive and note the 2020-21 Emissions Reduction Plan and Sustainability Report.

**BACKGROUND**

The 2017-2021 ERP was adopted by Council (Min. 17/175) on 13 June 2017. The Plan identifies 21 new actions and 48 'core' or ongoing actions covering the areas of community, fleet, energy management, street-lighting, leadership, planning, renewable energy and waste. Actions within the ERP were designed to help meet the following goals and be achievable and measurable. Council's goals are set out in the Plan and include:

- reduce emissions by 25% by 2020 for Council operations
- reduce energy emissions by 80% by 2030 for Council operations
- source 100% of Council's electricity from renewable energy by 2030.

Council delivers a range of sustainability and education programs which serve a number of key objectives:

- maintain high recycling rates and low contamination to help ensure that waste streams can be recycled and to conserve landfill space
- encourage water conservation through education and water rebate programs
- support the community to reduce their environmental footprint.

Bushfire and COVID-19 impacts and response

The 2019-20 black summer bushfires were a deeply tragic and traumatic event. The Bureau of Meteorology, the CSIRO and Australian Academy of Science have all observed that climate change has caused an increased likelihood of warmer than average temperatures, reduced cool season rainfall and a longer fire season and higher fire danger. Climate projections indicate that the black summer bushfires are unlikely to be a one-off event.

Council aims to continue to reduce greenhouse gas emissions to mitigate against climate impacts. Adapting to climate impacts is increasingly necessary and urgent, including activities like planning and preparing for more frequent and intense hot days, increased fire danger levels, sea level rise and more variable rainfall patterns.

The electricity blackouts during the black summer bushfires highlighted the vulnerability of the electricity network and those that depend upon it during and after emergency events. Council has since advocated for the increased resilience of energy networks.

Council will work with the Australian National University (ANU), along with project partners Southcoast Health and Sustainability Alliance on a research project for battery storage and grid integration. Funding was received by ANU under the Regional and Remote Communities of \$3.125M over three years to: conduct community-led design of future energy systems, quantifying the value of reliability; model the operation of eight microgrids across the region using high-resolution monitoring data and develop a holistic assessment of implementation costs; and explore business models and regulatory innovations to improve feasibility implementation.

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**PSR21/052 2020-21 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY  
PROGRESS REPORT**

**S010-  
T00037**

Impacts on Council energy and emissions

The bushfire burnt areas of the Surf Beach Waste Management Facility, including some of the methane extraction pipework. As a result, the methane flare at the site was not operational between January 2020 and December 2020 and methane emissions were higher during this period as reported also last year. Repairs and recommissioning of the system commenced during November 2020, allowing for normal operations to be reinstated in early December. Most of the system is now functioning at full capacity with some minor additional works still being investigated.

COVID-19 has reduced Council emissions slightly due to some facilities being forced to close and due to the reduced transport emissions from staff working from home. It is anticipated that the need to travel for some meetings and conferences in the future will be greatly reduced because of the lessons learnt and systems put in place in response to COVID-19. Council intends to identify other savings, opportunities and lessons learnt from COVID-19 that may help to improve performance and productivity in the organisation.

**CONSIDERATIONS**

Of the 21 new actions in the Emissions Reduction Plan, the majority are completed and three are ongoing and in progress. In addition, there are 48 core or ongoing actions. Note many of the new actions from the Emissions Reduction Plan are ongoing and will be addressed in Climate Resilience Plan. Information on the progress and activities for each action is detailed in the attachment.

Notable developments from 2020-2021 include:

1. Renewable energy Power Purchase Agreement (PPA).

A ten-year power purchase agreement was secured and commenced 1 July 2021, at a competitive price with renewable energy company Simply Energy, ENGIE, with help from Renewable Energy Hub.

Electricity generated by solar farms at Parkes and Griffith, and from wind farms in the New England area due to come online in 2024, will supply 80% of Council's total electricity load for larger energy use sites, like the Moruya admin building, pools, libraries, water and sewer pump stations, treatment plants and our streetlights.

The move will reduce Council's carbon emissions the equivalent to removing 1,000 cars from the road per annum and puts Council well on its way to achieve its target of sourcing 100 per cent of electricity from renewables by 2030.

2. LED Streetlight Upgrade

Eurobodalla Council was the first council in the south-east region to upgrade its residential road streetlights to energy-efficient LEDs back in 2017. Higher wattage lamps on our shire's main roads were not upgraded then as suitable products were not yet available in the region. The upgrades for the remaining streetlights began in November 2020 and over 1,000 high-energy lights were replaced with energy-efficient LEDs, which can use less than half the energy. The streetlighting costs around \$475,000 each year in energy and maintenance and after financing will ultimately reduce the operating and maintenance costs in years to come.

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**PSR21/052 2020-21 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY  
PROGRESS REPORT**

**S010-  
T00037**

The upgrade will result in an average 368 MWh per year reduction in power use – about the same as taking 100 cars off the road.

This type of light also provides future potential for other ‘smart’ applications to be added and will allow Essential Energy to more effectively manage the streetlight network and respond more promptly to potential outages.

**3. Review of the Emissions Reduction Plan and development of a 10-year Climate Resilience Plan.**

Delays have occurred with the progression of the review due to resourcing and prioritisation of work associated with bushfire recovery and COVID impacts. A community working group was established in 2019 and additional membership was sought in June 2021 to further progress work completed in 2019-20. It is anticipated that further collaboration will occur in the later part of 2021 and early 2022. COVID restrictions have more recently hampered workshops and meetings in person.

Internal consultation has occurred with the varying divisions of Council, external agencies such as the South East Local Land Services and the Department Planning, Infrastructure and Environment along with insurer State Mutual.

The comprehensive review and the move to a focus on adaptation and mitigation for both Council and community, will well place the Eurobodalla to enact a 10 year ambitious Climate Resilience Plan 2022-32.

It is anticipated that the draft Climate Resilience Plan will be considered by Council in early 2022 for public exhibition and comment.

**4. Additional actions undertaken in 2020-21 include:**

- Working with selected neighbourhoods to trial street plantings to improve amenity, reduce heat stress in urban areas and inform the development of Verge Garden Guidelines via grant funds
- Water efficiency rebates for businesses and dual-flush toilets have been increased with additional support from bushfire recovery funding. 431 rebates were provided for dual flush toilets and water efficient washing machines.
- Development of an internal Council Electric Vehicle Strategy has commenced. The strategy will help Council to manage and prepare for the risks and opportunities presented by the transition occurring in the automotive industry. It will develop a sound pathway to transition to a zero emissions fleet. As of July 2021, there were two hybrid trucks, 13 passenger hybrids and one plug-in hybrid vehicle in the Council fleet.
- Participation as a case study in the NSW Councils Action on Emissions Video Series. ([Net zero emissions for local councils | NSW Environment, Energy and Science](#)) The NSW Department of Planning, Infrastructure and Environment released the Net Zero Plan

**PSR21/052 2020-21 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY  
PROGRESS REPORT**

**S010-  
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Stage 1: 2020-30 which is the foundation for NSW's action on climate change and the goal to reach net zero emissions by 2050.

Council emissions

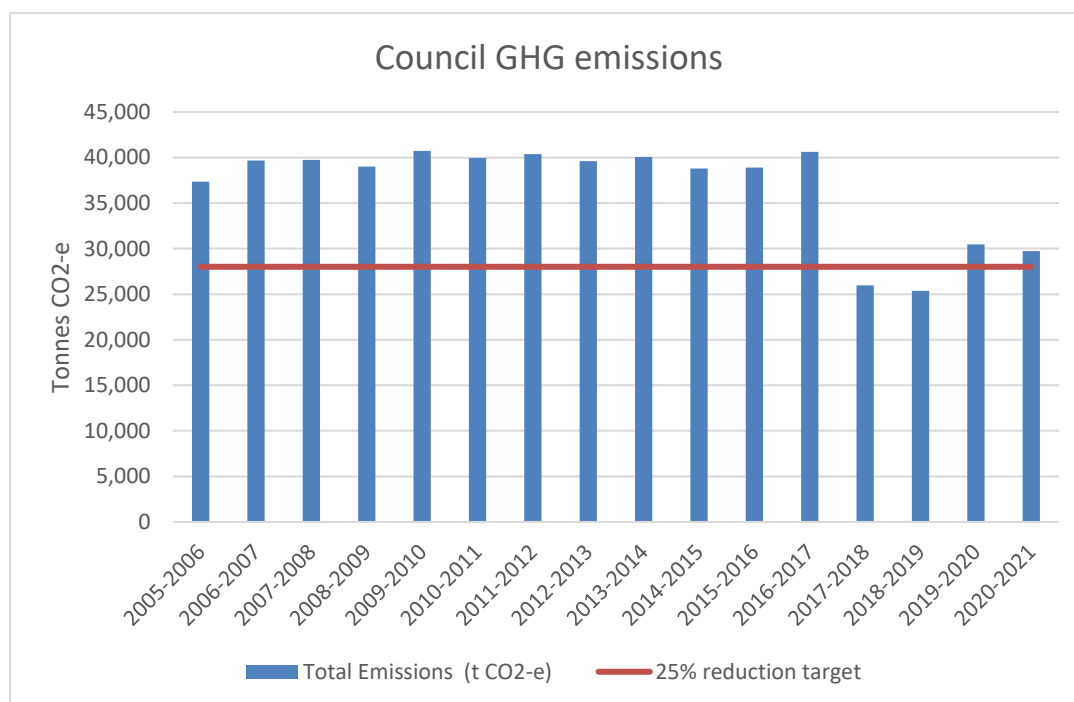


Table 1: Council's total greenhouse gas emissions

Council achieved the interim target of a 25% reduction in emissions by 2020 two years earlier in 2018, achieving a 34% reduction compared to the 2005-06 baseline. Council emissions for 2020-21 were slightly increased due to the gas flaring operation being shut down until December 2020 because of bushfire impacts at the Surf Beach Landfill.

Compared to the 2005-06 baseline, total street lighting emissions are down 42%, building emissions are down 47%, and landfill methane emissions are down an estimated 20% (compared to 50% in 2018-19 but expected to recover to this level as the gas flaring operation has recommenced in December 2020).

Education programs

A range of sustainability and education programs were delivered in the 2020-21 financial year. Many activities are well established and occur on a regular or ongoing basis such as the environmental calendar, the popular Water Rebates Program, and the Business Water Efficiency Program, some programs have had to adapt based on COVID-19 restrictions and we have expanded our online capabilities for environment education. Over 8,000 people were involved in Council sustainability education activities.

On occasion, there are also specific campaigns and activities that are delivered to highlight special events or messages, or in response to the availability of grant funding like the Little Penguin Project on the Clyde during this financial year.

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**PSR21/052 2020-21 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY  
PROGRESS REPORT**

**S010-  
T00037**

Some sustainability and education program highlights from 2020-21 include:

- 431 water rebates were provided for dual flush toilets (131) and washing machines (300).
- 240 marine debris clean-ups were recorded in the Eurobodalla across many sites and engaging hundreds of people. All our findings are recorded onto the Australian Marine Debris Initiatives database so all levels of government can use this information.
- Twelve schools participated in waste audits, the Tapstar water wise performance, Enviromentors, marine debris clean-ups, and presentations on waste, recycling and water conservation.
- Four school classes participated in water excursions visiting Deep Creek Dam, the water treatment plant and a sewage treatment plant.
- Over 155 people attended free home composting workshops with free compost bins with 72 % confirmed retention of composting behaviour three months post course.
- Over 160 people attended free worm farming workshops with free worm farming kits.
- The Business Water Efficiency Program provided support, smart water monitoring and a new plumbing retrofit program to local water using businesses. 16 businesses participated in water audits. An estimated 32,500 kL was saved this year through early detection of leaks and installation of water efficient devices.

**Environmental**

The implementation of the 2017-21 ERP and previous Greenhouse Action Plans have already resulted in many environmental improvement activities being undertaken. Other sustainability and education programs have supported the community and businesses to recycle correctly, reduce waste and to save energy and water.

**Financial**

A business case for all projects from the ERP are prioritised and evaluated before they are implemented. Projects with an attractive payback period and positive rate of return are approved. Projects that also significantly reduce CO<sup>2</sup> emissions are also considered and where funding is available, these projects are implemented.

Completed actions from the ERP have generated financial savings of over \$1m/year in energy and water costs. A strong case can be made for continuing to resource the implementation of cost-effective emissions reduction activities identified in the 2017-21 ERP and the future Climate Resilience Plan.

**Community and Stakeholder Engagement**

The community were consulted in the initial development of the Emissions Reduction Plan. Stakeholders from relevant community groups and public agencies were consulted in November 2019 to consider additional actions that could be addressed in the Emissions Reduction Plan.

Council continues to inform and engage the community about many of the sustainability activities and Emissions Reduction Plan actions through a variety of media channels. Council has also supported a range of community and business initiatives which help to save water, waste and energy.



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**PSR21/052 2020-21 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY  
PROGRESS REPORT**

**S010-  
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The ERP is nearing the end of the four-year implementation cycle. As a new plan, the Climate Resilience Plan, is developed during 2021-22, stakeholders and the general community will be consulted to consider actions for Council to focus on and deliver in the coming years. The Climate Resilience Plan will give consideration to both emissions reduction opportunities, as well as climate change adaptation initiatives.

**CONCLUSION**

The 2017-21 Emissions Reduction Plan has progressed well and has been on track to meet the emission reduction targets. Significant financial savings to Council have been achieved as a result of activities within the ERP. It is recommended to continue to implement the ERP to fully realise the objectives, targets and financial benefits of the Plan.

Council provides a well utilised and well-respected program of sustainability and education activities. This provides a direct benefit in helping to maintain the quality of the natural environment that so many residents and visitors appreciate in the Eurobodalla. It also helps our community by enhancing both organisational and individual usage of water, waste, and energy efficiency.

PSR21/052 2020-21 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY PROGRESS REPORT  
ATTACHMENT 1 ERP - ACTIONS UPDATE

<i>Number</i>	<i>New action</i>	<i>Description</i>	<i>2021 Status report update</i>
1	Implement identified energy and water conservation measures from the Energy Performance Contract at Council's largest energy-using sites by June 2018.	An Energy Performance Contract has been entered into, which investigated energy and water conservation measures at Council's 23 largest sites. The cost effective opportunities will be implemented, saving an estimated 729 tonnes of CO <sub>2</sub> e per year.	Completed.  All works have been completed.
2	Conduct annual measurement and verification of projects completed from the Energy Performance Contract (EPC).	The savings from completed EPC projects will be measured and verified on an annual basis.	Completed.  The contractor defaulted on this part of the contract so the measurement and verification process will not be continued. However, savings are being delivered as expected.
3	All new electrical equipment must be better than the market average energy star rating.	Appliances and equipment in the following categories with energy star ratings must have at least the following star ratings: <ul style="list-style-type: none"> <li>• fridge/freezers – 3 stars</li> <li>• air conditioners – 3.5 stars</li> <li>• washing machines – 3 stars</li> <li>• dishwashers – 3 stars</li> <li>• TV/computer monitors – 3 stars.</li> </ul>	Completed.  Standards have been adopted and staff have been using these when purchasing new appliances.
4	All new water-using appliances, shower heads, taps and toilets purchased by Council must be better than the average Water Efficiency Labelling Scheme (WELS) star rating by product type.	Appliances and equipment in the following categories with star ratings under the Water Efficiency Labelling Scheme (WELS) must have at least the following star ratings: <ul style="list-style-type: none"> <li>• showerheads – 3 stars</li> <li>• toilets and urinals – 4 stars (desirable)</li> <li>• washing machines – 4.5 stars</li> <li>• dishwashers – 4 stars</li> <li>• taps and flow controllers – 4.5 stars.</li> </ul>	Completed.  Standards have been adopted and staff have been using these when purchasing new appliances.
5	Formalise a process for incorporating sustainable designs, products and materials into buildings and construction projects.	This will result in establishing a set of minimum standards for new buildings, renovations and infrastructure projects. This will help to ensure whole of life costs and sustainability are considered and included at the design stage of a project.	Ongoing.  A Sustainable Building policy has been drafted for a range of different building project scales. This is being trialled on some upcoming builds and renovations before being formalised.
6	Upgrade all street lighting to LED by June 2021.	The LED upgrade was initially only conducted on residential roads. Essential Energy, the network provider, conducted trials on LEDs for main roads and have approved them for wide scale use in Eurobodalla. All remaining streetlights to be upgraded to LED. This is expected to save 390 tonnes of CO <sub>2</sub> e/yr.	Completed.  LEDs for all lighting types have now been approved for use by Essential Energy and will be the default light for all new lights and spot replacements. All remaining non-LEDs in Eurobodalla were upgraded to LEDs during 2021.

PSR21/052 2020-21 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY PROGRESS REPORT

ATTACHMENT 1 ERP - ACTIONS UPDATE

Number	New action	Description	2021 Status report update
7	Investigate the opportunities presented by smart controls for street lights.	Smart controls that are connected to street lights can enable lights to be dimmed up or down in response to a range of inputs. Lights can be remotely monitored to enable early failure detection. They may also act as the enabling platform for 'smart cities' by transmitting community wide data and establishing connectivity with other devices in the public domain.	Completed.  Smart controls for street lighting are currently being investigated by Essential Energy. Council has advocated for this with Essential Energy via their Streetlighting Consultative Committee and also through the Southern Lights Project which represents the Canberra JO, RAMJO, REROC and CENTROC on streetlighting issues.
8	Develop a Water Demand Management Plan by June 2020.	This plan will include drought management and water conservation strategies that Council will implement in order to manage pressures on a secure water supply. Reducing demand for water reduces the emissions from water transport and treatment.	Ongoing  Council's Drought Management Plan is currently in the process of being updated.  Council has secured funding for the Southern Storage.
9	Develop a Mains Water Leak Detection Program by June 2021.	This will include annual reporting on water losses and an ongoing program for identifying and fixing leaks in the water mains water delivery system. This will reduce emissions through reduced pumping and treatment requirements. A smart metering pilot program will be rolled out in 2017 that will be able to monitor leaks and residential demand.	Completed.  An active leak detection program on the whole of the water supply system completed leaks found and repaired.
10	Investigate opportunities to operate a biogas plant and reduce biosolids volume at the Surf Beach Sewage Treatment Works by June 2018.	As part of the Energy Performance Contract, these additional opportunities will be investigated. A biogas plant has the potential to generate renewable energy onsite and reduce the volume of bio-solids generated.	Completed.  Findings from market research has not been promising but opportunities continue to be investigated.
11	Monitor and report on key performance indicators for demand management and energy efficiency for water and sewer services.	On a yearly basis, water usage per connection (kL/connection) will be monitored, as will energy use per ml (kWh/ml) of water treated and sewer treated. This will be reviewed, benchmarked and analysed to determine progress towards improving operational performance.	Completed.  Energy efficiency for water and sewer services continues to be monitored.
12	Work with stakeholders to facilitate electric car charging infrastructure.	This will consider partnerships with charging companies, car companies or other sponsors to establish electric vehicle charging stations. Future infrastructure and policy requirements in support of the growth of the electric vehicle market will also be considered.	Completed.  Discussions have been held with NRMA, AGL and NSW Government and businesses chambers about opportunities for co-funding EV chargers. A NSW Gov strategy was released recently to guide locations and investment.

PSR21/052 2020-21 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY PROGRESS REPORT

ATTACHMENT 1 ERP - ACTIONS UPDATE

<i>Number</i>	<i>New action</i>	<i>Description</i>	<i>2021 Status report update</i>
13	Investigate utilising GPS tracking on Council's fleet to improve fleet efficiency and driver safety.	GPS tracking can improve driver safety. Research has shown that it can also result in a reduction to fuel usage through improved eco and safe driving techniques and reduced engine idling.	Completed.  GPS tracking has been installed on all vehicles >4.5T as part of the 'chain of responsibility' legislative requirements. Opportunities to use this to improve fleet efficiency and driver safety will be investigated further.
14	Council will give preference to investing with financial institutions that do not invest in, or finance, the fossil fuel industry.	This will be implemented where: a) Council's investment is compliant with its 'Investment Policy'. b) The investment rate of interest is comparable to other similar investments that may be on offer to Council at the time of investment.	Completed.  Council continues to report on progress towards this action. In July 2021, 35.53% of funds were invested in fossil fuel free institutions.
15	Develop a Council Climate Adaptation Strategy by June 2020.	A detailed Adaptation Strategy will be developed that considers Council's response to climate change. This will include: 1. sensitivity analysis of risk from key climate change hazards: heat, bushfire, flood, coastal hazards and sea level rise 2. impact of these hazards on infrastructure, natural environment, built assets and health 3. analysis of response pathways and adaptation strategies 4. overview of financial impacts on Council of the hazards and adaptation strategies 5. develop a structured policy and planning responses 6. refine adaptation strategies for further financial analysis prior to implementation.	Ongoing.  Work has commenced on a Council Climate Resilience Plan. It will be presented for community consultation and council endorsement early 2022.
16	Investigate opportunities to maximise the benefits of the renewable energy generated by Council.	Work collaboratively with Essential Energy and energy retailers to pilot, implement or advocate for new ways of trading and valuing renewable energy. For example, peer to peer trading, higher feed-in-tariffs, local generation credits or virtual net metering. These strategies may also help improve the viability of additional renewable energy generation for Council.	Completed.  Council has advocated to the NSW and Australian Governments for increased certainty on energy and emissions policy, and for improved energy resilience during and after emergencies.

## PSR21/052 2020-21 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY PROGRESS REPORT

## ATTACHMENT 1 ERP - ACTIONS UPDATE

<i>Number</i>	<i>New action</i>	<i>Description</i>	<i>2021 Status report update</i>
17	Investigate the costs and benefits of working towards a corporate target of 100% renewable energy by 2030.	This will consider the technical and economic feasibility of Council operations being powered from 100% renewable energy. This will consider the costs and benefits of different options including: Council as the owner and operator; a renewable energy Power Purchase Agreement; a public-private partnership; the costs and benefits of collaboration with other councils, and siting a renewable power plant locally or remotely.	Completed.  Independent experts were engaged in 2018 to review various options to meet the 100% renewable energy target. A renewable energy Power Purchase Agreement was considered the most viable way to meet Council's goals. Procurement of PPA was successful during 2020 and on 1 July 2021 council commenced a new PPA contract with ENGIE Simply Energy for 80% renewable energy supply. Further investigations continue for the remaining 20%.
18	Investigate opportunities to use battery storage technologies in conjunction with the renewable energy Council has installed.	This will consider, for example, opportunities for managing peak demand onsite and offsite, generating 'grid credits', storing and shifting energy loads within a site, and taking small sites off the grid.	Completed.  Opportunities continue to be investigated.
19	Complete a feasibility study of implementing a large-scale solar farm.	This will consider the technical and economic feasibility of a solar farm, including: the optimal size; location opportunities and constraints; grid connection opportunities and constraints; revenue options; financing options; etc.	Completed.  Independent experts were engaged to review this concept, alongside other ways, to meet the 100% renewable energy target. A solar farm was deemed to be relatively high cost and high risk. Though technically feasible, a renewable energy Power Purchase Agreement was considered the most viable way to meet Council's goals.
20	Investigate opportunities for generating electricity from methane gas extraction by June 2019.	Depending on the quality and quantity of methane extracted from the landfill sites, it may be possible to generate electricity from the gas. This would be considered a form of renewable energy and will help offset Council's electricity usage or be exported to the grid.	Completed.  Opportunities continue to be investigated and the volumes of methane being extracted appears insufficient for current commercially viable electricity generation plants.
21	Investigate opportunities for utilising the waste heat produced from landfill gas flare by June 2019.	If the quantity of methane produced at the landfill sites proves to be too low for electricity generation, then opportunities for utilising the waste heat from the landfill gas flare will be investigated. For example, opportunities may include using the heat to assist in managing leachate or treatment processes at the Surf Beach Sewage Treatment Works.	Completed.  Findings from market research has not been promising, however, opportunities continue to be investigated.

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**PSR21/053 PROPOSED SALE OF OPERATIONAL LAND - HAWDON & MURRAY  
STREETS, MORUYA**

**S023-  
T00014**

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

Attachments: 1. Confidential - EoI for purchase

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council approval for the sale of Council-owned land, being Lot 83 DP 614216, Lot 23 DP 733139, and Lots 92, 93 and 95 DP 255085 ('land') located between Hawdon and Murray Streets, Moruya.

The land proposed for sale is classified as Operational land.

Council has received an enquiry about the purchase of all these lots and the land is unused by Council (refer to confidential attachment). In accordance with the Delivery Program and Operational Plan, a good return for the community would be achieved and it is recommended this land be sold.

This report recommends the sale of Lot 83 DP 614216, Lot 23 DP 733139, and Lots 92, 93 and 95 DP 255085 located between Hawdon and Murray Streets, Moruya.

**RECOMMENDATION**

THAT:

1. Council approve the sale of Lot 83 DP 614216, Lot 23 DP 733139, and Lots 92, 93 and 95 DP 255085 in accordance with Council's Land Acquisition and Disposal Policy.
2. All actions necessary be taken to enact the sale of Lot 83 DP 614216, Lot 23 DP 733139, and Lots 92, 93 and 95 DP 255085.
3. Council consent be given to affix the Common Seal of Council, if required, to all necessary documents associated with the transfer and sale of the property.

**BACKGROUND**

The Council-owned Operational land, being Lot 83 DP 614216, Lot 23 DP 733139, and Lots 92, 93 and 95 DP 255085 is currently vacant land and is available for disposal. These lots are located between Hawdon and Murray Streets, Moruya.

The majority of the land is zoned R2 Low Density Residential with part zoned SP2 Infrastructure. The SP2 zoning is to facilitate a road through the middle of the subject land to allow urban infill by the subdivision of larger residential blocks.

The land has previously been identified, when considering the strategic management of operational land, as land where the appropriate course of action would be to "negotiate with

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**PSR21/053 PROPOSED SALE OF OPERATIONAL LAND - HAWDON & MURRAY  
STREETS, MORUYA**

**S023-  
T00014**

landowners to dedicate land for public road off Hawdon Street to allow rear properties to be subdivided off.”

Council has been approached by a third party who owns adjoining land, interested in purchasing all the abovementioned Council-owned land.

The realisation of the infill development has several development challenges. The sale of the Council land will consolidate ownership of land in the area and assist in facilitating the infill development intended by the land-use zoning.

In accordance with Council’s procedure for sale of Council land, the proposal has been referred to relevant Council staff and no opposition to sell the land has been received.

It is proposed to prepare the lots for sale.

**CONSIDERATIONS**

Council’s Land Acquisition and Disposal Policy contains guidance on when land can be sold by direct negotiation and when a competitive process is required.

In this case, some of the land could be sold to adjoining landowners, other than the neighbour from whom the enquiry was received.

Council has therefore written to neighbouring landowners asking whether there was any interest in purchasing Council land. Interest has been received.

Council will undertake a competitive process of seeking offers from all interested parties who are listed in the confidential attachment.

A probity plan will be developed to demonstrate compliance with the following principles:

- a. obtaining best value for money
- b. demonstrating accountability and transparency
- c. dealing with conflict of interest
- d. providing a fair chance for all to participate
- e. where Council sells property subject to a Development Application, that application will be assessed independently and submitted to either the Independent Hearing and Assessment Panel or the Joint Regional Planning Panel.



**PSR21/053 PROPOSED SALE OF OPERATIONAL LAND - HAWDON & MURRAY  
STREETS, MORUYA**

**S023-  
T00014**

The land proposed to be sold is outlined in red below.



*Lot 83 DP 614216, Lot 23 DP 733139, and Lots 92, 93 and 95 DP 255085*

**Legal**

The land proposed to be sold is classified as Operational land and as such, there is no impediment to its sale.

**Policy**

All actions regarding the sale of this land will be in accordance with Council's Land Acquisition and Disposal Policy.

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

In accordance with section 9.2.2.3 of the Delivery Program and Operational Plan, a good return for the community should be achieved and it is recommended that this land be sold.

**Environmental**

The land proposed to be sold is partly zoned for road infrastructure as previous planning processes have envisaged this type of urban infill.

There is very little mature vegetation on the site.

**Social Impact**

Lack of housing availability in Eurobodalla is causing a number of social issues, including homelessness. This land will assist with the supply of land for development and reduce pressure on housing affordability.



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**PSR21/053 PROPOSED SALE OF OPERATIONAL LAND - HAWDON & MURRAY  
STREETS, MORUYA**

**S023-  
T00014**

**Economic development employment potential**

This land sale would support employment in Eurobodalla Shire.

**Financial**

A valuation report from a registered valuer has been obtained and this will be used to guide sale price negotiations in accordance with Council's Land Acquisition and Disposal Policy.

**Community and stakeholder engagement**

Council has referred to Council's Engagement Planning Tool and relevant legislation regarding consultation on this matter. There is no legal requirement to advise the community through public notice or public exhibition for land dealings concerning operational land.

Council has written to neighbouring landowners about the potential for sale.

**CONCLUSION**

Lots 83 DP614216, Lot 23 DP733139, and Lots 92, 93 and 95 DP255085 located between Hawdon and Murray Streets, Moruya are Council-owned and classified as Operational. These allotments are currently vacant land and are available for disposal.

As the land is classified as Operational, there is no legal requirement to advise the community through public exhibition.

In accordance with the Delivery Program and Operational Plan, should this land be sold, a good return for the community would be achieved.

The sale of the Council land will consolidate ownership of land in the area and assist in facilitating the infill development intended by the land-use zoning.

It is recommended that Council sell the land in accordance with Council's Land Acquisition and Disposal Policy.

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**PSR21/054 PROPOSED ROAD CLOSURE - PART BENT STREET,  
BATEMANS BAY**

**S023-T00023/  
LAND ID 14890**

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

Attachments: 1. Confidential - Proposed road closure - part Bent Street, Batemans Bay

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

**EXECUTIVE SUMMARY**

The purpose of this report is to seek approval to the proposed closure of part Bent Street, Batemans Bay adjoining Lot 7 Section 3 DP 758064 and sell that part to the landowners of Lot 7.

An application has been received from the landowners of Lot 7 Section 3 DP 758064, being 30 Bent Street, Batemans Bay to close part road reserve adjoining their property that is unformed. On closure, that part is proposed to be sold to the adjoining landowners and consolidated with their property.

All survey and legal costs associated with the road closure will be borne by the applicant landowners.

The landowners' details are set out in the confidential attachment.

In accordance with road closure procedures, notification to the appropriate authorities and all neighbouring property owners will be carried out and any submissions received will be considered.

It is recommended that, subject to there being no objection during the notification period, Council support the closure and sale of part Bent Street to the adjoining landowners.

**RECOMMENDATION**

THAT:

1. Council approve the proposed closure of part Bent Street, Batemans Bay adjoining Lot 7 Section 3 DP 758064 and sell that part to the owners of Lot 7.
2. A Deed of Agreement be entered into with the owners of Lot 7 Section 3 DP 758064 for the closure of that part of Bent Street, Batemans Bay adjacent to Lot 7 requiring the owners to undertake to:
  - a. Pay all costs associated with the closure of part Bent Street
  - b. Consolidate the area of closed road with the adjoining Lot 7 Section 3 DP 758064
  - c. Pay compensation to Council for the closed road, to be determined following a valuation by a registered valuer.

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**PSR21/054 PROPOSED ROAD CLOSURE - PART BENT STREET, BATEMANS BAY**

**S023-T00023/  
LAND ID 14890**

3. Subject to the above Deed of Agreement being entered into, Council publicly notify the proposal to close Council road reserve adjacent to Lot 7 Section 3 DP 758064 in accordance with the provisions of the *Roads Act 1993* for a period of 28 days.
4. Subject to no objections being received, the closure of Council road reserve adjacent to Lot 7 Section 3 DP 758064 proceed.
5. Once closed and vested in Council, the land be transferred to the landowners of Lot 7 Section 3 DP 758064 following payment to Council of the agreed compensation.
6. Consent be given to affix the Common Seal of Council to all relevant documentation.

**BACKGROUND**

The landowners of 30 Bent Street, Batemans Bay, being Lot 7 Section 3 DP 758064, have submitted an application to close part of the road reserve at Bent Street, Batemans Bay adjoining their property, and to purchase the closed part in order to utilise more area for development.

Bent Street, Batemans Bay is a formed road maintained by Council. The footpath width adjoining Lot 7 is wide enough to allow the owner of Lot 7 to purchase a width of approximately 7 metres and leave sufficient road reserve for widening of the bitumen area of Bent Street in the future, if required.

The current road reserve width is 30 metres. Any closing of the road reserve would have to retain an absolute minimum total road reserve width, being 18.5 metres.

The width of the road reserve for the adjoining lot is 20 metres and is therefore narrower than the 23 metres that will be left in front of Lot 7.

Council's procedure for road closures will be followed, including notification to the appropriate authorities and neighbouring property owners, allowing 28 days for submissions.

**CONSIDERATIONS**

Part of Bent Street road reserve proposed for closure is shown in the sketches below.

**PSR21/054 PROPOSED ROAD CLOSURE - PART BENT STREET, BATEMANS BAY**

**S023-T00023/  
LAND ID 14890**

*Proposed road closure, part 30 Bent Street, Batemans Bay*



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**PSR21/054 PROPOSED ROAD CLOSURE - PART BENT STREET, BATEMANS BAY**

**S023-T00023/  
LAND ID 14890**

**Legal**

In accordance with the *Roads Act 1993* Council is the roads authority for public roads. The proposal to close the road must be advertised in the local paper and all affected landowners and notifiable authorities given a minimum 28-day submission period.

[Roads Act 1993 Sec 38B](#)

A plan of survey for the closed road will be registered at NSW Land Registry Services. Following registration of the plan the road closure is to be notified in the Government Gazette. On closure of the road the land will vest in Council as operational land and be transferred and consolidated with the adjoining Lot 7 Section 3 DP 758064 at Bent Street, Batemans Bay.

**Policy**

All actions in respect of the sale of the road reserve will be in accordance with Council's *Land Acquisition and Disposal Policy*.

[Land-Acquisition-and-Disposal-Policy.pdf](#)

**Asset**

On closure of the road the land will vest in Council as operational land and be transferred to the owners of adjoining Lot 7 Section 3 DP 758064.

**Social Impact**

The road reserve adjoining Lot 7 is wide enough to allow the owner of Lot 7 to purchase a width of approximately 7 metres and leave sufficient road reserve for widening of the bitumen area of Bent Street in the future, if required.

**Economic Development Employment Potential**

The extra area resulting from the closure and purchase of that part of Bent Street adjoining Lot 7 may allow for greater flexibility in future development of the land, if required.

**Financial**

All survey and legal costs associated with the road closure will be borne by the applicants.

The value of the closed road reserve will be determined following a valuation by a registered valuer.

**Community and Stakeholder Engagement**

In accordance with s38B of the *Roads Act 1993*, the proposed road closing will be publicly notified through the local newspaper and on Council's website allowing 28 days for submissions, and NSW Government statutory authorities will also be notified allowing 28 days for submissions.

[Roads Act 1993 Sec 38B](#)

**CONCLUSION**

An application for the proposed closure and purchase of part road reserve at 30 Bent Street, Batemans Bay has been received by the adjoining landowners.

If any objections are received during the notification period a further report will be presented to Council.

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**PSR21/055 LICENCE RENEWAL FOR RADIO ANTENNA - NORTH NAROOMA  
RESERVOIR**

**S023-  
T00017**

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

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend renewal of the licence to Eurobodalla Access Radio Inc. (2EARFM).

2EARFM has expressed an interest in renewing their licence to operate at the North Narooma Reservoir for a further five years. The current term expired on 30 June 2021 and 2EARFM are now operating on a holding-over period. 2EARFM have held a licence for a radio transmission facility at North Narooma Reservoir since 1 July 2006.

It is recommended that Council grant a further five-year licence and renewals to 2EARFM to operate, store and maintain radio transmission equipment at the North Narooma Reservoir site.

### **RECOMMENDATION**

THAT:

1. Council grant a five-year licence for radio transmission equipment within Lot 1 DP 379832 to Eurobodalla Access Radio Inc. commencing 1 July 2021 and expiring on 30 June 2026, and including the following conditions:
  - a. Licence fee be in line with the Crown Lands statutory minimum increased annually in line with the Consumer Price Index
  - b. The provision of \$20 million public liability insurance
  - c. Conditions generally in line with the previous licence.
2. The General Manager be given delegated authority to negotiate further licences.

### **BACKGROUND**

A licence has been held by 2EARFM to operate a radio transmission facility at North Narooma Reservoir since 1 July 2006. They continue to operate this facility on a holding-over period until 20 June 2022.

2EARFM have requested a further five-year licence be granted to operate from the North Narooma Reservoir site within Lot 1 DP 379832.



**PSR21/055 LICENCE RENEWAL FOR RADIO ANTENNA - NORTH NAROOMA  
RESERVOIR**

**S023-T00017  
LAND ID:  
8359**

2EARFM is a community radio station based in Moruya that is run by volunteers drawn from different backgrounds and broadcasts 24 hours a day, 365 days a year with most programs each day being 'live'. 2EARFM is a not-for-profit community organisation providing entertainment and information to the wider community and as such, it is recommended that Council support 2EARFM by granting a five-year licence and renewals.

**CONSIDERATIONS**

Conditions for the licence should generally be in line with the previous licence.

The licence area is shown in the sketch below.



Lot 1 DP 379832 Hillcrest Avenue, Narooma

**Legal**

The North Narooma Reservoir located at 33A Hillcrest Avenue, being Lot 1 DP 379832, is classified as operational land and therefore, there is no legal impediment to granting a further licence.

**Asset**

In line with previous licences, a further licence should be conditioned such that if the facility interferes with Council's telemetry or radio communications equipment on the site and cannot be suppressed, then the licence can be terminated.



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**PSR21/055 LICENCE RENEWAL FOR RADIO ANTENNA - NORTH NAROOMA  
RESERVOIR**

**S023-T00017  
LAND ID:  
8359**

**Social Impact**

The improved reception for 2EARFM in the Narooma area provides the public with a greater choice of radio listening. 2EARFM is a community radio station based in Moruya that is run by volunteers.

**Financial**

Given the nature of the organisation as not-for-profit and the community benefit it offers, an annual licence fee in line with the Crown Lands statutory minimum rent is considered reasonable. This is currently \$516 plus GST with annual CPI increases.

**Community and Stakeholder Engagement**

Council has referred to its Engagement Planning Tool and relevant legislation regarding consultation on this matter. There is no legal requirement to advise the community through public notice or to or seek feedback through public exhibition for land dealings within operational land. Given this is the renewal of an existing licence and no complaints have been received, the engagement method will be to 'inform'.

**CONCLUSION**

The licence to Eurobodalla Access Radio Inc. (2EARFM) expired on 30 June 2021. 2EARFM has continued operating on a holding-over basis and have requested a further five-year licence be granted.

It is recommended that Council renew the licence to operate a radio transmission facility at the North Narooma Reservoir site within Lot 1 DP 379832, commencing on 1 July 2021.

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**PSR21/056 EASEMENT FOR RIGHT OF ACCESS - MALONEYS BEACH**

**S023-T00001**

**LAND ID:**

**5418**

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

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.3 Strategic management and review of Council operational land

**EXECUTIVE SUMMARY**

The purpose of this report is to seek approval to the proposed easement for Right of Access (RoA) within Council land being Lot 245 DP 569875 at Maloneys Beach, as part of the Murramarang South Coast Walk Project.

Maloneys Beach is to be established as the starting point for the walk.

The proposed RoA over Council land, being Lot 245 DP 569875, Maloneys Beach has been applied for by NSW National Parks and Wildlife Service (NPWS) to formalise the use of an existing track through Council land to access a new carpark in Murramarang National Park, being Lot F DP 1213, as part of the Murramarang South Coast Walk Project.

Lot 245 DP 569875 is classified as community land and as such public notification of the proposed easement for access will take place, allowing 28 days for submissions. If any objections are received during the notification period a further report will be presented to Council.

All survey, valuation and legal costs associated with the RoA will be borne by NPWS.

It is recommended that, subject to there being no objection during the notification period, Council support the proposed easement for access as part of the Murramarang South Coast Walk Project.

**RECOMMENDATION**

THAT

1. Consent be given for the creation of easement for access within Lot 245 DP 569875, benefitting the Minister responsible for administering the *National Parks and Wildlife Act 1974*.
2. Council publicly notify the proposal of the creation of an easement for access in accordance with Section 47 of the *Local Government Act 1993*.
3. Subject to no objections being received during the 28 day submission period, creation of the easement for access within Lot 245 DP 569875 proceed.

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**PSR21/056 EASEMENT FOR RIGHT OF ACCESS - MALONEYS BEACH**

**S023-T00001  
LAND ID: 5418**

4. Should objections be received the application be referred to the relevant Minister in accordance with Section 47 of the *Local Government Act 1993* and a further report to Council be presented.
5. All costs including Council's reasonable legal costs associated with the creation of the easement be borne by the applicant.
6. Authority be given to affix the Common Seal of Council to the necessary documentation associated with the easement.

**BACKGROUND**

The Murramarang South Coast Walk is a 48-kilometre multi-day walking trail that will start near Batemans Bay at Maloneys Beach and traverse the spectacular coastline of Murramarang National Park and Murramarang Aboriginal area. This walk is supported as part of the Eurobodalla Destination Action Plan and nature-based tourism.

NPWS plans to construct a new carpark at the Maloneys Beach end of Murramarang National Park to support planned improvements to the Murramarang South Coast Walk: <https://protect-au.mimecast.com/s/hCkDCL7ropsRpNQxuje80d?domain=environment.nsw.gov.au>. Use of the track within Lot 245 DP 569875 to access this section of Murramarang National Park has been an informal arrangement, possibly more accepted over time and while that has been adequate to date, it gives NPWS limited security of access into the future.

An application has been received from NPWS to create an easement for a RoA to formalise the existing track through Lot 245 DP 569875 and this request is supported.

Through Council's process of master planning Maloneys Beach as a gateway site, it was agreed that the new carpark would greatly benefit and improve the amenity of the area and that NPWS would be resolving long-standing stormwater management issues as part of the development.

It is recommended Council support the RoA as part of the project for the Murramarang South Coast Walk Project.

**CONSIDERATIONS**

The location of the proposed RoA is shown in the sketch below.

**PSR21/056 EASEMENT FOR RIGHT OF ACCESS - MALONEYS BEACH**

**S023-T00001  
LAND ID: 5418**



*Lot 245 DP 569875, Maloneys Beach*

**Legal**

Council's Lot 245 DP 569875 is community land and Section 46 of the *Local Government Act 1993* permits land dealings, ie, easements for public purposes such as this.

[Local Government Act 1993 s46](#)

The proposed RoA will be publicly notified in accordance with Section 47 of the *Local Government Act 1993*, allowing 28 days for submissions.

[Local Government Act 1993 s47](#)

The easement for RoA will be registered at NSW Land Registry Services.

**Policy**

The creation of a RoA within Lot 245 DP 569875 will proceed in accordance with Council's Land Acquisition and Disposal Policy.

[Land-Acquisition-and-Disposal-Policy](#)

**Asset**

The creation of a RoA will secure access to the National Park, where NPWS are to construct a carpark as part of the improvements to support the Murramarang South Coast Walk Project.

**Social Impact**

The Murramarang South Coast Walk Project will deliver an outstanding immersive visitor experience in one of the most stunning stretches of coastline in NSW and will promote the culture and heritage of the region.

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**PSR21/056 EASEMENT FOR RIGHT OF ACCESS - MALONEYS BEACH**

**S023-T00001  
LAND ID: 5418**

### **Economic Development Employment Potential**

This project creates local employment opportunities and drives growth in the visitor economy.

### **Financial**

All survey, valuation and legal costs associated with the RoA will be borne by NPWS.

A fee for application for easement over Council land as per fees and charges applies.

Compensation payable by NPWS for the RoA will be determined following a valuation by a registered valuer.

### **Community and Stakeholder Engagement**

Public notification of the Murramarang South Coast Walk Project has taken place throughout the planning process by NPWS. The project is on the NPWS website and the walk is identified in the Eurobodalla Nature-Based Tourism Feasibility Study on Council's website.

The Maloneys Beach Residents Association has been consulted by NPWS regarding the parking arrangements, stormwater issues and access to the beach. They have also met with Council's Executive Team when NPWS invited submissions to the Master Plan and Review of Environmental Factors.

The proposed RoA will be publicly notified in accordance with Section 47 of the *Local Government Act 1993*, allowing 28 days for submissions.

### **CONCLUSION**

This report recommends approval to create an easement for right of access within Council-owned Lot 245 DP 569875 as part of the project for the Murramarang South Coast Walk Project.

All survey and legal costs associated with the RoA will be borne by NPWS.

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**PSR21/057 DALMENY LAND RELEASE AREA**

**S017-T00033**

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

Attachments: Nil

Outcome: 6 Responsible and Balanced Development

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

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

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

**EXECUTIVE SUMMARY**

The purpose of this report is to seek allocation of \$100,000 from the Real Estate Development Fund to enable the engagement of specialist designers to work with Council staff in the master planning process for the Dalmeny Land Release Area (LRA).

There is a requirement for Council to take a leadership role and coordinate the preparation of a Development Control Plan (DCP) and provide a schematic plan-based representation (Master Plan) of the key development outcomes to guide future subdivision and housing for the Dalmeny LRA.

Council recognises the importance of preparing these documents to orchestrate a coordinated approach, across three separately owned land parcels, to guide the future subdivision and development of the LRA.

Property owners and Council staff have already commenced discussions and strategic consideration of traffic management, service provision, environmental and other associated issues necessary to inform the successful preparation of the Master Plan. Property owners and prospective owners have also engaged or are in the process of engaging specialist consultants to undertake studies related to biodiversity, archaeology, bushfire, traffic management and the like to inform the planning process. To assist in undertaking the Master Planning process it is recommended that Council engage specialist urban designers and landscape architects.

Also important to the endorsement and overall success of the Master Plan and Development Control Plan preparation will be the input and buy-in of the local community, landowners and councillors. This can only be achieved through a collaborative engagement process which will allow open engagement and support community capacity building for community input and guidance into the master planning process. The design process is the most appropriate tool for engagement allowing the community to work with Council, the designers and property owners to develop a Master Plan for the LRA.

A testing of the market for this type of specialist input to work with Council staff in this process has indicated a cost in the order of \$100,000 (excl. GST).

It is recommended that Council allocate \$100,000 from the Real Estate Development Fund to enable the engagement of specialist urban designers to work with council staff in the master planning process for the LRA.

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**PSR21/057 DALMENY LAND RELEASE AREA**

**S017-T00033**

**RECOMMENDATION**

THAT Council allocate \$100,000 from the Real Estate Development Fund to engage specialist urban designers to undertake a collaborative planning process to prepare the Dalmeny Land Release Area Master Plan and Development Control Plan.

**BACKGROUND**

The site was recognised as being appropriate for “urban expansion” in the repealed *Rural Local Environmental Plan 1987*. Council endorsed the recommendation that the site be rezoned to R2 Low Density Residential as part of the Eurobodalla Settlement Strategy 2006, with the site being incorporated as R2 Low Density Residential and identified as a land release area in the *Eurobodalla Local Environmental Plan (LEP) 2012*.

Clause 6.2 of the Eurobodalla LEP 2012 sets out the requirements for a DCP for land that is included in an LRA in the Eurobodalla. Council included clause 6.2 in the LEP in recognition of the importance of preparing these documents to orchestrate a coordinated approach that guides the future subdivision and development of the land.

Clause 6.2

6.2 Development control plans for land release areas

- (1) The objective of this clause is to ensure that development on land in a land release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in a land release area unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.
- (3) (Repealed)
- (4) The development control plan referred to in subclause (2) must provide for all of the following—
  - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) an overall assessment of the conservation significance of the land and proposed measures to avoid, minimise or mitigate any impact on identified areas of significance,
  - (e) a network of passive and active recreational areas,
  - (f) stormwater and water quality management controls,

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**PSR21/057 DALMENY LAND RELEASE AREA**

**S017-T00033**

- (g) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
- (h) detailed urban design controls for significant development sites,
- (i) measures to encourage higher density living around transport, open space and service nodes,
- (j) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
- (k) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

In accordance with requirements of clause 6.2 of the LEP, Council must prepare a DCP and Master Plan for the LRA. The DCP and accompanying Master Plan which is a visual representation of the desired future for the land, will need to consider and respond to the requirements of clause 6.2.

There is an appreciation amongst staff of the complexities, sensitivities and interests of this site which has been adopted as a location for “urban expansion” in numerous planning documents. It is important that Council takes a leadership role and coordinate the preparation of the Master Plan and DCP for the LRA.

Current demand for housing and interest in developing the land has become a significant trigger to commence the necessary investigation and process of supporting the planned growth in Dalmeny. A well-planned land release will assist in achieving this opportunity.

The preparation of the Master Plan and DCP is the opportunity to meet the current and future residential needs for expected population growth in the Eurobodalla Shire. The DCP and Masterplan will allow for the logical, coordinated, and cost-effective approach to land release and future development that incorporates the intention of Clause 6.2 of the *Eurobodalla Local Environmental Plan 2012* and the aspirations of both local community and Council.

## **CONSIDERATIONS**

Recent growth in population and housing demands have triggered interest in the land and the need to investigate the opportunities for development. In accordance with Clause 6.2 of the *Eurobodalla LEP 2012*, approval cannot be granted for the subdivision of land within the Dalmeny LRA unless a DCP and Masterplan are prepared.

The owners of the private land have progressed with technical assessments of the site in the interest of subdividing their land for development and have agreed to coordinate and collaborate with the preparation of the Masterplan and Development Control Plan.

The community holds diverse views of the land, with some adjoining residents using the site for recreational purposes and therefore placing significant value on it. Members of the community wish to uphold the biodiversity value of the site and the adjoining natural features whilst other community members are considering the opportunities for increasing housing supply and an opportunity to live in Dalmeny. A key element to the success of the project will be the



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**PSR21/057 DALMENY LAND RELEASE AREA**

**S017-T00033**

coordination and balance of conflicting priorities, desires and aspirations in collaboration with the community and landowners.

**Legal**

Pursuant to clause 6.2 of the *Eurobodalla LEP 2012*, subdivision cannot occur until such time as a DCP has been prepared for the site. The DCP must:

- Ensure the requirements of Clause 6.2 of the *Eurobodalla Local Environmental Plan 2012* are satisfied and a DCP created.
- Provide acceptable solutions and performance criteria (consistent with the structure and format of the Eurobodalla DCP).
- Respond to the requirements of Clause 6.2 and provide a schematic plan-based representation (Master Plan) of the key development outcomes to guide future subdivision and housing.

**Environmental**

The LRA is not mapped by the NSW Government's [Biodiversity Values Map](#) which identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing.

Biodiversity surveys of the urban expansion areas (now called land release areas) were undertaken in 2007. Recommendations of this report are reflected in the Eurobodalla Local Environmental Plan 2012 clause that requires Land Release Areas to only be developed once a Development Control Plan for the area is adopted by Council.

A copy of the 2007 survey can be found here [Eurobodalla Biodiversity Survey \(7MB\)](#).

The NSW Government's Regional strategy relied on the recommendations from the South Coast Sensitive Urban Lands Review regarding the suitability of specific sites in terms of development, scale and type of release. 17 urban expansion sites across the south coast were the subject of investigation because of their sensitivity. The subject land release area of Dalmeny was not deemed one of those requiring investigation and further recommendations. You can download the review via the NSW Department of Planning's website: [South Coast Sensitive Urban Lands Review \(2.26MB\)](#)

Notwithstanding the above supporting the suitability of the site for development the DCP and Masterplan process will still need to consider and respond to the environmental values of the site. Any future development application will also still need to be supported by relevant studies.

The DCP and Master Planning process will need to consider environmental opportunities and constraints including:

- Accommodating riparian corridors and buffers
- Managing hazards, including - flood planning levels, contamination, and bushfire
- Addressing areas of conservation significance (eg significant habitat)
- Considering Aboriginal and non-Aboriginal cultural heritage values

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**PSR21/057 DALMENY LAND RELEASE AREA**

**S017-T00033**

- Incorporating community values and retention of recreational opportunities.

**Social Impact**

A primary aim of the project is the coordination of the landowners, Council and the community to prepare an overarching Master Plan. The process will provide a collaborative approach providing an opportunity for community input into and capacity building around, planning and design.

The Master Plan process is a place-making tool which will facilitate the development of the land in a manner which recognises social needs of the current and future community while enhancing quality of life for future residents. The Master Plan will become the common thread that ties together the diverse variety of uses, spaces and character, whilst augmenting the character that makes these spaces distinctive and addressing the need for housing and associated social needs.

**Economic Development Employment Potential**

The preparation of the Master Plan and DCP provides an opportunity to meet the current and future residential needs for expected population growth in the Eurobodalla Shire. Lack of housing more broadly in our Shire is currently impacting on the ability for employers to attract new employees and prejudicing opportunities for new residents to relocate here and existing residents to build new homes.

**Financial**

The \$100,000 for the planning process is proposed to be funded from the Real Estate Development Fund (REDF).

There are sufficient funds available from REDF which has a balance of \$4.2M.

**Community and Stakeholder Engagement**

There is a requirement for Council to take a leadership role and coordinate the preparation of the Master Plan and DCP for the LRA.

Community engagement will be of paramount importance given the scale and history of the land. The community is already engaged and mobilised in the process of developing this land. Establishing clear channels of communication and opportunities for community input will be fundamental in ensuring a smooth and informed process. Selecting the right type of communication tools and activities that best respond to the needs and drivers of each stakeholder group will be important and Council staff will work with the selected consultants to tailor a process to this project and range of stakeholders, in accordance with the requirements of the Eurobodalla Shire Council Community Engagement Framework. Capturing community aspirations where possible will significantly enhance the success of the project and development of the LRA.

Staged community engagement will ensure the outputs from this process are not only well-informed by all aspects of community input but they can be endorsed by Council and used as positive tools for growth for many years to come. In short, an opportunity exists to take an integrated and in-depth approach to best practice place-making through the master planning process.

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**PSR21/057 DALMENY LAND RELEASE AREA**

**S017-T00033**

**CONCLUSION**

Leadership in a collaborative design process is required to ensure the requirements of Clause 6.2 of the *Eurobodalla LEP* can be delivered for the Dalmeny Land Release Area. In conjunction with Council staff, specialist urban design and landscape architect skills and experience is recommended to undertake this process.

A budget is necessary to enable this approach to be undertaken for a critical piece of land to support growth and the delivery of sustainable community outcomes whilst meeting the demands for increased housing and choice in the Eurobodalla.

A budget of \$100,000 is required to be able to deliver this.

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**PSR21/058 REQUEST FOR TENDER - WASTE SERVICES COLLECTION  
CONTRACT 2122 - 010 AND LITTER BIN COLLECTION CONTRACT  
2122-011**

**S031-  
T00001**

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

Attachments: 1. Confidential - Tender Waste Collection Contract

Outcome: 4 Sustainable Living

Focus Area: 4.2 Targeted reduction of waste with an emphasis on resource recovery and waste minimisation

Delivery Program Link: 4.2.1 Provide sustainable waste services and infrastructure

Operational Plan Link: 4.2.1.1 Build, renew, operate and maintain waste landfill sites and transfer stations

### **EXECUTIVE SUMMARY**

This report outlines the evaluation of offers submitted in response to Request for Tenders for the *Waste Collection Contract* (RFT 2122-010) and *Litter Bin Collection contract* (RFT 2122-011).

It provides recommendations to Council to endorse the selection of the preferred tenderer within the confidential attachment and enter into contract negotiations with the preferred tenderer.

Council's waste collection contracts, including the domestic kerbside collection, servicing of the community recycling from sites, the household hard waste collection, the transfer of waste from Moruya Transfer Station, and the litter bin collection service, concludes on 30 September 2022.

A decision on the preferred tenderer and entering into a contract for the required services should be determined and should not be delayed. Whilst the current contract expires on 30 September 2022, sufficient time is required for the successful tenderer to procure vehicles. Transition arrangements submitted by each tenderer have confirmed the required lead time to meet the start date of the new contract.

This report is to advise Council of tenders received and make recommendations for the provision of waste collection services for the Eurobodalla. A confidential attachment is included for Councillors' information only pursuant to Section 10A(2) of the *Local Government Act 1993*.

### **RECOMMENDATION**

THAT

1. Award the Waste Collection Contract (RFT 2122-010) and the Litter Bin Collection Contract (RFT 2122-011) within the confidential attachment to the preferred tenderer subject to undertaking financial assessment and if acceptable enter into negotiations based on the conditions outlined in Waste Contract (RFT 2122-010) and the Litter Bin Collection (RFT 2122-011).
2. Provide delegations to the General Manager to conclude these negotiations and if appropriate, enter into a contract(s) with the preferred tenderer within the confidential attachment.

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**PSR21/058 REQUEST FOR TENDER - WASTE SERVICES COLLECTION  
CONTRACT 2122 - 010 AND LITTER BIN COLLECTION CONTRACT  
2122-011**

**S031-  
T00001**

3. If the financial assessment and contract negotiations are not successful with the preferred tenderer, undertake financial assessment and enter into negotiations with next preferred tenderer based on the conditions outlined in Request for Tender (RFT No. 2122-010) and (RFT No. 2122-011). That the general manager be provided delegations to conclude these negotiations and enter into a contract.

**BACKGROUND**

Council released a Request for Tender to obtain responses from appropriately qualified and experienced organisations to deliver waste collection and litter bin collection services for the Eurobodalla.

In addition to the domestic kerbside collection, the Waste Collection Contract also includes the servicing of the community recycling sites, the household hard waste collection, and the transfer of waste from Moruya Transfer Station.

The proposed contract term is 7 years with an option for an extension of up to 3 years.

Tenders for the provision of waste services closed on the 6 October 2021.

**CONSIDERATIONS**

The current Waste Collection Contract and Litter Bin Collection Contract finalise on 30 September 2022.

A decision on the preferred tenderer and entering into a contract for the required services should be determined and should not be delayed. Whilst the current contract expires on 30 September 2022, sufficient time is required for the successful tenderer to procure vehicles. Transition arrangements submitted by each tenderer have confirmed the required lead time to meet the start date of the new contract.

A Request for Tenders was advertised on 7 September 2021 via Council's Tenderlink Portal and on 7 September 2021 in the Sydney Morning Herald and the Canberra Times on the 11 September 2021, in accordance with Local Government (General) Regulation 2005 clause 167(1). The RFT was advertised for 28 days, exceeding the 21-day legislative requirement for advertising tenders. Council received three (3) responses in which contractors tendered for all components of the contracts.

Three compliant tenders were received in response to the RFT's, in alphabetical order:

1. Cleanaway Pty Ltd
2. JR Richards and Sons Pty Ltd
3. Suez Recycling and Recovery Pty Ltd

All Tenderers submitted responses for the Waste Collection Contract (RFT 2122-010) and the Litter Bin Collection Contract (RFT 2122-011) providing both conforming and non-conforming options, outlined as follows:

- Waste Collection Contract - received 5 Conforming options and 5 non-conforming options

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**PSR21/058 REQUEST FOR TENDER - WASTE SERVICES COLLECTION  
CONTRACT 2122 - 010 AND LITTER BIN COLLECTION CONTRACT  
2122-011**

**S031-  
T00001**

- Litter bin collection – received 5 conforming and 1 non-conforming options

A Tender Evaluation Panel (TEP) including an independent waste specialist evaluated tenders in accordance with the Tender Evaluation Plan. A probity auditor also supervised the evaluation process.

The Waste Collection Contract (RFT 2122-010) was evaluated on the following criteria:

- Tender response conforming with tender documents
- Price
- Relevant experience and track record
- Diversion rate and commitment to contamination reduction
- Company structure and resources
- Environmental Performance and Emissions Standards of Fleet
- WH&S

Litter Bin Collection Contract (RFT 2122-011) was evaluated on the following criteria:

- Tender response conforming with tender documents
- Price
- Relevant experience and track record
- Commitment to reducing litter and illegal dumping
- Company structure and resources
- Environmental Performance and Emissions Standards of Fleet
- OWH&S

It should be noted that all compliant tenders propose that recycled materials are transported outside of the shire for processing and handling. This means that this part of the service will no longer be undertaken in Moruya.

### **Legal**

Council has an obligation to provide domestic waste management services under the *Local Government Act 1993*.

In preparing the tender documentation, Council staff relied on the expertise of Council's lawyers in developing and reviewing the contracts for the Waste Collection Contract (RFT No. 2122-010) and the Litter Collection Contract (RFT No. 2122-011) for delivery of Council's waste services.

The Request for Tenders were advertised in Council's Tenderlink Portal and the Sydney Morning Herald, and the Canberra Times in accordance with Local Government (General) Regulation 2005 REG 167 and *Local Government Act 1993*.

Upon release of the RFT a Tender Evaluation Plan was distributed amongst the Tender Evaluation Committee (TEC) members. In addition, Declarations of Confidentiality and Interest Forms were completed and signed by the TEC.

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**PSR21/058 REQUEST FOR TENDER - WASTE SERVICES COLLECTION  
CONTRACT 2122 - 010 AND LITTER BIN COLLECTION CONTRACT  
2122-011**

**S031-  
T00001**

**Policy**

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

**Environmental**

Each tenderer was required to supply within their tender submission an Environmental Management Plan and detail contamination management strategies to assist with reducing and diverting waste from landfill and managing contamination of recyclables.

As part of the request Euro 5 trucks were to be utilized for the collection. The benefit of Euro 5 compliant engine technology is an 80% reduction in emissions when compared to Euro 4 standards.

**Financial**

Financial details for the tender responses are included in the Confidential Attachment. Selection of the preferred tenderer will provide best value provision of waste services for the Eurobodalla, having considered both cost and non-cost criteria.

**CONCLUSION**

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

The preferred tender as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the delivery of services associated with the Waste Collection Contract and Litter Bin Contract.

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**IR21/030    FIXING LOCAL ROADS ROUND 3 - ARALUEN ROAD UPGRADE  
PROJECTS - ACCEPTANCE OF FUNDING**

**S030-  
T00027**

Responsible Officer:    Warren Sharpe OAM - Director Infrastructure Services  
Attachments:                Nil  
Outcome:                    7 Connected and Accessible Places  
Focus Area:                7.1 Work in partnership to provide an integrated transport network  
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network  
Operational Plan Link: 7.1.2.1 Provide a safe efficient and integrated transport network

**EXECUTIVE SUMMARY**

Council has been successful in securing \$1,093,442 in funding for two projects under the NSW Government's Fixing Local Roads Round 3 to undertake work on two sections of Araluen Road.

1. Project One: \$378,750 Araluen Road near J-Tree Road
2. Project Two: \$714,692 Araluen Road near Merricumbene/Deua River Valley.

The first project will extend the sealed section of Araluen Road to west of J-Tree Road.

The second project allows excess material from the new alternate route near Knowles Creek to be recycled to improve the road shape, performance and ease of maintenance of sections of Araluen Road west of Knowles Creek.

Both projects will be undertaken in 2021-22 financial year and integrated into the other recovery and programmed works being undertaken along the Araluen Road route. Council's share of funding will come from the existing road budget.

The offer of grant funding has been accepted. This report seeks Council's endorsement of the actions taken to accept the grant.

**RECOMMENDATION**

That:

1. Council endorse the acceptance of \$1,093,442 grant funding under the NSW Government's Fixing Local Roads Program Round 3 to undertake works on two section of Araluen Road.
2. Write to the Hon Paul Toole MP Deputy Premier and the Hon Andrew Constance MP Minister for Transport and Roads in NSW to thank them for the grant funding under the Fixing Local Roads Program Round 3.

**BACKGROUND**

Following eight declared natural disasters including the 2019-20 Black Summer bushfires fires and seven floods since, Araluen Road has been heavily affected. Residents and the local community have since endured significant disruptions to their properties along Araluen Road.

Araluen Road provides a local road connection between Eurobodalla and Queanbeyan-Palerang Regional LGAs, servicing local residents as well as visitors accessing between Braidwood on the tablelands and the coast. The road is also a school bus route (for part of its length) and is used for Forestry operations and to access National Parks. The route also allows farm produce to be



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**IR21/030    FIXING LOCAL ROADS ROUND 3 - ARALUEN ROAD UPGRADE  
PROJECTS - ACCEPTANCE OF FUNDING**

**S030-  
T00027**

transported to market, along with supporting tourism businesses operating in and around Araluen Road including the hotel and local B&B's.

Some residents are still rebuilding after the 2019-20 Black Summer Fires.

**CONSIDERATIONS**

Given the impacts on this road from the natural disasters, Council sought grant applications under the Fixing Local Roads Program Round 3 to secure external funding to help improve the level of service for residents in the Deua Valley.

The first project involves reconstructing and sealing the section of Araluen Road from the end of the existing seal west of Stewarts Road to west of J-Ridge Road. This will provide a sealed surface where the traffic volumes are highest offering a safer outcome along this section of road.

The second project allows Council to re-use of excess material stockpiled onsite from current works at the 22km mark on Araluen Road to improve the shape and ease of maintenance of various sections (approximately 7km in length in total). This material will be topped with resheeting gravel to provide an improved driving surface. The increased depth of pavement over rock bars means the maintenance grading operation will be easier and safer for our workers. This outcome will be an improved and more resilience of the road surface over the sections treated.

**Asset**

The Fixing Local Roads Program was established to help Council fix local roads.

The two projects funded will allow significant renewal of local road assets, making a significant contribution to meeting Council's pavement renewal objectives.

Extension of the sealed road by about a kilometre will provide an improved level of service and safety to residents living along Araluen Road and for visitors. This work is on the bus route.

The work involved in both projects will make maintenance of Araluen Road easier.

**Social Impact**

The impacts of the eight natural disasters on Araluen Road and the people of the Deua Valley has been very significant. These works, along with the other works funded under the resilience, disaster and programmed activities will improve the resilience, safety and level of service for residents of the valley.

**Financial**

This project is majority grant funded by the NSW Government's Fixing Local Roads program as outlined in the table below. The funds required from Council will be allocated from the existing road renewal and maintenance budgets.

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**IR21/030    FIXING LOCAL ROADS ROUND 3 - ARALUEN ROAD UPGRADE  
PROJECTS - ACCEPTANCE OF FUNDING**

**S030-  
T00027**

	Project One	Project Two
Grant Funding Amount	\$378,750	\$714,692
Council Contribution	\$126,250	\$238,230
Project Total	\$505,000	\$952,922

The ongoing costs will be borne by Council from existing maintenance budgets.

This funding grant provides a significant contribution to renewing Council's existing local road infrastructure, which is fundamental to the financial sustainability of Council.

**Community and Stakeholder Engagement**

We will inform the community through providing information on Council's website; Online News; posting on Council's Facebook and Twitter; writing to residents, stakeholders, community groups; and distributing a media release.

**CONCLUSION**

Council has been successful in securing grant funding to upgrade two sections of Araluen Road. These grants have been accepted.

This report recommends that Council endorse the acceptance of \$1,093,442 in funding under the NSW Government's Fixing Local Roads program Round 3.

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**IR21/031 FUNDING OFFER - 2021-22 NSW RURAL FIRE FIGHTING FUND  
ALLOCATIONS**

**S014-  
T00014**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. 2021-22 RFFF Eurobodalla Hazard Reduction Works

Outcome: Protected and Valued Natural Environment

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

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

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

**EXECUTIVE SUMMARY**

Council has been successful in securing \$151,400 in funding from the NSW Rural Fire Service under its 2021-22 NSW Rural Fire Fighting Fund Allocations.

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

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

**RECOMMENDATION**

THAT Council endorse action taken in accepting the funding offer of \$151,400 from the NSW Rural Fire Service under the 2021-22 NSW Rural Fire Fighting Fund Allocations.

**BACKGROUND**

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

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

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

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**IR21/031 FUNDING OFFER - 2021-22 NSW RURAL FIRE FIGHTING FUND  
ALLOCATIONS**

**S014-  
T00014**

Council allocates funds each year to address fire risks on land under its control and this work is undertaken on a priority basis. Council pursues funding from the NSW Government to help achieve additional risk mitigation works. The funding provided to Council for 2021-22 is an increase from the previous financial year and will allow for a greater scope of fire mitigations works.

The approved 2021-22 Rural Fire Fighting Fund Hazard Reduction works list for Eurobodalla is attached.

**CONSIDERATIONS**

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

**Policy**

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

**Social Impact**

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

The Rural Fire Service is responsible for ongoing education of the community, with a particular focus on householders undertaking preparations of their own property and developing their own specific bushfire plan. The RFS website provides substantial information in this regard: [Bush fire survival plan - NSW Rural Fire Service](#)

**Financial**

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

**CONCLUSION**

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

## Approved RFFF/BFRMR Hazard Reduction - 2021-22

## Appendix B

### Council: EUROBODALLA

ID	Fund Type	BRIMS HR#	LGA	Title	Selected Methods	Total Ground Cost
FUND2021051913945	RFFF	HR08051630450	Eurobodalla	ESC Reserve Pin 5575 FMNHC30 Handclear 3-29 Burri Pt Rd	Mechanical Line 1	\$4,500.00
FUND2021051913944	RFFF	HR08051430413	Eurobodalla	ESC RESERVE AND LO ESC: FMNHC31 FMNHC32 H/CLEAR 31-91 BURRI PT RD INCL SHAW PL PIN5590 & LO ESC	Mechanical Line 1, Mechanical Line 2, Mechanical Line 3	\$5,000.00
FUND2021051913943	RFFF	HR08051430415	Eurobodalla	ESC Reserve Priority 1 FMNHC44 North Side of 54-92 Burri Pt Rd	Mechanical Line 2, Mechanical Line 1	\$5,000.00
FUND2021051913942	RFFF	HR07080625041	Eurobodalla	ESC RESERVE: FMNHC24 FMNS37 H/CLEAR SLASH MOORONG CRES PIN 3920	Mechanical Line 1	\$2,000.00
FUND2021051913941	RFFF	HR19101187144	Eurobodalla	FMCH017 Sth Broulee Van Park fenceline	Mechanical Line 1	\$2,000.00
FUND2021051913940	RFFF	HR07061924259	Eurobodalla	ESC ReservePin 389 Penguin, Heron, Sandpiper FMNS016 017 018 Slash FMNG025 026 Groom	Mechanical Line 5, Mechanical Line 6	\$1,000.00
FUND2021051913939	RFFF	HR12032758034	Eurobodalla	ESC PIN 35163 FMNG20 Tallgums Way Surfbeach	Mechanical Line 1, Mechanical Polygon 1	\$400.00
FUND2021051913938	RFFF	HR11112956070	Eurobodalla	FMNG18 Groom ESC Reserve 36-58 Calga Cres Catalina PIN243	Mechanical Line 1	\$500.00
FUND2021051913937	RFFF	HR06101321040	Eurobodalla	ESC Reserve 31854: FMNG2, FMNG3 BESIDE NO.6 BEHIND 9-47 COURTENAY CRES LONGBEACH	Mechanical Line 2, Mechanical Line 1	\$500.00
FUND2021051913935	RFFF	HR07061924255	Eurobodalla	ESC Reserve: FMNS011 56 Karoola to 17 landra FMNH074 14-20 Karoola Surfside. Pin 10590	Mechanical Line 2	\$3,000.00
FUND2021051913934	RFFF	HR09050837267	Eurobodalla	ESC Reserve PIN 14040 Penthouse Plc North Batemans Bay	Mechanical Line 1	\$2,000.00

ID	Fund Type	BRIMS HR#	LGA	Title	Selected Methods	Total Ground Cost
FUND2021051913933	RFFF	HR07061921892	Eurobodalla	ESC Reserve: FMNS12 FMNHC8 Penthouse Pl Nth B'Bay 14040	Mechanical Polygon 2	\$2,000.00
FUND2021051913931	RFFF	HR08092533251	Eurobodalla	ESC Reserve Pin 28104 Warragai Pl Lilli Pilli FMNHC54	Mechanical Line 1	\$3,000.00
FUND2021051913930	RFFF	HR07080625040	Eurobodalla	ESC RESERE: FMNHC23 H/CLEAR SYLVAN ST GEORGE B DR PIN 25205	Mechanical Line 1	\$4,000.00
FUND2021051913929	RFFF	HR08051730454	Eurobodalla	ESC Reserve Sth DurrasPin 15857 Handclear between Village & Banyandah	Mechanical Polygon 1	\$3,000.00
FUND2021051913928	RFFF	HR07080625075	Eurobodalla	ESC RESERVE: FMSHC1 FMSHC4 FMSS4 H/CLEAR SLASH WINSTON & VIEW PT CRES 12254	Mechanical Line 2, Mechanical Line 3	\$3,000.00
FUND2021051913927	RFFF	HR07080625076	Eurobodalla	ESC RESERVE: FMSS3 FMSHC2 FMSHC3 h/CLEAR AND SLASH CORAL CRES TO TRAFALGAR PIN 12237	Mechanical Line 4, Mechanical Line 2	\$2,500.00
FUND2021051313907	RFFF	HR07060524125	Eurobodalla	ESC Reserve: FMNHC1 FMNS1 Slash Mill Close Hand Clear Village Rd	Mechanical Line 2	\$2,500.00
FUND2021051313906	RFFF	HR14090369744	Eurobodalla	ESC Reserve PIN 23094 FMNH07621 Cooks Cres Rosedale	Mechanical Polygon 1	\$1,000.00
FUND2021051313905	RFFF	HR08051730452	Eurobodalla	ESC Reserve Pin 11215 FMNHC26 Nth Side of Yowani East of Dale	Mechanical Line 1	\$4,000.00
FUND2021051313904	RFFF	HR07080725146	Eurobodalla	ESC RESERVE PIN 16504 FMSH006 H/CLEAR BEHIND 35-51 HILLCREST	Mechanical Line 2	\$4,000.00
FUND2021051313903	RFFF	HR10082445610	Eurobodalla	FMNH64 ESC Reserve 5-15 Paul Plc Batehaven PIN 811	Mechanical Line 1	\$2,500.00
FUND2021051313902	RFFF	HR07112226779	Eurobodalla	ESC RESERVE: P3 FMNHC47 H/CLEAR 24-38 DOMINIC DR TO 40 GRANTHUM PIN 811	Mechanical Line 1	\$2,500.00
FUND2021051313901	RFFF	HR06110721399	Eurobodalla	ESC RESERVE LONGBEACH 10044,9131,5101; FMNHC4/5/6 HANDCLEAR FAUNA AVE	Mechanical Line 2, Mechanical Line 3	\$3,500.00

ID	Fund Type	BRIMS HR#	LGA	Title	Selected Methods	Total Ground Cost
FUND2021051313900	RFFF	HR07080625055	Eurobodalla	ESC RESERVE: FMNHC29 H/CLEAR 48-52 TRANQUIL BAY RD 23094	Mechanical Line 1	\$3,000.00
FUND2021051313899	RFFF	HR06050116407	Eurobodalla	ESC Reserves: FMNH053 FMNH081 Sunshine Bay	Mechanical Line 1,Mechanical Polygon 1	\$3,500.00
FUND2021051313898	RFFF	HR07080625030	Eurobodalla	ESC RESERVE: FMNHC18 HANDCLEAR BEHIND STURT PL & KENNEDY CRES 12571	Mechanical Line 1,Mechanical Line 2,Mechanical Line 3,Mechanical Line 4,Mechanical Line 5	\$5,000.00
FUND2021051313897	RFFF	HR07061924268	Eurobodalla	ESC Reserve: FMNHC14 FMNHC15 FMNS29 Edward Matthew Glenella Pin 29872 10597	Mechanical Line 1,Mechanical Line 2	\$7,000.00
FUND2021051313896	RFFF	HR07080625038	Eurobodalla	ESC RESERVE PIN 3874 FMNH022 52 KAROO ST	Mechanical Polygon 1	\$2,500.00
FUND2021051313895	RFFF	HR15082173595	Eurobodalla	ESC Reserve Pin 17691 FMNH086 Currell CI Malua Bay	Mechanical Line 1	\$2,500.00
FUND2021051313894	RFFF	HR08051330396	Eurobodalla	ESC Reserve 4227 FMHC21 & FMNS36 Kobada Ave Lilli Pilli	Mechanical Line 2,Mechanical Line 1	\$2,500.00
FUND2021051313893	RFFF	HR07080625034	Eurobodalla	ESC RESERVE: FMNHC19 HANDCLEAR BEHIND 3-15 ELOUERA 3-29 OTAMA PIN 24264	Mechanical Line 1,Mechanical Line 2	\$2,000.00
FUND2021051313892	RFFF	HR20102789905	Eurobodalla	FMCH018 ESC Reserve PIN 28762, Constable St/Post St	Mechanical Line 2	\$3,000.00
FUND2021051313891	RFFF	HR20111890095	Eurobodalla	FMCH020 ESC reserve PIN 40466	Mechanical Polygon 1	\$2,500.00
FUND2021051313890	RFFF	HR08093033371	Eurobodalla	ESC Reserve PIN 552 Hron Rd & Gannet Plc Catalina FMNHC55	Mechanical Line 1	\$2,500.00
FUND2021051313889	RFFF	HR14052768647	Eurobodalla	ESC Reserve Pin 20419 FMNG027 76- 128 Edward Rd Batehaven	Mechanical Line 1	\$500.00
FUND2021051313888	RFFF	HR07080725137	Eurobodalla	ESC RESERVE: FMGROOM 21-25, 33 HILLCREST AVE PIN 32704 8359	Mechanical Line 1	\$500.00
FUND2021051313887	RFFF	HR08093033369	Eurobodalla	FMCHC8 Crest Cres Moryua Heads	Mechanical Line 1	\$3,500.00

ID	Fund Type	BRIMS HR#	LGA	Title	Selected Methods	Total Ground Cost
FUND2021051313886	RFFF	HR07080725130	Eurobodalla	ESC RESERVE:FMSS22 FMSHC9 H/CLEAR SLASH BETW MACULATA & COASTAL PIN 12277	Mechanical Polygon 1	\$4,000.00
FUND2021051313885	RFFF	HR07080725125	Eurobodalla	ESC RESERVE: FMSS21 FMSHC8 H/CLEAR SLASH BETW EUCALYPTUS & MACULATA PIN 24256	Mechanical Polygon 1	\$4,000.00
FUND2021051313884	RFFF	HR07080725132	Eurobodalla	ESC RESERVE & LO ESC: FMSHC10 H/CLEAR STH SIDE OF COASTAL COURT	Mechanical Polygon 1	\$3,000.00
FUND2021051313883	RFFF	HR07080625061	Eurobodalla	ESC RESERVE: FMNHC34 H/CLEAR BEHIND 40,42 & 22 BETW 26-28 BEACH PDE PIN 5535	Mechanical Line 4	\$3,500.00
FUND2021051313882	RFFF	HR12062559772	Eurobodalla	ESC Reserve Pin 12773 & 34213 FMNH67 Explorers Way - Flinders Way Surfbeach	Mechanical Line 1	\$3,500.00
FUND2021051313881	RFFF	HR08051430412	Eurobodalla	ESC Reserve FMNHC42 Cooks Ave & Cox Plc PIN 12668&29700	Mechanical Line 1,Mechanical Line 2	\$2,000.00
FUND2021041313807	RFFF	HR07050923725	Eurobodalla	ESC Crown Reserve 31664 Sth Durras	Mechanical Line 1	\$6,000.00
FUND2021041313806	RFFF	HR18011582754	Eurobodalla	ESC Reserve Pin31454 FMNH090 Yarrabee Dv Catalina	Mechanical Polygon 1	\$2,000.00
FUND2021041313805	RFFF	HR13091965699	Eurobodalla	Council Reserve 765-779 Congo Rd Congo FMCHC13 Pin15658	Mechanical Line 1	\$2,000.00
FUND2021041313804	RFFF	HR18030883467	Eurobodalla	ESC Reserve Pin 14114 FMNH091 Link Rd Lilli Pilli	Mechanical Line 2,Mechanical Line 1	\$4,000.00
FUND2021041313803	RFFF	HR07080725154	Eurobodalla	ESC CROWN RESERVE: FMSHC7 H/CLEAR THE LOOP & GEM CRES PIN 17364 17179	Mechanical Line 1,Mechanical Line 2	\$3,000.00
FUND2021041313802	RFFF	HR08051730457	Eurobodalla	ESC Op LAnd Mystery Bay Pin 16445 FMSHC12 2-12 Johnston Way	Mechanical Line 1	\$2,500.00
FUND2021041313801	RFFF	HR07080625074	Eurobodalla	ESC RESERVE: FMCHC2 FMCHC3 GROVE PL NEXT TO 267 STH HEAD RD PIN 12170 12169	Mechanical Line 1,Mechanical Line 2	\$4,500.00



ID	Fund Type	BRIMS HR#	LGA	Title	Selected Methods	Total Ground Cost
FUND2021032913776	RFFF	HR11060151914	Eurobodalla	ESC Reserve FMSH14 Reader Pl Mystery Bay PIN16430	Mechanical Line 1	\$3,500.00
Totals						\$151,400.00

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**IR21/032 EXPRESSION OF INTEREST FOR TENDERING PANEL - 2122-008  
EUROBODALLA DAM CONSTRUCTION**

**S032-  
T00009**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - EOI Tender 2122-008 for Eurobodalla Dam construction

Outcome: 4 Sustainable Living

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

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

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

### **EXECUTIVE SUMMARY**

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

The Australian Government has approved the application from the NSW Government for a contribution of \$51.2 million after review by the National Water Grid Fund. Together with the \$25.612 million already committed by the NSW Government, and with Council's own funding, this project is progressing to the next phase.

The construction of the new water supply storage will be through a separate construction contract than the recently awarded Tuross River Intake Pump Station Contract. Dam construction is a highly specialised field.

Council resolved in May 2021 to run an Expression of Interest (EOI) process to shortlist preferred tenderers for the construction of the dam. Council subsequently called an Expressions of Interest (EOI 2122-008) which was open from 2 August 2021 to 2 September 2021. Eight (8) expressions of interest were received.

This report outlines the evaluation of offers submitted in response to EOI 2122-008 and provides a recommendation for the shortlist of preferred tenderers.

### **RECOMMENDATION**

THAT Council proceeds with an Early Tenderer Involvement with the shortlisted tenderers listed for Expression of Interest 2122-008 Eurobodalla Southern Storage – Storage Construction.

### **BACKGROUND**

Council's adopted Integrated Water Cycle Management Strategy (IWCMS) 2016 identified that an increase in the raw water supply capacity was needed to ensure water demand during drought could continue to be met.

The construction of a new 3,000ML off stream water supply storage supplied from the Tuross River was therefore included in Council's long term capital works program. Council was subsequently successful in obtaining a grant of \$25.612 million from the NSW State Government through the Restart program. Council has therefore been proceeding with

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**IR21/032    EXPRESSION OF INTEREST FOR TENDERING PANEL - 2122-008**  
**EUROBODALLA DAM CONSTRUCTION**

**S032-  
T00009**

procurement and clearing of the land for the water supply storage and the construction of the Tuross River Intake Pump Station and Power Supply upgrade.

Council has continued to advocate, both directly and through the NSW Government, to the Australian Government to contribute grant funding for the construction of the new dam component of the work. The Australian Government subsequently announced \$51.2 million in grant funding for the Eurobodalla Dam in handing down the 2021 budget through the National Water Grid Fund.

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

The second contract will be for the construction of the necessary upgrade to the power supply along Eurobodalla Road to cater for the new pump station, the dam and a future increase in water treatment capacity. The design for this work is currently under review to upgrade the power supply to underground, improving the resilience of the power supply to the southern storage and southern water treatment plant as well as road safety along Eurobodalla Road. Tenders for this part of the work will be called at a later date, and will be reported to Council separately at that time.

The third contract will be for the construction of the water supply storage. The construction of dams is a highly specialised field, and only those construction firms with considerable experience in the field would be considered appropriate for this contract. Council's approval was therefore sought to seek expressions of interest from interested and experienced Contractors through a selective tendering method, in accordance with Clause 166 of the Local Government (General) Regulation 2005. At the Council meeting on 25 May 2021, as noted in Council meeting minute 21/74, it was resolved that:

"Council runs an Expression of Interest Process to shortlist preferred tenderers for the construction of the Eurobodalla Southern Water Supply Storage, in accordance with Clause 166 of the Local Government (General) Regulation"

Council will undertake construction of the new access road internally and liaise with Forestry Corporation NSW to have the site partially cleared whilst we undertake this tendering process.

EOI 2122-008 was advertised on 2 August 2021 with a closing date of 2 September 2021.

Expressions of Interest were received from the following construction contractors and assessed in accordance with the EOI Evaluation Plan:

- BMD Construction Pty Ltd/Ditchfield Pty Ltd Joint Venture (JV)
- Comdain Infrastructure Pty Ltd
- Entracon Civil Pty Ltd
- Ferrycarig Construction Pty Ltd
- Haslin Construction Pty Ltd
- McConnell Dowell Pty Ltd/Leed Engineering Pty Ltd JV
- SRG Global Pty Ltd/SEE Civil Pty Ltd JV
- Symal Infrastructure Pty Ltd.

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**IR21/032 EXPRESSION OF INTEREST FOR TENDERING PANEL - 2122-008  
EUROBODALLA DAM CONSTRUCTION**

**S032-  
T00009**

The preferred shortlist of tenderers will subsequently be invited to participate in an Early Tenderer Involvement (ETI) process, with tender award anticipated for mid-2022. This process will involve two workshops with the shortlisted tenderers, a collaborative detailed review of the draft tender documentation, and finalisation of the tender documents clarifying any issues raised during the ETI process. This will help ensure the risks during construction are minimised and fully understood by both Council and the tenderers, assisting in minimising unexpected construction and contractual issues once the tender has been awarded.

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

**CONSIDERATIONS**

**Legal**

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

The EOI was advertised through Council's tenderlink portal.

Before EOI assessment was undertaken, a formal EOI Evaluation Plan was distributed amongst the EOI Evaluation Committee.

Development consent for the construction and operation of the Eurobodalla Dam and ancillary works was given by the Minister for Planning on the 17 October 2019.

The preferred shortlist of tenderers has been assessed as having the capability to undertake the project.

**Policy**

The selection of the shortlist of preferred tenderers and subsequent Early Tenderer Involvement and ultimate procurement by award of a construction contract is being undertaken in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2006 and the Local Government Act 1993.

**Environmental**

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

**Social Impact**

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

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**IR21/032    EXPRESSION OF INTEREST FOR TENDERING PANEL - 2122-008  
EUROBODALLA DAM CONSTRUCTION**

**S032-  
T00009**

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

**Economic Development Employment Potential**

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

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

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

**Financial**

The new Eurobodalla Dam is estimated to cost \$105 million. Council has been successful in securing grants of \$25.612 million through the NSW State Government Restart program and \$51.2 million through the Australian Government's National Water Grid Fund. The remaining 25% of the project costs can be accommodated from Council's Water Fund whilst maintaining the current water pricing pathway.

This is a good outcome for local residents and ratepayers and recognises the high value of this critical water infrastructure project to the broader region.

**Community and Stakeholder Engagement**

Community consultation was undertaken with directly affected residents and businesses on Eurobodalla Road, and the broader Eurobodalla community, as part of the development of the detailed design and Environmental Impact Statement. Regular updates on project progress are being provided on the project webpage: [Southern Water Supply Storage | Eurobodalla Shire Council \(nsw.gov.au\)](https://www.southernwater.nsw.gov.au/eurobodalla)

**CONCLUSION**

The expression of interest process has been conducted in accordance with mandatory Council and Local Government requirements and the shortlist of preferred tenderers has been assessed, through an extensive evaluation, as having the capability to deliver the construction of this complex project.

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

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**IR21/033 REQUEST FOR TENDER NO. 2021/ISD100 CLEANING OF PUBLIC  
FACILITIES (TOILETS)**

**S023-  
T00026**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - RFT No. 2021/ISD100 Cleaning of Public Facilities  
(Toilets)

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.3 Encourage and enable healthy lifestyle choices

Delivery Program Link: 1.3.2 Plan for and provide a safe and accessible network of recreation  
and community facilities

Operational Plan Link: 1.3.2.3 Build, renew, operate and maintain recreation and community  
facilities

### **EXECUTIVE SUMMARY**

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. 2021/ISD100 Cleaning of Public Facilities (toilets) and provides a recommendation for the preferred source of service provider.

The cleaning of public toilets is an important service provided to the community. This service is undertaken by contract.

Tenders have been called to undertake this service for a two-year period commencing 1 November 2021, with an option to extend twice for a further one year at Council's discretion.

RFT 2021/ISD100 was open for submissions from 28 July 2021 until 25 August 2021. Upon close of tender offers were received from ten (10) tenderers.

This report provides a recommendation for the preferred tenderers.

### **RECOMMENDATION**

THAT:

1. Council endorses the selection of the preferred tenderers listed for Request for Tender No. 2021/ISD100 Cleaning of Public Facilities (toilets) within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderers, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

### **BACKGROUND**

A requirement exists for the provision of services to clean Council's nominated public toilets (67 in total including toilets within recreation amenities). Works covered by the contract will include paper replenishment, cleaning activities, defect reporting, record keeping and minor graffiti treatment.

The cleaning task requires a combination of physical labour, cleaning implements, chemicals and monthly pressure cleaning to the required standard and schedule. The cleaning schedule consists of a peak cleaning schedule and an off-peak cleaning schedule. The frequency of

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**IR21/033 REQUEST FOR TENDER NO. 2021/ISD100 CLEANING OF PUBLIC  
FACILITIES (TOILETS)**

**S023-  
T00026**

cleaning for any one toilet varies from twice a day, to as required when a facility booking is made (in the case of the Mogo and Tilba Sports Grounds), depending on the usage of that toilet. The schedules are a reflection of the service levels in place across Eurobodalla.

The tender was available as three separate parts:

- i) Northern sector – South Durras to Malua Bay – 24 toilet facilities
- ii) Central Sector – Tomakin and Mogo to Tuross Head – 24 toilet facilities
- iii) Southern sector – Bodalla to Tilba Tilba – 19 toilet facilities.

RFT No. 2021/ISD100 was advertised on 28 July 2021 with a closing date of 25 August 2021. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- Fast Facilities PTY LTD
- Halemel Pty Ltd T/As Jims Cleaning
- ICS Services Solutions
- Leanne Tetley
- Jessian PTY LTD
- Royal Cleaning Services
- SKG Cleaning Services PTY LTD
- Storm International PTY LTD
- United Lion Co Sydney
- NJ and SC Nasser.

Compliant tenders were evaluated using weighted price and non-price criteria. The preferred tenderer was assessed as representing the best value for money outcome for the community.

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

## **CONSIDERATIONS**

### **Legal**

Request for Tender (RFT) No. 2021/ISD100 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

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

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to meeting all compliance criteria and scored best in the evaluation of both non-price and price criteria.

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**IR21/033 REQUEST FOR TENDER NO. 2021/ISD100 CLEANING OF PUBLIC  
FACILITIES (TOILETS)**

**S023-  
T00026**

**Policy**

Procurement was undertaken in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the Local Government Act 1993.

**Asset**

An important aspect of the cleaning contract is reporting defects, vandalism and graffiti back to Council's Infrastructure Services team. The contractor is required to report all instances of graffiti, and where the affected area comprises one square metre or less, the contractor is required to treat it as part of the cleaning activity.

Council has now introduced real time reporting of defects via our electronic record keeping system. This will significantly improve the cleaning contractor's ability to provide immediate advice to the works team allowing an improved response to vandalism, minor damage and maintenance repairs.

**Social Impact**

The cleanliness of Council's public toilets is important to providing safe facilities for the community and visitors to use. Council will be overseeing the selected tenderer to ensure the requirements of the specification and contract are met.

The public toilet environment is difficult to control as misuse and vandalism can occur following cleaning. However, the standard of cleaning must remain at a high level to present the public toilets in the best light possible.

**Economic Development Employment Potential**

The cleaning of the toilets will require sufficient local human resources to effectively fulfill the obligations of the contract. This requires people living within close proximity to undertake the works, resulting in local employment.

The presentation of the area, including public toilets, is important particularly in business districts and for visitors, supporting the Eurobodalla economy and employment outcomes.

Encouraging greater inclusion of toilet facilities within commercial developments (eg Village Centre, Bridge Plaza and the like) increases the overall availability of toilet facilities to the community. This is now accepted as essential to the success of many businesses, allows a greater level of natural surveillance and reduces costs to Council.

**Financial**

The tendered prices submitted for the cleaning of Council's public toilets are competitive and within the budget allocation for the cleaning of public toilets. No additional budgetary allocation will be required.

**Community and Stakeholder Engagement**

A pre-tender briefing was held on 18 August 2021 to communicate the expectations of a high quality service delivery to tenderers, reinforce the tender schedule and outline the tendering requirement.



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**IR21/033 REQUEST FOR TENDER NO. 2021/ISD100 CLEANING OF PUBLIC  
FACILITIES (TOILETS)**

**S023-  
T00026**

No additional matters were raised by tenderers as a result of this pre-tender briefing process.

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

**CONCLUSION**

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the preferred tenderers have been assessed, through an extensive evaluation, as representing best value for money and capable of undertaking the work as outlined in the tender documents to the required standard.

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

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**IR21/034 REQUEST FOR TENDER NO. NDR21-019 ARALUEN ROAD -  
CANTILEVER WALL AND SOIL NAIL CONSTRUCTION**

**S028-  
T00007**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services  
Attachments: 1. Confidential - RFT No. NDR21-019 Araluen Road - Cantilever Wall and Soil Nail Construction  
Outcome: 7 Connected and Accessible Places  
Focus Area: 7.1 Work in partnership to provide an integrated transport network  
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network  
Operational Plan Link: 7.1.2.1 Provide a safe efficient and integrated transport network

**EXECUTIVE SUMMARY**

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. NDR21-019 Araluen Road – Cantilever Wall and Soil Nail Construction.

A requirement exists for the construction of embankment stabilisation measures at selected sites along Araluen Road to rectify damage sustained from natural disasters plus some additional risk management work. The scope of the tendered work is to supply the plant, materials and labour to reinstate the damaged road embankments using specialist geotechnical treatments.

RFT No. NDR21-019 was open for submissions from 8 September 2021 until 29 September 2021. Upon close of tender offers were received from three (3) tenderers.

This report provides a recommendation for the preferred tenderer.

**RECOMMENDATION**

THAT:

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. NDR21-019 Araluen Road – Cantilever Wall and Soil Nail Construction within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender as varied in accordance with this report.

**BACKGROUND**

Significant damage was sustained to Council's road network, including Araluen Road, in the 2019-20 Black Summer bushfires and the seven (7) natural disaster floods and storms that have occurred since.

Transport for NSW has issued a Schedule of Works to be funded through the Natural Disaster Relief and Recovery Arrangements (NDRRA) funding, to restore the damaged road formations.

The tendered works include the restoration of damage at the following locations on Araluen Road (as measured from Yarragee Road, Moruya):

- DW00779 Chainage 15440
- DW00406 Chainage 17750
- DW00830 Chainage 17850
- DW00095 Chainage 23900

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**IR21/034 REQUEST FOR TENDER NO. NDR21-019 ARALUEN ROAD -  
CANTILEVER WALL AND SOIL NAIL CONSTRUCTION**

**S028-  
T00007**

- DM00792 Chainage 38920
- DM00756 Chainage 39140
- DM00756 Chainage 39140
- DM00790 Chainage 42940

The tendered works will enable the restoration of the full width of the road formation and provide ongoing embankment stability. Works will comprise Soil Nails, Shotcrete, Fibre Reinforced Concrete (Fibrecrete), Ground Anchors, Micropiles, Retaining Walls and other associated works specific to each site.

Further to the scope of the NDRRA funded restorations, the works will also include the provision of additional road embankment soil nailing at DW00406 Chainage 17750 (also known as the 19km mark based on address system). This work will be funded through the Local Road and Community Infrastructure Program (LRCI). This additional scope will improve the resilience to further landslide damage at this narrow one lane section of road. Incorporating this work with the disaster recovery package allows increased value for money in the engagement, establishment and management of specialised contractors.

RFT No. NDR21-019 was advertised on 8 September 2021 with a closing date of 29 September 2021. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan (TEP):

- EarthTEC
- Piling and Concreting Australia Ground Engineering Pty Ltd
- RIX Group.

Tenders were evaluated using weighted price and non-price criteria. The preferred tenderer was assessed as representing the best value for money outcome for the community.

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

## **CONSIDERATIONS**

### **Legal**

Request for Tender (RFT) No. NDR21-019 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

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

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

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

### **Policy**

Procurement was undertaken in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the Local Government Act 1993.

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**IR21/034 REQUEST FOR TENDER NO. NDR21-019 ARALUEN ROAD -  
CANTILEVER WALL AND SOIL NAIL CONSTRUCTION**

**S028-  
T00007**

**Environmental**

The successful tenderer is required to implement appropriate environment controls specific to each site.

Tenderers were required to demonstrate their capacity to manage matters in accordance with the NSW Government Environmental Management Guidelines.

**Financial**

The amount tendered by the preferred tenderer will be funded under the NSW and Australian Governments' Natural Disaster Relief and Recovery Arrangements (NDRRA) with the additional work funded through the Australian Government's Local Road and Community Infrastructure Program funding. The proposed works have been matched to the available funding.

Once Council confirms the preferred tenderer, concurrence of Transport for NSW will be sought prior to entering into a contract under the NDRRA.

**Community and Stakeholder Engagement**

A mandatory pre-tender briefing was held on 15 September 2021 to outline the tendering requirement.

Council continues to provide regular updates on our web page as well as regular direct communication with Araluen Road residents and land holders. Prior to works commencing, local residents will be advised by letter and/or email of the project's timeframe and impacts. Project information, including a work program, will be provided on Council's website at this link: [Restoring access - Araluen Road | Eurobodalla Shire Council \(nsw.gov.au\)](https://www.eurobodalla.nsw.gov.au/restoring-access-araluen-road).

Regular media will be undertaken as works proceed to advise modification to traffic movements along Araluen Road.

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

**CONCLUSION**

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the preferred tenderers have been assessed, through an extensive evaluation, as representing best value for money and capable of undertaking the work as outlined in the tender documents to the required standard.

The preferred tenderer as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the requirement in line with the available budgets.

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**IR21/035 REQUEST FOR TENDER NO. NDR21-018 ARALUEN ROAD - GRAVITY  
WALL CONSTRUCTION**

**S028-  
T00007**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - RFT No. NDR21-018 Araluen Road - Gravity Wall Construction

Outcome: 7 Connected and Accessible Places

Focus Area: 7.1 Work in partnership to provide an integrated transport network

Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network

Operational Plan Link: 7.1.2.1 Provide a safe efficient and integrated transport network

**EXECUTIVE SUMMARY**

This report outlines the evaluation of offers submitted in response to Request for Tender (RFT) No. NDR21-018 Araluen Road – Gravity Wall Construction.

A requirement exists for the construction of embankment stabilisation measures at various sites along Araluen Road to rectify damage sustained from natural disasters. The scope of the work is to supply the specialist plant, materials and labour to reinstate the road embankment damage using gravity wall structures.

RFT No. NDR21-018 was open for submissions from 9 September 2021 until 30 September 2021. Upon close of tender offers were received from three (3) tenderers.

This report provides a recommendation for the preferred tenderer.

**RECOMMENDATION**

THAT:

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. NDR21-018 Araluen Road – Gravity Wall Construction within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

**BACKGROUND**

Significant damage was sustained to Council's road network, including Araluen Road, in the 2019-20 Black Summer bushfires and the seven (7) natural disaster floods and storms that have occurred since.

Transport for NSW has issued a Schedule of Works to be funded through the Natural Disaster Relief and Recovery Arrangements (NDRRA) funding, to restore the damaged road formations.

The tendered works include the restoration of damage at the following locations on Araluen Road (as measured from Yarragee Road, Moruya):

- DW00089 Chainage 14450
- DW00340 Chainage 29680
- DM00756 Chainage 39140
- DM00784 Chainage 39270
- DW00786 Chainage 39510
- DW00785 Chainage 39530

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**IR21/035 REQUEST FOR TENDER NO. NDR21-018 ARALUEN ROAD - GRAVITY  
WALL CONSTRUCTION**

**S028-  
T00007**

The tendered works will comprise the construction of Gravity Walls (Mass Block Retaining Walls) and other associated works.

Gravity walls use their own weight to hold the soil behind them and are typically made with heavy materials such as stone, large concrete blocks, or cast-in-place concrete. The walls are typically built with a lean back toward the soil with interlocking edges and use their mass to resist pressure from behind.

The proposed works will enable the restoration of the full width of the road formation and provide ongoing embankment stability.

RFT No. NDR21-018 was advertised on 9 September 2021 with a closing date of 30 September 2021. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- EarthTEC
- Piling and Concreting Australia Ground Engineering Pty Ltd
- RIX Group.

Tenders were evaluated using weighted price and non-price criteria. The preferred tenderer was assessed as representing the best value for money outcome for the community.

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

## **CONSIDERATIONS**

### **Legal**

Request for Tender (RFT) No. NDR21-018 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

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

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

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

### **Policy**

Procurement was undertaken in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the Local Government Act 1993.

### **Environmental**

The successful tenderer is required to implement appropriate environment controls specific to each site.

Tenderers were required to demonstrate their capacity to manage matters in accordance with the NSW Government Environmental Management Guidelines.

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**IR21/035 REQUEST FOR TENDER NO. NDR21-018 ARALUEN ROAD - GRAVITY  
WALL CONSTRUCTION**

**S028-  
T00007**

**Financial**

The amount tendered by the preferred tenderer will be funded under the NSW and Australian Governments' Natural Disaster Relief and Recovery Arrangements (NDRRA).

Once Council confirms the preferred tenderer, concurrence of Transport for NSW will be sought prior to entering into a contract under the NDRRA.

**Community and Stakeholder Engagement**

A mandatory pre-tender briefing was held on 15 September 2021 to outline the tendering requirement.

Council continues to provide regular updates on our web page as well as regular direct communication with Araluen Road residents and land holders. Prior to works commencing, local residents will be advised by letter and/or email of the project's timeframe and impacts. Project information, including a work program, will be provided on Council's website at this link: [Restoring access - Araluen Road | Eurobodalla Shire Council \(nsw.gov.au\)](https://www.eurobodalla.nsw.gov.au/restoring-access-araluen-road).

Regular media will be undertaken as works proceed to advise modification to traffic movements along Araluen Road.

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

**CONCLUSION**

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the preferred tenderer has been assessed, through an extensive evaluation, as representing best value for money and capable of undertaking the work as outlined in the tender documents to the required standard.

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

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**IR21/036 LOCAL TRAFFIC COMMITTEE NO 3 FOR 2021-22**

**S030-  
T00018**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services  
Attachments: 1. Under Separate Cover - Northern Area Transport Network Plan  
Outcome: 7 Connected and Accessible Places  
Focus Area: 7.1 Work in partnership to provide an integrated transport network  
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network  
Operational Plan Link: 7.1.2.4 Coordinate the Local Traffic Committee

**EXECUTIVE SUMMARY**

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for review. The main issues covered at the Eurobodalla Local Traffic Committee meeting, held 7 October 2021, are as follows:

- Signage and Line marking – One way and parallel parking only on the side road adjoining the Rural Fire Service shed and school bus interchange, Bodalla
- Signage and Line marking – Parallel parking and pedestrian path on Riverside Drive between Bettini Lane and Davison Street, Narooma
- Transport Network Plan – Northern Area of Eurobodalla
- Eurobodalla Local Government Road Safety Program Funding 2021-22.

**RECOMMENDATION**

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 2 for 2021-22 be received and noted.
2. Council Plan No. 4988 Set D Sheet 01 detailing the signage and line marking associated with the 'One-Way' configuration and 'Parallel Parking Only' on the side road adjoining the Rural Fire Service shed and school bus interchange, Bodalla be approved
3. Council Plan No. 5156 Set BP Sheet 10A detailing the signage and line marking for 'Parallel Parking Only' and a pedestrian path on Riverside Drive between Bettini Lane and Davison Street, Narooma be approved.
4. The Transport Network Plan – Northern Area of Eurobodalla be endorsed.
5. The actions taken to accept the Transport for NSW Local Government Road Safety Program Funding offer of \$87,033 for 1 July 2021 to 30 June 2022 including acceptance of contribution towards Council's cost of employing a salaried Road Safety Officer with up to 50% of the cost of salary and 100% funding for 11 sub-programs be endorsed.



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**IR21/036 LOCAL TRAFFIC COMMITTEE NO 3 FOR 2021-22**

**S030-T00018**

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 3 for 2021-22 was held on 7 October 2021. The meeting was attended by Councillor Anthony Mayne (Chair), Sergeant Angus Duncombe (NSW Police), Nicole Brodie (Transport for NSW), Emma Pietruska (Transport for NSW), Anik Bhangale (Transport for NSW), Danielle Brice (representative for the Hon Andrew Constance MP), Dave Hunter (Traffic Coordinator), Kate McDougall (Road Safety Officer), Daniel Week (Maintenance Planning Officer), Warren Sharpe (Director Infrastructure Services), Tom Franzen (Transport and Stormwater Engineer) and Matt Cormick (minute taker).

**APOLOGIES**

Nil

**DEPUTATIONS**

Nil.

**MINUTES OF PREVIOUS MEETING**

The minutes of the Eurobodalla Local Traffic Committee Meeting No 2 for 2021-22 held on 2 September 2021 were confirmed and accepted.

**OUTSTANDING ITEMS FROM PREVIOUS MEETING**

Nil.

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION**

**2022.RT.005 Signage and Line marking – ‘One Way’ and ‘Parallel Parking Only’ on the sideroad adjoining the Rural Fire Service shed and school bus interchange, Bodalla**

Council has received \$72,000 in funding to upgrade the Bodalla Driver Reviver Site located on the western side of Princes Highway, Bodalla adjoining the Rural Fire Service shed and school bus exchange.

This grant is part of the Australian Government Driver Reviver Site Upgrade Program Round 2.

Council was approached by the Bodalla Rural Fire Service (RFS) volunteer brigade (who run the Driver Reviver service) to assist in applying for the grant.

Council is undertaking the works on the gravel service road and in the adjoining park including installation of a concrete road and roof over a picnic table.

The Driver Reviver volunteers are arranging the installation of a larger roof over the veranda on the side of the RFS shed.

Visiting drivers park on the existing gravel side road located between a designated school bus interchange on Princes Highway and the park, north of the RFS shed.

Once the side road is concreted, line marking and signage is proposed to reinforce the existing one way north to south configuration and also restrict parking to parallel only on the left side.

This side road is also used as a drop-off and pick-up area for the school bus interchange located on Princes Highway.

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**IR21/036 LOCAL TRAFFIC COMMITTEE NO 3 FOR 2021-22**

**S030-T00018**

Existing signage and line marking for the one-way configuration including 'ENTRY ONLY' and 'NO ENTRY' signs off Princes Highway were approved by the Committee on 15 September 2017.

Council Plan No. 4988 Set D Sheet 01, detailing the signage and line marking associated with the one-way configuration and parallel parking only on the side road adjoining the Rural Fire Service Shed, was reviewed by the Committee.

The representative for the Hon Andrew Constance MP acknowledged the cooperation between Council and RFS personnel to provide this worthwhile infrastructure project to assist in the reduction of road crashes caused by tired drivers.

Recommendation:

That Council Plan No. 4988 Set D Sheet 01 detailing the signage and line marking associated with the 'One-Way' configuration and 'Parallel Parking Only' on the side road adjoining the Rural Fire Service shed and school bus interchange, Bodalla be approved.

**2022.RT.006 Signage and Line marking – 'Parallel Parking Only' and pedestrian path on Riverside Drive between Bettini Lane and Davison Street, Narooma**

The Committee on 9 March 2021 approved the installation of parallel parking signs over a distance of 15.6 metres on Riverside Drive adjacent to Wogonga Inlet, between Bettini Lane and Davison Street, Narooma.

The signage is installed to prevent vehicles from parking nose in which results in some vehicles overhanging the mountable kerb, into the travel lane.

Since the installation we have been informed that there is a high level of non-compliance, particularly during busy periods when adjoining facilities including a café are in operation.

To make the restricted parking more obvious, it is proposed to also install line marking for 3 parking bays and a line marked pedestrian path. To accommodate the 3 bays, the southern sign will be moved 1.5 metres further south.

Council Plan No. 5156 Set BP Sheet 10A detailing the signage and line marking for 'Parallel Parking' and a pedestrian path on Riverside Drive between Bettini Lane and Davison Street, Narooma, was reviewed by the Committee.

Recommendation:

That Council Plan No. 5156 Set BP Sheet 10A detailing the signage and line marking for 'Parallel Parking Only' and a pedestrian path on Riverside Drive between Bettini Lane and Davison Street, Narooma be approved.

**INFORMAL ITEMS FOR DISCUSSION**

**2022.IN.004 Transport Network Plan – Northern Area of Eurobodalla**

The northern area of Eurobodalla has substantial growth occurring and planned with new subdivision development, increasing density and an increasing population (permanent and visitors).

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**IR21/036 LOCAL TRAFFIC COMMITTEE NO 3 FOR 2021-22**

**S030-T00018**

The Transport Network Plan – Northern Area of Eurobodalla (the plan) supports Council’s vision to provide a safe, accessible, integrated and resilient transport network that provides for the efficient and effective movement of people and goods, and to activate and support our growing permanent and visitor population and economy.

The Director Infrastructure Services presented the plan and highlighted some of the key points. The Transport and Stormwater Engineer then elaborated on many of the key points and processes in compiling the plan.

To support this vision, this plan has been developed on a network and whole of route basis. This plan sets out the major actions (works) and strategies across the northern area of the Eurobodalla for the next 10-20 years on all major transport routes. The routes covered under this northern plan include:

- i. Beach Road
- ii. Glenella Road
- iii. George Bass Drive
- iv. Cullendulla Drive
- v. Durras Drive
- vi. Dunns Creek Road
- vii. Tomakin Road
- viii. Broulee Road
- ix. North Head Drive.

The plan takes account of previous traffic and transport studies and is consistent with Council’s adopted Community Strategic Plan, Delivery Program, Operational Plan and Local Planning Statement. This plan takes account of current and proposed development along these routes.

This plan delivers on the actions within the Eurobodalla Road Safety Plan 2019-22, by providing further detail on the route upgrades required to meet growth and capacity needs in the northern area of Eurobodalla whilst providing improved road safety outcomes. It is Council’s intent to develop all of the major routes identified here to a minimum AusRAP Star Rated 3 or higher road environment and to cater for all road users.

The proposed works outlined within this plan ensure a more resilient transport network, taking lessons from the 2019-20 Black Summer bushfires and integrating road safety, capacity and resilience improvement actions to achieve a better future in a way that minimises impacts and/or enhances environmental outcomes.

It is recognised that this plan can only be delivered with a high level of funding support from the NSW and Australian Governments. This plan will inform grant applications under the various transport, road safety, active transport and other related programs to deliver the actions outlined in this plan. Council will continue to integrate works to enhance route outcomes wherever practical to advance the objectives of this plan (as done successfully with the Grandfathers Gully realignment and four other projects on George Bass Drive).

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**IR21/036 LOCAL TRAFFIC COMMITTEE NO 3 FOR 2021-22**

**S030-T00018**

This plan outlines the proposed changes to the local and regional road network required to facilitate growth in the northern area of Eurobodalla and provide improved integration of pedestrian and cyclist movement between and within villages to improve place and movement outcomes. Mosquito Bay and Malua Bay in particular are identified for significant works to transform these important urban environments along George Bass Drive.

The plan cross references the adopted Eurobodalla Pathways Strategy and adds further detail in some specific locations such as Mosquito Bay. The plan does not seek to duplicate nor replace the Eurobodalla Pathways Strategy which can be found on Council's website at [Plans and strategies | Eurobodalla Shire Council \(nsw.gov.au\)](#).

This plan requires that all major routes identified have direct access from private development onto the route controlled to maintain the primary higher level transport function of these routes as regional or distributor roads in the overall network. Access points to these major routes must be planned to minimise direct driveway access and ensure appropriate intersection treatments to all new access points. The plan includes removal or restriction of some existing access points to reduce the number of conflict points and enhance road safety and transport functionality.

This plan will continue to support public transport along these major routes. Where appropriate public transport facilities will be upgraded with the needs of public transport listed for consideration as part of the detailed design phase of each proposal. In areas with speed zones greater than 60km/hr, bus facilities should preferably be located off these primary routes in low hierarchy roads or off-road parking areas to enhance user safety. Similarly, key destinations outside of urban areas should ensure that provision for bus facilities including shelters are incorporated within their developments rather on the major routes to improve the safety for people utilising these important services.

All regional and distributor roads identified in this plan on the local and regional road network are to be designed and constructed to be capable of accepting higher mass limit 26m B-double vehicles to facilitate more efficient future transport.

This plan is integrated with the existing and proposed State highway network. Upgrades to the State highways is a matter for the NSW Government and not separately identified in this plan. Council's advocacy on State highways will continue to be identified in submissions to the NSW Government and working through the South East Australian Transport Strategy Inc ([Home | SEATS - South East Australian Transport Strategy Inc](#)).

Similar route plans are proposed to be developed for the major routes in the south of Eurobodalla with that plan anticipated to be presented to the Committee in early 2022.

The many benefits of such a comprehensive plan and the alignment with the various Government grant funding programs were acknowledged by the Committee.

The Chair recognized the excellent presentation provided by the team to the recent meetings of SEATS on the Eurobodalla Road Safety Plan 2019-22 and the integrated road upgrades in Eurobodalla. The Chair noted the positive feedback from other member councils across the SEATS region on the good work being undertaken by the Eurobodalla team in this space.

The Committee thanked the Director Infrastructure Services and acknowledged the role of the Transport and Stormwater Engineer. The Committee congratulated Council for developing such

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**IR21/036 LOCAL TRAFFIC COMMITTEE NO 3 FOR 2021-22**

**S030-T00018**

a comprehensive plan, recognizing the strategic transport and pro-active road safety planning being undertaken by Eurobodalla Shire Council.

Recommendation:

That the Transport Network Plan – Northern Area of Eurobodalla be endorsed.

**2022.IN.005 Eurobodalla Local Government Road Safety Program Funding 2021-22**

The Local Government Road Safety Program (LGRSP) is a partnership between Transport for NSW (TfNSW) and participating local councils in NSW. The program provides up to 50 per cent funding contribution toward the salary of a Road Safety Officer (RSO) as well as funding for local road safety projects.

The Eurobodalla RSO is currently employed 21 hours per week. At the Committee meeting on 29 July 2021 the funding offer for the 4 year program securing funding until 30 June 2025 was endorsed.

Each financial year the Road Safety Officer applies for funding based on TfNSW/NSW state-wide initiatives and campaigns as well as dedicated local road safety campaigns and initiatives.

For the 2021-22 year, TfNSW has offered \$87,033 (ex GST) contribution to the program with the following breakdown:

- Salary Road Safety Officer employment costs (50% of estimated costs) \$58,458
- A Metre Matters \$2,850
- Eurobodalla Seniors \$1,200
- Jump On Your Bike \$5,300
- Under 5, Road Safety \$300
- Fatality Free Friday
- Helping Learner Drivers Become Safer Drivers \$600
- Plan B Win a Swag \$900
- Hold My Hand - It's Holiday Time \$510
- Motorcyclists; Coffee with Cops \$800
- Joint Projects P-2097 War on Waste \$6,865
- Kings Highway Road Safety Partnership \$9,050.

The Road Safety Officer gave a brief rundown on the various sub-programs.

The Committee acknowledged the important education role the Road Safety Officer plays in reducing local road trauma.

Recommendation:

That the action taken to accept the Transport for NSW Local Government Road Safety Program Funding offer of \$87,033 for 1 July 2021 to 30 June 2022 including acceptance of contribution towards Council's cost of employing a salaried Road Safety Officer with up to 50% of the cost of salary and 100% funding for 11 sub-programs be endorsed.

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**IR21/036 LOCAL TRAFFIC COMMITTEE NO 3 FOR 2021-22**

**S030-T00018**

**GENERAL BUSINESS**

The Committee thanked the Chair for his role over the past 5 years in the current term as an elected representative of Council and also his role played on other committees including South East Australian Transport Strategy Inc (SEATS).

**NEXT MEETING**

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 4 November 2021 in Council's Glass Meeting Room and via MS Teams commencing at 9am (dependent on COVID-19 protocol at that time).

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**CAR21/022 EMPLOYMENT PROJECTS FUNDING OFFER**

**S003-T00045**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: Nil  
Outcome: 2 Celebrated Creativity, Culture and Learning  
Focus Area: 2.2 Improve local access to higher education and lifelong learning opportunities, facilities and services  
Delivery Program Link: 2.2.3 Work in partnership to improve educational opportunities  
Operational Plan Link: 2.2.3.1 Collaborate with Stakeholders to address the local educational needs

**EXECUTIVE SUMMARY**

Council's Employment Projects team have received an offer of \$286,500 plus GST under the National Careers Institute funding program to implement the *Creating Careers Pathways* project.

The project aims to ensure effective skills training and career guidance is available locally to develop the local workforce for current employment needs and prepare existing workers, students and job seekers for future roles in emerging industries - a service vital to supporting economic growth and prosperity in our region.

Council's *Creating Career Pathways* project will include a range of customised, evidence-based career guidance programs, to support school students in years 7 to 10 and their influencers, people impacted by COVID-19, unemployed adults, mature aged adults, Aboriginal and Torres Strait Islander peoples, women, and migrants to create meaningful and realistic career pathways.

Commencing 1 January 2022 and concluding 31 May 2023, the project scope focuses on the two largest (and growing) local employment sectors, construction and community services, and will engage employers and organisations, alongside current project partners, to deliver co-designed programs to school students, job seekers and their influencers.

This report seeks Council consideration to accept the funding.

**RECOMMENDATION**

THAT Council accept the offer of \$286,500 plus GST from the National Careers Institute for the *Creating Careers Pathways* project.

**BACKGROUND**

A prime focus of Council's Employment Projects team, since its establishment in 2018, has been to work collaboratively with the local community services and health sector, specifically aged care and disability support service providers, to help develop our local workforce to meet current and future workforce participation needs.

This sector is the largest local employer and provides the greatest range of career opportunities in our region with options to enter, re-enter and develop careers suitable for all our targeted cohorts, with SBATS, traineeships and apprenticeships, entry level and professional job roles on offer. As an emerging sector, particularly NDIS services, new job roles are being developed and

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**CAR21/022 EMPLOYMENT PROJECTS FUNDING OFFER**

**S003-T00045**

existing roles revised to meet demands of a growing, challenging and diverse sector. This sector will continue to provide the greatest number and variety of career opportunities into the future.

Moreover, the emergence of the new funded infrastructure in the shire and post-bushfire requirements has seen the need for workforce support in the construction industry. This project will enable a higher level of, and sustained focus, on serving labour shortfalls.

**CONSIDERATIONS**

Council's commitment to provide strong leadership and work with partners to strategically plan programs in these areas has resulted in the establishment of a community education, training and work options hub – the Job Shop; a space that brings together complementary community services and programs with the aim of providing wrap around supports to the community, developing the skills and knowledge required to transition into the world of work.

The Job Shop, located in Moruya CBD, brings together: Mission Australia, Transition to Work program, NSW training services programs including Skills Broker, Regional Industry and Education Partnerships, Traineeship and Apprenticeship training advisor, Max Employment, Fusion and Walan Miya training. The hub currently supports a client base of over 600 people, has delivered 200 employment outcomes, and facilitated monthly co-designed education and employment programs, underpinned by monthly project partner forums committed to improving services and supports for community.

The receipt of the 2020 NSW Local Government Excellence Award in the category of Community Partnerships and Collaboration is testament to Council's commitment and capacity to build strong, sustainable partnerships. This has created an excellent foundation and will ensure the *Creating Careers Pathways* project has the required support and resources needed to achieve its objectives.

The objectives of the project are to:

- deliver inspiring, high quality, locally based, personalised career development programs to community;
- demonstrate the value of career guidance to those seeking to re-enter the workforce, change or develop careers;
- provide staged career guidance programs to students in years 7 to 10 (and influencers) to develop skills to create/recreate career plans as they grow through their employment and workforce participation;
- increase awareness of local career pathway opportunities in high employment industries; and
- improve access to face to face, innovative, collaborative programs that provide career guidance to adults, including disadvantaged groups, seeking to enter or re-enter the workforce.

The plan for this project outlines a range of evidenced-based innovative, inclusive and collaborative opportunities that improve access to, and visibility of local career guidance supports. Many of the activities are building on the successful programs already implemented, the existing opportunities in the sectors and available resources to deliver focused programs that meet local needs.



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**CAR21/022 EMPLOYMENT PROJECTS FUNDING OFFER**

**S003-T00045**

Receiving the grant funding will result in Council being able to provide targeted career guidance services and supports, in person, to a minimum of 545 students in years 7 to 10 and their influencers across five local high schools; provide 128 targeted events, activities and programs; face to face career supports and services provided to 516 adults seeking to enter, re-enter or change career pathways; and potentially thousands accessing the weekly online job, training and career information and resources.

**Economic Development Employment Potential**

The project initiatives are planned to deliver benefits to our largest growing employment sector, community services and health, with initiatives planned to support the two second highest employment sectors, Construction and Hospitality/Tourism, while supporting the diverse demographics of our local community. To increase access to high quality, locally based, personalised career guidance services for the targeted cohorts, the project will need to remove barriers to participation experienced by our youth, mature aged adults, people with a disability, and Aboriginal community members.

The level of funding is required to effect lasting benefits by addressing low levels of workforce participation following the devastating bush fires, floods and impact from COVID-19 industry wide, with particular cultural challenges needed to overcome and build the capacity and capability of our community services care workforce.

The development and delivery of innovative locally based approaches to delivering career guidance services have been designed to meet future workforce needs in a challenging social environment. The funding will deliver economic and social development benefits to our region, not least, an increase in our community's capacity and capability to respond to changing employment structures, work regimes and future careers and jobs yet to be realised.

This project aims to support our region's economic growth and help raise the socio-economic status of the region through improving the employment participation rate and reducing the Eurobodalla's unemployment level through provision of enhanced career pathways that help all people reach their full career potential.

**Financial**

Council will be funded \$286,500 plus GST to implement the project. Existing project officers will be enabled to continue their work in these areas. There was no requirement to match or contribute cash however an in-kind contribution of \$20,000 was included for the overall project value of \$306,500.

**Community and Stakeholder Engagement**

We will inform the community through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and Twitter; liaising with stakeholders, community groups; and distributing a media release.

We have involved the community in the development of the project proposal through workshop feedback; network meetings and stakeholder working groups.

**CONCLUSION**

The funding offer at hand will provide the opportunity to sustain the successful work of the Employment Projects team to assist the economic recovery of the shire and importantly

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**CAR21/022 EMPLOYMENT PROJECTS FUNDING OFFER**

**S003-T00045**

develop workforce capacity into the future for growing and emerging industries and support our local communities to access meaningful work and career pathways.

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**CAR21/023 ACCEPTANCE OF DISABILITY SUPPORT FOR OLDER AUSTRALIANS  
(DSOA) FUNDING EXTENSION**

**S003  
T00026**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: Nil  
Outcome: 1 Strong Communities, Desirable Lifestyle  
Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs  
Delivery Program Link: 1.4.2 Provide flexible, community based services to support older people, people with a disability and their carers  
Operational Plan Link: 1.4.2.2 Provide support services for older people

**EXECUTIVE SUMMARY**

This report requests that Council approve acceptance of \$345,043 in Disability Support for Older Australians (DSOA) funding from Commonwealth Department of Health.

Council's Community Care received a Letter of Offer detailing funding of \$345,043 to continue existing service provision to people with disability who are ageing from 1 October 2021 to 31 December 2022. In order for the funds to be released, the Letter of Agreement has to be signed and returned to the Department of Health by 31 October 2021.

**RECOMMENDATION**

THAT Council accept funding of \$345,043 for Disability Support for Older Australians from Commonwealth Department of Health by signing and sealing the Standard Grant Agreement.

**BACKGROUND**

People over 65 years are ineligible for NDIS funding, so the federal government's Disability Support for Older Australians (DSOA - previously the Continuity of Support program) provides funding for services necessary to support their needs. Council's DSOA has been finalised through a Letter of Offer.

Community Care is currently contracted to provide accommodation support, personal care and respite. This Standard Grant Agreement covers the period 1 October 2021 to 31 December 2022.

**CONSIDERATIONS**

The additional Disability Support for Older Australians funding will enable Community Care to provide continued essential support services to older clients with disability who were ineligible for NDIS due to their age at the time NDIS was implemented in our region, including those receiving residential accommodation support.

**Social Impact**

Providing services that meet the needs of people with a disability who are ageing contributes to their quality of life and community wellbeing. The additional funding provides a range of supports for current Disability Support for Older Australians clients, enabling a greater degree of independence

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<b>CAR21/023</b>	<b>ACCEPTANCE OF DISABILITY SUPPORT FOR OLDER AUSTRALIANS (DSOA) FUNDING EXTENSION</b>	<b>S003 T00026</b>
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**Economic Development Employment Potential**

The Standard Grant Agreement in respect of Disability Support for Older Australians provides a total of \$345,043 (\$275,196 annually) in support services to clients.

**CONCLUSION**

Council acknowledges the Letter of Offer to release funds to provide Disability Support for Older Australians and accepts grant funding of \$345,043 to continue existing service provision from 1 October 2021 to 31 December 2022.

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## **15. DEALING WITH MATTERS IN CLOSED SESSION**

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

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

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

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

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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.