



# **AGENDA**

**Ordinary Meeting of Council**

**22 February 2022**



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

**ON TUESDAY 22 FEBRUARY 2022**

**COMMENCING AT 11.00AM**

**AGENDA**

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

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 8 February 2022
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)

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- 6. MAYORAL REPORTS**  
Nil
- 7. NOTICES OF MOTION**  
Nil
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
- 9. PETITIONS**  
Nil
- 10. GENERAL MANAGER'S REPORTS**  
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**DR CATHERINE DALE**  
**GENERAL MANAGER**

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**GMR22/014 DELIVERY PROGRAM 2017-22 SIX-MONTHLY PERFORMANCE  
UPDATE JULY - DECEMBER 2021**

**S004-  
T00028**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Six-Monthly Performance Update Report July - December 2021

Outcome: 9 Innovative and Proactive Leadership

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

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

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

### **EXECUTIVE SUMMARY**

The purpose of this report is to provide an update on Council's progress in implementing the community's vision as articulated in the Integrated Planning and Reporting suite of documents, the Community Strategic Plan 2017 – One Community, the Delivery Program 2017-22 and Operational Plan 2021-22.

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

In accordance with Section 404 of the *Local Government Act 1993* and the Integrated Planning and Reporting guidelines for Local Government, Council is required to provide progress reports with respect to the activities detailed in the Delivery Program every six months.

The Delivery Plan 2017-22 and Operational Plan 2021-22 consists of 79 activities and 166 operational actions. As of 31 December 2021, 99.4% of the actions are on track and 0.6% on hold.

### **RECOMMENDATION**

THAT the Six-Monthly Performance Update Report July – December 2021 be received and noted.

### **BACKGROUND**

The purpose of this report is to provide an update on Council's progress in implementing the community's vision as articulated in the Integrated Planning and Reporting suite of documents, the Community Strategic Plan 2017 – One Community, the Delivery Program 2017-22 and Operational Plan 2021-22.

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

In accordance with Section 404 of the *Local Government Act 1993* and the Integrated Planning and Reporting guidelines for Local Government, Council is required to provide progress reports with respect to the activities detailed in the Delivery Program every six months.

**GMR22/014 DELIVERY PROGRAM 2017-22 SIX-MONTHLY PERFORMANCE  
UPDATE JULY - DECEMBER 2021**

**S004-  
T00028**

The Delivery Plan 2017-22 and Operational Plan 2021-22 consists of 79 activities and 166 operational actions. As of 31 December 2021, 99.4% of the actions are on track and 0.6% on hold.

Outcome	On Track	On Hold
<b>Strong Communities, Desirable Lifestyle</b>	26	
<b>Celebrated Creativity, Culture and Learning</b>	11	
<b>Protected and Valued Natural Environment</b>	21	
<b>Sustainable Living</b>	16	
<b>Vibrant and Diverse Economy</b>	14	
<b>Responsible and Balanced Development</b>	13	
<b>Connected and Accessible Places</b>	18	
<b>Collaborative and Engaged Community</b>	11	
<b>Innovative and Proactive Leadership</b>	35	1
<b>Total</b>	<b>165</b>	<b>1</b>

The explanation for the action on hold as of 31 December 2021 is:

- **9.3.2.2** Provide employee learning and development opportunities  
COVID-19 restrictions caused significant disruption to the delivery of Learning and Development courses resulting in the postponement of many training courses.

Further details can be found in the attachment – Six-Monthly Performance Update Report July - December 2021.

### **Legal**

In accordance with Section 404 of the *Local Government Act 1993* and the Integrated Planning and Reporting guidelines for Local Government, Council is required to provide progress reports with respect to the activities detailed in the Delivery Program every six months.

### **Policy**

The Delivery Program and Operational Plan draws on and implements actions contained in related Council policy documents.

### **Asset**

The Capital Program included in the Operational Plan 2021-22 continues Council's focus on sustaining community infrastructure through the renewal of assets and a provision for new infrastructure to meet demand from growth and progressively address network deficiencies. Council is currently on track in delivering the adopted capital program. In addition, Council continues to work with peak bodies to advocate to the NSW and Australian governments for enhanced asset funding models to better support regional communities across NSW.

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**GMR22/014 DELIVERY PROGRAM 2017-22 SIX-MONTHLY PERFORMANCE  
UPDATE JULY - DECEMBER 2021**

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**Financial**

Council is required to report financial performance on a quarterly basis. The December Quarterly Review Statements are prepared in accordance to the *Local Government Act 1993* and the Quarterly Budget Review Statement Guidelines. They are presented to Council in a separate report.

**Community and Stakeholder Engagement**

The Six-Monthly Performance Update Report is an informing document for the community and will be published on Council's website.

**CONCLUSION**

This Delivery Program 2017-22 Six-Monthly Performance Update July - December 2021 report provides an update of Council's progress to achieving our community's vision as articulated in the Community Strategic Plan 2017 – One Community.

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**GMR22/015 DRAFT EUROBODALLA COMMUNITY STRATEGIC PLAN EXHIBITION**

**S004-  
T00028**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Draft Community Strategic Plan

Outcome: 9 Innovative and Proactive Leadership

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

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

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

### **EXECUTIVE SUMMARY**

The Community Strategic Plan (CSP) is the highest-level plan that Council will prepare as part of the Integrated Planning and Reporting (IPR) framework. Council has a custodial role in initiating, preparing and monitoring the CSP on behalf of the community. However, it is not wholly responsible for its implementation. Other partners, such as other levels of governments, community organisations and business may also be engaged in delivering the long-term goals of the Plan.

The draft CSP has been prepared in accordance with Section 402 of the *Local Government Act* and the Integrated Planning and Reporting Guidelines and must be exhibited for 28 days, prior to endorsement by Council.

The draft CSP is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's long-term aspirations, priorities and vision.

Council first developed its community Strategic Plan in 2010, with further comprehensive reviews in 2012 and 2016. In accordance with the Act, Council is required to review its IPR documents following an ordinary council election to ensure currency of the plans, hence the current review.

Council approved a Community Engagement Strategy for the CSP review on 25 May 2021 and prepared 'Our Story', a snapshot of Eurobodalla in 2021, to inform discussion.

In reviewing the CSP Council developed a dedicated website, *Our Eurobodalla*. This website provided a platform to engage the community through a variety of tools including a survey, workshop in a box and virtual vision boards. The website was available for 28 days from 5 October and received over sixteen hundred visits.

Our community vision has been reviewed and developed by the community. It reflects the kind of community we would like to be in ten to twenty years' time and is designed to encourage commitment and a sense of common purpose and responsibility.

Our vision is: *From our beaches to our bushlands, rivers and mountains... Our Eurobodalla is a place of inclusive communities embracing sustainable lifestyles. Our future balances our natural assets and thriving economy. Our community is resilient and collaborative, and this underpins*



**GMR22/015 DRAFT EUROBODALLA COMMUNITY STRATEGIC PLAN  
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*all that we do.* To achieve this vision five goals were developed with supporting strategies. The draft CSP addresses social, environmental, economic and civic leadership goals and is based on social justice issues, in line with IPR guidelines.

Progress will be monitored against community indicators and Council has identified key partnerships and strategic regional and state priorities that link with the draft CSP.

**RECOMMENDATION**

THAT the draft Community Strategic Plan be placed on public exhibition from 23 February to 22 March 2022.

**BACKGROUND**

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

The IPR framework is detailed in the figure below:



The draft CSP outlines our community vision: *From our beaches to our bushlands, rivers and mountains... Our Eurobodalla is a place of inclusive communities embracing sustainable*

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**GMR22/015 DRAFT EUROBODALLA COMMUNITY STRATEGIC PLAN  
EXHIBITION**

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*lifestyles. Our future balances our natural assets and thriving economy. Our community is resilient and collaborative, and this underpins all that we do.*

Under this vision are five goals:

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

To achieve the vision and goals of the CSP there are a further 18 strategies which show how we will go about achieving the goals and vision of our community.

### **CONSIDERATIONS**

The draft CSP is a whole of community plan, reviewed and developed in partnership with the community. It identifies the community's long-term aspirations, priorities and vision, with goals and strategies in place to articulate and meet that vision.

The Integrated Planning and Reporting framework recognises that most communities share similar aspirations: a safe, healthy and pleasant place to live, a sustainable environment, opportunities for social interaction, opportunities for employment and reliable infrastructure. The difference lies in how each community responds to these needs. It also recognises that council plans and policies should not exist in isolation and should be connected to Council's high-level planning documents.

This framework allows NSW councils to draw their various plans together, understand how they interact and achieve the maximum leverage from their efforts by planning holistically for the future.

Councils need to take a long-term view and consider social, economic and environmental aspects, and the needs of current and future generations when making decisions. This underpins the planning and reporting framework.

Each Community Strategic Plan must adequately address social, environmental, economic and civic leadership considerations. This approach is generally referred to as 'the quadruple bottom line'. This approach ensures that the Community Strategic Plan is balanced and takes a holistic view.

### **Community and Stakeholder Engagement**

The draft CSP has been developed with the community, with a range of engagement processes undertaken in both the original Plan (2010), reviews (2012 and 2016) and in the current review process.

Council approved a Community Engagement Strategy for the CSP review on 25 May 2021 and prepared Our Story, a snapshot of Eurobodalla in 2021, to inform discussion.

To inform the current review of the CSP Council commissioned an independent, statically reliable, community wellbeing survey in May 2021, with 403 community members participating.

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**GMR22/015 DRAFT EUROBODALLA COMMUNITY STRATEGIC PLAN  
EXHIBITION**

**S004-  
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To engage the community on the CSP review, Council developed a dedicated website called *Our Eurobodalla*. The website was available to the community for 28 days from 5 October 2021 and included a variety of tools including surveys, virtual vision boards and a workshop in a box.

An extensive awareness campaign was conducted to ensure a broad reach across the community and stakeholders. This included a radio advertisement and interviews, banner on Council's website, posts on Council's Facebook and Instagram pages, articles in Living in Eurobodalla quarterly newsletter and multiple other Council published newsletters. Letters were also sent to schools and community groups and association inviting them to participate.

*Our Eurobodalla* website received over sixteen hundred visits with 231 surveys completed, six workshops in a box submissions from community groups and over 1,000 contributions to the virtual vision boards.

Council will place the draft CSP on public exhibition for a period of not less than 28 days commencing on 23 February to 22 March 2022. Copies will be available for viewing on Council's website.

**CONCLUSION**

The Community Strategic Plan is the highest-level plan that Council will prepare as part of the Integrated Planning and Reporting framework. Council has a custodial role in initiating, preparing and monitoring the CSP on behalf of the community. However, it is not wholly responsible for its implementation. Other partners, such as other levels of governments, community organisations and businesses may also be engaged in delivering the long-term objectives of the Plan.

The draft CSP has been prepared in accordance with Section 402 of the *Local Government Act* and the Integrated Planning and Reporting Guidelines and must be exhibited for 28 days, prior to endorsement by Council.

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**GMR22/016 2022-24 SECTOR MEMBERSHIPS**

**E10.4139**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.1.3.3 Develop and maintain strategic partnerships

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to resolve the membership of its sector organisations for the term of this Council. Sector memberships assist Council to work in partnership with organisations to advocate and collaborate to address local and regional issues.

Council is a member of many different sector organisations, these include Australian Coastal Councils Association, Australian Local Government Womens Association (ALGWA), Floodplain Management Committee and Country Mayors Association. A number of different organisations, within the South East Region, exist in which Council is also a member. These include South East Arts and South East Australian Transport Strategy (SEATS).

In 2018, the NSW Government mandated Council as a member of the Canberra Region Joint Organisation. Membership of a Joint Organisation provides benefits and opportunities to councils in regional NSW. At the same time, Council discussed the benefits of its membership with Local Government NSW given the new joint organisation structure implemented by the NSW Government. Since 2018-19 Council has not been a members of LGNSW.

The Canberra Region Joint Organisation focuses on regional strategic planning, intergovernmental collaboration and regional leadership and advocacy. Local Government NSW is the peak organisation that represents the interests of NSW general and special purpose councils.

Given the different roles these sector organisations provide for Council, it's an opportune time to consider which memberships the Councillors would like to enact for this term of Council.

### **RECOMMENDATION**

THAT Council determine which sector organisations it wishes to hold membership with from 2022-23 for this term of Council.

### **BACKGROUND**

At its meeting on 28 August 2018, Council resolved as follows:

*'THAT Council:*

- 1. remain financial members of the following sector organisations:*

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**GMR22/016 2022-24 SECTOR MEMBERSHIPS**

**E10.4139**

- a) *Australian Coastal Councils*
  - b) *Australian Local Government Womens Association*
  - c) *Floodplain Management Association*
  - d) *Country Mayors Association*
  - e) *South East Arts*
  - f) *South East Australian Transport Strategy*
  - g) *South East Sports Academy.*
2. *note that it has previously resolved to be a member of the Canberra Region Joint Organisation.'*

**CONSIDERATIONS**

The following information has been taken from relevant organisation websites or information on file:

**Australian Coastal Councils Association** - The Australian Coastal Councils Association Inc. is a national body which represents the interests of coastal councils and their communities. The organisation was previously known as the National Sea Change Taskforce.

The role of the Association is to advocate on behalf of coastal councils. It also commissions research on behalf of councils in coastal areas in relation to a range of coastal issues, including:

- The shortfall in resources to meet increasing demand for infrastructure and services;
- Coastal erosion and the projected impacts of sea level rise;
- The legal risks faced by coastal councils in relation to planning for climate change;
- Proposed changes to arrangements for natural disaster funding, which will shift more of the recovery costs onto the States and local government;
- The impact of tourists and other visitors on coastal communities;
- The continuing impacts of high population growth in peri-urban and regional coastal councils.

The Association is the only body that specifically represents the interests of Australia's coastal councils at a national level in relation to these issues.

**Australian Local Government Women's Association (NSW)** - the NSW branch of the Australian Local Government Women's association founded at Canberra, 1951. ALGWA (NSW) is the state's peak representative body for women who are in any way involved or interested in local government. It provides networking opportunities for those interested in encouraging women's participation in Local Government. The events enable all attendees to widen their networks and share their experiences.

**Floodplain Management Australia** - Floodplain Management Australia (FMA) is committed to promoting appropriate development within floodplain areas, and helping reduce the risks of flooding to life and property.

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**GMR22/016 2022-24 SECTOR MEMBERSHIPS**

**E10.4139**

The Membership includes over 120 councils, catchment management authorities, businesses, and professionals involved in all aspects of urban and rural floodplain risk management.

The organisation represents our Members' interests at State and Commonwealth government levels, promote public awareness of flood issues, and provide professional development for floodplain managers.

FMA, formerly the Floodplain Management Association, was established in 1961. Its role has grown to encompass promotion of the wise management of floodplains, provision of professional development and information sharing opportunities and representation of the interests of Local Government at State and Federal levels.

As well as advocating the benefits of increased investment in flood risk management programs, and more technical support for Local government, FMA has over time increasingly sought to shift floodplain risk planning from being simply the identification of areas where development should not occur to the promotion of a strategic planning approach which proactively guides appropriate development within floodplain areas.

In 2009, in partnership with the NSW Office of Environment and Heritage, FMA initiated Australia's only industry based flood risk management course tailored to the needs of technical and land use planning staff, and elected council representatives. The program is conducted by the University of Technology-Sydney, and participants regularly include practitioners from outside New South Wales.

More recently FMA has developed a significant national presence, participating in initiatives such as the National Floods Forum, National Flood Risk Advisory Group, the National Workshop on Temporary Flood Barriers, and the Planning Institute of Australia's Post Disaster Flood Planning Seminars held in Queensland and New South Wales.

**Country Mayors Association** – A peak body representing Country Councils in NSW. The Country Mayors Association meet bi-monthly in Sydney. The meetings usually have representation from the NSW Parliament and other major organisations and advocate on issues affecting Country NSW.

**South East Arts** - South East Arts (SEArts) is the regional development organisation for arts and culture in the Bega Valley, Eurobodalla and Snowy Monaro. We actively assist the ongoing development of, and participation in, arts and culture throughout the South East region of New South Wales. South East Arts is also supported by the NSW Government through Create NSW.

**South East Australian Transport Strategy (SEATS)** - The South East Australian Region embraces south-east NSW, eastern Victoria and the Australian Capital Territory and is bounded by the Hume Highway corridor between Sydney and Melbourne and the coastal strip between Wollongong and Westernport Bay.

It is a large Region with over one and a half million people and one of the fastest growing regions in Australia. It is rich in primary resources, has a skilled workforce, wonderful natural assets and has huge potential which opportunities for improvements to transport infrastructure would provide.

Inadequate transport infrastructure has been identified as a major impediment to the growth and prosperity of this important Region. In response the SEATS partnership has developed the

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**GMR22/016 2022-24 SECTOR MEMBERSHIPS**

**E10.4139**

Transport Network Strategy which collectively identifies a number of Priority Projects that go beyond the boundaries of individual local councils and benefit the entire region and beyond. The attraction of investment in these transport and infrastructure projects through strong advocacy will significantly improve the efficiency of the transport network across the region, support sustainable growth, boost the economic competitiveness, improve employment prospects and enhance communities through improved, safer access to vital health, education, sport and recreational, government agencies and business services.

The vision for SEATS, is an effective integrated transport network that stimulates economic growth that is sustainable and sensitive to the environment and enhances communities. To support this vision SEATS has developed a number of principles to guide its work and has encouraged all levels of Government to consider them when planning for the future.

These include:

- Promote economic and employment opportunities through a regionally based approach to transport needs.
- Integrate freight network plans and land use planning.
- Maintain and improve existing and future business productivity, efficiency and viability.
- Strategic planning is network based.
- The transport strategy integrates all transport modes and intermodal facilities.
- Strategic priorities are based on area wide needs and economic outcomes.
- Freight network planning recognises the importance of the environment and climate change impacts.
- Planning for freight infrastructure needs to be on a short, medium and long term basis.
- Longer term plans need to ensure that suitable transport corridors are set aside and maintained.
- Network strategic planning recognises local, State, Federal and Industry policies and strategies.
- Network strategic planning recognises cross border issues and reflects influences from outside the SEATS region that impact on the region.
- That tourism is considered in the freight planning in order to provide greater safety for all users.
- Projects and priorities are supported and promoted by SEATS members.

**Local Government NSW** - LGNSW is the peak organisation that represents the interests of NSW general and special purpose councils.

LGNSW aims to strengthen and protect an effective, democratic system of local government across NSW by supporting and advocating on behalf of member councils and delivering a range of relevant, quality services.

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**GMR22/016 2022-24 SECTOR MEMBERSHIPS**

**E10.4139**

LGNSW achieves this by:

- Actively and persuasively representing the views of local government to the NSW and Australian governments
- Providing effective, responsive and accountable leadership to member councils
- Providing a comprehensive range of high-quality services and policy advice to members
- Increasing the capacity of local government to deliver quality services and meet the needs of local communities across NSW
- Enhancing the profile and building community trust in and awareness of local government.

In 2018 Council did not renew its membership with LGNSW. Staff have made contact with LGNSW to enquire about membership renewals. LGNSW has informed Council that full membership fee for 2021/22 would have been \$53,016.81 (incl GST). Therefore if Council chooses to join for the remainder of 2021/22 the fee will be \$26,508.40.

**Financial**

Following is a breakdown of the cost/year for each current sector memberships based on 2021-22 financial year:

Organisation	Annual Amount
Canberra Region Joint Organisation	\$40,469.00
LGNSW	part year \$26,508.40 full year \$53,016.81
Australian Coastal Councils	\$2669.06
Australian Local Government Womens Association (ALGWA)	\$250.00
Floodplain Management Committee	\$1,590.91
Country Mayors Association	\$750.00
South East Arts	\$12,502.35
South East Australian Transport Strategy	\$4,800.00

Sector memberships will be included in 2022-23 budgets.

**CONCLUSION**

Council is a member of many different sector organisations. Sector memberships assist Council to work in partnership with organisations to advocate and collaborate to advance the region



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**GMR22/016 2022-24 SECTOR MEMBERSHIPS**

**E10.4139**

and address local issues. Council will need to determine which sector organisations it wishes to remain as financial members.

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**GMR22/017 COUNCIL COMMITTEES AND EXTERNAL BODIES**

**E81.1928**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Under Seperate Cover - Committees Terms of Reference  
2. Under Separate Cover - Guidelines for Meeting Practice

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

**EXECUTIVE SUMMARY**

Council may establish Committees to provide advice or exercise decision making functions of the Local Government Act. Councillors can attend these committees as observers or be appointed by Council as members of these committees and exercise voting rights.

Councillors may also be represented by Council on external committees. It should be noted that the responsibilities and operation of the external committees are set by the host organisation.

Community representation on each Advisory Committee will be sought through a combined recruitment effort. The community membership on each committee will be presented to Council for endorsement in early April 2022. It is recommended that community memberships on each committee will be for the term of this Council.

This report is for the Council to consider the appointment of delegates to committees and other external bodies, and to determine the term of appointment of delegates to the committees.

**RECOMMENDATION**

THAT:

1. Council adopt the committee's terms of reference and Guidelines for Meeting Practice – Advisory Committee attached to this report.
2. Council determine the method of voting for delegates and chairpersons;
3. The term of appointment of delegates be for this term of Council;
4. Council appoints delegates to the following s355 committees:
  - a. Moruya Showground Management Committee
  - b. Kyla Hall Management Committee
5. Council appoint delegates to the following advisory committees:
  - a. Audit, Risk and Improvement Committee
  - a. Disability Inclusion Advisory Committee

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**GMR22/017 COUNCIL COMMITTEES AND EXTERNAL BODIES**

**E81.1928**

- b. Eurobodalla Aboriginal Advisory Committee
  - c. Heritage Advisory Committee
  - d. Coastal and Environmental Management Advisory Committee
  - e. Public Art Advisory Committee
6. Council appoint delegates to the following external committees:
- a. Eurobodalla Local Traffic Committee
  - b. Eurobodalla Bushfire Management Committee
  - c. Floodplain Management Association of NSW
  - d. South East Arts
  - e. South East Australian Transport Strategy Inc
7. Chairs be appointed to the following committees:
- a. Moruya Racecourse Management Committee
  - b. Disability Inclusion Advisory Committee
  - c. Heritage Advisory Committee
  - d. Coastal and Environmental Management Advisory Committee
  - e. Public Art Advisory Committee.
8. Advertise for community representatives on the following advisory committees:
- a. Disability Inclusion Advisory Committee
  - b. Eurobodalla Aboriginal Advisory Committee
  - c. Heritage Advisory Committee
  - d. Coastal and Environment Management Advisory Committee
  - e. Public Art Advisory Committee.
9. Re-appoint the current Independent Audit Committee members until the revised guidelines are finalised by the Office of Local Government.
10. Determine any additional Sunset/Advisory Committees that Council wishes to establish during their term.

**BACKGROUND**

A robust advisory committee framework strengthens governance and leadership by providing clear and transparent processes for the community to advise Council on particular areas. Community representation on each committee will be sought in line with the Terms of Reference of each Committee.

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**GMR22/017 COUNCIL COMMITTEES AND EXTERNAL BODIES**

**E81.1928**

**CONSIDERATOINS**

Council appoints delegates to a range of committees, including Section 355 committees, advisory committees, and sunset/steering committees.

Membership of the Advisory Committees generally comprises Councillors, as appointed by Council, plus external stakeholder and community representatives determined by their respective Terms of Reference, as provided in attachment 1 along with the Guidelines for Meeting Practice – Advisory Committees in attachment 2.

Council should determine the period of appointment for delegates to committees and external bodies. Historically, the term of appointment has been for two years and it is recommended that membership is for the term of this Council.

Section 355 committees

Under section 355 of the Local Government Act 1993, Council can establish committees to perform certain functions on behalf of the Council and involve local community members in the management of its facilities or functions. In the last term of Council, it was resolved not to have Councillor representatives on these committees for that term. Council can determine if it wishes to appoint representatives for this term.

The alternate delegates are to attend meetings when the delegate is not available.

Community membership on these committees is set by user groups of these facilities.

<b>Committee</b>	<b>Number of Delegates required (as per Terms of Reference)</b>
<b>Section 355 Committees</b>	
Moruya Showground Management Committee	Currently no Councillor representative
Kyla Hall Management Committee	Currently no Councillor representative

Advisory and Sunset/Steering Committees

Advisory and Sunset/Steering Committees are appointed by Council from representatives of the community and other stakeholders or agencies with relevant expertise, to provide advice to Council on a range of issues. Sunset or Steering Committees are advisory committees, which are established for a limited term for a specific purpose or to undertake a specific project. Currently, there are no active sunset/steering committees.

The alternate delegates are to attend meetings when the delegate is not available.

Community membership on Advisory committees will be sought via a combined recruitment process and presented to Council for endorsement.

The Audit and Risk Committee is required by statute. Its terms of reference, with regard to membership, will require revision in June 2022 in accordance with new internal audit guidelines and will be provided to Council for adoption in due course. It is recommended that the community membership of this committee remain the same until the new guidelines are confirmed.

**GMR22/017 COUNCIL COMMITTEES AND EXTERNAL BODIES**

**E81.1928**

<b>Committee</b>	<b>Number of Delegates required (as per Terms of Reference)</b>
<b>Advisory Committees</b>	
Audit, Risk and Improvement Committee (This committee is established in accordance with Guidelines under section 23A of the Local Government Act.)  The Mayor is not eligible to apply. The Chair is to be an independent member of the Committee.	2 Councillors
Disability Inclusion Advisory Committee	1 Councillor (Chair) plus 1 alternative
Aboriginal Advisory Committee	1 Councillor plus 1 alternative
Heritage Advisory Committee	2 Councillors (1 to be Chair)
Coastal and Environmental Management Advisory Committee	2 Councillors (1 to be Chair)
Public Art Advisory Committee	1 Councillor (Chair) plus 1 alternative

External Committees

Council representatives participate in a number of external committees. Councillor membership on external committees fosters relationships with stakeholders and enhances consultation and engagement with the community. Councillor membership on external committees will cease the day before the scheduled local government election of the current Council term, or if a Councillor resigns or otherwise ceases to be a Councillor. In addition, Councillor membership is subject to the terms of each external committee's constitution or governing document.

<b>Committee</b>	<b>Number of Delegates required (as per Terms of Reference)</b>
<b>External Committees</b>	
Eurobodalla Local Traffic Committee (Established by Transport for NSW)	1 Councillor
Eurobodalla Bushfire Management Committee (Established by NSW Rural Fire Service)	1 Councillor
Floodplain Management Association of NSW	1 Councillor
South East Arts	1 Councillor
South East Australian Transport Strategy Inc (SEATS)	1 Councillor
Canberra Region Joint Organisation of Councils	Mayor

Statutory Appointments to External Organisations

Ministers appoint some delegates to organisations other than Council committees. When Council is notified of such vacancies, nominations will be sought through a Council resolution.

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**GMR22/017 COUNCIL COMMITTEES AND EXTERNAL BODIES**

**E81.1928**

**CONCLUSION**

Delegates and Chairs (where appropriate) should be appointed to committees and the term of appointment to such committees be determined.

Community representatives will be sought for each current Advisory Committee, minus the Audit Risk and Improvement Committee. These appointments will be presented to Council for endorsement in April 2022.

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**GMR22/018 POLICY REVIEW FOR EXHIBITION - FEBRUARY 2022**

**S004-T00060**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: 1. Under Separate Cover - Policy Review - February 2022  
Outcome: 9 Innovative and Proactive Leadership  
Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision  
Delivery Program Link: 9.1.2 Implement effective governance  
Operational Plan Link: 9.1.2.4 Review Council policies

**EXECUTIVE SUMMARY**

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

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

The following policies have been reviewed.

- Accounting For Divisions and Subsidiaries of Council
- Aged Care Services
- Asset Disposals
- Asset Management
- Borrowing Management
- Bus Stops and Bus Zones
- Bush Fire Risk Management
- Cemeteries Management
- Children's Services
- Clean Air
- Signs As Remote Supervision

The draft policies are recommended to be placed on public exhibition before being presented to Council for adoption.

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**GMR22/018 POLICY REVIEW FOR EXHIBITION - FEBRUARY 2022**

**S004-T00060**

**RECOMMENDATION**

THAT

1. Council places the following draft policies for the purposes of public consultation for a period of 28 days:
  - (a) Accounting For Divisions and Subsidiaries of Council
  - (b) Aged Care Services
  - (c) Asset Disposals
  - (d) Asset Management
  - (e) Borrowing Management
  - (f) Bus Stops and Bus Zones
  - (g) Bush Fire Risk Management
  - (h) Cemeteries Management
  - (i) Children's Services
  - (j) Clean Air
  - (k) Signs As Remote Supervision
2. Following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.

**BACKGROUND**

**Accounting For Divisions and Subsidiaries of Council**

This policy is designed to ensure that entire Council entity accounting is up to date within the main Council financial systems and no undisclosed bank accounts, accounting systems or reserves exist in relation to Council management committees, other divisions, subsidiaries or the like.

This policy provides for Council management committees, other divisions and subsidiaries of Council to fully incorporate accounting into Council's main systems.

**Aged Care Services**

Council provides Commonwealth Home Support Program (CHSP) services. Council is responsible for delivering these services consistently, in line with Home Care Common Standards.

**Asset Disposals**

The Asset Disposals Policy was developed to protect Council's financial interest by ensuring that asset disposals achieve the best possible result for Council.

Council is required from time to time to dispose of assets. These assets may have reached or exceeded their economic life for Council purposes. Alternatively, there may be other justifiable economic reasons for disposal.



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**GMR22/018 POLICY REVIEW FOR EXHIBITION - FEBRUARY 2022**

**S004-T00060**

**Asset Management**

Eurobodalla Shire Council's Asset Management policy was developed to ensure that Council's assets are managed effectively to deliver the level of service our community is prepared to pay for in the short, medium and long term taking account of the social, economic and environmental consequences of Council's decisions. The policy aims to ensure there is continuous improvement in asset management and service delivery.

**Borrowing Management**

The Borrowing Management Policy was developed to govern the objectives, procedures and controls in relation to the Council's borrowing decisions and processes.

The policy aims to ensure compliance with legislative requirements under sections 621-624 of the Local Government Act 1993 (the Act), sections 229-230 of the Local Government (General) Regulation 2005 and a borrowing order signed by the Minister Local Government.

The policy aims to ensure that the Council has appropriate working capital available to carry out its strategic plans as outlined in the Operations Plan and any related long term financial strategy (unrestricted net current assets ratios should be >1:1 and <2:1) to acknowledge the intergenerational responsibility elements of any loan funding.

**Bus Stops and Bus Zones**

Eurobodalla Shire Council's policy is developed to ensure that bus stops and bus zones are in appropriate locations and have appropriate signs where necessary.

**Bush Fire Risk Management**

This Policy clarifies the management of bush fire risk to the community within Council controlled lands.

Council has statutory obligations to minimise the risk of bush fires in accordance with the relevant legislation, namely *The Rural Fires Act 1997 Act and Regulation, Local Government Act 1993, Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Clean air) Regulations 2021, The Environmental Planning and Assessment Act 1979, Local Land Services Act 2013 and the Biodiversity Conservation Act 2016, State Emergency and Rescue Management Act 1989.*

Council's policy also operates in accordance with the *Bush Fire Environmental Assessment Code for NSW Rural Fire Service 2021, Planning for Bush Fire Protection (NSW Rural Fire Service 2019) and NSW Rural Fire Service Standard Operational Procedures – Prescribed Burning Activities.*

**Cemeteries Management**

This Policy provides the framework for the sustainable management, maintenance and future planning of cemeteries under Council's control.

This Policy and associated Code of Practice align with industry standards and current practices of other local government areas in New South Wales and will assist Council in meeting the needs of the community.

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**GMR22/018 POLICY REVIEW FOR EXHIBITION - FEBRUARY 2022**

**S004-T00060**

**Children's Services**

Council Children's Services will be Assessed and Rated against the National Quality Standards for Education and Care Services that consist of seven quality areas, eighteen standards and fifty-eight elements.

The seven quality areas are:

1. Educational Program and practice
2. Children's Health and safety
3. Physical environment
4. Staffing arrangements
5. Relationships with children
6. Collaborative partnerships with families and communities
7. Leadership and service management.

**Clean Air**

Open burning is regulated across New South Wales by the Protection of the Environment Operations (Clean Air) Regulation 2021 ('the Regulation'). The intention of the Regulation is to manage the air pollution issues associated with burning, with a view to protecting local and regional air quality, local amenity and public health.

Eurobodalla Shire Council is a Local Government Area (LGA) listed in Part 2 and Part 3, Schedule 8 of the Regulation in which burning of vegetation and other waste is prohibited except with approval. The regulation identifies the LGAs in which the control of burning provisions apply.

The Clean Air Policy was developed to provide clear direction where approval to burn dead and dry vegetation can be automatically given following a self-assessment that meets certain conditions. Where not all conditions can be met, or the NSW RFS requires the landholder to obtain approval from Council, formal approval can be applied for.

**Signs As Remote Supervision**

This Policy recognises the importance of using signs as remote supervision (SARS) to warn users of Council owned, operated or controlled land within the Eurobodalla Shire Council Local Government Area (LGA) of the risk and nature of any hazards in the area.

Eurobodalla Shire Council complies with the *Local Government Act 1993*, the *Civil Liability Act 2002 (CLA)* and relevant Australian Standards. Section 5M of the CLA states that a risk warning for a recreational activity can be given in writing, including by means of a sign.

Council's duty of care is outlined in Part 5 Section 42 of the *Civil Liability Act 2002* - principles concerning resources and responsibilities of public or other authorities.

**CONSIDERATIONS**

**Accounting For Divisions and Subsidiaries of Council**

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

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**GMR22/018 POLICY REVIEW FOR EXHIBITION - FEBRUARY 2022**

**S004-T00060**

**Aged Care Services**

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

**Asset Disposals**

Council's asset disposals will comply with section 55 of the *Local Government Act 1993*, Australian Accounting Standard *AASB 116 Property Plant and Equipment 2009*, and the Division of Local Government *Code of Accounting Practice and Financial Reporting (as updated)*.

All disposals must comply with section 55 of the *Local Government Act 1993*. For example the Council must invite tenders for a contract to dispose of Council property where the estimated receipt is of an amount of \$250,000 or more (or such other amount as may be prescribed by the regulation). Exceptions to this requirement are a contract for the sale by a council of land and a sale by a council at a public auction.

Where tendering procedure is required or chosen to be followed this is to be in accordance with the statutory and legal requirements and in accordance with the tendering practices prescribed within the Council's Procurement Policy.

All disposals must be on a competitive basis and Council will comply with any funding agreements or other legal and contractual requirements in relation to assets and will ensure best value result for any other parties that might have an interest in assets disposals.

**Asset Management**

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

**Borrowing Management**

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

**Bus Stops and Bus Zones**

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

**Bush Fire Risk Management**

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

**Cemeteries Management**

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

**Children's Services**

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

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**GMR22/018 POLICY REVIEW FOR EXHIBITION - FEBRUARY 2022**

**S004-T00060**

**Clean Air**

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

**Signs As Remote Supervision**

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

**CONCLUSION**

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

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**GMR22/020 POLICY REVIEW FOR EXHIBITION - CODE OF CONDUCT POLICY**

**S004-T00060**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Policy Review - Code of Conduct Policy

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**

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

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

Under Section 440 of the *Local Government Act 1993*, every New South Wales council is to adopt a code of conduct that incorporates the provision of the *Model Code of Conduct for Local Councils in NSW* as published by the Office of Local Government (OLG).

The Code of Conduct Policy is an overarching document that allows the Model Code of Conduct for Local Councils in NSW 2020 to be applied Council's advisory committees, reserves trusts, contractors and volunteers.

The draft Code of Conduct Policy is recommended to be placed on public exhibition to consider any submissions before being presented to Council for consideration.

### **RECOMMENDATION**

THAT

1. Council places the draft Code of Conduct Policy for public consultation for a period of 28 days.
2. Following the expiration of the consultation period, the draft policy and any public submissions be presented back to Council for consideration.

### **BACKGROUND**

Under Section 440 of the *Local Government Act 1993*, every New South Wales council is to adopt a code of conduct that incorporates the provision of the *Model Code of Conduct for Local Councils in NSW* as published by the OLG.

The Code of Conduct Policy is an overarching document that allows the Model Code of Conduct for Local Councils in NSW 2020 to be applied Council's advisory committees, reserves trusts, contractors and volunteers.

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**GMR22/020 POLICY REVIEW FOR EXHIBITION - CODE OF CONDUCT POLICY**

**S004-  
T00060**

OLG has advised that councils should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures.

Councils cannot dilute or weaken the standards prescribed in the Model Code of Conduct in their adopted code of conduct. If standards are less onerous than those prescribed under the Model Code of Conduct, they will be invalid, and the equivalent provisions of the Model Code of Conduct will override them through the operation of section 440 of the LGA.

**CONSIDERATIONS**

The Code of Conduct Policy has been amended to reflect the current *Model Code of Conduct for Local Councils in NSW 2020*. These changes are the revised definition of a Code of Conduct complaint and amendments to Gifts and Benefits. There are no changes required for *Model Code of Conduct for Local Councils in NSW 2020 (Conduct)* and *Procedures for the Model Code of Conduct for Local Councils in NSW 2020* for reasons explained above.

**Legal**

Under Section 440 of the *Local Government Act 1993*, Council must adopt a code of conduct that incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW 2020 (Conduct)* and procedures that incorporate the *Procedures for the Model Code of Conduct for Local Councils in NSW 2020* as published by the OLG.

**Policy**

The Code of Conduct Policy is an overarching document that allows the Model Code of Conduct for Local Councils in NSW 2020 to be applied Council's advisory committees, reserves trusts, contractors and volunteers.

**Community and Stakeholder Engagement**

Council will place the draft Code of Conduct Policy on public exhibition for a period of not less than 28 days commencing Wednesday 23 February 2022 until Wednesday 23 March 2022.

Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma Libraries and Moruya customer service centre.

Councils cannot dilute or weaken the standards prescribed in the Model Code of Conduct in their adopted code of conduct. If standards are less onerous than those prescribed under the Model Code of Conduct, they will be invalid, and the equivalent provisions of the Model Code of Conduct will override them through the operation of section 440 of the LGA.

**CONCLUSION**

The draft Code of Conduct Policy should be publicly exhibited for 28 days. At the end of the public exhibition period the draft Code of Conduct Policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period. The *Model Code of Conduct for Local Councils in NSW 2020 (Conduct)* and *Procedures for the Model Code of Conduct for Local Councils in NSW 2020* will also be presented to Council for adoption.



## Policy

<b>Policy title</b>	Code of Conduct
<b>Responsible manager(s)</b>	General Manager
<b>Contact officer(s)</b>	Complaints Coordinator
<b>Directorate</b>	Finance and Business Development
<b>Approval date</b>	
<b>Outcome area</b>	9. Innovative and proactive leadership
<b>Strategy</b>	9.1 Provide strong leadership and work in particular to strategically plan for the future and progress towards the community vision
<b>Delivery Program</b>	9.1.2 Implement effective governance
<b>Operational Plan</b>	9.1.2.3 Assist the Council in meeting their statutory obligations and roles

### Purpose

Section 440 of the *Local Government Act 1993* (the **LG Act**) requires every NSW council to adopt a code of conduct that incorporates the provisions of *The Model Code of Conduct for Local Councils in NSW* as published by the Office of Local Government (**OLG**).

The *Model Code of Conduct* is designed to help councils conduct with the core business of serving their communities. It does this by providing:

- flexibility to resolve less serious matters informally;
- fair complaints management;
- strong sanctions to help deter ongoing disruptive behaviour and serious misconduct.

All councillors, members of staff and delegates of Eurobodalla Shire Council must comply with the applicable requirements of the adopted Code of Conduct. Council reserve trusts, committees, contractors, and volunteers are also obliged to observe the applicable requirements of the Code.

It is the personal responsibility of all of these Council officials to comply with the standards in the Code, and regularly review their personal circumstances with this in mind.

### Policy aims:

- To promote a clear guideline for the conduct of councillors, staff, delegates, reserve trusts, committees, contractors, volunteers and relevant parties when acting as public officials of Council;
- To ensure consistency and fairness in the manner in which the Council deals with matters and complaints relating to the Code of Conduct;
- To ensure compliance with legislative and statutory requirements;
- To promote awareness of the requirements of the Code of Conduct;
- To take such steps as are appropriate to ensure that the Code of Conduct is followed;
- To make Council's requirements and procedures regarding its Code of Conduct readily accessible and understandable to the public.



## Policy

### Policy details

1	<p><b>Application</b></p> <p>This policy applies to all councillors, members of staff, delegates, community representatives on committees, contractors and volunteers of Eurobodalla Shire Council, and to the following reserve Trusts: Eurobodalla (North), Eurobodalla (Central) and Eurobodalla (South).</p>
2	<p><b>Legislation</b></p> <p>Eurobodalla Shire Council complies with section 440 and 440AA of the <i>Local Government Act 1993</i> by adopting as its Code of Conduct the most current version of the <i>Model Code of Conduct for Local Councils in NSW</i> as published by the Office of Local Government (OLG), and by adopting as its procedure for administration of the Code of Conduct the most current version of the <i>OLG Procedures for Administration of the Code of Conduct</i>.</p>
3	<p><b>Breaches</b></p> <p>Failure by a councillor to comply with an applicable requirement of Council's Code of Conduct constitutes misconduct under the provisions of the LG Act.</p> <p>Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.</p> <p>Failure by a committee member or committee to comply with Council's Code of Conduct will be addressed in the terms of reference for that committee.</p> <p>Failure by a contractor or volunteer to comply with Council's Code of Conduct will be addressed in the contract or terms of engagement.</p>
4	<p><b>Code of Conduct complaints</b></p> <p>A Code of Conduct complaint is defined as:</p> <p><i>"A complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct"</i></p> <p>Allegations of suspected breaches of the Code of Conduct by councillors, members of staff of Council (excluding the General Manager), delegates or reserve trusts should be reported to the General Manager in writing.</p> <p>Allegations that the General Manager has breached the Code of Conduct should be reported to the Mayor in writing.</p> <p>Council's Code of Conduct Complaint form should be used for these reports (see Appendix 1. Also available on Council's website at: <a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a> ).</p> <p>The current <i>OLG Procedures for Administration of the Code of Conduct</i> will be followed for the investigation of any alleged breaches of the Code (see <a href="#">Implementation</a> below).</p>





## Policy

5	<p><b>Complaints not related to Code of Conduct</b></p> <p>The following matters are <i>not</i> considered to be Code of Conduct complaints, and will be referred as below in accordance with Council’s statutory obligations and Complaints policy:</p> <table border="1"> <thead> <tr> <th>Complaint is about...</th><th>Refer to...</th></tr> </thead> <tbody> <tr> <td>pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily</td><td>Office of Local Government</td></tr> <tr> <td>maladministration, serious or substantial waste of public resources</td><td>NSW Ombudsman</td></tr> <tr> <td>corrupt conduct</td><td>ICAC</td></tr> <tr> <td>criminal activity</td><td>Police</td></tr> <tr> <td>public interest disclosure</td><td>PID Coordinator</td></tr> <tr> <td>information (access to, copyright, or privacy)</td><td>Public Officer</td></tr> <tr> <td>competitive neutrality</td><td>Public Officer</td></tr> <tr> <td>customer dissatisfaction with Council service, activity, or action</td><td>Relevant officer or their supervisor</td></tr> <tr> <td>policy, procedure, or decision of Council</td><td>Relevant Director or Public Officer</td></tr> <tr> <td>other complaint about Council (not Code of Conduct related)</td><td>Public Officer</td></tr> </tbody> </table>	Complaint is about...	Refer to...	pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily	Office of Local Government	maladministration, serious or substantial waste of public resources	NSW Ombudsman	corrupt conduct	ICAC	criminal activity	Police	public interest disclosure	PID Coordinator	information (access to, copyright, or privacy)	Public Officer	competitive neutrality	Public Officer	customer dissatisfaction with Council service, activity, or action	Relevant officer or their supervisor	policy, procedure, or decision of Council	Relevant Director or Public Officer	other complaint about Council (not Code of Conduct related)	Public Officer
Complaint is about...	Refer to...																						
pecuniary interest, failure to disclose political donations, serious breakdown in Council operations, Council operating unsatisfactorily	Office of Local Government																						
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criminal activity	Police																						
public interest disclosure	PID Coordinator																						
information (access to, copyright, or privacy)	Public Officer																						
competitive neutrality	Public Officer																						
customer dissatisfaction with Council service, activity, or action	Relevant officer or their supervisor																						
policy, procedure, or decision of Council	Relevant Director or Public Officer																						
other complaint about Council (not Code of Conduct related)	Public Officer																						
6	<p><b>Gifts and Benefits</b></p> <p>Guidance for councillors and staff regarding the standards of behaviour and procedures to be followed, in relation to the acceptance of gifts or benefits which may be offered to them in the course of their duties.</p>																						
6.1	<p><b>Token Gifts and Benefits</b></p> <p>In general, gifts and benefits of a token value that cannot reasonably be returned may include:</p> <ul style="list-style-type: none"> <li>(a) Gifts of single bottles of reasonably priced alcohol. This could be at end of year functions, public occasions, or in recognition of work done such as providing a lecture or training session address.</li> <li>(b) Free or subsidised meals, of a modest nature, and/ or beverages provided infrequently (and/ or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business.</li> <li>(c) Free meals, of a modest nature, and/ or beverages provided to Council officials who formally represent Council at work related events such as training, education sessions, or workshops.</li> <li>(d) Refreshments, of a modest nature, provided at conferences where representing Council officially as a speaker.</li> <li>(e) Ties, scarves, coasters, tie pins, diaries, chocolates, flowers, and small amounts of fresh produce or beverages of a modest value.</li> <li>(f) Infrequent invitations to appropriate out-of-hours “cocktail parties” or social functions organised by groups, such as, council committees and community organisations.</li> </ul>																						



## Policy

<b>6.2</b>	<p><b>Non-Token Gifts and Benefits of value</b></p> <p>In general, all non-token gifts that are accepted are to be recorded in the Council's publicly available Gifts &amp; Benefits Register. Gifts and benefits of non-token value and benefit may include:</p> <ul style="list-style-type: none"> <li>(a) Quantities of alcohol.</li> <li>(b) Corporate hospitality at a theatre and/ or sporting event.</li> <li>(c) Discounted products for personal use.</li> <li>(d) Frequent use of facilities such as gyms.</li> <li>(e) Use of holiday homes, free or discounted travel.</li> </ul>
<b>6.3</b>	<p><b>Disclosure</b></p> <p>Where a gift or benefit is received of more than token value, in circumstances where it cannot reasonably be refused or returned, once accepted the gift or benefit should be disclosed promptly to the following people:</p> <ul style="list-style-type: none"> <li>• Staff to advise their Director.</li> <li>• Directors to advise the General Manager.</li> <li>• The General Manager to advise the Mayor.</li> <li>• Councillors to advise the Mayor.</li> <li>• The Mayor to advise the General Manager.</li> </ul> <p>Once disclosure is made to the relevant person the gift or benefit will be recorded on Council's Gifts &amp; Benefits Register. After the gift or benefit is registered the recipient will be advised if they can keep the gift or benefit or if it has to be provided to Council.</p>

## Implementation

Implementation steps		Responsibility
<b>1</b>	<p><b>Model Code of Conduct and Procedures</b></p> <p>This policy will be implemented by adopting and complying with the current version of the <i>Model Code of Conduct for Local Councils in NSW</i> and <i>Procedures for Administration of the Code of Conduct</i> as published by the OLG, and as described below.</p>	General Manager Councillors Complaints Coordinator
<b>2</b>	<p><b>Reporting a Code of Conduct complaint</b></p> <p>The Code of Conduct Complaint form should be used to report an alleged breach of the Code of Conduct to the General Manager, or (if the complaint is about the General Manager) to the Mayor.</p>	General Manager  Mayor
<b>3</b>	<p><b>Code of Conduct complaints</b></p> <p>Code of Conduct complaint or breach are referred to the Complaints Coordinator to engage a Conduct Reviewer for determination and recommendation (as per the OLG Procedures).</p>	General Manager Mayor Complaints Coordinator Conduct Reviewer



## Policy

	<p>Council will select a Conduct Reviewer from a panel that have been determined by the Canberra Region Joint Organisation of which Council is a member.</p> <p>If the complaint is NOT a Code of Conduct Complaint, it will be dealt with according to the complaint type (see 'Complaints not related to Code of Conduct' above).</p>	Other (referral as clause <a href="#">5.</a> above)
4	<p><b>Enforcement and Coordination</b></p> <p>The General Manager and Executive Leadership Team are responsible for enforcing the policy and Code of Conduct.</p> <p>The Complaints Coordinator supports the General Manager in coordinating the policy and dealing with any complaints which must be referred to a Conduct Reviewer.</p>	<p>General Manager</p> <p>Executive Leadership Team</p> <p>Complaints Coordinator</p>
5	<p><b>Staff</b></p> <p>All staff are responsible for their own compliance with the standards of the Code of Conduct.</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council Officers
6	<p><b>Consultation</b></p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	Key Stakeholders

## Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; when the *Model Code of Conduct for Local Councils in NSW* is reviewed, updated and/ or republished by the OLG; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages its Code of Conduct

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

**Note:** The next general local government election is expected to be held in September 2024.

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

Performance indicator	Data source(s)
Complaints received, Number of breaches	Council Records
Audit (Internal or External)	Audit
DP/ OP objectives achieved	Council reporting



## Policy

### Governance

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

*Related legislation, policies, codes, guidelines*

Name	Link
Model Code of Conduct (current version)	<a href="http://www.olg.nsw.gov.au/strengthening-local-government/conduct-and-governance/model-code-of-conduct">www.olg.nsw.gov.au/strengthening-local-government/conduct-and-governance/model-code-of-conduct</a>
Procedures for Administration of Model Code of Conduct (current version)	<a href="http://www.olg.nsw.gov.au/sites/default/files/Procedures-for-Administration-of-Model-Code-of-Conduct.pdf">www.olg.nsw.gov.au/sites/default/files/Procedures-for-Administration-of-Model-Code-of-Conduct.pdf</a>
Local Government Act 1993	<a href="http://www.legislation.nsw.gov.au/#/view/act/1993/30">www.legislation.nsw.gov.au/#/view/act/1993/30</a>
Complaints Policy Code of Meeting Practice	<a href="http://www.esc.nsw.gov.au/inside-council/council/council-policies">www.esc.nsw.gov.au/inside-council/council/council-policies</a>

*Related external references*

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
Independent Commission Against Corruption (ICAC)	<a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>
NSW Ombudsman	<a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>

*Supporting documents*

Name	Link
Code of Conduct Complaint form	<a href="http://www.esc.nsw.gov.au/inside-council/council/council-policies/code-of-conduct">www.esc.nsw.gov.au/inside-council/council/council-policies/code-of-conduct</a>

*Change history*

Version	Approval date	Approved by	Minute No	File No	Change
1	14 June 2016	Council	16/169	E06.0380	New Policy commenced, and current Model Code of Conduct (Nov 2015) adopted.
2	28 Feb 2017	Council	17/31	E06.0380 E16.0297	Reviewed at start of new Council term. Updated referencing and added 'Gifts and Benefits' section (with repeal of the previous Gifts and Benefits policy). GMR17/006
3	DD MM YYYY	Council	TBA	TBA	Reviewed & updated at new Council term. Report

*Internal use*

Responsible officer	General Manager	Approved by	Council
Min no	TBA	Report no	TBA
File no		Review date	Feb 2022
		Effective date	TBA
		Pages	6



1. The budget review report for the quarter ended 31 December 2021 be received and noted.
2. The favourable variation to the Income Statement before capital revenue of \$0.2 million and unfavourable variation to the Consolidated Fund Flow Statement of \$2.5 million be adopted.

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**GMR22/021 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31  
DECEMBER 2021**

**S011-  
T00003**

**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 31 December 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.

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

Provides information about Mayoral and Councillor expenditure for the quarter ended 31 December 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

**GMR22/021 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31  
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into, or use of restricted funds for capital or non-recurrent projects. Depreciation is not included as it does not represent a cash flow.

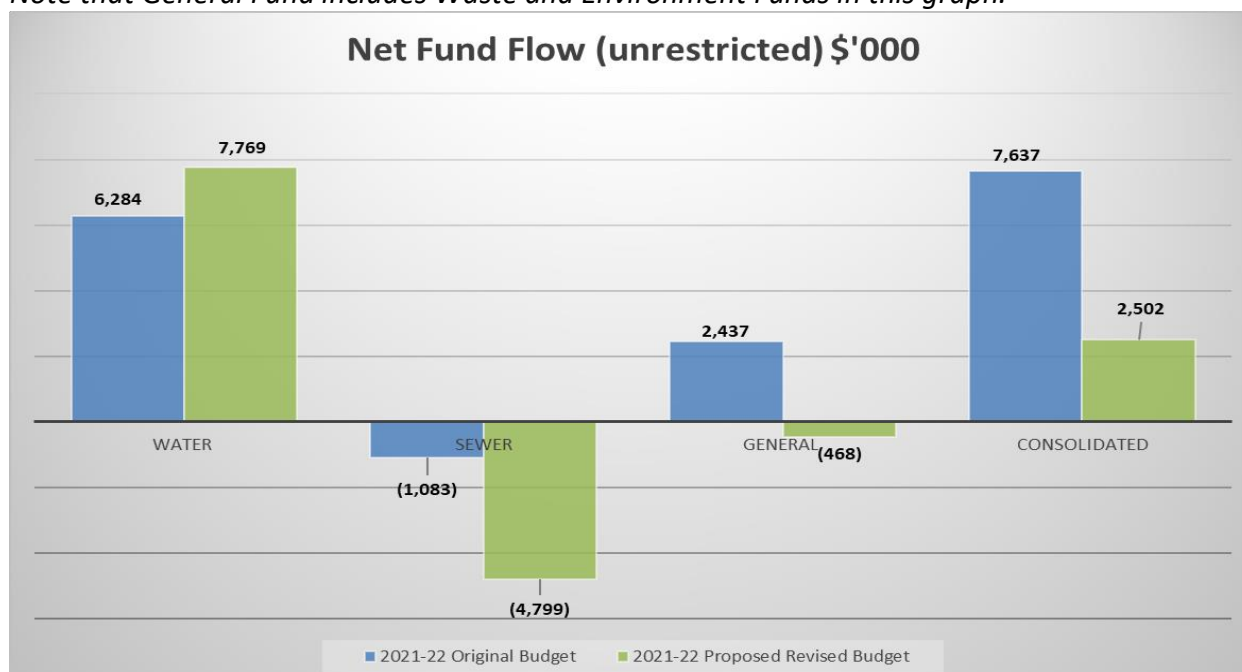
The net fund flow shows the amount of unrestricted funds that will be used to deliver the agreed Operational Plan outcomes for 2021-22. The consolidated original budget forecast a \$7.64 million increase to unrestricted funds. The impact of September and December 2021 quarterly review amendments result in a projected increase to unrestricted funds of \$2.5 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*

Fund	2021-22 Original Budget	Previous Review	December Review	2021-22 Proposed Revised Budget
Water	6,284	(11)	1,497	7,769
Sewer	(1,083)	435	(4,152)	(4,799)
Waste	2,418	(1,182)	(119)	1,117
Environment	33	188	7	227
General	(14)	(2,062)	264	(1,812)
<b>Consolidated</b>	<b>7,637</b>	<b>(2,632)</b>	<b>(2,503)</b>	<b>2,502</b>

*Graph 1.1 Net fund flow (unrestricted)*

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



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**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.

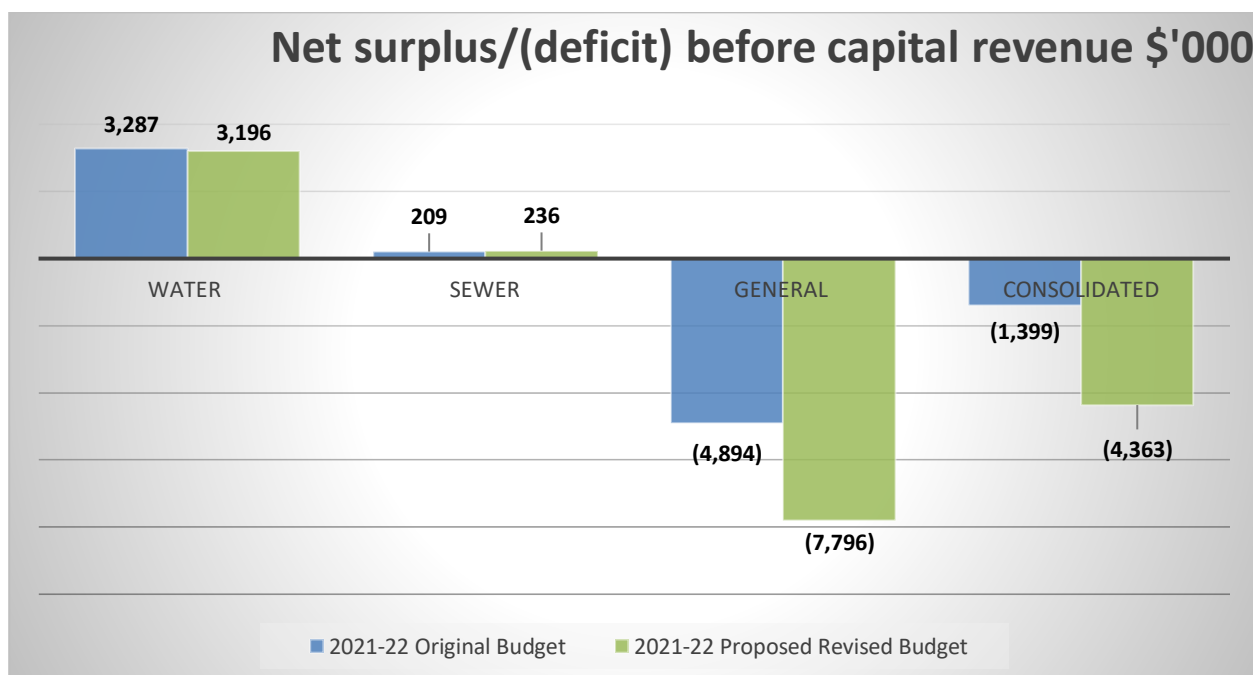
The result can be impacted by the timing of project funding, where funds are received in a different year to the expenditure taking place.

The proposed revised budget, incorporating the September and December 2021 Review adjustments is a deficit of \$4.36 million before capital revenues (per table 1.2 and graph 1.2 below).

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

<b>Fund</b>	<b>2021-22 Original Budget</b>	<b>Previous Review</b>	<b>December Review</b>	<b>2021-22 Proposed Revised Budget</b>
Water	3,287	(11)	(79)	3,196
Sewer	209	0	28	236
General	(4,894)	(3,139)	237	(7,796)
<b>Consolidated</b>	<b>(1,399)</b>	<b>(3,150)</b>	<b>186</b>	<b>(4,363)</b>

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





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**December Review adjustments (operational)**

The proposed December Review adjustments to the originally adopted Operational Plan budget for 2020-21 result in a favourable variation of \$0.2 million to the operating result before capital.

Significant favourable adjustments to operational items include:

- \$350k net adjustment to Community Care budgets across revenue, employee costs and other costs
- \$855k as a result of year end 30.06.2021 finalization including: \$460k workers compensation annual reconciliation; \$222k interest expense on timing of revised borrowings; \$173k depreciation adjustment on assets damaged by recent natural disasters

Significant unfavourable adjustments to operational items include:

- \$620k revised investment income based on current interest rates
- \$200k Barlings Beach works funded by monies previously received
- \$160k Work Health & Safety project funded by monies previously received
- other minor variations included reduced revenue on landing fees, caravan parks and ERGB sales

Grant Funded operational works introduced during the quarter include:

- \$3.0m EPA Bushfire-Generated Green Waste Clean up
- \$550k NSW EPA Fencecycle program
- \$400k RFS Maintenance & Fire Mitigation
- \$300k Creating Careers Pathways
- \$300k Transport Maintenance works
- \$200k Barlings Beach Aboriginal Place works
- \$200k various invasive species and sustainability works
- \$100k Traffic Safety Sensors

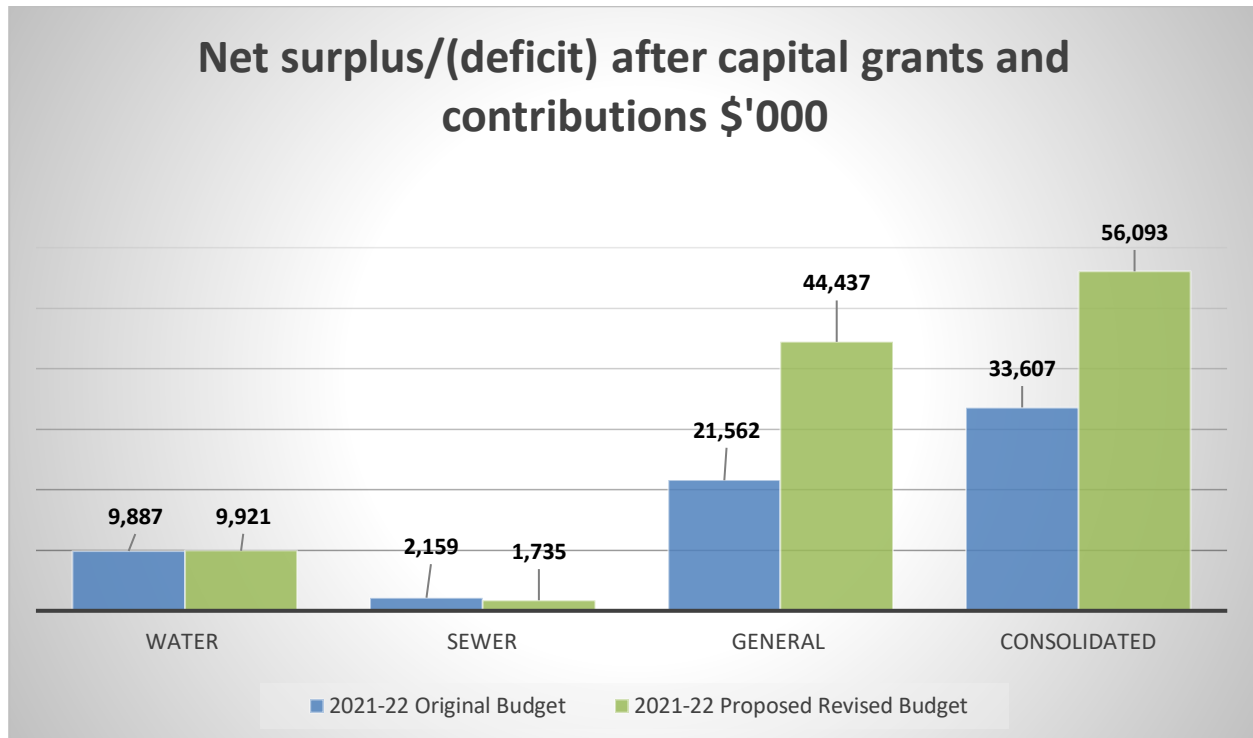
*Table 1.3 Net surplus/(deficit) after capital revenue, \$'000*

<b>Fund</b>	<b>2021-22 Original Budget</b>	<b>Previous Review</b>	<b>December Review</b>	<b>2021-22 Proposed Revised Budget</b>
Water	9,887	713	(679)	9,921
Sewer	2,159	548	(972)	1,735
General	21,562	27,952	(5,077)	44,437
<b>Consolidated</b>	<b>33,607</b>	<b>29,214</b>	<b>(6,728)</b>	<b>56,093</b>

**GMR22/021 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31  
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*Graph 1.3 Net surplus/(deficit) after capital revenue*



**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 \$120.7 million (per table 1.4 and graph 1.4 below)

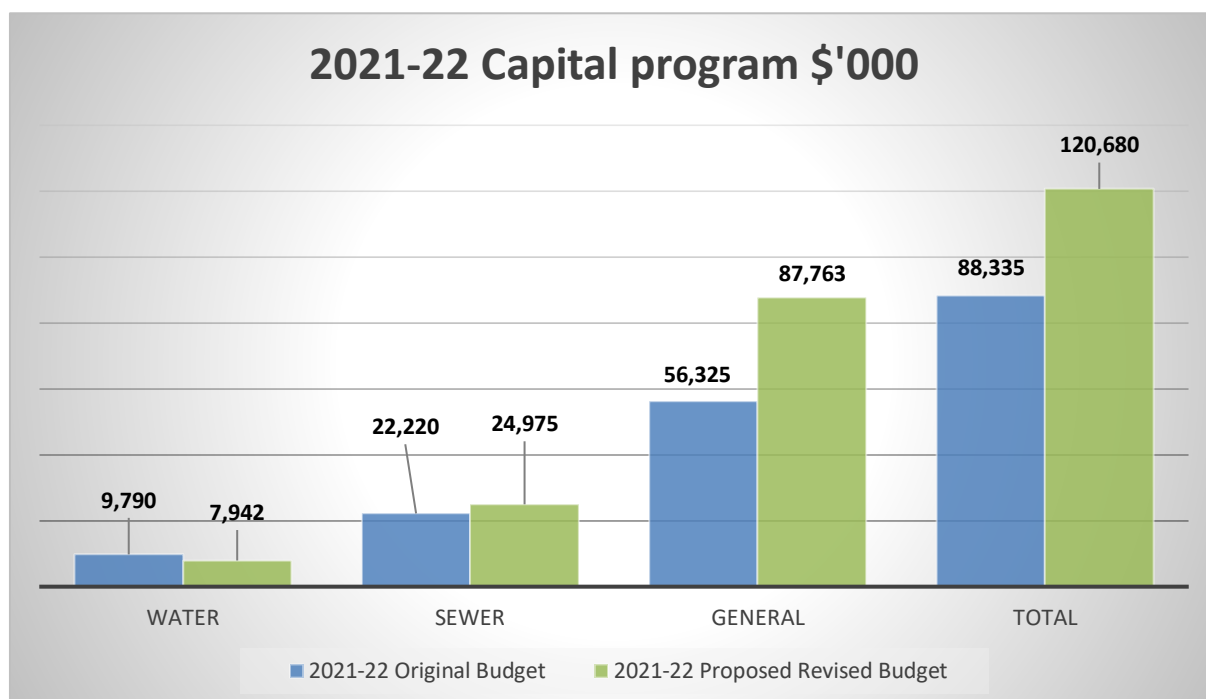
*Table 1.4 Capital Program per fund, \$'000*

Fund	2021-22 Original Budget	Previous Review	December Review	2021-22 Proposed Revised Budget
Water	9,790	0	(1,848)	7,942
Sewer	22,220	37	2,719	24,975
General	56,325	36,000	(4,563)	87,763
<b>Consolidated</b>	<b>88,335</b>	<b>36,037</b>	<b>(3,693)</b>	<b>120,680</b>

**GMR22/021 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31  
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*Graph 1.4 Capital program per fund*



**December Review Adjustments (capital)**

Capital budget adjustments totaling (\$3.7) million net decrease have been made during the December quarter and affect the current year's capital program. Significant variations increasing the originally adopted capital works program include:

- \$1.09m Fixing Local Roads – Araluen Road works
- \$900k Malua Bay Reserve Upgrade
- \$580k Capital Contribution for Surf Beach RFS Station
- \$418k TfNSW Road Safety Program
- \$200k Marine Work at Tuross Jetty
- \$200k Araluen Rd Works LRCI funded
- \$100k TfNSW contribution to Korner's Park Playground
- \$85k Drainage work Shirewide
- (\$5.63m) Mogo Trail Stage 1 construction (carry over to 2022/23)
- (\$3.15m) Coastal Headland Walk (carry over to 2022/23)
- (\$1.8m) Nelligen Water Scheme works deferred to next financial year offset by Water Supply Asset Renewal program works commencing this year
- \$3.0m Vesper Street Sewage Pumping Station works due to commence this year

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- \$0.3m Tuross Sewerage Treatment Plant Augmentation works to commence this year offset by deferred Nelligen works to next year

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

2021-22 is the sixth year of the SRV program and over \$8 million of infrastructure works for the year are underway. \$2.65 million of SRV designated funds are being utilised on these works. At the December review, approximately 19 % of the programmed SRV works for this year have been expensed. Significant variations 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.
- Araluen Road \$1.5m works not yet commenced

*Attachment 1 (f)* reports the detailed progress of the capital program showing individual project budgets and expenses with updates as at 31 December 2021. Total expenditure on the SRV designated projects as at 31 December 2021 is \$1.56 million (per Table 1.5 below).

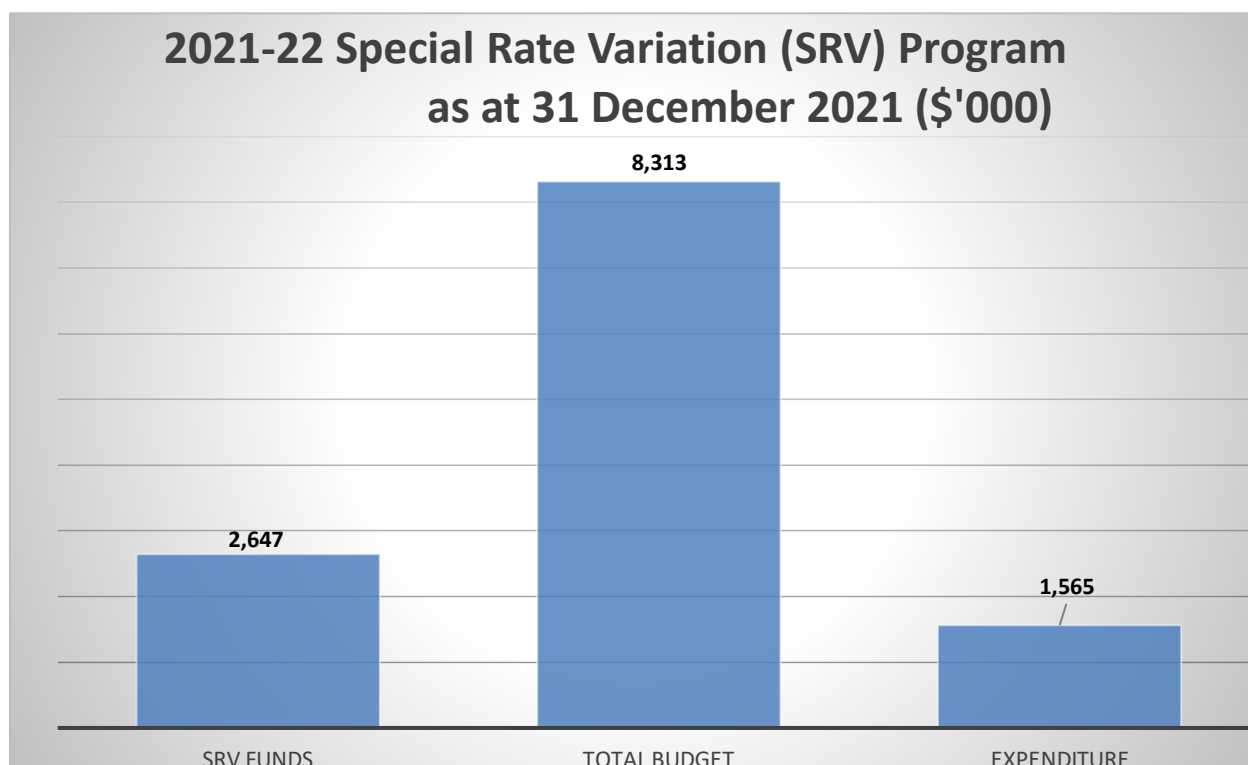
*Table 1.5 2021-22 Special Rate Variation Capital Program \$'000*

<b>2021-22 Special Rate Variation (SRV) Capital Program</b>	<b>\$</b>
SRV Funds	2,646,994
Total Budget	8,312,712
Expenditure to 31 December 2021	1,564,612
Percentage spent	18.82%

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



**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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**GMR22/022 INVESTMENTS MADE AS AT 31 JANUARY 2022**

**S011-T00006,  
S012-T00025**

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

**EXECUTIVE SUMMARY**

The purpose of this report is to:

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

**RECOMMENDATION**

THAT the certification of investments as at 31 January 2022, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

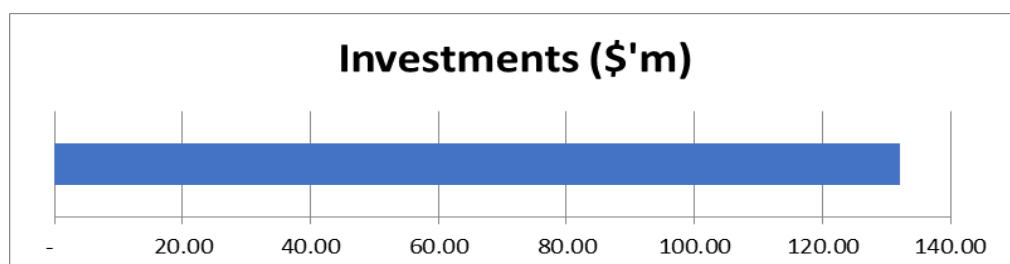
**CONSIDERATIONS**

**Policy**

The portfolio is compliant with Council's investment policy adopted by Council on 31 July 2018 (Minute 18/182) except for the "Some Limited Risk" category which is 1.41% over and will be made compliant when investments mature.

**Financial**

Council investing overall



**GMR22/022 INVESTMENTS MADE AS AT 31 JANUARY 2022**

**S011-T00006,  
S012-T00025**

Council has \$132.13M (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 \$41.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments decreased by \$2.0M during January 2022 due to normal variations in timing of cashflow.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 31.41% invested in BBB+ rating category and will be made compliant when investments mature. Investment in Government guaranteed deposits is \$1.75M representing 1.32% of the portfolio.

There are \$50.0M (37.84%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 0.40%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (0.32%).

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	12,882,259
Term deposits	117,500,000
Term deposits Government guaranteed	1,750,000
	<b>132,132,259</b>
<i>Weighted average interest %:</i>	0.40%
<i>Average 90 day BBSW + 0.25%</i>	0.32%

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>	1.32	1.32	100.00
<b>Near risk free</b>	67.27	67.27	100.00
<b>Some limited risk (BBB+)</b>	31.41	31.41	30.00

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**GMR22/022 INVESTMENTS MADE AS AT 31 JANUARY 2022**

**S011-T00006,  
S012-T00025**

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

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

**CONCLUSION**

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



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<b>GMR22/019</b>	<b>ACCEPTANCE OF FUNDING – EVERYONE CAN PLAY, BUSHFIRE RECOVERY FOR COUNCIL LANDFILLS PROGRAM, LOCAL ROADS AND COMMUNITY INFRASTRUCTURE - PHASE THREE AND NSW INFRASTRUCTURE GRANT</b>	<b>S008-T00020</b>
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Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

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

### EXECUTIVE SUMMARY

This report seeks to inform Council of four successful grant applications from the Australian and NSW governments:

- \$2,078,584 from the Australian Government under the Local Roads and Community Infrastructure – phase three program
- \$7,842,539 from the NSW Government under the Bushfire Recovery Program for Council Landfills program
- \$200,000 from the NSW Government under the Infrastructure Grants program – round 1
- \$75,000 from the NSW Government under the Everyone Can Play program – round 4.

The Local Roads and Community Infrastructure – phase three funding is provided by the Australian Government and administered by the Department of Infrastructure, Transport, Regional Development and Communications. The funding must go towards local road or community infrastructure projects.

This program offered grants to councils across Australia to support the delivery of priority projects that improve the lives of people who live in regional areas. The fund objectives are to support jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

The Bushfire Recovery Program for Council Landfills is funded under the State's Disaster Recovery Funding Arrangements and administered by the NSW Environment Protection Authority (EPA).

This program offered grants to bushfire affected Local Government Authorities across NSW to ensure councils are not worse off as a result of receiving waste generated by the 2019/20 bushfires.

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<b>GMR22/019</b>	<b>ACCEPTANCE OF FUNDING – EVERYONE CAN PLAY, BUSHFIRE RECOVERY FOR COUNCIL LANDFILLS PROGRAM, LOCAL ROADS AND COMMUNITY INFRASTRUCTURE - PHASE THREE AND NSW INFRASTRUCTURE GRANT</b>	<b>S008-T00020</b>
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The Infrastructure Grants – round 1 funding is provided by the NSW Government and administered by the Office of Responsible Gambling. The funding aims to fund projects that assist communities with essential infrastructure and disaster readiness.

This program offered grants to local councils to ensure communities are better prepared for future natural disasters and large-scale emergency events.

The Everyone Can Play – round 4 funding is provided by the NSW Government and administered by the Department of Planning and Environment. The funding aims to improve play spaces across NSW for people of all abilities, age or cultural background.

This program offered grants for inclusive play space delivery across NSW in partnership with NSW councils to design and construct new and upgraded play spaces.

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

#### **RECOMMENDATION**

THAT:

1. Council endorse the actions taken to accept the grant funds offered under the Local Roads and Community Infrastructure – phase three program totalling \$2,078,584 for nominated local road and community infrastructure projects.
2. Council endorse the actions taken to accept the grant funds offered under the Bushfire Recovery Program for Council Landfills program totalling \$7,842,539 for accepting bushfire waste for disposal at Council's landfills.
3. Council endorse the actions taken to accept the grant funds offered under the Infrastructure Grants – round 1 program totalling \$200,000 for reconstruction of the SES Batemans Bay facility.
4. Council endorse the actions taken to accept the grant funds offered under the Everyone Can Play – round 4 program totalling \$75,000 for the Malua Bay Playspace upgrade.
5. Letters of appreciation be sent to the Member for Gilmore, the Hon. Fiona Phillip MP, Member for Eden-Monaro, the Hon. Kristy McBain for support in securing these grants for the Eurobodalla community.

#### **BACKGROUND**

*Local Roads and Community Infrastructure – phase three program (LRCI-3)*

On 11 May 2021, as part of the 2021-22 Federal Budget, the Australian Government announced a further \$1 billion for the continuation of the LRCI Program Phase 3. The LRCI Program supports local councils to create jobs by delivering priority local road and community infrastructure projects across Australia. Projects must be completed by 30 June 2023.

**GMR22/019 ACCEPTANCE OF FUNDING – EVERYONE CAN PLAY, BUSHFIRE RECOVERY FOR COUNCIL LANDFILLS PROGRAM, LOCAL ROADS AND COMMUNITY INFRASTRUCTURE - PHASE THREE AND NSW INFRASTRUCTURE GRANT**

**S008-  
T00020**

The following projects were nominated to be funded by LRCI-3:

Malua Bay Beach Reserve Redevelopment	\$900,000
Batemans Bay Waterfront upgrade	\$500,000
Traffic Safety Sensor Network (TSSN)	\$110,584
Pathways – Sunpatch Parade, Tomakin	\$43,000
Pathway - Kuppa Avenue – Pedestrian threshold	\$25,000
Pathway – Riverview Road, North Narooma	\$50,000
Pathways – Annettes Parade, Mossy Point	\$25,000
Bavarde Avenue Centre Islands	\$30,000
Araluen Road (40km mark) resilience	\$150,000
Nerrigundah Mountain Road dust seal	\$100,000
Belowra Road Resilience	\$50,000
Unknown Graves – Moruya	\$15,000
Narooma Cemetery Works	\$10,000
Gundry Oval safety Works	\$70,000
<b>Total</b>	<b>\$2,078,584</b>

*Bushfire Recovery Program for Council Landfills*

Council was advised in April 2021 that the NSW Government was releasing phase 2 of the *Bushfire Recovery Program for Council Landfills*, providing \$22.1 million to 15 Councils to fund landfill infrastructure projects and to enable the recovery of waste facilities from the Black Summer bushfires.

To be eligible for funding, a project must either replace capacity lost at the landfill from accepting bushfire waste or improve infrastructure at the landfill. Projects must be completed by June 2023.

Funding was confirmed for the following:

New cells enabling works at Surf Beach Waste Management Facility	\$4,672,922
Planning investigation, and design of new waste cell at Brou Waste Management Facility	\$1,060,000
Disaster Resilience and Masterplan for Surf Beach Waste Facility	\$1,155,617

**GMR22/019 ACCEPTANCE OF FUNDING – EVERYONE CAN PLAY, BUSHFIRE RECOVERY FOR COUNCIL LANDFILLS PROGRAM, LOCAL ROADS AND COMMUNITY INFRASTRUCTURE - PHASE THREE AND NSW INFRASTRUCTURE GRANT**

**S008-T00020**

Organics area expansion Surf Beach Waste Facility	\$954,000
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*Infrastructure Grants – round 1 program*

Council was advised in July 2021 that the NSW Government was committing \$12.5 million to support projects that will promote healthy lifestyles, enrich arts and cultural assets, fund essential infrastructure and assist communities to prepare for local emergency situations. Local government applicants were required to cash-match the funding amount requested. Projects must be completed by 1 December 2023.

The SES building in Batemans Bay was destroyed in the bushfires. Co-funding includes insurance from old SES building as well as the other sources of funding mentioned in this report.

Council is awaiting the outcome of the Australian government grant under Bushfire Local Economic Recovery Fund (BLERF) to allow this to be co-located with the Rural Fire Services building at Surf Beach.

Funding was confirmed for the following:

Reconstruction of the SES Batemans Bay facility	\$200,000
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*Everyone Can Play – round 4 program*

Council was advised in March 2021 that the NSW Department of Planning, Industry and Environment was releasing the fourth and final round of the Everyone Can Play grant program.

The funding is focused on partnering with local councils to upgrade or build new inclusive playspaces across NSW that invite all people to participate in a variety of play experiences, in ways that challenge, excite and promote an active and healthy lifestyle. Council had to match funding on a dollar-for-dollar basis. Projects must be completed by 30 June 2023.

Funding was confirmed for the following:

Malua Bay Playspace upgrade	\$75,000
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**CONSIDERATIONS**

*Local Roads and Community Infrastructure – phase three program (LRCI-3)*

These projects are identified as priorities in the following strategies:

- Recreation and Open Space Strategy 2018, Action No. N25.
- is acknowledged in the Delivery Program 2017-22
  - 1.3 Encourage and enable healthy lifestyle choices
  - 1.4 Ensure activities, facilities and services meet changing community needs
  - 1.5 Retain our unique identity, relaxed lifestyle options and strong community connections

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<b>GMR22/019</b>	<b>ACCEPTANCE OF FUNDING – EVERYONE CAN PLAY, BUSHFIRE RECOVERY FOR COUNCIL LANDFILLS PROGRAM, LOCAL ROADS AND COMMUNITY INFRASTRUCTURE - PHASE THREE AND NSW INFRASTRUCTURE GRANT</b>	<b>S008-T00020</b>
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- 7.1 Work in partnership to provide an integrated transport network
- 7.2 Improve provision and linkages of our pathway network
- 9.3 Leverage our skills, knowledge and systems to continually improve and innovate; and
- the Eurobodalla Disability Inclusion Access Plan – Action 1.3.2.3.4 *Undertake access audits and progressively upgrade recreation and community facilities to meet accessibility standards.*
- aligns with Strategy 1 in the Regional Economic Development Strategy 2018 – *Support the development and growth of the regions tourism sector and overall lifestyle appeal – Improved coastal access and inclusive infrastructure.*

*Bushfire Recovery Program for Council Landfills*

These projects are identified as priorities in the following strategies:

- Eurobodalla Waste Strategy 2018
- Eurobodalla Shire Council Bushfire Recovery Action Plan, waste recovery actions.
- is acknowledged in the Delivery Program 2017-22
  - 4.2.1 Provide sustainable waste services and infrastructure.

*Infrastructure Grants – round 1 program*

These projects are identified as priorities in the following strategies:

- is acknowledged in the Delivery Program 2017-22
  - 1.4 Ensure activities, facilities and services meet changing community needs
  - 3.1.3 Collaborate with agencies and emergency services to support coordinated emergency management.

*Everyone Can Play – round 4 program*

These projects are identified as priorities in the following strategies:

- Recreation and Open Space Strategy 2018, Action No. N25.
- is acknowledged in the Delivery Program 2017-22
  - 1.3 Encourage and enable healthy lifestyle choices
  - 1.4 Ensure activities, facilities and services meet changing community needs
  - 1.5 Retain our unique identity, relaxed lifestyle options and strong community connections; and
- aligns with Strategy 1 in the Regional Economic Development Strategy 2018 – *Support the development and growth of the regions tourism sector and overall lifestyle appeal – Improved coastal access and inclusive infrastructure*

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<b>GMR22/019</b>	<b>ACCEPTANCE OF FUNDING – EVERYONE CAN PLAY, BUSHFIRE RECOVERY FOR COUNCIL LANDFILLS PROGRAM, LOCAL ROADS AND COMMUNITY INFRASTRUCTURE - PHASE THREE AND NSW INFRASTRUCTURE GRANT</b>	<b>S008-T00020</b>
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- the Eurobodalla Disability Inclusion Access Plan – Action 1.3.2.3.4 *Undertake access audits and progressively upgrade recreation and community facilities to meet accessibility standards.*

### **Social Impact**

#### *Local Roads and Community Infrastructure – phase three program (LRCI-3)*

This Australian Government funding forms part of a \$2.5 billion package that supports local councils to deliver priority local road and community infrastructure projects across Australia.

Eurobodalla was the most impacted local government area to be affected by the Black Summer bushfires, with our recovery phase still underway. COVID-19 and associated lockdowns throughout 2020/21 have placed added pressure on our local economy.

Our nominated projects will support in delivering these priority local road and community infrastructure projects. These projects support employment in our LGA and will assist in the community's recovery from the Black Summer Bushfires and the COVID-19 pandemic.

#### *Bushfire Recovery Program for Council Landfills*

The 2019-20 Black Summer bushfires devastated Eurobodalla. The fires had an impact on life, property, the environment, and our community. Council's waste management facilities at Surf Beach and Moruya were significantly impacted by fire and were closed to the public for extended periods.

In the aftermath of the bushfires, an agreement was reached with the NSW Government to dispose of fire-impacted demolition waste using the shire's waste management facilities. This funding provides support to council in the ongoing recovery from the Black Summer bushfires and offsets some of the operational costs and impacts associated with the 2019/20 bushfire disaster. It upholds the NSW Government's commitment that councils will not be worse off as a result of receiving bushfire waste and improves community resilience for future disasters.

#### *Infrastructure Grants – round 1 program*

This funding will enable council to ensure the Batemans Bay community is in a state of disaster readiness and preparedness for future emergency events in which the volunteer SES Batemans Bay team can quickly and effectively respond to.

During the Black Summer Bushfires the Batemans Bay SES team were an integral part of the emergency response, acting on 110 Requests for Assistance from other emergency services. In 2021, the Batemans Bay SES team responded to 235 Requests for Assistance for storm and flood related events.

The ability of Batemans Bay SES volunteers to be able to respond to a wide range of emergency and rescue requests for assistance is built on an extensive training and a thorough preparedness regime. A modern and capable facility will assist the SES to provide an important and vital service to the community.

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<b>GMR22/019</b>	<b>ACCEPTANCE OF FUNDING – EVERYONE CAN PLAY, BUSHFIRE RECOVERY FOR COUNCIL LANDFILLS PROGRAM, LOCAL ROADS AND COMMUNITY INFRASTRUCTURE - PHASE THREE AND NSW INFRASTRUCTURE GRANT</b>	<b>S008- T00020</b>
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*Everyone Can Play – round 4 program*

This funding will enable council to contribute to an upgrade of the whole Malua Bay beach reserve to create a more accessible, activated and visually appealing public space that provides increased recreation opportunities for residents and visitors of all ages.

This project upgrade will improve accessibility for those with mobility impairment, provide greater play opportunities for different ages and abilities, and offer increased protection from the elements to create a more welcoming place to stay. It will complement other funded upgrades and help to deliver an inclusive upgrade for the whole reserve.

**Financial**

*Local Roads and Community Infrastructure – phase three program (LRCI-3)*

These projects will be accommodated in the 2021/2022/2023 budgets. All project overheads have been factored into the project estimates, so that Council's operating costs will be covered by the project funds.

*Bushfire Recovery Program for Council Landfills*

These projects will be accommodated in the 2021/22 and 2022/23 financial year budgets and delivered by council's Waste Services team.

*Infrastructure Grants – round 1 program*

The Reconstruction of the Batemans Bay SES facility project will be accommodated in the 2021/2022/2023 budget and delivered by council's Infrastructure Services team.

*Everyone Can Play – round 4 program*

The Malua Bay Playspace upgrade will be accommodated in the 2021/2022/2023 budget and delivered by council's Recreation Services team. Council's contribution of \$100,000 for this project will be drawn from available annual playground renewal funds and will bring the total project cost to \$175,000.

**Community and Stakeholder Engagement**

Extensive consultation was undertaken for the Recreation and Open Space Strategy (ROSS 2018) between 2016 and 2018, with individuals, schools, sporting and community groups which included surveys (groups and individuals) and focus group meetings. During this consultation the community raised issues with the regard to Bill Smyth Oval – second field, Gundary Oval playground shade sail and the development of a master plan over Malua Bay Beach Reserve, leading to several relevant actions in the ROSS 2018.

Council's recreation team plans to conduct further community consultation with the Malua Bay and Narooma community in the first half of this year to further understand what is needed over the respective sites.

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<b>GMR22/019</b>	<b>ACCEPTANCE OF FUNDING – EVERYONE CAN PLAY, BUSHFIRE RECOVERY FOR COUNCIL LANDFILLS PROGRAM, LOCAL ROADS AND COMMUNITY INFRASTRUCTURE - PHASE THREE AND NSW INFRASTRUCTURE GRANT</b>	<b>S008-T00020</b>
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## **CONCLUSION**

Council has been offered grant funding from the NSW and Australian governments:

- \$2,078,584 from the Australian Government under the Local Roads and Community Infrastructure – phase three program
- \$7,842,539 from the NSW Government under the Bushfire Recovery Program for Council Landfills
- \$200,000 from the NSW Government under the Infrastructure Grants – round 1 program
- \$75,000 from the NSW Government under the Everyone Can Play – round 4 program.

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



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**IR22/003 ACCEPTANCE OF FUNDING - GREEN WASTE GRANT - EPA BUSHFIRE  
GENERATED GREEN WASTE PROGRAM**

**S014-  
T00007**

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 \$2,999,800 in funding under the NSW Government's Environment Protection Authority's (EPA) Bushfire Generated Green Waste Clean Up Program to remove green waste stockpiles and other bushfire affected green waste throughout the nominated locations across the Shire.

The project is to be delivered over the 2021-22 and 2022-23 financial years.

**RECOMMENDATION**

THAT Council:

1. Endorses the acceptance of \$2,999,800 in grant funding under the NSW EPA Bushfire Generated Green Waste Clean Up Program to remove affected green waste throughout the Shire.
2. Thank the local member for their support.

**BACKGROUND**

During the Black Summer bushfires (2019-2020) there was a significant impact on bushland adjacent to and impacting upon residential areas and public areas as well as the transport network. Over the last 18 months there has been significant secondary tree death in these areas where bushfire affected trees have died and/or become a high risk.

Works are required in the urban/bush interface with the identification and removal of high risk trees in reserves and other Council controlled land. Other works required include works on the road network where bushfire has impacted, and tree death has resulted in hazardous trees and stumps in the road reserve.

The grant offer was received in November 2021 with advice provided to Council at that time, and was accepted on 1 December 2021.

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**IR22/003 ACCEPTANCE OF FUNDING - GREEN WASTE GRANT - EPA  
BUSHFIRE GENERATED GREEN WASTE PROGRAM**

**S014-  
T00007**

**CONSIDERATIONS**

The effects of the 2019-20 bushfires continue to impact our community. Removal of affected green waste will reduce the overall risk to the community to an acceptable level equivalent to the pre-bushfire condition. Overall works will also improve amenity and provide improvements to access for future works as they may be required. Works will also improve access for emergency services and on-going bushfire mitigation works within the asset protection zones.

**Environmental**

The majority of material will be mulched and spread on impacted areas to stabilise, suppress weeds and encourage natural regeneration of the natural environment. Any material not used in-situ will be disposed of in accordance with the approved EPA process. Trunks that are suitable for animal habitat are left in the environment where practical.

**Financial**

This project is fully grant funded by the NSW EPA Bushfire Generated Green Waste Clean Up Program.

**CONCLUSION**

Council has been successful in securing grant funding to remove bushfire affected green waste throughout the Shire. This grant has been accepted.

This report recommends that Council endorse actions taken to accept the \$2,999,800 in grant funding under the NSW EPA Bushfire Generated Green Waste Clean Up Program.

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**IR22/004 ACCEPTANCE OF FUNDING - TUROSS JETTY EXTENSION -  
COMMUNITY DEVELOPMENT GRANT PROGRAM**

**S020-  
T00023**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

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: 1.3.2.2 Progress the implementation of the Recreation and Open Space  
Strategy 2018

### **EXECUTIVE SUMMARY**

Council has been successful in securing \$200,000 in funding under the Australian Government's Community Development Grant Program to upgrade the existing timber jetty including provision of a new pontoon structure at Lavender Ba, Tuross Head.

The project is to be delivered by August 2022.

### **RECOMMENDATION**

THAT Council:

1. Endorse the acceptance of \$200,000 in grant funding under the Australian Government's Community Development Grant Program to upgrade the existing Tuross Lake boat ramp jetty at Lavender Bay.
2. Write to the Tuross Head Fishing Club and Tuross Head Progress Association thanking them for their assistance in securing the grant funding and developing the solution.
3. Thank the federal member for their support.

### **BACKGROUND**

The current timber jetty at the Tuross boat ramp has reached the end of its useful life and requires upgrading. Consultation with the community identified the high usage of the jetty and the benefits of extending the current jetty to allow and encourage people with limited access. More users would be able to utilise the waterway and increase the local economy revenue.

Achieving a pontoon solution was sought by the users and following additional design work and engagement with approval agencies, this option has been accommodated.

The grant offer was accepted on 22 November 2021.

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**IR22/004 ACCEPTANCE OF FUNDING - TUROSS JETTY EXTENSION -  
COMMUNITY DEVELOPMENT GRANT PROGRAM**

**S020-  
T00023**

**CONSIDERATIONS**

The new jetty will have an improved deck with a connecting pontoon extending the length of the existing timber jetty. The upgrade and extension will make it easier and safer to access watercraft for the local community and visitors.

Consultation has been undertaken with the local fishers, the Tuross Head Progress Association and the NSW Department of Primary Industries (both Marine Parks and NSW Fisheries). All parties have indicated support for the current proposal.

Quotations were called and orders have been issued to see the project delivered to ensure the project delivery timeframe is met.

**Environmental**

Permits will be required to undertake works and are currently in process prior to works commencing.

**Asset**

The new jetty and pontoon will become a new asset owned by Council. The new facility will be inspected and maintained by Council.

**Social Impact**

The upgrade of the existing jetty and inclusion of a new pontoon at Tuross Lake boat ramp will assist improve capacity and accessibility of the existing facility.

This project has been developed and grants secured in partnership with local fishers and the Tuross Head Progress Association and we thank both for their assistance in securing the funding and developing the project to be delivered.

**Financial**

This project is fully grant funded by the Australian Government's Community Development Grant Program.

The successful grant application provides for the replace the existing jetty structure, assisting Council meet the asset renewal ratio set by the NSW Government with minimal cost to ratepayers.

The cost of inspection and maintenance of the upgraded structure will need to be met by Council.

**Community and Stakeholder Engagement**

Council consulted with the Tuross Progress Association and the Tuross Fishing Club on the project prior to the grant application process and throughout the design to achieve a mutually agreed solution.

We will inform the community through providing information on Council's Major Projects website; Council's Online News and Facebook page, and by issuing a media release.

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**IR22/004 ACCEPTANCE OF FUNDING - TUROSS JETTY EXTENSION -  
COMMUNITY DEVELOPMENT GRANT PROGRAM**

**S020-  
T00023**

**CONCLUSION**

Council has been successful in securing grant funding to upgrade and extend the Tuross Boat Ramp Jetty. This grant has been accepted and contracts awarded to deliver the work.

This report recommends that Council endorse the actions taken to accept the \$200,000 in grant funding under the Australian Government's Community Development Grant Program and deliver the project within the specified timeframe.

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**IR22/005 ACCEPTANCE OF FUNDING - MARINE ESTATE PROJECTS - LOCAL  
LAND SERVICES LAND MANAGEMENT FUNDING PROGRAM**

**S020-  
T00023**

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: 7.1.2.2 Build, renew and maintain the stormwater network

**EXECUTIVE SUMMARY**

Council has been successful in securing \$85,600 in funding under the NSW Government's Local Land Services Program to undertake two projects:

- i) Wagonga Scenic Drive, Narooma - sealing and drainage works
- ii) Runnyford Road, Nelligen – culvert works (six 450mm pipe crossings and one additional twin 750mm culvert crossing).

Both projects are to be delivered in the 2021-22 financial year.

**RECOMMENDATION**

THAT Council:

1. Endorse the acceptance of \$85,600 in grant funding under the NSW Government's Local Land Services Program to undertake sealing and drainage works on Wagonga Scenic Drive, Narooma and culvert works on Runnyford Road, Nelligen.
2. Thank the local member for their support.

**BACKGROUND**

Works under this grant will occur in Wagonga Inlet and Buckenbowra catchments.

Both catchments flow into major oyster producing waterways in the Far South Coast region and are popular for tourism, fishing and recreation.

Potential threats to these waterways include erosion, stormwater run-off, inadequate riparian vegetation, litter and waste, human impacts on sensitive Endangered Ecological Communities (EECs) and climate change, which have all been outlined as issues in the Coastal Management Plan for Wagonga Inlet and the Clyde River. The Buckenbowra River flows into the Clyde River.

Sediment and nutrient run-off from unsealed roads and tracks have been identified as a potential threat to water quality in the marine estate through the Marine Estate Management Strategy (MEMS).

The NSW Government has made limited funding available to assist deliver targeted action to reduce potential erosion and consequent sedimentation into waterways. Council has successfully utilised this funding source, made available through Local Land Services, to deliver a variety of modest road and drainage improvement projects across the Eurobodalla, particularly focussed on roads immediately adjacent to key waterways where the greatest benefit can be derived.

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**IR22/005 ACCEPTANCE OF FUNDING - MARINE ESTATE PROJECTS - LOCAL  
LAND SERVICES LAND MANAGEMENT FUNDING PROGRAM**

**S020-  
T00023**

**CONSIDERATIONS**

Wagonga Inlet catchment has been identified as a priority catchment for delivery of on-ground actions under MEMS in the South East region.

The road approaching Punkalla Bridge on Wagonga Scenic Drive in Narooma was identified as a priority site for road sealing and drainage works. This section of unsealed road to both the east and west of the bridge flows in to Punkalla Creek. Punkalla Creek flows into Brices Bay at Wagonga Inlet.

Any water quality issues in this area have the potential to impact nearby oyster farms.

The funded works aim to enhance the water quality into this bay by sealing the approaches to the bridge and modifying drainage through a combination of diversion and treatment of the drains to limit erosion. This work is consistent with work being done near other bridges across Eurobodalla. It also provides additional protection to the proposed new concrete bridge to be built at this location under the Fixing Country Bridges program (separate grant funding already secured).

Runnyford Road was also identified as a priority site for drainage works. The length of Runnyford Road to the north from the proposed culvert at the chosen site has insufficient road drainage. In heavy rain the road runoff and catchment flow from the area above the road concentrates in a table drain to such volumes that the drain is scoured and the gravel road pavement is lost.

The funded works at this site will reduce the volume of stormwater in the table drain mitigating erosion and the consequent potential for sedimentation into the Buckenbowra and Clyde Rivers.

**Asset**

The work on the approaches to the Punkalla Bridge is consistent with work being done near other bridges across Eurobodalla. This sealing work also provides additional protection to the proposed new concrete bridge to be built at this location under the Fixing Country Bridges program funding already secured.

The additional assets will be capitalised in Council's asset register, inspected and maintained on an ongoing basis by Council.

**Strategy**

The objectives of this project are to improve water quality in both the Wagonga Inlet and the Clyde River.

The chosen projects align well with the Marine Estate Management Strategy.

**Financial**

The on-ground works for this project are fully grant funded by NSW Government's Local Land Services Program.

Council is contributing in-kind project management costs as well as taking on responsibility for the ongoing maintenance of the sites.

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**IR22/005 ACCEPTANCE OF FUNDING - MARINE ESTATE PROJECTS - LOCAL  
LAND SERVICES LAND MANAGEMENT FUNDING PROGRAM**

**S020-  
T00023**

**Community and Stakeholder Engagement**

We will inform the community through providing information on Council's website. Appropriate media releases will be provided highlighting the good work being undertaken by Council's work crews to improve environmental outcomes.

**CONCLUSION**

Council has been successful in securing grant funding under the NSW Government's Local Land Services Program to undertake two projects:

- i) Wagonga Scenic Drive, Narooma - sealing and drainage works
- ii) Runnyford Road, Nelligen – culvert works.

This report recommends that Council endorse the acceptance of \$85,600 in funding under the NSW Government's Local Land Services Program.



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**IR22/006 ACCEPTANCE OF FUNDING - MORUYA CBD - HIGH PEDESTRIAN  
ACTIVITY PROGRAM**

**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 \$280,000 in funding under the NSW Government's High Pedestrian Activity Area Speed Management Program to install traffic calming infrastructure in Moruya CBD.

The project is to be delivered in 2021-22 financial year.

**RECOMMENDATION**

THAT Council

1. Endorse the acceptance of \$280,00 in grant funding under the NSW Government's High Pedestrian Activity Area Speed Management Program to install traffic calming infrastructure in Moruya.
2. Thank the local member for their support.

**BACKGROUND**

For some years, Eurobodalla has advocated to Transport for NSW for the implementation of lower speed zones within Moruya CBD. Changes to the speed zoning options now permit this to occur. It is recognised that speed zoning alone may not change actual behaviour.

The adopted Eurobodalla Road Safety Plan 2019-22 includes the following actions:

- 6.2.4 Advocate to Transport for NSW to implement 30km/hr speed zones in Moruya CBD and Batemans Bay CBD including where necessary grant funding to implement speed control measures.*
- 6.2.5 Progressively implement additional speed management controls within Moruya CBD east to reduce actual speed of travel and improve pedestrian movement.*

The overall plan for new speed control, traffic management and pedestrian improvement measures for Moruya CBD was developed in consultation with the Moruya Chamber of Commerce and was submitted to and endorsed by the Local Traffic Committee during the previous term of Council.

Since that time, Council has implemented a number of physical measures within the Moruya CBD working closely with the Moruya Chamber of Commerce aimed at reducing actual speed of travel and improving ease of pedestrian movement across roadways as well as implementing a new mountable roundabout at the intersection of Ford Street and Ford Lane (which was grant

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**IR22/006 ACCEPTANCE OF FUNDING - MORUYA CBD - HIGH PEDESTRIAN  
ACTIVITY PROGRAM**

**S030-  
T00027**

funded). This latter project was delivered using a unique innovation to pre-cast the central roundabout off-site and deliver the project over a couple nights rather than the traditional in-situ delivery which would have caused significantly more disruption to businesses and the community.

Additional pathway connections were also added in Shore Street and Queen Street east to improve walkability and some existing crossing points were upgraded to improve accessibility (eg Shore Street near the toilet block).

These works provided the impetus for Transport for NSW to implement the first 30km/hr high pedestrian activity area (HPAA) across southern regional NSW in Moruya CBD. This new speed zone was applied by Transport for NSW to Ford Street and Shore Street, whereas our initial goal was to achieve a 30km/hr HPAA over the entire eastern precinct of the CBD.

Additional grants were then secured to deliver raised threshold marked crossings in Church Street west and Queen Street west (now complete) and another in Mirrabooka Avenue (which will also be completed in 2021-22) under school safety programs.

**CONSIDERATIONS**

Council advocated strongly to Transport for NSW for additional funding to allow further works to support businesses in Church Street east and Queen Street east.

Direct engagement was undertaken with immediately adjoining business and Moruya Chamber of Commerce to ensure their support for the additional projects, including where necessary, removal of a small number of on-street parking spaces. Letters of support were secured from three directly impacted businesses and the Chamber of Commerce. This gave Transport for NSW confidence that the project could be readily delivered with the support of business.

The works within Church Street east do create additional outdoor eating areas next to the existing café. This adjoining business has shown an active interest in leasing additional outdoor eating space going forward. The works at this site will also include additional push bike parking which was also sought by the Chamber and the adjoining business.

In collaboration, Transport for NSW have already indicated support in principle for extending the 30km/hr HPAA over Queen and Church Street east upon completion of the physical supporting works. The aim is to complete the physical works by the end of June 2022 and subject to approval by Transport for NSW, extend the 30km/hr HPAA over Church Street and Queen Street east.

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**IR22/006 ACCEPTANCE OF FUNDING - MORUYA CBD - HIGH PEDESTRIAN  
ACTIVITY PROGRAM**

**S030-  
T00027**

The successful collaboration has now resulted in the allocation of \$280,000 to allow the following works to be delivered:

- i) Church Street east near café – install kerb blisters, raised marked pedestrian crossing and additional pathway space for outdoor dining
- ii) Queen Street east near Woolworths – install kerb blisters with raised marked pedestrian crossing
- iii) Queen Street east approximately 150m from the Princes Highway – install kerb blisters with marked pedestrian crossing
- iv) Ford Street (Queen Street and Ford Lane) – install concrete median island with improve pedestrian protection (including replacing line marking).

**Social**

The changes implemented to date have significantly lower the actual speed environment on Ford Street and Shore Street Moruya. This combined with the 30km/hr HPAA speed zone offers a safer more accessible business environment where pedestrian numbers are high.

The additional \$280,000 in grant funding will offer significant improvements to ease of access for users of the CBD especially the elderly and people with a disability. The new raised threshold marked crossings significantly improve accessibility.

The new works also better support business including offering additional outdoor dining space in Church Street east.

**Asset**

The proposed works form part of Council's adopted Eurobodalla Road Safety Plan 2019-22. This plan has been provided to Transport for NSW as an exemplar Council road safety plan. This plan has also been presented to other councils via the South East Australian Transport Strategy Inc and IPWEA NSW ACT.

The new assets created will become Council assets which will be inspected and maintained utilising existing maintenance budgets.

**Financial**

This project is fully grant funded by the NSW Government's High Pedestrian Activity Area Speed Management Program.

**Community and Stakeholder Engagement**

Support for the grant application was achieved from the Chamber of Commerce and three nearby businesses prior to the grant application being lodged. This additional step was undertaken to demonstrate business support especially for the removal of a small number of on-street parking spaces to enable the project to proceed.

We will engage further with directly impacted businesses and Moruya Chamber of Commerce during preparation of the final detailed designs.

We will also inform the community by providing appropriate letters to businesses within the CBD, media releases and information via Council's website.

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**IR22/006 ACCEPTANCE OF FUNDING - MORUYA CBD - HIGH PEDESTRIAN  
ACTIVITY PROGRAM**

**S030-  
T00027**

**CONCLUSION**

Council has been successful in securing \$280,000 in grant funding to install additional speed control measures within the Moruya CBD. This grant has been accepted with works to be delivered before 30 June 2022.

This report recommends that Council endorse the acceptance of \$280,000 in grant funding under the NSW Government's High Pedestrian Activity Area Speed Management Program.

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**IR22/007 REQUEST FOR TENDER NO. 1000569 - INSTALLATION OF FIVE (5)  
BRIDGES, WAGONGA SCENIC DRIVE - FIXING COUNTRY BRIDGES  
ROUND ONE**

**S030-  
T00020**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - RFT 1000569 - Installation of five bridges Wagonga  
Scenic Drive, Narooma - Fixing Country Bridges

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. 1000569 – Installation of Five (5) Bridges, Wagonga Scenic Drive, Narooma, to undertake the installation of the following bridges as part of the Fixing Country Bridges Round One Program:

- 2122-047 Grumleys Bridge, Wagonga Scenic Drive, Narooma
- 2122-048 Cobra Bridge, Wagonga Scenic Drive, Narooma
- 2122-050 Clarksons Bridge, Wagonga Scenic Drive, Narooma
- 2122-050 Cowdroys Bridge, Wagonga Scenic Drive, Kianga
- 2122-051 Punkalla Bridge, Wagonga Scenic Drive, Narooma.

RFT No. 1000569 was advertised on 29 November 2021 with a closing date of 10 January 2022. 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. 1000569 – Installation of Five (5) Bridges, Wagonga Scenic Drive, Narooma:
  - 2122-047 Grumleys Bridge, Wagonga Scenic Drive,
  - 2122-048 Cobra Bridge, Wagonga Scenic Drive
  - 2122-050 Clarksons Bridge, Wagonga Scenic Drive
  - 2122-050 Cowdroys Bridge, Wagonga Scenic Drive
  - 2122-051 Punkalla Bridge, Wagonga Scenic Drive; 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.

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**IR22/007 REQUEST FOR TENDER NO. 1000569 - INSTALLATION OF FIVE (5)  
BRIDGES, WAGONGA SCENIC DRIVE - FIXING COUNTRY BRIDGES  
ROUND ONE**

**S030-  
T00020**

**BACKGROUND**

The successful grant applications were reported to the Ordinary Meeting of Council held on 8 June 2021.

On 23 April 2021 Council entered into a funding agreement with the NSW Government under Fixing Country Bridges Round One, to replace eight (8) timber bridges with new resilient concrete structures. The bridges have a total value of \$8,116,900 and are listed below:

- Clarksons Bridge, Wagonga Scenic Drive, Wagonga Value \$700,150
- Cobra Bridge Wagonga Scenic Drive, Wagonga Value \$507,650
- Cowdroys Bridge Wagonga Scenic Drive, Wagonga Value \$507,650
- Grumleys Bridge Wagonga Scenic Drive, Wagonga Value \$700,150
- Potato Point Bridge Tuross Head Street, Potato Point Value \$700,150
- Punkalla Creek Bridge Wagonga Scenic Drive, Wagonga Value \$1,245,750
- Silo Farm Bridge Comerang Forest Road, Bodalla Value \$2,697,750
- Tilba Tilba Bridge Corkhill Drive, Tilba Tilba Value \$1,057,650.

Council has been working under a Memorandum of Understanding (MOU) with Bega Valley Shire Council, Queanbeyan Palerang Regional Council, Shoalhaven City Council and Snowy Monaro Regional Council to administer the delivery of the program under a joint venture. Under the joint venture a combined tender was undertaken to acquire the bridge components.

Each council will deliver the bridges in accordance with the terms of the agreement with the State.

The replacement of these timber bridges is a critical part of improving infrastructure resilience, noting that 19 timber bridges were severely damaged in the 2019-20 bushfires and 2020 floods.

This report deals with the construction of the five (5) bridges along Wagonga Scenic Drive which are scheduled for completion during 2022.

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

RFT No. 1000569 – Installation of Five (5) Bridges, Wagonga Scenic Drive, Narooma was advertised on 29 November 2021 with a closing date of 10 January 2022. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- East Coast Civil Constructions
- GC Civil Contracting Pty Ltd
- HD Civil Pty Ltd.

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

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**IR22/007 REQUEST FOR TENDER NO. 1000569 - INSTALLATION OF FIVE (5)  
BRIDGES, WAGONA SCENIC DRIVE - FIXING COUNTRY BRIDGES  
ROUND ONE**

**S030-  
T00020**

**CONSIDERATIONS**

**Legal**

RFT No. 1000569 – Installation of Five (5) Bridges, Wagonga Scenic Drive, Narooma was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

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

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

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

**Policy**

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

**Environmental**

The construction of the concrete bridges on Wagonga Scenic Drive will be undertaken in accordance with environmental permits issued by NSW Department of Primary Industries.

The successful contractor will need to prepare a Construction Environmental Management Plan (CEMP) so that Council can apply for the necessary permits and the works will be monitored to ensure conformance.

**Asset**

The new concrete bridges replace existing timber bridges and will provide a significant improvement in resilience to bushfires and floods as well as improvements in road safety.

The projects include replacement and strengthening of the existing bridge deck to carry design loads.

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

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

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**IR22/007 REQUEST FOR TENDER NO. 1000569 - INSTALLATION OF FIVE (5)  
BRIDGES, WAGONA SCENIC DRIVE - FIXING COUNTRY BRIDGES  
ROUND ONE**

**S030-  
T00020**

The ongoing maintenance of the new bridges and associated roadworks is funded through existing maintenance budgets.

**Social Impact**

The new more resilient bridges means that the risk of disconnection of these communities during future natural disasters is greatly reduced.

The higher load carrying capacity also removes any concerns about carting appropriate machinery into this area to enable response during bushfires and other disasters.

**Economic Development Employment Potential**

The provision of an upgraded bridge with higher load carrying capacity will facilitate improved transport efficiency.

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

**Financial**

The budget for the total project incorporates \$7,116,900 from the Fixing Country Bridges Round One NSW Grant and Council funds of \$1,000,000 over two (2) financial years (from Council's bridge renewal program).

There are sufficient funds within this overall budget to cover the cost of installation of the five bridges based on tendered prices.

**Community and Stakeholder Engagement**

The new bridges have been designed to be placed alongside the existing timber bridges. This will allow continued access along Wagonga Scenic Drive during construction of the new bridges. Once completed, the old timber bridges will be removed, and the timber recycled wherever practicable.

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

The community will be informed of the tender outcome(s) via Council's contract register found in Council's [Tenders and EOI](#) information web link.

**CONCLUSION**

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

This report recommends the preferred tenderer.



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**IR22/008 REGIONAL ROADS TRANSFER AND ROAD CLASSIFICATION REVIEW**

**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: 7.1.2.3 Provide traffic management and transport planning

**EXECUTIVE SUMMARY**

The NSW Government has instigated a Regional Road Transfer and Road Classification Review.

This review provides councils with the opportunity to apply to have:

- i) the classification of local and regional roads reviewed
- ii) select roads to be transferred from Council to State ownership, whilst Council still maintains the function of undertaking roads maintenance and other works under a contract arrangement.

Submissions to the review close at 5pm on Monday 28 February 2022, having been extended to permit consideration of this issue by incoming councils.

This report outlines the changes proposed to be submitted to the NSW Government for consideration under this review.

**RECOMMENDATION**

THAT Council submit to the NSW Government the following proposed changes under the Regional Roads Transfer and Road Reclassification Review.

1. Proposed Council owned regional roads be modified to become:
  - Cullendulla Drive, Longbeach Road (Cullendulla Drive to Northcove Road)
  - George Bass Drive (Beach Road Surf Beach to North Head Drive)
  - North Head Drive (Princes Highway to George Bass Drive)
  - Tomakin Road (Princes Highway to George Bass Drive)
  - Dalmeny Drive, Amhurst Street, Noble Parade, Mort Avenue
2. Proposed State owned regional roads become:
  - Beach Road (Vesper Street to Corrigans Crescent)
  - Glenella Road (Princes Highway to George Bass Drive)
  - George Bass Drive (Beach Road Batehaven to Beach Road Surf Beach)
  - Bermagui Road
  - Campbell Street (Princes Highway to Luck Street), Luck Street and Araluen Road.

**IR22/008 REGIONAL ROADS TRANSFER AND ROAD CLASSIFICATION REVIEW**

**S030-  
T00027**

**BACKGROUND**

Currently there are three main types of public roads from an administrative perspective being assessed as part of this review which are:

- i) State Highways – Princes Highway and Kings Highway
- ii) Regional Roads – managed by Council and part funded by the NSW Government under the Regional Roads programs
- iii) Local roads – managed by Council with funding from a variety of sources including rates, State Government grants, Australian Government grants, resident and developer contributions.

The review excludes roads within Forestry and National Parks and Crown roads which are already the responsibility of the NSW Government.

The NSW Government announced the initiation of the review in February 2019, to ensure the road classification framework remains fit for purpose, taking account of changes in the network over time. The review aims to take a network view to enable a coherent road network with classifications which are up to date and functioning well.

In February 2019, the NSW Government also announced that up to 15,000km of council owned regional roads would be returned to State management as part of a broader package of support for local councils to better manage and maintain the rural road network. If the full 15,000km was to be transferred to the NSW Government, this would almost double the State road network.

This review is seeking applications from councils to review the existing classification of roads if they believe the functionality and future use of the road may be more aligned to another classification, and to seek proposals from Council for the transfer of ownership of select roads to the NSW Government.

**CONSIDERATIONS**

Eurobodalla Shire Council currently has responsibility for 1018 kilometres of roads.

Council currently has 57.51km of Regional Roads supported with funding from the NSW Government under the Regional Roads Block Grant Program and Regional Roads Repair Program. Council also has the ability to apply for one-off grants for these roads and continues to be proactive in this space.

The remainder of Council's network are local roads consisting of both sealed and unsealed roads of different road hierarchy ranging from local access, local, collector and distributor roads.

The designated Regional Roads in Eurobodalla are shown in Table 1 below:

<b>RMS Number</b>	<b>Road</b>	<b>Length (km)</b>
272	Bermagui Road	3.87
7627	Dalmeny Drive, Amhurst Street, Noble Parade, Mort Avenue	7.55

**IR22/008 REGIONAL ROADS TRANSFER AND ROAD CLASSIFICATION REVIEW**

**S030-  
T00027**

7628	Hector McWilliam Drive	5.05
7630	North Head Drive, George Bass Drive (airport to Surf Beach), Beach Road	32.28
560 (part)	Beach Road	5.04
7629	Cullendulla Drive, Longbeach Road (to Northcove Road)	3.72
<b>Total</b>		<b>57.51</b>

**Table 1 – Existing Regional Road Network in Eurobodalla**

Since these roads were reclassified as Regional Roads, a number of changes have occurred to the major road network within Eurobodalla to keep pace with the rate of development. For instance:

- i) South Batemans Bay By-pass (George Bass Drive) was constructed from Beach Road Batehaven to Beach Road Surf Beach, effectively by-passing the residential suburbs of Batehaven, Sunshine Bay and Surf Beach.
- ii) South Batemans Bay Link Road (Glenella Road) was constructed by Council from George Bass Drive toward the Princes Highway. This work is now being progressed to the Princes Highway by Transport for NSW.

Additionally, growth patterns mean the traffic volumes now experienced on Tomakin Road are increasing dramatically reflecting the higher hierarchy this key east-west link provides from the Princes Highway to George Bass Drive to service the coastal growth corridor.

The other key consideration for Council is the overall level of funding available to sustain key inter-regional routes, with the primary example being Araluen Road. This route is designated as a local road for administrative purposes. This road used to be funded under the regional roads program some decades ago prior to the previous road classification review when it was returned to Council as a local road. This review provides the opportunity for Council to apply to have this road returned to a regional road with funding support provided by the NSW Government to assist in the upkeep of this inter-region road.

**Proposed Road Classification Changes**

The following road classifications are proposed to be sought under this review:

- i) All existing regional roads should be retained as Regional Roads with the exception of Beach Road from Corrigans Crescent to George Bass Drive Surf Beach which should be returned to a local road
- ii) George Bass Drive from Beach Road Batehaven to Beach Road Surf Beach should be reclassified as a Regional Road
- iii) Glenella Road from the Princes Highway to George Bass Drive should be classified as a Regional Road

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**IR22/008 REGIONAL ROADS TRANSFER AND ROAD CLASSIFICATION REVIEW**

**S030-  
T00027**

- iv) Tomakin Road from George Bass Drive to the Princes Highway Mogo should be classified as a Regional Road
- v) Campbell Street and Luck Street Moruya and Araluen Road from Yarragee Road to the border of Eurobodalla LGA at Pigeon Gully should be classified as a Regional Road.

**Proposed Road Ownership Transfers**

Eurobodalla Shire Council is an eligible council and can also apply for the transfer of the road ownership to the NSW Government where this may be appropriate and in line with the recommended criteria. The NSW Government is not obliged to accept any or all of the nominations put forward by Council.

Any roads transferred to become a State road would mean that Council would still own the public road reserve but not the physical road infrastructure within the road reserve. This is the typical arrangement in place over most State highways now including the Princes Highway and Kings Highway. Council would still be separately responsible for funding works such as trees (not associated with the road function), weeds and litter away from the road edge.

Council would hand over control of the level of maintenance of the asset, which would mean the future intervention levels and actions would be set by Transport for NSW rather than by Council. This would be a similar arrangement to the way intervention levels are set by Transport for NSW for the Princes Highway and Kings Highway. These levels of service will not necessarily be higher than the current service provided by Council. For instance, Council may seek a higher level of presentation to suit our key visitor market than applied by Transport for NSW.

Council would still seek to undertake the maintenance and other works on these roads with a view to maintaining the work and the associated local employment. This may be under a similar arrangement to the road maintenance contract Council has with Transport for NSW on the Kings Highway.

The NSW Government would take on the depreciation, maintenance and upgrading costs for the roads transferred to State ownership, noting that in many cases this is already substantially funded through the Regional Road Block Grant Agreement and other associated grants.

For any roads transferred to the State, upgrading plans would also be determined by Transport for NSW rather than Council.

Roads becoming State owned may also trigger additional requirements such as automatic referral of development applications to Transport for NSW.

The review panel has assured councils that the ongoing cost of maintaining and operating traffic lights would remain with Transport for NSW for the foreseeable future, even if a State owned or Regional Road was to become a local road.

Given the function of the road, the roads most suited to transfer to State owned Regional Roads include:

- i) Bermagui Road (Princes Highway to Wallaga Lake)
- ii) Campbell Street, Luck Street and Araluen Road

**IR22/008 REGIONAL ROADS TRANSFER AND ROAD CLASSIFICATION REVIEW**

**S030-  
T00027**

- iii) Beach Road (Vesper Street Batemans Bay to Corrigans Crescent Batehaven)
- iv) Glenella Road (Princes Highway to George Bass Drive)
- v) George Bass Drive from Beach Road Batehaven to Beach Road Surf Beach.

Eurobodalla has worked with our neighbouring council teams and confirmed that:

- i) Bega Valley Shire Council will support a proposal to make Bermagui Road a State owned Regional Road within their LGA
- ii) Queanbeyan Palerang Regional Council will support a proposal to make Araluen Road a State owned Regional Road within their LGA.

If Eurobodalla Shire Council's application were approved by the NSW Government, this would result in Council and State owned Regional Roads across Eurobodalla as listed in Table 2 below.

Separate to this submission, Council is also advocating that the existing Princes Highway through Moruya and the existing Moruya bridge remain as State owned road assets upon completion of the Moruya by-pass. The transfer of the existing highway back to Council would have a significant adverse impact on Council's depreciation and budget. This advocacy will continue as part of the overall engagement with Transport for NSW in accord with the Council resolution of 22 June 2021 (Minute No. 21/87) which states as follows:

*"THAT Council write to the NSW Government urging them to take into consideration:*

1. *the community feedback in regard to the economic impact of the preferred route for the proposed Moruya Bypass on the agricultural sector, noting the concerns that have been expressed by a number of landowners and residents*
2. *include in their decision making the economic and visual impact on the retail and business sector and the environmental impacts*
3. *the formation of a co-design committee similar to what was undertaken in the Shoalhaven Council area*
4. *that the current section of the highway and bridge be retained as NSW government assets."*

Proposed Regional Roads	Proposed Ownership	Length (km)
Cullendulla Drive, Longbeach Road (Cullendulla Drive to Northcove Road)	Council	3.72
George Bass Drive (Beach Road Surf Beach to North Head Drive)	Council	23.6
North Head Drive (Princes Highway to George Bass Drive)	Council	5.2
Tomakin Road (Princes Highway to George Bass Drive)	Council	6.3
Dalmeny Drive, Amhurst Street, Noble Parade, Mort Avenue	Council	7.55
<b>Sub-total proposed Council owned regional</b>	<b>Council</b>	<b>46.37</b>

**IR22/008 REGIONAL ROADS TRANSFER AND ROAD CLASSIFICATION REVIEW**

**S030-  
T00027**

<b>roads</b>		
Beach Road (Vesper Street to Corrigans Crescent)	State	3.7
Glenella Road (Princes Highway to George Bass Drive)	State	2.0
George Bass Drive (Beach Road Batehaven to Beach Road Surf Beach)	State	5.0
Bermagui Road	State	3.87
Campbell Street (Princes Highway to Luck Street), Luck Street and Araluen Road	State	45.32
<b>Sub-total proposed State owned regional roads</b>	<b>State</b>	<b>59.89</b>

**Table 2 - Proposed Regional Roads and Transfers to the State**

**Asset**

Regional and local roads maintained by Council are currently treated as Council assets. These assets are inspected, maintained and upgraded by Council.

Council also undertakes the infrastructure, network and road safety planning for these roads. Council already has in place the adopted Eurobodalla Road Safety Plan, Eurobodalla Pathways Strategy and Northern Area Transport Network Plan and is developing the Southern Area Transport Network Plan. These documents provide integrated transport solutions and form the basis of grant applications submitted to both the NSW and Australian Government funding programs.

Planning for State owned roads is undertaken by the NSW Government via Transport for NSW, in consultation with councils. This would apply to any roads transferred to the ownership of the NSW Government.

**Financial**

These road assets are depreciated by Council. The transfer of some Regional Roads to become State owned Regional Roads would reduce the amount of depreciation within Council's Operating Statement.

Expenditure on Regional Roads is substantially funded through various annual and project specific grants.

A change in road ownership to State owned will likely impact the amount of funding received by councils under the Federal Assistance Grants Scheme (FAGS), which is based on a formula which includes total road and bridge lengths. The full impact of this change would not be known until the State-wide review is complete and the distribution of FAGS reconsidered by Government.

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**IR22/008 REGIONAL ROADS TRANSFER AND ROAD CLASSIFICATION REVIEW**

**S030-  
T00027**

If additional roads are reclassified from local roads to regional roads, Council will likely receive additional funding under the Regional Road Block Grant Agreement and related regional road funding programs. The quantum of additional funding that may be available from the NSW Government for Regional Roads, will not be known until completion of the regional roads review process.

**CONCLUSION**

It is recommended that an application be submitted to the NSW Government Regional Road Transfer and Classification Review as outlined within this report. The outcome of the submission will be reported back to Council once determined by the NSW Government.

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**CAR22/001 COMMUNITY DEVELOPMENT GRANTS**

**S026-T00012;  
S003-T00021;  
S003-T00029**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: Nil  
Outcome: 1 Strong Communities, Desirable Lifestyle  
Focus Area: 1.5 Retain our unique identity, relaxed lifestyle options and community connections  
Delivery Program Link: 1.5.1 Strengthen community connections through community development initiatives  
Operational Plan Link: 1.5.1.2 Develop and promote local community activities

**EXECUTIVE SUMMARY**

This report provides Council with information to note the acceptance of several grants, recently offered to Council to support Libraries, Youth Services, and Creative Arts Services.

Library Services were awarded \$1,320 (inc GST) from the NSW Department of Communities and Justice to support Seniors Week activities from March 25 to 3 April 2022.

The NSW Government's Office for Regional Youth 'Summer Holiday Break Program' (RYSHB) offered Council \$10,000 (ex GST), to run two outdoor cinema events in January, and to enhance the capacity of the Youth Against Domestic Violence Colour Run event, which is scheduled for 26 February 2022.

The NSW Department of Communities and Justice has granted Council's youth services \$4,061.20 (inc GST) of funding to support Youth Week 2022. This grant funding is offered on a dollar-for-dollar basis as a contribution towards the cost of staging local Youth Week activities and events.

Creative Arts Services have also secured a \$149,882 (ex GST) grant from Create NSW via the 'Creative Capital' program to support infrastructure upgrades to both the Mechanics Institute and the Basil Sellers Exhibition Centre.

This is a total of \$165,263.20 of external funding that directly supports services and activities for the benefit of the local community.

This report to Council will recommend the acceptance of funding.

**RECOMMENDATION**

THAT Council endorses the acceptance of the following grant funds:

1. The \$1,320 (inc GST) from the NSW Department of Communities and Justice to support the libraries with Seniors Week activities from March 25 to 3 April 2022;
2. The \$10,000 (ex GST) from the NSW Government's Office for Regional Youth 'Summer Holiday Break Program' (RYSHB);
3. The \$4,061.20 (inc GST) from NSW Department of Communities and Justice to support Youth Week 2022; and



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**CAR22/001 COMMUNITY DEVELOPMENT GRANTS**

**S026-T00012;  
S003-T00021;  
S003-T00029**

4. The \$149,882 (ex GST) grant from Create NSW via the 'Creative Capital' program to support infrastructure upgrades to both the Mechanics Institute and the Basil Sellers Exhibition Centre.

**BACKGROUND**

From late October 2021 to January 2022 several of Councils grant submissions received favourable outcome notifications with a requirement to meet acceptance deadlines without being able to put them to Council.

The grants were accepted in the required timeframe and are being put to Council to recommend acceptance.

**CONSIDERATIONS**

**Seniors Week**

In 2022, the NSW Seniors Week Festival 25 March to 3 April will focus on activities that help connect us all – face to face and online with the theme being 'Reconnect'. Funded activities are required to empower older Australians to be connected and stay healthy and active.

Last year the libraries held a successful Seniors Expo at Moruya with the intention to work in partnership this year with the University of Wollongong and TAFE at Batemans Bay.

**Creative Arts Infrastructure**

In Moruya we have two arts venues that complement each other – The Mechanics Institute and the Bas. The Mechanic's Institute is older and requires upgrade for community use and as an arts venue. If better equipped, it will be better utilised. It is generally used in the warmer months for local community arts and arts activity or meetings. The funding will assist us to develop and program for The Mechanics Institute as a complementary arts annex to the newer 100m2 Bas gallery space and workshop rooms.

The project funds will be used to upgrade some key venue requirements at the Mechanics Institute, such as sound, lighting, acoustic paneling, hearing loops, food and beverage amenity, display and digital equipment, WiFi, storage, heating/cooling and hanging systems. This will enable The Mechanics Institute to be the annex to the Bas and show exhibitions during the Bas closure times, have complementary programming to build engagement in the arts locally, as well as improve amenity for wider community use.

Apart from needing equipment and facility upgrades, the need to embrace digital art remains a desire to create more funky and immersive art experiences and ones that surprise and create interactive and engaging moments. This will help arts to embrace technology and engage new audiences.

**Youth activities**

The purpose of the grant is to provide activities for young people to reconnect and have some fun.

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**CAR22/001 COMMUNITY DEVELOPMENT GRANTS**

**S026-T00012;  
S003-T00021;  
S003-T00029**

The outdoor cinema events were held on 22 and 23 January and had over 150 people (generally families and young people) participating each night. These events have been successful for us during Covid as they are held outside, or you can sit in your car and participate.

The colour run was initially supported in 2019 by the Eurobodalla Youth Committee, who reached out to the Eurobodalla White Ribbon group to develop a partnership to raise awareness and be youth advocates against domestic violence.

The outcome was a very successful event which raised funds and engaged over 190 runners on the day. Community, youth committee and supporting organisations proposed that this event become a biannual project to continue to build upon the momentum created and value add, raising awareness and building relationships.

Youth week runs 4-14 April this year and provides an opportunity for our community to celebrates young people and their contribution to our Shire. Youth week is now the largest annual youth participation event in Australia.

The youth services team will be working with Councils youth committee to provide the following events for Youth Week: host 'Currents' – an all ages event that incorporates a battle of the bands competition; develop a podcast as part of the Rural Natters series; work with the Office of the Advocate for Children and Young People to provide an opportunity to voice their opinions on current government policy and planning; run an Instagram engagement competition with local young artists and makers.

These activities are consistent with the aim for Council to:

- organise, run and promote events for young people that are low/no cost
- support the youth committee to implement and deliver projects that have successfully obtained grant funding
- create opportunities to raise awareness of mental health services and support services for young people
- work in collaboration with other services to promote and advocate for safe behaviours.

**Financial**

This is a total of \$165,263.20 of external funding that directly supports services and activities for the benefit of the local community.

**Community and Stakeholder Engagement**

We have informed the community through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and Twitter; and distributing a media release.

Extensive consultation including surveys and a series of community workshops undertaken for each area in the preparation of the Libraries and Creative Arts Strategic Plans, and Youth in Recovery Forums have informed the direct actions for these activities.

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**CAR22/001 COMMUNITY DEVELOPMENT GRANTS**

**S026-T00012;  
S003-T00021;  
S003-T00029**

**CONCLUSION**

Council received successful outcomes in relation to four grants applied for in late 2021. The ability to attract external funds for Council run events and facilities will continue to support our community to connect and recover and activate our community buildings.

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**CAR22/002 SALE OF SUGAR CARBONATED DRINKS AT COUNCIL FACILITIES**

**S004  
T00006**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: Nil  
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: 1.3.2.1 Build, renew, operate and maintain recreation and community facilities

**EXECUTIVE SUMMARY**

The purpose of this report is to review Council's resolution of 26 November 2013 *"to cease the provision of sugar sweetened carbonated drinks at Council functions and events..."*.

The proposed recommendation will support Council and contractors in providing an improved range of beverages at Council facilities, functions and events. This is important as it allows cafes at Council facilities to better meet the expectations of customers, and to deliver improved financial sustainability to the services offered.

The review of the motion is in direct response to requests from several service providers that manage Council facilities, asking that Council reconsider its position to prohibit the sale of sugar carbonated drinks. Providers have expressed that prohibiting the sale of sweetened carbonated drinks at Council facilities is no longer in keeping with community expectations or industry best practice.

**RECOMMENDATION**

THAT Council allow the provision of sugar sweetened carbonated drinks at all Council facilities, functions and events.

**BACKGROUND**

At the Council meeting held on Tuesday 26 November 2013, Council passed the following notice of motion (NOM 13/222):

*"THAT Council resolves to cease the provision of sugar sweetened carbonated drinks at Council functions and events, stipulates in all future contracts that no such drinks are to be sold at Council premises, such as swimming pool canteens, and encourages community and sporting groups to consider providing healthy alternatives as a first step in an education process to improve the health of our community."*

The intent of this motion was to help foster healthy attitudes in the community.

Since 2013, Council has increased the number of facilities and scale of services across the Shire and in many cases, there is an expectation from the community that a range of drinks are sold at premises or events.

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**CAR22/002 SALE OF SUGAR CARBONATED DRINKS AT COUNCIL FACILITIES**

**S004  
T00006**

**CONSIDERATIONS**

Customers visiting Council facilities, functions and events have an expectation that a variety of beverages will be available, as is the case at similar venues in neighbouring Shires. Some examples of Council facilities, functions and events that allow the sale of beverages include:

- Eurobodalla Botanic Gardens café
- Batemans Bay Beach Resort
- three (3) aquatic centres (Bay Pavilions, Narooma Leisure Centre and Moruya War Memorial Pool)
- two (2) art facilities (BAS, Bay Pavilions)
- sport clubs and community groups using Council owned community and recreation facilities, and
- Council run functions and events.

**Social Impact**

The notice of motion in 2013 was made with the intent to support the health and wellbeing of the community. Council is working towards achieving this outcome through a range of alternative initiatives, which include but are not limited to:

- Delivery of free outdoor fitness programs, as part of bushfire recovery initiatives, on the Narooma Foreshore and Corrigan's Beach Reserve in Batehaven (Live Life, Get Active program)
- Provision of an annual Healthy Communities grants program which provides support for community groups to deliver activities that support local health and wellbeing
- Delivery of a suite of Live Life Eurobodalla programs including dance, senior adult exercise, walking soccer, and aqua fit
- A range of capacity building initiatives for community sport and recreation volunteers including the club development program, the sustainability in sport project, and sports development conference
- Sponsorship of a range of nature-based sport and active recreation events including the Wild Wombat and Rocky Trails mountain bike events and the Far South Coast Surf Open.

It is considered that a continued focus on health and wellbeing in the community can be achieved whilst at the same time providing a range of beverage options at Council facilities, functions and events.

**Economic Development Employment Potential**

Council staff have received several requests from service providers that manage Council facilities, asking that Council reconsider its position to prohibit the sale of sugar carbonated drinks. Some of the reasons for allowing the sale of sugar carbonated drinks would be to:

- Better meet community expectations
- Allow greater choice

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**CAR22/002 SALE OF SUGAR CARBONATED DRINKS AT COUNCIL FACILITIES**

**S004  
T00006**

- Align with best practice for operating cafes and canteens, and
- Improve the financial sustainability of important Council services.

Many of these facilities support tourism and the broader visitor economy. The revenue raised at these facilities directly supports local employment.

**Financial**

The notice of motion in 2013 constrains the potential revenue at facilities. Improving the range of beverages available at Council facilities, functions and events supports these venues, and their corresponding services, in delivering service to the community and supports sustainable business activity.

**CONCLUSION**

This report recommends that Council allow the provision of sugar sweetened carbonated drinks at Council facilities, functions and events.

This outcome will lead to improved customer experience at Council facilities and improve the financial sustainability of several Council services.

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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.