

# **AGENDA**

**Ordinary Meeting of Council**

**24 May 2022**



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

**ON TUESDAY 24 MAY 2022**

**COMMENCING AT 11.00AM**

**AGENDA**

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

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**  
Nil
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 10 May 2022
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**  
MR22/006 Selection of consultant to undertake the General Manager's recruitment .....3
- 7. NOTICES OF MOTION**  
NOM22/010 Advocacy for housing for construction workers .....5
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
- 9. PETITIONS**  
Nil

**Page No.**

**10. GENERAL MANAGER'S REPORTS**

GMR22/056	Quarterly Budget Review for period ending 31 March 2022.....	8
GMR22/057	Investments made as at 30 April 2022 .....	17
GMR22/058	Policy Review - Investment Policy .....	20
GMR22/060	Policy Review for Exhibition - May 2022 .....	33

**11. PLANNING AND SUSTAINABILITY REPORTS**

PSR22/012	Lease Renewals for Telecommunications facility, Long Beach .....	37
PSR22/013	Optional Natural Disasters Clause .....	41
PSR22/014	Request for Tender (RFT) - New Cabins at Batemans Bay Beach Resort	50

**12. INFRASTRUCTURE REPORTS**

IR22/014	Request for Tender (RFT) - 2122/059 Provision of Tree Management Services on Council Owned and Managed Land Panel.....	53
----------	---	----

**13. COMMUNITY, ARTS AND RECREATION REPORTS**

CAR22/006	Acceptance of Commonwealth Home Support Program (CHSP) Funding Extension .....	57
CAR22/007	Foundation for Rural Recovery and Renewal Homelessness Project Funding.....	59

**14. DELEGATE REPORT**

**15. URGENT BUSINESS**

**16. DEALING WITH MATTERS IN CLOSED SESSION.....63**

**17. CONFIDENTIAL MATTERS**

**DR CATHERINE DALE  
GENERAL MANAGER**



---

MR22/006 SELECTION OF CONSULTANT TO UNDERTAKE THE GENERAL MANAGER'S  
RECRUITMENT

File Ref: S012-T00025

Attachments: 1. Confidential - RFQ and Preferred Consultant

**EXECUTIVE SUMMARY**

The purpose of this report is to endorse a consultant to assist Council in the recruitment and selection of a new General Manager.

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

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

Council invited Request for Quote (RFQ) from the following independent recruitment consultants:

- Blackadder and Associates
- LGNSW recruitment
- McArthur recruitment

The RFQ requested the following information:

- **Process to define and confirm client requirements** – what processes are undertaken to determine what Eurobodalla needs for this position.
- **Methodology for recruitment** - Council is keen to receive a methodology plan that outlines the process for the recruitment.
- **Timeframe for recruitment** – The incumbent for this position is leaving Council on 30 September 2022. Council must finalise the recruitment prior to this date.
- **Fee proposal** – please outline detailed fees, including travel and expenses
- **Team member undertaking the process** – nominate team member who will undertake the recruitment process.
- **References** – provide information on similar recruitment events within last 12 months
- **Any further information** – list any cancellation policies, payment terms, insurances etc.

RFQ were due by 22 April 2022. All three consultants submitted a quote.

Councillors have reviewed the RFQ's and recommend appointment of the preferred consultant as outlined with the confidential attachment.

After engagement of the consultant, a further report will be presented to Council outlining the process and endorsement of the selection panel.

---

**MR22/006 SELECTION OF CONSULTANT TO UNDERTAKE THE GENERAL  
MANAGER'S RECRUITMENT**

**S012-  
T00025**

**RECOMMENDATION**

THAT Council:

1. Endorse the selection of the preferred consultant for the recruitment of the General Manager as listed within the confidential attachment to this report, and
2. Note that the Mayor is responsible for liaising with the preferred consultant.
3. Receive a further report regarding the recruitment process and selection panel composition.

**REPORT**

The council's governing body is responsible for recruiting the general manager.

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

As with the appointment of all council staff, the council must ensure that the appointment of the general manager is made using merit selection principles (section 349).

Recruitment using merit selection is a competitive process where the applicant who demonstrates that they have the best qualifications and experience relevant to the position is appointed.

Equal Employment Opportunity principles also apply to the recruitment of general managers (sections 349 and 344).

Council will follow the '*Guidelines for the Appointment and Oversight of General Managers*' as released by the Office of Local Government for the recruitment of its General Manager.

The preferred provider has demonstrated:

1. experience recruiting successfully at this level for Local Government entities in NSW,
2. most cost effective financial option for council, and
3. provides a broad range of services as a part of Local Government NSW.

---

**NOM22/010      ADVOCACY FOR HOUSING FOR CONSTRUCTION WORKERS**

OP0011-S002

Responsible Officer: Rob Pollock - Councillor

Attachments:          Nil

Councillor Rob Pollock has given notice that at the Ordinary Meeting of Council on 24 May 2022, he will move the following motion.

**MOTION**

THAT Council

1. Undertake targeted advocacy to the NSW Government for significant infrastructure investment projects - namely the Moruya Bypass, and the Eurobodalla Regional Hospital - to urgently develop and implement funded strategies for the construction of housing to meet the needs of construction workers and the potential to provide long term housing supply.
2. Seek the support of the Land and Housing Corporation, Southern Cross Housing and LGNSW in the delivery of the advocacy.
3. Direct the advocacy to the following NSW Government members, via letter from the Mayor and seeking a meeting with Council:
  - NSW Premier, the Hon. Dominic Perrottet MP.
  - NSW Minister for Homes Anthony Roberts MP.
  - NSW Minister for Families and Communities the Hon. Natasha Maclaren Jones MP.
  - NSW Minister for Health, the Hon. Brad Hazzard MP.
  - NSW Minister for Regional Transport and Roads, the Hon. Sam Faraway MP.
  - NSW Minister for Regional NSW the Hon. Paul Toole MP
  - NSW Minister for Tourism and Sport the Hon. Stuart Ayres MP.
  - State member for Bega the Hon. Michael Holland MP

**BACKGROUND**

Safe, secure and affordable housing is critical to the wellbeing of individuals and local communities and the economic prosperity of the Eurobodalla. The Eurobodalla Local Government Area (LGA) is facing a critical housing supply shortage across all income levels and tenures. Whilst the declining trend of housing affordability is not unique to our Shire, housing pressures have become more acute with rental affordability becoming out of reach for average income earners, low rental vacancy and very high house price growth.

More specifically:

- The median house price was \$730K in September 2021 and the median apartment prices was \$525K – respective growths of 18% and 25% over the nine months to September 2021
- The median weekly house rent increased by \$50 and weekly apartment rents by \$25 over the 12 months to December 2021.

---

**NOM22/010 ADVOCACY FOR HOUSING FOR CONSTRUCTION WORKERS**

**OP0011-  
S002**

- Housing stress is experienced by over 20% of households in some parts of Moruya, Batemans Bay and Narooma, and by over 12% of households across the Eurobodalla Shire. This is higher than other regional areas in NSW, across NSW and throughout Australia. <https://public.tableau.com/app/profile/facs.statistics/viz/DistrictProfile-SouthernNSWDistrict/SouthernNSWDistrict>

In the Eurobodalla all these factors have been exacerbated and will continue to be exacerbated by the influx of workers to deliver major NSW Government investment projects. We have seen a take-up of rental housing for project managers, professionals as well as construction workers for the Batemans Bay Bridge (Princes Highway) re-alignment project over the last few years. This has been both longer term rental stock as well as short term holiday accommodation.

The influx of worker is predicted to continue and to be greater with construction of the new Eurobodalla Regional Hospital – scheduled to commence in early 2023 and the Moruya Bypass planned for commencement in late 2023. In addition, Council's own Southern Water Storage project will add to this demand in the southern part of our Shire. Council has identified housing supply as a risk to the delivery of this project and as a result the matter is being considered by tenderers as part of the tender process.

The increasing prices and tightening markets (exacerbated by worker accommodation) will impact on housing security for very low to low income households, particularly in the Moruya area. This will likely have a flow-on effect of increasing the number of rough sleepers and homelessness in the LGA.

The utilisation of holiday housing stock will have an impact on the availability of accommodation required to meet the demands of our visitor economy. With a heavy reliance on visitor economy and a recognised shortage of visitor accommodation already at peak times, the destination cannot sustain longer term use of holiday accommodation particularly in the Moruya area where holiday accommodation is already limited.

Looking at self-contained accommodation for weeklong stays for workers. Batemans Bay has 275 properties available in normal periods. Moruya has 20 and Moruya Heads a further 20. Two major works projects are going to put an overflow into surrounding areas for accommodation nights, but those towns will miss out on the daytime economy of the workers that would be normally captured by visitors to the area.

Worker housing is a critical issue for employees across our Shire with Council itself unable to attract professional and technical staff due to the inability to secure safe and affordable housing.

The cumulative effect of these circumstances is contributing to a broader impact on local economy and the provision of social services and support across the LGA.

Council participated in the Regional Housing Taskforce review of housing supply in regional areas and in our submission identified the need for the NSW Government to provide housing as part of major infrastructure projects and the ability for such housing to potentially play a long term role in addressing housing affordability.

---

**NOM22/010 ADVOCACY FOR HOUSING FOR CONSTRUCTION WORKERS**

**OP0011-  
S002**

The taskforce recommendations report included:

*“ Recommendation 4 – Investigate planning levers to facilitate delivery of housing that meets short term needs by:*

*4.2 implementing early and regular assessment of and mechanisms to address additional housing demand associated with State Significant Development in regional areas across construction and operational stages.”*

Whilst this recommendation recognises issues raised by Council in previous submissions, this matter is now critical and the LGA needs to see this recommendation actioned immediately given the imminent construction of the State significant projects.

Council is willing to work alongside Regional NSW in the delivery of the proposed Regional Housing Delivery Plans – however cross government assurances are required that this housing issue can be given priority and actioned immediately.

Advocacy needs to be extended to a range of government portfolios and representatives at a State level:

NSW Premier, the Hon. Dominic Perrottet MP.

NSW Minister for Homes Anthony Roberts MP.

NSW Minister for Families and Communities the Hon. Natasha Maclaren Jones MP.

NSW Minister for Health, the Hon. Brad Hazzard MP.

NSW Minister for Regional Transport and Roads, the Hon. Sam Faraway MP.

NSW Minister for Regional NSW the Hon. Paul Toole MP

NSW Minister for Tourism and Sport the Hon. Stuart Ayres MP.

State member for Bega the Hon. Michael Holland MP

---

**GMR22/056 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH  
2022**

**S011-  
T00003**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Quarterly Budget Review for Period Ending 31 March 2022

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**

This Budget Review reports on Council's performance against the current Operational Plan budget for the quarter ending 31 March 2022. Major variations are highlighted.

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

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

The proposed revised budgets after the quarter ending 31 March 2022 are:

- Income Statement surplus, before capital revenue, of \$0.04 million
- Income Statement surplus, after capital revenue, of \$71.11 million
- Increase of \$2.06 million of unrestricted funds.

The March review adjustments result in a favourable variation for the income statement, before capital revenues, of \$4.40 million and an increase in the amount of unrestricted funds to be used of \$0.44 million as per the Consolidated Fund Flow Statement.

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

**RECOMMENDATION**

THAT:

1. The budget review report for the quarter ended 31 March 2022 be received and noted.
2. The favourable variations to the Income Statement before capital revenue of \$4.40 million, and \$0.44 million decrease to unrestricted funds per the Consolidated Fund Flow Statement be adopted.

---

**GMR22/056 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH  
2022**

**S011-  
T00003**

3. New loans of \$16,706,968 be raised in accordance with Council's borrowing policy and the Council seal be affixed to the loan agreement documentation.

**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 Councils 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 March 2022.

**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 March 2022.

**GMR22/056 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH  
2022**

**S011-  
T00003**

**CONSIDERATIONS**

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

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

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

The net fund flow shows the amount of unrestricted funds that will be used to deliver the agreed Operational Plan outcomes for 2021-22. The consolidated original budget forecast a \$7.64 million increase to unrestricted funds. The impact of September 2021, December 2021 and March 2022 quarterly review amendments result in a projected increase to unrestricted funds of \$2.06 million for 2021-22. See table 1.1 and graph 1.1 below.

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

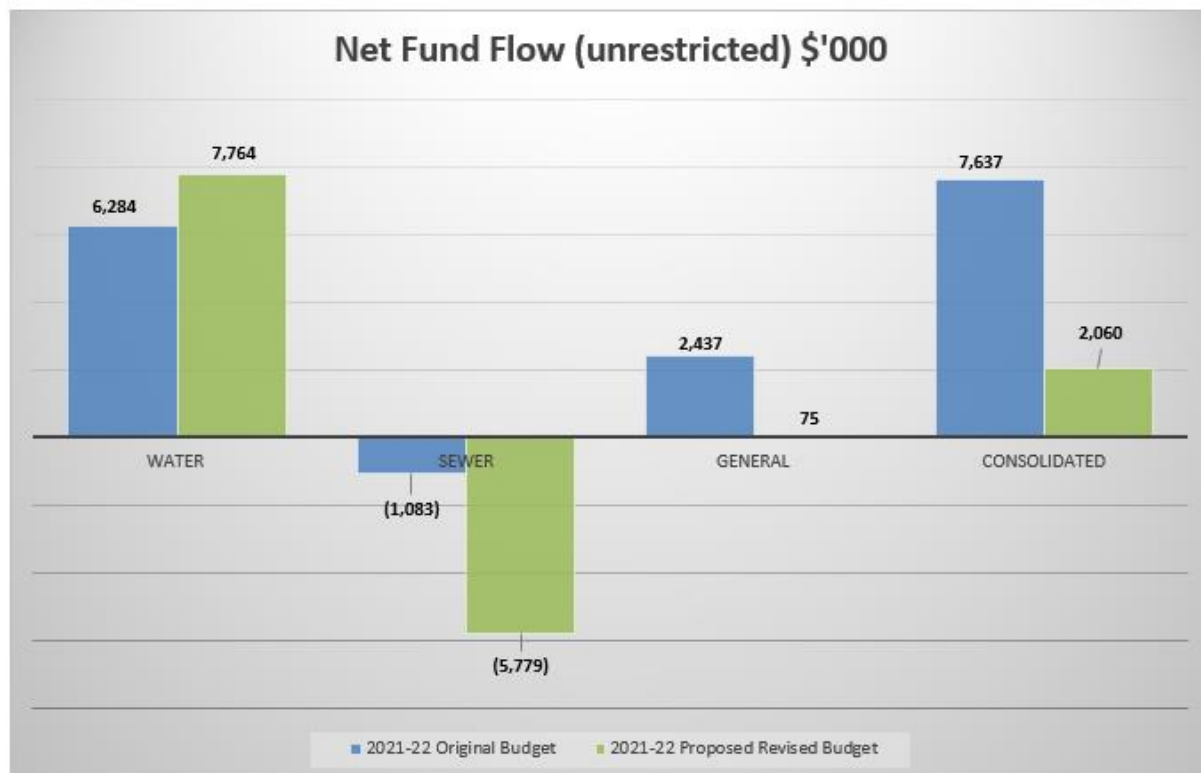
<b>Fund</b>	<b>2021-22 Original Budget</b>	<b>Previous Review</b>	<b>March Review</b>	<b>2021-22 Proposed Revised Budget</b>
Water	6,284	1,486	(5)	7,764
Sewer	(1,083)	(3,717)	(980)	(5,779)
Waste	2,418	(1,301)	0	1,117
Environment	33	194	11	239
General	(14)	(1,798)	532	(1,281)
<b>Consolidated</b>	<b>7,637</b>	<b>(5,135)</b>	<b>(442)</b>	<b>2,060</b>



**GMR22/056 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH  
2022**

**S011-  
T00003**

*Graph 1.1 Net fund flow (unrestricted)*



**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 proposed revised budget, incorporating the September, December and March review adjustments is a surplus of \$0.04 million before capital revenues (per table 1.2 and graph 1.2 below).

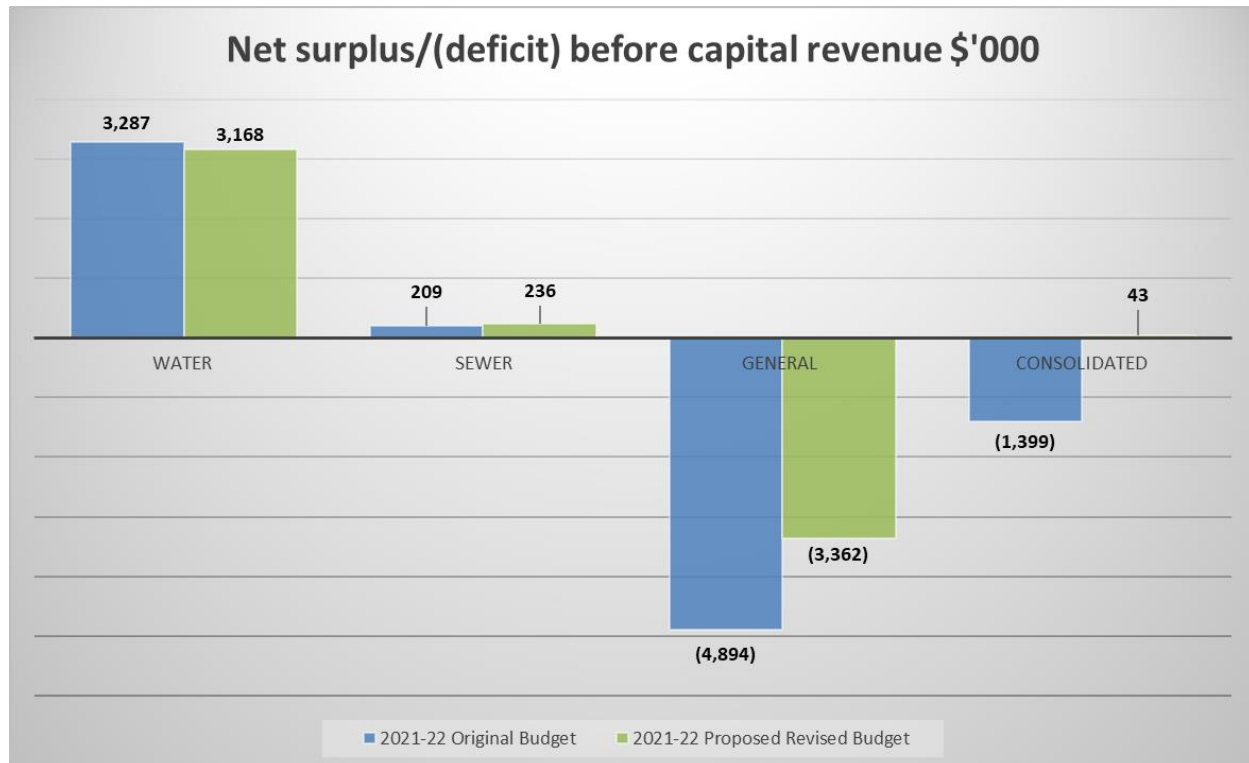
*Table 1.2 Net Surplus/ (deficit) before capital revenue, \$'000*

Fund	2021-22 Original Budget	Previous Review	March Review	2021-22 Proposed Revised Budget
Water	3,287	(90)	(28)	3,168
Sewer	209	28	0	236
General	(4,894)	(2,902)	4,434	(3,362)
<b>Consolidated</b>	<b>(1,399)</b>	<b>(2,965)</b>	<b>4,406</b>	<b>43</b>

**GMR22/056 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH 2022**

**S011-  
T00003**

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



**March review adjustments (operational)**

The proposed March review adjustments to the originally adopted Operational Plan budget for 2021-22 result in a favourable variation of \$4.40 million to the operating surplus before capital.

Significant adjustments to operational revenue items include:

- \$3.84m Profit on Sale of land - Tatiara Street, Dalmeny
- \$0.87m MR51 Lyons Road Safety Improvements funded (net impact \$0.1m)
- \$10.7m Grant funded Disaster Recovery (NDRA) Transport (net impact \$0.4m)
- \$0.2m Regional co-located Emergency Services Precinct works
- \$0.25m Y Drive program funding

Additionally, the following waste fund items were included:

- \$116k Surf Beach Waste Facility Resilience Masterplan
- \$106k Brou Rezoning – EPA
- \$95k Surf Beach Organics Area Expansion – EPA
- \$457k Enabling Works Surf Beach Waste Management Facility - EPA

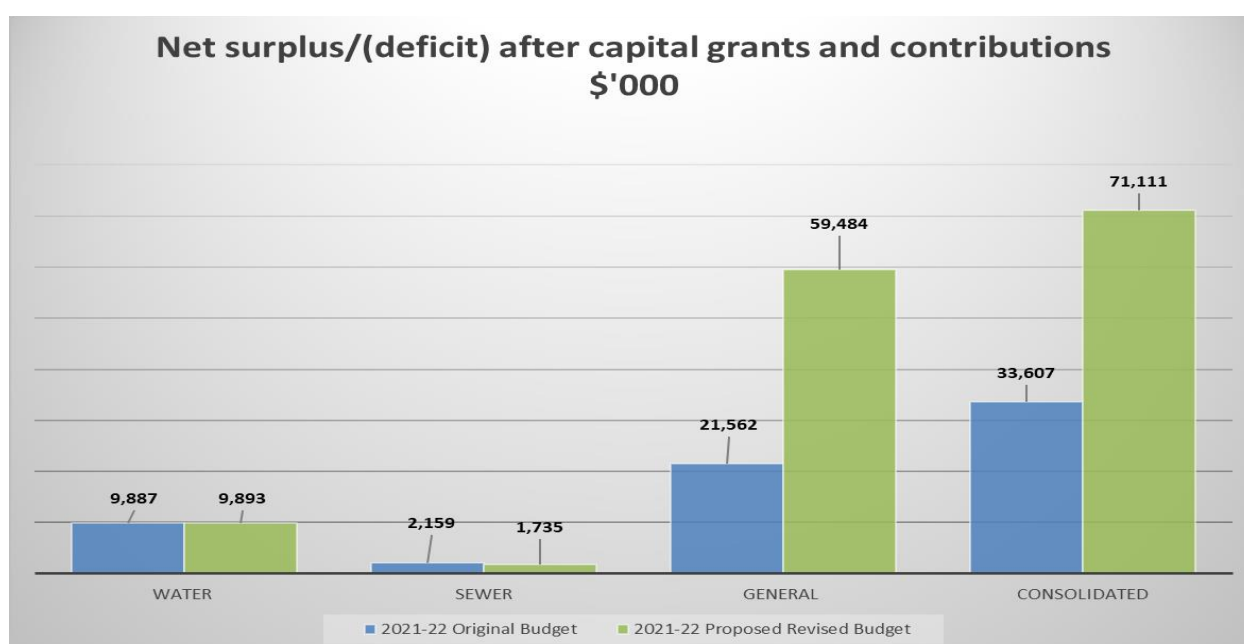
**GMR22/056 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH 2022**

**S011-  
T00003**

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

<b>Fund</b>	<b>2021-22 Original Budget</b>	<b>Previous Review</b>	<b>March Review</b>	<b>2021-22 Proposed Revised Budget</b>
Water	9,887	35	(28)	9,893
Sewer	2,159	(424)	0	1,735
General	21,562	22,875	15,047	59,484
<b>Consolidated</b>	<b>33,607</b>	<b>22,486</b>	<b>15,018</b>	<b>71,111</b>

*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 \$88.34 million. The proposed revised budget, incorporating September, December and March variations is \$128.93 million (as per table 1.4 and graph 1.4 below).

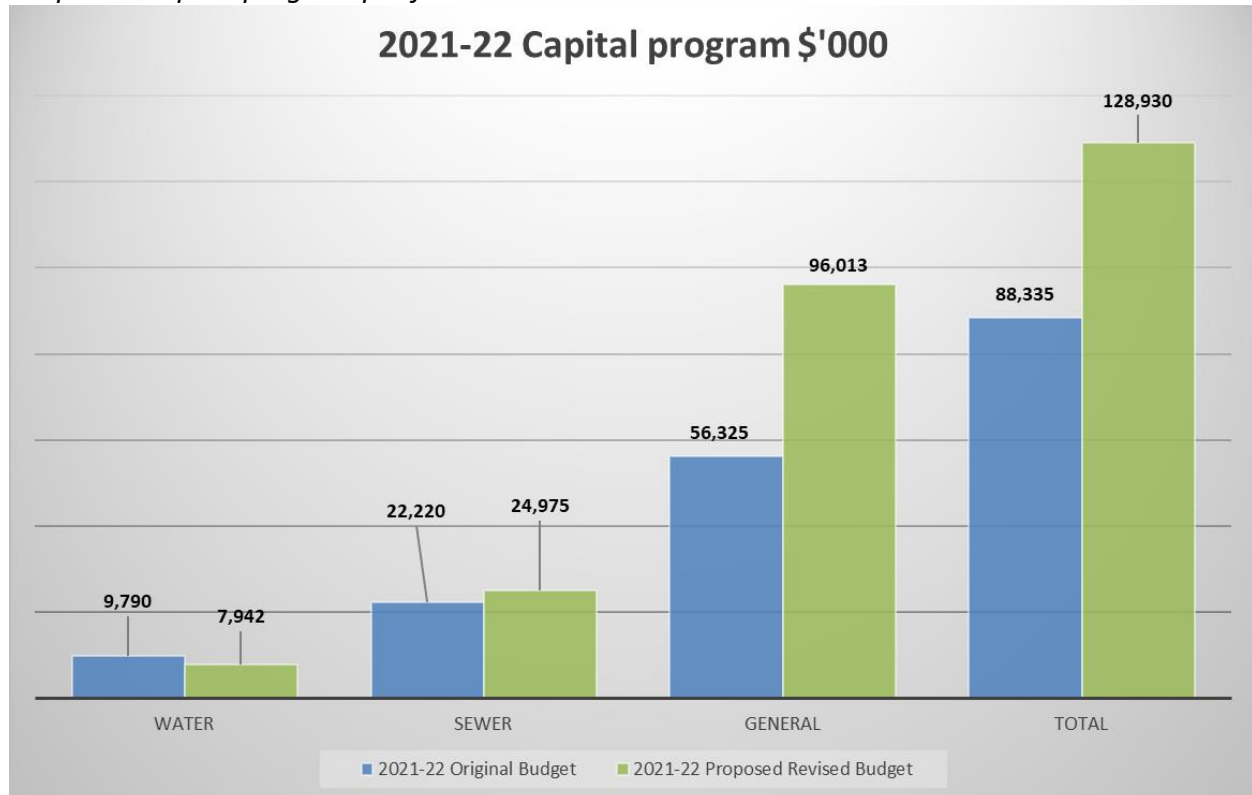
*Table 1.4 Capital Program per fund, \$'000*

<b>Fund</b>	<b>2021-22 Original Budget</b>	<b>Previous Review</b>	<b>March Review</b>	<b>2021-22 Proposed Revised Budget</b>
Water	9,790	(1,848)	0	7,942
Sewer	22,220	2,755	0	24,975
General	56,325	31,437	8,250	96,013
<b>Consolidated</b>	<b>88,335</b>	<b>32,344</b>	<b>8,250</b>	<b>128,930</b>

**GMR22/056 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH  
2022**

**S011-  
T00003**

*Graph 1.4 Capital program per fund*



**March review adjustments (capital)**

Capital budget adjustments totaling \$8.2 million (increase) have been made during the March quarter and affect the current year's capital program. Significant variations increasing the originally adopted capital works program include:

- \$4.91m Disaster Recovery Works
- \$3.0m Bridge Emergency Renewals
- \$1.088m Local Roads & Community Infrastructure Program Phase 3 inc Batemans Bay Waterfront, Pathways
- \$1.00m Moruya Showground Canteen & Amenities
- \$0.58m Surf Beach Emergency Services Precinct
- \$0.28m Moruya Pedestrian Activation Plan
- \$0.15m Mechanics Institute & BAS

There was some offset from the following projects which have been deferred:

- \$1.1m Coastal Headland Walk
- \$0.75m Moruya Airport West Precinct works
- \$0.70m Brierley's Boat Ramp
- \$0.28m Admin Building Lift

**GMR22/056 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH 2022**

**S011-  
T00003**

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

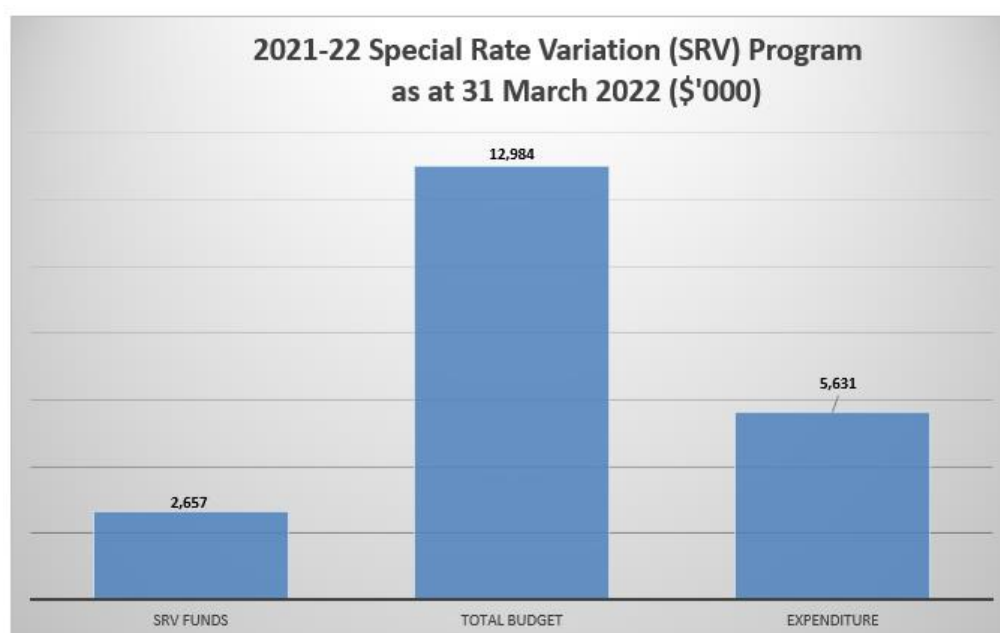
2021-22 is the sixth year of the SRV program and over \$8 million of infrastructure works for the year are underway. \$2.65 million of SRV designated funds are being utilised on these works. At the March review, approximately 43% of the programmed SRV works for this year have been expended. Significant 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.
- Observation Point \$0.9m works commenced but likely carry over into next year
- Araluen Road \$1.1m works commenced but likely to carry over into next year
- Malua Bay Beach Reserve \$1.1m yet to commence

*Attachment 1 (f)* reports the detailed progress of the capital program showing individual project budgets and expenses with updates as at 31 March 2022. Total expenditure on the SRV designated projects as at 31 March 2022 is \$5.63 million (per Table 1.5 below).

*Table 1.5 2020-21 Special Rate Variation Capital Program*

<b>2021-22 Special Rate Variation (SRV) Capital Program</b>	<b>\$</b>
SRV Funds	2,657
Total Budget	12,984
Expenditure to 31 March 2021	5,631
Percentage spent	43%



*Graph 1.5 2020-21 Special Rate Variation Capital Program*

---

**GMR22/056 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH  
2022**

**S011-  
T00003**

**Legal**

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

**Policy**

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

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

**CONCLUSION**

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

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

*As the Responsible Accounting Officer, it is my opinion that the March 2022 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 2020-22 financial year.*

---

**GMR22/057 INVESTMENTS MADE AS AT 30 APRIL 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 30 April 2022, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

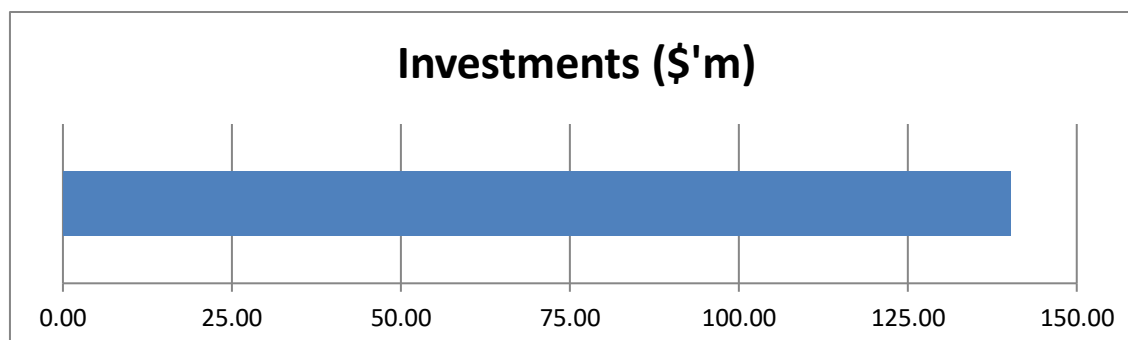
### **CONSIDERATIONS**

#### **Policy**

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

#### **Financial**

Council investing overall



**GMR22/057 INVESTMENTS MADE AS AT 30 APRIL 2022**

**S011-T00006,  
S012-T00025**

Council has \$140.15M (100%) invested in bank deposits. The bank deposits are held in banks rated A or greater, or covered by the AAA rated Government guarantee, except for \$36.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments increased by \$5M during April 2022 due to normal variations in timing of cash flows.

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

There are \$49.0M (34.96%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 1.48%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (0.64%).

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	12,896,728
Term deposits	125,500,000
Term deposits Government guaranteed	1,750,000
	<b>140,146,728</b>
<i>Weighted average interest %:</i>	1.48%
<i>Average 90 day BBSW + 0.25%</i>	0.64%

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>	1.25	1.25	100.00
<b>Near risk free</b>	72.71	72.71	100.00
<b>Some limited risk (BBB+)</b>	26.04	26.04	30.00



---

**GMR22/057 INVESTMENTS MADE AS AT 30 APRIL 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.

---

**GMR22/058 POLICY REVIEW - INVESTMENT POLICY**

**S004-  
T00060**

Responsible Officer: Dr Catherine Dale - General Manager  
Attachments: 1. Draft Investment Policy  
Focus Area: 9 Innovative and Proactive Leadership  
Delivery Program Link: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations  
Operational Plan Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

**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*:

- 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 purpose of this report is to inform Council of the review of the Investment Policy and the recommendation it be placed on public exhibition before the policy is presented to Council for adoption.

**RECOMMENDATION**

THAT:

1. Council endorses the draft Investment Policy for public consultation.
2. The draft Investment Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.

**BACKGROUND**

In accordance with section 165(4) of the *Local Government Act 1993* (the Act), a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

Eurobodalla Shire Council's Investment Policy is designed to ensure that Council's investments reflect the preference to reduce risk and comply with the current NSW Local Government Investing policy guidelines, 'best practice' and the current Ministerial Order.

The current Investment Policy reflects a prudent investing strategy that complies with the Act.

**GMR22/058 POLICY REVIEW - INVESTMENT POLICY**

**S004-  
T00060**

**Fossil Fuel Divestment - History**

At the Council meeting of 12 December 2017 a Notice of Motion *NOM17/013 Divestment of Council Investments in Fossil Fuel Supporting Financial Institutions* was approved by Council.

The intent of the NOM was aimed at environmental protection by taking action to combat climate change. Carbon emissions through the use of fossil fuels are, according to scientific evidence, one of the key contributors to global warming and climate change.

Typically fossil fuel free investments are in the BBB+ risk category. The NOM therefore included an amendment to the Investment Policy to allow for an increase in investments in BBB+ rated institutions to a maximum 60% of Council's investment portfolio and a maximum of 20% within any one BBB+ rated institution. Following this NOM, an updated Investment Policy was adopted by Council on 27 March 2018.

However, subsequent to this amendment, TCorp, the financial markets partner for New South Wales public sector agencies, advised that it had reviewed Council's revised policy in line with its policy guidelines, and required the recently amended Investment Policy to be updated to align with these guidelines. The revised parameters significantly reduced the maximum amount Council is able to invest in BBB+ risk category investments to a maximum of 30%.

Council's Investment Policy was again updated, exhibited for 28 days, and adopted by Council on 31 July 2018. The maximum level of investments in the BBB+ risk category was reduced from 60% to 30% in line with the TCorp guidelines. This is the version of the policy currently under review. The guidelines in place in July 2018 are still current and are reflected in the Policy.

As at May 2022 the average level of fossil fuel free investments held sits between 35%- 40% depending on availability of suitable investment options and the timing of term deposit renewals. As fossil fuel free investment offerings by institutions with suitable risk ratings increase, this mix will increase. The draft revised policy has a target of 60% for fossil fuel free products.

Further, Council will also seek to preference institutions with environment-friendly credentials where fossil fuel free investments are not available, subject to the investment risk parameters and comparable interest rates.

The investment parameters in the current policy are as follows:

- a) The maximum holding in each rating category for Council's portfolio shall be:

<b>S&amp;P Long Term Category</b>	<b>S&amp;P Short Term Category</b>	<b>Maximum %</b>	<b>Risk Rating</b>
AAA (Government guaranteed deposits)	A-1+	100%	Remote Risk
AAA to AA	A-1+	100%	Near Risk Free
A	A-1 to A-2	40%	Near Risk Free
BBB+	A-2	30%	Some Limited Risk
BBB	A-2	Nil	

**GMR22/058 POLICY REVIEW - INVESTMENT POLICY**

**S004-  
T00060**

ADI/Unrated		Nil	
-------------	--	-----	--

- b) The percentage per institution will restrict amount invested in one Bank as shown below:

<b>S&amp;P Long Term Category</b>	<b>S&amp;P Short Term Category</b>	<b>Maximum % per Institution</b>	<b>Risk Rating</b>
AAA (Government guaranteed deposits)	A-1+	100%	Remote Risk
AAA to AA	A-1+	40%	Near Risk Free
A	A-1 to A-2	20%	Near Risk Free
BBB+	A-2	20%	Some Limited Risk
BBB	A-2	Nil	
ADI/Unrated		Nil	

**CONSIDERATIONS**

The recommendation is that the TCorp risk parameters remain as the guiding principle for the Investment Policy.

The draft Investment Policy has been reviewed and no substantive changes are recommended with the exception that the draft revised policy has a target of 60% for fossil fuel free products.

Further, Council will also seek to preference institutions with environment-friendly credentials where fossil fuel free investments are not available, subject to the investment risk parameters and comparable interest rates.

A copy of the draft policy will be provided to the Audit, Risk and Improvement Committee for its consideration.

**Legal**

Council will comply with all appropriate legislation.

**Policy**

The policy reflects the current NSW Local Government Investing policy guidelines, 'best practice' and the current Ministerial Order.

**Financial**

Financially the preservation of capital is the principal objective together with the allocation of investments to ensure sufficient liquidity.

**Community Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 25 May 2022 until the 21 June 2022 on Council's website at

<https://www.esc.nsw.gov.au/council/have-your-say/public-exhibition>

---

**GMR22/058 POLICY REVIEW - INVESTMENT POLICY**

**S004-  
T00060**

We are strongly encouraging people to review the policies via our website. Any specific requests for hard copies can be made through the executive services team on 4474 1022.

**CONCLUSION**

The draft Investment Policy should be publicly exhibited for 28 days. A copy of the draft policy will be provided to the Audit, Risk and Improvement Committee for its consideration.

At the end of the public exhibition period Council will be advised of any submissions received during the exhibition period and the draft Investment Policy will be presented to Council for consideration to adopt.



## Policy

<b>Policy title</b>	Investment Policy
<b>Responsible manager(s)</b>	Chief Financial Officer
<b>Contact officer(s)</b>	Chief Financial Officer
<b>Directorate</b>	General Manager
<b>Approval date</b>	
<b>Outcome area</b>	9. Innovative and proactive leadership
<b>Strategy</b>	9.2 Provide strong leadership and work in partnership to strategically plan for the future and progress toward the community vision.
<b>Delivery Program/ Operational Plan</b>	9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

### Purpose

Eurobodalla Shire Council's policy is designed to ensure that Council's investments reflect the preference to reduce risk and comply with current NSW Local Government investing policy guidelines, 'best practice' and the current Ministerial Order.

This policy is a requirement of the *Local Government Code of Accounting Practice and Financial Reporting* issued by the Office of Local Government (OLG) pursuant to section 412 of the *Local Government Act 1993 (NSW)* (LG Act) as set out below:

*"Council must maintain an investment policy that complies with the Act and ensures it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds."*

The *Trustee Amendment (Discretionary Investments) Act 1997 (NSW)* section 14A(2) provides further guidance on a "prudent person": *"A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would."*

The Accounting Code defines "investments" as: *"money that is not, for the time being, required by the council for any other purpose"*.

Both the policy and investing practices of the Council must comply with Section 625 of the *Local Government Act 1993* as set out below:

#### **"625 How may councils invest?"**

- 1) *A council may invest money that is not, for the time being, required by the council for any other purpose.*
- 2) *Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.*
- 3) *An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.*
- 4) *The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section."*

The Ministerial Investment Order as at 12 January 2011 was current at the date of adopting this policy and is included in this document (see [Appendix 1](#)).

In formulating this policy the Council has also considered the 'Investment Policy Guidelines' issued by the OLG in May 2010. While it is the belief of the Council that these guidelines are not binding, it is also the Council's belief that they represent best practice and should be incorporated within the adopted investment policy.



## Policy

### Policy aims

This policy aims to ensure that:

- Council has appropriate working capital funds available to carry out its strategic plans as outlined in its delivery program and operational plan (or management plan);
- Long term core investments are limited or avoided in favour of a focus on working capital investments so that funds are readily available if required;
- A reasonable level of funds are immediately accessible in the event of a disaster or unexpected failure of infrastructure;
- Council is able to meet its liability commitments as they fall due;
- Legally-restricted funds are appropriately accounted for and invested so as to earn reasonable income towards their purposes. Legally restricted funds include trusts, developer contributions, unexpended grants, Crown reserves etc.; and
- All statutory requirements are met.
- Subject to the investment risk parameters specified in section 5.4 of this policy, Council will seek to invest in fossil fuel free products where available and where the interest rate is comparable to other investment offerings. Currently the target for fossil fuel free investments is 50% - the ability to achieve this is dependent on the availability of suitable investment offerings.

### Policy statement

1	<b>Application</b> This policy applies to the investment of Eurobodalla Shire Council's surplus funds.
2	<b>Legislation</b> Eurobodalla Shire Council will comply with Section 625 of the <i>Local Government Act (NSW) 1993</i> ; <i>The Trustee Amendment (Discretionary Investments) Act 1997 (NSW)</i> section 14A(2); <i>Local Government Code of Accounting Practice and Financial Reporting and Investment Policy Guidelines</i> dated May 2010 (issued by the OLG).
3	<b>Australian Currency</b> All investments must be denominated in Australian Dollars and comply with the Minister's determination.
4	<b>Order of Priorities</b> The order of priorities is firstly the preservation of capital, and second, the maintenance of liquidity. In this context 'liquidity' refers to the speed and ease with which an asset can be converted to cash.
5	<b>Acceptable Risk Criteria For Financial Instruments</b> Credit risk refers to the risk of ultimately not being able to redeem the funds. The average credit risk of the portfolio should reflect the conservative approach that a 'prudent person' would take to investing. This approach should be reinforced by investing in term deposits and remote risk investments.





## Policy

5.1	<p><b>Remote risk</b></p> <p>Up to 100% of all invested funds may be invested in deposits issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory. Investments held in the State and Territories must be diversified.</p> <ul style="list-style-type: none"><li>• Low liquidity risk 0% - 100%</li><li>• Medium liquidity risk 0% - 70%</li><li>• High liquidity risk 0% - 50%</li></ul>																																				
5.2	<p><b>Near risk-free</b> - Up to 100% of all invested funds in AAA to AA rated institutions and up to 40% in A rated institutions.</p> <p>Investments in this category must be issued by Australian authorised banks. Up to 100% of all invested funds can be invested in institutions with a Standard and Poor's (S&amp;P) rating equal to "A-1+" short term and in the "AAA" or "AA" (+ through -) category long term and up to 40% in institutions with a Standard and Poor's (S&amp;P) rating equal to "A" (+ through -) or with an equivalent Moody's or Fitch rating equivalents. Noting that "senior debt" and like investments with banks meeting the above criteria is permitted within this risk category.</p> <ul style="list-style-type: none"><li>• Low liquidity risk 0% - 100%</li><li>• Medium liquidity risk 0% - 50%</li><li>• High liquidity risk 0% - 30%</li></ul>																																				
5.3	<p><b>Some limited risk</b> - Up to 30% of all invested funds (Limited to two counterparties)</p> <ul style="list-style-type: none"><li>• Low liquidity risk 0% - 100%</li><li>• Medium liquidity risk 0% - 20%</li><li>• High liquidity risk 0% - 10%</li></ul> <p>Authorised banks with an S&amp;P rating equal or better than "A-2" short term or "BBB+" category long term or with an equivalent Moody's or Fitch Rating equivalents. These investments will be limited to two counterparties being the Bank of Queensland or Bendigo Adelaide Bank.</p>																																				
5.4	<p><b>Investment Parameters</b></p> <p>The maximum holding in each rating category for Council's portfolio shall be:</p> <table><tr><th>S&amp;P Long Term Category</th><th>S&amp;P Short Term Category</th><th>Maximum %</th><th>Risk Rating</th></tr><tr><td>AAA (Government guaranteed deposits)</td><td>A-1+</td><td>100%</td><td>Remote Risk</td></tr><tr><td>AAA to AA</td><td>A-1+</td><td>100%</td><td>Near Risk Free</td></tr><tr><td>A</td><td>A-1 to A-2</td><td>40%</td><td>Near Risk Free</td></tr><tr><td>BBB+</td><td>A-2</td><td>30%</td><td>Some Limited Risk</td></tr><tr><td>BBB</td><td>A-2</td><td>Nil</td><td></td></tr><tr><td>ADI/Unrated</td><td></td><td>Nil</td><td></td></tr></table> <p>The percentage per institution will restrict amount invested in one Bank as shown below:</p> <table><tr><th>S&amp;P Long Term Category</th><th>S&amp;P Short Term Category</th><th>Maximum % per Institution</th><th>Risk Rating</th></tr><tr><td></td><td></td><td></td><td></td></tr></table>	S&P Long Term Category	S&P Short Term Category	Maximum %	Risk Rating	AAA (Government guaranteed deposits)	A-1+	100%	Remote Risk	AAA to AA	A-1+	100%	Near Risk Free	A	A-1 to A-2	40%	Near Risk Free	BBB+	A-2	30%	Some Limited Risk	BBB	A-2	Nil		ADI/Unrated		Nil		S&P Long Term Category	S&P Short Term Category	Maximum % per Institution	Risk Rating				
S&P Long Term Category	S&P Short Term Category	Maximum %	Risk Rating																																		
AAA (Government guaranteed deposits)	A-1+	100%	Remote Risk																																		
AAA to AA	A-1+	100%	Near Risk Free																																		
A	A-1 to A-2	40%	Near Risk Free																																		
BBB+	A-2	30%	Some Limited Risk																																		
BBB	A-2	Nil																																			
ADI/Unrated		Nil																																			
S&P Long Term Category	S&P Short Term Category	Maximum % per Institution	Risk Rating																																		





## Policy

	AAA (Government guaranteed deposits)	A-1+	100%	Remote Risk
	AAA to AA	A-1+	40%	Near Risk Free
	A	A-1 to A-2	20%	Near Risk Free
	BBB+	A-2	20%	Some Limited Risk
	BBB	A-2	Nil	
	ADI/Unrated		Nil	
<b>6</b>	<b>Unacceptable investments</b> Any investment that falls outside the Minister's order or not included in this policy.			
<b>7</b>	<b>Safe custody arrangements</b> It will not be acceptable for title to Council's investments to be held by other organisations unless the following criteria are met: <ul style="list-style-type: none"> <li>There is adequate documentation confirming the existence of the investments</li> <li>The institution recording and holding the assets is "ASX Limited", or "ANZ Nominees", or has an S&amp;P rating equal or better than "A-1+" short term and "A" long term ("strong") or with an equivalent Moody's rating of "P1" short term and "A2" long term or Fitch Rating equivalents.</li> </ul> <i>(Where Council's assets are held in safe custody by an institution, Council may be exposed to the creditworthiness of that institution.)</i>			
<b>8</b>	<b>Other Forms of Investment</b> Internal loans are acceptable subject to any legal requirements noting that Ministerial approval is, at the time of adopting this policy, required for internal investing/borrowing arrangements to or from externally restricted funds, however such arrangements must not compromise liquidity or compliance with industry standards for financial ratios. Interest-free loans to community organisations and the like are covered by separate Council policies.			
<b>9</b>	<b>Fossil Fuel Free and Sustainable Investments</b> Subject to the investment risk parameters specified in section 5.4 of this policy, Council will seek to invest in fossil fuel free products where available and where the interest rate is comparable to other investment offerings. The target for fossil fuel free investments is 60% - the ability to achieve this is dependent on the availability of suitable investment offerings. Further, Council will also seek to preference institutions with environment-friendly credentials where fossil fuel free investments are not available, subject to the investment risk parameters in section 5.4, and comparable interest rates.			



## Policy

## Implementation

Requirements		Responsibility
1	<b>Staff</b> Under supervision of the Responsible Accounting Officer council staff will be responsible for ensuring that policies are implemented appropriately within their work area.	Chief Financial Officer Senior Financial Accountant Financial Reporting Accountant
2	<b>Complaints and requests</b> Complaints and requests received regarding the Investment Policy or investments will be recorded on Council's Records Database and handled in accordance with the Customer Service or Complaints Policy.	Council officers Public Officer
3	<b>Consultation</b> At least every three years, arrange a full comprehensive review of Council's policy and investing activities by an appropriately qualified (e.g. ASIC) adviser with the costs to be met by interest earnings and seek appropriate advice on other occasions as required. The Audit, Risk and Improvement committee should meet quarterly to review the investing environment and strategy.	Chief Financial Officer Audit, Risk and Improvement Committee (ARIC)

## Review

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

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	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit
Interest exceeds the Average Bank Bill Swap Rate by 25 Basis Points	Report

## Governance

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

## Related legislation and policies

Name	Link
Local Government Act 1993	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182</a>



## Policy

Trustee Amendment (Discretionary Investments) Act 1997	<a href="http://www.legislation.nsw.gov.au/sessionalview/sessional/act/1997-102.pdf">www.legislation.nsw.gov.au/sessionalview/sessional/act/1997-102.pdf</a>
Ministerial Investment Order 12 January 2011 Appendix A	<a href="http://www.olg.nsw.gov.au/sites/default/files/OLG%20-%20Code%20Update%2025%20-%20Appendices.pdf">www.olg.nsw.gov.au/sites/default/files/OLG%20-%20Code%20Update%2025%20-%20Appendices.pdf</a>
OLG Local Government Code of Accounting Practice and Financial Reporting 2009	<a href="http://www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/accounting-practice">www.olg.nsw.gov.au/strengthening-local-government/supporting-and-advising-councils/accounting-practice</a>
OLG Investment Policy Guidelines	<a href="http://www.olg.nsw.gov.au/sites/default/files/Investment-Policy-Guidelines-May-2010.pdf">www.olg.nsw.gov.au/sites/default/files/Investment-Policy-Guidelines-May-2010.pdf</a>

*Related external references*

Name	Link
Office of Local Government (OLG)	<a href="http://www.olg.nsw.gov.au/">www.olg.nsw.gov.au/</a>

*Supporting documents*

Name	Link
OLG Circular re: Revised Ministerial Order (17 Feb 2011)	<a href="http://www.olg.nsw.gov.au/sites/default/files/11-01_0.pdf">www.olg.nsw.gov.au/sites/default/files/11-01_0.pdf</a>
TCorp on behalf of NSW State Government – Loan Agreement with NSW Councils	Internal Document

*Definitions*

Word/Term	Definition
Prudent Person	A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would.
Credit Risk	The risk of ultimately not being able to redeem the funds.
Investments	Money that is not, for the time being, required by the council for any other purpose

*Change history*

Version	Approval date	Approved by	Minute	File	Change
1	22 Sep 2011	Council		E05.9513 E06.0355	Policy commenced
2	10 Sep 2013	Council	13/272	E05.9513 E06.0355 E13.7095	Report O13/56 Updated formatting, review date, references and links
3	12 May 2015	Council	15/31	E05.9513 E06.0355	Report FBD 15/034 - updated to reflect changes in banking
4	13 Jun 2017	Council	17/181	E05.9513 E06.0355 E16.0297	Reviewed, minor formatting updates



## Policy

5	12 Dec 2017	Council	17/393	E00.4623	Investment review
6	27 Mar 2018	Council	18/6	E00.4623	Report CCS18/012 – amended policy adopted
7	31 July 2018	Council	18/030	E00.4623	Report CCS18/030 – amended policy adopted
8	TBA	Council	TBA	TBA	Reviewed and updated

*Internal use*

Responsible officer		Chief Financial Officer		Approved by	Council
File no	E06.0355 E05.9513	Council report	TBA	Approved date	TBA
Min no	TBA	Review date	May 2022	Pages	8





## Policy

**APPENDIX 1 – Ministerial Investment Order 12 Jan 2011**

Extracted on 25/03/13 from:

[www.nsw.gov.au/sites/default/files/Government\\_Gazette\\_11\\_February\\_0.pdf](http://www.nsw.gov.au/sites/default/files/Government_Gazette_11_February_0.pdf)

**NEW SOUTH WALES GOVERNMENT GAZETTE No. 14 pp597-598**

**OFFICIAL NOTICES 11 February 2011**

**LOCAL GOVERNMENT ACT 1993**

**Investment Order**

**(Relating to Investments by Councils)**

I, the Hon. BARBARA PERRY, M.P., Minister for Local Government, in pursuance of section 625 (2) of the Local Government Act 1993 and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- a) any public funds or securities issued by or guaranteed by the Commonwealth, any State of the Commonwealth or a Territory;
- b) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW));
- c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;
- d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

**Transitional Arrangements**

- i. Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- ii. Paragraph (i) only applies to these investments made before the date of this Order and does not apply to any restructuring or switching of investments or any reinvestment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.



## Policy

### Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons. When exercising the power of investment, councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011.

The Hon. BARBARA PERRY, M.P.,  
Minister for Local Government

---

**GMR22/060 POLICY REVIEW FOR EXHIBITION - MAY 2022**

**S004-T00060**

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

- Graffiti Removal from Non-Council Owned Property/Assets
- Grazing Of Stock on Public Roads
- Interest Free Advances to Sporting and Cultural Organisations
- Kerb And Gutter Construction - Contribution by Property Owners
- Library Services
- Liquid Trade Waste Regulation
- Local And Regional Roads Risk Management
- Local Orders (LOP)

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

**RECOMMENDATION**

THAT:

1. Council places the following draft policies for the purposes of public consultation for a period of 28 days:
  - (a) Graffiti Removal from Non-Council Owned Property/Assets
  - (b) Grazing Of Stock on Public Roads
  - (c) Interest Free Advances to Sporting and Cultural Organisations
  - (d) Kerb And Gutter Construction - Contribution by Property Owners

---

**GMR22/060 POLICY REVIEW FOR EXHIBITION - MAY 2022**

**S004-  
T00060**

- (e) Library Services
  - (f) Liquid Trade Waste Regulation
  - (g) Local And Regional Roads Risk Management
  - (h) Local Orders (LOP)
2. Following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.

**BACKGROUND**

**Graffiti Removal from Non-Council Owned Property/Assets**

This Policy aims to ensure that our community is maintained free from unwanted graffiti and that there is no cost to Council for removal of graffiti from non-Council-owned property/assets.

Graffiti is a visual pollution and can be offensive to sections of the community. When the graffiti is visible to the general public, community expectation is that the graffiti should be removed as soon as possible.

**Grazing Of Stock on Public Roads**

This Policy establishes the requirements to minimise the risk arising from the grazing of stock on public roads.

**Interest Free Advances to Sporting and Cultural Organisations**

This policy recognises the important roles of social, cultural and sporting groups within the community to achieve key strategic objectives. Council will make interest free loans available to these groups subject to criteria and conditions at a reasonable cost to ratepayers.

These loans provide a positive incentive for qualifying organisations to assist their operations and deliver key infrastructure for our community.

**Kerb And Gutter Construction - Contribution by Property Owners**

This Policy establishes Council's position in regard to seeking contributions from property owners toward the construction of kerb and gutter along their property frontage. These contributions fund a proportion of the total cost of the works, with the remainder being funded through rates and other sources.

**Library Services**

This policy is designed to ensure that Council continues to provide effective Library services that meet community needs, with branches in Batemans Bay, Moruya and Narooma.

**Liquid Trade Waste Regulation**

Council is responsible for approving liquid trade waste discharges to its sewerage systems in accordance with Section 68 of the *Local Government Act 1993* (LG Act). Further, Section 90(1) of the LG Act and Clause 28 of the *Local Government (General) Regulation 2021* requires that Council obtain concurrence from the Secretary, NSW Department of Planning, Industry and Environment (DPIE) or the Secretary's nominee.



---

**GMR22/060 POLICY REVIEW FOR EXHIBITION - MAY 2022**

**S004-  
T00060**

**Local And Regional Roads Risk Management**

The purpose of this Policy is to provide a framework for the risk management of Council's road network in order to demonstrate an appropriate duty of care to road users and to reduce the exposure to potential public liability claims relating to the condition of roads.

**Local Orders (LOP)**

The purpose of the Local Orders Policy (LOP) – Keeping of Animals is to supplement provisions of Chapter 7, Part 3 of the *Local Government Act 1993* (the Act) and Clause 99 of the *Local Government (General) Regulation 2021* (the Regulation) by specifying Council's policy in regard to certain Orders under Section 124 of the Act.

1. To provide guidelines for residents on what is usually considered an appropriate number and kind of animals which may be kept.
2. To ensure the keeping of animals does not result in unhealthy or unsafe conditions or cause a nuisance to others.
3. To outline criteria Council will take into consideration when determining whether to issue an order in relation to the keeping of animals.

**CONSIDERATIONS**

**Graffiti Removal from Non-Council Owned Property/Assets**

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

**Grazing Of Stock on Public Roads**

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

**Interest Free Advances to Sporting and Cultural Organisations**

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

**Kerb And Gutter Construction - Contribution by Property Owners**

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

**Library Services**

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

**Liquid Trade Waste Regulation**

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

**Local And Regional Roads Risk Management**

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

---

**GMR22/060 POLICY REVIEW FOR EXHIBITION - MAY 2022**

**S004-  
T00060**

**Local Orders (LOP)**

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

**Community Engagement**

Council will place the draft policies on public exhibition for a period of not less than 28 days commencing on 25 May 2022 until the 21 June 2022 on Council's website at

<https://www.esc.nsw.gov.au/council/have-your-say/public-exhibition>

We are strongly encouraging people to review the policies via our website. Any specific requests for hard copies can be made through the executive services team on 4474 1022.

**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.

---

**PSR22/012 LEASE RENEWALS FOR TELECOMMUNICATIONS FACILITY, LONG  
BEACH**

**S023-  
T00016**

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

Attachments: 1. Confidential - Tender document

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek approval to renew the leases for telecommunication facilities at Long Beach.

Telstra Corporation Limited and Optus Telecommunications (the Carriers) hold leases for telecommunication facilities within Lot 56 DP 849895 at Long Beach. This site is Council-owned community land.

The current leases expired on 12 March 2022 and moved to a 12-month holding-over period. The Carriers wish to renew the leases and continue occupation of the site adjacent to Council's water reservoir off Litchfield Crescent, Long Beach.

In accordance with Section 47A of the *Local Government Act 1993*, the intention to grant lease renewals to the Carriers over part Lot 56 DP 849895, Long Beach was publicly notified for 28 days from 9 March – 5 April 2022. No submissions were received.

It is recommended that Council grant lease renewals to the existing Carriers for a further five-year period. The lease renewal will include conditions generally in line with the existing Leases.

### **RECOMMENDATION**

THAT

1. Council grant lease renewals to Telstra Corporation Limited and Optus Telecommunications to operate telecommunications facilities within Lot 56 DP 849895 at Long Beach in accordance with the following conditions:
  - (a) Rental be determined with regard to the market valuation and as outlined in the Confidential Attachment to this report.
  - (b) The provision of \$20 million public liability insurance.
  - (c) Conditions generally be in line with previous leases.

### **BACKGROUND**

Council first approved the Telstra telecommunications facility at Long Beach in March 2012. Following consent, Telstra was granted a five-year lease within this Council property commencing 13 March 2012. The telecommunications facility has been operating at this site since that time.

---

**PSR22/012 LEASE RENEWALS FOR TELECOMMUNICATIONS FACILITY, LONG  
BEACH**

**S023-  
T00016**

Optus was granted a lease in October 2018 to co-locate at the site with Telstra.

Council received notification of the Carriers' preference to renew the leases and continue occupation of the site and commenced negotiations as to the terms of lease renewals. The current leases expired on 12 March 2022. The Carriers continue operating under the current leases from 13 March 2022 in accordance with the holding-over clause.

Council has approximately 16 leases for telecommunication facilities on Council land.

Council has consistently received requests from telecommunications carriers to reduce the rental for these sites when the leases are due for renewal. Financial negotiations regarding this site are continuing - see attached Confidential Attachment regarding current negotiations.

The telecommunications carriers are in a strong negotiating position as they have extensive rights and powers under the *Telecommunications Act 1997*, Council has obtained a valuation from a registered valuer and commissioned an independent report on Councils' telecommunications lease holdings to inform our negotiating position.

**CONSIDERATIONS**

In accordance with the provisions of the *Local Government Act, 1993* (LGA) all Council-owned properties, except roads, must be classified as either 'operational land' or 'community land'.

Land classified as 'community' land has several restrictions to protect its use which includes the intended purpose of its use and the requirement for public notification for leasing purposes.

The lease area is shown in the sketch below.

**PSR22/012 LEASE RENEWALS FOR TELECOMMUNICATIONS FACILITY, LONG BEACH**

**S023-  
T00016**



*Lot 56 DP 849895 Long Beach*

**Legal**

Lot 56 DP 849895 is classified as community land. Council can issue a lease for a period of up to five years for public reserves classified as community land and Crown reserves for which Council is Crown Land Manager, after giving public notice and considering any submissions in accordance with Section 47A of the *Local Government Act 1993*.

[www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div2/sec47a](http://www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div2/sec47a)

Telecommunications carriers have broad powers and immunities under the *Telecommunications Act 1997* (Act). In particular, their rights under Schedule 3 of the Act can be invoked to allow them to stay in possession of a property after a lease has ended.

[https://www.legislation.gov.au/Details/C2022C00038/Html/Volume\\_3#\\_Toc93589592](https://www.legislation.gov.au/Details/C2022C00038/Html/Volume_3#_Toc93589592)

**Policy**

Objective 9.2 of the Delivery Program – Operational Plan (DPOP), is to manage land under Council control of achieving a return for the community.

**Asset**

Mobile telecommunications are an essential asset in this area.

---

**PSR22/012 LEASE RENEWALS FOR TELECOMMUNICATIONS FACILITY, LONG  
BEACH**

**S023-  
T00016**

**Social Impact**

Continued network coverage in the area will benefit the community by maintaining access to telephone and internet services.

**Economic Development Employment Potential**

Consistent and reliable access to telecommunications supports business and community connections in the area.

**Financial**

The rental for current telecommunications leases varies throughout the Shire.

Council has consistently received requests from telecommunications carriers to reduce the rental for these sites when the leases are due for renewal. Financial negotiations regarding this site are continuing.

The rental will be negotiated taking into account the market valuation determined by a registered valuer and the independent report on telecommunication facilities – see attached Confidential Attachment regarding current negotiations.

**Community and Stakeholder Engagement**

In accordance with Section 47A of the *Local Government Act 1993* and Council's *Community Engagement Framework*, the intention to grant lease renewals to the Carriers over part Lot 56 DP 849895, Long Beach was publicly notified for 28 days from 9 March – 5 April 2022.

No submissions were received.

**CONCLUSION**

Telstra Corporation Limited has leased the area for a telecommunications facility at Long Beach since 2012 and Optus telecommunications has leased since 2018. The facilities are of great benefit to local businesses and the general community.

It is recommended that Council grant lease renewals to the Carriers.

---

**PSR22/013 OPTIONAL NATURAL DISASTERS CLAUSE**

**S017-T00008**

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

Attachments: 1. FAQs - Natural Disasters Model Clause  
2. Natural Disasters Clause - Guidance Material

Outcome: 6 Responsible and Balanced Development

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

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

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

**EXECUTIVE SUMMARY**

The purpose of this report is to make a recommendation regarding the optional Natural Disasters clause being proposed by the Department of Planning and Environment (DPE) to be inserted into Local Environmental Plans (LEPs) of Council's affected by floods.

The intent of the clause is to make it easier for people to rebuild after a losing their dwelling house or secondary dwelling as the result of a natural disaster.

Acceptance of the offer would avoid the need for Council to undertake its own planning proposal in the future.

It is considered, however that the clause has the potential to unintentionally confuse or mislead residents as to the planning considerations relating to the rebuilding of their homes after a bushfire or flood and that there are better options to assist home owners in this situation.

**RECOMMENDATION**

THAT:

1. Council declines to adopt the clause 5.9 Dwelling house or Secondary Dwelling Affected by Natural Disaster [optional] into the *Eurobodalla Local Environmental Plan 2012*.
2. If Council Resolves to adopt the clause, that it applies to all zones.
3. Council advises the Department of Planning and Environment of its decision and the reasons for its decision.

**BACKGROUND**

In 2021, the Department of Planning and Environment (DPE) offered the opportunity to NSW councils to include an optional 'natural disasters' clause into their Local Environmental Plans following the 2019-20 bushfires. The intent of the clause is to make it easier for people to rebuild after losing their dwelling house or secondary dwelling through a natural disaster.

In the wake of the recent floods, DPE is again offering to insert the optional clause in the LEPs of councils affected by the recent floods.

Acceptance of the offer would avoid the need for Council to lodge its own planning proposal but does require a Council resolution and advice forwarded to DPE in May 2022.

---

**PSR22/013 OPTIONAL NATURAL DISASTERS CLAUSE**

**S017-T00008**

The clause reads:

**5.9 Dwelling house or secondary dwelling affected by natural disaster [optional]**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) *[set out the zones to which the clause is to apply]*
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

**CONSIDERATIONS**

In reaching the recommendation that Council do not take up the option to adopt the clause, the following was taken into consideration:

- Staff support the intent of the clause to make it easier for people to rebuild after a losing their dwelling house or secondary dwelling through a natural disaster.
- However, the clause is ambiguous. For example, the words “Despite the other provisions of this Plan...” creates the impression that the LEP provisions referring to the *Rural Fires Act 1997*, the *Heritage Act 1977*, or flood planning considerations do not apply.
- This has the potential to mislead affected residents into believing that little or no constraints apply to the rebuilding of their home. The guidance documents clearly indicate this is not the case.
- Further, it is not clear from the wording of the clause and the guidance documents if Council can require applicants to comply with essential LEP requirements around flooding or sea level rise.
- Potential applicants may note the clause in the LEP, but not the guidance documents leading to potential misunderstandings and introducing uncertainty into the rebuilding process at a time when greater certainty is required.

Following the 2019-20 bushfires, Development Services staff established a proven record of adapting their operations to provide fast, informative and sensitive assistance to residents wishing to rebuild after losing their home in the fires.

This is still considered to be the best way in which we can help our community in such a time.



---

**PSR22/013 OPTIONAL NATURAL DISASTERS CLAUSE**

**S017-T00008**

If councillors decide to adopt the clause, then it is recommended that it applies to all zones. This is in light of the fact that the dwelling house or secondary dwelling must have been lawfully erected in the first place.

**Legal**

There is no legal obligation for Council to adopt the clause. If Council decides to adopt the clause at a later date, it will require a planning proposal to amend the LEP.

**Environmental**

It is not clear from the wording of the optional clause and the guidance documents if Council can require applicants to comply with essential LEP requirements around flooding or sea level rise. It is essential for the safety of residents and property that these considerations are applied to provide resilience against natural disasters in the future.

**Social Impact**

The potential for confusion caused by the ambiguity of the optional clause may negatively impact the wellbeing of residents who having already suffered the trauma of losing their home.

Council's Development Services staff have a proven record of adapting their operations to provide fast, informative and sensitive assistance to residents wishing to rebuild after the 2019-20 bushfires.

It is considered that this is still the best way in which we can support our community in such a time.

**CONCLUSION**

The optional clause needs to be clear and unambiguous. It needs to indicate what is to be considered and what is not being considered in the assessment of a DA to rebuild people's homes. It is not sufficient that it is clarified in the guidance documents.

It is considered, however that the clause has the potential to unintentionally confuse or mislead residents as to the planning considerations relating to the rebuilding of their homes after a bushfire or flood and that there are better options to assist home owners in this situation.

It is recommended that Eurobodalla Shire Council do not adopt the clause and that Council's concerns are communicated to DPE.

If councillors decide to adopt the clause, then it is recommended that it applies to all zones.

## Natural Disaster Recovery

Optional Clause for Natural Disasters



### Frequently Asked Questions

The NSW Government is committed to helping communities recover after natural disasters and future-proof our planning system. To facilitate the rebuild and repair of dwellings following a natural disaster, the Department of Planning, Industry and Environment has prepared a clause for inclusion as an optional provision in the Standard Instrument (Local Environmental Plans) Order.

#### What does the clause do?

The clause clarifies that a dwelling, including a secondary dwelling, can be rebuilt or repaired if the original lawful dwelling was destroyed or damaged in a natural disaster. A merit assessment is still required, however the rebuild or repair cannot be refused on the basis of any development standards in the LEP.

#### What types of development does the clause apply to?

The clause applies to development applications (DAs) to rebuild or replace lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.

Applicants seeking to make DAs in accordance with the clause will need to outline the nature, extent and circumstances of the damage caused by a natural disaster to the dwelling house or secondary dwelling. Applicants and local councils are encouraged to work together in good faith to establish this information and whether it is appropriate to apply the clause for DAs to rebuild homes.

#### What land does the clause apply to?

Individual councils will nominate which land use zones the clause will apply to. This will allow councils to identify areas in their local government area where the clause would be useful and prevent it from being applied to areas that are unsuitable for residential development.

#### Does the replacement or repair of a dwelling house or secondary dwelling have to be identical to the original building?

No. The replacement or repair of a dwelling does not have to be identical to the original dwelling which was destroyed or damaged. Changes to the design and location of a proposed dwelling may be required to meet the relevant provisions of development control plans or other relevant planning instruments and associated legislation.

#### What is a *natural disaster* for the purposes of applying the clause?

A natural disaster is not defined in the legislation but should be taken to be an extreme weather event that is consistent with the commonly understood meaning of the term.

#### What is meant by *lawfully erected* for the purposes of applying the clause?

To be a lawfully erected dwelling house or secondary dwelling, it must have been constructed under a valid development consent, building approval or another lawful planning pathway under the *Environmental Planning and Assessment Act 1979* or equivalent historical planning legislation.

## Natural Disaster Recovery

### Optional Clause for Natural Disasters



Applicants and local councils are encouraged to work together in good faith to establish the planning context of the site and the applicability of the clause for DAs to rebuild homes. This may involve accessing council's property records.

#### **How long following the natural disaster can a DA be made under the clause?**

A DA seeking development consent to rebuild or replace a dwelling under the clause must be made to the consent authority no later than five years after the day on which the natural disaster caused the damage or destruction.

#### **Why does the clause only apply to dwellings and not other forms of development, such as commercial buildings?**

Many LEPs in regional areas include provisions that enable consent to be granted for a dwelling house that is intended only to replace an existing lawfully erected dwelling house.

However, the Department has received feedback that uncertainty in respect to whether these provisions could apply when a dwelling is completely destroyed (ie no longer exists) has resulted in the need for the new clause.

In addition, the Department has received feedback that another impediment facing the rebuild of dwellings is changes in minimum lot size controls over time. This isn't typically an impediment faced when rebuilding commercial or other types of development. An applicant relying on the clause to rebuild his/her home will not have to submit a clause 4.6 variation if planning controls have changed since the dwelling was built, saving the applicant time and money, and providing them certainty in respect to being able to lodge a DA for rebuild.

#### **Can a consent authority refuse a DA where the clause applies on the basis that it does not meet development standards outlined in the LEP?**

No. For DAs where the clause applies, the consent authority cannot refuse a DA on the basis it does not comply with a development standard in the applicable LEP. The proposed development will still be assessed on its merits against the relevant considerations under section 4.15 of the *Environmental Planning and Assessment Act 1979* and any other applicable legislation.

#### **Where a DA made pursuant to the clause is inconsistent with a development standard(s) outlined in a LEP, is a request to vary development standards under Clause 4.6 required?**

No, applicants are not required to submit a request to vary development standards under clause 4.6 of the applicable LEP where the clause applies. The clause allows consent authorities to grant development consent to the specified development despite any other provisions in the LEP.

#### **Do relevant provisions outlined in State Environmental Planning Policies (SEPPs) apply to DAs where the clause applies?**

Yes. Development standards, concurrence requirements and other applicable provisions outlined in SEPPs will continue to apply to development where the new clause applies.

## Natural Disaster Recovery

Optional Clause for Natural Disasters



### Does *Planning for Bushfire Protection* apply to DAs utilising the clause?

Yes. Section 4.14 of the EP&A Act applies for development of bushfire prone land and all relevant requirements of *Planning for Bushfire Protection* must be satisfied.

### Does the *Biodiversity Conservation Act 2016* apply to DAs utilising the clause?

Yes. Where the clause and the *Biodiversity Conservation Act 2016* apply, any relevant assessment and offsetting requirements under that Act must also be met.

### How does the clause interact with existing use rights?

The optional clause for natural disasters does not affect existing use rights. The clause will operate alongside any existing use rights. Existing uses are defined in [Section 4.65 of the EP&A Act 1979](#).

### How will the proposed clause be rolled out to local council LEPs?

To expedite the inclusion of this provision in LEPs, the Department will amend the relevant LEPs for councils who have opted into the process, saving those councils the time and resources required to progress individual planning proposals.

### What does my council have to do to have the clause included in their LEP?

The natural disasters clause is an optional clause in the Standard Instrument LEP and councils who are interested in adopting should liaise with their relevant DPIE regional or district team to progress a planning proposal to amend their LEP.

The regional or district team will be able to assist with nominating zones to which the clause will apply and determining the most appropriate planning proposal pathway for the clause considering the timing of other strategic planning work that may be being undertaken by council.

### Where can I find more information?

For more information:

Web: [www.planningportal.nsw.gov.au/natural-disasters-clause](http://www.planningportal.nsw.gov.au/natural-disasters-clause)

Phone: 1300 73 44 66

Email: [disaster.recovery@planning.nsw.gov.au](mailto:disaster.recovery@planning.nsw.gov.au)



## Natural Disasters Clause

Guidance for Implementation



November 2020

### Natural Disasters Local Environmental Plan Clause

#### Introduction

Clause 5.9 of the Standard Instrument Order (the clause) was introduced to support homeowners whose homes have been damaged or destroyed by natural disasters. The clause applies to development applications (DAs) where development consent is sought to repair or replace a dwelling house or secondary dwelling that was damaged or destroyed by a natural disaster.

The clause was prepared in response to regulatory challenges faced by homeowners seeking to rebuild homes following natural disasters where planning controls in Local Environmental Plans (LEP) have changed over time.

The clause will ensure that development consent can be granted for the repair or replacement of a dwelling that was damaged or destroyed by a natural disaster despite any provisions in the relevant LEP which would otherwise prevent the consent authority from doing so.

The clause intends to eliminate the need for applicants to:

- Prepare formal requests to vary a development standard; or
- Demonstrate the continuance of an existing use in circumstances where dwelling houses or secondary dwellings are no longer permitted with consent in the relevant zone (applicants will need to demonstrate that the existing dwelling was lawfully erected).

#### Natural Disasters

Natural disasters are naturally occurring, rapid onset events that cause serious disruption to life or property in a community or region, such as floods, bushfires, earthquakes, storms, cyclones, storm surges, landslides and tsunamis. A natural disaster can include a state of emergency declared under section 33 of the *State Emergency and Rescue Management Act 1989*.

The rebuilding or repair of damage or destruction caused by or because of any of these events is development to which the clause applies.

#### Varying Development Standards

The clause states that consent can be granted to the specified development in a zone where the clause applies despite any other provision of the relevant LEP. For this reason, it is not necessary for applicants to submit a request to vary a development standard where a development standard is contravened. DAs will still undergo a merit assessment to ensure that dwelling houses and secondary dwellings are of an appropriate size, location and design in the context of the site.

In situations where key planning controls or development standards have changed over time, removing the need to formally request a variation under clause 4.6 of the relevant LEP will save time and resources for applicants and consent authorities.

#### Merit Assessment

For DAs where the clause applies, the consent authority cannot refuse a DA on the basis it does not comply with a development standard or other provision in the applicable LEP.

The proposed development will be assessed on its merits against the relevant considerations under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and any other applicable legislation.

## Natural Disasters Clause

### Guidance for Implementation



Any standards or provisions outlined in a State Environmental Planning Policy (SEPP) that are relevant to the DA continue to apply (including any concurrence or referral requirements). Development Control Plan (DCP) provisions also continue to apply.

### Evaluation under section 4.15 of the *Environmental Planning and Assessment Act 1979* where the clause applies

For DAs where the clause applies, LEP provisions themselves must not be used as a reason for refusal. However, if the consent authority considers that the risk, or other environmental impact associated with the proposed development is inconsistent with the relevant considerations of section 4.15, the consent authority can refuse the application on that basis.

#### **Example**

Due to a period of local severe rains, a river floods and destroys two homes. Although this natural event is not subject to an emergency declaration under section 33 of the *State Emergency and Rescue Management Act 1989*, it is still considered to be a natural disaster and accordingly, the natural disasters clause could potentially be applied to rebuild the destroyed dwelling houses.

Council is unable to refuse the DA to rebuild the destroyed dwelling on the basis that it does not comply with a development standard in the applicable LEP – however, council will be able to undertake a merit assessment under section 4.15 of the EP&A Act. If council considers the site is unsuitable for redevelopment under section 4.15(1)(c) due to flooding concerns, then the DA may be rejected on this basis.

### Other Applicable Legislation

The requirements of other applicable legislation referred to in a SEPP, or in the EP&A Act continue to apply to DAs where the clause applies. For example, section 4.14 of the EP&A Act continues to apply for development of bushfire prone land and all relevant requirements of *Planning for Bushfire Protection 2019* must be satisfied.

*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and the *Biodiversity Conservation Act 2016* will also continue to apply to development involving clearing of vegetation and development of land with high biodiversity values. Any relevant assessment and offsetting requirements under that Act must also be met.

### Replace and Repair

The clause refers to the *repair* or *replacement* of a lawfully erected dwelling house or secondary dwelling that was damaged in a natural disaster. There is no requirement for the *replacement* or *repair* subject of a DA to be identical to the original dwelling which was destroyed or damaged.

Development consent can be granted for dwelling houses and secondary dwellings that are of a different size, location or design to the original dwelling under the clause. Changes to the design and location of a proposed dwelling may be required to meet the relevant provisions of a DCP, other environmental planning instruments, associated legislation or the requirements of the National Construction Code.

### Lawfully Erected

To be a lawfully erected dwelling house or secondary dwelling, it must have been constructed under a valid development consent, building approval or another lawful planning pathway under the EP&A Act or equivalent historical planning legislation.

## Natural Disasters Clause

Guidance for Implementation



### Further Information

For more information:

Web: [www.planningportal.nsw.gov.au/natural-disasters-clause](http://www.planningportal.nsw.gov.au/natural-disasters-clause)

Phone: 1300 73 44 66

Email: [disaster.recovery@planning.nsw.gov.au](mailto:disaster.recovery@planning.nsw.gov.au)

---

**PSR22/014 REQUEST FOR TENDER (RFT) - NEW CABINS AT BATEMANS BAY BEACH RESORT S023-T00005**

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

Attachments: 1. Confidential - Tender document

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.4 Manage the operation of Council's campgrounds and Batemans Bay Beach Resort

### **EXECUTIVE SUMMARY**

The purpose of this report is to advise Council that the Request for Tender (RFT) No. 2021/095 for the Supply and Installation of Cabins or similar accommodation at Batemans Bay Beach Resort (BBBR) was advertised from 4 March 2022 with a closing date of 28 March 2022.

The tender was for the supply and installation of 2 new cabins at BBBR - one a 3 bedroom cabin and one a 2 bedroom accessible cabin.

This report outlines the evaluation of offers submitted in response to the RFT and provides a recommendation for the preferred tender.

### **RECOMMENDATION**

THAT Council:

1. Council endorses the selection of the preferred tenderer identified in the confidential attachment to this report for Request for Tender No. 2021/095 for the Supply and Installation of Cabins or similar accommodation at Batemans Bay Beach Resort.
2. Approves the entering into of a contractual arrangement with the preferred tenderer, for the supply and installation of cabins subject to the terms specified in the Request for Tender No. 2021/095 unless otherwise varied in accordance with this report or final negotiations.

### **BACKGROUND**

RFT No. 2021/095 was advertised on 4 March 2022 with a closing date of 28 March 2022. Offers were received from the following tenderers and assessed in accordance with the Tender

Evaluation Plan:

- Uniplan Group Pty Ltd
- Hitech Austwide Pty Ltd
- Federation Luxury Transportables



---

**PSR22/014 REQUEST FOR TENDER (RFT) - NEW CABINS AT BATEMANS BAY  
BEACH RESORT**

**S023-  
T00005**

The tender was for the supply and installation of 2 new cabins at BBBR, one a 3 bedroom cabin and one a 2 bedroom accessible cabin.

Currently BBBR has only one heavily booked, 3 bedroom cabin and one, single bedroom studio style accessible cabin. The new accessible cabin will provide a facility for families who need accessible accommodation for the first time.

**CONSIDERATIONS**

**Legal**

Request for Tender (RFT) No. 2021/095 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

The tender was advertised on Council's noticeboard page, online and at Council's Tenderlink web portal ([www.tenderlink.com/eurobodalla](http://www.tenderlink.com/eurobodalla)).

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

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

**Policy**

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

**Asset**

The BBBR is on a reserve owned by the NSW Government (ie: Crown land) and managed by Council as Crown Land Manager. It is a five star tourism asset which includes cabins, common amenities, internal roads and leisure activity equipment. It achieves excellent reviews from customers as demonstrated by Trip Advisor reviews and its own customer feedback system

The new cabins will be one 3 bed cabin and one 2 bed accessible cabin as these accommodation types are in short supply at the moment with only one of each on site.

**Economic Development Employment Potential**

Providing quality accommodation is an important part of any tourism destination. An updated set of operational guidelines will ensure this is maintained and with a management contract designed to maximise visitor numbers and profitability, the BBBR will attract even more visitors to Eurobodalla.

**Financial**

Improved trading performance is expected at the BBBR with these new cabins increasing the stock of accommodation types in short supply at the moment.

---

**PSR22/014 REQUEST FOR TENDER (RFT) - NEW CABINS AT BATEMANS BAY  
BEACH RESORT**

**S023-  
T00005**

**Community and Stakeholder Engagement**

Council provided information regarding the tender process via Council's noticeboard page, direct via a broad range of industry contacts including the Caravan and Camping Industry Association's newsletter and at Council's Tenderlink web portal ([www.tenderlink.com/eurobodalla](http://www.tenderlink.com/eurobodalla))

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

**CONCLUSION**

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

The preferred tender for BBBR as identified in the Confidential Attachment to this report is therefore recommended for the awarding of a contract for the requirement.

---

**IR22/014 REQUEST FOR TENDER (RFT) - 2122/059 PROVISION OF TREE  
MANAGEMENT SERVICES ON COUNCIL OWNED AND MANAGED  
LAND PANEL**

**S004-  
T00004**

Responsible Officer: Tony Swallow - Acting Director Infrastructure Services

Attachments: 1. Confidential - RFT 2122/059 Provision of Tree Management Services  
on Council Owned and Managed Land Panel

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.1 Work in partnership to ensure safety at home and within the  
community

Delivery Program Link: 1.1.2 Deliver legislated health protection and regulatory programs

Operational Plan Link: 1.1.2.3 Monitor, inspect and respond to issues in relation to public  
safety

### **EXECUTIVE SUMMARY**

Council annually receives over 200 requests for tree risk assessments through Council's Customer Request Management System. Council routinely hires tree management contractors to undertake works to manage tree-related risks on all land under Council's control. To enable works to be undertaken efficiently, with repeatable systems in place to effectively manage workplace health and safety, environmental, legal and insurance requirements, Council has established a 4-year pre-qualified panel contract.

A Request for Tender (RFT) No. 2122-059 for the Provision of Tree Management Services on Council Owned and Managed Land was advertised on 3 March 2022 and closed on 25 March 2022.

This report outlines the associated pre-qualification evaluation process for suppliers of tree management services to be appointed to a panel arrangement, for four (4) years during the period 01 July 2022 until 30 June 2026 with an optional extension period of 1 x twelve (12) months, and provides a recommendation for the preferred source of service providers.

The Panel will comprise Contractors appointed to undertake Council tree management services, which may include:

- tree removal
- tree pruning
- stump grinding
- root pruning
- installation of root control barriers
- pesticide application.

This process strongly supports the use of local contractors with a positive flow-on to the local economy and employment while ensuring good value.

---

**IR22/014 REQUEST FOR TENDER (RFT) - 2122/059 PROVISION OF TREE  
MANAGEMENT SERVICES ON COUNCIL OWNED AND MANAGED  
LAND PANEL**

**S004-  
T00004**

**RECOMMENDATION**

THAT Council:

1. Endorses the selection of the panellists listed for RFT No. 2122-059 within the Confidential Attachment.
2. Accordingly approves the entering into the Deeds of Standing Offers with the proposed panellists as detailed within the Confidential Attachment.

**BACKGROUND**

Hundreds of individual trees are assessed in an average year, with thousands of trees assessed following the Black Summer bushfires. Trees are assessed to determine a risk rating in accordance with Councils [Tree Risk Management on Council Controlled Land Code of Practice \(CoP\)](#). High risk trees are treated as per the CoP by undertaking tree pruning and removal activities. Further works to undertake risk mitigation for moderate risk trees are undertaken as programming and funding permits in accordance with the CoP.

The existing panel contract, RFT2017/ISD031, has reached the end of its prescribed duration, therefore, a requirement now exists to update Council's Provision of Tree Management Services on Council Owned and Managed Land Panel. Panelled contractors will be requested by Council's Representative to provide written quotations for jobs or sets of jobs, without the need to repeatedly provide operator/plant certification, to maximise competitiveness, reduce hire administration and holistically manage contractor workplace health and safety, environmental and other risks associated with delivery of works.

RFT No. 2122-059 for the Provision of Tree Management Services on Council Owned and Managed Land during the period 01 July 2022 until 30 June 2026 was advertised on 3 March 2022 and closed on 25 March 2022. The Request for Tender had a response with five (5) tenders received to provide services.

The list of Tenderers is as follows:

- Asset Arbor
- Lachlan Smith TA Eurobodalla Tree Services
- Outlook Tree Solutions Pty Ltd
- Zenith Tree Services
- Asplundh Tree Expert.

A summary of the evaluation including compliance against the evaluation criteria and proposed panel composition is provided with the confidential attachment.

**CONSIDERATIONS**

Request for Tender (RFT) No. 2122/059 – Provision of Tree Management Services on Council Owned and Managed Land, was advertised for the purpose of establishing a pre-qualified list of

---

**IR22/014 REQUEST FOR TENDER (RFT) - 2122/059 PROVISION OF TREE  
MANAGEMENT SERVICES ON COUNCIL OWNED AND MANAGED  
LAND PANEL**

**S004-  
T00004**

suppliers of tree management services. Establishing a panel of suppliers of tree management services will provide the following benefits to Council:

- Meeting the tendering requirements of Section 55 of the Local Government Act and removing the risk of spending above the \$250,000 threshold with individual service providers;
- Providing a level playing field for local service providers to bid for work in the Local Government setting in general;
- Removing the need for costly and time-consuming individual quotation and compliance screening processes for every requirement; and
- Better contract management by having a Deed of Standing Offer.

The outcome will assist Council in avoiding costly future screening exercises over a four-year period (with the option to extend the agreement by a further 1 x 12 months) and ensure Council complies with the tendering requirements of Section 55 of the Local Government Act 1993.

#### **Legal**

RFT No. 2122/059 was advertised in accordance with *Local Government (General) Regulation 2021 REG 167* and *Local Government Act 1993*.

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

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

#### **Policy**

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

#### **Environmental**

When hired by Council, tree operators are required to adhere to site specific environmental practices as communicated by Council through Instrument of Agreements (IoAs) and other inductions by staff. Plant and equipment must also undergo a variety of Council inspections as well as operator checks to ensure the equipment is mechanically compliant and the contractor's staff are appropriately qualified for the given activities.

#### **Economic**

The use of the Panel contract to supplement Council's own operations results in employment of local contractors and suppliers at competitive rates. Engaging local contractors has consequent flow-on benefits to our local economy, providing support for local businesses and employment.

---

**IR22/014 REQUEST FOR TENDER (RFT) - 2122/059 PROVISION OF TREE  
MANAGEMENT SERVICES ON COUNCIL OWNED AND MANAGED  
LAND PANEL**

**S004-  
T00004**

The requirements to comply with Council's management systems also has other flow-on benefits such as improved workplace health and safety within the overall local tree management industry.

**Financial**

The use of the Panel contract arrangements provides resources to complete works at competitive rates providing good value.

All orders raised against the proposed Panel will be funded individually by the relevant works or maintenance program. The Panel will be available for use across all applicable Council programs allowing programs to avoid unnecessary procurement administration associated with seeking offers separately for projects.

Council estimates the total value of services to be provided under the panel will typically be in excess of \$250,000 annually to effectively manage risks to the community and infrastructure.

This RFT excludes tree management services using excavators and dozers typically used in larger scale construction clearing.

**Community and Stakeholder Engagement**

Subject to the resolution of Council to the Provision of Tree Management Services on Council Owned and Managed Land Panel, the community will be informed of the panel via Council's contract register found on Council's website.

**CONCLUSION**

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the preferred tenderers have been assessed, through an extensive evaluation as representing best value for money and meeting the compliance and skills requirements of the tender.

Deeds of Standing Offer will be entered into with the preferred panellists as detailed within the Confidential Attachment.

---

**CAR22/006 ACCEPTANCE OF COMMONWEALTH HOME SUPPORT PROGRAM  
(CHSP) FUNDING EXTENSION**

**S003  
T00008**

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

Attachments: Nil

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs

Delivery Program Link: 1.4.2 Provide flexible, community based services to support older people, people with a disability and their carers

Operational Plan Link: 1.4.2.2 Provide support services for older people

### **EXECUTIVE SUMMARY**

Council's Community Care has received a Deed of Variation detailing an extension of Commonwealth Home Support Program (CHSP) funding of \$986,932.65 to continue existing service provision for eligible older people from 1 July 2022 to 30 June 2023. In order for the funds to be released, the Deed of Variation has to be signed and returned to the Australian Government Department of Health by 30 May 2022.

### **RECOMMENDATION**

THAT Council endorse acceptance of \$986,932.65 funding for Commonwealth Home Support Program activities from the Australian Government Department of Health and executes the Deed of Variation.

### **BACKGROUND**

The Commonwealth Home Support Program (CHSP), funded by the Australian government provides necessary supports to eligible frail older people to maximise their independence at home and in the community. An extension of current funding has been offered through a Deed of Variation.

The Australian Government Department of Health proposes to replace CHSP services with a new individualised Support at Home Program, which will commence July 2023 and is intended to streamline support provision and provide a more equitable and efficient service.

Community Care is currently contracted to provide social support, respite and sector development activities. Funding arrangements have been extended for twelve months to ensure clients continue to access their services and supports whilst the design for the new Support at Home program is finalised by the Australian Government Department of Health.

### **CONSIDERATIONS**

#### **Social Impact**

The Commonwealth Home Support Program (CHSP) provides services that meet the needs of people who are ageing, contributing to their quality of life and community wellbeing. The additional funding provides for the continuation of a range of supports for @110 current clients, enabling a greater degree of independence and connection to community. This program

---

**CAR22/006 ACCEPTANCE OF COMMONWEALTH HOME SUPPORT PROGRAM  
(CHSP) FUNDING EXTENSION**

**S003  
T00008**

complements the Aged Care Package program also provided by Council, providing options for community members.

Given the high percentage of people 65+ in our shire (30.4% compared to 16.2 for NSW, ABS, 2016) the provision of a range of appropriate programs, services and funding is essential, enabling community members to continue participating in community life.

**Economic Development Employment Potential**

The total Commonwealth Home Support funding will to provide \$986,932.65 in support services to clients.

**Financial**

The CHSP program is fully funded by the Australian government, with no Council funding required.

**CONCLUSION**

The CHSP program provides services and supports to meet the needs of older community members, enabling independence and continued participation in community life.

This report requests that Council endorse the Deed of Variation to release funds of \$986,932.65 to facilitate Commonwealth Home Support Program activities to continue per existing service provision to around 110 clients from 1 July 2022 to 30 June 2023.



---

**CAR22/007 FOUNDATION FOR RURAL RECOVERY AND RENEWAL  
HOMELESSNESS PROJECT FUNDING**

**S003-  
T00044**

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

Attachments: Nil

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.4 Ensure activities, facilities and services meet changing community needs

Delivery Program Link: 1.4.1 Plan for and provide opportunities, services and activities for youth

Operational Plan Link: 1.4.1.1 Provide services and opportunities for young people

### **EXECUTIVE SUMMARY**

This report seeks Council approval for acceptance of external funds offered to provide relief for people experiencing homelessness in the Eurobodalla through the Eurobodalla Shower and Laundry Project.

A total of \$25,000.00 (ex GST) has been offered via the Foundation for Rural Recovery and Renewal for program delivery between May and December 2022. Council has agreed to apply for and auspice the grant as a pilot.

### **RECOMMENDATION**

THAT Council endorses the acceptance of \$25,000 (ex GST) in grant funding from the Foundation for Rural Recovery and Renewal to auspice the grant for the Eurobodalla Shower and Laundry Project.

### **BACKGROUND**

On 15 August 2021 Council received a letter from Rotary Moruya Inc identifying concerns regarding difficulties for people experiencing homelessness – “we are distressed by the number of homeless people in the Eurobodalla Shire and realise that it is basic to human dignity that shower/washing facilities are available to all members of our community”.

Council staff called a meeting with key services including Vinnies, Salvos, Pivot Point, Rotary, The Family Place, Southern Care, Hope House/Community Life and Eurobodalla Homelessness Specialist Service to verify and validate the need for the development of a service. There was unanimous agreement that funding needed to be sought to progress the project.

The group identified that there are limited existing local initiatives, and these have not been promoted to the community. For example - Southern Care - have one shower in the female toilets open Wednesday; Salvation Army in Batemans Bay assist people with showers on Wednesday; St Vincent de Paul provides access to their hot shower on Mondays and Fridays; South East Women & Children’s Service, Moruya Youth Refuge and services operating from Dr Mackay Community Centre only provides showers to their clients, not the public.

Council staff have set up a reference group with all these services and will continue this relationship to ensure the project meets community demand and utilises existing resources and facilities to build community capacity. Some of the above organisations have advised that they have volunteers wanting to support this project. Staff will also use council’s extensive existing

---

**CAR22/007 FOUNDATION FOR RURAL RECOVERY AND RENEWAL  
HOMELESSNESS PROJECT FUNDING**

**S003-  
T00044**

mailing lists and communication channels to keep the community informed of what is going on and make the most of their marketing resources to promote the service across many channels including social media, newspapers, radio, posters and newsletters.

In November 2021, staff formalised the proposal, gathered evidence, prepared a budget, liaised with community organisations and prepared a grant application.

**CONSIDERATIONS**

**PROJECT TIMEFRAME**

- May 2022: advertise and recruit a project volunteer coordinator and install payWave system in three laundries.
- May – November 2022: run pilot project.
- December 2022: Review and determine a way forward. Project partners will collaborate on the development of an exit plan.

It is important that this pilot project provides access to local facilities over the winter period. During summer there is access to free cold showers. Over winter there is very limited ad-hoc access to a hot shower.

All the supporting data has been prepared for job descriptions, volunteer training documentation, quotes, etc ready for the coordinator to begin implementing the project outcomes.

**PROJECT OUTCOMES:**

This project has two components.

1. To introduce a payWave system to three laundries in Batemans Bay, Moruya and Narooma to enable the establishment of a voucher service for people experiencing homelessness and financial difficulty. Currently our laundromats are coin operated, which is difficult and challenging for homeless people to get the right change and to have the financial ability to pay for laundry. We will work with homeless service providers to develop electronic laundry vouchers which can be used at our laundromats, improving access and also removing the risk of cash payments being spent on other resources. The vouchers would be managed by Vinnies, Salvos conference, church groups and homeless services and would be provided during the intake process.
2. Employ a part time Volunteer Coordinator to oversee the pilot project.

Evidence to support project application:

- 2016 census - 121 homeless people in the Eurobodalla and this is nowhere near actual in 2021 in the Eurobodalla. Data was unable to be obtained on actuals
- Homelessness services in NSW were funded to support 58,000 clients but the actual number supported is over 70,000.
- Many homeless people are transient, so it is difficult to know the exact number
- Community housing waitlists are long

---

**CAR22/007 FOUNDATION FOR RURAL RECOVERY AND RENEWAL  
HOMELESSNESS PROJECT FUNDING**

**S003-  
T00044**

- Clientele is changing to include 2 parents working and older people
- Cost of housing, high rentals, and lack of availability due to fires are some of the underlying causes
- In 2020/2021 Campbell Page Youth Homelessness Services assisted 197 young people aged 12-24 who presented with homelessness or significant risk of homelessness as one of their primary reasons for seeking assistance.
- Significant rental and house price growth in Regional NSW – rents up by 12.2% in 12 months to September 2021, and house prices up by 26.7% on average.
- NSW housing states regional NSW have a shortage of available stock and lack of diversity, especially for smaller dwellings.

Local observations indicate there has been an increase in homelessness in Eurobodalla since the 2019-20 bushfires which destroyed 500 homes and burnt 80% of our shire, flood landslides in 2021 cut off access to residents and builders, COVID impact and unaffordable rents and mortgages and limited availability of rentals.

**Social Impact**

Given the housing shortage, Council staff are undertaking advocacy and planning in collaboration with others to provide relief to the community who, for a range of reasons are experiencing homelessness. This project aims to provide support via connecting with local services to enable hot showers and access to clothes washing in ways that consider the issues of dignity and acknowledge key basic necessities of living.

By partnering with a range of community groups on this project we are supporting a wrap-around approach to assisting community members with basic needs, and services to engage with those who may not necessarily be registered with specialist homeless services.

As a pilot program, the project will also seek to collect data on usage and delivery to gather facts on the need for ongoing support or extension of the project and which organization might be best placed to continue service provision into the future.

**Economic Development Employment Potential**

The project has sought to tap into existing businesses and facilities that are relevant to the project. This means the project is not duplicating services nor going into competition with local businesses eg, laundromats. Enabling access to showers and laundry facilities will support people to access work and study whilst temporarily homeless and potentially support a case for local homeless service expansion.

**Financial**

The grant is a one-off funding opportunity of \$25,000.00 (ex GST) which will be auspiced by Council.

**Community and Stakeholder Engagement**

Staff will inform the community through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and Twitter; stakeholders, community groups; and distributing a media release.

---

**CAR22/007 FOUNDATION FOR RURAL RECOVERY AND RENEWAL  
HOMELESSNESS PROJECT FUNDING**

**S003-  
T00044**

Staff have collaborated with the community through by seeking advice, ideas, and recommendations from local specialist services and community groups via participatory decision making.

**CONCLUSION**

Through this pilot project staff hope to relieve temporary distress for people experiencing homelessness who have no access to a hot shower and laundry services (particularly over the winter period), making it difficult to have basic resources to present for work. This project aims to provide them access to hot showers and laundry facilities so they can attend interviews/meetings clean and wearing clean clothing. Without work they will have no success of a tenancy.

The project volunteer services are integral to the success of the project and to build relationships with those accessing the services and ensure a safe environment, strengthen connections and de-stigmatise those reaching out for support.

We have a homelessness specialist service in Moruya, however it has no access to bathroom or laundry facilities. Review of the project, with solid data gathered, may make it possible for them to present a case to find a more suitable location to offer shower and laundry facilities.

---

## 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
  - (i) 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
  - (j) an item of Aboriginal significance on community land.

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

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

---

## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

#### A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

---

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

## AGENCY ADVICE

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

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

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

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

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

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