



AGENDA

Ordinary Meeting of Council

23 June 2020

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

ON TUESDAY 23 JUNE 2020

COMMENCING AT 11.00AM

AGENDA

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

- | | |
|--|-----------------|
| 1. WELCOME | |
| 2. ACKNOWLEDGEMENT OF COUNTRY | |
| 3. APOLOGIES | |
| 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING | |
| 1.1 Ordinary Meeting held on 26 May 2020 | |
| 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA | |
| (Declarations also to be made prior to discussions on each item) | |
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| 7. NOTICES OF MOTION | |
| Nil | |
| 8. QUESTIONS ON NOTICE FROM COUNCILLORS | |
| Nil | |
| 9. PETITIONS | |
| Nil | |
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**DR CATHERINE DALE
GENERAL MANAGER**

MR20/006 DEVELOPMENT APPLICATION FEES

File Ref: S006-T00001

Attachments: Nil

RECOMMENDATION

THAT:

1. Council allocate \$200,000 from the *Disaster Recovery Funding – Commonwealth Government, Councils Affected by Bushfires*, to assist significantly impacted ratepayers, as categorised by the NSW Government, with Development Application fees.
2. Eligible ratepayers can submit an application through the Eurobodalla Disaster Relief Fund for up to \$1,000 to assist with Development Application fees if they owned the subject property during the bushfires.
3. Grant applications will be accepted for a period of two years from 1 July 2020 or until funds are utilised, noting that ratepayers could apply retrospectively.

BACKGROUND

The aim of this motion is to further support those members of the community who have been significantly impacted by the bushfires, to speed up the recovery efforts and to help them rebuild. This will also assist in enabling them to reconnect with their community.

I want to also assist, to the extent that Council can, in stimulating the economy through rebuilding and construction. This is not only builders and carpenters, but other trades and suppliers such as plumbers, electricians, tilers, landscapers, hardware stores, kitchen and wardrobe suppliers, flooring providers and window manufacturers.

The NSW Government has identified 711 properties that were significantly impacted in Eurobodalla. This motion is to assist those ratepayers who have been significantly impacted by the bushfires with a grant of up to \$1,000 to assist with Development Application fees. It is anticipated that affected ratepayers would apply for this grant at lodgement of their Development Application. It is also recommended that the applications be open for a period of two years from 1 July 2020 or until the fund is fully utilised. Council has already received 67 Development Applications. These applicants could apply retrospectively, provided they are one of the 711 properties identified by NSW Government.

To date, the NSW Government and Council has provided assistance to ratepayers who have commenced the rebuilding process by waiving of Planning NSW fees, Long Service Levy fees and Bushfire Attack Level Certificates. Currently the Development Fee and Consent Advertising Fee are payable by the applicant.

Council has set aside funds from the *Disaster Recovery Funding – Commonwealth Government, Councils Affected by Bushfires*, for emerging issues. I believe that this is an issue that Council needs to address by allocating \$200,000 of the money to assist current property owners of the significantly impacted properties to rebuild their homes.

GMR20/013 DISASTER RECOVERY UPDATE

**S008-T00007;
S012-T00025**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Eurobodalla Recovery Action Plan

Outcome: Protected and Valued Natural Environment

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

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

Operational Plan Link: 3.1.3.3 Support emergency services agencies in planning and responding to natural and man made disasters

EXECUTIVE SUMMARY

On 24 March 2020, Council received a report relating to the recovery efforts undertaken by Council for the community in response to the 2019-20 bushfires.

The recovery phase continues to be a whole community, government, business associations, private entities and not-for-profit organisational response. This report will focus on the activities where there has been a direct Council involvement or facilitation role. There are many other programs that community and business groups are conducting, and these activities are integral to a holistic approach to community led recovery.

Council has been working alongside NSW Government agencies and in collaboration with other councils, to develop activities and strategies to be implemented to rebuild Eurobodalla's social, built, economic and natural environment. These recovery actions are identified in the Eurobodalla Recovery action plan (attached) and links with Council's Operational Plan 2020-21.

In addition, a key focus is also placed on advocating to the Australian and NSW Governments for critical resilience strategies to be identified, funded and implemented for major infrastructure including telecommunication systems, power supply, regional transport links, water and sewerage systems, hospitals and schools, emergency operations and evacuation centres. We will also urge the Australian and NSW Governments to assist in improved business continuity, in particular alternate power supply for fuel service stations, major food retailers and aged care facilities.

It should be noted that since the last report, the restrictions and regulations as a result of Covid-19 has provided significant challenges for the recovery phase. However, Council has continued to work for its community to deliver modified services to assist with recovery.

This report provides Council and the community with an update on the Recovery phase and the work that has been undertaken to date.

GMR20/013 DISASTER RECOVERY UPDATE

**S008-T00007;
S012-T00025**

RECOMMENDATION

THAT Council

1. Receive and note this report
2. Receive and note the Eurobodalla Recovery Action Plan attached to this report.
3. Acknowledge the ongoing support from the NSW and Australian Governments, and the many community, private and not-for-profit groups.

BACKGROUND

At its meetings on 11 February and 24 March 2020, Council considered reports on the emergency response and recovery phase.

In total the Currowan, Clyde Mountain and Badja fires have burnt over 397,789 hectares of land and caused significant impact to Eurobodalla. Within Eurobodalla more than 271,000 hectares of our 343,000 hectares or 79% of our Shire has been directly fire impacted.

Building Impact Assessment has found the following confirmed property losses:

- 501 homes destroyed
- 80 facilities destroyed
- 859 outbuildings destroyed
- 274 houses damaged
- 49 facilities damaged
- 297 outbuildings damaged.

In early 2020, Council commenced the recovery phase. In collaboration with Office of Emergency Management (OEM), Council arranged the opening of Disaster Recovery points in Batemans Bay and Narooma. These points provided a comprehensive range of services to assist our community during this critical and challenging time.

Key actions implemented by Council during the early recovery phase to support the community include:

- Coordination of outreach sessions.
- Assistance with Building Impact Assessments.
- Tasking Australian Defence Force personnel.
- Support with set up of Headspace.
- Set up of recovery webpages on Council's website to provide a 24/7 source of truth for residents seeking recovery support – www.esc.nsw.gov.au/recovery.
- Working with media and using Council's communication platforms to provide information and interview opportunities to ensure the community is aware of recovery support.

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**S008-T00007;
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- Worked with the Bushfire Housing Assistance Response Team (NSW Dept. of Communities and Justice) and non-government agencies and charities to identify housing opportunities and solutions, with the aim of addressing identified housing needs and gaps as a result of the bushfires.
- Advocacy for essential needs, including attendance at regional recovery meetings and meetings with Australian and NSW Government Ministers, relevant NSW authorities and companies, and appointed recovery personnel about immediate and future community needs to aid the recovery process.

There are numerous funding grants from the NSW and Australian Governments and not-for-profit and private organisations that are available for individuals and businesses directly impacted by the bushfires.

The National Bushfire Recovery Agency has put measures in place to ensure that families and individuals affected by bushfires can access resources quickly to ease the stress during the recovery phase at <https://www.bushfirerecovery.gov.au/recovery-assistance/families-individuals>

The Australian Government has provided financial support directly to affected residents. The following information provides a summary of the support provided to Eurobodalla residents from just three of these grants:

Relief and Recovery Support	Number of cases	Amount Paid
Disaster Recovery allowance	524	\$2.073M
Disaster Recovery payment	15,702	\$17.658M
Additional payment for children	5,007	\$2.003M
Total funds to Eurobodalla:		\$21.734M*

* SOURCE: <https://www.bushfirerecovery.gov.au/progress-to-date/local-communities>

In addition, there has been financial support for business in excess of \$30M.

CONSIDERATIONS

Council, under the State Emergency and Rescue Management Act 1989, has a key role in the recovery stage for the community. Council has many responsibilities and will maintain support for the community in the long term.

Council continues to coordinate the local recovery committee and actively participates in recovery committees at all levels of government to ensure immediate and future community needs are met.

Council has developed the Eurobodalla Bushfire Recovery Action Plan (attached). This Plan, which is an evolving document, outlines the activities and strategies Council will undertake to rebuild Eurobodalla's social, built, economic and natural environments. The recovery actions also link with Council's Operational Plan 2020-21 and will be reported through Council's Annual Report.

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On 24 March 2020, Council endorsed a submission to the NSW Bushfire Inquiry. This submission has 12 key recommendations. In April, Council submitted a copy of the NSW Bushfire Inquiry to the Bushfire Royal Commission and provided additional responses to the Commission's follow up questions. A copy of these submissions can be found at <https://www.esc.nsw.gov.au/living-in/about/emergency-information/eurobodalla-community-recovery/bushfire-inquiries>

Council has been preparing plans to make Eurobodalla more resilient. This includes plans to upgrade Council-owned facilities used by the NSW Government as evacuation centres, including power supply, kitchen equipment, showers and toilets. Council continues to seek NSW Government funding to assist with the implementation of these works.

Council advocated, along with the ten councils in South East NSW, to the NSW Government on a number of issues relating to recovery. These include:

1. Waiving the Long Service Levy component of development application fees for fire-impacted property owners.
2. Seeking urgent agreement to cover financial impacts on Councils for:
 - Extension of Section 44 Declaration clean-up costs
 - Section 44 Responses costs
 - Day labour costs for clean-up and repair work
 - Coordination and funding.
3. Waiving all Council rates (water, sewer, waste), not just the land component, for fire-impacted households eligible for six months rate relief.
4. Seeking extension of tendering threshold for contracts for bushfire recovery and operations
5. Support for changes to the Biodiversity Conservation Act and Koala SEPP to facilitate the rebuilding of homes lost in the recent bushfires.

Council has been successful in obtaining agreement for waiving of Long Service Levy component of DA fees, financial impacts of fires and full payment of rates for destroyed houses for six months. Council has also pursued further advocacy outcomes that were specific to Eurobodalla including greater support for businesses and waste disposal priorities.

Social Environment

Batemans Bay Recovery Centre and Narooma Assistance Point

Council opened, managed and staffed Recovery Centres in Batemans Bay and Narooma in collaboration of NSW Office of Emergency Management. The centre in Batemans Bay commenced on 15 January 2020 and closed on 28 March 2020. The Narooma Assistance Point commenced on 12 February 2020 and closed on 28 March 2020. The two services combined registered more than 6,000 households. Council also provided free transport to the centres, using Council's Community Transport service.

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Community Outreach support

Council provided outreach activities, in the form of information 'pop up' points, community catch ups and community meetings at a range of locations in our shire, reflecting the type of session people from those communities had requested during preliminary discussions and planning, under a community led approach.

Fourteen outreach sessions in fire impacted communities, were held with more than 500 residents attending.

Recovery Helpdesk

In late March 2020, Covid-19 restrictions forced the closure of the Recovery Centres and community outreach sessions were suspended. To continue to provide an access point for fire affected residents, Council established a Recovery Helpdesk. This service directs residents to the correct services for each particular situation including Council's rebuilding, rates and waste information.

In addition to the recovery helpdesk, Council wrote to 700+ fire-impacted residents to reassure that support continues during the COVID-19 pandemic, reinforce key information for financial, rebuilding and mental health support and advise of the Recovery Helpdesk.

Council will be implementing a case management service in conjunction with Resilience NSW. This service will employ 11 staff for 12 months and will provide case management services for bush fire affected residents to assist with rebuilding and recovery.

In addition, funding has been received for a Community Recovery Officer to support recovery, help to identify needs, develop local recovery programs and assist in accessing information and resources.

Housing

Council continues to work with NSW Bushfire Housing Assistance Response Team, non-government agencies and charities to identify housing opportunities and solutions. Resilience NSW in conjunction with Red Cross will undertake a phone survey, on behalf of Council, to all fire affected residents to ensure that they are connected with appropriate services and resources. Data collected from these surveys will inform the case management service.

The Mayor wrote to all non-resident ratepayers seeking support for emergency and longer term rental accommodation. More than 80 properties owned by non-resident ratepayers were made available.

Disaster Relief Fund

Council established the Eurobodalla Disaster Relief Fund to accept donations and distribute funds to impacted residents and businesses to spend in the community. More than \$127,000 has been distributed to fire affected community members to date.

Community activities

Council is working with local health providers to simplify access to mental health support and information. There are a number of services available for community members and Council is assisting these providers to coordinate the resources and services available.

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Council is preparing evidence-based programs for community development, arts and cultural and recreational programs that provide social and economic benefits towards recovery.

Council has also implemented free internet, scanning and photocopying at libraries for twelve months. Eurobodalla's libraries opened from 9 June 2020 and residents are encouraged to utilise this service.

At its meeting on 7 April 2020, Council endorsed the use of the funding from the Disaster Recovery Funding – Commonwealth Government, Councils Affected by Bushfires to assist the community through the following projects:

- Community development program of arts and recreational projects and activities will be developed to support our community's recovery
- Evacuation centre modification to increase resilience
- Community events calendar
- Water saving assistance program
- Captain Oldrey Amenities rebuild
- Mogo Pathway from Princes Highway to playing fields.

Built Environment

Council has successfully advocated for changes to NSW Government regulations to allow temporary accommodation and storage on bushfire impacted properties, for pop-up shops, and to make demolition of bushfire destroyed or damaged properties exempt from development application process and cost. In addition, Council continues to advocate for the Biodiversity Conservation Act to be switched off to allow rebuilding of homes and specifically to enable establishment of compliant asset protection zones.

Council has established a team of planners and support staff focussed on rebuilding enquiries and development applications. To date 67 rebuild development applications have been lodged and 43 approved and 25 construction certificates have been issued. As part of this service, Council is providing bushfire attack level certificates for bushfire impacted properties free of charge. Council took up the offer of staff from other councils to assist with the processing of development applications. Council was appreciative of the support provided by Inner West and Canterbury Bankstown Councils for working with Eurobodalla over the last six months.

Council is continuing to investigate ways to allow rebuilding in areas where native vegetation and size and density of lots create bushfire management compliance challenges. In some situations, Council is considering a precinct approach to development solutions which will require working with landowners and the Rural Fire Service.

On 25 February 2020, Council arranged the Housing Industry Australia forum in Batemans Bay. This was attended by more than 150 builders and impacted residents. Topics discussed included bushfire clean up, planning controls and rebuilding.

Council continues to provide free onsite sewer management system inspections for fire-affected properties plus advice on the most cost-effective way to reconnect if rebuilding.

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Council successfully collaborated with NSW Government and Laing O'Rourke to ensure that the bushfire clean up waste would not adversely impact Council's ability to manage waste during and after bushfire clean-up. It is important to note that the bushfire clean-up will see four times the usual annual volume of waste received at Surf Beach and Brou tips in three months.

Council continues to work with Laing O'Rourke and its sub-contractors to receive waste from clean-up sites. Council has been working with Public Works Authority to ensure all impacted residents are aware of this service.

Infrastructure

The majority of clean-up across 490km of fire-damaged local roads has been completed, including the installation of new guide posts, signs in accordance with Council's wayfinding strategy and guardrail. Pavements are being progressively repair. Fallen and hazardous fire affected trees within Council's road network has been removed.

Further assessment is now being undertaken to ascertain the potential for further die-back in intense fire areas, and the likely on-going impacts of falling trees.

Repair or replacement of 18 fire-damaged or destroyed bridges has commenced following initial temporary repairs and/or construction of side tracks. These works are being funded under the Natural Disaster Relief Funding Arrangements.

The following four timber bridges have been repaired or replaced:

- Pidgeon Gully Bridge, Araluen Road, Merricumbene – replaced with concrete box culverts
- Comans Bridge, Gulph Creek Road, Nerrigundah – replaced with concrete box culvert
- Four Gums Bridge, Belowra Road, Belowra – replaced with concrete pipes
- Clarksons Bridge, Wagonga Scenic Drive, Narooma – timber repair

The NSW Government has agreed to replace the following timber structures with concrete:

- Gulph Creek Bridge, Nerrigundah Mountain Road, Nerrigundah - 2020
- Cheese Factory Bridge, Eurobodalla Road, Eurobodalla - 2020
- Sinclairs Bridge, Eurobodalla Road, Cadgee - 2020
- Old Bolaro Mountain Road Bridge, Buckenbowra – 2020
- Old Tomakin Road, Mogo - 2020
- Sitters Ditch Belowra Road, Belowra - 2021
- Belowra bridge, Belowra Road, Belowra - 2021
- Belimbla Bridge, Belowra Road, Belowra - 2021
- Murphys Bridge, Eurobodalla Road, Nerrigundah - 2021
- Peach Tree Bridge, Eurobodalla Road, Nerrigundah – 2021
- Reedy Creek Bridge, Eurobodalla Road, Nerrigundah - 2021

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Further discussions will be held with the NSW Government regarding the fire damaged bridges at:

- McGregors Creek, Araluen Road
- Kennys Bridge, Araluen Road

The aim is to ascertain whether there is potential to fund the betterment component to rebuild convert these structures to concrete under the new Fixing Local Bridges program. If agreed, this would leave Bradburys bridge as the only remaining timber structure on Araluen Road within Eurobodalla, significantly improving the resilience of this interconnecting route.

Other Infrastructure

Fire damage was also sustained to other Council infrastructure including water, sewer, waste, building, emergency services and other infrastructure. These continue to be progressed with regular updates to Councillors at briefings.

Agriculture

Council continues to work with Local Land Services, Eurobodalla farmers network and the local agricultural sub-committee to resolve recovery issues within the agricultural sector.

Council is coordinating, along with the NSW Government and Minderoo, temporary on-farm accommodation for landowners while they rebuild. To date, 48 housing pods have been provided to farmers within Eurobodalla.

In addition to the temporary on-farm accommodation, Council has worked with Maresk to arrange temporary lockable containers for farm equipment and tools for landowners who have lost their farm sheds.

Fencing

Blazeaid is continuing with its camp at Moruya Showground. Covid-19 restrictions posed difficulties for the organisation; however, the work has continued. To date, 62,000 metres of fencing has been installed through this program.

Natural Environment

The natural environment has been severely impacted by the bushfire with over 79% of our Shire impacted including 90% of National Parks and State Forests.

Council, working alongside Local Lands Services, is providing ongoing assistance to impacted rural landowners with weed and pest management.

Council continues to work closely with WIRES and Landcare volunteers on bushfire recovery. This has included supporting volunteers with wildlife water and feed stations, and nesting boxes. Council has also coordinated the successful NSW Government grant for south east councils to identify high risk sites for environmental remediation works.

Council has been successful in obtaining \$1.1M grant from NSW Government for a three-year program for sediment and erosion control and revegetating waterways on public and private land. Work will be in collaboration with land managers such as National Parks, Forestry Corporation of NSW, Local Aboriginal Lands Councils and private land managers.

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To date approximately \$1.8M has been secured from funding from WIRES, and NSW and Australian government programs. Ongoing submissions for funds to assist in natural resource management are occurring. A separate report on grant funding will be provided to Council.

Economic Environment

Council has been working with the business chambers and industry representatives to understand the impacts on businesses and their needs. The impacts on businesses has been inflated by the Covid-19 restrictions. Information from these meetings is collated and provided to government agencies which assist with the determination of support package development. It is understood that in excess of \$30M of funding has been provided to local businesses through bushfire funding and Covid-19 relief packages.

Council has been working closely with the Mogo businesses and is preparing a plan for the restoration of the Mogo commercial area, retaining its unique character and assisting ease of redevelopment. This is an exciting project that will assist with recovery of Mogo whilst maintaining its character.

We have developed a free three-month business development training program which is focused on moving businesses online and to become more resilient. In addition, Council has increased its frequency of the Tourism and Business industry newsletters with a focus on financial assistance and support available to the sector.

Council continues to advocate for government funding for planned projects including Mogo mountain bike trails, southern water storage (dam), Narooma recreation precinct and Batemans Bay foreshore. It is anticipated that these projects will enhance visitor experience and increase job opportunities.

At its meeting on 10 March 2020 and 7 April 2020, Council endorsed the use of the funding from Bushfire Community Resilience and Economic Recovery Fund (BCRERF) and Disaster Recovery Funding – Commonwealth Government, Councils Affected by Bushfires to assist the business community through the following projects:

- Event hosting fees waived for six months.
- Outdoor dining/furniture license fees waived for six months.
- Commercial pool inspection fees waived for six months
- Mogo Town Plan - supporting and facilitating rebuild of directly impacted shops, whilst looking for an overall improved outcome for Mogo as a town and community.
- Spendmap data.

Further, Council waived food premise inspection fees and free advice on moving to takeaway service under COVID-19 restrictions.

Community and Stakeholder Engagement

Council uses its communications platforms to share important recovery information with the community, with the focus on providing media-friendly content to ensure the broadest possible reach. Content covers a range of information, from specifics about recovery centre operations, to stories about bush regeneration, and the practical assistance Council is providing to the

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community. 44 recovery-related media releases have been distributed since 17 January, and 42 Facebook posts. An additional 11 Facebook posts relate to Covid-19.

Council's recovery webpages – www.esc.nsw.gov.au/recovery - collect the range of recovery information in one convenient place for the community. Topics include financial assistance, NSW clean-up program, Blaze Aid, rebuilding and repairing (including a list of Eurobodalla's building design professionals), waste services, legal services, and looking after your mental health. There are many resources on offer and we test them before adding to our site to make sure they work for residents. Resources are updated daily.

A dedicated recovery newsletter has commenced which provides updates on practical and financial support available from different government bodies, rebuilding bushfires, and related community or neighbourhood meetings. To sign up for the updates register at <https://www.esc.nsw.gov.au/living-in/about/emergency-information/eurobodalla-community-recovery/bushfire-recovery-community-updates>

CONCLUSION

This report outlines the key issues relating to the Eurobodalla Recovery phase. It has provided a summary of the recovery activities to date. This is the third report regarding the Emergency response and recovery and ensures that Council is kept informed of our progress as our community rebuilds.

Eurobodalla Shire Council Bushfire Recovery Action Plan



Updated April 2020

The Eurobodalla Shire Council's Bushfire Recovery Plan will assist our community to restore confidence and strengthen resilience. This will be achieved by co-ordinating activities to rebuild, restore and rehabilitate the social, built, economic and natural environment at the Eurobodalla community.

Event Summary

The Eurobodalla Shire Council Bushfire Recovery Plan was written in response to the 2019-20 Bushfire disaster.

The Eurobodalla community has been significantly impacted by the bushfires since the Currowan Fire started on 26 November 2019. Since then further extreme conditions on Tuesday 31 December 2019, Saturday 4 January, Friday 10 January, Thursday 23 January, Friday 31 January and Saturday 1 February 2020 saw heavy fire impact or heat conditions in our towns and villages, as well as rural areas.

The Currowan Fire started on 26 November 2019 burning through Shoalhaven and into Eurobodalla. The Incident Management Team (IMT) for this fire was based from Shoalhaven with support by the Far South Coast RFS and Shoalhaven and Eurobodalla Emergency Operations Centres (EOC). At the same time, the Black Range Fire near Braidwood was impacting our neighbours with direct liaison between the Queanbeyan Palerang IMT and EOC.

This fire progressed further west crossing the Kings Highway above Government Bend and on 30 December 2019 was renamed the Clyde Mountain Fire. The Badja Fire started on 27 December 2019 along with the Coondella Trail Fire and Big Belimbla Creek fires on 30 December 2019 joining as one.

A Section 44 Declaration under the Rural Fires Act 1997 was declared on 27 November 2019 and a Natural Disaster Declaration on 6 December 2019 for the Currowan Fire for Shoalhaven and Eurobodalla local government areas. A new Section 44 was declared effective on 30 December 2019 for the whole of Eurobodalla.

The Currowan Fire resulted in the loss of homes in early December 2019 north of Nelligen and in the lower Shoalhaven. These fires included significant impacts to arterial road access via both the Princes and Kings Highways, with consequent adverse impacts to the Eurobodalla economy and supply chains. The fire burnt along the Kings Highway for an extended period resulting in closure of the Kings Highway and limiting access to allow works for re-opening for an extended period. The Kings and Princes Highway are now open in the Eurobodalla area.

Subsequently all fires within Eurobodalla progressed rapidly eastward on the morning of 31 December 2019, with widespread damage experienced in the areas of Belowra, Nerrigundah, Tuross River Valley, Nelligen hinterland, Nelligen township, Runnyford/Buckenbowra areas, Mogo, Bimbimble, Batemans Bay and coastal suburbs from

Broulee to Batemans Bay. Fires on 4 and 10 January 2020 progressed with damage to Merricumbene, Mogendoura Valley and upper Deua River. 23 January 2020 saw significant damage to rural properties west of Moruya and into as far as the Moruya industrial area on Yarragee Road. Severe fire days were also predicted for Friday 31 January and Saturday 1 February 2020, however these were tempered by the strategic firefighting implemented and more favourable winds with an easterly influence.

The Currowan, Clyde Mountain and Badja fires have burnt over 397,789 hectares of land and caused significant impact to Eurobodalla. Within Eurobodalla more than 271,000 hectares of our 343,000 hectares or 79% of our Shire has been directly fire impacted.

Impacts from these extraordinary fires within Eurobodalla include:

- the sad and tragic loss of three lives, one each at Belowra, Nerrigundah and Bodalla rural areas
- large numbers of stock and native fauna
- loss of more than two thousand buildings (outlined in more detail below)
- substantial damage to public infrastructure (roads, bridges, water, sewer, waste, public buildings and facilities, electricity and telecommunications infrastructure)
- significant impacts on business and tourism due to the disruption to the peak visitor period
- extended closures of the primary transport and access routes into and out of Eurobodalla with both the Kings Highway and Princes Highway impacted
- significant adverse health impacts, particularly the mental health of our community
- more than 96,000hectares or 90.5% of our State forests burnt
- more than 127,000hectares or 90.6% of our National Parks burnt

Building Impact Assessments confirmed the following property losses:

- 501 homes destroyed
- 80 facilities destroyed
- 859 outbuildings destroyed
- 274 houses damaged
- 49 facilities damaged
- 297 outbuildings damaged

There is a huge number of fire affected hazardous trees along fire affected roads as well as on public and private land that have been identified and removal has commenced. This also led to the closure of State forests and National Parks and the Eurobodalla Regional Botanic Garden.

The fires were managed by the Incident Management Team, which is led by the Rural Fire Service and supported by NSW Forestry and National Park and Wildlife Service (NPWS) coordinating the firefighting response. The Incident Management Team is supported by a multi-agency team through the Eurobodalla Emergency Operations Centre (EOC).

The EOC comprises of representatives from NSW Police, Eurobodalla Shire Council, Essential Energy, NSW SES, NSW Ambulance, NSW Disaster Welfare, NSW Local Health District, Transport for NSW, NSW Department of Primary Industries, Agriculture and Animal Services and NSW Local Lands Services. Council is a key member of the EOC providing support to the Incident Management Team.

The fires have had a significant and sustained impact on our community. The devastation, fear and concerns, those families who have lost loved ones, those who have lost properties, prepared their houses, evacuated, business impacts and the tourists required to leave as well as the acts of kindness, generosity and comradery; all have created unique and individual impacts and experiences.

The impact in the short and long term will be very significant and addressing the issues of mental health and wellbeing are vitally important.

NSW Response to Recovery

The NSW Government appointed Mr Dick Adams as the Southern NSW Recovery Coordinator. Following is the structure for Regional Committee reporting through to the State Recovery Coordinator.

Regional Recovery Committee

The NSW Government brings all key agencies to work with Eurobodalla to assess damage and needs, to ensure that critical stages of recovery are undertaken.

The Regional Recovery Committee operates across the following local government areas covering:

Bega Valley	Eurobodalla	Shoalhaven
Goulburn Mulwaree	Greater Hume	Snowy Valleys
Snowy Monaro	Queanbeyan Palerang	Wingecarribee
Wagga Wagga		

The membership of this regional committee is broad with representation from the following organisations:

Councils	NSW Environment Protection Authority
NSW Rural Fire Service	NSW Public Works Advisory
NSW Police	Family and Community Services
NSW SES	Insurance Council of Australia
South East Regional Health	Department of Premier and Cabinet
Transport NSW	Office of NSW Minister Andrew Constance, Local Member for Bega
NSW Regional Infrastructure	Office of Emergency Management

The Regional Committee is supported by regional sub-committees. The following committees and Council's representatives are outlined below:

Committee	Council representative
Health and wellbeing	Kathy Arthur
Business and Tourism	Lindsay Usher
Waste	Amanda Jones
Planning	Lindsay Usher
Local Government	Dr Catherine Dale
Animal and Agriculture	Warren Sharpe OAM
Communications	Kellee Pisanos

Eurobodalla Recovery Action Committee

Council established a Local Government Recovery Committee on 22 January 2020.

The key areas of focus are:

- Assist the community to restore confidence and strengthen resilience. This is achieved by coordinating activities to rebuild, restore and rehabilitate the social, built, economic and natural environment of the Eurobodalla community.
- Develop and coordinate the implementation of the Recovery Action Plans (with an agreed transition/exit strategy) that aligns with local assessments and plans.
- Ensure that relevant stakeholders, including relevant Government agencies, are involved in the development and implementation of recovery objectives and strategies and are kept informed of progress made.
- Identify, and proactively manage local and regional recovery issues and trends.
- Ensure that recovery activities are in line with the NSW Recovery Plan (<https://www.emergency.nsw.gov.au/Documents/plans/supporting-plans/Supporting-Plan-Recovery-2016.pdf>).

Membership of the local committee includes:

Council's Executive Leadership Team	Department of Premier and Cabinet
NSW Public Works Advisory	NSW Health
NSW Rural Fire Service	Local Land Service
Family and Community Services	NSW Police
Office of NSW Minister Andrew Constance, Local Member for Bega	NSW Emergency
Office of Emergency Management	Grand Pacific Health
NSW Environmental Protection Authority	Small Business Commission
Australian Defence Force	Coordinare

The objectives of the committee include:

1. Assess damage and needs
2. Reconstruct and restore physical infrastructure
3. Ensure support for emotional, social, economic and physical wellbeing
4. Adapt to a changed natural environment
5. Build community resilience and capability.

The Local Recovery Action Plan outcomes outlines the priorities and actions of the Eurobodalla Local Government Recovery Action Committee. This is a working document and is updated regularly.

Recovery

It should be recognised that the Recovery Phase involves a whole of community, government, business association, private entities and not-for-profit organisational response. This Plan focuses on the activities that have a direct Council involvement of the facilitation role. There are many other programs that community and business groups are conducting, and these activities are integral to a holistic approach to community lead recovery.

Working alongside NSW Government agencies and in collaboration with other councils, activities and strategies have been implemented to rebuild Eurobodalla's social, built, economic and natural environment. These recovery actions are identified in the following action plan outcomes and links with Council's Operational Plan 2020-21.

In addition, a key focus is also placed on advocating to the Australian and NSW Governments for critical resilience strategies to be identified, funded and implemented for major infrastructure including telecommunication systems, power supply, regional transport links, water and sewerage systems, hospitals and schools, emergency operations and evacuation centres. We will also urge the Australian and NSW Governments to assist in improved business continuity - in particular alternate power supply - for fuel service stations, major food retailers and aged care facilities.

Social recovery

A natural disaster of this magnitude impacts the wellbeing of the whole community in a myriad of ways. Council is working with a range of government departments and non-government agencies to support those directly impacted by fires and to identify challenges and potential solutions. This included providing management and staff for the Eurobodalla Recovery Centre in Batemans Bay, the recovery point in Narooma, and an ongoing outreach program that aims to provide practical help and answer the questions of property owners who have lost their homes.

Our advocacy was instrumental in bringing forward the opening of a Headspace youth mental health centre planned to open in Batemans Bay in May 2020, and Council has taken a lead role in galvanising youth sector workers to develop and implement a youth recovery plan.

A letter from the Mayor to non-resident ratepayers resulted in more than 80 holiday homes becoming available for emergency housing. A Disaster Relief Fund was established to provide direct assistance to those who need it most, and continues to attract donations.

Community recovery will be considered in the delivery of Council's arts, recreation and community services, including our popular children's and youth services, and community care for the elderly and people with disabilities.

Built environment recovery

Council's program of work will prioritise rebuilding or improving key Council infrastructure damaged or destroyed in the fires, including 17 bridges that provide vital access to Eurobodalla's rural communities west of the highway.

Damaged road surfaces, guideposts, guardrails, signposts all require repair, along with water and sewer infrastructure including the new low-pressure sewerage system at Rosedale, which was extensively damaged.

Council's waste management facilities at Surf Beach and Moruya were significantly impacted by fire and were closed to the public for extended periods.

An agreement was reached with the NSW Government to dispose of fire-impacted demolition waste using the shire's three waste management facilities. Permission for a three-metre high overtop on Surf Beach facility will create an additional 100,000 cubic metres of landfill, or the equivalent of four years' capacity under normal circumstances. The arrangement allows the bushfire clean up to take place efficiently while making sure the community's regular waste management needs can be met in the coming years. The agreement sees the Australian and NSW government's take up the cost and resourcing of the facilities until the end of June 2020 when the government's contractor predicts the clean-up work will be substantially finished. We expect to receive more than seven years' amount of waste in those four months.

Council worked with the NSW Government to swiftly develop new planning provisions that allow people affected by bushfire to establish temporary accommodation like caravans on their property, or shipping containers for storage, without the need for council approval. Council is providing free Bushfire Attack Level assessments for those rebuilding, and has established a fast track for DA approvals including a streamlined process and extra assessment staff.

Economic recovery

Eurobodalla's business community and the tourism industry have been hard hit. Up to 15 commercial businesses were destroyed or damaged by fires, particularly focused in Mogo. The indirect impacts of the Kings Highway closure from mid-November and the tourism exclusion zones and Princes Highway closures during the height of the fires meant the summer peak season was lost. Tourism is Eurobodalla's largest industry, normally injecting \$464 million into our economy each year. Data for December and January showed the fires and associated road closures cost the shire's economy around \$130 million in trade and 900 jobs. Many primary producers were directly fire impacted, while growers faced low demand and freight challenges.

NSW and Australian government grants and loans for fire impacted businesses were forthcoming, however in some cases the process and eligibility requirements were onerous. Strong advocacy for more business support led to the expansion of the program in March. The first three weeks of March were extremely positive for tourism and forward bookings were excellent, however, the announcement of the COVID-19 pandemic saw dramatic cancellations. A solid program of business recovery support developed by Council and funded by NSW and Australian governments will require ongoing review as the COVID-19 situation unfolds.

Natural environment recovery

Council's sustainability team has joined forces with local agencies like WIRES and Local Lands Services to support our natural environment post-fires. Early on, wildlife feeding stations were set out across the shire, nesting boxes have gone up in burnt areas to support habitat, and erosion control work has helped manage the destruction caused by weeks of fires followed by flooding. Our community sees hope in nature, and we have put a focus on educating residents about how the bush will regenerate, and what they can do in their own backyards to attract wildlife.

Practical assistance has included free inspections of onsite sewer management systems on fire impacted properties to ensure environmental controls are maintained, and providing environmental health staff to assist Public Works inspections of impacted properties immediately after the fires.

Council has advocated for funding and support to manage environmental issues, and for a regional approach to prioritise works across south east NSW.

Government funding

The NSW and Australian governments provided immediate disaster relief direct to fire-impacted councils – for us, \$1.4M as well as \$250K. We are working through a program of recovery actions to best benefit the community. COVID-19 will attract further stimulus funding and the recovery program will no doubt be a work in progress as more funding comes in and different needs are identified.

Stronger together

Every person in the Eurobodalla has felt the impact of the bushfire disaster. Throughout this difficult time, our community has shown courage, resilience, humility and compassion. Taking the lessons learned, Council staff and councillors will work alongside residents to rebuild our beautiful place. We are stronger together.

Conclusion

The Local Recovery Action Plan outcomes outlines the priorities and actions of Council, working with the Eurobodalla Local Government Recovery Action Committee. This is a working document and will be updated regularly.

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GMR20/013 DISASTER RECOVERY UPDATE

ATTACHMENT 1 EUROBODALLA RECOVERY ACTION PLAN

Health and Wellbeing				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
1	<p>Immediate health, wellbeing and general recovery supports, funding and services are made available locally to the community in an accessible, timely manner</p> <p>Operation Plan (OP) Link: 1.2.1.1 and 2.2.1.1</p>	<ul style="list-style-type: none"> Set up the Local Recovery Centre and train ESC employed staff to coordinate the service and register households. Advocate to ensure the appropriate services and agencies are available at the Recovery Centre and remain in attendance. Support provision of a crèche at the Recovery Centre to support families. Provide free transport to community members to enable them to attend the Recovery Centre. 	15 January – 18 March 2020.	<p>Council</p> <p>Office of Emergency Management</p>
2	<p>Opportunities for fire impacted communities to meet together and access information and service providers in their own neighbourhood provided using a community led model</p> <p>OP Link: 1.4.1.1, 1.4.2.2, 1.5.1.1 and 1.5.1.2</p>	<ul style="list-style-type: none"> Engage with community members in fire affected towns, suburbs and localities to determine preferred approach (eg. Pop up, community meeting). Meeting or pop up services organised, promoted and run, with key agencies and providers invited to meet stated community needs Follow up actions addressed to strengthen trust, including provision of sandwich boards and community noticeboards Provide Bushfire Recovery Helpdesk. Develop virtual community outreach via Council's website and social media platforms. 	From 29 January 2020 – ongoing.	<p>Council</p> <p>Office of Emergency Management</p>
3	<p>Provision of a comprehensive case management service to support community members to address complex situations and achieve a successful long-term recovery</p> <p>OP Link: 1.4.1.1, 1.4.2.2, 1.5.1.1 and 1.5.1.2</p>	<ul style="list-style-type: none"> Put proposal for case management service to NSW Office of Emergency Management (OEM) Implement proposed case management support service, including recruitment, leasing of premises, service mapping and outreach. Monitor and reporting of case management support service, in line with contract requirements. 	From May/June 2020. Initial 12 month contract.	<p>Council</p> <p>Office of Emergency Management</p>

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GMR20/013 DISASTER RECOVERY UPDATE

ATTACHMENT 1 EUROBODALLA RECOVERY ACTION PLAN

Health and Wellbeing				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
4	Community development and recreational projects (operational and capital) to support social, cultural and economic recovery OP Link: 1.3.2.3 and 2.2.1.1	<ul style="list-style-type: none"> Preparation of a comprehensive evidence-based program of community development, arts and cultural and recreational programs that provide social and economic benefits towards recovery Enhanced rebuild of the Captain Oldrey amenities building to support fire affected and high growth area of the shire. Waiving event fees, free internet, scanning and photocopying at libraries. 	From May/June 2020. Ongoing for 12 to 18 months.	Council
5	Improve functionality and accessibility of Council's designated evacuation centres OP Link: 1.3.2.3	<ul style="list-style-type: none"> Improve and upgrade amenities, including showers and toilets at the designated Narooma and Moruya evacuation centres, as well as adjacent Council owned facilities that are required during significant evacuations. Improve resilience and functionality of evacuation centres, to connect generators, kitchen equipment and Work Health Safety matters. 	2020 - 2021	Council
6	Provide regulatory services in response to health and safety concerns arising from the fires OP Link: 1.1.2.3 and 3.4.1.1	<ul style="list-style-type: none"> Respond to Customer Service Requests and general complaints regarding public health and safety issues related to bushfires. Provide advice on environmental health issues including contaminated sites (asbestos) 	Ongoing	Council

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GMR20/013 DISASTER RECOVERY UPDATE

ATTACHMENT 1 EUROBODALLA RECOVERY ACTION PLAN

Business and Tourism				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
1	Implement Priority 5 of the Eurobodalla Destination Action Plan (EDAP)- tourism product and experience development OP Link: 5.3.1.3	<ul style="list-style-type: none"> Seek funding for southern food trail Work across region with Destination Southern NSW and neighbouring councils in cross border projects – Food Trail, Canberra Coast Walk, Southern Drive Undertake audit of scenic drives affected by fire to review content and identify opportunities to enhance particularly with tourism wayfinding. Develop training program for businesses to increase online presence. 	Commenced. March 2020 – July 2021	Council National Parks and Wildlife Service Destination Southern NSW
2	Focus the implementation of the Nature Based Tourism Study on key category 1, 2 and 3 projects OP Link: 5.3.1.4	<ul style="list-style-type: none"> Identify Category 2 short term Nature Based Tourism micro-infrastructure projects Category 1 - Continue to work with National Parks and Wildlife Service on implementation of Murramarang South Coast Walk Category 3 - Seek funding for the Coastal Headlands Walk. 	Commenced	Council National Parks and Wildlife Service
3	Implement Priority 4 of the EDAP - Destination Investment and Development OP Link: 5.3.1.3	<ul style="list-style-type: none"> Continue planning and design for Batehaven – Corrigan’s – Observation Point precinct. 	June 2021	Council
4	Economic Development Strategy Priority 4 and EDAP Priority 3 and 4 - Prioritise the attraction of investment to centres impacted by fire OP Link: 5.3.1.3 and 5.1.1.3	<ul style="list-style-type: none"> Mogo rebuild project – master plan impacted properties – including assessment of parking requirements and linkages and identification of commercial opportunities related to Mogo Trails Hub Seek funding for Mogo Trails network Build Mogo Pathway Provide financial support to local Chambers of Commerce. 	December 2020	Council
5	Implement Priority 7 of EDAP with a focus on bushfire recovery marketing OP Link: 5.3.1.3	<ul style="list-style-type: none"> Implement a bushfire recovery marketing strategy focusing on bringing visitors back to the shire. 	Ongoing	Council

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ATTACHMENT 1 EUROBODALLA RECOVERY ACTION PLAN

Business and Tourism				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
6	Implement Priority 1 of Economic Development Strategy and EDAP Priority 2 - Industry engagement and development OP Link: 5.3.1.3 and 5.1.1.3	<ul style="list-style-type: none"> Commence implementation of the industry development bushfire recovery plan in collaboration with chambers and other industry stakeholders. 	April 2020	Council, Local Business Chambers Business Council of Australia Service NSW Destination Southern NSW
7	Implement Events Strategy with focus on bushfire recovery OP Link: 5.3.2.1	<ul style="list-style-type: none"> Support hallmark events with grant applications Seek to establish and seek funding for a new Taste Eurobodalla event with a focus on industry development opportunities. Ensure event development support remains consistent with Events Strategy Creation of events calendar to improve connectivity and enhance recovery. 	Ongoing	Council
8	Implement Priority 3 of the Economic Development Strategy - retain and improve local employment opportunities OP Link: 5.1.1.1, 5.1.1.2 and 5.1.1.3	<ul style="list-style-type: none"> Work with local businesses and chambers to attract local employment and training Seek government support for employment initiatives. 	Ongoing	Council Local Business Chambers Business Council of Australia Service NSW Destination Southern NSW

Business and Tourism				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
9	Reopen Eurobodalla Regional Botanic Gardens OP Link: 1.3.3.1	<ul style="list-style-type: none"> Demolition and clean-up of debris Replace entry bridge Repair replace other infrastructure. 	Continuing – reopening late June 2020	Council
10	Undertake research and evaluation of bushfire impact of visitor economy and communities – EDAP Priority 3. OP Link: 5.3.1.3	<ul style="list-style-type: none"> Seek funding to procure and utilise Spendmap Seek funding to procure and utilise PlaceScore to deliver a clear evidence base for planning and investment in our communities’ post bushfire. 	Ongoing	Council
11	Undertake food inspection program and provide advice to food shops OP Link: 1.1.2.1	<ul style="list-style-type: none"> Provide inspection and advice services around relevant hygiene requirements Provide 1 free food compliance inspection to each food business. 	Ongoing	Council
12	Support the business community through waiving of fees	<ul style="list-style-type: none"> Support accommodation providers with public swimming pool inspection fees Support café and retail businesses through outdoor licensing fees exemption for 6 months. 	Ongoing	Council

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ATTACHMENT 1 EUROBODALLA RECOVERY ACTION PLAN

Waste				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
1	Build, renew, operate and maintain waste landfill sites and transfer stations OP Link: 4.2.1.1	<ul style="list-style-type: none"> • Extinguish fire in landfill cells and green waste stockpiles • Operate without power or communication • Repair damage to site – Surf Beach - cell liner • Moruya Transfer Station – fire in stockpiles • Repair damage to site – Moruya – power • Repair damage to site- Moruya – power internal • Repair damage to site –Moruya –retaining wall • Increase capacity to resources of SurfBeach and Brou Tips to manage bushfire clean up waste. 	2/3 weeks complete 4 weeks complete 2-3 months in progress 2 weeks complete Complete 2 weeks in progress 1 month in progress	Council Essential Energy
2	Manage kerbside collection OP Link: 4.2.1.2	<ul style="list-style-type: none"> • Redirect collection vehicles to available sites • Arrange for missed services to be picked up when roads closed due to fire are open • Additional green waste pick ups • Additional litter service at evacuations centres • Replace burnt bins. 	2-3 months in progress	Council
3	Coordinate Clean Up Australia day activities OP Link: 4.2.3.1	<ul style="list-style-type: none"> • Initiate a different approach to clean up due to waste exposed by bushfires. 	1 March 2020-complete	Council
4	Bushfire Clean Up OP Link 4.2.1.1	<ul style="list-style-type: none"> • Work with NSW Government to ensure bushfire affected properties are cleaned up. 	Ongoing	Council Public Works

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ATTACHMENT 1 EUROBODALLA RECOVERY ACTION PLAN

Planning				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
1	Bushfire safety and fast approval process. Knowledge of expected Bushfire Attack Level (BAL) outcome will assist with fast tracking applications. OP Link: 6.2.2.1, 6.2.1.2, 6.2.2.2, 6.2.2.3 and 6.2.2.4	<ul style="list-style-type: none"> Issue BAL certificates at no cost or significant reduction. 	Ongoing – 1 year	Council
2	Bushfire recovery fast track team OP Link: 6.2.2.1, 6.2.1.2, 6.2.2.2, 6.2.2.3 and 6.2.2.4	<ul style="list-style-type: none"> Dedicated team for enquiries, Bushfire Attack Level certificates and assessments to ensure smooth and efficient process. 	Ongoing – initially one year	Council
3	Advocacy on bushfire controls OP Link: 6.1.1.2	<ul style="list-style-type: none"> Precinct wide assessment of hotspots such as Rosedale, Guerrilla Bay. 	6 month period. To start in future. Maybe July	Council NSW Rural Fire Service
4	Advocacy on biodiversity controls OP Link: 6.1.1.2	<ul style="list-style-type: none"> Ensure new houses meet current standards and achieve best practice for Asset Protection Zone and other bushfire protection measures. 	3 months	Council Department Planning, Industry and Environment
5	Planner assistance OP Link: 6.2.2.1	<ul style="list-style-type: none"> Additional resources to cope with recovery action resourcing. Assistance with DA assessment (~\$400 per household). 	1 year	Council South east Councils
6	Newsletters/ Forums OP Link: 6.2.1.1	<ul style="list-style-type: none"> Ensure new information gets out to industry. 	Next 6 months.	Council

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ATTACHMENT 1 EUROBODALLA RECOVERY ACTION PLAN

Planning				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
7	Undertake biosecurity programs (weeds and pests) OP Link: 3.2.1.1	<ul style="list-style-type: none"> Seeking funding and support for weed control and feral animal control. Provide extension and site inspections for farms to assist in managing weeds associated with fodder drops. 		Council Local Land Services Land Managers
8	Assist Landcare and community groups and projects OP Link: 3.2.2.1	<ul style="list-style-type: none"> Supporting WIRES with water and feed stations. DPIE provided short term staffing support. Supporting Landcare and groups. 	Multiple grant submissions underway	WIRES Council Landcare
9	Plan and implement environmental protection and restoration program OP Link: 3.2.2.2	<ul style="list-style-type: none"> Coordinating a regional grant under Department Planning, Industry and Environment for the south east councils to develop and identify high risk sites for remediation works. Facilitate land managers to determine who, how and when actions can be implemented. Sediment and erosion works completed through Local Land Service funds of \$50 000 with Council and Batemans Bay Local Aboriginal Lands Council. Seek funds for rehabilitation works, erosion and sediment control, revegetation priorities, Threatened Species, Endangered Ecological Communities and monitoring and evaluation. 	.	Council
10	Undertake estuary monitoring OP Link: 3.3.2.2 and 3.3.1.1	<ul style="list-style-type: none"> Water quality action plan. Develop and implement water quality program to identify impacts of the bushfires. 	Joint submission made 20/2/20 with Bega and Shoalhaven councils	Council
11	Delivery the onsite sewage management system inspection program OP Link: 3.3.2.3	<ul style="list-style-type: none"> Assist fire impacted properties with OSMS issues that may be affect public and environmental health and safety. Advice and assessment of OSMS associated with Development Applications for Bushfire rebuilds. 	Initial property inspection by 30 June 2020. Ongoing	Council

Planning				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
12	Heritage Management OP Link 2.3.2.1	<ul style="list-style-type: none"> • Provide advice to community on repairs to and rebuilding of or in vicinity of heritage items. • Undertake assessment of and approve of proposed demolition of heritage items to facilitate bushfire clean-up. 	Ongoing	Council Heritage Advisory Service.

Local Government				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
1	Advocate for community on bushfire and recovery related issues OP Link: 3.1.3.4, 9.1.3.1 and 9.1.3.3	<ul style="list-style-type: none"> Identify and escalate issues through regional to state committee. Participate and respond to inquiries and royal commissions. Advocate for improved telecommunications networks which are more resilient in response to natural disasters. 	Ongoing	Council
2	Facilitate community grants OP Link: 9.1.2.1	<ul style="list-style-type: none"> Develop and administer the Eurobodalla Disaster Relief Fund. 	Ongoing	Council
3	Advocate for funding for bushfire and recovery related issues OP Link: 9.1.3.2	<ul style="list-style-type: none"> Identify project and programs to enhance community connectedness and recovery. 	Ongoing	Council
4	Communicate bushfire related recovery program OP Link: 9.1.3.2	<ul style="list-style-type: none"> Coordinate letters to impacted residents and monitor help desk enquiries. 	Ongoing	Council

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ATTACHMENT 1 EUROBODALLA RECOVERY ACTION PLAN

Agriculture and Animal Welfare				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
1	Provide temporary on-farm accommodation for landowners who have lost their farm home while they rebuild OP Link: 1.2.1.1 and 2.2.1.1	<ul style="list-style-type: none"> Advocate to the NSW Government for funding temporary pod/shed. Support Minderoo with collation of requests for pods Liaise with planning committee regarding approvals Identify and escalate issues through regional to state committee. Participate and respond to inquiries and royal commissions. Advocate for improved telecommunications networks which are more resilient in response to natural disasters. 	Ongoing	Council OEM Minderoo
2	Provide temporary lockable containers for farm equipment and tools for landowners who have lost their farm sheds OP Link: and 2.2.1.1	<ul style="list-style-type: none"> Support donors in providing loans of lockable shipping containers for storage of equipment 	Ongoing	Council Minderoo Maersk
3	Assist rural farmers re-establish fencing OP Link: 3.1.3.3	<ul style="list-style-type: none"> Direct ADF to clean-up of fence on public boundaries Advocate for improved funding solution Secure grant to support Blazeaid Support Blazeaid camp set-up Moruya 	Jan-March 2020 Ongoing	Council Local Land Service OEM Blazeaid
4	Distribute emergency fodder OP Link: 3.1.3.3	<ul style="list-style-type: none"> Distribute fodder 	Jan – Feb 2020	Local Land Services
5	Support distribution of donated fodder OP Link: 3.1.3.3	<ul style="list-style-type: none"> Leverage farmers networks to secure and distribute fodder 	Ongoing	Local Land Services

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ATTACHMENT 1 EUROBODALLA RECOVERY ACTION PLAN

Agriculture and Animal Welfare				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
6	Work with health providers to simplify access to mental health support and information. OP Link: 1.2.1.1	<ul style="list-style-type: none"> Blazeaid dinner Moruya showground Provide information to Blazeaid for distribution Refer request to map mental health services and share information 	Ongoing	Council Land Services NSW Health
7	Assist landowners in accessing financial and other support OP Link: 1.5.1.2	<ul style="list-style-type: none"> Advocate for funding to support restocking Identify any gaps in financial support (eg bee keepers) Provide information via existing communications 	Ongoing	Local Land Services
8	Assist landowners in environmental property management OP Link: 3.2.1.1 and 3.2.2.2	<ul style="list-style-type: none"> Promote information on weed identification & feral pest management Weed checks on property underway Provide information to landholders on do-it-yourself 	Ongoing	Council Local Land Services
9	Assist oyster growers to access support OP Link: 3.3.1.1	<ul style="list-style-type: none"> Prioritise and treat catchments to reduce erosion 	Jan-March 2020	Council Local Land Service NSW Government
10	Seek funding and support for natural resource management across the landscape OP Link: 3.2.2.2	<ul style="list-style-type: none"> Prioritise works for sediment and erosion control, invasive species management, revegetation and wildlife management 	Ongoing	Council Local Land Service

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ATTACHMENT 1 EUROBODALLA RECOVERY ACTION PLAN

Communications				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
1	Provide recovery information in print format OP Link: 8.1.2.2	<ul style="list-style-type: none"> • Prepare print version of recovery newsletter for community noticeboards in impacted areas and residents without access to internet. • Create posters and other materials for community noticeboards promoting recovery helpdesk and case management service. 	Ongoing	Council
2	Provide recovery information across various digital platforms OP Link: 8.1.2.3 and 8.1.2.4	<ul style="list-style-type: none"> • Prepare content, images and video for distribution to local media and for Council's communications platforms - website, e-newsletters, social media, weekly print ad in local newspaper and quarterly printed newsletters to all households. • Distribute Council's fortnightly recovery e-newsletter, using new information from recovery agencies, Council's recovery helpdesk, and prepared Council content. • Encourage recovery newsletter subscribers to reply to the email with questions or suggestions – these can addressed one on one, or if a shared issue, featured in a future edition. • Repurpose recovery content for other relevant Council e-newsletters, namely those for residents, business, tourism operators, builders and developers, plus copy for Council's weekly print ad in local newspaper. • Maintain verified, up to date information on Council's recovery website. 	Ongoing	Council
3	Provide in person media advice and respond to enquiries. OP Link: 8.1.1.1	<ul style="list-style-type: none"> • Connect with editors of community-led newsletters and social media pages to offer exchange of content. • Arrange regular interviews on local radio to discuss recovery issues using subject matter experts, can include talkback. 	Ongoing	Council
4	Provide support and implement communication strategies for recovery	<ul style="list-style-type: none"> • Maintain the integrity of Council's bushfire recovery communications approach, respecting the privacy and grief of those impacted through personalised communications while 	Ongoing	Council

Communications				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
4	OP Link: 8.1.1.1 and 8.1.2.1 (cont)	<p>ensuring the broader community sees and understands recovery progress.</p> <ul style="list-style-type: none"> • Identify recovery stories in Council and in the community to share new information, successes and challenges. • Liaise with recovery helpdesk staff, case management team and OEM communications to understand emerging issues with impacted residents, the wider community, council services and recovery agencies. 		

Infrastructure				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
1	Advocate for further restoration works for Kings Highway OP Link: 7.1.1.1, 7.1.1.2, 7.1.2.1, 7.4.2.1	<ul style="list-style-type: none"> Advocate for further clearing on the Clyde Mountain Kings Highway 	Ongoing	Council T4NSW
2	Restore vehicular access to properties and villages on local roads. OP Link: 7.1.2.1	<ul style="list-style-type: none"> Clean-up and make safe local roads within the fire affected area (approximately 490km of local roads): <ul style="list-style-type: none"> Inspect all roads Re-open all Council roads Clean-up of fallen and hazardous fire affected trees Rectify road pavement damage Install guide posts, signs, protective fencing 	1 June 2020	Council with approval from RFS or T4NSW
3	Restore 18 fire affected road and pathway timber bridges (destroyed or damaged) OP Link: 7.1.2.1	<ul style="list-style-type: none"> Initial work to establish emergency side tracks and/or undertake temporary repairs (where possible). <p>Destroyed bridges</p> <ul style="list-style-type: none"> Four Gums Bridge Belowra Road, Belowra Pigeon Gully Bridge Araluen Road, Merricumbene Rosedale footbridge connecting North & South Bridge (partially destroyed) Sitters Ditch Bridge Belowra Road Peach Tree Bridge Eurobodalla Road, Nerrigundah Reedy Creek Bridge Eurobodalla Road, Nerrigundah Comans Bridge Gulph Creek Road, Nerrigundah Old Bolaro Mtn Road Bridge Old Bolaro Mnt Road, Bolaro Belowra Bridge Belowra Road, Belowra Belimbla Bridge Belowra Road Murphys Bridge Eurobodalla Road, Nerrigundah Old Tomakin Road Bridge, Old Tomakin Road, Mogo 	Ongoing	Council T4NSW

Infrastructure				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
		Damaged bridges <ul style="list-style-type: none"> Clarksons Bridge Wagonga Scenic Drive, Narooma Kennys Creek Bridge Araluen Road, Merricumbene McGregors Creek Bridge Araluen Road Moruya west Cheese Factory Bridge Eurobodalla Road, Bodalla west Sinclairs Bridge Eurobodalla Road, Bodalla West Gulph Creek Bridge Nerrigundah Mountain Road, Nerrigundah 		
4	Replacement and repairs to fire affected water and sewer infrastructure OP Link: 4.1.1.2; 7.1.2.2	<ul style="list-style-type: none"> Damage to shed for Deep Creek Dam (DCD) aerators Remove destroyed shed at water pump station at DCD Mobile equipment -6" trailer mounted pump and toolbox trailer at Batemans Bay STP Damage to sewer pods on private lots at Rosedale Damage to Tuross River bores Pursue insurance claim for claimable losses Replacement of water meters 	Ongoing	Council
5	Batemans Bay SES and Depot Building and shed destroyed OP Link: 3.1.3.1; 3.1.3.3	<ul style="list-style-type: none"> Temporary housing of Batemans Bay SES Pursue insurance claim for destroyed building Demolish burnt SES sheds Work with SES to identify site for new SES building Secure additional grant funding for new SES shed Design and construct new SES shed 		
6	RFS Hot Fire Training Centre Jeremadra RFS building destroyed OP Link: 3.1.3.1; 3.1.3.3	<ul style="list-style-type: none"> Pursue insurance claim for destroyed building Determine re-use of insurance payment 	Ongoing	Council

Infrastructure				
	Objective/Community Need	Recovery Actions	Timeframe	Responsible Agency/s
7	<p>Council Controlled Reserves Fire affected fallen and hazardous trees over approximately 20 km of urban bush interface directly impacted. Make safe.</p> <p>OP Link: 3.1.3.2</p>	<ul style="list-style-type: none"> • Submit 'make safe' plan to the RFS • Pursue external arborist resource to assist inspections • Inspect fire impacted reserves • Identify fire affected hazardous trees • Call quotations and submit to RFS for approval • Remove/treat fire affected hazardous trees 	Ongoing	Council
8	<p>Mt Wandera Telecommunications Tower Council equipment on tower and site building destroyed</p> <p>OP Link: 5.4.1.1</p>	<ul style="list-style-type: none"> • Repair to tower structure • Replacement of equipment 	31 August 2020	Council
9	<p>Funding for damage to local roads from transport of high waste volumes</p> <p>OP Link: 7.1.1.1</p>	<ul style="list-style-type: none"> • Advocate for consideration in waste committee cost to Council of extra road damage 	Ongoing	Council Public Works

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Responsible Officer: Dr Catherine Dale - General Manager

Attachments:

1. Under Separate Cover - 2017-21 Delivery Program and 2020-21 Operational Plan
2. Under Separate Cover - 2020-21 Fees and Charges
3. Under Separate Cover - Attachment A - Responses to Themes
4. Under Separate Cover - Confidential - Attachment B - Responses to Submissions
5. Rates and Debtors Hardship Policy (Payment Plan Directive)

Outcome: Innovative and Proactive Leadership

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

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

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

EXECUTIVE SUMMARY

The purpose of this report is to seek adoption of Council's revised Delivery Program 2017-21 and Operational Plan 2020-21, incorporating the Budget, Fees and Charges, Revenue Policy and the making of the general rate and water, sewer, waste, stormwater and liquid trade waste charges.

The report outlines the Integrated Planning and Reporting legislation, impacts of the 2019-20 bushfires and COVID-19, and the options available to reduce hardship for residents whilst still maintaining sound management of Council's finances now and into the future.

Under NSW Integrated Planning and Reporting legislation, councils are required to prepare a Community Strategic Plan, Delivery Program and Operational Plan for each term of council. Council's Community Strategic Plan 2017 – One Community was adopted on 13 June 2017. Council's Delivery Program 2017-21, developed through an extensive community and stakeholder engagement, was adopted on 27 June 2017.

The NSW Integrated Planning and Reporting legislation requires councils to review its Delivery Program on an annual basis. The revision this year included Councillor and staff workshops. The revised draft Delivery Program 2017-21 and Operational Plan 2020-21 was exhibited for 42 days between 8 April and 20 May 2020 and the community was invited to provide feedback.

The Delivery Program 2017-21 sets out the activities that Council aims to deliver in its current four year term and the measures used to track its progress. The Operational Plan 2020-21 shows the actions, key projects, capital works and infrastructure renewals and maintenance that Council plans to deliver in the year ahead. The aim is to meet the needs of our community in a financially responsible way while focusing on building a sustainable future for Eurobodalla.

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This report recommends that Council adopt the rate peg set by the NSW Government of 2.6% to its rates and charges. By Council taking the rate peg amount, it will enable Council to maintain service levels and capital programs now and into the future. Around 30 percent of Council's \$116 million operating expenditure budget this year will be spent on contracts and materials. Council purchases materials from local suppliers, hires local contractors, plant, equipment and labour and employs local people, thus even a small increase in expenditure has a positive flow on the impact to our local economy.

Council's rate increase for 2020-21 is in line with legislative guidelines, and has been set by the IPART with consideration to covering the increased costs borne by Council in providing vital services and infrastructure to the community, including materials, contracts and labour.

The revised Delivery Program 2017-21 and Operational Plan 2020-21 recognises the substantial bushfire recovery activities that Council will continue to provide for its community. The recovery efforts are embedded throughout many services and actions as Council works alongside the Australian and NSW government agencies in collaboration with other organisations to rebuild Eurobodalla's social, built, economic and natural environment.

Council is appreciative of the significant support provided by the NSW and Australian government and not for profit organisations. Significant financial support has, and will continue to be made available for residents directly affected by the bushfires along with financial support for businesses and primary producers. Significant wellbeing support was established in the Shire during the emergency response and well into the recovery phase. Further wellbeing support, facilitated by Council, will be provided over the next 24 months to assist directly affected residents recover.

The COVID-19 pandemic has highlighted the challenging environment for many Eurobodalla residents and businesses. The Australian and NSW governments have provided significant packages aimed at minimizing the economic impact of COVID-19 through targeted financial support for individuals and businesses.

Council understands that there is a significant task ahead to rebuild after the devastation of bushfire, floods and now COVID-19 and continues to look at ways in which it can support the community. Council has waived or deferred several fees in response to the bushfires, including food business inspection fees, bushfire certificates for DAs, sewer management system inspections, outdoor license fees and rent relief for leases on Council premises. This is in addition to the much-needed financial support provided to the fire-impacted residents and businesses by the NSW and Australian governments and not-for-profits.

In addition, it is recommended that Council makes amendments to its Hardship Policy, which provides immediate assistance to those in need in the form of a Payment Plan Direction with no interest being charged for 12 months. It should be noted that the first rates payment is not due to be paid until 30 September 2020, providing an additional month to assist all rate payers.

In addition to the support already provided to businesses and individuals, this report recommends that Council allocate \$200,000 to be managed through the Disaster Relief Fund specifically for businesses that have seen a significant reduction in revenue as a result of the bushfires. It is recommended that these funds are allocated from the remaining \$460,667 from the Commonwealth Government Disaster Recovery funding. It is also recommended that the

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payment of S94 and S64 contributions for development (other than subdivision) be deferred until prior to the issuing of an occupation certificate.

42 submissions were received and considered in recommending the final version of the Delivery Program 2017-21 and Operational Plan 2020-21 and the 2020-21 Fees and Charges (attached).

To meet the statutory requirement for Council to endorse its budget by 31 July 2020, the revised Delivery Program 2017-21 and Operational Plan 2020-21, incorporating the Budget, Capital Works program, Statement of Revenue Policy and Fees and Charges for 2020-21 is reported to Council for adoption, incorporating amendments since exhibition as outlined in this report.

Council will continue to advocate to the NSW and Australian Governments to leverage funding opportunities to deliver essential works and services to our community.

RECOMMENDATION

THAT:

1. Council acknowledge the financial support provided to individuals and businesses by the Australian, NSW government, not-for-profit organisations and Council as a result of the bushfires and COVID-19 pandemic.
2. Council make the maximum rate of interest payable on overdue rates and charges for the period 1 July 2020 to 30 June 2021 be 0.0% per annum.
3. Endorse the Directive of a Payment Plan to the Rates and Debtors Hardship policy, attached to this report, to ease the process for ratepayers to apply for financial assistance.
4. Allocate \$200,000 to be distributed to businesses for further financial support through the Eurobodalla Disaster Relief Fund.
5. Council note that the first rates payment is not due until 30 September 2020.
6. Council defer the payments of S94 and S64 contributions for development (other than subdivision, until prior to the issuing of an occupation certificate.
7. Council make the annual Ordinary Rates for 2020-21 in accordance with the rate peg set by IPART which is 2.6%, as contained in the table in the report.
8. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2020-21 in accordance with the amended Revenue Policy and Fees and Charges as contained in the tables in the report.
9. Council make each fee and charge for 2020-21 in accordance with the Fees and Charges as attached to this report.
10. Council adopt the Delivery Program 2017-21 and Operational Plan 2020-21 attached to the report as per the statutory requirements with implementation to commence 1 July 2020.
11. Council thank the community members who made a submission and provide them with a response.

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BACKGROUND

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

The Community Strategic Plan is the highest-level Plan that Council prepares and is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's long-term aspirations, priorities and vision. Council's Community Strategic Plan 2017 – One Community was adopted on 13 June 2017.

The Delivery Program details the activities that the Council will deliver over its four-year term and the strategies it will implement in consultation with the community and contained in the Community Strategic Plan. Council's Delivery Program 2017-21 was adopted on 27 June 2017.

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

At the close of the exhibition period, 42 submissions received. Councillors received a copy of all submissions. A summary of the public submissions is provided under separate cover and further detail in the Community Engagement section of this report.

CONSIDERATIONS

The Delivery Program 2017-21 and Operational Plan 2020-21 has been developed with the aim of building a sustainable future. The Delivery Program 2017-21 and Operational Plan 2020-21 will enhance Council's ability to meet ongoing financial sustainability, while maintaining a focus on meeting identified community needs and aspirations.

The Delivery Program 2017-21 and Operational Plan 2020-21 continues to focus on building a sustainable future for Eurobodalla and delivering services, key projects, capital works and infrastructure maintenance to support the community in its daily activities, economic development and employment growth whilst leading the community through the bushfire recovery process. It also systematically implements strategies and plans that Council has adopted following extensive community engagement. Examples include Recreation and Open Space Strategy, Pathways Strategy, Advancing Eurobodalla and Recreation Masterplans.

After this summer's bushfires and floods, and compounded by COVID-19, rebuilding remains a strong focus for Council, and we want to ensure that our projects and services supports our community and also stimulates the local economy throughout our recovery.

Council is aware of the need to ensure financial sustainability into the future. Should Council not endorse the 2.6% rate peg increase to its rates, fees and charges this will impact the financial sustainability and increase the future burden on ratepayers and/or lower Council's ability to deliver services and infrastructure. A relatively small sum per rate payer provides a cumulative impact and increases Council's ability to maintain services, service levels and capital programs now and into the future.

Council's rate increase for 2020-21 is in line with legislative guidelines and has been set with consideration to covering the increased costs borne by council in providing vital services and infrastructure to the community, including materials, contracts and labour.

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Any reduction to Council's income has a short- and long-term negative flow and impact to our local economy. Council recognises the critical social and economic benefits its work plays in supporting local businesses and employment through purchase of materials, goods and services, direct employment, use of labour and local plant hire and local contractors.

It is important to note that the bushfires and COVID-19 did not and are not impacting all people or businesses the same. It is very unfortunate that a number of rate payers lost property, and stock. The fires did not impact all rate payers to the same degree, with some areas not affected at all. Likewise, some businesses have lost trade, some have not, and some have experienced an increase. Those ratepayers who have been impacted have been assisted financially and further assistance in terms of rebuilding, general support, and mental health and wellbeing will continue. A number of employment sectors have not been adversely impacted by COVID-19 including areas such as education, health, telecommunications, resources and public sectors.

As stated by the Prime Minister on Thursday (9 April 2020) *'it is critical that those who can pay their bills continue to do so, to ensure the ongoing viability of essential services provision'*. Council, like other levels of government, needs to continue to target its financial support to these rate payers who most need it.

Council is aware of the significant financial and wellbeing support provided to residents and businesses by the Australian and NSW governments and not for profit organisations. Following are examples of support available to Eurobodalla residents under different funding streams:

Bushfire support

Support for residents*

Red Cross	Emergency \$20,000, Rebuild \$20,000, Injury \$7,500, Repair \$5,000, Bereavement \$20,000
Salvation Army	\$3,000 to \$5,000
St Vincent DePaul	\$2,000 to \$5,000
Australian Government Disaster Relief fund	\$1,000 per adult \$400 per child. Total funding to Eurobodalla \$17.658M for adults plus an additional \$2.003M for children
NSW Government Disaster Welfare Grants	up to \$150,000 for people who were uninsured, low asset and low income
Travel subsidies	\$250 pensioner fuel cards
Bushfire Recovery Access Program	up to 10 Mental Health Treatment Services through Medicare
Telecommunications relief assistance	including two-month free service and donations in excess of \$500,000 from Red Cross
Disaster Recovery Allowance	up to 13 weeks income assistance Total funding to Eurobodalla \$2.073M
RSL Foundation Bushfire Relief Grant	funding of up to \$10,000 for eligible veterans impacted
Clean-up of properties and disposal	~\$30,000 to \$50,000 per damaged residence

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Payment of Council rates for 6 months in full	711 properties equating to \$738,495
Waiving of BASIX, long service leave levies and planning reform fund fees	BASIX Certificate fee \$50 Based on average house cost of \$379,000 Planning NSW fee: \$242 (Based on avg. house cost of \$379,000) Long Service Levy: \$1,326 (Based on avg. house cost of \$379,000)
Banking corporation support	<ul style="list-style-type: none"> • St George Foundation, Bank of Melbourne Foundation and Bank SA Foundation - \$20,000- \$50,000 long-term recovery efforts for children and young people. • ANZ pledged \$1 million • NAB - \$4 million for emergency grants • Westpac mortgage repayments for one year, up to \$1,200 per month, • interest-free home loans for customers who need to rebuild, low-interest loans for business and \$3 million in emergency grants.

* does not include all grants

Support provided for businesses and primary producers include:

(Note: There are some crossovers with support provided to residents)

NSW Government Business Grants: \$10,000 and (up to) \$50,000 small business bushfire grant for loss of income/property	As at 29 May 2020, 1,712 applications for the \$10,000 grant were submitted = \$17.12M, and 273 applications for the (up to) \$50,000 grants have been approved. This has resulted in over \$30M of grants provided to Eurobodalla businesses to date.
Disaster Recovery Assistance Grants	Up to \$15,000
Disaster Relief Loans	low interest up to \$130,000
ATO	deferrals of BAS and payroll tax
Commonwealth Bank	up to \$50,000 grants for longer term recovery of organisations directly affected by the bushfires
NSW Government	\$140M - for critical industries impacted by bushfires \$30M for power subsidisation
Special Disaster Grant	\$75,000 for primary producers to help with clean-up and immediate restoration costs.
Fencing and Blazeaid	62,000 metres of fencing completed in Eurobodalla. NSW Government is providing \$5,000/km of fencing when interfacing with National Park, State Forest, Crown Road
Minderoo/NSW Government	To date 48 housing pods approved in Eurobodalla.

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Support provided to residents, businesses and primary producers via Council:

Waive of event fees	\$30,000
Free internet, scanning and photocopying at libraries	\$20,000
Community Development Program including hall hire waiver	\$250,000
Eurobodalla Disaster Relief Fund	\$1,000 per application - 127 applications approved
Water saving assistance program	\$60,000
Water reconnection fee	\$320 per household
Waste disposal	~\$313,000
DA assessments	~\$400/application + Bushfire Attack Level certificates waived
Outdoor licence fee exemptions	\$87,000
Public pool inspection fees waived	\$12,000
Food premise inspection fee waiver	\$80,000
Business Chambers	\$25,000
Mogo Recovery /reversioning	\$150,000
Spendmap Data Package	\$38,000
Free onsite sewer management system inspections for fire affected properties	
Water charge relief for over 700 significantly affected properties	
Free ongoing support to impacted landowners in weed and pest management	
Free three-month business development training program focussed on moving businesses online and resilient	
Tourism marketing campaigns adapted post-fires and in readiness for lifting of pandemic travel restrictions	
Free support for Mogo businesses in restoring the commercial area, first with the pop-up mall, and now preparing a plan for ease of rebuilding	

Further, Council, along with the Australian and NSW governments have provided significant wellbeing support to the community through:

- Recovery Centre and Outreach programs (Over 6,000 registered at Recovery Centre and 500 attended outreach sessions)
- Coordination of recovery committees and programs (Clean up, Blazeaid)
- Letter sent to all impacted ratepayers
- Dedicated support line established
- Case management program to commence in approximately 4 weeks which will support complex cases

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- Resilience Coordinator to assist community recovery and coordinate programs
- Services NSW has contacted every person who was impacted by the fires
- Planning department has set up a dedicated support for those wishing to rebuild
- Significant advocacy undertaken and is continuing.

COVID-19 support

Support from Australian Government:

Job seeker allowance	\$1,100 per fortnight
Job keeper payment	\$750 per employee per week. Total package \$130B
One off payment to welfare recipients	(\$750 – with 5,500 aged pensioners and 2,700 disability pensioners equates to an additional ~\$6M into Eurobodalla economy
Wage subsidies	up to 50% of apprentice or trainee wages- up to \$21,000 per employee
ATO administrative concessions for employers	deferral of payments, super contribution etc Instant asset write off Accelerated tax depreciation
Small business grant	up to \$10,000
New houses and renovations grant	Up to \$25,000 for housing or significant home renovations
Deferral of commercial rents for up to 6 months	
Deferral of Gaming Tax for clubs, pubs	
Childcare subsidies	

Support from NSW Government:

Working for NSW fund	\$1B
Deferral of payroll and other taxes, fees and charges	
Deferral of rent for six months	
Boost Energy Accounts Assistance Scheme	\$30M
Bring forward capital works and maintenance	\$500M
Rental assistance and protection	
Mental health	NSW Government has deployed 85 senior mental health clinicians

Council Support for COVID-19:

Deferral of lease payments for a two-year period for Council tenants (impact on cash flow and interest.	~\$50,000
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REX support payment	\$45,000
Free food premise inspections, plus advice on moving to takeaway service	

Finally, Council will continue to investigate options and seek grants to increase capital spend, especially where it supports Council's broader adopted strategies to grow jobs and our visitor economy.

Hardship Policy

Council's Hardship Policy has been reviewed in light of the impacts of recent natural disasters and the pandemic.

The updated Hardship Policy will provide an easier process for ratepayers who have been impacted, to apply to pay by way of interest free instalments.

Further, the Office of Local Government released circular 20-19 Information about Ratings 2020-21 on 26 May 2020. This circular outlines the maximum rate of interest payable on overdue rates and charges for the period 1 July 2020 to 31 December 2020 (inclusive) will be 0.0% per annum and that the maximum rate of interest payable on overdue rates and charges for the period 1 January 2021 to 30 June 2021 (inclusive) will be 7.0% per annum.

It is recommended to extend the interest freeze from 1 July 2020 to 30 June 2021 inclusive. This is double the requirement set down by the NSW Government. It is important to note that Council had exhibited its overdue interest rate at 7.5% for the 12-month period. This interest rate would now not apply as it is recommended to not impose interest on overdue rates for 2020-21 financial year.

In addition, all ratepayers have an additional month to pay the first instalment of their rates. Typically, the first instalment of rates is due for payment by 31 August 2020, however this year in accordance with the *OLG Council Circular 20-12 Modification of statutory requirements in response to the COVID-19 pandemic*, the payment due date has been extended to 30 September 2020.

Disaster Relief Fund

The disaster relief fund was established to provide a mechanism for donations to be made by organisations and individuals to assist people impacted by the fires. To date, this fund has assisted 127 households. Phase 2 is soon to be implemented which will focus on businesses and community rebuilding opportunities.

It is recommended that Council provide \$200,000 from the remaining \$460,667 from the Commonwealth Disaster Recovery funding to be managed and distributed through the Disaster Relief Fund management framework. This would enable the fund to further specifically assist businesses directly impacted by bushfire.

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Legal / Financial

The Office of Local Government's Integrated Planning and Reporting Manual and Integrated Planning and Reporting Guidelines are comprehensive tools which have been used in the development of the Delivery Program 2017-21 and Operational Plan 2020-21.

The combined Delivery Program 2017-21 and Operational Plan 2020-21 has been prepared in accordance with the *Local Government Act 1993*.

- Section 404 requires Council to have a Delivery Program to implement the strategies established in its Community Strategic Plan within the resources available.
- Section 405 requires Council to have an Operational Plan which details the activities to be engaged in by the Council during the year as part of the Delivery Program. The Operational Plan must include a statement of the Council's revenue policy for the year covered by the Plan. The statement of revenue policy must include the statements and particulars required by the regulations.
- Section 535 requires a council resolution to make a rate or charge.
- Clause 201 revenue policy must be included in the operational plan and must include details of estimated income and expenditure, ordinary rates and special rates, proposed fees and charges, proposed pricing methodology, proposed borrowings.
- Clause 413F – Despite section 405(1) of the act, the operational plan of a council for the year beginning 1 July 2020 must be adopted before 31 July 2020 (rather than 30 June) per OLG Circular 20-15 (Temporary COVID-19 pandemic measure)
- Clause 413I - Despite section 562(3) of the Act, an instalment (whether a single instalment or a quarterly instalment) of annual rates and charges that would have been payable by 31 August 2020 is instead payable by 30 September 2020 (Temporary COVID-19 pandemic measure).

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

General Revenue Increase

The General-Purpose rate income will increase 2.6% in accordance with the rate peg amount approved by IPART.

In accordance with Section 494 of the *Local Government Act 1993*, it is recommended that Council make the following Ordinary Rates for 2020-21:

Ordinary Rate Name	Rate (cents in \$)	Base Charge (\$)	% of total Rate
Residential	0.2228	526.50	49.74
Business	0.9697	526.50	14.04
Farmland	0.1567	526.50	32.70
Business Inactive	0.2228		

Interest Charges on Overdue Rates and Charges

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The Minister for Local Government has determined the maximum rate of interest that may be charged on overdue rates and charges for 2020-21 will be 0% from 1 July 2020 to 31 December 2020 and 7% from 1 January 2021 to 30 June 2021. It is recommended that Council extend the interest freeze from 1 July 2020 to 30 June 2021 inclusive. This is double the requirement set down by the NSW Government.

In accordance with Section 566(3) of the *Local Government Act 1993*, it is recommended that Council resolves to adopt a 0.00% interest rate on all overdue rates from 1 July 2020 to 30 June 2021.

Domestic Waste Management Charges

Council provides a waste collection and management service to the community. Waste management charges are designed to recover costs from people who actually benefit from the availability or the use of Council's waste management system.

Waste charges will increase by 2.6%.

In accordance with Section 496 of the *Local Government Act 1993*, it is recommended that Council make the following Domestic Waste Management Charges for 2020-21:

Domestic Waste Charge	Total Charge (\$)
Domestic waste availability charge	19.20
Domestic waste collection service charge	239.05
+Additional service 240L recycling bin	70.10
+Additional service 240L garden organics bin	70.10
Waste management charge	54.35

Stormwater Management Service Charges

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

Stormwater charges will remain the same as 2019-20.

In accordance with Section 496A of the *Local Government Act 1993*, it is recommended that Council make the following Stormwater Management Service Charges for 2020-21:

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

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Environment

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

The Environment Levy will increase 2.6% in accordance with the rate peg amount approved by IPART.

In accordance with Section 495 of the *Local Government Act 1993*, it is recommended that Council make the following Environmental Levy for 2020-21:

Category	Rate (cents in \$)	Base charge (\$)	% of total rates
Environmental Levy	0.008455	20.70	49.65

Water

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

The water consumption charge will increase by 2.7% to maintain best practice pricing. The water availability charge will increase by 3.0%.

In accordance with Sections 502 and 552 of the *Local Government Act 1993*, it is recommended that Council make the following Water Charges for 2020-21:

Water Availability	Charge (\$)
Residential connection – metered, unmetered, strata unit	340.00
Business and multi residential (non-strata flats)	
Meter size (mm) - 20	340.00
25	544.00
32	884.00
40	1,360.00
50	2,142.00
65	3,604.00
80	5,440.00
100	8,500.00

Water Consumption

Category	Usage charge	Charge (\$)
Residential and business	Meter size	3.75 per kL

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**S004-T00028,
S004-T00029**

A service fee of \$10.00 applies to all accounts 0-2kL

Sewer

Council is responsible for the sewerage services within the Shire. Sewerage charges collect revenue from people who actually benefit from the availability or use of Council's sewerage system.

The sewer availability charge will increase by 2.1%.

In accordance with Sections 502 and 552 of the *Local Government Act 1993*, it is recommended that Council make the following Sewer Charges for 2020-21:

Residential	Charge(\$)
General service – metered, unmetered, strata unit	990.00
Turlinjah general service (85%)	841.50
Dual occupancy single meter (assessed at a single 25mm availability charge)	1,584.00
Business and Multi Residential (non-strata flats) Availability	
Water meter size (mm)	Availability factor
20	1.0
25	1.6
32	2.6
40	4.0
50	6.3
65	10.6
80	16.0
100	25.0
vacant	1.0
strata	1.0

Category	Usage charge	Charge (\$)
Business	meter size	1.96 per kL

Special Sewer Charges

In accordance with Sections 501 and 552 of the *Local Government Act 1993*, it is recommended that Council make the following Special Sewer charges for 2020-21:

Category	Charge (\$)
Residential general service	990.00
Business	Meter size
Business	Trade waste

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**S004-T00028,
S004-T00029**

Liquid Trade Waste charges

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

Liquid trade waste charges will increase by 1.9%.

In accordance with Sections 502 and 552 of the *Local Government Act 1993*, it is recommended that Council make the following Liquid Trade Waste Charges for 2020-21:

Liquid trade waste annual fee	\$106.00
Liquid trade waste annual fee (large discharger)	\$570.00
Discharge	\$1.56/kL
Discharge (without appropriate treatment)	\$14.60/kL

Changes to the exhibited Delivery Program and Operational Plan

During the public exhibition period necessary amendments were made to the exhibited draft Delivery Program 2017-21 and Operational Plan 2020-21.

The following omitted activity and actions have been included in the revised plan:

Delivery Program

7.4.3 Work in partnership to develop marine infrastructure

Operational Plan

2.2.2.2 Implement Library Strategic Plan

3.3.2.1 Participate in Beachwatch Program

7.4.3.1 Advocate for NSW Government boating and marine infrastructure and ongoing dredging of navigation channels

7.4.3.2 Seek additional funding for local boating and marine infrastructure

7.4.3.3 Maintain, renew and upgrade boating and marine infrastructure

The welcome message and the bushfire recovery pages have been updated along with additional minor editorial amendments to the document have been made to phrasing, punctuation, numbering and format to improve the quality and clarity of the documents presented.

Asset

The 2020-21 Capital Program included in the Operational Plan 2020-21 includes a continued focus on sustaining community infrastructure through the renewal of assets, particularly short-lived assets. The Program includes the provision of new infrastructure to meet demand from growth and progressively address network deficiencies.

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The Plan also includes Council continuing to work with peak bodies to advocate to the NSW and Australian governments for enhanced asset funding models to better support regional communities across NSW.

Council will also continue to advocate to the Australian and NSW governments for grants to assist rebuilding of our community and economy. The Australian Government has announced significant funding for bushfire recovery support. The purpose of this funding is to provide financial support in addition to its adopted Capital Works program for job creation and to stimulate the economy.

Social Impact

The Community Strategic Plan provides an overarching framework for all other Council plans and policies. The purpose of the Community Strategic Plan is to identify the community's priorities and aspirations for the future and plan strategies to achieve them. The Delivery Program 2017-21 and Operational Plan 2020-21 is Council's response to the Community Strategic Plan and provide a range of programs, services and infrastructure projects to meet identified community needs.

It is recognised that these are unprecedented times following on from the devastating impacts of fires, floods and COVID-19. Council is aware of its role in continuing to support its community through the recovery process. The Delivery Program 2017-21 and Operational Plan 2020-21 supports Council to continue to implement its recovery plan actions.

Economic Development Employment Potential

The Delivery Program 2017-21 and Operational Plan 2020-21 focus on building a sustainable future for Eurobodalla and delivering services, key projects, capital works and infrastructure maintenance that support economic development and employment growth within the Eurobodalla. Council is mindful of the significant work required to rebuild the social, economic and built environments as a result of the bushfires and COVID-19. Council will continue to lead the recovery process for its community.

It is noted that by 1 July 2020, many of the Covid-19 restrictions will be lifted, however it is acknowledged that the health orders issued in the 2019-20 financial year will have a flow on impact in some areas.

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

The Delivery Program 2017-21 and Operational Plan 2020-21 set out the activities that support Council's role in leading the recovery process whilst helping to grow the local economy and employment potential.

The activities will support Council to:

- advocate for funding for major projects, and legislation to support growth

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

Community and Stakeholder Engagement

Council's original Delivery Program 2017-21 was developed through an extensive community and stakeholder engagement. The Delivery Program 2017-21 and Operational Plan 2020-21 were revised through Councillor and staff workshops. It also systematically implements strategies and plans that Council has adopted following extensive community engagement. Examples include Recreation and Open Space Strategy, Pathways Strategy, Advancing Eurobodalla and Recreation Masterplans.

The revised Delivery Program 2017-21 and Operational Plan 2020-21 was placed on public exhibition from 8 April to 20 May 2020. Council continued to engage the community during this period by:

- making the revised draft Delivery Program 2017-21 and Operational Plan 2020-21 available for the community to read on Council's website. Due to COVID-19 restrictions, hard copies were posted on resident requests.
- informing the community about the public exhibition and inviting the community to have their say through information on Council's website, Eurobodalla News - Council's online newsletter, media release and advertisement in local newspapers
- notifying and inviting community associations and groups to have their say
- consulting the community by considering and acknowledging submissions received, and providing the community's feedback to Council prior to any decisions being made about the Delivery Program 2017-21 and Operational Plan 2020-21.

42 public submissions were received during the exhibition period. Councillors received and considered all submissions in the final combined document.

The submissions raised a number of themes/issues including:

- Opposition to rate rise
- Governance of the approval/endorsement of the DP/OP document
- Process for debt recovery of unpaid rates
- Salary packages of senior public servants

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- Upgrade to Taylor's Lane in Narooma
- Query on new sewer line being laid along George Bass Dr, Mossy Point
- Minimising the impacts of flooding on development and people
- Invasive species
- Emergency Resilience Strategy
- Durras playground renewal and upgrade to the Durras Hall carpark.
- Construction of a new cul-de-sac in Queen Street, Moruya
- Flood Management, healthy waterways and water, sewer and waste management
- Invasive species management
- Transfer Stations and income generated
- Bushfire funding allocation
- Bushfire Preparedness and recovery
- Resilience to Natural Hazards
- Climate change, including the Variable and Changing Climate Adaptation Strategy
- Construction of the Batemans Bay Regional Arts, Aquatic and Leisure Centre (BBRAALC)
- The Resourcing Strategy
- The Mystery Shopper Program
- Farmland Rate Impact
- The Water/Sewer Dividend and water and sewer funding
- Request for road at Maloney's Beach to be resealed.
- Community facilities and infrastructure in Longbeach
- Request for funding
- Short stay location for RVs in Moruya
- Establishment of a Moruya Business Hub
- A major art structure to be located outside the Basil Sellers Exhibition Centre (Bas) for advertisement and further support for the Bas
- Funding for coordinator at the Moruya Town and Visitor Information Centre Pop-up

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- Voucher scheme for business
- Renewable Energy Policy Upgrade
- Review Batemans Bay recycling centre and green waste disposal concessions
- Full implementation of the Cycling Path Network
- Electronic Vehicle charging points
- Inclusive Transport
- Coin operated shopping trolleys
- Request for footpath in Haslington Street, Moruya
- Request for a traffic slowing mechanism on Evans Street
- More support for Indigenous Youth
- Council's organisational structure.

A response to each theme is attached in Appendix A. Councillors have received all submissions in full along with the responses.

CONCLUSION

The revised Delivery Program 2017-21 and Operational Plan 2020-21 has been developed taking into account the various inputs and responses provided by stakeholders and community members. This included 42 submissions received during the public exhibition period from 8 April to 20 May 2020.

Council is required to adopt the Delivery Program 2017-21, Operational Plan 2020-21 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges by 31 July 2020.

Policy name	Rates and Debtors Hardship (Payment Plan Directive)
Responsible manager(s)	General Manager
Contact officer(s)	Director, Corporate and Commercial Services
Directorate	Director, Corporate and Commercial Services
Approval date	X
Outcome area	9. Innovative and proactive leadership
Strategy	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	9.2.4.4 Collect rates and charges

Financial Assistance, Bushfire and COVID-19

1 OUTCOMES:

- 1.1 Council will provide direct relief to ratepayers impacted by natural disasters and pandemics and ease the process to apply for financial assistance under the Rates and Debtors Hardship Policy.
- 1.2 This Directive establishes the scope of financial assistance to be provided and the modified terms to apply for hardship relief to residential and business ratepayers, enabling employees who have lost their jobs and businesses that have closed or have had restricted trade as a consequence of Government orders.
- 1.3 This Directive applies for the 2020/21 financial year.

2 DIRECTIVE:

- 2.1 General – Rates and Charges
 - a. Maximum period for approved payment arrangements extended to 12 months
 - b. Interest charges to be waived where extended payment arrangement has been agreed
 - c. Recovery action to be deferred
- 2.2 Bushfire Assistance – Rates and Charges

- a. Applies to ratepayer/s responsible for any parcel of land in the Eurobodalla Local Government Area listed on the Bushfire Impact Assessment schedule
- b. Applies to ratepayer/s responsible for any parcel of land in the LGA, that relied directly on visitor trade during the summer period and were adversely affected by road closures and evacuations.

2.3 Pandemic Assistance – Rates and Charges

- a. Applies to residential ratepayer/s responsible for any parcel of land in the Eurobodalla Local Government Area, whose income or employment ceased or was reduced requiring access to Government JobSeeker or JobKeeper payments as a consequence of the pandemic crisis.
- b. Applies to business ratepayer/s responsible for any parcel of land in the Eurobodalla Local Government Area, whose business closed or was impacted as a consequence of Government Orders during the pandemic crisis

3 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- 3.1 Financial assistance is available under the Local Government Act 1993.

4 RELATED DOCUMENTS:

- 4.1 <https://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Rates-and-Debtors-Hardship-Policy.pdf>

5 REVIEW

- 5.1 30 June 2021

GMR20/015 COUNCILLOR SUPERANNUATION DISCUSSION PAPER

S012-T00020

Responsible Officer: Dr Catherine Dale - General Manager
Attachments: 1. OLG Councillor Superannuation Discussion Paper
Outcome: Innovative and Proactive Leadership
Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision
Delivery Program Link: 9.1.2 Implement effective governance
Operational Plan Link: 9.1.2.3 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

The purpose of this report is to inform Council and the community of the Councillor Superannuation Discussion Paper.

The Office of Local Government (OLG) issued a discussion paper in March 2020 to seek the view of councils and community members on whether Councillors should receive superannuation payments.

The discussion paper is available for viewing on the OLG's website

<https://www.olg.nsw.gov.au/programs-and-initiatives/councillor-superannuation-discussion-paper/>

Submissions to the discussion paper can be made to the OLG until Friday 7 August 2020.

RECOMMENDATION

THAT:

1. Councillors make a personal submission to the Office of Local Government's Superannuation Discussion Paper by 7 August 2020, if they wish to do so.
2. The community be encouraged to make a submission to the Office of Local Government's Superannuation Discussion Paper by 7 August 2020.

BACKGROUND

Under the *Commonwealth Superannuation Guarantee (Administration) Act 1993*, Australian Councils are not required to make superannuation contributions to Mayors and Councillors. Mayors and Councillors are elected to civic office in Council and are not employees, therefore compulsory superannuation contributions do not apply.

The discussion paper has been released due to concerns that Councillors are ineligible to receive superannuation payments. This can be considered to be inequitable and can be a deterrent for young people and women standing as candidates for Council elections.

CONSIDERATIONS

The discussion paper outlines four options for change as outlined below.

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S012-T00020

Option 1	Maintaining the status quo	Under this option, councils will continue not to be obliged to make superannuation guarantee payments on behalf of the mayor and councillors. Mayors and councillors who wish to make concessional contributions to their superannuation funds can continue to enter into an arrangement with the council under which they agree to forego part of their fee in exchange for the council making contributions to a complying superannuation fund on their behalf on a pre-tax basis.
Option 2	Amending the NSW <i>Local Government Act 1993</i> to require councils to pay a portion of the mayor's and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors.	Under this option, the Act would be amended to require councils to pay a proportion of the mayor's and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors.
Option 3	Amending the NSW <i>Local Government Act 1993</i> to require councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the payment of the mayor's and councillors' fees.	Under this option, all councils will be required to pay an amount equivalent to the superannuation guarantee contribution payable with respect to the mayor's and councillors' fees, into a complying superannuation fund nominated by the mayor and councillors. The payment would be made in addition to the payment of the mayor's and councillors' fees. A supporting amendment would be required to exempt the additional payment from section 242A of the Act.
Option 4	Amend the NSW <i>Local Government Act 1993</i> to give councils the option to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and	This option is based on the Queensland model. Under this option, the payment of an additional superannuation contribution in addition to the mayor's and councillors' fees would be optional

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	councillors in addition to the mayor's and councillors' fees.	<p>for councils. Councils would also have the option to make a superannuation contribution on behalf of the mayor and councillors as a portion of the mayor's or councillors' fees.</p> <p>As with option 3, a supporting amendment would be required to exempt the additional payment from section 242A of the Act.</p>
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Financial

If changes were made so that Mayors and Councillors were to receive superannuation, this additional cost will need to be met by Council out of its existing budget. The table below sets out the average annual cost to councils in each remuneration category by paying the 9.5% superannuation guarantee based on the maximum annual Mayor and Councillors fee in each category. Eurobodalla Council is classed as a Regional Rural category Council.

Category		Councils in Category	Average annual cost of payment 9.5% superannuation contribution for Mayors and Councillors
General Purpose Councils - Metropolitan	Principal CBD	1	55,792
	Major CBD	1	55,886
	Metropolitan Large	8	45,973
	Metropolitan Medium	9	35,911
	Metropolitan Small	11	21,541
General Purpose Councils – Non-metropolitan	Regional City	2	46,007
	Regional Strategic Area	2	45,973
	Regional Rural	37	21,543
	Rural	57	11,762
County Councils	Water	4	9,289
	Other	6	5,081

Submissions to the discussion paper can be made until Friday 7 August 2020.

Community and Stakeholder Engagement

Further information on the Superannuation Discussion Paper can be found at <https://www.olg.nsw.gov.au/programs-and-initiatives/councillor-superannuation-discussion-paper/>

GMR20/015 COUNCILLOR SUPERANNUATION DISCUSSION PAPER

S012-T00020

Submissions may be made to olg@olg.nsw.gov.au, labelled 'Councillor Superannuation Consultation' and marked to the attention of OLG's Council Governance Team.

CONCLUSION

Under the Commonwealth Superannuation Guarantee (Administration) Act 1993, councils across Australia are not required to make superannuation contributions in relation to the fees they pay to mayors and councillors. This is because mayors and councillors are elected to a civic office in a council and are not employees of the council.

The release of the discussion paper has been prompted by concerns raised by mayors and councillors that the ineligibility of councillors to receive superannuation payments is inequitable and can be a deterrent to more women and younger people standing as candidates at council elections. Submissions are due to OLG by 7 August 2020.



Office of
Local Government

COUNCILLOR SUPERANNUATION

Discussion paper

March 2020

Strengthening local government

ACCESS TO SERVICES

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www.olg.nsw.gov.au

Minister's foreword



Since becoming the Minister for Local Government, I have actively engaged with local councils across New South Wales. I am constantly impressed by the passion held by our mayors and councillors, and frequently find myself commenting on the incredible work ethic of many who continually deliver for their communities.

I am proud to be a part of a Government that is committed to supporting councils to deliver for their local communities. Since 2011 this Government has provided more than \$9 billion to local councils to deliver and improve local infrastructure, services and facilities for their communities. About half of this funding has gone to regional and rural communities which are struggling through one of the worst droughts on record and are recovering and rebuilding after the recent natural disasters. This funding boost has helped local councils provide the very things that make our communities tick – from local infrastructure to essential services and programs that unite local residents.

Under Commonwealth legislation, councils are not required to make superannuation contributions in relation to the fees they pay to mayors and councillors because they are not employees of councils. Recently I was pleased to host a workshop where the obstacles that deter women from nominating to be a councillor or mayor were identified, and the lack of superannuation payments was one of the barriers raised. It can also be said that this goes some way in deterring people under 35 from representing their community on their local council.

As you know, mayors and councillors currently receive a level of remuneration that is independently set by the Local Government Remuneration Tribunal based on the application of a range of criteria. It is currently possible for councils to make superannuation contributions on behalf of mayors and councillors on a pre-tax basis out of the fees they receive from the council as determined by the Tribunal.

However, the Government recognises that not everyone agrees with the current arrangements and acknowledges the calls for councils to be required to make superannuation contributions on behalf of mayors and councillors in addition to the payment of their fees. The purpose of this discussion paper is to encourage further discussion about this issue and assist the Government in better understanding the views of the local government sector and the broader community.

The discussion paper:

- provides information on the current system for setting councillor remuneration and the legislation governing superannuation contributions for elected officials
- sets out the arguments for and against the payment of superannuation contributions for mayors and councillors, and
- provides different options and legislative models.

I welcome your input into this conversation and look forward to hearing your views.

The Hon Shelley Hancock MP
Minister for Local Government

1. Should mayors and councillors in NSW receive superannuation payments in addition to their fees?

Reasons that mayors and councillors should receive superannuation payments in addition to their fees can be summarised as follows:

- it will ensure that mayors and councillors are adequately remunerated for the performance of their duties
- it will address a historic anomaly that has seen mayors and councillors denied the benefit of superannuation guarantee payments enjoyed by the broader workforce, and
- it is hoped it will encourage more women to stand as candidates for election to councils.

Each of these arguments are examined below.

Are NSW mayors and councillors adequately remunerated?

In NSW, the remuneration received by mayors and councillors is independently set by an expert tribunal, the Local Government Remuneration Tribunal.

Under section 239 of the NSW *Local Government Act 1993* (the Act), the Tribunal is required to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.

To ensure that mayors and councillors receive remuneration that is commensurate with, and reflects their workload and responsibilities, the Tribunal is required to consider a range of criteria under section 240 of the Act in determining remuneration categories. These include:

- the size, physical terrain, population and the distribution of the population of each local government area
- the nature and volume of business dealt with by each council
- the nature and extent of the development of each local government area
- the diversity of the communities each council serves
- the regional, national and international significance of the council, and
- any other matters the Tribunal considers relevant to the provision of efficient and effective local government.

The Tribunal last undertook a significant review of the categories and the allocation of councils into each of the categories in 2017. The Tribunal has indicated that it will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.

Under section 241 of the Act, the Tribunal is required to determine, no later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.

As noted above, in determining the maximum and minimum fees payable in each of the categories, the Tribunal is required under section 242A(1) of the Act, to give effect to the same policies on increases in remuneration as the Industrial Relations Commission.

The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

However, the Tribunal is able to determine that a council can be placed into another existing or a new category with a higher range of fees without breaching the Government's wage policy pursuant to section 242A(3) of the Act. This means that where, for whatever reason, the workload or responsibilities of the mayor and councillors increase, they may receive an increase in remuneration that reflects their increased workload even if that increase exceeds the 2.5% public sector wages cap.

The current remuneration levels for mayors and councillors in each category are set out below:

Table 1: Minimum and maximum fees for NSW mayors and councillors

Category		Councils in Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
			Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	1	27,640	40,530	169,100	222,510
	Major CBD	1	18,430	34,140	39,160	110,310
	Metropolitan Large	8	18,430	30,410	39,160	88,600
	Metropolitan Medium	9	13,820	25,790	29,360	68,530
	Metropolitan Small	11	9,190	20,280	19,580	44,230
General Purpose Councils – Non - metropolitan	Regional City	2	18,430	32,040	39,160	99,800
	Regional Strategic Area	2	18,430	30,410	39,160	88,600
	Regional Rural	37	9,190	20,280	19,580	44,250
	Rural	57	9,190	12,160	9,780	26,530
County Councils	Water	4	1,820	10,140	3,920	16,660
	Other	6	1,820	6,060	3,920	11,060

- Mayors and county council chairpersons receive their fee **in addition to** the fee they receive as a councillor/member.

A comparison of average remuneration received by mayors and councillors in NSW with the remuneration received by their counterparts in other jurisdictions indicates that NSW councillors receive similar or higher levels of remuneration than their counterparts in other jurisdictions other than Queensland.

Table 2: Interjurisdictional comparison of councillor remuneration (as paid at March 2020)

Jurisdiction	Average	Lowest Fee	% NSW fee	Highest fee	% NSW fee
NSW	24,860	9,190		40,530	
QLD	141,066	53,049	577%	160,938	397%
VIC	27,999	8,833	96%	47,165	116%
TAS	23,372	9,546	104%	37,198	92%
WA	17,634	3,589	39%	31,678	78%
NT ¹	13,283	4,428	48%	22,137	55%
SA	16,215	6,500	71%	25,930	64%

Table 3: Interjurisdictional comparison of mayors' remuneration (as paid at March 2020)

Jurisdiction	Average	Lowest Fee	% NSW fee	Highest fee	% NSW fee
NSW	141,005	18,970		263,040	
QLD	185,824	106,100	1,030%	265,549	101%
VIC	131,877	62,884	331%	200,870	76%
TAS	58,430	23,863	125%	92,997	35%
WA	94,443	4,102	22%	184,784	70%
NT	73,856	24,619	130%	123,093	47%
SA	101,500	26,000	137%	177,000	67%

¹ NT's councillor and mayoral fees are based on the Councillor Member Allowances for July 2018-2019

Have NSW mayors and councillors been denied a financial benefit received by other members of the workforce through the payment of the superannuation guarantee?

The superannuation guarantee was introduced in 1992-93, with compulsory contributions rising at regular intervals from 3 per cent of wages in that year to 9 per cent in 2002-03 and 9.5 per cent in 2013-14. The superannuation guarantee is scheduled to rise incrementally from 9.5 per cent of wages today to 12 per cent by July 2025.

While superannuation guarantee payments are made in addition to an employee's wages, as the Grattan Institute has demonstrated², higher compulsory superannuation contributions are ultimately funded by lower wages. When the superannuation guarantee increases, this is wholly or mostly borne by workers who receive smaller pay rises and lower take-home pay. For example, when the superannuation guarantee increased by from 9 per cent to 9.25 per cent in 2013, the Fair Work Commission stated in its minimum wage decision that the proposed minimum wage increase was "lower than it otherwise would have been in the absence of the Super Guarantee increase".

Given the evidence that superannuation guarantee payments are in effect paid for by workers through lower wages, it would be over simplifying the situation to assume that workers are receiving a 9.5% supplementary payment that is being denied to NSW mayors and councillors.

The last increase in the superannuation guarantee came into effect in 2013/14 when the contribution rate increased from 9.25% to 9.5%. A comparison of increases in average weekly earnings with increases in NSW mayors' and councillors' remuneration as determined by the Tribunal since then indicates that NSW mayors and councillors have, on average, enjoyed slightly higher increases in remuneration than the rest of the community.

Table 4: Comparison of increases in average weekly earnings with increases in mayors' and councillors' remuneration

Financial year	Average weekly ordinary time earnings Aust - annual average increase June to June each year	Councillor remuneration increase 1 July
1 July 2014 – 30 June 2015	2.3%	2.5%
1 July 2015 – 30 June 2016	2.0%	2.5%
1 July 2016 – 30 June 2017	2.2%	2.5%
1 July 2017 – 30 June 2018	1.8%	2.5%
1 July 2018 – 30 June 2019	2.7%	2.5%
1 July 2019 – 30 June 2020	3.1%	2.5%

² See John Daley and Brendan Coates (2018) [Money in retirement: More than enough](#). Grattan Institute. November 2018

Were councils to be required to make an additional payment on behalf of mayors and councillors equivalent to the superannuation guarantee amount (currently 9.5% of their fees) this would, in effect confer on mayors and councillors a 9.5% increase in their remuneration outside of the normal process for setting mayors' and councillors' remuneration by the Local Government Remuneration Tribunal.

This will not be a one-off increase. With the superannuation guarantee set to increase to 12% in the years up to 2025, this would see further increases to mayors' and councillors' remuneration over and above any increases approved by the Tribunal.

While the receipt of a 9.5% increase in their remuneration through the payment of the superannuation guarantee is likely to be widely supported by mayors and councillors, it is important that the community is consulted and support shown by them before changes are made.

At present it is not clear whether ratepayers would support seeing the revenue they contribute to their local councils being diverted from providing services and infrastructure to fund a 9.5% increase in remuneration for their elected representatives.

Will payment of the superannuation guarantee encourage more women to stand as candidates at council elections?

Payment of the superannuation guarantee for mayors and councillors has been promoted as an equity measure to address disparities in men's and women's superannuation balances.

Research has demonstrated that the principal impediments to more women standing as candidates at local government elections are:

- lack of awareness of local government and the role of councils and councillors
- feeling unqualified
- balancing carer and work commitments
- the investment of time required to be an effective councillor, and
- perceptions of the culture of councils and councillor conduct.³

The payment of the superannuation guarantee would benefit male and female councillors alike. In the short term, male mayors and councillors will be the principal beneficiaries of any increase in remuneration through the receipt of an additional superannuation payment given that they currently comprise 69% of councillors in NSW⁴.

Major stakeholders promoting an increase in the number of females represented on councils including Local Government NSW, Women for Election Australia, Australian Local Government Women's Association and the Country Women's Association of NSW recently noted that *"a key barrier for women standing for election to local government can be the lack of access to superannuation, with women unwilling to take on more work with insufficient remuneration"*. The stakeholders also noted *"women tend to have far lower superannuation balances than men, often due to time out of the workforce caring for family members"*.

³ See Manion, Jo and Sumich, Mark (2013), *Influencing Change – Views of elected representatives on leadership, decision making and challenges for Local Government in NSW*.

⁴ See Office of Local Government (2019), *NSW Candidate and Councillor Diversity Report 2017*.

Will payment of the superannuation guarantee encourage younger people to stand as candidates at council elections?

Two separate studies undertaken by the University of Melbourne in 2014⁵ and 2015⁶ found that younger people tend not to be engaged by and are uninterested in superannuation or retirement planning. HECS repayments and saving to purchase a first home tend to be higher financial priorities for younger people than saving for retirement.

The average tenure of councillors is between one to two terms. More than three quarters (77%) of councillors elected at the 2012, 2016 and 2017 elections had served two terms or less. Assuming that councillors were to receive the superannuation guarantee of 9.5% with respect to their fees over one or two terms, as demonstrated by table 5, the value of the capital contributions made to their superannuation funds would, at retirement, represent a small proportion of their accumulated lifetime superannuation capital.

Table 5: Comparison of superannuation contribution amounts that would be made on the maximum annual fee in each category of council at a rate of 9.5% over 1 term (4 years) and 2 terms (8 years).

Category		Number of Councils in Category	Councillor/Member Maximum Annual Fee	4 years at 9.5%	8 years at 9.5%
General Purpose Councils – Metropolitan	Principal CBD	1	40,530	15,401	30,802
	Major CBD	1	34,140	12,973	25,946
	Metropolitan Large	8	30,410	11,556	23,112
	Metropolitan Medium	9	25,790	9,800	19,600
	Metropolitan Small	11	20,280	7,706	15,412
General Purpose Councils – Non-metropolitan	Regional City	2	32,040	12,175	24,350
	Regional Strategic Area	2	30,410	11,556	23,112
	Regional Rural	37	20,280	7,706	15,412
	Rural	57	12,160	4,621	9,242
County Councils	Water	4	10,140	3,853	7,706

⁵ See Ali, Paul and Anderson, Malcolm and Clark, Martin and Ramsey, Ian and Shekhar, Chander (2014). *Superannuation Knowledge, Behaviour and Attitudes in Young Adults in Australia*. CIPR Paper No. RP002/2014

⁶ See Ali, Paul and Anderson, Malcolm and Clark, Martin and Ramsey, Ian and Shekhar, Chander (2015). *No Thought for Tomorrow: Young Australian Adults' Knowledge, Behaviour and Attitudes About Superannuation*. Law and Financial Markets Review Vol. 9, No. 2, pages 90-105

	Other	6	6,060	2,303	4,606
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How much will it cost and who will pay?

The cost of paying the superannuation guarantee for mayors and councillors will need to be met by each council out of its existing budget.

This cost will vary from council to council depending on what fees the mayor and councillors receive and how many councillors there are on the council. The table below sets out the average annual cost to councils in each remuneration category of paying the 9.5% superannuation guarantee for the mayor and each councillor based on the maximum annual fee payable in each category.

The total estimated annual cost of paying the 9.5% superannuation guarantee for mayors and councillors for the local government sector as whole is close to \$3 million (\$2,758,739).

Table 6: Average annual cost to councils of making a 9.5% superannuation contribution for mayors and councillors

Category		Councils in Category	Average annual cost of paying 9.5% superannuation contribution for mayors and councillors
General Purpose Councils – Metropolitan	Principal CBD	1	55,792
	Major CBD	1	55,886
	Metropolitan Large	8	45,973
	Metropolitan Medium	9	35,911
	Metropolitan Small	11	21,541
General Purpose Councils – Non-metropolitan	Regional City	2	46,007
	Regional Strategic Area	2	45,973
	Regional Rural	37	21,543
	Rural	57	11,762
County Councils	Water	4	9,289
	Other	6	5,081

2. Why are councils not required to make superannuation guarantee payments to mayors and councillors?

The Commonwealth *Superannuation Guarantee (Administration) Act 1993* (SG Act) imposes an obligation on an employer to pay the superannuation guarantee of 9.5% of an employee's earnings to a complying superannuation fund nominated by the employee.

The obligations under the SG Act do not extend to councils with respect to the fees they pay to mayors and councillors because they are not employees of the council for the purposes of that Act. Mayors and councillors are elected to a civic office in the council and the council is not their employer.

Section 12(9A) of the SG Act expressly excludes mayors and councillors across Australia from the definition of "employee" meaning that councils are not obliged to make superannuation guarantee payments to mayors and councillors under that Act. Section 12(9A) of the SG Act provides that, "*a person who holds office as a member of a local government council is not an employee of the council*".

Section 251 of the NSW Local Government Act also makes it clear that the payment of a fee to a mayor or councillor does not constitute the payment of a salary and mayors and councillors are not to be taken to be employees of councils because of the payment of the fee.

3. Can NSW councils make superannuation contributions on behalf of mayors and councillors as a component of their fees?

There is nothing currently preventing councils from making superannuation contributions on a voluntary basis on behalf of the mayor and councillors.

The Australian Tax Office has made a definitive ruling, (ATO ID 2007/205) that allows for mayors and councillors to redirect their annual fees into superannuation on a pre-tax basis.

In practical terms, there is nothing currently preventing mayors and councillors, who wish to make concessional contributions to their superannuation funds, from entering into an arrangement with their council under which they agree to forego part of their remuneration in exchange for the council making contributions to a complying superannuation fund on their behalf on a pre-tax basis.

Councils are also able to determine for themselves, by council resolution and/or within an appropriate council policy, if and how councillors may do this.

4. Can NSW councils make superannuation contributions on behalf of mayors and councillors in addition to the payment of their fee?

It is open to councils under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the Commonwealth *Taxation Administration Act 1953* (TAA) to resolve that mayors and councillors are subject to Pay As You Go withholding. The resolution must be unanimous to be effective.

A resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA operates to take the mayor and councillors out of section 12(9A) of the SG Act, which recognises that they are not employees of the council, and brings them within section 12(10) of the SG Act which states that:

A person covered by paragraph 12-45(1)(e) in Schedule 1 to the Taxation Administration Act 1953 (about members of local governing bodies subject to PAYG withholding) is an employee of the body mentioned in that paragraph.

Section 12(1) effectively deems the mayor and councillors to be employees and the council to be their employer for the purposes of the SG Act. This will mean the council will be obliged to make superannuation guarantee contributions (currently 9.5% of the mayor's and councillors' fees) to complying superannuation funds in respect of fees paid to the mayor and councillors. These contributions would be paid in addition to the fees received by the mayor and councillors.

It should be noted however that a resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA will also result in mayors and councillors being treated as employees for a wide range of other taxation purposes. Among other things:

- the council will have to withhold amounts from the payment of fees to the mayor and councillors in accordance with section 12-45(1)(e) of Schedule 1 of the TAA
- the council will be subject to fringe benefits tax under the Commonwealth *Fringe Benefits Tax Assessment Act 1986* on the taxable value of expenses paid to and facilities provided to the mayor and councillors under the council's councillor expenses and facilities policy adopted under section 252 of the LGA, and
- the council will be obliged under Commonwealth *Child Support (Registration and Collection) Act 1988* to withhold payments from fees paid to the mayor and councillors for the purposes of making child support/maintenance/carer payments.

It is unclear however whether a resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA is permissible under sections 248(2) and 249(3) of the Act where it would have the consequence of requiring a council to make a superannuation guarantee contribution in respect of the fees paid to councillors and the mayor that, taken together with their fees, exceeds the maximum amount determined by the Local Government Remuneration Tribunal.

It is also unclear what impact section 242A of the Act would have in relation to a council's resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA. Section 242A of the Act places an obligation on the Local Government Remuneration Tribunal when determining the remuneration of mayors and councillors, to apply the same policies on increases in remuneration as those that the Industrial Relations Commission is required to apply under section 146C of the NSW *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees.

It is possible that where a council is obliged to make superannuation guarantee contributions on behalf of the mayor and councillors in addition to their fee, the Tribunal may, in turn, be obliged under section 242A to make a determination reducing the mayor's and councillors' fees to ensure that the fee and superannuation contribution do not result in an increase that exceeds the 2.5% public sector wages cap.

5. What is the position in Queensland?

Section 226 of the Queensland *Local Government Act 2009* gives councils the option to pay an amount into a complying superannuation fund on behalf of the mayor and councillors up to an amount payable with respect to employees of the council. The amount paid is in addition to the amount the mayor and councillor receive as a fee. Alternatively, councils may contribute a portion of the mayor's or councillors' fees to complying superannuation fund as is the case in NSW.

6. Options

Option 1: Maintaining the status quo

Under this option, councils will continue not to be obliged to make superannuation guarantee payments on behalf of the mayor and councillors. Mayors and councillors who wish to make concessional contributions to their superannuation funds can continue to enter into an arrangement with the council under which they agree to forego part of their fee in exchange for the council making contributions to a complying superannuation fund on their behalf on a pre-tax basis.

Option 2: Amending the NSW *Local Government Act 1993* to require councils to pay a portion of the mayor's and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors.

Under this option, the Act would be amended to require councils to pay a proportion of the mayor's and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors.

Option 3: Amending the NSW *Local Government Act 1993* to require councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the payment of the mayor's and councillors' fees.

Under this option, all councils will be required to pay an amount equivalent to the superannuation guarantee contribution payable with respect to the mayor's and councillors' fees, into a complying superannuation fund nominated by the mayor and councillors. The payment would be made in addition to the payment of the mayor's and councillors' fees.

A supporting amendment would be required to exempt the additional payment from section 242A of the Act.

Option 4: Amend the NSW *Local Government Act 1993* to give councils the option to pay an amount equivalent to the superannuation guarantee into a

**complying superannuation fund nominated by the mayor and councillors
in addition to the mayor's and councillors' fees.**

This option is based on the Queensland model. Under this option, the payment of an additional superannuation contribution in addition to the mayor's and councillors' fees would be optional for councils. Councils would also have the option to make a superannuation contribution on behalf of the mayor and councillors as a portion of the mayor's or councillors' fees.

As with option 3, a supporting amendment would be required to exempt the additional payment from section 242A of the Act.

7. Have Your Say

We now want to hear from you.

Key questions to consider

- **Should councils be required to make superannuation contributions for the mayor and councillors?**
- **Should contributions be made as a portion of mayors' and councillors' fees or in addition to them?**
- **Which is your preferred option?**
- **Do you have an alternative suggested option?**

Submissions may be made in writing by COB Friday 7 August 2020 to the following addresses.

Post
Locked Bag 3015
NOWRA NSW 2541

Email:
olg@olg.nsw.gov.au

Submissions should be labelled 'Councillor Superannuation Consultation' and marked to the attention of OLG's Council Governance Team.

Further information

For more information, please contact OLG's Council Governance Team on (02) 4428 4100 or via email at olg@olg.nsw.gov.au.

**PSR20/008 DRAFT BATEMANS BAY WATERFRONT MASTERPLAN AND
ACTIVATION STRATEGY**

OP0005-S004

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

Attachments: 1. Under Separate Cover - Draft Batemans Bay Waterfront Masterplan and Activation Strategy

Outcome: 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: 6.1.2.2 Continue with the Batemans Bay Visioning Project

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement for public exhibition of the draft Batemans Bay Waterfront Masterplan and Activation Strategy which is attached under separate cover.

Council engaged specialist tourism planning and urban design consultants, Inspiring Place and Complete Streets, to identify opportunities to activate the Batemans Bay waterfront. The project is an outcome of several State and Council strategic documents which identify the need to reinforce Batemans Bay as a key regional centre and marine tourism hub.

The draft Batemans Bay Waterfront Masterplan and Activation Strategy (the draft Plan) outlines ways to strengthen the waterfront as a key destination experience for Eurobodalla. The draft Plan provides a vision for the waterfront to facilitate much needed development of marine based tourism infrastructure, further activate the waterfront and address issues and opportunities raised during an extensive stakeholder engagement process between June 2019 and March 2020.

The draft Plan includes actions for:

- Youth Central – a unique youth activity space with multiple play opportunities in a colourful setting by the water
- Pedestrian wayfinding and interpretation that improves accessibility and enables Batemans Bay to stand out as a destination
- Waterfront Square providing an open vista through to the estuary; an interactive installation to draw families, with improved access to the water and quality street furniture
- Waterfront activation through innovative product displays, experiential retail, alfresco dining, busking and entertainment, parklets and spontaneous activity in collaboration with businesses
- A people and activity focussed Clyde Street, delivered through changed road pavement, improved parking alignments, removal of barriers, additional seating, shade and open green spaces to support spontaneous and planned activities

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- A connected waterfront with a widened pathway, upgraded lighting, improved landscaping and accessibility to water
- Marine infrastructure to support the growth of marine based tourism including cruises, kayaks, sea planes, recreational boaters and diving and fishing charter operations
- Review polices and processes to make activation easier and encourage more people to do business and live in Batemans Bay

It is recommended that the draft Strategy be placed on public exhibition for 28 days in accordance with Council's Community Engagement Framework and Participation Plan. The draft Plan would only be available on Council's website due to the current implications of COVID-19.

Implementing an adopted plan would result in Batemans Bay becoming one of the most sought after places on the NSW coast to live, work and play- a safe place that the community can come together along a well-maintained, strategically planned and vibrant foreshore. While businesses are struggling as we recover from the economic and social impacts of bushfires and COVID-19, this draft Plan provides a long term vision and direction for how to best service the community, attract new and support existing businesses, and provide more attractions and activities for visitors.

RECOMMENDATION

THAT:

1. Council publicly exhibit the draft Batemans Bay Waterfront Masterplan and Activation Strategy for a period of 28 days.
2. A further report regarding the draft Batemans Bay Waterfront Masterplan and Activation Strategy be provided to Council following exhibition.

BACKGROUND

Batemans Bay is recognised by the NSW Government as a key regional centre and marine tourism hub. Complemented by the Batemans Marine Park, Batemans Bay has vibrant businesses, services and facilities to meet regional and local needs with the ability to further support and accommodate significant economic, social and environmental assets.

The waterfront is the gateway to Batemans Bay and continually identified in NSW Government strategic plans including the NSW South Coast Marine Tourism Strategy, NSW Maritime Infrastructure Plan, and South East and Tablelands Regional Plan as a key asset that if redeveloped, has the potential to stimulate economic growth and grow jobs in Batemans Bay and the region. However, it has unrealised potential as a quality seaside setting for the daily life of the community or as a destination for visitors. For example Batemans Bay is fringed by a number of vacant shops while roads and parking are a physical and visual barrier in using the waterfront.

Investment in Batemans Bay is supported by recent projects including the replacement of the Batemans Bay bridge, the proposed redevelopment of the Mackay Park precinct and the need

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to respond to the issues that emerged from the Batemans Bay visioning project and building height review. Activation of Batemans Bay will rely on the draft vision together with strategies that integrate accessibility, land use, built form, culture and heritage, economic and tourism development, public space and the environment. A plan for the waterfront helps ensure Batemans Bay can grow to realise the significant economic and social potential of it being a marine tourism hub and key regional centre.

The draft Plan will guide decision making to deliver a range of outcomes identified in other key plans of Council. In particular:

- A vibrant and diverse economy - outcome 5 of the Eurobodalla Community Strategic Plan (the CSP)
- Eurobodalla Destination Action Plan (EDAP) and the Nature Based Tourism Feasibility Study 2019 regarding the need to revitalise Batemans Bay as an appealing gateway for the community and visitors to Eurobodalla
- Action 4.1 of the EDAP to ensure tourism is considered as an important part of Council's planning and development of physical and community infrastructure in order to attract quality tourism and hospitality investment, and provide exceptional experiences for visitors and the community.

CONSIDERATIONS

Council engaged specialist tourism planning and urban design consultants, Inspiring Place and Complete Streets, to identify opportunities to activate the Batemans Bay waterfront. The draft Plan articulates a shared vision and four guiding principles which inform the actions to strengthen the waterfront as a key destination experience for Eurobodalla.

“A distinctive waterfront, not just one of many. A place to make you feel good and belong. An active, lived in place, where people visit, are immersed in the lifestyle of the community, do business, shop and work.”

Achievement of the vision requires much needed marine based tourism infrastructure, activation and other actions to address issues and opportunities raised during an extensive stakeholder engagement process between June 2019 and March 2020.

The four guiding principles described in Table 1 have been incorporated in the draft Plan and have overall strong support from the community. The draft Plan includes actions and strategies that support these principles. When adopted, Council would rely upon the Plan to guide decision making to ensure proposed development and activities do not prejudice the long-term vision and guiding principles for the waterfront.

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Table 1: Principles underpinning the draft Plan from page 6 of the draft Plan

Guiding Principle	Key Elements
Make it a people place	<ul style="list-style-type: none"> › Give priority to people not cars › See the waterfront as a stage › Design attractive, all year-round open spaces › Make playful and energetic spaces › Create leafy shade › Make streets safe, comfortable and inviting › Stimulate the senses › Respect the local culture › Interpret the story of the place › Install wayfinding › Inject arts and arts activities › Make it safe and secure › Walking, walking, walking
Make it active – day and night	<ul style="list-style-type: none"> › Light the night › Encourage an outdoor culture › Create spaces to host events and activities › Support spontaneous activity › Provide a program of activation opportunities
Make strong connections	<ul style="list-style-type: none"> › Celebrate the waterfront edge › Enliven the links to the waterfront › Remove barriers to access and activity › Foster alternative transport
Make it work for local businesses	<ul style="list-style-type: none"> › Excite the imagination › Diversify street edges, activate the street › Identify the gateways to the precinct › Respond to climate risks and opportunities › Encourage people to live in the town › Stimulate mixed-use development

Key issues raised during the draft Plan’s preparation and how they have been addressed in the draft Plan are described in Table 2. More details about the community feedback can be found on [Council’s website](#).

Table 2: Key issues raised by stakeholders during development of the draft Plan

Issue	How addressed in draft Plan
Removal of the Clyde Street boat ramp requires appropriate compensation	The draft plan includes removing the Clyde Street boat ramp but proposes new marine infrastructure including a floating pontoon and to investigate the opportunities to upgrade the Old Punt Road boat ramp. There are also opportunities proposed for fishing and access to the water via steps and jetties.

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Issue	How addressed in draft Plan
The waterfront is a fragmented series of disparate places	The master plan and guiding principles promote a more connected waterfront from Smoke Point to Beach Road.
Use opportunities created by the Batemans Bay Bridge replacement to prioritise pedestrians on Clyde Street	The draft Plan proposes to upgrade Clyde Street to facilitate better pedestrian movement from the waterfront to the CBD. There is also wide support for the proposed use under the new bridge as Youth Central, potentially incorporating a basketball half court, skate plaza elements and outdoor table tennis.
The waterfront lacks a clear welcome and is not a destination	<p>The draft Plan include actions that would activate the waterfront as a destination for visitors and the local community. Lighting it up at night, better connections to the water and making the area more accessible are examples of how the draft Plan would support this.</p> <p>The draft Plan includes an action to investigate opportunities to upgrade Waterfront Square to be the primary gateway to the waterfront and identifies further opportunities for major and minor entry points to consider variation through pavement treatment, wayfinding, furniture, public art, interpretation and/or other elements that mark it as a ‘threshold’.</p>
Relocation of toilets	The draft Plan proposes to investigate options for relocation of the public toilets to facilitate improved view-lines along the foreshore and pedestrian through access. This was generally supported however relocation adjacent to the Innes Boatshed raised concerns regarding the ongoing management of the public toilets (safety and vandalism). This could be addressed with better management and design elements.
Design of floating pontoon must consider the intense wave action experienced	The draft Plan proposes a floating pontoon that is currently being designed and engineered by TfNSW to a standard that would address the expected wave action. All infrastructure elements proposed in the draft Plan would require further assessment and design to ensure they would withstand coastal hazards.
There is a lack of programming and promotion of activation opportunities	The activation strategies in the draft Plan would encourage better programming and communication of the potential for people to activate spaces on the waterfront. This includes making it easier for people to do business, collaborating more and communicating better to promote events.
Development controls are too restrictive	The draft Plan proposes to review development controls with the guiding principles in mind. This includes consideration of parking requirements and building heights. Development control guidelines are in the draft Plan to support this review.
Vacant shops and barriers to activation	The draft Plan supports increasing the residential and tourist accommodation in Batemans Bay and improving the pedestrian permeability around the CBD. It also proposes to review policy to ensure activation is encouraged eg alfresco dining, street trading, busking, etc. There is wide support among businesses to activate Batemans Bay and the opportunities the draft Plan identifies.

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Issue	How addressed in draft Plan
Connection to the water	There is strong community support for there to be opportunities to connect with the water. The draft Plan includes steps into the water, opportunities to sit by the water and increased options for access to and from the waterfront via different types of craft, including commercial operators – cruise tenders, charter boat operators, seaplanes and kayaks.
Widened shared pathway	While there is strong community support for a widened shared path, the expected high cost may mean it is not feasible. The draft Plan identifies a widened path but suggests a feasibility and options analysis should be undertaken to investigate a widened shared pathway further.
Activation programming and promotion	There was wide support for more programming and coordination of activation opportunities and for there to be more promotion of what is happening on the waterfront. The draft Plan proposes to collaborate with community groups and businesses to program activities and promote them.

The draft Plan includes actions for:

- Youth Central – a unique youth activity space with multiple play opportunities in a colourful setting by the water
- Pedestrian wayfinding and interpretation that improves accessibility and enables Batemans Bay to stand out as a destination.
- Waterfront Square providing an open vista through to the estuary, an interactive installation to draw families, with improved access to the water and quality street furniture.
- Waterfront activation through innovative product displays, experiential retail, alfresco dining, busking and entertainment, parklets and spontaneous activity in collaboration with businesses
- A people and activity focussed Clyde Street delivered through changed road pavement, improved parking alignments, removal of barriers, additional seating, shade and open green spaces to support spontaneous and planned activities
- A connected waterfront with a widened pathway, upgraded lighting, improved landscaping and accessibility to water
- Marine infrastructure to support the growth of marine based tourism including cruises, kayaks, sea planes, recreational boaters and diving and fishing charter operations
- Review polices and processes to make activation easier and encourage more people to do business and live in Batemans Bay

Implementing an adopted plan would result in Batemans Bay becoming one of the most sought after places on the NSW coast to live, work and play- a safe place that the community can come together along a well-maintained, strategically planned and vibrant foreshore. While businesses are recovering from the economic and social impacts of bushfires and COVID-19, this draft Plan provides a long term vision and direction for how to best service the community, attract new and support existing businesses, and provide more attractions and activities for visitors.

Grant funding opportunities for projects that align with the draft Plan are already available.

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Legal

Some actions in the draft Plan will require permits and approval. As some of the waterfront land is Crown land, there may also be a need for amending or creating new licences or leases to complete the actions. The draft Plan is consistent with the current Plan of Management that covers some of this land.

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

Policy

The draft Plan recommends reviewing Council policies to make it easier for businesses and community groups to use public spaces for a range of activities. It also proposes that relevant Development Control Plans are reviewed to ensure they align with the guiding principles and strategies of the draft Plan.

Environmental

Implementing the draft Plan is not expected to negatively impact on the environment and some concepts in the draft Plan would require feasibility and environmental assessment before proceeding if adopted. The draft Plan provides opportunities for our community to better connect with the local environment via marine tourism infrastructure and better direct access to the Clyde River for a wide range of water-based activities.

Asset

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

Social Impact

Implementing an adopted plan would result in Batemans Bay becoming one of the most sought after places on the NSW coast to live, work and play- a safe place that the community can come together along a well-maintained, strategically planned and vibrant foreshore. While businesses are struggling as we recover from the economic and social impacts of bushfires and COVID-19, this draft Plan provides a long term vision and direction for how to best service the community, attract new and support existing businesses, and provide more attractions and activities for visitors.

The shared drivers for change include healthy living, increased residential and commercial development opportunities, improved environmental quality, active transport and adaptation to coastal hazards, all within the framework of a sustainable economy in support of improved lifestyles for residents. This change is even more critical when considering the social and

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economic impact that the bushfires and COVID-19 is having and will continue to have on Batemans Bay.

Economic Development Employment Potential

The draft Plan identifies opportunities to improve the physical features of the waterfront to improve opportunities to access, enjoy and activate public spaces. The plan proposes infrastructure to support the growth of marine/nature-based tourism and identifies opportunities to attract new experiential retail into vacant shops. This will grow the visitor economy by providing a year-round visitor attraction that still provides opportunities for people to connect with the natural environment and water. It also supports local businesses to recover from the impact of bushfires and COVID-19 by providing opportunities for activation and encouraging a vibrant liveable CBD which will lead to investment in future residential and visitor accommodation in Batemans Bay and re-energise the local economy.

Financial

If adopted, the actions in the draft Plan would be progressively rolled out across the waterfront once resources and funding were sourced. Grant funding opportunities for projects that align with the draft Plan are already available. The draft Plan guides long-term staging and implementation of the waterfront but this will vary in response to the availability of resources and funding opportunities. An adopted Plan would make Eurobodalla's applications for funding more competitive, as it establishes a clear vision for the waterfront, as a key marine tourism hub and community asset.

Community and Stakeholder Engagement

Extensive stakeholder engagement has been undertaken throughout the development of the draft Plan. The feedback received, at each phase has been considered and incorporated in the draft Plan. We also used feedback provided by the community from related projects such as Batemans Bay Bridge replacement, along with the results of previous studies and strategies, including Batemans Bay visioning project.

An outline of the engagement process, steps and activities is provided in Figure 1.

PSR20/008 DRAFT BATEMANS BAY WATERFRONT MASTERPLAN AND ACTIVATION STRATEGY

OP0005-S004



Figure 1: An outline of the engagement process, steps and activities

The context analysis included meetings with key stakeholders, three community ‘walk and talks’ in Batemans Bay, presentations to local businesses about activation and the process. Staff visited Batemans Bay Primary School and representatives of Council’s Youth Advisory Committee.

The community have been engaged throughout the project and invited to share their ideas via Council’s Tourism News, letters to landholders, media releases and social media. This has included a range of groups that would use or benefit from using the waterfront, for example boat users, tourism operators, recreational fishers, and arts and cultural organisations.

During an ‘engagement through activation’ weekend in November 2019, Council received 85 surveys and 30 comment sheets about the emerging concepts, ideas and options. The weekend demonstrated how Batemans Bay waterfront could be activated and staff and consultants listened to the views shared by the community.

Members of our Aboriginal community have been engaged via the Aboriginal Advisory Committee and email distributions. The Aboriginal Community were invited to share ideas at a picnic on the foreshore in late November 2019.

Negotiations with Marine Parks and Transport for NSW have been undertaken throughout the development of the draft Plan to ensure a whole of government understanding of the emerging principles and actions. Councillors and staff across all Council directorates have provided comments as the draft Plan was prepared.

It is recommended that the draft Plan be placed on public exhibition for 28 days as the final step in the community consultation process. The draft Plan would only be made available on Council’s website due to the COVID-19 implications around making hard-copies available. Public exhibition of the draft Plan would be promoted via a public notice in the local press and a media release.

**PSR20/008 DRAFT BATEMANS BAY WATERFRONT MASTERPLAN AND
ACTIVATION STRATEGY**

**OP0005-
S004**

CONCLUSION

As part of the community and stakeholder engagement process, this report seeks Council's endorsement of the draft Batemans Bay Waterfront Masterplan and Activation Strategy to be placed on public exhibition for 28 days. A further report will be provided to Council following exhibition.

**PSR20/009 EUROBODALLA LOCAL ENVIRONMENTAL PLAN
AMENDMENT NO. 14**

S017-T00008

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: Responsible and Balanced Development
Focus Area: 6.3 Encourage and support the development of a more diverse, innovative and affordable range of housing
Delivery Program Link: 6.3.1 Enable housing choice through responsive planning instruments
Operational Plan Link: 6.3.1.1 Implement responsive planning instruments

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to rectify a mapping error in the Eurobodalla Local Environmental Plan Amendment No. 14 (ELEP Am 14) that relates to the rezoning of identified flood prone land. The mapping error relates to amending a minimum lot size map in relation to Lot 4 Sec 38 DP758710, 84 Hawdon Street, Moruya.

The mapping amendment involves changing the proposed minimum lot size from 5,000m² to 550m² across 84 Hawdon Street, Moruya. This minimum lot size change is consistent with the original intent of the planning proposal associated with the ELEP Am 14 that seeks to remove the E2 - Environmental Conservation Zone from flood prone land.

RECOMMENDATION

THAT Council endorse the mapping amendment to change the minimum lot size over 84 Hawdon Street, Moruya from 5,000m² to 550m².

BACKGROUND

The ELEP Am 14 is a planning amendment relating to the rezoning of E2 – Environment Conservation Zone land identified as flood prone. The planning amendment seeks to replace the E2 zoning on these properties with an appropriate adjoining zone and minimum lot size. The existing flood risk can be appropriately addressed at the assessment stage of any proposed development or subdivision, taking into consideration the flood studies for Moruya, Narooma, Dalmeny, Tomakin, Broulee, Mogo and Mossy Point.

The ELEP Am 14 was reported to Council on 30 April 2019, following its public exhibition from 6 December 2017 to 2 February 2018. At the Ordinary Meeting of Council, it was resolved (Min 19/1):

THAT Council:

- 1. Endorse the amendment to Planning Proposal 14 to remove flood mapping from the exhibited Gateway determination and amend Clause 6.5 of the Eurobodalla Local Environmental Plan 2012 to remove reference to flood mapping;*
- 2. Make a request to the Department of Planning to amend the Gateway determination to reflect the recommendation (1) above; and*

PSR20/009 EUROBODALLA LOCAL ENVIRONMENTAL PLAN AMENDMENT NO. 14

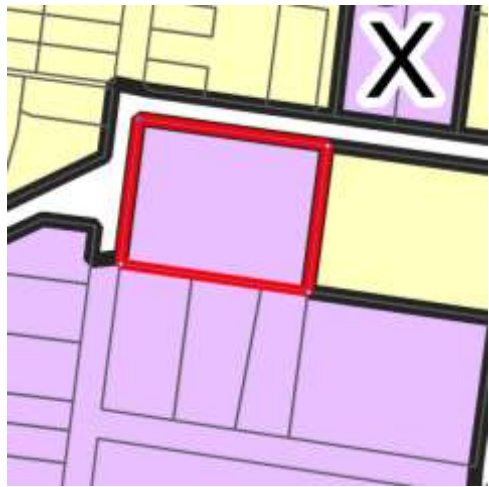
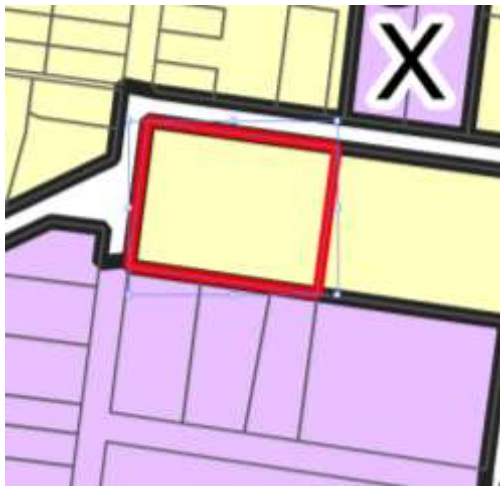
S017-T00008

3. *Contact respondents to the call for submissions thanking them for their contributions and advise of Council’s resolution in respect to the Gateway determination.*

A review of the planning amendment identified the unintended planning error and endorsement is now sought to amend the proposed minimum lot size over 84 Hawdon Street, Moruya.

As illustrated in Table 1, the minor mapping amendment relates to modifying the minimum lot size over the site from 5,000m² to 550m². This minimum lot size is consistent with the existing minimum lot size on this land and adjoining residential land zoned R2 – Low Density Residential.

Table 1 – Mapping Revision in ELEP Am 14

Original ELEP Am 14 – LSZ 12A Map	Minor revision ELEP Am 14 – LSZ 12A Map
	
<p>Original ELEP Am 14 had the minimum lot size as 5,000m².</p>	<p>Proposed amendment to ELEP Am 14 is changing the minimum lot size to 550m².</p>

CONSIDERATIONS



This mapping amendment is in line with the original intent of ELEP Am 14 which sought to remove the E2 – Environmental Conservation Zone from flood prone land.

The subject site (84 Hawdon Street, Moruya) currently has a split zone of R2 – Low Density Residential towards the southeast segment of the property and E2 – Environmental Conservation to the north west segment. In addition, a portion of the site where the land is zoned R2, has a minimum lot size of 550m². This is further illustrated in Table 2.

PSR20/009 EUROBODALLA LOCAL ENVIRONMENTAL PLAN AMENDMENT NO. 14

S017-T00008

Table 2 – Existing zoning and minimum lot size for 84 Hawdon Street, Moruya

Existing zones	Existing minimum lot size
	
<p>Split zone of R2 (orange) and E2 (pink).</p>	<p>Portion of land with a minimum lot size of 550m².</p>

The planning proposal has sought to remove the E2 zone and rezone the entire site R2 and initially apply a minimum lot size of 5,000m². However, the proposed minimum lot size of 5,000m² is inconsistent with Council’s intention and the Ministerial Direction under Section 9.1 of the *Environmental Planning and Assessment Act 1979* which states that a planning amendment must “not contain provisions which will reduce the permissible residential density of land”. As the site already contains a portion of land that has a minimum lot size of 550m², applying a larger minimum lot size would minimise what is currently permissible. In amending the minimum lot size over the entire site to be 550m², this would continue to facilitate subdivision, provided flood risk could be adequately mitigated both on-site and downstream.

If Council supports the mapping change, staff will provide the Department of Planning, Industry and Environment with the amended minimum lot size map and request that the Parliamentary Counsel Office proceed with implementing the ELEP Am 14.

Legal

The *Environmental Planning and Assessment Act 1979* outlines the process for making amendments to a Local Environmental Plan. The first stage of the process required a resolution of Council to forward a planning proposal to the Minister for Planning for a Gateway Determination (issued in 2019), requesting that the planning proposal be placed on public exhibition from 6 December 2017 to 2 February 2018.

As the mapping amendment is minor in nature and is within the original intent of the ELEP Am 14, no further public exhibition is required.

Environmental

The mapping amendment will have no environmental impact. The subject site of 84 Hawdon Street, Moruya was originally zoned E2 – Environmental Conservation to manage the flood risk.

**PSR20/009 EUROBODALLA LOCAL ENVIRONMENTAL PLAN AMENDMENT NO.
14**

**S017-
T00008**

Any future subdivision on the land will need to mitigate the impact of flooding on-site and downstream.

Community Consultation

The mapping changes have been previously placed on public exhibition from 6 December 2017 and 2 February 2018. Given the mapping amendment is minor in nature, is in line with the original intent of the ELEP Am 14 and is consistent with the existing minimum lot size over the R2 zoned portion of the lot, further public exhibition is not necessary.

CONCLUSION

This report seeks endorsement from Council to amend the minimum lot size map relating to Eurobodalla Local Environmental Plan Amendment No. 14 (ELEP Am 14). The mapping change will result in the minimum lot size over Lot 4 Sec 38 DP758710, 84 Hawdon Street, Moruya being amended from 5,000m² to 550m². This revision is consistent with the original intent of the planning amendment that seeks to remove the E2 Environmental Conservation zone from land identified as having a level of flood risk.

PSR20/010 COASTAL MANAGEMENT PLAN GRANT

**S017-T00013,
S014-T00007**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: Protected and Valued Natural Environment
Focus Area: 3.1 Respond to our changing environment and build resilience to natural hazards
Delivery Program Link: 3.1.1 Manage coastal use and hazards
Operational Plan Link: 3.1.1.1 Prepare the Eurobodalla Coastal Management Program

EXECUTIVE SUMMARY

Council has received confirmation from the Minister for Local Government, The Hon. Shelley Hancock MP, that Council has received a \$250,000 grant to complete the Coastal Management Plan (CMP) for our open coast. This report seeks Council's endorsement of the acceptance of this grant funding.

Once the grant funding has been received, Council will begin the process of re-tendering for the final stage of the CMP. This involves evaluating coastal management options raised through community consultation, further community consultation on the management options and preparing the CMP to be certified.

RECOMMENDATION

THAT Council endorses the acceptance of a \$250,000 grant from the Minister for Local Government to finalise Eurobodalla's Coastal Management Program.

BACKGROUND

The CMP has been a longstanding project that sets out the long-term strategy for managing the Eurobodalla coastline. This project will identify coastal management issues and provide recommended actions that address these matters in a strategic and integrated manner.

Preparation of the Eurobodalla CMP has reached Stage 3 of a five-stage process, including:

- Stage 1. Scoping study
- Stage 2. Detailed technical assessments
- Stage 3. Identifying and evaluating options**
- Stage 4. Prepare CMP through to certification
- Stage 5. Implementation, monitoring and review

Council staff completed a series of community workshops and drop-in sessions between 23 and 26 July 2018. The consultation process sought to understand the community and affected property owner's preferred coastal management options (Stage 3). In July 2019, councillors were briefed on the findings from the community consultation.

Community feedback requested that more community consultation be undertaken and that additional investigation be undertaken on a number of issues. In direct response to this feedback, Council requested additional funding from the NSW Government to provide for

PSR20/010 COASTAL MANAGEMENT PLAN GRANT

**S017-T00013,
S014-T00007**

additional consultation with the community in the formation of the CMP and further investigation of key issues.

Since this time, the CMP has been put on hold as a result of a Government Agency Taskforce (Taskforce) being established by the NSW Government.

The Taskforce has reviewed the Batemans Bay Independent Coastal Impact Assessment, completed by GHD on behalf of Transport for NSW and recommended that Council recommence and finalise the CMP. The Taskforce has further recommended that the CMP should consider the background information, consultation and investigations completed by GHD and previous Council studies to develop practical and scientifically rigorous coastal hazard solutions across the entire Eurobodalla coastline.

It was on this basis that Council received the offer of \$250,000 to complete the CMP.

CONSIDERATIONS

Upon acceptance of the funding, Council will be able to recommence and finalise the CMP. This will involve re-scoping and retendering the CMP, ensuring additional investigations and community consultation are incorporated into the revised project.

The recommencement of the CMP will also require the re-establishment of the Coastal and Environmental Management Advisory Committee (CEMAC) which has lapsed while the project was put on hold. This Committee will be critical in guiding the completion of the CMP and ground truthing future findings and recommendations.

In addition, the Taskforce will continue to meet and provide support to Council in finalising the CMP, ensuring a coordinated approach between NSW Government agencies.

Legal

All coastal councils are required to prepare a Coastal Management Program (CMP) under Part 13 of the *Coastal Management Act 2016* (CM Act). A CMP must be prepared in accordance with the Coastal Management Manual and aims to support the objectives of the *Marine Estate Management Act 2014*.

A CMP sets out the long-term strategy for the coordinated management of the coast, with a focus on achieving the objectives of the CM Act.

Policy

Council adopted the Eurobodalla Interim Coastal Hazard Adaptation Code (interim Code) to serve as temporary guidance for development during the preparation of the CMP.

The interim Code will be replaced by Council's adoption of the CMP.

Environmental

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

PSR20/010 COASTAL MANAGEMENT PLAN GRANT

**S017-T00013,
S014-T00007**

Social Impact

Other important objectives of the CMP are to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety.

Financial

The grant funding has a 100% funding ratio and does not require Council to provide any additional financial contribution in finalising the CMP.

In addition, a certified CMP will enable Council to have access to funding allocated under the NSW Coastal Management Program Fund. This funding is only available for projects identified in a certified CMP.

Community and Stakeholder Engagement

Community engagement will be central to the recommencement and progression of the CMP.

CONCLUSION

The purpose of this report is to request Council's endorsement in accepting the additional grant funding which will allow Council to recommence and complete the Coastal Management Program (CMP). The recommencement of the CMP will require that the project is retendered and that the Coastal and Environmental Management Advisory Committee is reestablished.

IR20/008 REQUEST FOR TENDER NO. 10017601 - POTATO POINT SEWER RISING MAIN, SEWAGE PUMP STATION AND WATER MAIN S029-T00004

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services
Attachments: 1. Confidential - RFT 10017601 - Potato Point Sewer Project
Outcome: Sustainable Living
Focus Area: 4.1 Maximise the efficient use and reuse of our water resources
Delivery Program Link: 4.1.1 Provide a safe, reliable and sustainable town water supply and sewerage services
Operational Plan Link: 4.1.1.2 Build, renew, operate and maintain sewerage systems

EXECUTIVE SUMMARY

The Potato Point sewerage scheme is a priority project to improve the service to residents in the village and better protect the environment.

The sewage pump station and sewer rising main needs to be constructed as the first part of the Potato Point Sewerage Scheme. The existing water supply trunk main is also being renewed at the same time as part of Council's ongoing water mains renewal works to take advantage of efficiencies in undertaking the work.

Council engaged Public Works Advisory (PWA) to advertise Request for Tender (RFT) No. 10017601 for the construction of a new Potato Point sewage pump station, sewer rising main and water trunk main on Council's behalf.

RFT 10017601 was open for submission from 13 March 2020 to 30 April 2020. Upon close of tender, fourteen (14) tenders were received.

This report outlines the evaluation of these offers in response to RFT No. 10017601, and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT Council:

1. Endorses the selection of the preferred tenderer listed for Tender 10017601 Potato Point Sewer Rising Main, Sewage Pump Station and Water Main; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

BACKGROUND

Council's adopted Integrated Water Cycle Management Strategy (IWCMS) 2016 identified the existing on-site sewage management systems in Potato Point as having a medium-high risk on public and environmental health.

The provision of a pressure sewerage scheme to collect and transport sewage to the Bodalla Sewage Treatment Plant (STP) was therefore included in Council's long term capital works program. Council was subsequently successful in obtaining a grant of \$3.2 million from the NSW State Government through the Restart program.

**IR20/008 REQUEST FOR TENDER NO. 10017601 - POTATO POINT SEWER
RISING MAIN, SEWAGE PUMP STATION AND WATER MAIN**

**S029-
T00004**

This project will be constructed through two contracts, with the first being for the construction of the sewage pumping station and rising main to transport sewage from Potato Point to the Bodalla STP. This report deals with this first stage of the overall scheme.

The second contract will be for the construction of the pressure sewerage scheme within Potato Point. Tenders for this part of the work will be called later in 2020 with a view to commencing work in 2021. This will be reported to Council separately at that time.

The new sewer rising main is being laid along the same alignment as the existing 55 year old water supply trunk main. This water main needs to be renewed and has therefore been incorporated into the same contract for efficiencies of scale and to minimise site disturbance and restoration.

RFT 10017601 was advertised on 13 March 2020 with a closing date of 30 April 2020.

Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- aBCD Enterprise
- Eire Constructions Pty Ltd
- E1 Civil Engineering Pty Ltd
- Endacom Pty Ltd
- FB Contracting
- Precision Pipe Networks Pty Ltd
- Hisway Pty
- Ledonne Constructions Pty Ltd
- MMA Civil Contractors
- R.D. Miller Pty Ltd
- SNG Constructions Pty Ltd
- TCM Civil Pty Ltd
- Trazlbat Pty Ltd
- Utilstra Pty Ltd

A summary of the evaluation including the pricing from tenderers is provided in the confidential attachment to this report.

CONSIDERATIONS

Legal

Request for Tender (RFT) 10017601 was advertised in accordance with clause 167 of the Local Government (General) Regulation 2005 and the Local Government Act 1993.

The tender was advertised on Council's noticeboard page in local newspapers, in the Sydney Morning Herald, and through the NSW Government etendering website (<https://tenders.nsw.gov.au>).

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

**IR20/008 REQUEST FOR TENDER NO. 10017601 - POTATO POINT SEWER
RISING MAIN, SEWAGE PUMP STATION AND WATER MAIN**

**S029-
T00004**

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

Policy

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

Environmental

The works are designed to reduce the environmental impacts associated with the existing on-site sewage management systems in Potato Point. The Bodalla STP has been designed to accommodate anticipated flows from the Potato Point village.

Financial

The amount tendered by the preferred Tenderer can be accommodated within the existing sewer and water fund capital budget and water fund reserves.

A grant of \$3.22 million through the NSW State Government Restart program has previously been accepted by Council for the Potato Point Sewerage Scheme.

Community and Stakeholder Engagement

The Potato Point community has been extensively consulted with regarding the project in general. Direct discussions have also been had with the property owners directly affected by the new pump station and water and sewer mains. This includes the NSW Rural Fire Service (Potato Point RFS Shed), NSW National Parks and Wildlife Service, Forestry Corporation NSW, and three private landowners.

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

CONCLUSION

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

This report recommends the preferred tenderer.

CCS20/023 INVESTMENTS MADE AS AT 31 MAY 2020

**S011-T00006,
S012-T00025**

Responsible Officer: Amanda Jones - Acting Director Corporate and Commercial Services

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

EXECUTIVE SUMMARY

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 that the investments as at 31 May 2020, 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.

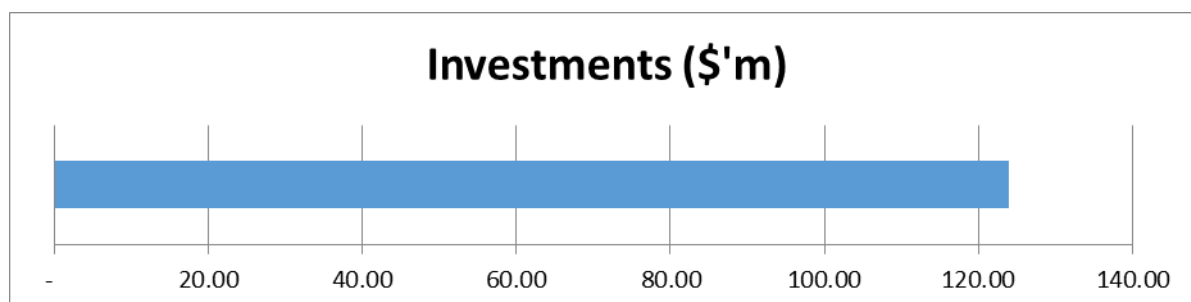
CONSIDERATIONS

Policy

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

Financial

Council investing overall



CCS20/023 INVESTMENTS MADE AS AT 31 MAY 2020

**S011-T00006,
S012-T00025**

Council has \$124.0m (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 \$32.50m invested in banks rated below A, and in the 'some limited risk' category of the policy.

The increase in investments of \$6.0m was mainly because the call account with Macquarie Bank was opened and the funds transferred from the general account.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 26.21% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.75m and represents 1.41% of the portfolio.

There are \$44.0m (35.48%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 1.39%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (0.35%).

Summary investment information

The following table summarises investment categories and balances at month end.

CATEGORY	(\$)
At Call Deposit	5,001,871
Term Deposits	117,250,000
Term Deposits Government Guaranteed	1,750,000
	124,001,871
<i>Weighted average interest %:</i>	1.39%
<i>Average 90 day BBSW + 0.25%</i>	0.35%

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.

CCS20/023 INVESTMENTS MADE AS AT 31 MAY 2020

**S011-T00006,
S012-T00025**

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.41	1.41	100.00
Near risk free	72.38	72.38	100.00
Some limited risk (BBB+)	26.21	26.21	30.00
Grand total	100.00	100.00	

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2019 is 1.96:1. Council therefore has approximately \$1.96 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.

**CCS20/024 LAND ACQUISITION - SOUTHERN WATER STORAGE
FACILITY**

**S023-T00027,
S023-T00001**

Responsible Officer: Amanda Jones - Acting Director Corporate and Commercial Services

Attachments: 1. Confidential - Landowner details and compensation - Lot 2 DP
1168581

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

Planning for Council's Southern Water Storage Project began in early 2000. The project requires the acquisition of part Lot 3 DP 438839 and part Lot 2 DP 1168581 for water storage and supply purposes.

Lot 3 DP 438839 is part of Bodalla State Forest and acquisition of land requires application being made to the Minister for Local Government to acquire the land by compulsory process in accordance with Council's power under Section 187(2) of the *Local Government Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Lot 2 DP 1168581 is private land and the landowner has agreed to Council acquiring the land. The agreed amount of compensation and the landowner's details are set out in the confidential attachment.

The land will be used for operational purposes and therefore it will be appropriate for the land to be classified as operational land upon acquisition.

RECOMMENDATION

THAT

1. Application be made to the Minister for Local Government to acquire part of Bodalla State Forest, being part Lot 3 DP 438839, for water storage and supply purposes by compulsory process in accordance with Council's power under Section 187(2) of the *Local Government Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. If consent is granted all necessary action be taken to finalise the acquisition in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act*.
3. All actions necessary be taken for the acquisition part Lot 2 DP 1168581 required for the water storage and supply purposes and in accordance with Council's *Land Acquisition and Disposal Policy*.
4. All survey and legal costs associated with the land acquisitions be borne by Council.

CCS20/024 LAND ACQUISITION - SOUTHERN WATER STORAGE FACILITY

**S023-
T00027,
S023-T00001**

5. Public notice be given of Council's intention to resolve:
THAT part Lot 3 DP 438839 and part Lot 2 DP 1168581 are acquired as operational land.
6. A period of 28 days is given for members of the public to make submissions.
7. A further report is presented following the advertising period to classify the land.
8. Consent be given to affix the Common Seal of Council to the applicable documentation.

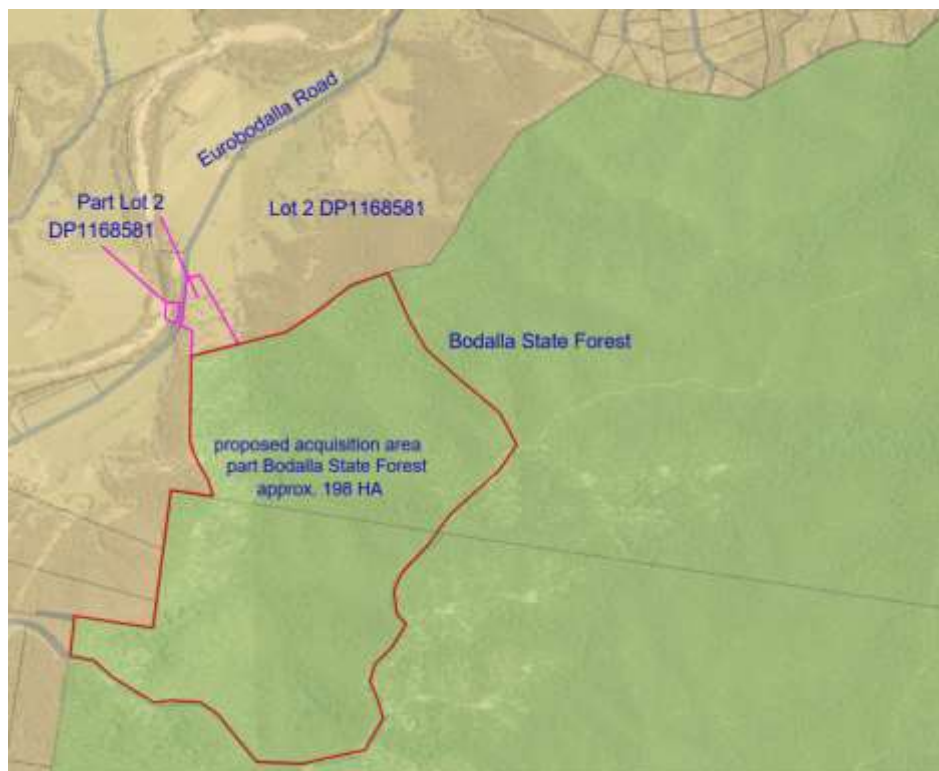
BACKGROUND

A new water storage facility (the facility) was recommended for Eurobodalla Shire in the 2003 Integrated Water Cycle Management Strategy to ensure security of water supply during times of drought into the future.

Investigations to identify a feasible site for the facility were carried out in 2005. Following preliminary environmental assessments, the preferred storage site was selected mainly due to its close proximity to Council's existing water treatment supply infrastructure.

Acquisition of part Lot 2 DP 1168581 is essential to the project to provide access to the proposed facility and to accommodate a site office during construction of the facility. The water storage facility is to be located within part Lot 3 DP 438839.

CONSIDERATIONS



Part Lot 2 DP 1168581 Eurobodalla Road and part Bodalla State Forest

CCS20/024 LAND ACQUISITION - SOUTHERN WATER STORAGE FACILITY

**S023-
T00027,
S023-T00001**

Legal

The compulsory acquisition process requires application to be made to the Minister for Local Government to acquire part Lot 3 DP 438839 Bodalla State Forest under Section 187(2) of the *Local Government Act 1993*. Once consent is granted, the acquisition of the land for water supply purposes will be finalised in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

<https://legislation.nsw.gov.au/#/view/act/1993/30/historical2016-09-23/chap8/part1/sec187>

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

Subject to Council approval, Forestry Corporation NSW (Forestry) supports the application of part Lot 3 DP 438839 for compulsory acquisition by agreement.

Acquisition of part Lot 2 DP 1168581, being private property, will be in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

<https://www.legislation.nsw.gov.au/#/view/act/1991/22>

In accordance with the provisions of the *Local Government Act 1993*, land to be acquired is to be classified as either community or operational land. As the land is to be acquired for operational purposes, it would be appropriate for it to be acquired as operational land.

Public notice must be given of Council's intention to classify the land as operational land and allowing not less than 28 days for receipt of written submissions.

www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div1/sec34

Policy

The acquisition of land for the project will proceed in accordance with Council's *Land Acquisition and Disposal Policy*.

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

Environment

The Eurobodalla Southern Water Storage Facility is necessary to allow Council to meet current and future forecast water demand whilst still providing for environmental flows in both the Tuross and Deua Rivers, in accordance with the NSW Government Water Sharing Plans. Construction and Operation of the Southern Storage has been granted Development Consent under Section 4.38 of the Environmental Planning and Assessment Act 1979.

Asset

The Southern Water Storage Facility is an extremely valuable asset to ensure security of water supply during times of drought into the future.

CCS20/024 LAND ACQUISITION - SOUTHERN WATER STORAGE FACILITY

**S023-
T00027,
S023-T00001**

Social Impact

The Southern Water Storage Facility will allow the water supply system to provide drought security while minimizing the environmental impact on the Tuross and Deua rivers.

Economic Development Employment Potential

The provision of adequate water supply is essential to a functioning economy.

Financial

Compensation for part Lot 2 DP 1168581 has been negotiated with the landowner and an agreement has been reached, subject to Council approval.

It is recognised that valuation advice is negotiable, and it is not unreasonable that a variation of up to 10% from that valuation may be achieved. However, where the negotiated outcome for compensation results in a variation greater than 10% it will be acknowledged in the follow up report to Council with the reason why that variation is varied.

Given the large scope of this project, the location to existing water infrastructure and the proposed dam site, together with the existing structures to be utilised as site office and amenities by Council during the construction phase, the negotiated compensation for the acquisition of part Lot 2 is considered reasonable. The amount of compensation for the acquisition of part Lot 2 is set out in the confidential attachment to this briefing.

Forestry is to provide Council with a valuation determined by a registered valuer for compensation of part Lot 3 DP 438839. Council will begin negotiations with Forestry on receipt of the valuation.

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

The project is expected to cost \$105.M. Council has already secured \$25.6M from the NSW Government and is seeking further funds from the Commonwealth.

Community and Stakeholder Engagement

Council is discussing the works and acquisition with the owner of the private property and with Forestry for part of Bodalla State Forest.

The private landowner has agreed to an offer of compensation, subject to Council approval.

CONCLUSION

The report recommends Council approve:

- Acquisition of part Lot 2 DP 1168581 and part Lot 3 DP 438839 for the Southern Water Storage Facility, and
- Council's intention to classify the land as operational land, together with an application being made to the Minister for Local Government to acquire part Lot 3 DP 438839 by compulsory process in accordance with Council's power under Section 187(2) of the *Local Government Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

**CCS20/025 LAND ACQUISITION FOR ROAD WIDENING - WAMBAN
ROAD, WAMBAN**

S023-T00001

Responsible Officer: Amanda Jones - Acting Director Corporate and Commercial Services

Attachments: 1. Confidential - Landowner details - Lot B DP 160398

Outcome: Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

Council reconstructed part of Wamban Road, Wamban to the south of Wamban Creek Bridge.

As part of those works, the acquisition of approximately 62 square metres of Lot B DP160398 at the corner of Wamban and Cherryrise Roads, Wamban is required and will be dedicated as public road.

The name of the landowner of Lot B DP 160398 is set out in the confidential attachment.

All survey and legal costs associated with the land acquisition will be borne by Council.

RECOMMENDATION

THAT

1. All actions necessary be taken for the acquisition of part Lot B DP160398 for road purposes of in accordance with Council's Land Acquisition and Disposal Policy.
2. All survey and legal costs associated with the land acquisition be borne by Council.
3. Once acquired, the land be dedicated as public road in accordance with the provisions of the Roads Act 1993.
4. Authority be given to affix the Common Seal of Council to the necessary documentation associated with the acquisition.

BACKGROUND

The reconstruction of Wamban Road to the south of Wamban Creek bridge was completed in 2018/19 financial year as part of Council's Capital Works Budget.

The acquisition of part Lot B of DP160398 is required for road widening and will be dedicated as public road.

The owner of Lot B has agreed to the acquisition.

**CCS20/025 LAND ACQUISITION FOR ROAD WIDENING - WAMBAN
ROAD, WAMBAN**

S023-T00001

CONSIDERATIONS



Lot B DP 160398 – Wamban Road, Wamban

Legal

A Plan of Subdivision of Lot B DP 160398 has been prepared and will be lodged at New South Wales Land Registry Services and the portion required for the road widening be dedicated as public road.

Policy

The acquisition of land for road purposes will proceed in accordance with Council's *Land Acquisition and Disposal Policy*.

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

Social Impact

The purpose of the project is to improve road safety conditions on part of Wamban Road, Wamban to the south of Wamban Creek bridge.

**CCS20/025 LAND ACQUISITION FOR ROAD WIDENING - WAMBAN
ROAD, WAMBAN**

S023-T00001

Financial

Compensation for part Lot B of DP160398 has been negotiated with the landowner and an agreement has been reached.

Negotiations with the landowner were based on compensation paid to landowners for similar acquisitions within Eurobodalla. It was not cost effective to obtain a valuation, due to the small area of land acquisition and the likely fee for valuation being more than the determination for compensation. This is in accordance with Council's *Land Acquisition and Disposal Policy*.

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

Together with compensation, Council will be responsible for costs associated with the acquisition including survey and legal fees and the landowner's reasonable legal costs.

Community and Stakeholder Engagement

The owner of the property has consented to the acquisition in writing.

CONCLUSION

Council reconstructed part of Wamban Road, Wamban to improve road safety conditions.

The acquisition of part Lot B of DP160398 is required for road widening and will be dedicated as public road.

CAR20/008 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATION

S003-T00034

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

Attachments: 1. Public Art Advisory Committee

Outcome: Celebrated Creativity, Culture and Learning

Focus Area: 2.1 Support and encourage the expression of our vibrant creative arts sector

Delivery Program Link: 2.1.1 Develop and promote creative arts activities and industries

Operational Plan Link: 2.1.1.3 Coordinate the Public Art Advisory Committee and associated projects

EXECUTIVE SUMMARY

This report provides information and recommendations from Council's Public Art Advisory Committee (PAAC) from the meeting of 25 May 2020 regarding the acceptance of the gift of the winning sculpture from the Sculpture for Clyde (SFC) event held in 2019 and its installation on the Batemans Bay foreshore.

The SFC event has been held in August each year since 2017. While SFC is a worthwhile event, it has provided Council with challenges in relation to post-event sculpture placement negotiations in Batemans Bay. To date four sculptures have been gifted to Council and three installed, Portal, Buoyansea and Dance. The fourth, Family, by Ron Gomboc is due for installation in early July.

In December 2019 SFC presented two sculptures to the PAAC for consideration. *Fracture 2* by David Ball (winning sculpture) and *Family* by Ron Gomboc (acquired piece). Council had previously allocated a budget of \$10,000 for installation, anticipating one sculpture. *Family* was recommended by the PACC for installation as it was the most suitable for the existing pre-approved site.

SFC were advised that additional funding would need to be sourced to support the second installation, *Fracture 2*. They have been successful in pursuing funding for the installation of the additional sculpture. The PAAC met in May to discuss appropriate sites and provide these recommendations to Council to consider.

RECOMMENDATION

THAT Council:

1. endorse the installation of the sculpture *Fracture 2* by David Ball at the southern end of Rotary Park in Batemans Bay;
2. accept the gift of *Fracture 2* into Council's permanent art collection;
3. support the Public Art Advisory Committee to work with Sculpture For Clyde representatives to formalise and agree on the vision for the Batemans Bay sculpture walk; and
4. reinforce the Public Art Advisory Committee appeal to have a representative to advise on the acquisitive prize in relation to materials, logistics and suitability.

CAR20/008 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATION

S003-T00034

BACKGROUND

SFC submitted two sculptures to the PAAC at the conclusion of the 2019 event. A report was put to Council on 31 March 2020 recommending that Council accept the gifts of all the installed sculptures as well as one of the submitted works: *Family*. This work was suitable to be installed at a pre-selected site at Spinnaker Reach as the necessary checks and procedures were in place, including a Native Title application. Council allocated \$10,000 towards this installation.

SFC pursued funding for the additional installation of the sculpture *Fracture 2*. At the meeting on 25 May 2020 the PAAC considered the size and impact of the sculpture in the context of all the Batemans Bay developments, works and plans being undertaken. The SFC concept of a sculpture walk was also discussed and options workshopped to prepare for a planning session with SFC to collaborate further on developing the sculpture walk. This includes potential sites under deliberation from Spinnakers Reach to Corrigans Reserve with finite sites to be agreed upon.

The PAAC believe that the most suitable site for a sculpture of this size and bearing is at the southern end of Rotary Park toward situated near the existing pathway. A site visit is planned for the end of June along with works and services information being provided to assist in determining the exact placement in the agreed vicinity.

CONSIDERATIONS

At its May meeting the PAAC carefully considered the suitability of *Fracture 2*, specifically due to its size and installation requirements, and future acquisitions in general for any sites along the Batemans Bay foreshore within the context of a sculpture walk. SFC have been encouraged to define their vision for such a walk and to that end staff have undertaken preparatory work to gather information, as well as updating the PAAC to inform the visioning workshop scheduled for the end of June.

It is proposed that the definition and agreement on the sculpture walk will provide a range of options to accommodate size, environment and context for future gifts and potential commissioned sculptures. Staff and PAAC also aspire to outcomes of this process helping to build collaborative working arrangements between the PAAC and SFC, provide information to artists and defining the number of sculptures that constitute the walk.

As the SFC event will not take place in 2020 due to the COVID-19 restrictions, the PAAC feel that it is a good opportunity to do some further planning around the event and have information and agreements in place prior to the opening of entries for the 2021 event.

The PAAC also agreed that it would be best to accept the gift of *Fracture 2* in line with the previous acquisitions.

The PAAC continue to support a member of the committee being part of the judging panel for the SFC event in order to support the best outcomes for public art in Eurobodalla.

Asset

All sculptures accepted as gifts will be placed on Council's asset register and be catalogued in Council's art collection.

CAR20/008 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATION

S003-T00034

Social Impact

Given the impact of the recent fires and Covid-19 isolation requirements it will be important to support amenity for the community and for visitors to assist recovery.

Financial

Negotiations with SFC have ensured that there is an understanding going forward that any gifted sculptures will need to include funds for installation and lighting, and that these will be considered in the total of funds required for the event acquisition/s and their respective installation requirements.


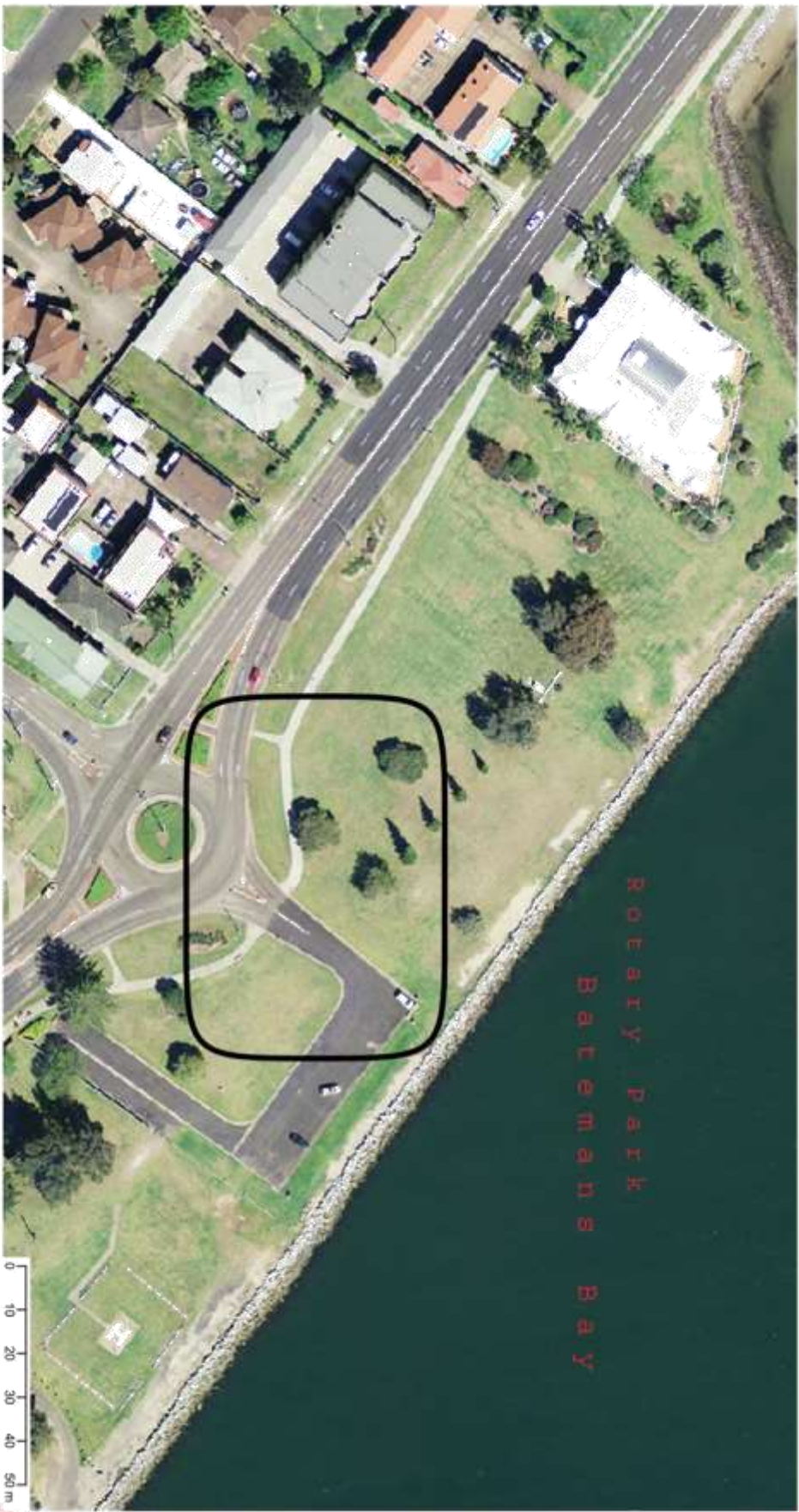

Community and Stakeholder Engagement

We will inform the community through providing information on Council's website; posting on Council's Facebook and Twitter; and distributing a media release.

We have consulted with the community by seeking feedback street meetings; focus groups; community workshops and conversations; resident or community interest groups to support the development of the draft public art strategy that is being prepared for Council.

CONCLUSION

The PAAC have spent much time deliberating on the location of public art on Batemans Bay foreshore as a result of the SFC event gifts. With SFC being proactive in securing additional funds to support additional sculpture installations, as per advice, the financial burden of the gifts to Council and the community is reduced. Additionally, the opportunity to collaborate with SFC in determining an agreed vision for the sculpture walk will support decision-making for future events.

	
<p>This information is released by Eurobodalla Shire Council on the condition that the recipient of this document, or the reader of it, acknowledges that should they rely on any aspect of this document, they do so at their own risk and release Eurobodalla Shire Council of all liability and responsibility for any errors, omissions or inaccuracies contained within or arising from this information. This diagram has been compiled on the best available information, but can only be taken as a guide. Exact location should be physically determined on site.</p>	<p>Printed By: Indra Carmichael On 28/05/2020</p> <p>Scale 1:1280 at A4</p> 

15. DEALING WITH MATTERS IN CLOSED SESSION

In accordance with Section 10A(2) of the Local Government Act 1993, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

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

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

Nil.

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@eurocoast.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Local Government Department	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	8286 1000 Toll Free 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

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

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

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

Setback Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);

Envelope taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;

Footprint the percentage of a lot taken up by a building on a site plan.

Acronym	Meaning	Description
ACR	Australian Capital Region	The political and strategic grouping of the ACT government and 17 adjacent councils.
AEP	Annual Exceedance Probability	For floods expressed as a % eg 1% = 1:100 year event. The NSW Flood Guidelines nominate types of development and controls.
AHD	Australian Height Datum	Floor levels for buildings set to remain at or above flood level (expressed as 'freeboard').
APZ	Asset Protection Zone	Area to be cleared and maintained around habitable buildings in bushfire prone areas.
AS	Australian Standard	Standards set by national body as minimum construction, service, system, planning or design requirements.

Acronym	Meaning	Description
BCA	Building Code of Australia	Prescribes minimum standards or performance base for building construction.
CAMP	Companion Animal Management Plan	Required by state law, plan nominating management of dogs and cats and areas for access for the exercise of dogs (eg beaches and reserves).
CC	Construction Certificate	Floor plans approved by council or private certifier in compliance with development conditions and BCA.
COPW	Condition of Public Works Report	Required by state law to define the condition of infrastructure assets, the cost to upgrade to defined standards, the current costs of maintenance and desired levels of maintenance.
CP	Cultural Plan	A cultural plan enables identification of cultural assets, identity and needs as well as providing a framework to develop cultural initiatives to increase opportunities for residents.
CSR	Complaint and Service Request	Requests received from public by phone, letter, email or Councillor to attend to certain works (eg pothole) or complain of certain service or offence (eg dogs barking).
DA	Development Application	Required by state law to assess suitability and impacts of a proposed development.
DAP	Disability Action Plan	Council plan outlining proposed works and services to upgrade facilities to progressively meet Disability Discrimination Act.
DCP	Development Control Plan	Local planning policy defining the characteristics sought in residential, commercial land.
DECCW	Department of Environment, Climate Change and Water (formerly EPA, NPWS, DEC)	State agencies (former Environment Protection and National Parks), DNR managing state lands and natural resources and regulating council activity or advising on development applications.
DWE	Department of Water and Energy	State agency managing funding and approvals for town and country water and sewer services and State energy requirements.
DoP	Department of Planning	State agency managing state lands and regulating council activity or advising on development applications or strategic planning.
DLG	Department of Local Government	State agency responsible for regulating local government.
DoL	Department of Lands	State agency managing state lands and advising on development applications or crown land management.
DoC	Department of Commerce	State agency (formerly Public Works) managing state public water, sewer and buildings infrastructure and advising/supervising on council infrastructure construction.

Acronym	Meaning	Description
DoH	Department of Health	State agency responsible for oversight of health care (community and hospital) programs. Also responsible for public warning of reportable health risks.
DOTAR	Department of Infrastructure, Transport and Regional Development and Local Government	Federal agency incorporating infrastructure, transport system, and assisting regions and local government.
EBP	Eurobodalla Bike Plan	Strategic Plan identifying priorities and localities for cycleways in the Shire.
EIS	Environmental Impact Statement	Required for designated and state developments researching and recommending solutions to social, economic and environmental impacts.
EMP	Estuary Management Plan	Community based plan, following scientific research of hydrology and hydraulics, recommending actions to preserve or enhance social, economic and environmental attributes of estuary
EMS	Environmental Management System	Plans prepared by council (such as waste management and strategic planning) around AS14000.
EOI	Expressions of Interest	Often called in advance of selecting tenders to ascertain capacity and cost of private sector performing tasks or projects on behalf of council.
EP&A	Environment Planning & Assessment Act	State law defining types of development on private and public lands, the assessment criteria and consent authorities.
ESC	Eurobodalla Shire Council	
ESD	Ecologically Sustainable Development	Global initiative recommending balance of social, economic and environmental values in accord with 7 ESD principles.
ESS	Eurobodalla Settlement Strategy	Council strategy prepared with assistance of government to identify best uses and re-uses of urban lands, the appropriate siting of private and public investment (eg institutions, employment areas or high density residential) based on current and planned infrastructure and land capacity.
ET	Equivalent Tenement	Basis of calculation of demand or impact of a single dwelling on water and sewer system.
FAG	Financial Assistance Grant	Federal general purpose grant direct to local government based on population and other 'disability' factors.

Acronym	Meaning	Description
FSR	Floor Space Ratio	A measure of bulk and scale, it is a calculation of the extent a building floor area takes up of an allotment.
GIS	Geographic Information System	Computer generated spatial mapping of land and attributes such as infrastructure, slope, zoning.
IPART	Independent Pricing & Regulatory Tribunal	State body that reviews statutory or government business regulatory frameworks and pricing levels.
IPWEA	Institute Public Works Engineers Australia	Professional association.
IWCMS	Integrated Water Cycle Management Strategy (or Plan)	Council plan identifying risk and social, economic and environmental benefit of proposed augmentation to water, sewer and stormwater systems.
IWMS	Integrated Waste Management (Minimisation) Strategy	Council plan identifying risk and social, economic and environmental benefit of proposed augmentation of waste (solids, effluent, contaminated, liquid trade waste).
LEP	Local Environment Plan	The statutory planning instrument defining the zones and objectives of urban and rural areas.
LGAct	Local Government Act	State law defining the role of Mayor, Councillors, staff, financing, approvals etc.
LGMA	Local Government Managers Australia	Professional association.
LGNSW	Local Government NSW	Representative advisory and advocacy group for councils in NSW.
MOU	Memorandum of Understanding	Agreement in principle between parties (eg council and agency) to achieve defined outcomes.
NPWS	National Parks & Wildlife Service	Now merged into DECCW.
NRM	Natural Resource Management	
NVC	Native Vegetation Act 2003	State law defining means of protection of threatened legislation and approval processes to clear land.
OC	Occupation Certificate	Issued by council or private certifier that building is safe to occupy and in compliance with development conditions and BCA.
OSMS	On site sewage management system	Includes septic tanks, aerated systems, biocycles etc.
PCA	Principal Certifying Authority	The person or organisation appointed by applicant to inspect and certify structures.

Acronym	Meaning	Description
PIA	Planning Institute of Australia	Professional association.
POEO	Protection of the Environment Operations Act	State law outlining standards for emissions and discharges and penalties for pollution.
PoM	Plan of Management (usually for community land)	Council plan nominating type of uses for community land and range of facilities progressively to be provided on land.
PPP	Public Private Partnerships	
PTS	Public Transport Strategy	Council strategy to initiate mechanisms to promote and facilitate public transport (bus, taxi, community transport, cycles) in design of subdivisions, developments and council works.
REF	Review of Environmental Factors	Council examination of risk and social, economic and environmental benefit of proposed works, assessed against state planning, environment and safety laws.
REP	Regional Environment Planning Policy	Outlines compulsory state planning objectives to be observed in development assessment and strategic planning.
RFS	Rural Fire Service	State agency responsible for providing equipment and training for volunteer firefighter brigades, and the assessment and approval of developments in bushfire prone lands.
RLF	Regional Leaders Forum	The group of mayors and general managers representing the councils in the ACR.
RMS	Roads & Maritime Service	State agency responsible for funding, construction and maintenance of state roads, the approval of council works on arterial roads and development applications.
S64	S64 Contributions Plan	Developer contributions plan to enable, with council and state funds, the augmentation of water, sewer and stormwater infrastructure.
S94 S94A	S94 Contributions Plan S94A Contributions Plan Levy Plan	Developer contributions to enable construction of public infrastructure and facilities such as roads, reserves, carparks, amenities etc.
SCG	Southern Councils Group	Political and strategic grouping of councils along the NSW south coast from Wollongong to the border, lobbying government for assistance (eg highways) and resourcing sharing initiatives.
SCRS	South Coast Regional Strategy	Regional Strategy prepared by DoP for ESC, BVSC and part SCC to guide new LEPs.

Acronym	Meaning	Description
SEA	Strategic Environment Assessment	Spatial assessment of environmental constraints of land considered in design and assessment of subdivision and infrastructure. Scientific research behind assessment of capacity of land and waterways in rural residential and urban expansion lands to sustain human settlement.
SEPP	State Environmental Planning Policy	Outlines compulsory state planning objectives.
SNSWLHD	Southern NSW Local Health Districts	State board commissioned with oversight of health care in Highlands, Monaro and Far South Coast.
SoER	State of the Environment Report	Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social, economic and environmental features of the Shire and appropriate responses to address or preserve those issues.
SP	Social Plan	Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social framework of the community, their services and facilities and economic interactions.
.....SP	Structure Plan	Plan promoting landuses and siting of infrastructure and facilities in towns (eg, BBSP – Batemans Bay Structure Plan).
SRCMA	Southern Rivers Catchment Management Authority	State agency commissioned with assessment and monitoring of health and qualities of catchments from Wollongong to the border, and determine directions and priorities for public and private investment or assistance with grants.
STP	Sewer Treatment Plant	Primary, secondary and part tertiary treatment of sewage collected from sewers before discharge into EPA approved water ways or irrigation onto land.
TAMS	Total Asset Management System	Computer aided system recording condition and maintenance profiles of infrastructure and building assets.
TBL	Triple Bottom Line	Commercial term coined to encourage business to consider and disclose social and environmental risk, benefit and costs in the conduct of business to guide investors as to the long term sustainability and ethics of a business. Taken up by Council to record the basis of prioritisation, the review of condition, the monitor of progress and the financial disclosure of preventative or maintenance investment in council based social and environmental activities.
ToR	Terms of Reference	
TSC	Threatened Species Conservation Act 1995	State law governing the protection of nominated species and relevant assessment and development controls.

Acronym	Meaning	Description
WCF	Water Cycle Fund	Combination of water, sewer and stormwater activities and their financing arrangements.
WSUD	Water Sensitive Urban Design	Principle behind the IWCMS and council development codes requiring new developments to reduce demand and waste on water resources through contemporary subdivision and building design.