



# **AGENDA**

**Ordinary Meeting of Council**

**25 May 2021**



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

**ON TUESDAY 25 MAY 2021**

**COMMENCING AT 11.00AM**

**AGENDA**

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

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**  
Nil
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 11 May 2021
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)

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

- 10. GENERAL MANAGER'S REPORTS**  
GMR21/020 Draft Councillor's Expenses, Facilities and Professional Development

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**DR CATHERINE DALE**  
**GENERAL MANAGER**



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**GMR21/020 DRAFT COUNCILLOR'S EXPENSES, FACILITIES AND PROFESSIONAL  
DEVELOPMENT POLICY**

**S004-  
T00014**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. draft Councillor's Expenses, Facilities and Professional Development Policy

Outcome: 9 Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

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

### **EXECUTIVE SUMMARY**

This report presents the new draft Councillor Expenses, Facilities and Professional Policy in accordance with Section 23, 232 and 252 of the *Local Government Act 1993*, for Council's consideration prior to placing it on public exhibition for 28 days.

The purpose of this policy is:

- for Eurobodalla Council to comply with the provisions of Section 252 of the *Local Government Act 1993*, and adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and Councillors in relation to discharging the functions of civic office.
- to demonstrate Eurobodalla Council's commitment to ensuring that the Mayor and Councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the *Local Government Act 1993*.

This policy is based on the Office of Local Government guidelines for Councillor Expenses and Facilities and Councillor Induction and Professional Development.

### **RECOMMENDATION**

THAT the draft Councillor's Expenses, Facilities and Professional Development policy be placed on public exhibition for a period of 28 days, and following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration and adoption.

### **BACKGROUND**

The Councillor Expenses and Facilities Policy was adopted on 8 November 2016. This policy sets out the expense and facilities for Councillors to enable them to carry out their civic duties as elected representatives for their local communities. The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and Local Government (General) Regulation 2005 (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

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**GMR21/020 DRAFT COUNCILLOR'S EXPENSES, FACILITIES AND  
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Under section 232(1)(g) of the *Local Government Act 1993* (the Act) all councillors are required to ensure they have the requisite skills to perform their roles. Under the Local Government (General) Regulation 2005 (the Regulation) this incorporates delivery of an induction program and an ongoing professional development program for the Mayor and each Councillor over the term of the Council. Council does not currently have a professional development policy.

Council staff have drafted a new Councillor's Expenses, Facilities and Professional Development Policy which incorporates both the expenses and facilities and professional development outcomes in one document. It is anticipated that this document will be placed on exhibition for 28 days to enable community input on the proposed expenses and in particular the induction and orientation program for the new council.

It should be noted that under the Act, this policy will be reviewed again within the first 12 months of the new Council term.

**CONSIDERATIONS**

*Councillor Expenses and Facilities*

Council is committed to ensuring that reasonable and appropriate reimbursement of expenses and provision of facilities to councillors occurs whilst they are undertaking their civic duties.

The policy ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and Local Government (General) Regulation 2005 (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

*Councillor Induction and Professional Development*

Council is committed to developing an induction and ongoing professional development program for the Mayor and Councillors to ensure they can fulfil their statutory roles and responsibilities. As part of this program, the Mayor and each Councillor will have a professional development plan that identifies specific gaps in their capabilities (ie their knowledge, skills and attributes) and identify professional development activities to build these capabilities.

Under section 232(1)(g) of the *Local Government Act 1993* (the Act) all Councillors are required to ensure they have the requisite skills to perform their roles. Under the Local Government (General) Regulation 2005 (the Regulation) this incorporates delivery of an induction program and an ongoing professional development program for the Mayor and each Councillor over the term of the Council.

Underpinning this requirement, guidelines have been published under section 23A of the Act as issued through the Office of Local Government (OLG). These guidelines, Councillor Induction and Professional Development Guidelines 2018, include:

- an outline of the statutory requirements

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**GMR21/020 DRAFT COUNCILLOR'S EXPENSES, FACILITIES AND  
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**S004-  
T00014**

- guidance on developing and delivering candidate briefings and induction sessions
- guidance on developing and delivering ongoing professional development programs
- reporting requirements and support
- a model Councillor Induction and Professional Development Policy.

Under the Regulation, all reasonable efforts must be taken to participate in the activities offered as part of an induction or professional development program. Councils are also required to report on participation in these programs.

The policy sets out the Induction and Orientation programs along with opportunities for further professional development to ensure Councillors continue to develop their capabilities throughout their term of office and monetary limits.

The content of the ongoing professional development program is to be determined in consultation with councillors, needs based and reflect the specific skills, knowledge and personal attributes required for the individuals and the governing body as a whole. This policy will be reviewed within the first 12 months of the council term.

**Policy**

Councillor's Expenses, Facilities and Professional development policy fulfil Council's obligations under Section 23A, 232, 252 of the *Local Government Act 1993*.

**Financial**

The draft Councillor Expenses, Facilities and Professional Development Policy contains a number of annual monetary limits on certain expenses. Some of these are legislative amounts set by the ATO, and others are discretionary amounts set by Council. The councillor budget is set annually and reviewed quarterly. Council's proposed budget allows for all expenses and professional development as outlined in this policy.

**Community and Stakeholder Engagement**

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 26 May 2021 until 23 June 2021 on Council's website at <https://www.esc.nsw.gov.au/council/your-say/public-exhibition>.

In previous years, we have had hard copies available through our libraries and customer service centres, however due to COVID-19, this year we are strongly encouraging people to review the plan via our website. Any specific requests for hard copies can be made through the executive services team on 4474 1022.

**CONCLUSION**

The draft Councillor's Expenses, Facilities and Professional Development Policy will be placed on public exhibition for a period of 28 days. At the end of the public exhibition period the draft policy will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period.



## Policy

<b>Policy/Procedure title</b>	Councillor Professional Development, Expenses and Facilities Policy
<b>Responsible manager(s)</b>	General Manager
<b>Contact officer(s)</b>	General Manager
<b>Directorate</b>	General Manager
<b>Approval date</b>	xxx
<b>Community Strategic Plan Objective</b>	xxx
<b>Delivery Program</b>	xxx
<b>Operational Plan</b>	xxx

### Purpose

The purpose of this policy is:

- for Eurobodalla Shire Council to comply with Section 252 of the *Local Government Act 1993*, and adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and Councillors in relation to discharging the functions of civic office.
- to demonstrate Eurobodalla Council's commitment to ensuring that the Mayor and Councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the *Local Government Act 1993*.

### Policy aims

The policy is designed to ensure:

- Accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors.
- That the facilities provided to assist Councillors carry out their civic duties are reasonable.
- Compliance with, and awareness of, legislative requirements under the *Local Government Act 1993* in respect to Councillors' expenses and facilities.
- Consistency and fairness in the manner in which the Council deals with Councillors' expenses and facilities.
- That Council's policies and requirements are readily accessible and understandable to the public.

### Policy application

This policy applies to the Mayor and Councillors of Eurobodalla Shire Council, and to Council staff involved in the provision of Councillors expenses and facilities.



## Policy

### Policy details

1.	<p><b>Relevant Legislation</b></p> <p>Council complies with NSW Government legislative provisions as follows:</p> <p><b>Local Government Act 1993</b></p> <p><i>252 Payment of expenses and provision of facilities</i></p> <ol style="list-style-type: none"> <li>1) <i>Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.</i></li> <li>2) <i>The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the Mayor or a Councillor of a facility provided by the council to the Mayor or Councillor.</i></li> <li>3) <i>A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the Mayor, the Deputy Mayor (if there is one) or a Councillor otherwise than in accordance with a policy under this section.</i></li> <li>4) <i>A council may from time to time amend a policy under this section.</i></li> <li>5) <i>A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.</i></li> </ol> <p><i>232 The role of the Councillor</i></p> <ol style="list-style-type: none"> <li>1) <i>The role of a Councillor is as follows—</i>  <i>(g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.</i></li> </ol> <p><b>Local Government (General) Regulation 2005</b></p> <p><i>403 Payment of expenses and provision of facilities</i></p> <p><i>A policy under section 252 of the Act must not include any provision enabling a Council—</i></p> <ol style="list-style-type: none"> <li>a) <i>to pay any Councillor an allowance in the nature of a general expense allowance, or</i></li> <li>b) <i>to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.</i></li> </ol> <p><b>Part 8A Induction training and professional development for Councillors</b></p> <p><i>183 Induction training courses for Councillors</i></p> <ol style="list-style-type: none"> <li>1) <i>The General Manager must ensure that an induction training course is delivered to each Councillor who has been elected to the council for the first time, within 6 months of the Councillor's election.</i></li> <li>2) <i>The induction training course required by subclause (1) must provide Councillors with information about the functions and obligations of councils and Councillors and the administrative procedures and operations of the Council.</i></li> <li>3) <i>The General Manager must ensure that an induction refresher course is delivered to each Councillor who is re-elected to the council, within 6 months of the Councillor's re-election.</i></li> </ol>
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## Policy

4) *The induction refresher course required by subclause (3) must provide Councillors with updated information about the functions and obligations of councils and Councillors and the administrative procedures and operations of the Council.*

5) *A Councillor must make all reasonable efforts to participate in any induction training course or induction refresher course delivered to the Councillor in accordance with a requirement under this clause.*

### 184 *Supplementary induction training courses for Mayors*

1) *The General Manager must ensure that a supplementary induction training course is delivered to a person elected as Mayor of the Council, within 6 months of the person's election.*

2) *The supplementary induction training course required by subclause (1) must provide the Mayor with information about the functions and obligations of councils and Mayors and train the Mayor in the skills necessary to perform the role of Mayor.*

3) *A Mayor must make all reasonable efforts to participate in any supplementary induction training course delivered to the Mayor in accordance with a requirement under this clause.*

4) *The requirements under this clause in relation to a person elected as Mayor are in addition to the requirements under clause 183 to ensure the delivery of the induction training for Councillors to that person.*

### 185 *Ongoing professional development program for Councillors and Mayors*

1) *The General Manager must ensure that an ongoing professional development program is delivered to the Mayor and to each other Councillor elected to the council, during the course of the term of office of the Mayor or Councillor concerned.*

2) *The ongoing professional development program required by this clause—*  
*a. must provide support and assistance to Mayors and other Councillors in the development of the skills necessary to perform the role of Mayor or Councillor (as the case may be), and*  
*b. must ensure that those skills are maintained over the term of office of the Mayor and of each Councillor.*

3) *The content of the ongoing professional development program required by this clause is to be developed—*  
*a. in consultation with the Mayor and each Councillor, and*  
*b. having regard to the specific skills required by the Mayor, each individual councillor and the governing body of the council as a whole to perform the role of Mayor, Councillor or the governing body (as the case may be).*

4) *A Mayor or other Councillor must make all reasonable efforts to participate in any ongoing professional development program delivered to the Mayor or Councillor in accordance with a requirement under this clause.*

186 *Information about induction training and ongoing professional development to be included in annual report*



## Policy

	<p><i>For the purposes of section 428(4)(b) of the Act, an annual report of a council must include the following information—</i></p> <ul style="list-style-type: none"> <li><i>a) the names of any Mayors or Councillors who completed any induction training course, induction refresher course or supplementary induction course under this Part during the year,</i></li> <li><i>b) the names of any Mayors or Councillors who participated in any ongoing professional development program under this Part during the year,</i></li> <li><i>c) the number of seminars, circulars and other activities delivered as part of the ongoing professional development program in accordance with this Part during the year.</i></li> </ul> <p><i>Note—</i>  <i>Clause 217(1)(a1)(iia) and (iv) require details of the total costs of all training and professional development programs for Councillors to be included in an annual report.</i></p>
<b>2.</b>	<p><b>Other Government Policy Provisions</b></p> <p>Council complies with other government policy provisions as follows.</p>
<b>2.1</b>	<p><b>Office of Local Government (OLG) Guidelines for payment of expenses and provision of facilities for Mayors and Councillors for Local Councils in NSW</b></p> <p>This Guideline is available on the OLG website at: <a href="http://www.olg.gov.au">www.olg.gov.au</a>.</p> <p>In summary:</p> <ul style="list-style-type: none"> <li>• Councillor expense and facility guidelines are binding and must be considered.</li> <li>• The policy must be acceptable to, and meet expectations of, local community.</li> <li>• Consideration should be given to participation, equity and access (special needs).</li> <li>• There may be recognition of local differences compared to other councils.</li> <li>• All expenses/payments must be either reimbursed after the event or reconciled if an advance payment is made.</li> <li>• Expenses must be reasonable.</li> <li>• The policy must set limits (i.e. should not be open-ended).</li> <li>• May provide to pay a Deputy Mayor part of the Mayor's annual fee (any amount thus paid to be deducted from Mayor's annual fee).</li> <li>• Advance payments may be allowed subject to future reconciliation.</li> <li>• Council should establish suitable rates for private use over and above anything which is minor and incidental.</li> <li>• In certain limited circumstances councils may meet reasonable costs incurred by Councillors on behalf of their spouses, partners or accompanying person(s).</li> </ul>
<b>2.2</b>	<p><b>Model Code of Conduct for Local Councils in NSW (Office of Local Government)</b></p> <p>The current version of the Model Code of Conduct is available on the OLG website: <a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>.</p> <p><b>Use of Council Resources</b></p> <p><i>8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private</i></p>



## Policy

	<p><i>purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.</i></p> <p>8.14 <i>Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:</i></p> <ul style="list-style-type: none"> <li><i>a) the representation of members with respect to disciplinary matters</i></li> <li><i>b) the representation of employees with respect to grievances and disputes</i></li> <li><i>c) functions associated with the role of the local consultative committee.</i></li> </ul> <p>8.15 <i>You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.</i></p> <p>8.16 <i>You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.</i></p> <p>8.17 <i>You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.</i></p> <p>8.18 <i>You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:</i></p> <ul style="list-style-type: none"> <li><i>a) for the purpose of assisting your election campaign or the election campaign of others, or</i></li> <li><i>b) for other non-official purposes.</i></li> </ul> <p>8.19 <i>You must not convert any property of the council to your own use unless properly authorised.</i></p> <p><b>Councillor access to Council buildings</b></p> <p>8.25 <i>Councillors and administrators are entitled to have access to the Council Chamber, committee room, Mayor's office (subject to availability), Councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the General Manager.</i></p> <p>8.26 <i>Councillors and administrators must not enter staff-only areas of council buildings without the approval of the General Manager (or their delegate) or as provided for in the procedures governing the interaction of Councillors and council staff.</i></p> <p>8.27 <i>Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.</i></p>
<b>2.3</b>	<p><b>Office of Local Government (OLG) Circulars to Councils</b></p> <p>This policy takes into account the OLG Circular 05/80 'Legal Assistance for Councillors and Council Employees', Circular 02/34 'Unauthorised use of Council</p>





Policy

	<p><i>Resources</i>', and Circular 05/08 <i>'Legal Assistance for Councillors and Council Employees'</i>. These publications are available on the OLG website at: <a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>.</p>
<b>2.4</b>	<p><b>Independent Commissions Against Corruption (ICAC) publications</b></p> <p>This policy takes account of the ICAC publication <i>'No Excuse for Misuse, Preventing the Misuse of Council Resources'</i> (Guidelines 2) 19 November 2002. This publication is available on the ICAC website at: <a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>.</p>
<b>3.0</b>	<p><b>Approval Arrangements</b></p> <ul style="list-style-type: none"> <li>• Except where specifically permitted by this policy, approvals for travel and functions beyond the Shire and/or costs of spouse/partner attendance are to be by resolution of the Council. In extenuating circumstances, approval may be granted by the General Manager in consultation with the Mayor.</li> <li>• Travel within the Shire may be approved by the General Manager. Travel to and from meetings including workshops and any travel resulting from an appointment as a representative of Council for particular purposes does not require General Manager's approval and can be approved and processed as set out below.</li> <li>• Any concerns are to be referred to the General Manager who may consult with the Mayor before making a decision.</li> <li>• Approved requests will be forwarded to the Accounts Payable for payment by Electronic Funds Transfer (EFT) to the Councillors or as the case may be, the relevant supplier's bank account.</li> <li>• This Policy does not require the payment of requests relating to past financial years that are not received within 30 days of the financial year end, these are deemed to be out of time (appropriate reminder/s and forms are to be provided to Councillors in advance of this deadline).</li> <li>• All requests for reimbursement of expenses must be approved by the General Manager and provided on the prescribed Councillor Expenses Claim Form as attached to this policy.</li> </ul>
<b>4.0</b>	<p><b>Public Reporting of Expenditure</b></p> <p>Expenditure by Mayor and Councillors for seminars, conferences, telephone and other facilities will be publicly reported in conjunction with the quarterly financial reviews and annual report.</p>
<b>5.0</b>	<p><b>Taxation Arrangements</b></p> <p>It is each Councillor's responsibility to meet any taxation obligations. If necessary Councillors should seek their own taxation advice.</p> <p>Under current arrangements Councillors are not defined as employees for taxation purposes, they are not subject to Fringe Benefits Taxation and the ability to enter into effective sacrifice arrangements may be limited. The Australian Taxation Office has issued rulings allowing Councillors to enter into effective sacrifice arrangements for at least superannuation. Accordingly, Council will administer complying arrangements if requested by individual Councillors.</p> <p>Councillors may also require funds payable to them to be transferred by EFT to any nominated valid bank account(s) via the Chief Financial Officer.</p>



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6.0	<p><b>Councillor Expenses</b></p> <p>Outlines what is a reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties. It also ensures accountability and transparency in reimbursement of expenses and provision of facilities to Councillors.</p> <p><b>Section 1</b> sets out the provisions and monetary amounts for expenses incurred by the Mayor and Councillors whilst undertaking their civic duties.</p>
7.0	<p><b>Councillor facilities</b></p> <p>Equipment and services that are provided by Council to Councillors to enable them to perform their civic function with relative ease and at a standard appropriate to their professional role as a Councillor.</p> <p><b>Section 2</b> sets out, in detail, the facilities provided by Council to the Mayor and Councillors.</p>
8.0	<p><b>Councillor professional development</b></p> <p>Under section 232(1)(g) of the <i>Local Government Act 1993</i>, all Mayors and Councillors have a responsibility to make all reasonable efforts to acquire and maintain the skills necessary to perform their roles. In support of this, regulations have been made requiring councils to provide induction training and ongoing professional development for Mayors and Councillors.</p> <p>The Office of Local Government has issued guidelines under section 23A of the Act to assist councils to develop and deliver induction training and ongoing professional development activities for their Mayor and Councillors in compliance with the regulations.</p> <p>Under the guidelines, council induction and professional development programs are to consist of three elements:</p> <ul style="list-style-type: none"> <li>• <b>Pre-election candidate sessions</b> – these are to ensure prospective candidates are aware of what will be expected of them if elected (these are not mandatory but are encouraged).</li> <li>• <b>Induction program</b> – this aims to equip Mayors and Councillors with the information they need to perform their role effectively over the first few months and has a particular focus on building positive, collaborative relationships between Councillors and with staff.</li> <li>• <b>Professional development program</b> – this is to be developed in consultation with all Councillors and delivered over the term of the council to build the skills, knowledge and personal attributes necessary to be an effective Mayor or Councillor.</li> </ul> <p><b>Section 3</b> outlines the professional development program, opportunities and funds available for Councillors under this clause.</p> <p>Attendance: The Mayor and Councillors, including those re-elected to office, should attend all induction sessions.</p>



## Policy

### Implementation

Implementation Steps		Responsibility
<b>1</b>	<p><b>Public notice re: adoption of the policy</b></p> <p>In accordance with section 253 of the <i>Local Government Act 1993</i>, Council will give public notice of its intention to adopt or amend this policy and allow at least 28 days for public submissions. Council will consider submissions received and decide on making any appropriate changes to the policy.</p> <p>Council need not give public notice of a proposed amendment to this policy at other times, if Council is of the opinion that the proposed amendments are not substantial or if it is a mandatory change (see Definitions). Substantial amendments to this policy that could include large changes to monetary limits and/or major changes to the standard of provision of equipment and facilities, will require public notice of the amendment. Any new category of expenses, facilities and equipment included in the policy will also require public notice. Public notice regarding Council's intention to adopt or amend this policy will be placed on Council's website.</p>	General Manager, Councillors
<b>2</b>	<p><b>Notification to Office of Local Government</b></p> <p>Within 28 days of adopting this policy, the policy and details of submissions will be forwarded to the Office of Local Government. Council must submit its current, adopted policy to the OLG by 30 November of the first year of the new Council term, even if the policy remains unchanged.</p>	General Manager
<b>3</b>	<p><b>Responsibilities</b></p> <p>The Mayor and each Councillor are responsible for making themselves available to attend any development activities identified in the professional development plan. The Mayor and all Councillors must make all reasonable endeavours to attend and participate in the induction sessions and professional development activities arranged for them during the term of Council.</p> <p>Executive Services are responsible for planning, scheduling and facilitating induction and professional development activities for the Mayor and Councillors in consultation with the General Manager. The General Manager has overall responsibility for Council's induction and professional development program.</p>	Council Officers
<b>4</b>	<p><b>Concerns</b></p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council Officers, Public Officer



Policy

5	<b>Consultation</b> Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the Mayor, Councillors, General Manager, the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	General Manager
6	<b>Evaluation</b> Council will evaluate the induction program at the end of each council term to determine whether it has achieved these outcomes, and to identify and address areas for improvement.	General Manager
7	<b>Reporting</b> The General Manager will publicly report each year in Council's annual report: <ul style="list-style-type: none"> <li>• the name of the Mayor and each individual Councillor that completed Council's induction program (where an induction program has been delivered during the relevant year);</li> <li>• the name of the Mayor and each Councillor who participated in any ongoing professional development program during the year;</li> <li>• the number of training and other activities provided to the Mayor and Councillors during the year as part of a professional development program; and</li> <li>• the total cost of induction and professional development activities and any other training provided to the Mayor and Councillors during the relevant year.</li> </ul>	General Manager





## Policy

### Section 1 – Councillor expenses

#### Summary

Below is a summary table of expenses incurred by the Mayor and Councillors. Please refer to specific clause for more information and detail.

<b>Councillor expense</b>	<b>Summary of details</b>	<b>Clause</b>
Professional Development	\$2,000 per Councillor annually.	S1.3.0
Company Directors Course	If a Councillor has not already completed the course through the Australian Institute of Company Directors, Council will cover the costs of this course during the first 18 months as Councillor	S1.3.0
Conferences and Seminars	\$3,500 per Councillor annually. This includes the costs of travel, accommodation and food.	S1.4.0
Mobile phone and internet	Unlimited phone calls and text messages. Up to 3GB of data per month, per device permitted, any additional data used will be charged to Councillors	S1.6.1
Accommodation for meetings and professional development*	Must not exceed \$195 per night. Some exemptions apply.	S1.2.1
Food for meetings and professional development*	Breakfast – up to \$29.00 Lunch – up to \$32.00 Dinner – up to \$54.00	S1.2.2

\*These figures are based on the Australian Taxation guidelines for reasonable travel and meal allowances.

#### Policy details

<b>1.0</b>	<b>General provisions</b>
<b>S1.1.1</b>	<p><b>Councillor fees</b></p> <p>The relationship between the annual fees paid to the Mayor and Councillors and the level and scope of expenses paid to Councillors is a basic issue considered in this policy. The Local Government Remuneration Tribunal has adopted the principle that expenses reasonably incurred by Councillors are outside provisions made under the annual fee determinations.</p> <p>Fees are not covered within this policy and must be separately adopted by Council subject to the maximum amounts allowed by determination of the remuneration tribunal.</p>
<b>S1.1.2</b>	<p><b>Allowances and Expenditure</b></p> <p>Where any costs are already covered from any other source whatsoever they should not be claimed again from the Council.</p>
<b>S1.1.3</b>	<p><b>Reimbursement and Reconciliation of Expenses</b></p> <p>All reimbursements are to be based on actual and reasonable costs. Therefore, requests for reimbursement must provide adequate supporting documentation</p>



## Policy

### Section 1 – Councillor expenses

	including suppliers' tax invoices and receipts etc. Councillors must ensure that costs are reasonable.
<b>S1.1.4</b>	<p><b>Payment in Advance</b></p> <p>Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. However, Councillors must fully reconcile all expenses against the cost of the advance when they return within 30 days of the event/function/conference and any amounts not properly supported, e.g. by receipts/ tax invoices, will be required to be refunded to Council.</p> <p>All requests for advanced payments must be provided on the Councillor's Expense Claim/Application for Advances Form as attached to this policy (Section 1a).</p>
<b>S1.1.5</b>	<p><b>Submitting Claims</b></p> <p>All requests for reimbursement of travel expenses should be provided to the Executive Services team within 30 days of the event and expenses are reported quarterly. A tax invoice must accompany the expense claim or payment will not be made.</p>
<b>S1.1.6</b>	<p><b>Establishment of Monetary Limits and Standards – Professional Development and Conferences</b></p> <p>This policy establishes limits for the specific expenses/facilities within the relevant sections and payments should not exceed these amounts. In the case that Council has paid any amount on behalf of a Councillor that exceeds the limits the Councillor must accordingly compensate Council for that amount.</p> <p>Where a Councillor is required to attend conferences and seminars, professional development training programs, elected member courses outside of the Local Government Area (LGA) it will be necessary for the Council to authorise the attendance of Councillors at these events to be effected by way of a resolution of an Ordinary Meeting of the Council. Payment for attendance shall be made from the Councillor Professional Development budget or the Councillor Conferences/Seminar budget.</p> <p>Amounts remaining unexpended as at 30 June each year will expire and any unexpended amounts will not be carried over or available for expenditure in successive years.</p>
<b>S1.2.0</b>	<b>Accommodation, Food and Travel Expenses for Conferences/Seminars, Professional Development and meetings</b>
<b>S1.2.1</b>	<p><b>Accommodation</b></p> <p>Accommodation expenses must not exceed \$195 per night when attending professional development or meetings. These figures are based on the Australian Taxation guidelines for reasonable travel and meal allowances and will be reviewed in line with these guidelines.</p>



## Policy

### Section 1 – Councillor expenses

	All accommodation must be arranged by the Executive Services team. If suitable accommodation cannot be sourced within allocated amount, an exemption may be granted by the General Manager.
<b>S1.2.2 Food and drink</b>	<p>Food and drink expenses must not exceed the following amounts per day when attending conferences/ seminars, professional development, or meetings.</p> <ul style="list-style-type: none"> <li>• Breakfast – \$29.00</li> <li>• Lunch – \$32.00</li> <li>• Dinner – \$54.00</li> </ul> <p>These figures are based on the Australian Taxation guidelines for reasonable travel and meal allowances.</p> <p>Food and drink will be reimbursed to Councillors by filling out an expense claim form (Appendix 1a). Receipts must be provided.</p>
<b>S1.2.3 Travel expenses</b>	<p>Where possible, Councillors are to be provided with a pooled vehicle if this is a cost effective and appropriate means of travel. Council will pay for other forms of effective and cost effective transport by prior approval by the General Manager.</p> <p>Where Councillors choose to take their own vehicles, the reimbursement will be at the lower of:</p> <ul style="list-style-type: none"> <li>• Council's plant operations account internal hire rates, or</li> <li>• local rental car equivalent, or</li> <li>• return air fares, or</li> <li>• current Australian Taxation Office approved rates.</li> </ul> <p>All bookings for pool cars, flights or alternative travel arrangements must be arranged by the Executive Services team.</p>
<b>S1.2.4 Incidentals</b>	Any other incidental costs incurred by Councillors when attending conferences/seminars, professional development, or meetings, up to \$20 per day will be reimbursed at the General Manager's discretion. Appropriate receipts must be provided.
<b>S1.3.0 Professional Development</b>	
<b>S1.3.1</b>	<p>All Councillors will be allocated the sum of \$2,000 annually to specifically provide for their professional development. This includes travel, accommodation. This does not include Induction/Orientation costs or the costs associated with completing the Company Directors Course through the Australian Institute of Company Directors.</p> <p>Amounts remaining unexpended as at 30 June each year will expire and any unexpended amounts will not be carried over or available for expenditure in successive years.</p> <p>More details about the Councillors Professional Development Program can be found in Section 3.</p>





## Policy

### Section 1 – Councillor expenses

<b>S1.3.2</b>	Council will cover the expenses associated with completing the Company Directors Course through the Australian Institute of Company Directors, in line with clauses 2.0 to 2.4 of this policy. There is an expectation that Councillors will complete the course, including the final assessment and exam. The cost of this course will not contribute to the \$2,000 Councillor Professional Development budget.
<b>S1.4.0</b>	<b>Conferences and Seminars</b>
<b>S1.4.1</b>	Councillors are allocated \$3,500 annually to attend conferences and/or seminars on behalf of Council.
<b>S1.4.2</b>	Additional expenses associated with conferences and seminars, such as travel and accommodation, are covered in line with section 2.0 to 2.4 of this policy.
<b>S1.4.3</b>	<p>Attendance at any conferences and seminars is to be determined by resolution of Council. Attendance will normally be limited to two. The principle of having one Councillor and an appropriate staff member attend will be considered as “best practice” for attending seminars and conferences. This may be varied from time to time by resolution of Council.</p> <p>Councillors should advise of any inability to attend at the earliest opportunity so as Council can seek a refund of any costs incurred or alternatively seek to transfer the registration.</p>
<b>S1.4.4</b>	Councillors attending training, seminars and conferences are to provide a detailed report to Council on the outcome and issues. Where there are a number of Councillors attending the same conference, a joint report is acceptable. Councillors not meeting these criteria without reasonable explanation may not receive priority or opportunities for future events.
<b>S1.5.0</b>	<b>Other travel arrangements and expenses</b>
<b>S1.5.1</b>	<p><b>Local travel arrangements and expenses</b></p> <p>Travelling and any other actual and reasonable out of pocket costs will be reimbursed in relation to the following:</p> <ul style="list-style-type: none"> <li>• Council meetings</li> <li>• Council committee meetings</li> <li>• Working Group meetings where the Councillor is the nominated delegate;</li> <li>• Section 355 Committee meetings</li> <li>• External Organisations/Committee Meeting, where the Councillor is the nominated Delegate, except where fees are paid to the Councillor by the external organisation</li> <li>• Workshops convened by Council</li> <li>• Meetings convened by Council</li> <li>• Training programs relating to the role of the Council</li> <li>• Inspections within the area of the Council, undertaken at the request of Councillors, and</li> <li>• To attend a formal function or meeting where a formal invitation to attend arises only as a result of the position as a Councillor.</li> </ul>
<b>S1.5.2</b>	<b>Travel Outside the Local Government Area including Interstate Travel</b>





## Policy

### Section 1 – Councillor expenses

	Travel and expenses beyond the Local Government Area (LGA) not authorised elsewhere in this policy will not be paid/ reimbursed unless approved in advance by a resolution of the Council or in extenuating circumstances by the General Manager in consultation with the Mayor.
<b>S1.5.3</b>	<b>Travel Overseas</b> Councillors may only undertake overseas travel where the Council has specifically authorised a Councillor's itinerary and specifically authorised reimbursement by way of a council resolution made prior to the trip being taken. The resolution must specifically name any Councillor/s authorised to undertake overseas travel, indicate the reason the travel has been deemed to be necessary and include a determination of any reimbursement of expenses.
<b>S1.5.4</b>	<b>Travel – Pool Cars</b> Councillors must take reasonable steps to use the most cost effective means of travel. Councillors should use the Council's pool car fleet when travelling out of the shire if it is cost effective. Councillors should share a vehicle when travelling on behalf of Council.  Where Councillors choose to take their own vehicles, the reimbursement will be at the lower of: <ul style="list-style-type: none"> <li>• Council's plant operations account internal hire rates, or</li> <li>• local rental car equivalent, or</li> <li>• return air fares, or</li> <li>• current Australian Taxation Office approved rates.</li> </ul>
<b>S1.5.5</b>	<b>Sustenance</b> Meals and refreshments will be provided for Councillors' attendance at Council and Committee meetings where deemed appropriate by the General Manager.
<b>S1.6.0</b>	<b>Mobile phone and internet charges</b>
<b>S1.6.1</b>	Both the mobile phone and the iPad/tablet provided to Councillors will have a data allowance of 3GB each and will be connected to Council's telecommunication account. There will be a maximum data usage of 3GB per month per device.  Data usage exceeding 3GB per month will be charged back to Councillors.  Councillors must declare any private benefits that are more substantial than merely 'incidental' and these will be charged back to the Councillor.  Additional costs may be permitted in extenuating circumstances, subject to the General Manager's approval.
<b>S1.7.0</b>	<b>Care and Other Related Expenses</b>
<b>S1.7.1</b>	In accordance with the principles of participation, access and equity, the guidelines strongly encourage councils to make provision for the reasonable cost of carer arrangements to allow Councillors to undertake their Council business obligations.



## Policy

### Section 1 – Councillor expenses

<b>S1.7.2</b>	Council will meet the cost of childcare expenses, supplied by a registered child care provider, whilst councillors attend Council or committee meetings to a maximum of \$500 per annum.
<b>S1.7.3</b>	Consideration will be given to any other extenuating carer circumstances that might warrant reimbursement subject to the resolution of Council.
<b>S1.7.4</b>	Consideration will be given to any special requirements of Councillors such as disability and access needs based on particular merits subject to resolution of Council.
<b>S1.8.0</b>	<b>Insurance Expenses and Obligations</b>
<b>S1.8.1</b>	<p>Council will provide, at its cost, insurance to protect the interest and welfare of all councillors in carrying out the duties of civic office (and acting in good faith). Council currently provides the following (protection is limited to the terms and exclusions of the relevant policies):</p> <ul style="list-style-type: none"> <li>• <i>Councillors and Officer Liability.</i> Provides indemnity to any person who was, is presently, or in the future becomes an elected Member of Council, or a Committee Member of a legally constituted committee under the <i>Local Government Act 1993</i>, in the event of personal litigation being instigated against them for any action arising whilst that person was exercising their duty.</li> <li>• <i>Public Liability Insurance.</i> Provides cover for a Councillor's legal liability to pay compensation for personal injury to another person, damage to property owned or controlled by someone else which is caused by an occurrence in connection with their civic duties as a Councillor.</li> <li>• <i>Professional Indemnity.</i> Provides indemnity to an individual against litigation resulting from the exercise of their official professional duties.</li> <li>• <i>Statutory Liability.</i> Provides indemnity for fines and penalties arising out of the conduct of the business of Council.</li> <li>• <i>Personal Accident.</i> Provides for the payment of non-medical expenses and compensation towards the loss of wages resulting from an accident whilst on official business for Council and a capital payment if the accident resulted in death. This cover extends to Councillors and their partners whilst on official business of Council.</li> </ul>
<b>S1.9.0</b>	<b>Legal Expenses and Obligations</b>
<b>S1.9.1</b>	<p>This section of the policy is in accordance with the Office of Local Government Circular 05/08 '<i>Legal Assistance for Councillors and Council Employees</i>'.</p> <p>Where Council's insurance policies do not cover a Councillor's legal expenses in relation to a matter arising directly as a result of the Councillor's actions in the civic office, Council will determine by resolution if the Councillor is to be reimbursed for reasonable solicitor/ client costs, as long as:</p> <ul style="list-style-type: none"> <li>• They relate to conduct arising from the execution of a Councillor's civic duties,</li> <li>• The matter is finalised,</li> <li>• Council authorises by specific resolution naming the Councillor and determining the amount to be reimbursed in accord with these provisions:</li> </ul>



## Policy

### Section 1 – Councillor expenses

1. Council will not meet the costs of an action in defamation taken by a Councillor or council employee as plaintiff, nor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
2. The General Manager will report to Council for ratification, any legal advice sought in relation to this policy.
3. Councillors can ask the General Manager to obtain legal opinion on any matter that is relevant to business before Council.

If the General Manager declines then they must provide reasons to the Councillor concerned who may then, through a Notice of Motion, request the support of Council for the obtaining of the legal opinion.



Policy

Section 1a – Councillor expense claim form

Councillor Name:	
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Date	Council Meeting/Briefing or Committee Meeting	KMs travelled	Internal only		
			Project	Activity	Natural Account
Mileage Total					
Total					

Date	Training/Conference costs	Amount	Internal only		
			Project	Activity	Natural Account
Total					

Date	Other Expenses	Amount	Internal only		
			Project	Activity	Natural Account
Total					

Grand Total				
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*Please note that travel is calculated at \$0.66 per km.*

I certify that the above is true and accurate claim in accordance with the Councillor's Professional Development, Expenses and Facilities Policy and Section 29A (a), (b), (c) of the *Local Government Act 1993*.

Signature of Councillor: \_\_\_\_\_ Date: \_\_\_\_\_

Authorised: \_\_\_\_\_ Date: \_\_\_\_\_



## Policy

### Section 2 – Councillor facilities

#### Summary

Below is a summary table of facilities provided to the Mayor and Councillors. Please refer to specific clause for more information and detail.

<b>Councillor facility</b>	<b>Summary of details</b>	<b>Clause</b>
Councillor common room	Provided to all Councillors at main administration building in Moruya.	S2.2.1
Administrative support staff	Council's Executive Services Team are available for administration and secretarial duties for the Mayor and Councillors in relation to their civic duties only.	S2.2.2
IT equipment	Mobile phone and iPad/tablet provided to all Councillors. Councillors are also provided with a security name tag for access to the Council building.	S2.2.3
Stationery	Councillors are provided with business cards, yearly diaries and items such as pens/paper/notebooks as required.	S2.2.4
Mail	Councillors are permitted to post mail relating to their civic duties via the Executive Services office.	S2.2.5
Uniform and protective clothing	Councillors are provided with a magnetic name tag on commencement. Upon request, councillors can be issued with two shirts from the corporate uniform collection. Councillors will be provided with protective clothing, such as vests or headwear, when required for site visits and the like.	S2.2.6
Council vehicle	Provided to the Mayor only (leaseback arrangement)	S2.3.1
Reserved parking space at main administration building in Moruya	Provided to the Mayor only.	S2.3.1
Furnished office	Provided to the Mayor only.	S2.3.2
Credit card	Provided to the Mayor only.	S2.3.3

#### Policy details

<b>S2.1</b>	<b>General provisions</b>
<b>S2.1.1</b>	<b>Provision of facilities generally</b> Facilities, equipment and services appropriate to support the Mayor and Councillors in undertaking their role as elected members of Council will be provided. Incidental private usage of facilities and equipment is not subject to a compensatory payment by the Councillor. Where more substantial private use has occurred, compensation is required, unless otherwise stated, this is to be based on the assessed degree of private usage applied to the actual cost. Councillors are





## Policy

### Section 2 – Councillor facilities

	required to declare any private benefits that are more substantial than minor and/or incidental. The provision of facilities will be of a standard deemed appropriate for the purpose by the General Manager.
<b>S2.1.2</b>	<b>Private use of equipment and facilities</b> Councillors must use Council resources ethically, effectively, efficiently and carefully in the course of their official duties. Councillors must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate. Council facilities, equipment and services are not to be used to produce election material or for any other political purpose.
<b>S2.2</b>	<b>Provision of equipment and facilities for all Councillors</b>
<b>S2.2.1</b>	<b>Councillors' room</b> A furnished room will be made available for Councillors to conduct Council related business. The room will be equipped with a secured compartment for each Councillor, communal desks, general stationery and access to the internet via WiFi. Access to the Councillors' Room will be available during office hours.  Whilst hard copies of current consultancy reports, studies, industry management journals, publications and selected readings will be provided, Councillors will be encouraged to use the internet resource for individual research projects for access to such things as the: <ul style="list-style-type: none"> <li>• Local Government Act 1993 and related legislation</li> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Council's adopted Code of Conduct</li> <li>• ICAC and NSW Ombudsman Reports</li> <li>• Local Environmental Plans (LEP)</li> <li>• Council's adopted Code of Meeting Practice and various Policies</li> </ul> In addition to the Councillors' room, Councillors are also permitted to book available meeting rooms at Council's Moruya administration building at no cost.
<b>S2.2.2</b>	<b>Administrative support staff</b> Upon request, administrative support will be provided by the Executive Services Team, or by another member of Council's administrative staff as arranged by the General Manager or their delegate.  Council staff will provide administrative support to Councillors to assist them with their civic duties only. Staff are not permitted to assist with matters of personal or political interest, including campaigning.
<b>S2.2.3</b>	<b>IT equipment</b> Council will supply each Councillor with a mobile phone, iPad/tablet and any other equipment/technology that the General Manager deems suitable at the time. The mobile phone and iPad/tablet will have both 4G and WiFi connectivity. The devices will have a data allowance of 3GB each and will be connected to Council's telecommunication account. There will be a maximum data usage of 3GB per month per device. Please refer to Section 1 for expenses relating to the use of mobile phones or internet.



## Policy

### Section 2 – Councillor facilities

	Councillors are provided with a security name tag for access to Council's Moruya administration building. This security tag will allow access to the Executive Services area and garage of the Moruya administration building.
<b>S2.2.4 Stationery</b>	At the beginning of each Council term, Councillors are provided with 500 business cards to use as part of their civic duties. Councillors are also provided with a diary each year and pens/paper/envelopes/notebooks as required.
<b>S2.2.5 Mail</b>	All mail addressed to Councillors that is received by Council will be placed in the respective secure compartment in the Councillors' room.  Councillors are permitted to post mail relating to their civic duties via the Executive Services office. No stamp is required. Councillor mail will be included as part of Council's daily mail collection by Council's postal provider.
<b>S2.2.6 Uniform and protective clothing</b>	Councillors are provided with a magnetic name tag on commencement which may be worn at official functions, indicating the wearing holds the office of Mayor or Councillor.  Upon request, Councillors can be issued with two shirts from the corporate uniform collection during their term. Councillors will be provided with appropriate personal protective equipment, such as fluorescent vests and hard hats, for site visits or inspections when required.
<b>S2.3. Provision of additional equipment and facilities for the Mayor</b>	
<b>S2.3.1 Council vehicle</b>	The Mayor will be provided with a motor vehicle (under luxury car tax threshold) to discharge the function of civic office and the performance of Council business. In accordance with the Division of Local Government Guidelines, incidental private usage is permitted. The vehicle will be made available to the Mayor for private usage, if required, subject to the payment of \$4,000.00 annually.  There is a reserved car parking space in the garage at the Moruya administration building for the Mayor's Council vehicle.
<b>S2.3.2 Mayoral office</b>	The Mayor is to be provided with appropriate, separate and fully furnished office facilities and administrative support for undertaking civic duties only.
<b>S2.3.3 Credit card</b>	Council will supply the Mayor with a credit card to be used in accordance with the provisions of this policy. The provision of a card is also subject to the Mayor agreeing to, signing and adhering to the current code of conduct and code of practice for the use of credit cards.
<b>S2.4. Acquisition/returning of facilities</b>	
<b>S2.4.1 Acquisition and returning of facilities and equipment by Councillors</b>	Councillors will be provided with an opportunity to purchase any equipment or other facilities provided to them for use in relation to their Councillor duties after



## Policy

### Section 2 – Councillor facilities

	completion of their term in office, or at cessation of their duties. The General Manager may sell such items to Councillors at written down/book value or fair/market value. Any items not purchased must be returned within one week.
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## Policy

### Section 3 – Councillor professional development program Summary

<i>Professional Development</i>	<i>Summary of details</i>	<i>Clause</i>
Induction/Orientation	A comprehensive and compulsory induction/orientation program will be provided to all Councillors at the beginning of the new Council term.	S3.1.0
Company Directors Course	If a Councillor has not already completed the course through the Australian Institute of Company Directors, Council will cover the costs of this course during the term as Councillor.	S3.2.0
Ongoing Professional Development	\$2,000 per Councillor annually.	S3.3.0

### Policy details

<b>S3.1.0</b>	<b>Councillors induction/orientation</b>
<b>S3.1.1</b>	<p>Councillors will be provided with a comprehensive face-to-face orientation and induction to Eurobodalla Shire Council. This will include:</p> <ul style="list-style-type: none"> <li>• One day induction</li> <li>• Two-day orientation</li> <li>• Leadership Styles</li> <li>• Delivery Program and Operational Plan Planning Day</li> <li>• Two-day education and training program</li> </ul> <p>It is compulsory for Councillors to attend all of these sessions. The General Manager can grant an exemption if there are extenuating circumstances prohibiting a Councillors attendance.</p>
<b>S3.1.2</b>	<p><b>One day induction</b></p> <p>This day is an induction to Council where Councillors are provided with the following:</p> <ul style="list-style-type: none"> <li>• Mobile devices</li> <li>• Contact details of key staff</li> <li>• Building access information</li> <li>• Facilities provided to Councillors</li> </ul> <p>This session will be run by Council staff and is the first time that Councillors will attend the Council building. The session aims to provide Councillors with the tools require to undertake their duties effectively.</p> <p>Councillors will be provided with documentation on this day that is required to be completed and returned to Council within one week. Corporate photographs will also be taken on this day.</p>
<b>S3.1.3</b>	<p><b>Two-day orientation</b></p> <p>This session will be an opportunity for Councillors to gain an understanding of Council services, policies, procedures and corporate documents. This session will be facilitated by an external facilitator and supported by the Executive Leadership</p>



## Policy

### Section 3 – Councillor professional development program

	Team, Divisional/Corporate Managers and other key Council staff. Councillors will be provided copies of key Council documents such as the Delivery Program and Operational Plan, Community Strategic Plan, Annual Report and strategic documents.
<b>S3.1.4</b>	<b>Two-day education and training program</b> Orientation will be conducted by an external facilitator and will cover various topics applicable to Councillors. This includes, but is not limited to: <ul style="list-style-type: none"> <li>• Legal contexts of being a Councillor</li> <li>• Governance</li> <li>• Code of Conduct</li> <li>• Gifts and Benefits</li> <li>• Code of Meeting Practice</li> <li>• Social Media Use</li> <li>• Confidentiality</li> <li>• Work Health and Safety</li> </ul>
<b>S3.1.5</b>	<b>Leadership Styles</b> Leadership Styles for all Councillors will be undertaken within the first three months by an external facilitator. Use of the Myers Briggs Type Indicator will assist Councillors to better understand each other, assist with how they may react in a particular situation and how they communicate with others.
<b>S3.1.6</b>	<b>Delivery Program Operational Plan planning day</b> The Delivery Program and Operational Plan planning day is an opportunity for Councillors to have an in-depth look into the program and plan and make suggestions on what should be included for future years. This session will be conducted by an external facilitator.
<b>S3.2.0</b>	<b>Company Directors Course</b>
<b>S3.2.1</b>	If a Councillor has not already completed the Australian Institute of Company Directors Course, Council will cover the costs to complete this course. This may be either face-to-face or online, depending on course availability and Councillor preference.
<b>S3.2.2</b>	There is an expectation that Councillors will complete the course, including the final assessment and exam. The cost of this course will not contribute to the \$2,000 Councillor Professional Development budget. If a Councillor commences the course, but does not complete the course (including the exam and assessments), the Councillor will be required to pay 50% of the course fees back to Council.
<b>S3.2.3</b>	This course should be completed within the first 18 months of a Councillor being elected.
<b>S3.3.0</b>	<b>Ongoing Professional Development</b>
<b>S3.3.1</b>	Ongoing professional development will be provided to Councillors to the value of \$2,000 per year. This total does not include the costs of travel, accommodation, and food. Please refer to the Appendix 1 for these expenses.
<b>S3.3.2</b>	Professional development must be approved by the General Manager.



## Policy

### Review

This policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW Local Government election, unless Council revokes it sooner.

*Note: Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2021 then September 2024.*

This policy may also be reviewed and updated as necessary when legislation required it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages Councillor expenses, facilities, professional development or inductions.

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

Performance indicator	Data source
Complaints	Council records
Budget is not exceeded	Financial data
Internal audit/legal requirements are met	Audit

### Definitions

Word/Term	Definition
ICAC	Independent Commission Against Corruption
LGA	Local Government Area represented by the Council, in this case, Eurobodalla Shire.
OLG	Office of Local Government
Substantial amendment	Substantial amendments could include large changes to monetary limits and/or major changes to the standard of provision of professional development, equipment and facilities, any category of expenses, facilities and equipment to be included in the policy.

### Governance

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

#### Related legislation and policies

Name	Link
Related policies or code of conduct	<a href="https://www.esc.nsw.gov.au/inside-council/council/council-policies">https://www.esc.nsw.gov.au/inside-council/council/council-policies</a>
Local Government Act 1993	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1993-030">https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1993-030</a>



## Policy

Local Government Regulation (General) 2005	<a href="https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2005-0487">https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2005-0487</a>
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### Related external references

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

### Change History

Version	Approval Date	Approved by	Min no	File No	Change
1	7 Jan 2011	Council	11/172	E08.2108	Policy commenced
2	27 Sep 2012	Council	12/219	E08.2108	Updated to new template, updated review date
3	28 Feb 2017	Council	17/31	E08.2108	Reviewed at start of Council term with minor updates made for currency.
4	xxx	xxx	xxx	xxx	xxx

### Internal Use

Responsible Officer	General Manager
Approved by	xxx
Effective Date	xxx
Minute	xxx
Report	xxx
File	xxx
Review Date	xxx
Pages	xxx

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**GMR21/021 INTEGRATED PLANNING AND REPORTING REVIEW AND  
COMMUNITY ENGAGEMENT STRATEGY**

**S004-  
T00030**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Integrated Planning and Reporting Review - Community Engagement Strategy 2021

Focus Area: 8 Collaborative and Engaged Community

Delivery Program Link: 8.2 Provide opportunities for broad and meaningful engagement to occur

Operational Plan Link: 8.2.1 Provide and promote opportunities for the community to be engaged on decisions, policies and plans through the use of the community engagement framework

### **EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the upcoming review of its Integrated Planning and Reporting suite of documents and the associated Community Engagement Strategy for the project.

The strategy will guide the community engagement activities for involving the Eurobodalla community and stakeholders in the review of Council's Community Strategic Plan 'One Community', Delivery Program 2022-25 and Operational Plan 2022-23.

### **RECOMMENDATION**

THAT Council approve the Community Engagement Strategy for the review of its Integrated Planning and Reporting suite of documents.

### **BACKGROUND**

The *Local Government Act NSW (1993)* (the Act) and Integrated Planning and Reporting (IPR) Framework requires each council to prepare a Community Strategic Plan covering a minimum ten-year period, a Resourcing Strategy and a Delivery Program (for the duration of a councils elected term) and Operational Plan.

The Act requires these IPR documents are reviewed and re-established:

- Section 402 (5) *Following an ordinary election of councillors, the council **must review the community strategic plan before 30 June following the election.** The council may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new community strategic plan, as appropriate to ensure that the area has a community strategic plan covering at least the next 10 years.*
- Section 404 (3) *The council **must establish a new delivery program after each ordinary election** of councillors to cover the principal activities of the council for the 4-year period commencing on 1 July following the election.*

---

**GMR21/021 INTEGRATED PLANNING AND REPORTING REVIEW AND  
COMMUNITY ENGAGEMENT STRATEGY**

**S004-  
T00030**

Council's existing Community Strategic Plan 2017 and Delivery Program 2017-2021 were extended for a further 12 months, in line with the delayed 2020 council elections. These existing plans will be in place until 30 June 2022.

Council have commenced planning for the review of Eurobodalla's Community Strategic Plan (CSP) and Resourcing Strategy, and development of a new Delivery Program (DP) and Operational Plan (OP). These plans, strategies and programs will commence from 1 July 2022.

The Act requires a council to establish and implement a Community Engagement Strategy, for engagement with the local community when reviewing these plans (s402 (4)).

**CONSIDERATIONS**

Council have commenced planning for the review of Eurobodalla's Community Strategic Plan (CSP) and Resourcing Strategy, and development of a new Delivery Program (DP) and Operational Plan (OP). These plans, strategies and programs will commence from 1 July 2022.

To guide the review of the CSP and develop the new DP, Council will undertake engagement activities with our community, guided by a Community Engagement Strategy (CES) prepared for this task. The Office of Local Government's (OLG) Integrated Planning and Reporting guidelines provides the requirements for an engagement strategy. The CES is endorsed by the current council, to be implemented in the next council's term.

In researching options for community engagement tools and considering ongoing potential impacts of the COVID-19 pandemic, Council has incorporated the use of a dedicated online engagement platform in the strategy. This will be used to gather our community's and stakeholders' aspirations and priorities for our future and to test that the vision, outcomes and strategies in our existing CSP still accurately reflect these.

An online engagement platform will:

- Protect participants, and safeguard the process against disruption, in the event of any COVID-19 health orders.
- Enable council to reach 77% of homes in the Eurobodalla with one tool (Census 2016), offering a level of accessibility that traditional engagement activities cannot match.
- Be available via free access to the internet and iPads at the libraries and Council's customer service building in Moruya.
- Can be available 24 hours a day during the engagement phase – increasing the reach to groups traditionally harder to reach including working parents, younger people, people with mobility impairment and shift workers.

Council has prepared a CES (attached) to guide engagement activities for the upcoming review of its IPR suite of documents. This CES reflects the research undertaken into available engagement tools, current global conditions, the requirements of OLG's guidelines and Councils Community Engagement Framework, as outlined in the strategy.

**Legal**

Council must prepare and implement an engagement strategy for positive interaction with the community in developing and reviewing the Community Strategic Plan.



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**GMR21/021 INTEGRATED PLANNING AND REPORTING REVIEW AND  
COMMUNITY ENGAGEMENT STRATEGY**

**S004-  
T00030**

The Local Government Act 1993 states that the Community Strategic Plan must be based on social justice principles:

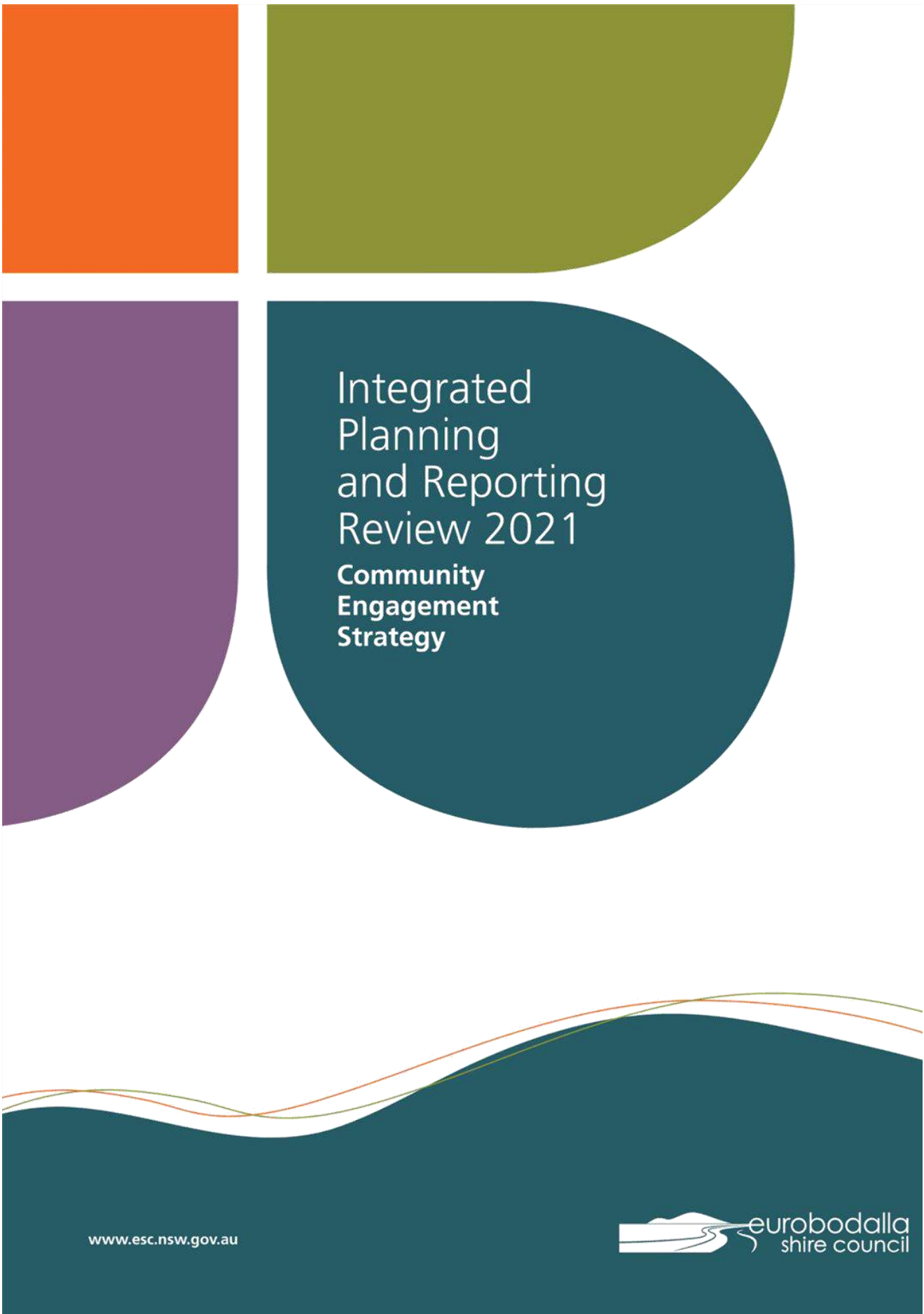
- **Equity** – There is fairness in decision making and prioritising and allocation of resources.
- **Access** – All people have fair access to services, resources and opportunities to meet their basic needs and improve their quality of life.
- **Participation** – Everyone has the maximum opportunity to genuinely participate in decisions which affect their lives.
- **Rights** – Everyone’s rights are recognised and promoted.

Council must also prepare the strategy in accordance with Office of Local Government’s (OLG) Integrated Planning and Reporting guidelines.

The Eurobodalla Community Engagement Strategy 2021 has been prepared in accordance with these requirements.

**CONCLUSION**

Council is required to review the Community Strategic Plan and prepare an engagement strategy for the project, ensuring all stakeholders can access and participate in its development, implementation and review. This reflects the importance of building and maintaining an engaged and connected community now and into the future.



# Integrated Planning and Reporting Review 2021

## Community Engagement Strategy



Eurobodalla Shire Council recognises  
Aboriginal people as the original inhabitants  
and custodians of all the land and water in  
the Eurobodalla and respects their enduring  
cultural and spiritual connection to it.

**How to contact us**

<b>In person</b>	Customer Service Centre 89 Vulcan Street, Moruya Monday to Friday, 8.30am to 4.30pm
<b>Phone</b>	02 4474 1000 For after-hours emergencies call 1800 755 760
<b>Fax</b>	02 4474 1234
<b>Mail</b>	PO Box 99, Moruya NSW 2537
<b>Email</b>	<a href="mailto:council@esc.nsw.gov.au">council@esc.nsw.gov.au</a>
<b>Web</b>	<a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a>
<b>Councillors</b>	See contact details on our website

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# 04

## WHY A COMMUNITY STRATEGIC PLAN?

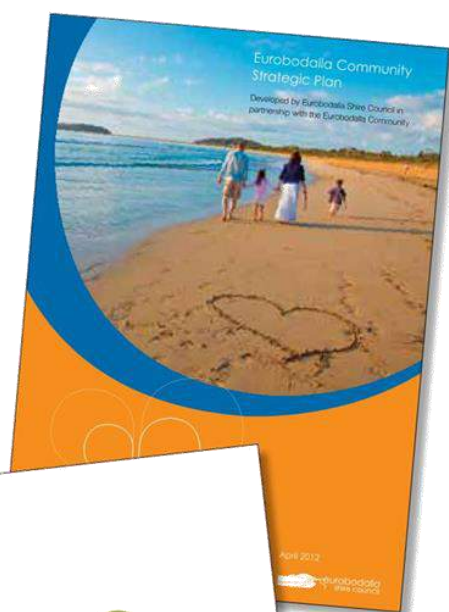
The Community Strategic Plan is the highest-level plan that a council and its community will prepare. Eurobodalla Council has a custodial role in initiating, preparing and maintaining the plan on behalf of the community. The plan aims to encourage Council, the community and other agencies to work together as one community to deliver on the vision for the future of Eurobodalla, as conveyed in the plan.

Local government elections are generally held every four years in NSW. Following these elections, councils are required to review their Community Strategic Plan to ensure it still reflects the vision of the community, including where it wants to be in the future, how they can get there and who can help.

Council's first Community Strategic Plan 'Eurobodalla 2036' was developed during 2010. Following elections in 2012, the 'Let's Talk' engagement process generated a revised plan, the 2013 Community Strategic Plan. After elections in 2016, Council used community forums, surveys and social media campaigns to inform the 2017 Community Strategic Plan. A citizen's jury process supported development of the Delivery Program 2017-21.

Local government elections scheduled for 2020 were delayed due to the global COVID-19 pandemic and will instead be held in September 2021. Again, Council will review its Community Strategic Plan and other Integrated Planning and Reporting documents.

This Community Engagement Strategy will guide engagement activities in the review of the Eurobodalla Community Strategic Plan, Delivery Program 2022-25 and Operational Plan 2022-23.



# 05

## WHAT YOU'VE TOLD US

Council engages the community on a range of projects outside the Integrated Planning and Reporting cycle. A significant amount of valued community feedback and input has been received during engagement activities for:

- Aboriginal Action Plan
- Advancing Eurobodalla - Integrated Economic Growth and Development Strategy
- Batemans Bay Regional Aquatic, Arts and Leisure Centre
- Batemans Bay Waterfront Masterplan and Activation Strategy
- Companion Animal Management Plan
- Creative Arts Strategy
- Eurobodalla Events Strategy
- Eurobodalla Heritage Strategy

- Eurobodalla Pathways Strategy
- Mogo Adventure Trail Hub – creation of masterplan
- Nature Based Tourism Study
- Place Score engagement in Tilba, Narooma, Bodalla and Moruya
- Recreation and Open Space Strategy
- Tourism Wayfinding and Signage Strategy

The outcomes from these and other community consultations that occur during this engagement strategy will inform our review of the Community Strategic Plan. Council is conscious of the possibility of consultation fatigue within the community and will put in place processes that enable a broad range of people to be involved in the engagement process.



# 06

## THE INTEGRATED PLANNING AND REPORTING FRAMEWORK

The *Local Government Act NSW (1993)* and Integrated Planning and Reporting (IPR) Framework requires each council to prepare a Community Strategic Plan covering a minimum ten-year period, a Resourcing Strategy and a Delivery Program and Operational Plan.

The Community Strategic Plan (CSP) sits above all other council plans and policies, and its purpose is to identify the community's main priorities and aspirations for the future, and plan strategies to achieve them.

The Resourcing Strategy identifies the resources council has available to respond to its CSP and includes a Long-Term Financial Plan, Asset Management Strategy and Workforce Management Strategy.

The Delivery Program aligns with a council's term. It is a council's response and commitment to implementing, within available resources, the priorities and aspirations of the community, expressed in its CSP. The Operational Plan is the Council's annual service delivery action plan.

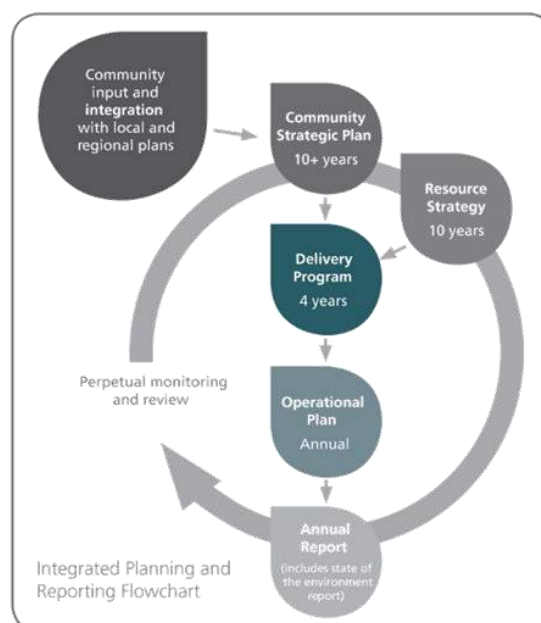
Following local council elections, a council must review their suite of IPR plans, including the CSP, to confirm its vision and priorities still accurately reflect community aspirations. Other associated plans cascade from this.

The NSW Government's IPR Framework requires councils to prepare and implement a Community Engagement Strategy for the engagement activities it will undertake to review its IPR plans.

The strategy must be prepared and implemented following the social justice principles for engagement:

- Equity – There is fairness in decision making and prioritising and allocation of resources.
- Access – All people have fair access to services, resources and opportunities to meet their basic needs and improve their quality of life.
- Participation – Everyone has the maximum opportunity to genuinely participate in decisions which affect their lives.
- Rights – Everyone's rights are recognised and promoted.

It must identify relevant stakeholder groups with the community and outline methods of engaging these groups and consider the expected levels of service expressed by the community when preparing the Community Strategic Plan.



07

## COUNCIL'S COMMUNITY ENGAGEMENT FRAMEWORK

Eurobodalla's Community Strategic Plan 2017 identifies the importance of building and maintaining an engaged and connected community that works together, empowered with knowledge, and has the opportunity to participate in decision making. It recognises our mutual responsibility to work towards our goals, actively participate, and engage to improve outcomes for Eurobodalla.

In response, Council adopted its Community Engagement Framework (CEF) in 2017, after an extensive development and consultation process. This process included research of best practice, review of Council's then practices, reviewing how councils similar to Eurobodalla engage with their communities, the standards advocated by industry, seeking independent advice and situation analysis, and feedback from wider community on the draft framework. It was prepared in accordance to section 402 of the *Local Government Act NSW (1993)*, incorporating the social justice principles. Council reviewed this framework in 2019 with the purpose of incorporating requirements for a Community Participation Plan in accordance with the *Environmental Planning and Assessment Act NSW (1979)*.

The CEF provides principals and tools for coordinating, planning, designing, implementing, and evaluating community engagement activities conducted by Council.

The following principles, as set out in the framework, will guide Council's approach to engaging the community:

- Be open and inclusive
- Generate mutual trust and respect, and be accountable
- Engage early and provide information that is clear
- Be considerate and provide feedback
- Value and acknowledge skills and resources

While the CEF does not prescribe exactly how the community should be engaged for every project, it provides guidance on the different levels of public participation and engagement levels to consider, as illustrated in the table below:

This strategy will include engagement activities at different levels of the participation spectrum.



<sup>1</sup>	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Why are we doing this	To provide the public with balanced and objective information to assist them in understanding solutions, alternatives, opportunities and/or problems.	To obtain public feedback on analysis, alternatives.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making and/or devolved budgets in the hands of the public.
What will we say? What will we do?	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

<sup>1</sup> As advocated for by the International Association for Public Participation (IAP2) in their Spectrum for Public Participation.



# 08

## OBJECTIVES FOR THIS COMMUNITY ENGAGEMENT STRATEGY

This Community Engagement Strategy has been developed in accordance with the NSW Government's IPR framework and guided by the principles, impact levels and tools contained in Council's Community Engagement Framework.

While preparing this strategy, Council has aimed to:

- ✓ Design a process that collaborates with our community and stakeholders, including hard to reach groups, in the review of the Community Strategic Plan.
- ✓ Ensure key messages and information can be communicated during the process:
  - What is Integrated Planning and Reporting and what does it mean for our community and key stakeholders?
  - How can our community get involved in the development and review of the Community Strategic Plan?
  - Is Council providing the right level of service to deliver on community vision?
  - What is the timeframe and who is responsible for what?

- ✓ Provide equitable opportunities for our community and stakeholders to participate.
- ✓ Ensure engagement methods and techniques are suitable for our community and stakeholders, can be delivered in a timely manner, and are robust during challenging circumstances.
- ✓ Provide processes and outcomes that will inform the comprehensive review of the current Community Strategic Plan.



| 09 |

## HOW WE'LL ENGAGE THE COMMUNITY

In Eurobodalla, 77% of households have at least one person with access to the internet from their home<sup>1</sup>. Online engagement tools have the ability to reach a broader audience unmatched by traditional engagement activities. They can be available 24 hours a day during engagement phases, offering a convenient platform for those who do not have time to physically attend meetings. For this reason we will use online engagement tools, available via Council's website, to work with the community on this project.

Throughout the process, Council will try to ensure all residents can access the engagement tools. We will provide:

- Free access to the internet and iPads at Eurobodalla libraries and Council's customer service building in Moruya.
- Access at Council managed Youth Cafes.
- Internet enabled devices for attendees of suitable community events that fall within project timing.

The accessibility of online engagement tools means we can engage traditionally harder to reach groups in this important conversation, such as working parents, younger people, people with mobility impairment, shift workers and vulnerable people during these pandemic times. Furthermore, our community is geographically dispersed, and digital tools can ensure an engagement platform that is equitable between our towns, villages and rural areas.

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<sup>1</sup> Australian Bureau of Statistics, 2016 census data, [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/LGA12750](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA12750)

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## STAKEHOLDERS AND REACH



In preparing this strategy, Council has considered balance between stakeholder groups, and the towns, villages and rural areas of Eurobodalla. This strategy has been prepared

to enable the greatest reach across stakeholder groups and focus on traditionally under-represented stakeholders.

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## PHASES FOR THIS COMMUNITY ENGAGEMENT STRATEGY

To review our Community Strategic Plan, Council will implement a three-phase approach to inform and collaborate with the community and stakeholders.

### PHASE 1:

Information  
exchange

During each phase of the process, evaluation and review will be undertaken to ensure:

- Information exchanges and engagement methods and techniques have achieved broad reach across community and stakeholders
- Data and information gathered through engagement activities is of high quality and integrity
- The views, vision and priorities of the community are heard and accurately recorded
- Council's legislative requirements are met

### PHASE 2:

Vision review and  
solution development

### PHASE 3:

Confirmation  
and completion



# 12

## PHASE 1. INFORMATION EXCHANGE

**Engagement level:** inform/consult

**Objective:** To provide balanced objective information to assist in understanding problems, drivers, alternatives and opportunities.

The first phase is about gathering and sharing information and ideas. It involves a review of the current state of play including: current challenges/issues and key drivers, previous engagement exercises and outcomes, and progress towards achieving community goals. Information to inform development of engagement material will be sourced from community satisfaction and visioning surveys, Australian Bureau of Statistics (ABS) data, Council annual reports and other recent engagement activities. This information will be presented to the broader community for feedback on the current situation, progress, and any potential responses or future direction.

**Key messages:**

*"Where are we now?"*

*"What have we done to get here? Where to from here?"*

**Deliverables:**

- Our Story: State of the Shire
- End of Term Report

ACTIVITY	PURPOSE	ENGAGEMENT LEVEL	TIMING
<b>Community surveys</b> <ul style="list-style-type: none"> <li>• Community wellbeing survey</li> <li>• Community satisfaction survey</li> </ul>	To obtain statistically valid data on visioning, wellbeing and customer satisfaction. Data obtained will assist in confirming community vision and inform levels of service.	Consult	February and May 2021
<b>End of Term Report</b>	To report progress implementing current integrated plans over the current council term and fulfil legislative requirements.	Inform	July 2021
<b>Eurobodalla Snapshot</b> <ul style="list-style-type: none"> <li>• Our Story: State of the Shire</li> <li>• Community Indicators Update</li> </ul>	To combine community perception, as obtained through the community surveys, with facts from relevant data sources to allow assessment of key issues and drivers within Eurobodalla. This will include an update of the community indicators that were developed to monitor the progress of Council's Community Strategic Plan.	Inform	September 2021

**Reach:** During Phase 1 Council will use its communication channels to inform the community of the deliverables, including:

- Council's website
- Living in Eurobodalla - quarterly print newsletter mailed to all residents
- Media releases
- Council News - monthly email newsletter



## PHASE 2. VISION REVIEW AND SOLUTION DEVELOPMENT

**Engagement level:** collaborate

**Objective:** To explore community expectations and Council's ability and capacity to deliver on shared vision and goals and develop an agreed way forward.

The second phase is about partnering with the community and stakeholders, informed from phase 1 surveys, to review the vision, outcomes and strategies as recorded in the 2017 Community Strategic Plan.

A dedicated online engagement platform will be created for this phase, with a variety of online tools utilised to interact with the community and stakeholders. The platform will be available via Council's website. A short URL will be used for ease of promotion.

**Key messages:**

*"Will we still be a friendly, responsible, thriving and proud Eurobodalla in 20 years' time?"*

*"Do the outcomes and strategies captured in the Eurobodalla Community Strategic Plan 2017 still accurately reflect where we want to be and how we will get there?"*

**Deliverables:**

- Draft Community Strategic Plan 2021

TARGET STAKEHOLDERS	ACTIVITY AND METHOD	PURPOSE	ENGAGEMENT LEVEL	TIMING
All stakeholders	Dedicated online engagement platform	To review the community's existing vision, outcomes, and strategies to ensure they still accurately reflect the community's future priorities and aspirations. To gather amendments or alternative aspirations and priorities where existing no longer align to stakeholders.	Collaborate	October - November 2021

**Reach:** During Phase 2 Council will promote the online engagement tool to ensure participation is maximised. We will use existing communication tools, lists and networks, supplemented by targeted advertising and a presence at community events, including:

- Living in Eurobodalla - quarterly print newsletter, mailed to all residents
- Rates Notice - flyer enclosed with all rates notices, for resident and non-resident ratepayers
- Council's social media platforms and digital newsletters – including Facebook (14,799 followers) and Instagram (2,156 followers)<sup>1</sup>
- Council website – dedicated landing page information to direct users to platform (126,780 website users between July and December 2020)<sup>2</sup>
- Radio advertising campaign
- Flyer/business card with the website address to direct people to the online engagement platform
- Committees and Advisory Groups:
  - Audit Risk and Improvement Committee
  - Coastal and Environmental Management Advisory Committee
  - Disability Inclusion Advisory Committee
  - Aboriginal Advisory Committee
  - Eurobodalla Heritage Advisory Committee
  - Public Art Advisory Committee
  - Youth Committee
- Chambers of Commerce and Community Associations
- Community events – Council will make available internet enabled devices for attendees at suitable community events that fall within timing
- Promotion at Eurobodalla Libraries – free access to internet and a 'borrow an iPad' program
- Promotion at other Council facilities – administration building in Moruya, and depots in Narooma, Moruya and Batemans Bay provide access to internet enabled devices to participate in the online platform.

<sup>1</sup> Eurobodalla Shire Council Delivery Program 201-21, Operational Plan 2020-21 Six Monthly Performance Update, July to December 2020 Report

<sup>2</sup> Eurobodalla Shire Council Delivery Program 201-21, Operational Plan 2020-21 Six Monthly Performance Update, July to December 2020 Report

# 14

## PHASE 3. CONFIRMATION AND COMPLETION

**Engagement level:** inform/consult

**Objective:** Confirm the draft Community Strategic Plan reflects the inputs and intent of those involved in engagement and the sentiments expressed by the broader community.

The third phase takes the draft Community Strategic Plan back to the community to confirm that nothing was lost in translation and that the end documents convey what community members intended. All stakeholders will be provided with the opportunity to comment on the draft documents and be provided with feedback on how their comments influence the final outcome.

**Key messages:**

*"Did we get it right?"*

*"Does the end result reflect your input?"*

**Deliverables:**

- Final Integrated Planning and Reporting documentation

ACTIVITY	PURPOSE	ENGAGEMENT LEVEL	TIMING
<b>Community Strategic Plan</b> <ul style="list-style-type: none"> <li>• Public exhibition</li> </ul>	To ensure revised document reflects community engagement and input to articulate the community's long term aspirations, priorities and vision.	Inform/Consult	January - February 2022
<b>Delivery Program 2022-2025</b>	To ensure revised document details the activities that Council will deliver over their term and the strategies it will implement in consultation with the community as contained in the Community Strategic Plan.	Inform/Consult	March – June 2022
<b>Operational Plan 2022-23</b>	To ensure revised document includes the actions to be undertaken during the next financial year, aligned to the revised Delivery Program and Community Strategic Plan.	Inform/Consult	March – June 2022





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**GMR21/022 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH  
2021**

**S011-  
T00003**

Responsible Officer: Scott Westbury - Chief Financial Officer  
Attachments: 1. Under Separate Cover - Attachments  
Outcome: Innovative and Proactive Leadership  
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations  
Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status  
Operational Plan Link: 9.2.4.3 Provide financial management and reporting

**EXECUTIVE SUMMARY**

This Budget Review reports on Council's performance against the current Operational Plan budget for the quarter ending 31 March 2021. Major variations are highlighted.

The original Operational Plan budget, on a consolidated basis (which includes all of Council's funds), for 2020-21 forecasts were:

- Income Statement surplus, before capital revenue, of \$5.55 million
- Income Statement surplus, after capital revenue, of \$78.47 million
- Use of \$7.21 million of unrestricted funds.

The proposed revised budgets after the quarter ending 31 March 2021 are:

- Income Statement surplus, before capital revenue, of \$3.28 million
- Income Statement surplus, after capital revenue, of \$67.64 million
- Use of \$4.66 million of unrestricted funds.

The March review adjustments result in an unfavourable variation for the income statement, before capital revenues, of \$1.01 million and a decrease in the amount of unrestricted funds to be used of \$4.67 million as per the Consolidated Fund Flow Statement.

There are no material concerns at the quarterly review about Council meeting budget targets for 2020-21.

**RECOMMENDATION**

THAT;

1. The budget review report for the quarter ended 31 March 2021 be received and noted.
2. The unfavourable variations to the Income Statement before capital revenue of \$1.01 million, and \$4.66 million increase to unrestricted funds per the Consolidated Fund Flow Statement be adopted.
3. New loans of \$7,188,197 be raised in accordance with Council's borrowing policy and the Council seal be affixed to the loan agreement documentation.



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**GMR21/022 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH  
2021**

**S011-  
T00003**

**BACKGROUND**

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

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

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

**Financial reports (Attachment 1)**

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

Financial reports include:

- a) Consolidated Fund Flow Statement – This report shows the impact of operating, financing and investing activities on Councils unrestricted working capital.
- b) Consolidated Income Statement – Provides sources of income and expenditure, including depreciation, per Council service areas.
- c) Consolidated Capital Program Statement – Provides capital expenditure information for each program area and associated services.
- d) Projected Funds Balance Statement – Provides information on the movements in both unrestricted and restricted fund accounts.
- e) Budget Amendment Report – Provides details of proposed significant adjustments to budgets.
- f) SRV capital program – Provides capital expenditure information for each of the projects in the SRV program of works for 2020-21.

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

This attachment provides information on major contracts entered into, legal fees incurred and consultancy costs for the quarter ended 31 December 2020.

**Key Financial Indicators (Attachment 3)**

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

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

Provides information about Mayoral and Councillor expenditure for the quarter ended 31 March 2021.

**CONSIDERATIONS**

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

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

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

The net fund flow shows the amount of unrestricted funds that will be used to deliver the agreed Operational Plan outcomes for 2020-21. The consolidated original budget forecast a \$7.21 million use of unrestricted funds. The impact of September 2020, December 2020 and March 2021 quarterly review amendments result in a projected use of unrestricted funds of \$4.66 million for 2020-21. See table 1.1 and graph 1.1 below.

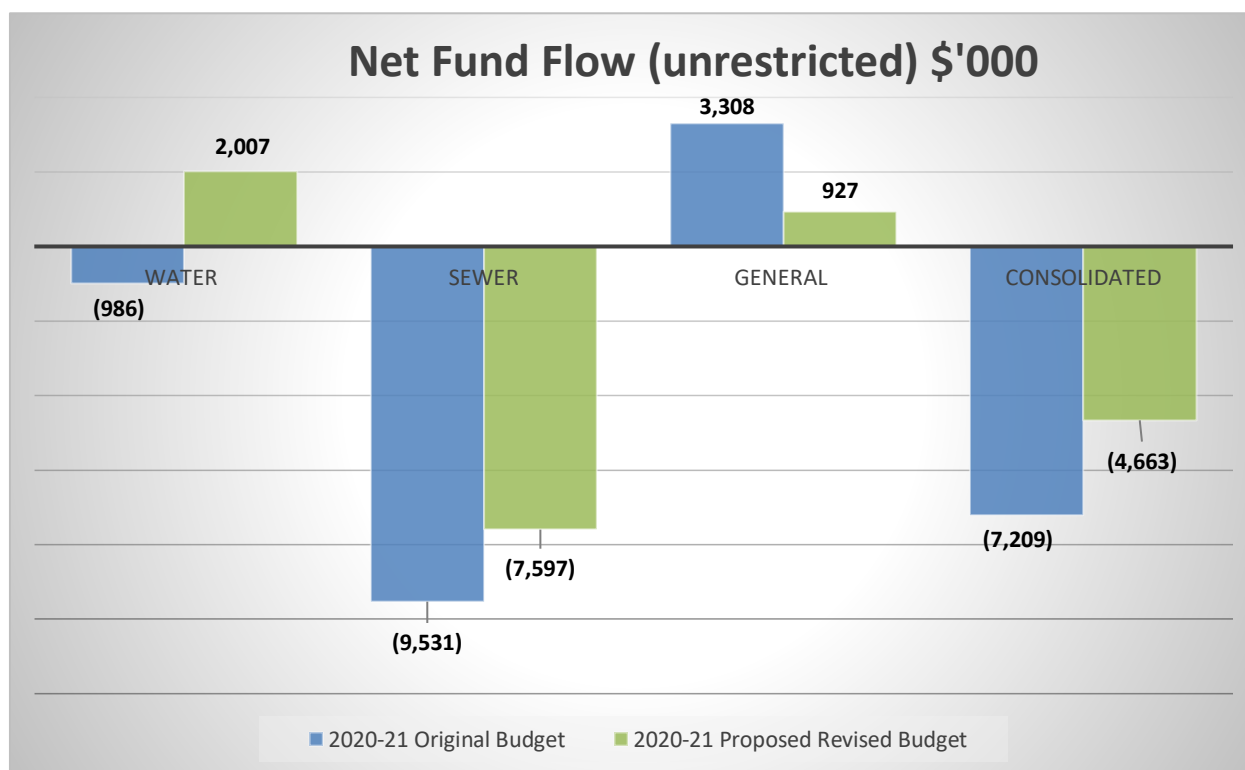
*Table 1.1 Net Increase (decrease) in unrestricted funds, per fund, \$'000*

<b>Fund</b>	<b>2020-21 Original Budget</b>	<b>Previous Review</b>	<b>March Review</b>	<b>2020-21 Proposed Revised Budget</b>
Water	(986)	(17)	3,011	2,007
Sewer	(9,531)	20	1,914	(7,597)
Waste	984	182	15	1,181
Environment	203	31	21	255
General	2,121	(2,340)	(290)	(510)
<b>Consolidated</b>	<b>(7,209)</b>	<b>(2,124)</b>	<b>4,670</b>	<b>(4,663)</b>

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*Graph 1.1 Net fund flow (unrestricted)*



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

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

The proposed revised budget, incorporating the September, December and March review adjustments is a surplus of \$3.28 million before capital revenues (per table 1.2 and graph 1.2 below).

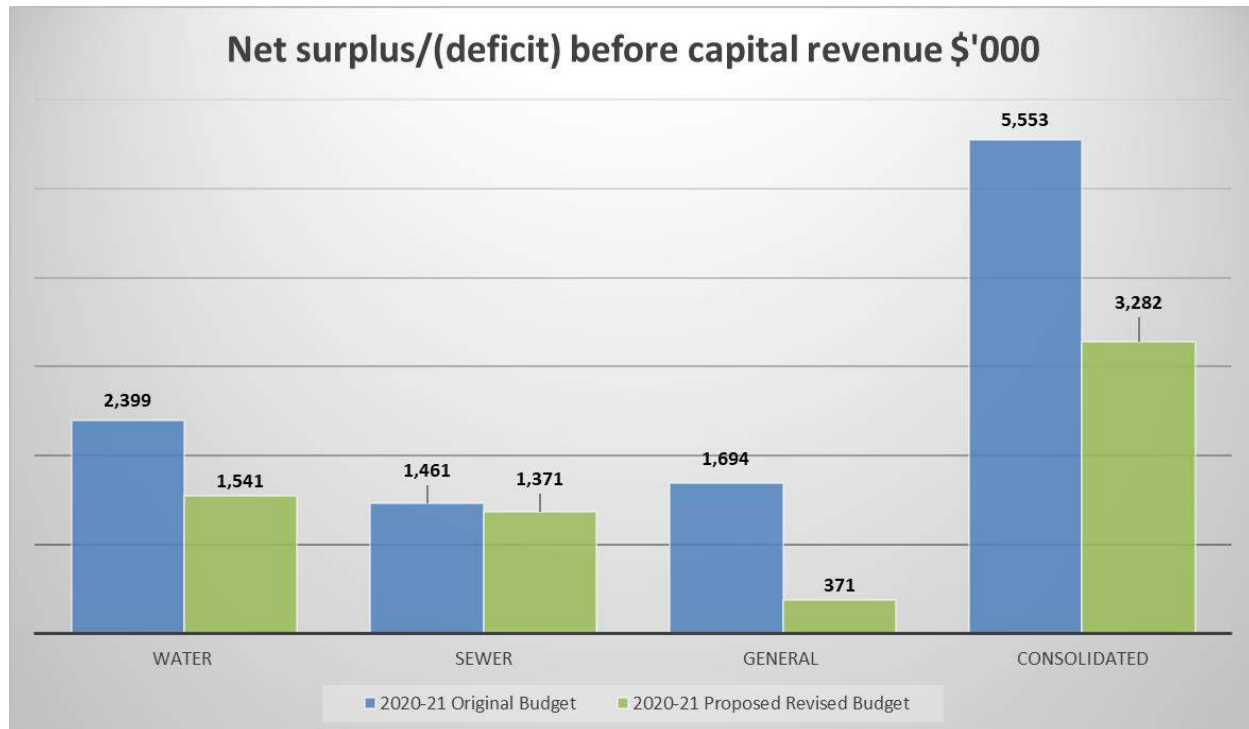
*Table 1.2 Net Surplus/ (deficit) before capital revenue, \$'000*

Fund	2020-21 Original Budget	Previous Review	March Review	2020-21 Proposed Revised Budget
Water	2,399	(62)	(795)	1,541
Sewer	1,461	150	(240)	1,371
General	1,694	(1,345)	22	371
<b>Consolidated</b>	<b>5,553</b>	<b>(1,257)</b>	<b>(1,014)</b>	<b>3,282</b>

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



**March review adjustments (operational)**

The proposed March review adjustments to the originally adopted Operational Plan budget for 2020-21 result in an unfavourable variation of \$1.01 million to the operating surplus before capital.

Significant adjustments to operational revenue items include:

- (\$660)k Business Interruption Insurance Proceeds received
- (\$200)k Operational expenditure savings relating to consultants and contractors

Offset by:

- \$1,000k reduced investment income to realise lower interest rates on actual investments for the first half of FY
- \$220k reduced interest income on overdue rates (NSW Government policy to defer due to COVID & Bushfire events)
- \$184k increased expenditure on penalty rates within Active Living & Community Care programs (July to Dec)
- \$480k operational spend in Water Fund to ensure compliance with updated Dam Safety legislation, Shire wide leak detection programme undertaken & additional bushfire safety works

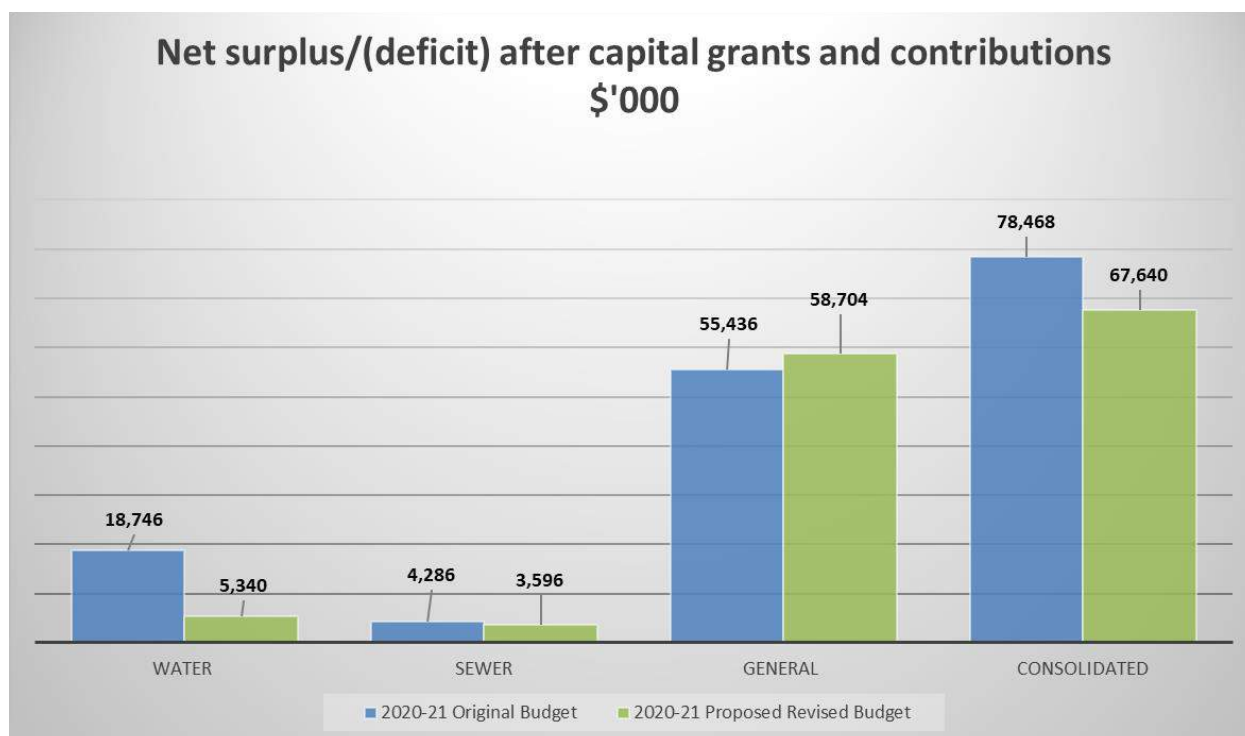
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*Table 1.3 Net surplus/(deficit) after capital revenue, \$'000*

<b>Fund</b>	<b>2020-21 Original Budget</b>	<b>Previous Review</b>	<b>March Review</b>	<b>2020-21 Proposed Revised Budget</b>
Water	18,746	(11)	(13,395)	5,340
Sewer	4,286	150	(840)	3,596
General	55,436	14,767	(11,499)	58,704
<b>Consolidated</b>	<b>78,468</b>	<b>14,907</b>	<b>(25,735)</b>	<b>67,640</b>

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



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

**Capital Program**

The original capital expenditure budget for 2020-21 was \$123.3 million. The proposed revised budget, incorporating September, December and March variations is \$111.8 million (as per table 1.4 and graph 1.4 below).



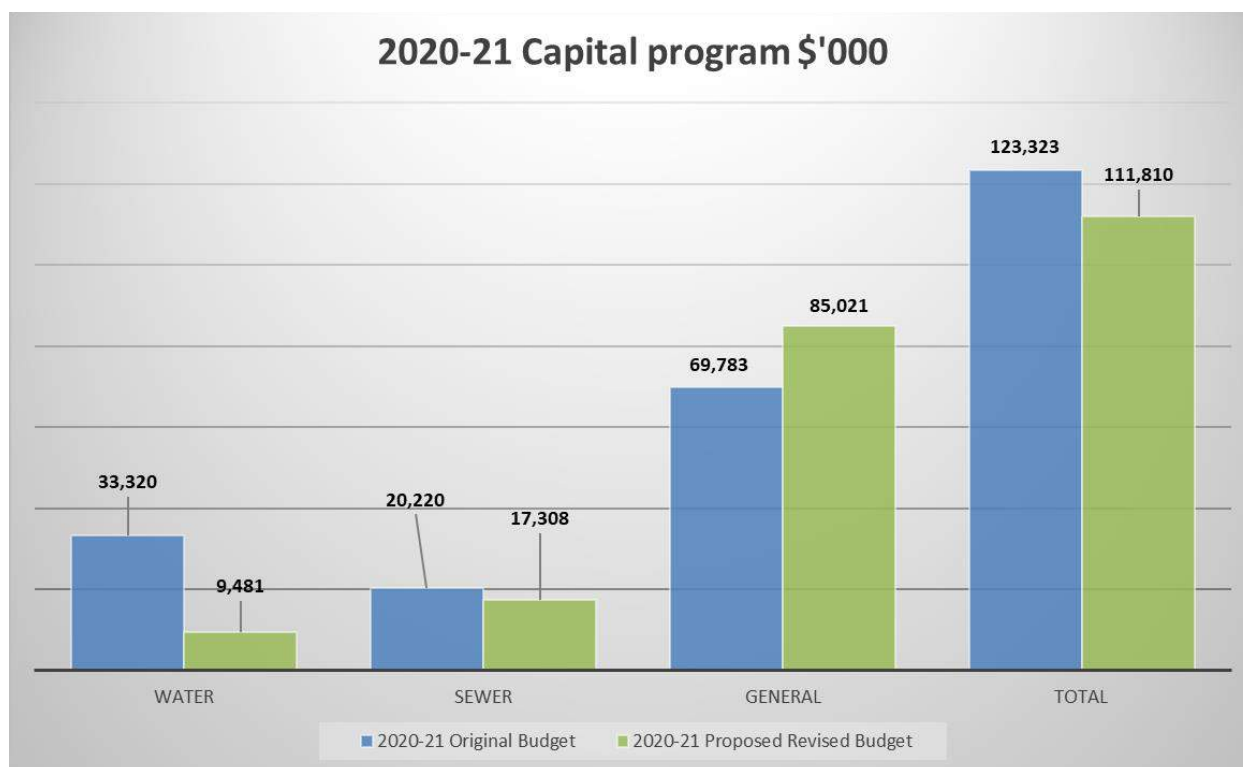
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*Table 1.4 Capital Program per fund, \$'000*

<b>Fund</b>	<b>2020-21 Original Budget</b>	<b>Previous Review</b>	<b>March Review</b>	<b>2020-21 Proposed Revised Budget</b>
Water	33,320	67	(23,906)	9,481
Sewer	20,220	142	(3,054)	17,308
General	69,783	27,805	(12,568)	85,021
<b>Consolidated</b>	<b>123,323</b>	<b>28,014</b>	<b>(39,528)</b>	<b>111,810</b>

*Graph 1.4 Capital program per fund*



**March review adjustments (capital)**

Capital budget adjustments totaling \$40 million (reduction) have been made during the March quarter and affect the current year's capital program. Significant variations increasing the originally adopted capital works program include:

- (\$27.5m) Southern Water Storage Facility
- (\$12m) Batemans Bay Regional Aquatic, Arts and Leisure Centre
- (\$4.6m) Bay Sewerage Treatment Plant (STP) Upgrade
- (\$1.8m) Nelligen Sewerage Scheme

**GMR21/022 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH 2021**

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- (\$1.12m) RFS Construction projects within the Shire
- (\$800k) New Scheme Nelligen
- (\$500k) Moruya Airport – West Precinct
- \$2m Potato Point Road – Water Mains Asset Renewal
- \$2m Water Mains Asset Renewal
- \$2m Potato Point Sewerage Scheme
- \$1m Sewerage Transport Systems Upgrades
- \$500k Tomakin STP Augmentation
- \$800k Bridge Emergency Renewals
- \$300k Hanging Rock Boat Ramp Upgrade

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

- 2020-21 is the fifth year of the SRV program and over \$6 million of infrastructure works for the year are underway. \$2.04 million of SRV designated funds are being utilized on these works. At the March review, approximately 47% of the programmed SRV works for this year have been expensed.
- *Attachment 1 (f)* reports the detailed progress of the capital program showing individual project budgets and expenses with updates as at 31 March 2021. Total expenditure on the SRV designated projects as at 31 March 2021 is \$3.13 million (per Table 1.5 below). Most works budgeted for this year including the road resheet and reseal programs and the Captain Oldrey amenities upgrade, are expected to complete this financial year, with the exception of Observation Point viewing platform which is now part of the longer term Coastal Headland Walk project.

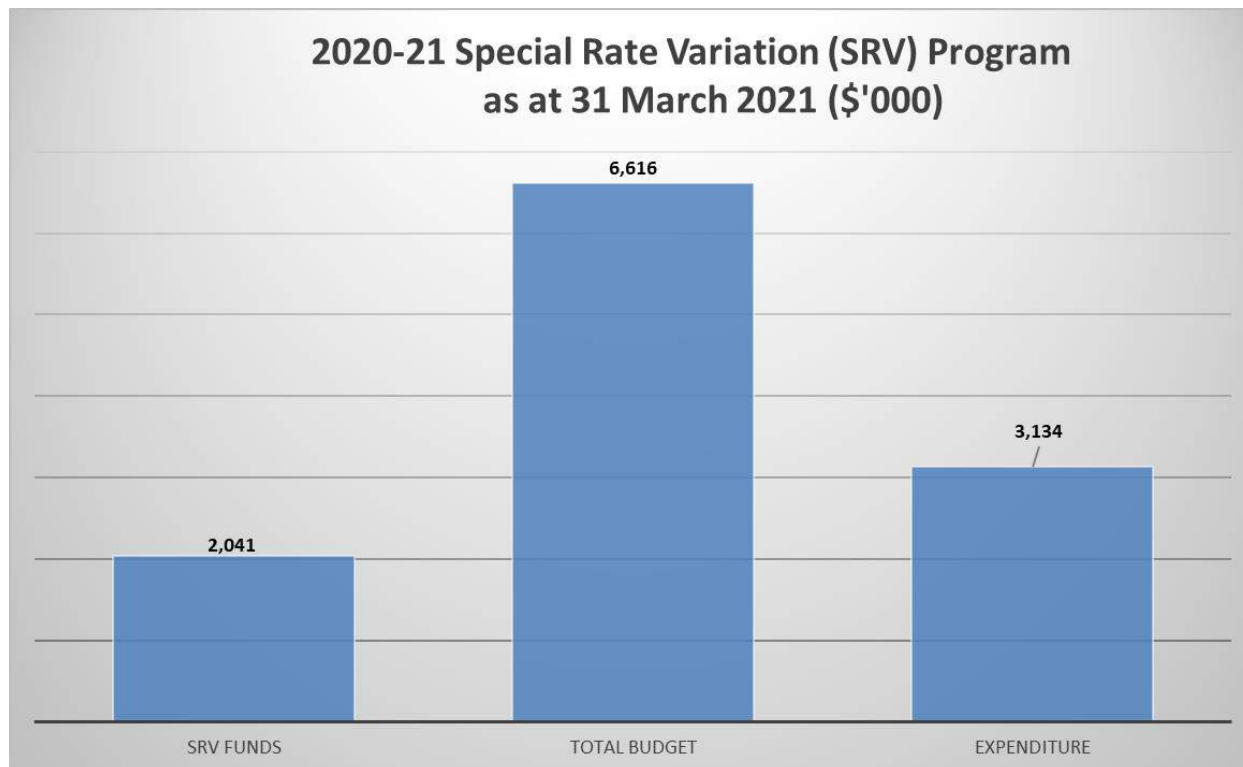
*Table 1.5 2020-21 Special Rate Variation Capital Program*

<b>2020-21 Special Rate Variation (SRV) Capital Program</b>	<b>\$</b>
SRV Funds	2,041,162
Total Budget	6,615,760
Expenditure to 31 March 2021	3,134,035
Percentage spent	47.37%

**GMR21/022 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH  
2021**

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T00003**

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



**Legal**

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

**Policy**

The accounting policies being used are based on those detailed in the financial statements for the year ended 30 June 2020.

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

**CONCLUSION**

There are no material concerns at this quarterly review about meeting budget targets for 2020-21.

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

*As the Responsible Accounting Officer, it is my opinion that the March 2021 Quarterly Budget Review for Eurobodalla Shire Council indicates that Council’s projected financial position as at 30 June 2021 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2020-21 financial year.*

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**GMR21/023 INVESTMENTS MADE AS AT 30 APRIL 2021**

**S011-T00006,  
S012-T00025**

Responsible Officer: Scott Westbury - Chief Financial Officer

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.4.2 Provide financial management and reporting

### **EXECUTIVE SUMMARY**

The purpose of this report is to:

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

### **RECOMMENDATION**

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

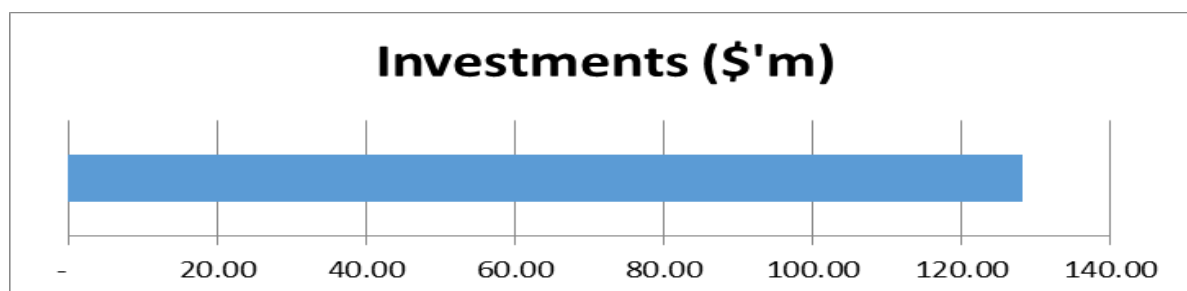
### **CONSIDERATIONS**

#### **Policy**

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

#### **Financial**

Council investing overall



**GMR21/023 INVESTMENTS MADE AS AT 30 APRIL 2021**

**S011-T00006,  
S012-T00025**

Council has \$128.09M (100%) invested in bank deposits. The bank deposits are held in banks rated A or greater, or covered by the AAA rated Government guarantee, except for \$36.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments decreased by \$9.0m during April 2021 due to normal variations in timing of cash flows, in particular the timing of progress payments to ADCO and grant instalment receipts.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 28.49% invested in BBB+. Investment in Government guaranteed deposits is \$1.75M representing 1.37% of the portfolio.

There are \$50.0M (39.03%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 0.64%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (0.29%).

Summary investment information

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

<b>CATEGORY</b>	<b>(\$)</b>
At call deposit	12,847,305
Term deposits	113,500,000
Term deposits Government guaranteed	1,750,000
	<b>128,097,305</b>
<i>Weighted average interest %:</i>	0.64%
<i>Average 90 day BBSW + 0.25%</i>	0.29%

Policy and liquidity risk

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

<b>Policy risk</b>	<b>Low liquidity risk %</b>	<b>Total % of investments</b>	<b>Policy risk % (max holdings)</b>
<b>Remote risk</b>	1.37	1.37	100.00
<b>Near risk free</b>	70.14	70.14	100.00
<b>Some limited risk (BBB+)</b>	28.49	28.49	30.00
<b>Grand total</b>	<b>100.00</b>	<b>100.00</b>	



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**GMR21/023 INVESTMENTS MADE AS AT 30 APRIL 2021**

**S011-T00006,  
S012-T00025**

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2020 is 3.47:1. Council therefore has approximately \$3.47 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.

---

**GMR21/024 APPOINTMENT OF INDEPENDENT MEMBER - AUDIT RISK AND  
IMPROVEMENT COMMITTEE**

**S004-  
T00048**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Confidential - ARIC Independent Member applications

Focus Area: 9 Innovative and Proactive Leadership

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

Operational Plan Link: 9.1.2 Implement effective governance

### **EXECUTIVE SUMMARY**

This report seeks Council's endorsement of the Audit Risk and Improvement Committee's (ARIC) recommendation for the appointment of an independent member to replace Ms Sharlene Cohen, who resigned recently from the Audit Committee.

### **RECOMMENDATION**

THAT

1. Council appoint the applicant, as identified as Applicant 6 in the confidential attachment to this report as an independent member of the ARIC in accordance with Council's adopted ARIC's Terms of Reference.
2. A letter of invitation from the General Manager be forwarded to the successful applicant inviting them to join the ARIC as an independent member.
3. A letter be written thanking all applicants for expressing an interest in being on the Committee.

### **BACKGROUND**

The ARIC is an advisory committee to Council and the General Manager. The independent external members are appointed for the term of council, after which they will be eligible for extension or re-appointment following a formal review of their performance.

The Eurobodalla Shire Council Audit Risk and Improvement Committee Terms of Reference allow for three independent members on the committee as per minute FBD 16/384 of 13 December 2016 which states:

*THAT as a matter of urgency:*

1. *Eurobodalla Shire Council Audit Risk and Improvement Committee's Terms of Reference be amended to allow for three independent members;*

Ms Sharlene Cohen, independent member, resigned from the ARIC for personal reasons on 21 January 2021. An advertisement was placed on Council's website on 22 February 2021 and Council's noticeboard on 24 February 2021 inviting interested members of the community to apply for the vacant position.

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**GMR21/024 APPOINTMENT OF INDEPENDENT MEMBER - AUDIT RISK AND  
IMPROVEMENT COMMITTEE**

**S004-  
T00048**

A link to ARIC's Terms of Reference was provided within the advertisement and was also available as a download to those interested in the vacant position.

There were a number of enquiries regarding the vacant position before the closing date of 7 March 2021, however only one application was received.

Due to only receiving one application, the Committee requested the advertisement to be run, allowing another three weeks for applications to be received. The vacancy was re-advertised on 8 March 2021.

A further six applications were received by the closing date of 28 March 2021.

The members of the ARIC, taken collectively, should have a broad range of skills and experience relevant to the operations of Eurobodalla Shire Council. Some of the roles and responsibilities of the ARIC members relate to reviewing risk management, control framework, external accountability and legislative compliance and preference is given to a person with local interests and a strong background in areas of administration, corporate or public sector governance, finance, audit, legal, project management, or management generally.

**CONSIDERATIONS**

Following an assessment of all the applications, a short list was forwarded to the ARIC for review and consideration. Applicants 4 and 6 were identified and requested to undertake interviews on 11 May 2021. Applicant 4 withdrew his application on 10 May 2021, (prior to the interview) for personal reasons.

Applicant 6 underwent the interview as scheduled and all voting members of the ARIC unanimously agreed on his recommendation. Copies of all applications received for the Independent Member position are available in the confidential attachment to this report.

**Policy**

The Audit Risk and Improvement Committee's Terms of Reference, as per minute 14/359 of 9 December 2014 state:

*Council management will coordinate the advertisement and assessment of the nominations. Management will present to the Audit Committee the individuals/s for Audit Committee consideration and endorsement. Management will prepare a report for Council consideration with Audit Committee comments.*

**Financial**

The position was advertised as suiting a person wishing to be involved in community or public service duties on a substantially voluntary basis with any reasonable and actual expenses paid by Council.

**Community Engagement**

We informed the community through providing information on Council's website and advertising on Council's noticeboard.

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**GMR21/024 APPOINTMENT OF INDEPENDENT MEMBER - AUDIT RISK AND  
IMPROVEMENT COMMITTEE**

**S004-  
T00048**

**CONCLUSION**

The Audit Risk and Improvement Committee has concurred that Applicant 6, be offered the vacant position of Independent member. This decision is supported by the General Manager.

Copies of all the applications received are available in the confidential attachment to this report.

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**PSR21/012 BATEMANS BAY REGIONAL AQUATIC, ARTS AND LEISURE CENTRE -  
MACKAY PARK - BRANDING**

**S023-  
T00024**

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

Attachments: Nil

Outcome: 5 Vibrant and Diverse Economy

Focus Area: 5.1 Diversify the region's economy, attract investment and target new and emerging employment sectors

Delivery Program Link: 5.1.3 Plan for the development of the Batemans Bay Mackay Park Precinct

Operational Plan Link: 5.1.3.1 Begin construction of the Regional Aquatic, Arts and Leisure Centre Batemans Bay, subject to all Council and Development Application approvals

### **EXECUTIVE SUMMARY**

The purpose of the report is to recommend to Council the brand names for the Batemans Bay Regional Aquatic, Arts and Leisure Centre (BBRAALC).

The new BBRAALC is currently scheduled to become operational in early 2022. While the construction phase is progressing well, the final name for the new Centre needs to be finalised to allow for signage requirements, including wayfinding, to be developed and approved.

In addition, the style guide that will provide the framework for website and social media platforms, needs to be completed to allow both Council and the successful managing contractor to begin the extensive marketing campaigns that need to be commenced well before the formal opening of the Centre.

### **RECOMMENDATION**

THAT

1. Council adopt the Precinct name of Bay Pavilions.
2. Council adopt the Destination names of Aquatic Pavilion and Arts Pavilion.
3. Council adopt the Wayfinding Nomenclature names of Yuin theatre, Studios 1 – 4 (including Indigenous numbering), Clyde gallery, Gurangadj (water slides).

### **BACKGROUND**

Council conducted a two-stage procurement process to engage a firm to identify and establish a brand that appropriately reflected the sentiment of the new BBRAALC. Citizen Group were selected as the provider of this service.

The overall brief was to develop a brand that tells the story of the community, supports the vision of the BBRAALC and values of Council, showcases the sustainable design of the building and captured the social, cultural and environmental benefits.



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**PSR21/012 BATEMANS BAY REGIONAL AQUATIC, ARTS AND LEISURE  
CENTRE - MACKAY PARK - BRANDING**

**S023-  
T00024**

The branding component was critical to give the new facility a remarkable brand, an identity that stands out, is relevant, easily identifiable and that resonates with the community and visitors alike.

The development of the brand was to also involve the traditional owners of the land to consider inclusion, representation, acknowledgement and celebration of local cultural heritage.

The key objectives sought by Council was the design of a brand, logo and corporate identity that could be used to market and communicate the BBRAALC services to the Eurobodalla Shire and wider communities.

The new facility name, brand, logo and corporate identity will be displayed on marketing material, on and off-line communications including social media and websites, promotions, advertisements, uniforms, merchandise, way-finding signage and on the facility itself.

### **CONSIDERATIONS**

The brand architecture was structured around the concept of a 'house of brands' which provided three tiers, which were:

- Precinct – Bay Pavilions
- Destination – Aquatic Pavilion and Arts Pavilion
- Wayfinding Nomenclature – Yuin theatre, Studios 1 – 4 (including Indigenous numbering), Clyde gallery, Gurangadj (water slides).

It was determined that the waterbodies within the pool hall would retain their function names – leisure pool, warm water pool.

The café will remain unnamed at this stage until the managing contractor is in place. The rationale for this decision is to wait in case the managing contractor wishes to incorporate a known brand into the café as a part of their successful submission.

### **Legal**

The project team is working with Citizen Group and legal partner (Maddocks) to ensure the relevant names are registered, trademarks are in place for the relevant words and logo as well as securing the appropriate URL.

### **Policy**

The overall branding strategy gave due consideration and alignment with the Council's brand guidelines. Hierarchical consideration was also given as to how the brand and identity would be used in conjunction with Council's logo and managing contractor logo into the future.

### **Asset**

The building sign including proposed location(s), design and recommended material for the Centre's signage, must be agreed with ADCO Constructions and NBRs Architecture. The final signage layout will require a Development Application approval.

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**PSR21/012 BATEMANS BAY REGIONAL AQUATIC, ARTS AND LEISURE  
CENTRE - MACKAY PARK - BRANDING**

**S023-  
T00024**

**Economic Development Employment Potential**

While the branding component of the project in itself, will not directly impact economic growth and employment potential; there is a relationship. It is well recognised that branding is an extremely valuable component of an economic development strategy, as a successful brand will position a place or product to create perceived customer value. The use of branding together with a strong marketing campaign will bolster the use of the new facility and this will contribute to the growth of revenue and accompanying demand for employment. These critical components will have a strong influence on how effective the new facility will be at attracting and retaining a large customer base.

**Financial**

The full cost of the branding project is covered from within the overall project budget. A provision has been set aside in the project budget for signage including wayfinding.

There are no other financial costs associated with the branding component post the completion of the BBRAALC project.

**Community and Stakeholder Engagement**

The project team together with Citizen Group undertook an extensive range of consultations with a broad cross-section of internal and external stakeholders on the various options developed by Citizen Group. The broader community were provided, through an open invitation, an opportunity to attend a series of workshops to contribute ideas for the branding process included naming options for the overall building.

This was followed by an opportunity for the community to participate in an online survey and to put forward names for three spaces in the new facility. This engagement also provided community members with an overview of the agreed branding process to date. In support of the on-line survey the project also established a display at the Village Centre in Batemans Bay (from Thursday 15 April to Sunday 25 April 2021).

**CONCLUSION**

The finalisation of a name and accompanying style guide will allow the project and successful managing contractor to commence marketing of the facility and the range of services to be made available.

The 'house of brands' concept best suits the diverse range of offerings to be available from within the new facility. The tiered approach was well supported through the community workshops and again during the online survey and branding update stage.

The principal name of Bay Pavilions was well supported as was the more practical naming of the Aquatic and Arts pavilions. The ability to use both European and Indigenous names at the wayfinding nomenclature level was also well received throughout the community.

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**PSR21/013 DRAFT BATEMANS BAY URBAN CREEKS FLOOD STUDY EXHIBITION**

**S017-  
T00015**

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

Attachments: 1. Under Separate Cover - Draft Batemans Bay Urban Creeks Flood Study

Outcome: 3 Protected and Valued Natural Environment

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

Delivery Program Link: 3.1.2 Minimise the impact of flooding on development and people

Operational Plan Link: 3.1.2.1 Continue to develop Shire flood risk management plans

**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement to publicly exhibit the draft Batemans Bay Urban Creeks Flood Study for a period of 28 days.

The draft Batemans Bay Urban Creeks Flood Study (the draft Study) is a comprehensive technical investigation of flood behavior and risk in seven urban creek catchments in Batemans Bay. It combines the first two steps in the Floodplain Risk Management process.

Recommendations to manage flood impacts would be investigated in the next stages of this process. Undertaking the Floodplain Risk Management process in accordance with *NSW Floodplain Development Manual: the management of flood liable land (2005)* ensures councils manage flood liable land in accordance with s733 of the *Local Government Act 1993*. It also contributes to action 3.1.2.1 of Council's Delivery Program 2017 -21 and Operational Plan 2020-21 to continue to prepare Shire flood risk management plans.

Public exhibition of the draft Study would be for 28 days in accordance with Council's adopted Community Engagement Framework and Public Participation Plan. All feedback provided to Council during public exhibition of the draft Study, will be considered and addressed in a revised draft Study, where appropriate, prior to any decision by Council.

**RECOMMENDATION**

THAT:

1. Council publicly exhibit the draft Batemans Bay Urban Creeks Flood Study for a period of 28 days.
2. Following the public exhibition of the draft Batemans Bay Urban Creeks Flood Study and consideration of submissions, a further report be provided to Council to determination.

**BACKGROUND**

At the Ordinary Meeting of Council held on Tuesday 26 June 2018, Council endorsed specialist environmental and engineering consultants, Rhelm, to prepare the Batemans Bay Urban Creeks Flood Study. The draft Study has been joint funded by a NSW Government floodplain management grant and Council at a ratio of 2:1.

The draft Study is a comprehensive technical investigation of the nature of flood behavior and risk in seven urban creek catchments in Batemans Bay:

**PSR21/013 DRAFT BATEMANS BAY URBAN CREEKS FLOOD STUDY  
EXHIBITION**

**S017-  
T00015**

- Maloneys Beach (Maloneys Lagoon)
- Long Beach (Long Beach Lagoon)
- Surfside (Surfside Creek)
- The Water Gardens (Batemans Bay)
- Catalina (Hanging Rock Creek)
- Batehaven (Joes Creek)
- Sunshine Bay/Caseys Beach (Short Beach Creek)

The draft study focusses on catchment flooding from rainfall events and takes into consideration Council adopted sea level rise estimations and elevated ocean levels as prescribed by the Floodplain Risk Management Guide - (OEH, 2015). The models have also considered community feedback received in 2018.

Community engagement was undertaken during November 2018, including:

- a survey sent to residents in flood-prone areas and made available online for other interested community members to ask questions and raise concerns related to flooding.
- a drop-in information session on Tuesday 20 November 2018 from 10am to 2pm and 3pm to 6pm at Batemans Bay Community Centre, where community members had the opportunity to share their experiences in person.
- Input from Council staff, NSW Government agencies and emergency services stakeholders.

The study was initially delayed between late 2018-early 2019 due to unavailability of surveyors to undertake work required to inform the study. This was resolved by mid 2019 and Council staff received the draft Study in August 2020. The newly formed Coastal and Environmental Advisory Committee (CEMAC), in their capacity as a Floodplain Risk Advisory Committee, reviewed the flood study between March and April 2021, in accordance with NSW government guideline requirements. No amendments have been proposed to date.

### Considerations

A summary of the draft Study findings for each catchment under different flood scenarios is outlined in Table 1 and were the subject of a briefing and presentation on 18 May 2021.

**Table 1: Summary of the findings of the draft Batemans Bay Urban Creeks Flood Study mapping**

Catchment	Impacts up to 1% AEP* (1 in 100 year flood)
Maloneys Beach (Maloneys Lagoon)	Some properties immediately adjacent to Maloneys Creek on Pendula Place experience flooding up to 0.5m in the 1% AEP event. The remainder of Maloney's Beach does not experience property flooding in the 1% AEP.  Overtopping of 0.6m occurs across Northcove Road at the creek crossing in the 1% AEP event, isolating the township.

**PSR21/013 DRAFT BATEMANS BAY URBAN CREEKS FLOOD STUDY  
EXHIBITION**

**S017-  
T00015**

Catchment	Impacts up to 1% AEP* (1 in 100 year flood)
Long Beach (Long Beach Lagoon)	No property flooding in events up to and including the 1% AEP event.
Surfside (Surfside Creek)	<p>Some properties experience flooding along Timbara Crescent due to elevated ocean levels. For the majority of these properties, flooding is confined to the rear of the lots, and does not impact dwellings.</p> <p>Immediately upstream of the Timbara Crescent and Wharf Road intersection, two properties are affected by flood depths of up to 0.5m in the 1% AEP. Inundation also affects a small number of properties on Myamba Parade in the 1% AEP event. Local depressions result in ponding depths of up to 0.5m across these properties.</p>
The Water Gardens	<p>Some property flooding in the 10% AEP along Herarde Street and Beach Road.</p> <p>Under 1% AEP, property flooding up to 0.8m occurs along Herarde Street and Heradale Parade.</p>
Catalina (Hanging Rock Creek)	<p>In the 10% AEP event, the golf course experiences widespread, shallow flow across the grounds. Significant flooding of up to 1.2m occurs across residential zones located north of Caitlin Avenue.</p> <p>In the 1% AEP, much of the region along Golf Links Drive is inundated, with depths of up to 0.7m. Flooding depths on Caitlin Avenue increase to up to 1.3m in some locations.</p>
Batehaven (Joes Creek)	<p>Under the 10% AEP event, inundation occurs downstream of Beach Road by depths of 0.4 – 0.7m. Clyde View Holiday Park, Big 4 Bay Beach Resort and the Batemans Bay basketball and tennis centre are all affected by breakout flooding from Joes Creek. Road access is lost along George Bass Drive, Calga Crescent, Melaleuca Crescent, and Glenella Road.</p> <p>In the 1% AEP event, additional properties along are affected along Edward Avenue by depths of up to 0.78m, and Melaleuca Crescent by up to 0.27m. Downstream of Beach Road, the flood extent remains similar to the 10% AEP but depths increase.</p>
Sunshine Bay/Caseys Beach (Short Beach Creek)	In the 10% AEP event, Caseys Holiday Park and Pleasurelea Tourist Resort both experience flooding with depths up to 0.7m. These depths increase to 1.1m in the 1% AEP.



**PSR21/013 DRAFT BATEMANS BAY URBAN CREEKS FLOOD STUDY  
EXHIBITION**

**S017-  
T00015**

**Legal**

Councils are broadly responsible for floodplain management in NSW. This role is guided by the *NSW Floodplain Development Manual: the management of flood liable land* which was published in 2005 (Manual), which is a statutory guideline referred to in the *Local Government Act 1999*. Preparation of the plan must satisfy Council's statutory role in floodplain management.

Council is exempt from liability under Section 733 (Exemption from liability—flood liable land and land in coastal zone) of the *NSW Local Government Act* for decisions made relating to development of coastal and flood liable lands provided these decisions are made in good faith and in accordance with the best available information. Preparing a flood study in accordance with the process outlined in the Manual can be considered as a demonstration of good faith.

If the draft Study is adopted, planning certificates (under s10.7 of the *Environmental Planning and Assessment Act 1979*) would identify flood affected properties.

**Policy**

The draft Batemans Bay Urban Creeks Flood Study combines the first two steps in the Floodplain Risk Management process (Figure 1)



Figure 1. The Floodplain Risk Management Process (NSW Floodplain Development Manual 2005)

This process is set out in the NSW Government's Flood Prone Land Policy (the Policy) and aims to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods. The Policy highlights that the primary responsibility for floodplain risk management rests with councils.

**Assets**

There are Council roads in the study area that are flooding, including:

- multiple locations along Beach Road

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**PSR21/013 DRAFT BATEMANS BAY URBAN CREEKS FLOOD STUDY  
EXHIBITION**

**S017-  
T00015**

- multiple locations in the CBD within the Water Gardens catchment,

Mitigation of flooding on these roads and other Council owned assets in the study area would be investigated as part of the Floodplain Risk Management Study in the next stage of the Floodplain Risk Management Process.

**Social Impact**

The draft Study allows Council to identify where flood risk may be unacceptably high and where various mitigation measures may need to be implemented. The draft Study does not identify mitigation measures, but it provides Council with the information needed to progress to the next steps of the process, which is to prepare a Floodplain Risk Management Study and Plan that will investigate these mitigation actions. The draft study also allows other agencies, such as the State Emergency Service (SES) to undertake appropriate planning to minimise the potential impacts of flooding on the community.

**Financial**

The draft Study has been joint funded by a NSW Government floodplain management grant and Council at a 2:1 ratio.

The next stages in the Floodplain Risk Management Process would require additional funding.

**Community and Stakeholder Engagement**

Considerable engagement has already been undertaken for the establishment of this draft Study. However, prior to adoption of the draft Study, further public consultation is required. Public exhibition for no less than 28 days, in accordance with Council's adopted Community Engagement Framework and Public Participation Plan, will include:

- Letters to owners of flood prone properties and nearby stakeholders
- The draft Study available on Council's website and at Council's administration building in Moruya for viewing
- A drop in session in Batemans Bay

All feedback provided to Council during exhibition will be considered and addressed in a revised draft Study, where appropriate. Councilors would be briefed on the outcome of the public exhibition prior to receiving a report seeking adoption.

**CONCLUSION**

A draft Batemans Bay Urban Creek Flood Study has been prepared and this report recommends Council places the draft Study on public exhibition.

Following public exhibition of the draft Study, a further report will be provided to Council taking into consideration feedback received.

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**PSR21/014 PROVISION OF ANALYTICAL SERVICES**

**S0004-T00002**

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

Attachments: Nil

Outcome: 3 Protected and Valued Natural Environment

Focus Area: 3.4 Develop community awareness of environmental opportunities, issues and impacts

Delivery Program Link: 3.4.1 Monitor and manage public and environmental health

Operational Plan Link: 3.4.1.1 Monitor, inspect and respond to public and environmental health matters

**EXECUTIVE SUMMARY**

Council requires the provision of an accredited laboratory testing and reporting service for the carrying out of all of Council's analytical requirements.

There are currently only two known organisations that can meet Council's requirements and as such it is appropriate to conduct a competitive process with the two identified organisations to meet Council requirements.

Under Section 55 (3)(i) of the *Local Government Act 1993*, the tendering requirement under the Act does not apply where a contract is entered into because of extenuating circumstances.

Due to there only being two organisations that can currently met Council's analytical requirements primarily due to logistics around transportation/location, competitiveness in pricing and specialisation it is appropriate under these extenuating circumstances to invite quotes from both organisations in accordance with Section 55 (3)(i) of the Act.

**RECOMMENDATION**

THAT:

- 1) Council resolves that because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders for the laboratory testing and reporting services for Council analytical requirements.
- 2) The reasons for Council's decision that a satisfactory result would not be achieved by inviting tenders for the laboratory testing and reporting services for Council analytical requirements are that:
  - the laboratory requires NATA accreditation;
  - owing to sample being under temperature control the laboratory needs to in a proximity to receive the sample within 24 hours;
  - the ability to meet the varying analytical requirements across Council;
  - ability for Council to receive results in a time critical manner.
- 3) Council conducts a competitive process with the two identified organisations that meets Council's analytical service requirements.

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**PSR21/014 PROVISION OF ANALYTICAL SERVICES**

**S0004-  
T00002**

- 4) Delegate authority for the General Manager to enter into direct negotiations with the most advantageous company in relations to laboratory testing and reporting services and to execute any agreement arising from those direct negotiations.

**BACKGROUND**

Tenders have previously been received for the provision of NATA accredited laboratory testing and reporting service to provide continual support to Council's water, sewer, waste and environmental monitoring programs. The contract is up for renewal and it has been determined that there are only two organisations that could fulfill the requirements.

The ability to conduct a competitive process with the two identified organisations is more efficient and will enable Council to determine the suitable provider of the analytical services in preference to undertaking a tender process.

**CONSIDERATIONS**

The provision on analytical services is highly specialised and requires a NATA accredited laboratory and specific services to Council. This includes the ability to respond to matters in a timely manner, respond to urgent matters and at a competitive rate whilst managing the logistics regarding transportation, chain of custody and reporting results.

**Legal**

In accordance with *Division 1 Tendering, Section 55(3)(i)* of the *Local Government Act 1993*, which states that,

- (i) a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders

As such Council can directly negotiate with the most advantageous organisation following a competitive process with two suitable organisations.

**Extenuating circumstances.** The logistics of Eurobodalla locality and suitable NATA accredited laboratory services in capital cities means that transportation is a primary consideration and that there are restrictions on organisations that can service the Eurobodalla efficiently.

**Unavailability of competitive and reliable tenderers.** The nature of the services required is specialised in terms of analytical services. For this reason, a coordinated approach from organisations with advanced laboratory and analytical services and administrative systems will be required. Council requires prompt and reliable services to ensure that we met statutory licencing requirements and for analysis and management of pollution incidents.

**Policy**

The proposal has been given thorough consideration under Section 55 of the *Local Government Act 1993* and Council's Procurement Policy.

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**PSR21/014 PROVISION OF ANALYTICAL SERVICES**

**S0004-  
T00002**

**Environmental**

Laboratory analytical services assists informed decision making processes relating to the management of Council's water supply, sewerage and waste management services. It also supports public and environmental health condition monitoring and reporting of rivers, lakes and estuaries in the Eurobodalla.

**Financial**

The acceptance of the preferred organisation for the provision of laboratory analytical services shall enable the continuance of operational and environmental monitoring programs within existing budgets.

**CONCLUSION**

Council has undertaken reasonable steps to determine the most advantageous sourcing method for the provision of analytical services. In most circumstances a public tender process would be administered and due to the extenuating circumstances, an exemption is sought under Section 55(3)(i) to allow for direct negotiation with the appropriate organisations.

The extenuating circumstances are the market constraints with restricted number of suitable organisations, the logistics regarding transportation, competitiveness and the specialised procurement of analytical services.



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**IR21/013 REQUEST FOR TENDER NO. 2021-045 WATER AND SEWERAGE  
AUGMENTATION WORKS, VESPER STREET, BATEMANS BAY**

**S029-T00004**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - RFT No. 2021 045 Water and Sewer Augmentation Works, Vesper Street, Batemans Bay

Outcome: 4 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**

A requirement exists for the construction of a new sewage pumping station in Vesper Street at the south-east corner of the Batemans Bay Regional Aquatics, Arts and Leisure Centre (BBRAALC) site, and associated sewer rising main, gravity sewer main and water trunk main.

Request for Tender (RFT) No. 2021-045 Water and Sewerage Augmentation Works, Vesper Street, Batemans Bay, was advertised on 29 March 2021 with a closing date of 20 April 2021. Upon close of tender four (4) tenders were received.

This report outlines the evaluation of offers submitted in response to RFT No. 2021-045 and provides a recommendation for the preferred contractor.

**RECOMMENDATION**

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 2021-045 Water and Sewerage Augmentation Works, Vesper Street, Batemans Bay.

**BACKGROUND**

An upgrade strategy for the Batemans Bay CBD sewerage system has been developed to accommodate growth and identified major projects, including the Batemans Bay Bridge, the Batemans Bay Regional Aquatics, Arts and Leisure Centre and the Batemans Bay Bowling Club redevelopment. The strategy includes constructing three new sewage pumping stations to replace three existing pumping stations at:

- Corner of Princes Highway and Clyde Street (south-east corner) – this sewage pumping station services commercial and residential properties in Clyde Street west of the Princes Highway. A new pumping station will be constructed adjacent to the Batemans Bay Bridge abutment on the western side to enable an increase in development density in West Clyde Street and to improve Clyde Street Foreshore upgrade outcomes.
- Vesper Street adjacent to Batemans Bay Visitor Information Centre – this sewage pumping station services residential and commercial areas south of Beach Road between Vesper Street and Orient Street and receives pumped flows from the Batemans Bay industrial area and Mackay Park sports amenities building. A new sewage pumping station will be constructed in the south east corner of the Batemans Bay Regional Aquatics, Arts and Leisure Centre (BBRAALC) site. A new sewer main along

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**IR21/013 REQUEST FOR TENDER NO. 2021-045 WATER AND SEWERAGE  
AUGMENTATION WORKS, VESPER STREET, BATEMANS BAY**

**S029-  
T00004**

Vesper Street along the frontage of the BBRAALC and Batemans Bay Bowling Club site will service the new BBRAALC and future redevelopment of the Bowling Club.

- Flora Crescent near Beach Road. – this sewage pumping station collects gravity sewage and pumped flows from the entire CBD and pumps along beach road towards the Surf Beach Sewage Treatment Plant. A new pumping station will be constructed in Flora Crescent near Museum Place to provide additional capacity to accommodate growth and increased development density.

The work will be carried out in stages, with the first stage being the construction of a new sewage pumping station at the BBRAALC site to coincide with that project. This first phase of work is the subject of this tender report.

Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 19 April 2021:

- Killard Infrastructure
- Utilstra
- Quay Civil
- RD Miller

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

## **CONSIDERATIONS**

### **Legal**

Request for Tender (RFT) No. 2021-045 Water and Sewerage Augmentation Works, Vesper Street, Batemans Bay, was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

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

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

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council.

### **Policy**

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

### **Environmental**

The Batemans Bay Sewerage Augmentation will improve the capacity of the sewerage system within the Batemans Bay CBD reducing the risk of spills to the environment.

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**IR21/013 REQUEST FOR TENDER NO. 2021-045 WATER AND SEWERAGE  
AUGMENTATION WORKS, VESPER STREET, BATEMANS BAY**

**S029-  
T00004**

**Asset**

The Batemans Bay Sewerage Augmentation is an asset renewal and upgrade strategy that provides improved capacity to enable economic development in the region.

**Economic Development Employment Potential**

The Batemans Bay CBD Sewerage Augmentation project will free up constraints on development supporting economic growth and development potential.

**Financial**

The project will be funded from water and sewer fund budgets.

**Communication / Consultation**

The following stakeholders were consulted in the development of the Request for Tender:

- Roads and Maritime Services
- Marine Parks Authority.

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

**CONCLUSION**

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

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

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**IR21/014 EUROBODALLA SOUTHERN WATER SUPPLY STORAGE - TENDERING S032-T00009  
PROCESS**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services  
Attachments: Nil  
Outcome: 4 Sustainable Living  
Focus Area: 4.1 Maximise the efficient use and reuse of our water resources  
Delivery Program Link: 4.1.3 Advance planning for and development of the Southern Water Supply Storage  
Operational Plan Link: 4.1.3.1 Commence stage 1 construction of Southern Water Supply Storage

**EXECUTIVE SUMMARY**

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

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

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

Council's approval is therefore sought to seek expressions of interest from interested and experienced contractors through a selective tendering method, in accordance with Clause 166 of the Local Government (General) Regulation 2005. This first process will be utilised to select suitable contractors to bid on the actual tender for construction. It is therefore intended to start this expression of interest process immediately, with award of tenders anticipated for mid-2022.

**RECOMMENDATION**

THAT

1. Council runs an Expression of Interest Process to shortlist preferred tenderers for the construction of the Eurobodalla Southern Water Supply Storage, in accordance with Clause 166 of the Local Government (General) Regulation.
2. Once formally received, Council accepts the funding offer of \$51.2 million from the Commonwealth Government National Water Grid Fund.

**BACKGROUND**

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

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**IR21/014 EUROBODALLA SOUTHERN WATER SUPPLY STORAGE - TENDERING  
PROCESS**

**S032-  
T00009**

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

Council has continued to advocate the Australian Government to contribute grant funding for the construction of the new dam component of the work. It was recently announced through the Federal budget that the Commonwealth Government would be providing funding of \$51.2 million through the National Water Grid Fund for this works.

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

The second contract will be for the construction of the necessary upgrade to the power supply along Eurobodalla Road. The design for this work is currently under review to upgrade the power supply to underground, improving the resilience of the power supply to the southern storage and southern water treatment plant as well as road safety along Eurobodalla Road. Tenders for this part of the work will be called later in 2021. This will be reported to Council separately at that time.

The third contract will be for the construction of the water supply storage. The construction of dams is a highly specialised field, and only those construction firms with considerable experience in the field would be considered appropriate for this contract. Council's approval is therefore sought to seek expressions of interest from interested and experienced Contractors through a selective tendering method, in accordance with Clause 166 of the Local Government (General) Regulation 2005. It is intended to start this process immediately, with tender award anticipated for mid-2021.

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

**CONSIDERATIONS**

**Legal**

Clause 166 of the Local Government (General) Regulation allows Council to tender through a selective tendering method though a public expression of interest process. This process is proposed to be followed for tendering of the construction of stage 3 of the Eurobodalla Southern Storage Project, being the water supply storage.

Development consent for the construction and operation of the ESWSS was given by the Minister for Planning on the 17 October 2019.

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**IR21/014 EUROBODALLA SOUTHERN WATER SUPPLY STORAGE - TENDERING  
PROCESS**

**S032-  
T00009**

**Policy**

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

**Environmental**

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

**Social Impact**

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

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

**Economic Development Employment Potential**

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

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

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

**Financial**

A grant of \$25.612 million through the NSW State Government Restart program has previously been accepted by Council for the Eurobodalla Southern Storage.

It was announced as part of the 2021 Federal budget that Council will receive a further grant of \$51.2 million through the National Water Grid Fund for this project. The pre-construction estimate for the project was \$102.5 million, leaving Council only responsible for funding 25% of the total construction costs, including land acquisition and biodiversity offsets. This grant offer should be accepted by Council once formally received.

**Community and Stakeholder Engagement**

Community consultation was undertaken with directly affected residents and businesses on Eurobodalla Road, and the broader Eurobodalla community, as part of the development of the detailed design and Environmental Impact Statement.



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**IR21/014 EUROBODALLA SOUTHERN WATER SUPPLY STORAGE - TENDERING  
PROCESS**

**S032-  
T00009**

**CONCLUSION**

The additional funding of \$51.2 million allocation within the Australian Government budget over the next three years allows Council to complete the construction of the Southern Water Supply without placing a financial burden on Council's ratepayers. Approval is now sought to accept this funding and to call expressions of interest through a selective tendering process for the construction of the Eurobodalla Water Supply Storage to ensure this project moves forward in a timely manner.

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## **15. DEALING WITH MATTERS IN CLOSED SESSION**

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

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

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

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

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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.

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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.