



# AGENDA

## Ordinary Meeting of Council

**19 December 2023**

### **Statement of Ethical Obligations**

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Eurobodalla Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act, to the best of their skill and judgement. The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.



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

**ON TUESDAY 19 DECEMBER 2023**

**COMMENCING AT 12.30PM**

**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 21 November 2023

4.2 Extraordinary Meeting held on 5 December 2023

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

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

**6. PUBLIC FORUM**

**Page No.**

**7. MAYORAL REPORTS**

Nil

**8. NOTICES OF MOTION**

NOM23/006 Taking action on Domestic and Family Violence through the 16 Days  
of Activism campaign ..... 3

**9. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

|   |   |           |
|---|---|-----------|
| <b>10. PETITIONS</b>                                    |   |           |
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| <b>11. GENERAL MANAGER'S REPORTS</b>                    |   |           |
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| <b>12. PLANNING AND SUSTAINABILITY REPORTS</b>          |   |           |
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| <b>15. COMMUNITY, ARTS AND RECREATION REPORTS</b>       |   |           |
| CAR23/022   | Camping at the Moruya Showground .....  | 59        |
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| <b>17. DEALING WITH MATTERS IN CLOSED SESSION .....</b> |   | <b>63</b> |
| <b>18. CONFIDENTIAL MATTERS</b>                         |   |           |
| CON23/002   | Draft Voluntary Planning Agreement - 54 Hawdon Street, Moruya and<br>34 Murray Street, Moruya   |           |
|   | <i>Item CON23/002 is confidential in accordance with s10(A)(2)(e) of<br/>the Local Government Act because it contains information that<br/>would, if disclosed, prejudice the maintenance of law and discussion<br/>of the matter in an open meeting would be, on balance, contrary to<br/>the public interest.</i> |           |

**WARWICK WINN**  
**GENERAL MANAGER**

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**NOM23/006      TAKING ACTION ON DOMESTIC AND FAMILY VIOLENCE THROUGH THE 16  
DAYS OF ACTIVISM CAMPAIGN**

S012-T00026

Responsible Officer: Alison Worthington - Councillor

Attachments:          Nil

Councillor Alison Worthington has given notice that at the Ordinary Meeting of Council on Tuesday 19 December 2023, she will move the following motion.

**MOTION**

THAT Council prepare a report to examine the opportunities and costs for events to be held during the 16 Days of Activism campaign to raise awareness around the role we all can play in primary prevention to eliminate violence against women and their children.

**BACKGROUND**

The 16 Days of Activism runs internationally each year from November 25, which is the International Day for the Elimination of Violence Against Women, to December 10, which is Human Rights Day.

It is a UN-sponsored global campaign committed to eliminating violence against women and girls.

Violence against women and girls remains one of the most prevalent and pervasive human rights violations in the world.

In 2023 in Australia rates of violence against women remain unacceptably high, with 56 women murdered in domestic and family violence situations this year alone.

Data since 2017 shows that on average, one woman a week is murdered by her current or former partner.

[Personal Safety, Australia, 2021-22 financial year | Australian Bureau of Statistics](#)

Violence against women is preventable and it starts with all of us working towards gender equality. We can all stop violence before it starts by changing the attitudes, structures and power imbalances that enable this violence to happen.

According to ABS data, one in three Australian women have experienced physical or sexual violence, or both, at the hands of a man they know, and domestic and family abuse is the leading contributor to homelessness for women and children in Australia.

In the Eurobodalla the housing crisis is felt even more acutely by women and children experiencing family and domestic and family violence. Women are forced to choose between abuse or homelessness, because there are limited options among under-resourced emergency accommodation and women's refuge services locally.

Council already has relationships supporting local frontline services responding to domestic and family violence, however we know that violence against women and their children is not just a women's issue or something to be left to response agencies. Much of the work to be done in our community is in primary prevention.

In October 2023 The National Plan to End Violence against Women and Children 2022-2032 was released jointly by state and territory governments and the Commonwealth, aimed at ending violence against women and children within one generation.

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**NOM23/006 TAKING ACTION ON DOMESTIC AND FAMILY VIOLENCE THROUGH  
THE 16 DAYS OF ACTIVISM CAMPAIGN**

**S012-  
T00026**

In Australia 'Our Watch' are leaders in the prevention of violence against women and their children and offer resources and training through their 'Change the Story' primary prevention initiative.

Much of their work is in education to show where we can take individual and community action to prevent violence against women where we live, learn and work and understand its link to gender inequality.

Their message is that gender inequality drives violence against women, and gender equality is the solution.

16 Days events held from 2024 onwards should also focus on awareness raising around the coercive control as a form of abuse that is recognised as a precursor to intimate partner domestic violence homicide.

From July 2024, coercive control will be a criminal offence in NSW when a person uses abusive behaviours towards a current or former intimate partner with the intention to coerce or control them.

Perpetrators of coercive control use controlling and harassing behaviours including financial limits, repeated communications and restricting social connections to deny their partners' autonomy and independence. People found guilty under the new law will face up to seven years in jail.

Many local governments across the country partner with community to participate in the 16 Days campaign to raise awareness of the part we all play in achieving gender equality to tackle domestic and family violence.

Council could look to the program of events held by Orange City Council in November 2023 for inspiration.

Their events this year included a night-time vigil for the 56 lives lost this year to domestic and family violence, an information session for local businesses to come along to learn how to Recognise, Respond and Refer to support their staff and customers, and other 'Wear Orange' events:

[Orange turns orange against gender-based violence - Orange City Council](#)

If you or someone you know is experiencing family violence, phone 1800 RESPECT. For counselling, advice and support for men who have anger, relationship or parenting issues, call the Men's Referral Service on 1300 766 491.

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**GMR23/033 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

**S026-T00010**

Responsible Officer: Warwick Winn - General Manager

Attachments: Nil

Community Goal: 3 Our region of vibrant places and spaces

Community Strategy: 3.2 Support diversified industry and thriving businesses

Delivery Program Link: 3.2.5 Encourage a variety of quality events to drive economic development as guided by the Events Strategy

Operational Plan Link: 3.2.5.3 Facilitate and promote a sustainable events calendar

**EXECUTIVE SUMMARY**

This report was originally considered at the 21 November 2023 Council Meeting (GMR23/032). Due to procedural irregularities – explained in Background - the report is resubmitted to Council for consideration.

Council has been approached by the event organiser, Sculpture for Clyde Inc, for financial and in-kind support for the 2024 Sculpture for Clyde event.

Sculpture for Clyde Inc is seeking \$20,000 in financial support for the 2024 Sculpture for Clyde event. Council supported the 2023 event with a \$20,000 cash sponsorship.

The event was a success for the Eurobodalla, with data showing more than 16,000 people attended the event, 86% of whom were visiting from outside the shire.

**RECOMMENDATION**

THAT Council approve the funding request of \$20,000 for the 2024 Sculpture for Clyde event and waive venue hire fees associated with the event for 2024.

**BACKGROUND**

At the Council Meeting of 21 November 2023, Council considered this report (GMR23/032) recommending financial and in-kind support for Sculpture for Clyde 2024. Mayor Mathew Hatcher declared a conflict of interest in the matter. Before the meeting, the Mayor indicated to Councillors his intention to assign the Chairperson role to Councillor Schutz.

After the Council meeting commenced, Mayor Hatcher then assigned the role of Chairperson to Cr Schutz in his absence. No formal vote on the matter of the Chairperson was taken by Councillors present at the meeting, as required under the Local Government Act Section 369 (2). A vote was held on the report with Cr Schutz as Chairperson making the casting vote in favour of the recommendations. It is considered that this procedural error under Local Government Act Section 369 (2) rendered the Council resolution defective.

An Extraordinary Meeting of Council on 5 December 2023 to hear a notice of rescission against GMR23/032 did not involve a debate or vote on the matter. This followed advice to the General Manager just prior to the meeting that any such action may be problematic.

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**GMR23/033 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

**S026-T00010**

The Extraordinary Meeting went ahead when Councillors reached consensus just prior to the meeting that the nine registered speakers, most of whom had already arrived at the Chamber, should be given the opportunity to speak at Public Forum.

This report is therefore presented to Council again, without any changes apart from this background information.

Any resulting decision from this report GMR23/033 will render the earlier defective resolution (GMR23/032) to no effect.

The Sculpture for Clyde event is 10-day exhibition of sculptures presented by local business 'Sculpture for Clyde Inc'. The event is free for the public to attend. Artists from around the country and overseas submit sculptures for the exhibition, vying for a prize this year of \$100,000. Most sculptures are available for sale at the event. The winning sculpture from previous years has been acquired by Council for the Batemans Bay Sculpture Walk, a lasting legacy of this event.

Sculpture for Clyde was first held on the Batemans Bay waterfront in 2017. The event was moved to Willinga Park in the Shoalhaven for subsequent years, with the organiser returning the event to Batemans Bay for the 2023 event, held from 27 May to 4 June.

The exhibition is held on the Clyde River foreshore and adjacent to the Batemans Bay Sculpture Walk.

Council has previously supported the Sculpture for Clyde event. Agenda item PSR23/008 at the Ordinary Meeting of Council of Tuesday 28 February 2023 approved \$20,000 of funding support.

The 2023 Sculpture for Clyde event was a resounding success with a post event report by Localis indicating an impressive 16,310 estimated attendance, with 86% coming from outside the Eurobodalla Shire.

Beyond the economic uplift, the return of the festival to Batemans Bay saw it become a cultural touchstone for the community, showcasing art and fostering social connections among residents. Importantly, the event concluded without any reported incidents, enhancing its reputation as a well-managed celebration that enriches the local community in myriad ways. The event supports Eurobodalla's reputation as a burgeoning hub for artistic excellence. Council's sponsorship of the event was well-acknowledged by organisers in all promotions, providing residents and visitors with a positive impression of Council's support for events.

**CONSIDERATIONS**

Sculpture for Clyde Inc. requested assistance in February 2023 to finance relocation of the event from the Shoalhaven to the Clyde River foreshore, Batemans Bay for the 2023 event.

The event organiser submitted budget projections to the Council, underscoring the essential nature of the funding for the successful execution of the event.

Notably the event organiser has increased the acquisition prize value for 2024 to \$100,000, and promotions have already commenced. Sculpture for Clyde embodies goals of Council's Events Strategy by creating unique, high-quality experiences that draw visitors and benefit locals alike. Additionally, the acquisitive prize, added annually to the Batemans Bay sculpture walk, provides a valuable legacy to the shire.



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**GMR23/033 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

**S026-T00010**

By offering a cultural and artistic experience over multiple days, the event provides flexibility in booking and encourages visitors to stay longer and spend more in Eurobodalla.

Council's support for Sculpture for Clyde and the acknowledged status as a significant regional event provides credibility and certainty for other funders and potential sponsors. In particular, due to changes in NSW Government funding opportunities, which have recently been consolidated, Council's support for the event will provide a greater chance of success for available funding opportunities.

Council's sponsorship of the 2023 event was well acknowledged by event organisers through printed collateral, digital and social media, and media coverage.

### **Policy**

The Sculpture for Clyde 2024 event aligns with the current Eurobodalla Tourism Events Strategy by serving as a major attraction that not only boosts tourism but also enriches the cultural fabric of the area. By attracting visitors from outside the shire, the Sculpture for Clyde event amplifies Batemans Bay's reputation as a holiday destination.

The event aligns well with Council's adopted Batemans Bay Waterfront Master Plan (BBWMP) objective of activating the waterfront and making it a destination for both residents and visitors.

Art installations become focal points that enrich the local lifestyle, encouraging both healthy living and community engagement, identified as shared drivers for change in the BBWMP.

The Sculpture for Clyde event aligns with several priorities outlined in the Eurobodalla Public Art Strategy.

### **Environmental**

The venue on the Batemans Bay foreshore is not only scenically appropriate but well-sized for the scale of the event, offering ample space for the various sculptures and installations while still allowing for comfortable visitor flow.

The Sculpture for Clyde event has the advantage of being spread out over a 10-day period, This extended timeframe allows for a more manageable and incremental approach to waste collection and amenities, reducing the burden on local infrastructure and ensuring services are not strained.

The event will benefit from Council's Rapid Response Team, which will be deployed for the 2024 event. Having this specialised team on hand enhances the event's waste management strategy, allowing for swift and efficient handling of any waste or cleaning related issues.

### **Social Impact**

The Batemans Bay Waterfront Master Plan and Activation Strategy emphasises the transformation of the waterfront into a vibrant hub that serves both residents and visitors. One of the strategy's key goals is to create a waterfront that acts as a magnet for community activities and tourism.

As a significant cultural event in the Batemans Bay area, Sculpture for Clyde not only brings in a diverse audience but also activates the waterfront, aligning perfectly with the Master Plan's

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**GMR23/033 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

**S026-T00010**

vision of revitalising the area and keeping it bustling with activity during a traditionally quiet time of the year for visitors.

The social benefits of the event also align closely with the Eurobodalla Public Art Strategy. Specifically, Priority Actions M3 and M10 encourage the extension of public art into natural environments and the promotion of contemporary art practices.

The event provides a unique platform for artists while fostering community cohesion. According to Priority Action O14, cultural initiatives like this can significantly enhance the community's well-being, while offering rich opportunities for partnerships that benefit the cultural landscape of the region.

Council's sponsorship of the 2023 event was well acknowledged by event organisers, providing residents and visitors with a positive impression of Council's support for events.

**Economic Development Employment Potential**

The Sculpture for Clyde event presents economic development and employment opportunities for Batemans Bay and the broader Eurobodalla region through increased visitation, noting Localis data indicates 86% of the 16,300 visitors were from outside the shire.

By attracting a diverse range of visitors the event could stimulate consumer spending in retail, hospitality, and accommodation sectors, thereby boosting local business revenues.

Local accommodation providers and hospitality businesses reported being at capacity during the 2023 event.

**Financial**

Financial assistance to Sculpture for Clyde 2024 event has not been included in Council's published 2023-24 budget. Funds will be sourced from within the existing events operational budget.

Providing funding for the event will include a \$20,000 financial contribution as well as a waiver of venue fees of \$8,074.00.

**Community and Stakeholder Engagement**

Developed through comprehensive community stakeholder engagement using a variety of methods such as meetings, workshops, and surveys, the Batemans Bay Waterfront Master Plan and Activation Strategy effectively captures the needs and aspirations of local residents and businesses, serving as a community-centred framework for the future development of Batemans Bay's waterfront.

In line with this, the Sculpture for Clyde event stands as a prime example of how these community needs can be met. As a major attraction that enriches the area's artistic and environmental landscape, the event not only activates the Batemans Bay waterfront but also directly addresses the community's expressed needs and aspirations.

Through its various sculpture displays and opportunities for community involvement, the event significantly contributes to achieving the goals set out in the Master Plan, and goals within Council's Events Strategy, which is due for renewal in the coming 12 months.

As an event sponsor, Council will promote the Sculpture for Clyde event through its media channels in the lead-up to and during the event.

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**GMR23/033 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

**S026-T00010**

**CONCLUSION**

The Sculpture for Clyde event presents a multifaceted opportunity for Batemans Bay and the broader Eurobodalla Shire.

Economically, the event will boost local businesses at a traditionally quieter time of the year and create employment opportunities. Socially, it offers a platform for cultural engagement and community connections for Eurobodalla residents and visitors.

Given these benefits and the increased costs associated with delivering a major event, it is recommended that the Council approve the funding request of \$20,000 for the 2024 Sculpture for Clyde event and waive venue hire fees associated with the event for 2024. Funds have been identified within existing operational budgets.

This financial support would secure the event's future, contributing to the social, cultural, and economic vitality of the region.

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**GMR23/034 2024 COUNCIL MEETING DATES**

**S012-T00025**

Responsible Officer: Warwick Winn - General Manager

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.2 Implement effective governance and long-term planning

Operational Plan Link: 5.2.2.1 Assist the Council in meeting its statutory obligations and roles

**EXECUTIVE SUMMARY**

This report provides a schedule of proposed Council Meeting dates for the 2024 calendar year and seeks Council's endorsement of the schedule.

Under Section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 12 meetings to be held during 2024.

The 2024 schedule has been developed to consider Council's compliance and reporting requirements, public and school holidays, and the 2024 NSW Local Government Election.

As per Council's Code of Meeting Practice, Council meetings are usually held on the third Tuesday of each month starting at 12.30pm, excluding January.

An additional Council meeting is scheduled to be held on the fifth Tuesday in April 2024 for the purpose of endorsing the draft Delivery Program and Operational Plan for public exhibition. It is also proposed to hold a Council Meeting on 10 September 2024 to allow the current Council to refer the Annual Financial Statements for year ended 30 June 2024 to audit.

Public Access dates where community members can address Council on any Council-related topic, will be scheduled for the first Tuesday of each month, unless otherwise stated, as per the Code of Meeting Practice.

The meeting schedule may be amended at any time if Council resolves to alter the meeting days.

**RECOMMENDATION**

THAT Council:

- 1 Endorse the following 12 dates as the meeting schedule for Council meetings for the 2024 calendar year:
  - (a) 20 February 2024
  - (b) 19 March 2024
  - (c) 16 April 2024
  - (d) 30 April 2024
  - (e) 21 May 2024
  - (f) 18 June 2024

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**GMR23/034 2024 COUNCIL MEETING DATES**

**S012-T00025**

- (g) 16 July 2024
  - (h) 20 August 2024
  - (i) 10 September 2024
  - (j) 15 October 2024
  - (k) 19 November 2024
  - (l) 17 December 2024
- 2 Endorse the following 11 dates as the Public Access sessions for the 2024 calendar year:
- (a) 6 February 2024
  - (b) 5 March 2024
  - (c) 2 April 2024
  - (d) 7 May 2024
  - (e) 4 June 2024
  - (f) 2 July 2024
  - (g) 6 August 2024
  - (h) 3 September 2024
  - (i) 1 October 2024
  - (j) 12 November 2024
  - (k) 3 December 2024.
- 3 Note that the schedule of meeting dates may be amended by resolution of Council at any time, as required.

**BACKGROUND**

Under Section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 12 meetings to be held during 2024.

Council's Code of Meeting Practice allows for Council meetings to be held on the third Tuesday of each month.

Public Forum where community members can address Council on agenda items, is now held as part of each Council Meeting.

Public Access dates where community members can address Council on any Council related topic, will be scheduled for the first Tuesday of each month, as per the Code of Meeting Practice.

The November 2024 Public Access Session date is proposed to be held on the second Tuesday rather than the first, to accommodate Melbourne Cup Day.

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**GMR23/034 2024 COUNCIL MEETING DATES**

**S012-T00025**

**CONSIDERATIONS**

A schedule of meetings for 2024 has been developed in consultation with Councillors. The calendar may be amended at any time if Council resolves to alter the meeting day/s.

In developing the schedule of meetings for 2024, consideration has been given to the Office of Local Government's compliance and reporting requirements, public and school holidays, and the 2024 NSW Local Government Election, to be held on Saturday 14 September 2024.

The election caretaker period is the four weeks preceding election day, from Friday 16 August to Friday 13 September 2024.

Meetings have been scheduled in August and September 2024 to meet requirements under Section 365 of the *Local Government Act 1993*.

Section 393B of the Local Government (General) Regulation 2021 [NSW] states that:

- (1) The following functions of a council must not be exercised by the council, or the general manager or any other delegate of the council (other than a Joint Regional Planning Panel, the Central Sydney Planning Committee or a local planning panel), during a caretaker period—
  - (a) entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger),
  - (b) determining a controversial development application, except where—
    - (i) a failure to make such a determination would give rise to a deemed refusal under the *Environmental Planning and Assessment Act 1979*, section 8.11(1), or
    - (ii) such a deemed refusal arose before the commencement of the caretaker period,
  - (c) the appointment or reappointment of a person as the council's general manager (or the removal of a person from that position), other than—
    - (i) an appointment of a person to act as general manager under section 336(1) of the Act, or
    - (ii) a temporary appointment of a person as general manager under section 351(1) of the Act.
- (2) Despite subsection (1), such a function may be exercised in a particular case with the consent of the Minister.

It is proposed to observe a recess during January, as per usual practice and the Code of Meeting Practice.

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**GMR23/034 2024 COUNCIL MEETING DATES**

**S012-T00025**

The calendar may be amended at any time if Council resolves to alter the meeting days. The proposed schedule has followed clause 2.2 (2) of Council's Code of Meeting Practice for the majority of the year.

| Date              | Meeting Type    |
|-------------------|-----------------|
| 6 February 2024   | Public Access   |
| 20 February 2024  | Council Meeting |
| 5 March 2024      | Public Access   |
| 19 March 2024     | Council Meeting |
| 2 April 2024      | Public Access   |
| 16 April 2024     | Council Meeting |
| 30 April 2024     | Council Meeting |
| 7 May 2024        | Public Access   |
| 21 May 2024       | Council Meeting |
| 4 June 2024       | Public Access   |
| 18 June 2024      | Council Meeting |
| 2 July 2024       | Public Access   |
| 16 July 2024      | Council Meeting |
| 6 August 2024     | Public Access   |
| 20 August 2024    | Council Meeting |
| 3 September 2024  | Public Access   |
| 10 September 2024 | Council Meeting |
| 1 October 2024    | Public Access   |
| 15 October 2024   | Council Meeting |
| 12 November 2024  | Public Access   |
| 19 November 2024  | Council Meeting |
| 3 December 2024   | Public Access   |
| 17 December 2024  | Council Meeting |

**Legal**

Adoption of the schedule is in accordance with section 365 of the *Local Government Act 1993*.

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**GMR23/034 2024 COUNCIL MEETING DATES**

**S012-T00025**

**Policy**

The proposed 2024 Council Meeting and Public Access dates are scheduled in accordance with Council's Code of Meeting Practice.

**Financial**

Adoption of the recommendations outlined in this report will have no financial implications on the adopted budget.

**Community and Stakeholder Engagement**

We will inform the community of Council Meeting and Public Access dates on Council's website and ahead of each meeting and Public Access session direct to media outlets and on Council's social media.

**CONCLUSION**

The proposed schedule of meetings for 2024 has been developed in consultation with Councillors and with consideration of key dates including the 2024 NSW Local Government Election. The calendar may be amended at any time if Council resolves to alter the meeting day/s.



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**PSR23/045 EUROBODALLA DESTINATION ACTION PLAN**

**S007-T00011;  
OP0018-S006**

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

Attachments: 1. Under Separate Cover - Confidential - Submissions received  
2. Under Separate Cover - EDAP 2023-2028 Appendix 2 - Prioritised Action Plan  
3. Under Separate Cover - Eurobodalla Destination Action Plan

Community Goal: 3 Our region of vibrant places and spaces

Community Strategy: 3.2 Support diversified industry and thriving businesses

Delivery Program Link: 3.2.2 Support the local tourism industry to be viable year-round and encourage development of sustainable visitor experiences as guided by the Destination Action Plan, Nature Based Tourism study, Wayfinding and Tourism Signage Strategy and Events Strategy

Operational Plan Link: 3.2.2.2 Finalise the Eurobodalla Destination Action Plan 2023-2028

**EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider a resolution to adopt the Eurobodalla Destination Action Plan (EDAP) 2023-2028 Final Report November 2023

Council endorsed its first Destination Action Plan in 2018 as an outcome of an extensive engagement and research process. The EDAP 2023-2028 builds on what was established in the preceding plan by setting a direction and priorities to sustainably grow the visitor economy of the Eurobodalla region for the next five years.

The EDAP review process was led by Destination Marketing Store (DMS) a destination planning, branding, and marketing agency. DMS worked closely with Council staff, undertaking a comprehensive engagement process with industry stakeholders, including an Industry Advisory Group (IAG) of eight industry representatives. The draft EDAP:

- provides a practical, informed, and prioritised plan
- supports regional promotion, visitation, and prosperity including regional dispersal and yield (it is not just about numbers)
- contributes to enhancing the environment and social values of the region and delivers on the destination brand 'All Kinds of Natural' and addresses barriers and challenges to travel faced by the region
- considers supply, demand, and enablers for implementation, matched to resources.

Over 25 stakeholder sessions (face-to-face workshops, small group and one-on-one meetings and video conferencing sessions) were conducted across the Eurobodalla during November/December 2022 and February 2023. It also involved representatives of NSW and regional government agencies. Overall, the workshops reinforced the value of adopting a whole-of-region approach that was future-focused.

Initial feedback on the strategic priorities of the draft EDAP was sought from the IAG, which then informed the priorities and actions. Further feedback from broader industry stakeholders has been sought and incorporated into the draft.

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**PSR23/045 EUROBODALLA DESTINATION ACTION PLAN**

**S007-T00011;  
OP0018-S006**

At the Ordinary Council Meeting on 19 September 2023 (Minute No. PSR23/031), following an extensive stakeholder engagement process through 2022-23, Council resolved to exhibit the draft EDAP.

*THAT Council:*

- 1. Endorse the draft Eurobodalla Destination Action Plan to be placed on public exhibition for a period of 28 days.*
- 2. Following the exhibition and consideration of any submissions, a further report regarding the draft Eurobodalla Destination Action Plan will be provided to Council for determination.*
- 3. Formally thank the members of the Industry Advisory Group for their commitment to the development of the Eurobodalla Destination Action Plan at the upcoming Mayoral Ball.*

The draft EDAP was placed on public exhibition for 28 days from 4 October to 31 October 2023. The General Manager of Council approved a one-week extension to the public exhibition period commencing 31 October 2023.

Copies were available for viewing at Council's Moruya Administration Centre, Batemans Bay and Moruya Libraries, and on Council's website.

Four submissions (see confidential attachment) were received during public exhibition. The four submissions are summarised in the table below, together with a response. Any proposed changes have been incorporated into the EDAP 2023-2028 final report, November 2023.

**RECOMMENDATION**

*THAT Council:*

1. Adopt the Eurobodalla Destination Action Plan 2023-2028 final report, November 2023.
2. Formally thank the members of the Industry Advisory Group for their commitment to the development of the Eurobodalla Destination Action Plan.

**BACKGROUND**

The 2018-2022 plan contained eight priority areas and approximately 60 actions. The plan was largely implemented over the four-year period (despite the industry being severely disrupted by bushfire and COVID), establishing the destination's reputation for nature and culture tourism and culinary experiences through key projects such as:

- the Eurobodalla Food Trail
- the Mogo Trails, Mogo rebuild, and Mogo Village Place Activation Plan
- coastal headlands walk and Observation Point projects
- development of an Event Strategy and events management framework that saw strategic support for and growth in two hallmark events
- development of a new and enduring brand 'All Kinds of Natural'
- evolving the visitor servicing functions of the destination

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- collaboration with National Parks and Wildlife Services on the Murramarang four-day walk experience
- development of the Tourism Wayfinding Strategy and installation of approximately 90 directional signs and new town signs
- cultural awareness training and building relationships with First Nations knowledge holders, businesses, Elders, and Local Aboriginal Land Council in realising opportunities to celebrate and conserve Aboriginal culture through interpretation and cultural tourism product development.

The Eurobodalla Destination Action Plan 2023-2028 has been informed by a comprehensive situation analysis, which involved a detailed review of:

1. global and domestic trends that are influencing consumer behaviour in travel
2. visitor research including influences on travel and behaviour changes post-COVID
3. existing plans, strategies and plans and programs at a local, State, and national level.

Together with this analysis, a comprehensive engagement process was undertaken to ensure industry input and understanding of the plan, including submissions made during public exhibition (refer to Table 1).

**Table 1: Summary of submissions received during public exhibition.**

The table below summarises the submissions received during public exhibition, with a response relating to the proposed treatment for the final EDAP 2023 – 2028.

| Submitter   | Key points   | Council response  |
|-------------|--|---|
| Submitter 1 | Objection to Supply – EDAP Experience Offering - Strategy 2.5 - Priority Action iii: <i>“Support the Biosphere Reserve nomination for the Tilba sub-region”</i> .  | The priority action was subsequently revised for the penultimate draft: September 2023 that was placed on public exhibition for 28 days from 4 October to 31 October 2023. The new priority action reads:<br><br><i>“Investigate support for the Biosphere Reserve nomination for the Tilba sub-region”</i> . |
| Submitter 2 | Supported the consultation process and fully endorsed the Eurobodalla Destination Action Plan 2023 – 2028.   | N/A.  |
| Submitter 3 | <ul style="list-style-type: none"> <li>• <i>Endorsed the Eurobodalla Destination Action Plan 2023 – 2028 with one requested change: that the table on page 16 highlighting some of the key experiences found in the Moruya sub-region be broadened to reflect:</i> <ul style="list-style-type: none"> <li>○ <i>Moruya Regional Airport (daily REX</i></li> </ul> </li> </ul> | Request will be incorporated in Final Eurobodalla Destination Action Plan 2023.   |

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| Submitter   | Key points   | Council response  |
|-------------|--|---|
|             | <p><i>flights from Sydney and Melbourne)</i></p> <ul style="list-style-type: none"> <li>○ <i>Broulee South Coast Seaplanes - scenic flights and direct flights Moruya-Canberra</i></li> <li>○ <i>Tuross Skydive Oz (ex- Moruya Airport)</i></li> <li>○ <i>Moruya Jockey Club - excellent all-weather track with meetings each month</i></li> <li>○ <i>Moruya Country Markets (Saturday) and Farmers Markets (Tuesday)</i></li> <li>○ <i>Moruya Golf Club championship 18 hole course</i></li> <li>○ <i>Deua National Park - largest in southeast region</i></li> <li>○ <i>Bingi Dreaming Walking Track</i></li> <li>○ <i>Moruya Mardi Gras and River Lights Festival</i></li> <li>○ <i>Basil Sellers Exhibition Centre</i></li> <li>○ <i>Broulee Brewhouse and Quantum Brewery (artisan cheese)</i></li> <li>○ <i>Tuross Boat Shed.</i></li> </ul> |   |
| Submitter 4 | <p><b>Introduction</b></p> <p>Felt the EDAP has insightful tourism data, the proposed strategies include several shortcomings - <i>lots of general statements without a strategic pathway, human resources, budget, or priority is disconcerting.</i></p> <p><i>It is the view of industries represented that at best the EDAP be used as an insightful high-level guide. An action plan which is relevant to industry and with real industry outcomes should not be attempted until a delivery model which is agreeable to industry is finalised. After this time KPIs and ROIs relevant to industry and the ratepayer can be formed.</i></p>   | <p><b>Response to introduction</b></p> <p>The Eurobodalla Destination Action Plan is about setting the direction and priorities to sustainably grow the visitor economy of the Eurobodalla Local Government Area (LGA) to 2028 and beyond. The EDAP outlines a range of opportunities to achieve this goal and in Part C (page 41) clearly identifies priority actions related to:</p> <ul style="list-style-type: none"> <li>• product and experience development</li> <li>• marketing and visitor servicing</li> <li>• key enablers for success such as the tourism delivery model.</li> </ul> <p>The role of the EDAP is to provide a strategic framework for destination development. It is not intended to be an</p> |

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| Submitter | Key points   | Council response   |
|-----------|--|--|
|           | <p>Specific comments include:</p> <ol style="list-style-type: none"> <li>1. As Appendix 2 Action Plan was not placed on public exhibition, assessment of this plan as an action plan relevant to industry and the ratepayer is not possible to evaluate.</li> <li>2. Collaboration with industry: <i>Genuine industry collaboration is not evident</i> within this plan. Many in the industry reference group experienced excessive push back on brand development, PR, KPIs and relevance to industry. Reference to four industry meetings per year as a KPI, when the delivery model has not been completed, is back to front and non-sensical.</li> <li>3. OTAs: <i>Dependence on OTAs is the antithesis of an effective tourism model. Data presented by Expedia shows that destination websites such as Eurobodalla.com.au are almost obsolete, yet this area is overly prioritised and resourced with significant KPI increases such as ATDW listings.</i></li> <li>4. Measurement and Evaluation: <i>During the EDAP process people in the reference group offered extensive amounts of data to cross correlate with Localis and Spend Map data, yet this was not followed up and questions regarding KPIs and ROIs were ignored. Goals such as:</i> <ul style="list-style-type: none"> <li>• 20% increase in overnight visitor spend.</li> <li>• 15% increase in ATDW listings.</li> <li>• 20% increase in bike ready businesses.</li> <li>• 25% increase in international ready products, etc.</li> </ul> <i>These goals have no pathway to</i> </li> </ol> | <p><u>implementation</u> roadmap. As such, it does not address human resources and budgets. This can only be meaningfully addressed once the EDAP has incorporated all final feedback and been adopted by Council. At that time, an implementation roadmap should be developed which recommends the most efficient and effective tourism delivery model and identifies the required resources – physical and financial – relevant Key Performance Indicator (KPIs) and Return on Investments (ROIs).</p> <p>It is also worth noting that the primary purpose of the EDAP is a blueprint for sustainable tourism growth across the whole Eurobodalla. It is not intended to be a business and marketing plan for individual businesses.</p> <ol style="list-style-type: none"> <li>1. As identified above, Part C of the EDAP clearly identifies priority actions whose relevance to industry, ratepayers and contribution to the high-level goals set out in Part A (pages 12-14), can be evaluated.</li> </ol> <p>There will be an opportunity for further assessment and evaluation in relation to industry and ratepayer relevance when a detailed implementation roadmap has been completed. We would recommend that this phase is undertaken in collaboration with an Industry Advisory Group (IAG) as occurred during the preparation of the draft EDAP.</p> <ol style="list-style-type: none"> <li>2. The EDAP review process was led by Destination Marketing Store (DMS) a destination planning, branding, and marketing agency who have been at the forefront of destination planning and branding for some of the State's most successful destinations eg, Mudgee and Barrington Coast. DMS worked closely with Council staff, undertaking a comprehensive consultation process with industry stakeholders including an Industry Advisory Group (IAG) of eight industry representatives.</li> </ol> |

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| Submitter | Key points  | Council response   |
|-----------|---|--|
|           | <p><i>achievement, nor do many of these items have baseline data, nor use of local data, therefore actual assessment is arbitrary at least.</i></p> <p>5. Branding: Questions regarding a rethink on branding were ignored.</p> <p>6. Appendix 1: The Delivery Model - <i>The current tourism structure, which saw the abolition of the tourism advisory committee and the business advisory committee, has been problematic for industry, especially when a new prioritised industry group was not formed when it was a priority of the DMP. The delivery model alone will determine relevance.</i></p> <p>7. Resourcing: The EDAP directs industry to <i>'take more responsibility for marketing' when most tourism businesses are barely resourced to promote any more than what they currently do.</i><br/><i>It is our view that neither Council nor industry is resourced to effectively achieve all outcomes of this plan.</i></p> | <p>Over 25 stakeholder sessions (face-to-face workshops, small group and one-on-one meetings and video conferencing sessions) were conducted across the Eurobodalla during November/December 2022 and February 2023. It also involved representatives of NSW and regional government agencies.</p> <p>Initial feedback on the strategic priorities of the draft EDAP was sought from the IAG, which then informed the priorities and actions contained in the penultimate draft EDAP for public exhibition. Further feedback from broader industry stakeholders has also been sought and incorporated into the penultimate draft EDAP for public exhibition.</p> <p>While some members of the IAG may have felt <i>'push back on brand development, PR, KPIs'</i>, there were other members of the IAG who felt <i>'the consultation process has been thorough and inclusive, and this is evident in the proposed EDAP really capturing the actions and priorities needed for the Shire'</i>.</p> <p>The consultation process was designed to not just capture stakeholder feedback, but to challenge assumptions and conventions in order to encourage robust debate and ultimately arrive at a more nuanced understanding of the Eurobodalla visitor economy challenges and opportunities.</p> <p>3. While we do not agree that <i>'dependence on online travel agencies (OTAs) is the antithesis of an effective tourism model'</i>, and that <i>destination websites such as Eurobodalla.com.au are almost obsolete'</i>, we do agree that an over reliance on OTAs such as Expedia, Tripadvisor, Booking.com, etc, is not ideal. We also agree that the role and ROI of <i>Eurobodalla.com.au</i> should be reviewed and evaluated. An initial review of the website is currently being undertaken as part of the brand and multi-year marketing project being conducted by</p> |

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| Submitter | Key points | Council response   |
|-----------|------------|--|
|           |            | <p>DMS, Swell Design and Threesides Marketing.</p> <p>4. Our understanding of discussions is slightly different. We acknowledge that <i>'during the EDAP process people in the reference group offered extensive amounts of data to cross correlate with Localis and Spend Map data'</i>. However, we disagree that <i>'this was not followed up and questions regarding KPIs, ROIs were ignored'</i>.</p> <p>There were follow up sessions with stakeholders regarding Localis data (June 2023), including David Maclachlan, who Localis met in person, to discuss their methodology and David's specific needs. At this meeting, Localis indicated that they would be more than happy to cross-reference whatever relevant data and metrics David could supply with their own data to help build a more detailed picture. This offer remains, but to date, no data from local businesses has been provided to Localis.</p> <p>In relation to <i>'questions regarding KPIs, and ROIs'</i> the point that was consistently reinforced was that we could not develop these until <u>specific implementation priorities were agreed</u>. Furthermore, the offer of <i>'extensive amounts of data to cross correlate with Localis and Spend Map data'</i> was always acknowledged as a potentially positive step, and one that should be further explored once the EDAP had been adopted by Council and there was an agreed implementation roadmap.</p> <p>5. Evolving the Eurobodalla brand is a clear priority of the EDAP. It is referenced within the Executive Summary and has a bespoke section within Part B of the EDAP (pages 33-34). It is also highlighted as a clear priority within Part C of the EDAP, Priority Projects (Demand: Marketing &amp; Visitor Services, Strategy 3.1, Priority Action i).</p> <p>Furthermore, there is a Brand Review</p> |

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| Submitter | Key points | Council response   |
|-----------|------------|--|
|           |            | <p>Project currently being conducted by DMS, Swell Design and Threesides Marketing. As part of this review eight stakeholder workshops were held across the Eurobodalla (W/C 11 September) to better understand the points of view of Eurobodalla stakeholders concerning the brand project and answer any questions regarding the brand review.</p> <p>6. The previous Eurobodalla Destination Action Plan 2017 - 2022 required a review of the Tourism Advisory and Business Advisory Committees. As a consequence of that review, and in response to submissions from the five Business Chambers, there was consensus not to create additional 'overlays of structure' (see quote below).</p> <p><i>"With regard to the many recommendations by public forums and consultancies and advisory committees, we do not want to see more overlays of structure, especially where uninformed comment is given equal weight to professional and organisational advice. The Chambers would like to see an annual economic growth and development summit between Chambers and Council. Where advisory groups are required, they should be professional skills-based 355 committees."</i></p> <p>Under Enablers for Success, the EDAP recommends:</p> <ul style="list-style-type: none"> <li>• Strategy 1.1. Build a broad base of support for the visitor economy with residents and local businesses as well as across all areas of Council.</li> <li>• Priority Action ii: Involve the Business Chambers, community groups and local organisations from across the region.</li> <li>• Strategy 1.2. Facilitate genuine and effective industry engagement.</li> <li>• Priority Action iii: Work with industry, tourism operators and event owners to</li> </ul> |



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| Submitter | Key points | Council response  |
|-----------|------------|---|
|           |            | <p>identify specific issues or challenges that ESC can advocate for or represent industry, especially with other levels of Government ie, State and Commonwealth agencies.</p> <p>As highlighted in Action 1.5, a high priority for Council is to resolve the tourism delivery model and governance arrangements. Specifically, the EDAP includes the following core action (1.5(ii):</p> <p><i>Commence a review of and confirm governance/ delivery structure arrangements as a high priority (within 12 weeks of EDAP adoption). Commence by defining the objectives and outcomes required for the delivery model to determine the most suitable, appropriate, and effective model for Council, including roles and responsibilities and potential use of outsourced services.</i></p> <p>Importantly, Appendix 1 of the EDAP also outlines the key considerations for an effective delivery model.</p> <p>7. The EDAP does <u>not</u> direct industry to 'take more responsibility for marketing'. It suggests that 'there is an imperative for the industry to take greater responsibility for marketing and distribution of their own products, services, and experiences. Advances in technology and familiarity with online booking of all markets (across all demographics) means that local businesses need to be connected and taking greater advantage of third-party online channels to market'. It also highlights the many challenges faced by industry.</p> <p><i>'Across Australia, the industry is challenged with several significant issues or externalities, from staffing shortages to limited housing supply, cost of living pressures and a downturn in global economic conditions...'</i></p> <p>In terms of resources, this will be resolved as part of the review of service delivery model.</p> |

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**CONSIDERATIONS**

Tourism makes a significant contribution to the health and wealth of Eurobodalla's many communities. In simplifying the key goals for the draft EDAP, the undermining proposition is to increase visitor length of stay. Focusing on this will positively impact many aspects of the visitor economy. For example:

- encourage the improvement of existing experiences and events
- encourage the development of new products and experiences
- increase the importance of providing a positive visitor experience
- elevate the role of visitor servicing
- lead to the creation of personalised or tailored packages or bundling of products and experiences that meet the desires, expectations and preferences of specific target market segments
- reduce changeover costs for accommodation providers.

Ultimately these will all contribute to higher visitor yield, wider visitor dispersal, stronger visitor advocacy and greater repeat visitation.

Target markets

Domestic visitors (overnight and day) represent 97.5% of visitors to the Eurobodalla. To make the biggest difference to the visitor economy, increasing length of stay needs to be focused on the domestic overnight market. This segment represents over 50% of total visitors to the region and nearly 70% of total visitor expenditure.

This doesn't mean that day visitors or international visitors should be ignored. Both are important to the visitor economy. International is an important segment with untapped potential. However, now, it is a market that needs to be developed rather than one that offers immediate and significant returns. Identifying international market segments with the highest propensity to travel to the local government area is a key task and is likely to focus on the Free and Independent Traveller (FIT) market. The task will be to find the most efficient and effective way to access the region's international potential and then deliver a consistent level of commitment over time.

Overall, the largest and most immediate opportunity lies with domestic overnight travellers.

Inspiring a quarter of current overnight visitors to spend just one extra night in the Eurobodalla would deliver an extra \$30 million to the Eurobodalla economy.

One other important consideration is the focus of efforts should be on extending the length of stay over the shoulder and off-peak periods. Not only would this go some way to reducing the issue of unbalanced tourism, but it would also contribute to making local businesses more viable year- round.

Destination brand

In addition to providing a strategic roadmap to grow the visitor economy, the destination brand plays a critical role in ensuring this growth is sustainable. The pressures of instant gratification

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mean that too often the quick fix is chosen instead of long-lasting outcomes. Properly implemented, the destination brand will ensure marketing activities are shotgun, not scatter gun. Trying to be everything to everyone will waste money and deliver little return on investment. The EDAP recognises that investment in the areas likely to deliver the most rewards is warranted; the wellness traveller, mountain bikers, visiting friends and relatives.

Service delivery model

The visitor economy is a complex ecosystem involving many different and often interrelated parts - local communities, economic development, industry and partnership development, grant funding, strategic planning, product and experience development, marketing, PR (within and outside the region) and events. The key to success for any destination is to foster and strengthen the collaboration and partnerships within the region and beyond its borders.

Clarifying the ongoing roles and responsibilities of all visitor economy stakeholders is not only important, but also a key focus of the draft EDAP.

**Policy**

The EDAP has been developed considering existing local, regional, and State strategies and programs relevant to tourism.

The Eurobodalla Community Strategic Plan specifically recognised and aligned the Tilba District Strategic Plan (Page 24 - Planning in Partnership). An initiative of the Tilba Plan is to establish a biosphere reserve for the Tilba district. Strategy 2.5 of the EDAP (pg 48) proposes "establishing pathways to genuine sustainability at the destination level".

Amongst other actions under Strategy 2.5, the Draft EDAP proposes to investigate Council support for biosphere reserve nomination in recognition of the alignment with the Tilba Plan. The action is to investigate and not to support at this stage. A further and separate decision of Council will be required should Council wish to further support this nomination.

**Environmental**

The Eurobodalla Destination Action Plan places sustainable tourism as core to its ambition. A core objective of the draft EDAP is to establish a pathway to genuine sustainability at the destination and business level (Strategy 2.5). Performance indicators have been set to achieve green destination accreditation, achieve an increase in new sustainable tourism experiences, and an increase in the number of existing businesses achieving an accreditation or certification from Ecotourism Australia or Earth Check.

In alignment with the Tilba District Plan, the draft EDAP also proposes investigating Council support for the biosphere reserve nomination for the Tilba sub-region (see above).

**Social Impact**

The importance of Eurobodalla's social and cultural environment is embedded in the ambitions and purpose of the draft Plan (see page 7).

*"Eurobodalla is renowned as a destination offering remarkable experiences that nourish the senses and contribute to the wellbeing of visitors and the planet."*

Tourism makes a massive contribution to the vibrancy and liveability of the region for Eurobodalla's 38,000 residents. It's a significant contributor to the diversity of cafés,

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restaurants, breweries, and pubs found throughout the region. It provides the opportunity for locals to enjoy unique, international-standard hallmark events, like the Oyster Festival, and River of Art.

And without tourism, shared infrastructure like the Coastal Headland Walking Trail and the Mogo Mountain Bike Trails wouldn't be available to the broader community. Improved access to beaches, waterways and national parks would also suffer.

The investment in Mogo Trails for example is more than an investment in tourism - it is an investment in the health, environment and opportunities for younger people and businesses to stay or move to the Eurobodalla.

**Economic Development Employment Potential**

Tourism is worth nearly half a billion dollars to the Eurobodalla economy. In terms of visitor spend, it is a significant industry, directly employing around 1,500 people and another 850 indirectly (source: Profile id – tourism sector analysis). And when combined with the retail sector, where the visitor economy benefits many businesses, tourism sits alongside aged care and construction as the largest employer in the region.

**Financial**

Current resourcing allows for implementation of some of the high priority actions such as evolving the Eurobodalla destination brand and developing a multi-year marketing plan, however resourcing will need to be reviewed as part of the tourism service delivery model.

**Community and Stakeholder Engagement**

Council has collaborated with the community by seeking the input and advice of the IAG and broader industry stakeholders through consensus building and participatory decision-making (refer Table 2 below).

**Table 2: Summary of engagement through 2022-23 on the draft EDAP**

| Engagement              | Description   | When  |
|-------------------------|---|---|
| Councillors             | Inform councillors of the EDAP and seek input.<br>Councillor newsletter updates.  | November 2022 – 2 hr workshop.<br>July 2023 – 1 hr briefing.  |
| Industry advisory group | Nominations sought from broader industry to develop a group to inform the preparation of the EDAP.<br>Several meetings held throughout project and input sought to strategies and first Draft EDAP. | 7 November 2022.<br>13 February 2023.<br>21 March 2023.<br>Strategic directions circulated for comment by 31 March 2023.<br>4 May 2023.<br>Draft EDAP circulated to group for comment by 21 May 2023. |

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| Engagement                       | Description  | When  |
|----------------------------------|--|---|
| Government agencies              | Inform agencies about the EDAP seek input.   | November 2022.<br><br>Draft EDAP circulated to agencies for comment by 21 May 2023.   |
| Aboriginal engagement            | Aboriginal community knowledge holders and local Aboriginal Land Council representatives attended 5 sessions on Country. The engagement method was informed by a co-design workshop with Aboriginal tourism leaders from across the Eurobodalla. | November 2022 – co-design.<br><br>13-15 February 2023 – workshops on Country.<br><br>Draft EDAP circulated to group for comment by 21 May 2023. |
| Industry workshops               | 3 X industry general.<br><br>1 X hallmark events.<br><br>1X mountain biking interests.<br><br>1X business chambers.  | November 2022.<br><br>May 2023 draft EDAP circulated to industry representatives for their feedback.  |
| Mountain biking workshop         | Strengthening regional collaboration on mountain biking and investigate best practice. Council, Sapphire Coast, network builders, clubs and NSW Government agencies.   | 14 February 2023.   |
| Additional industry stakeholders | Additional engagement requested by Bay Business and Tourism Chamber.<br><br>2 team meetings with small groups.<br><br>3 one-on-ones.   | February 2023.<br><br>Draft EDAP circulated to group for comment by 21 May 2023.  |

**CONCLUSION**

The draft EDAP has been informed by a comprehensive stakeholder engagement process and situation analysis.

The ambition, goals, objectives and strategies, and actions contained within the plan will guide the collaborative efforts of Council and industry to manage and sustainably grow the Eurobodalla's visitor economy.

The process of developing the plan has confirmed a strong commitment from Council staff and the industry to develop trust and a solid working relationship to achieve the outcomes of the EDAP.

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**PSR23/046 LICENCES FOR ELECTRIC VEHICLE CHARGING STATIONS - VARIOUS  
LOCATIONS**

**S023-  
T00017**

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

Attachments: 1. Confidential - Submission details  
2. Confidential - All submissions  
3. Confidential - Responses to submissions

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.2 Manage leases and licences

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek approval for the granting of licences and easements to electric vehicle charging companies for the installation and operation of electric vehicle charging stations within Council land and Crown Reserves under Council management.

Council endorsed an Electric Vehicle Charging Infrastructure Strategy to define the role that Council will play in supporting the facilitation and growth of publicly available Electric Vehicle Charging Infrastructure (EVCI) in the Eurobodalla in alignment with NSW and Australian Government policies and strategies.

There are a number of sites currently under consideration for the installation of EVCI. Further sites will be considered and public notification undertaken as required.

Public notification for a site at Narooma (Crown Reserve 63051, Lot 7011 DP 1055108 – former Narooma VIC carpark) was undertaken from 3 August to 1 September 2023. Copies of the submissions are provided in the confidential attachment to this report. There is one supportive submission and three objecting submissions.

Another licence at the Moruya Library carpark in Moruya (Lot 2 DP1161705) is on operational land and does not require public notification.

This report seeks approval of the licences in Narooma and Moruya.

### **RECOMMENDATION**

THAT:

1. Having considered the submissions received in relation to the site in Narooma, Lot 7011 DP 1055108, Council approves a five-year EVCI licence.
2. Council approves a ten-year EVCI licence in Moruya within Lot 2 DP1161705.
3. The General Manager be delegated to carry out all necessary actions to enter into licences within suitable Council owned land and Crown land under Council management for the installation and operation of electric vehicle charging stations in accordance with the Land Management- Acquisition, Disposal and Leasing/Licensing Policy (Land Policy).

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**PSR23/046 LICENCES FOR ELECTRIC VEHICLE CHARGING STATIONS - VARIOUS  
LOCATIONS**

**S023-  
T00017**

**BACKGROUND**

Electric vehicle charging infrastructure is being installed throughout the Eurobodalla and across the country, within private and Council/Crown-owned land.

Council's EVCI Strategy demonstrates Council's commitment to sustainability and clearly defines actions Council is taking to support Electric Vehicle (EV) uptake in the local community, to strengthen the visitor economy and to define how and where EV charging infrastructure can be installed on public land.

EVCI licences are a new and growing matter for all local governments. Council is working with other councils, including the neighbouring shires of Shoalhaven and Bega, to assess and manage the licences and associated considerations that arise with the view to providing consistency and reduce duplication of effort.

**CONSIDERATIONS**

A number of sites are currently under consideration for the installation of EVCI, including:

- Narooma - Crown Reserve 63051 (Lot 7011 DP 1055108), Princes Highway – former Narooma VIC building carpark
- Moruya – Council operational land - Council Library carpark (Lot 2 DP1161705).

A suitable location for a site in Batemans Bay is also being investigated.

Depending on the power supply already available, easements may be required by Essential Energy for the installation of electrical substations which support the charging stations. Council is proposing to charge a flat fee per parking space for EVCI whether or not an easement is required.

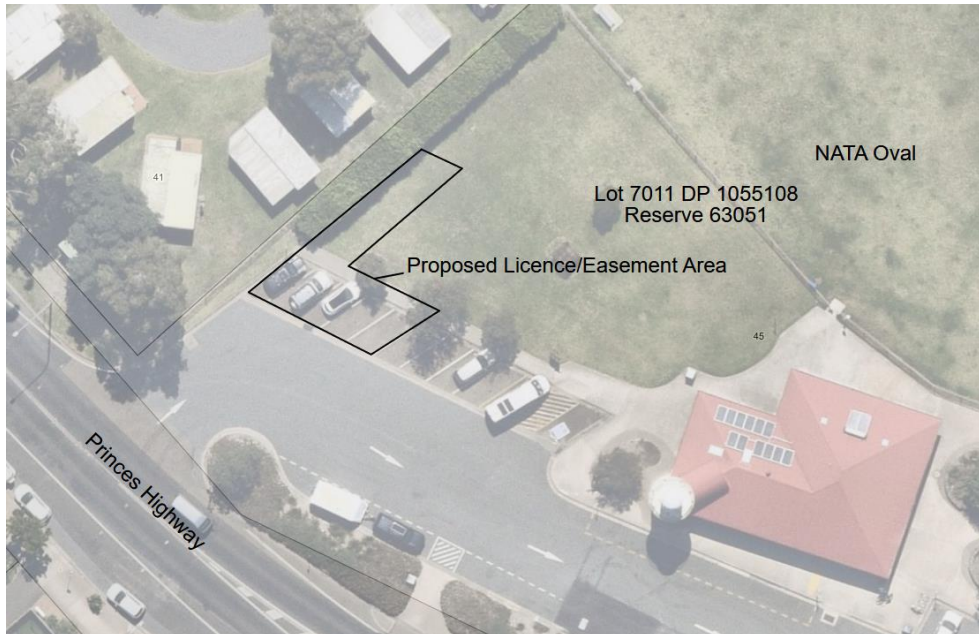
In relation to the licence document, the intent is to create and use a single licence agreement for various operators. Charging operators want to use their licence agreement templates, however licence agreements will be based on standard terms rather than individual operator templates to avoid Council having to manage many different licence types from multiple operators for years to come.

Operators are typically requesting ten-year licences and approval for 10 years is sought for the site in Moruya. For Crown and community land, there are extra considerations for such licences, so a 5 year term may be the longest that is possible. Approval for a 5 year term is sought for Narooma.

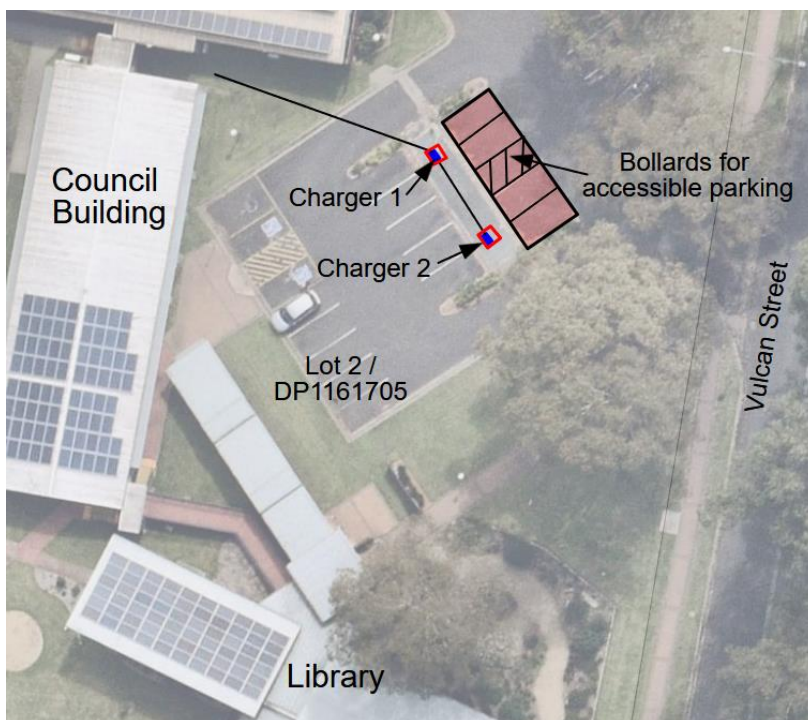
**PSR23/046 LICENCES FOR ELECTRIC VEHICLE CHARGING STATIONS - VARIOUS LOCATIONS**

**S023-T00017**

*Figure 1: Proposed Narooma site*



*Figure 2: Proposed Moruya site*



**Legal**

As Crown land manager, Council must manage the Crown land as if it were community land under the *Local Government Act 1993* (pursuant to s3.22 *Crown Land Management Act 2016*).



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**PSR23/046 LICENCES FOR ELECTRIC VEHICLE CHARGING STATIONS - VARIOUS  
LOCATIONS**

**S023-  
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[s 3.22\(1\)\(a\) Crown Land Management Act 2016](#)

If supported by a Plan of Management, Council can issue licences for public reserves classified as community land and for Crown reserves for which Council is Crown land manager, after giving public notice and considering any submissions in line with Section 47 of the *Local Government Act 1993*. [Local Government Act 1993 s47](#)

If the licence is for longer than five years:

- Minister's consent will be required if there are any objections.
- A licence can only be issued to a for-profit organisation after a tender process.

For these reasons, a five-year licence for the Narooma site is proposed.

For operational land, such as the proposed site in Moruya, there are no specific requirements for public notification or ministerial approval.

Charging operators wanted to use their licence agreement templates, however licence agreements will be based on Council's terms rather than individual operator templates to avoid Council having to manage many different licence types from multiple operators for years to come.

**Policy**

Licences will be created in line with Council's Land Management- Acquisition, Disposal and Leasing/Licensing Policy (Land Policy).

[Land-Management-Acquisition-Disposal-and-Leasing-Licensing-Policy.](#)

**Environmental**

Transport is the second largest source of greenhouse gas emissions across NSW and the Eurobodalla. Supporting a reduction in transport emissions with a transition to both renewable energy and uptake of electric vehicles is critical for meeting NSW and Council emissions reduction targets and eventual NSW net zero plan.

**Asset**

Whilst not a Council asset, electric vehicle charging stations will be a valuable asset for the community and tourists alike.

Council will consider the impact of potential electricity easements on Council land on a case-by-case basis.

**Social Impact**

Eurobodalla is heavily dependent on tourism income. It is estimated that 40% of the money spent in the Eurobodalla comes from tourists visiting the area. Those tourists are largely travelling to the area by car. There will be an increasing demand for EVCI as residents and visitors from nearby cities, especially Canberra, transition to electric vehicles.

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**PSR23/046 LICENCES FOR ELECTRIC VEHICLE CHARGING STATIONS - VARIOUS  
LOCATIONS**

**S023-  
T00017**

**Financial**

Grant funding is currently being received by operators from the NSW Government where EVChs are located on the main highway or major roads to be easily utilised by the community and tourists.

Proposed licence fees (including any easement) are \$1,200 per standard car space excluding GST increased annually by CPI. To improve accessibility, Council may negotiate additional space at no extra cost to facilitate disabled access.

**Community and Stakeholder Engagement**

There is a Plan of Management for the location in Narooma which endorsed licences for EVChs. Extensive community engagement was conducted prior to Council's adoption of this plan.

Public notification for the site at Narooma has been undertaken from 3 August to 1 September 2023. Copies of the submissions are provided in the confidential attachment to this report.

There is one supportive submission and three objecting submissions.

Objecting submitters are concerned that there will not be enough parking, however parking will not be removed but will be utilised by electric vehicles, an occurrence which is growing. Grant funding from the NSW Government is such that EVChs are to be located on the highway or major roads for ease of use for the community and tourists alike, and as part of the Strategy, alternate sites were investigated, with the current site proposed at Narooma to be a suitable accessible site on the highway.

The objecting submissions have been responded to and are attached.

The positive submitter noted the installation as a positive future step forward for locals and for attracting more visiting tourists.

As there are objections to the Narooma licence, Minister's consent would be required to approve the licence if the term is longer than five years. At Narooma, a five-year licence is currently proposed.

**CONCLUSION**

It is recommended that Council support licences and easements to electric vehicle charging companies for the installation and operation of electric vehicle charging stations within Council land and Crown reserves under Council management and approves licences in Narooma and Moruya.

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**PSR23/047 LAND ACQUISITION FOR ROAD WIDENING, WAGONGA SCENIC  
DRIVE, NAROOMA**

**21629**

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

Attachments: 1. Confidential - Land Acquisition - Wagonga Scenic Drive, Narooma

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.1 Undertake strategic management of Council's operational land portfolio

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's approval for the acquisition of land for road widening purposes.

Wagonga Scenic Drive at Narooma is being upgraded with the reconstruction of the road and the sealing of the current gravel road.

The project requires the acquisition of approximately 315 square metres (0.0315ha) of private land at 79 Wagonga Scenic Drive for road purposes, being part Lot 264 DP 752155. The whole of Lot 264 is 16.2ha. The area of land to be acquired is subject to a final survey.

The landowner has consented in writing to the proposed road widening and agreement as to the amount of compensation, as per the registered valuer's valuation. The landowner's details are set out in the confidential attachment.

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

### **RECOMMENDATION**

THAT:

1. Council approve the purchase of the land required for road purposes, being part Lot 264 DP 752155.
2. All actions necessary be taken for the acquisition of part Lot 264 DP 752155 for road purposes in accordance with *Council's Land Management – Acquisition, Disposal and Leasing/Licencing Policy*.
3. If the acquisition of part Lot 264 DP 752155 cannot be concluded by agreement, Council make application to the Minister for Local Government and Governor to acquire part Lot 264 DP 752155 by compulsory process for road widening pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*.
4. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
5. All costs associated with the proposed land acquisition, including landowner's reasonable costs, be borne by Council.
6. The General Manager be given delegated authority to execute all necessary documentation.

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**PSR23/047 LAND ACQUISITION FOR ROAD WIDENING, WAGONGA SCENIC  
DRIVE, NAROOMA**

**21629**

**BACKGROUND**

Wagonga Scenic Drive at Narooma is being upgraded with the reconstruction of the road and the sealing of the current gravel road to join the existing sealed road on the eastern side of Wagonga Scenic Drive.

The current condition of the gravel road has very poor drainage, which can cause the road to become waterlogged and hazardous to vehicles. There is also a sharp drop from the current sealed part of the road onto the gravel road.

Preliminary construction has commenced. The upgrade of the road by widening and sealing the current road including new stormwater and kerb and guttering, will benefit the community by improving the road condition in this particular part of Wagonga Scenic Drive at Narooma.

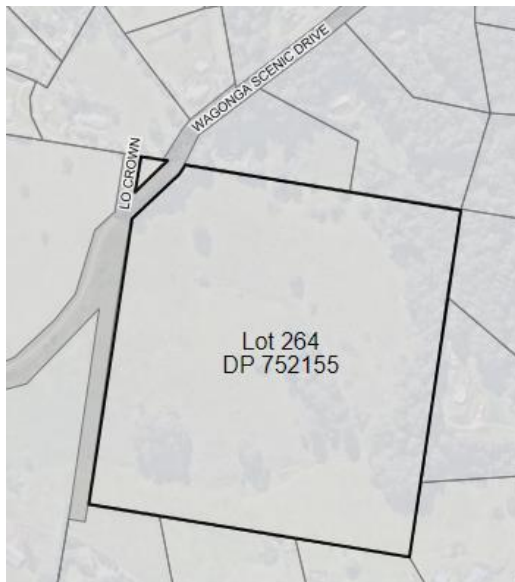
Written agreement has been obtained from the private landowner to allow the works currently in progress to be undertaken.

As part of those works, acquisition of private property, being part Lot 264 DP 752155, is required and will be achieved in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

The project requires the acquisition of a total of approximately 315 square metres (0.0315ha) of land for road widening, subject to a final survey.

**CONSIDERATIONS**

The acquisition area is shown in the sketches below:



*Total area of Lot 264 DP 752155 – 16.2ha*

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**PSR23/047 LAND ACQUISITION FOR ROAD WIDENING, WAGONGA SCENIC  
DRIVE, NAROOMA**

**21629**



*Land to be acquired for road widening – Part Lot 264 DP 752155 – 0.0315ha*

**Legal**

A plan of land acquired for the purposes of the *Roads Act 1993* is to be prepared and lodged at NSW Land Registry Services, and the part of land acquired will be dedicated as public road.

Council will seek to complete the acquisition of the segment of privately-owned land, being part Lot 264 DP 752155, by agreement. If acquisition by agreement is not achieved, it may need to proceed by compulsory process.

Acquisition, whether by agreement or compulsory acquisition, will be in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

[Roads Act 1993 - Sect 177](#)

[Land Acquisition \(Just Terms Compensation\) Act 1991](#)

**Policy**

The acquisition of land for road purposes will proceed in accordance with Council's *Land Management – Acquisition, Disposal and Leasing/Licensing Policy* adopted by Council on 22 November 2022.

**Asset**

Council's roads are a Council asset. Council roads are managed in accordance with Council's *Asset Management Policy* adopted by Council on 26 April 2022.

**Social Impact**

The provision of upgrades to Wagonga Scenic Drive will benefit the community with an improved road and landowners to access their properties safely.

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**PSR23/047 LAND ACQUISITION FOR ROAD WIDENING, WAGONGA SCENIC  
DRIVE, NAROOMA**

**21629**

**Financial**

Compensation for the acquisition of the segment of private land has been determined following a valuation by a registered valuer.

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

The landowner has agreed to the compensation offered.

The project is funded by Council's capital work, developer's contribution and Council's re-sheeting and dust sealing fund. The total budget for this project is \$420,000, including land acquisition for road widening.

**Community and Stakeholder Engagement**

The landowner of the property had been consulted and has consented in writing to the proposed road widening and agreement as to the amount of compensation, as per the registered valuer's valuation.

**CONCLUSION**

The upgrade to the Wagonga Scenic Drive, Narooma requires the acquisition of approximately 315 square metres (0.0315ha) in total for road widening (the final area is subject to a survey).

This report recommends approval of the acquisition of land for road purposes at Wagonga Scenic Drive, Narooma.

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**FCS23/046 FINANCE STRATEGY 2024-28**

**S011-T00022**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services

Attachments: 1. Under Separate Cover - Council's Finance Strategy 2024-28

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable

Operational Plan Link: 5.3.1.2 Prepare and commence implementation of future finance strategy

**EXECUTIVE SUMMARY**

Council's Finance Strategy 2024-28 aims to achieve and maintain the financial resilience of Council through 12 priority actions supporting financial resilience, prudent asset management and accountability. It has been developed alongside other Council policies and seeks to enable the long-term financial sustainability of Council. Development of the Finance Strategy is a key action in Council's Operational Plan 2023-24 and the General Manager's Performance Plan 2023-24.

**RECOMMENDATION**

THAT Council endorse the Finance Strategy 2024-28.

**BACKGROUND**

The local government sector faces challenges with long-term financial sustainability. Many councils face financial pressures caused by revenue constraints and increasing expenditure burdens. Recent spikes in inflation, cost shifting from other levels of government, revenue and resource constraints and population growth resulting in a greater demand for services, add to the cost of delivering services and infrastructure to the community.

In late 2022 Council undertook an independent financial health check that identified five key findings with 13 recommendations. The financial health check highlighted that Council was presenting several unsustainable financial trends including future operating deficits, increasing levels of debt, and a work program that stretched resources.

Council has undertaken the following actions to address the findings of the financial health check:

- Reduced the 2023-24 general fund deficit from \$13.6 million to \$11 million through reprioritisation of work and utilising grant funds for existing programmed works and services.
- Negotiated with grant funding bodies (as required) for extensions to grant funding arrangements to deliver reprogrammed capital works.
- Revised the organisational structure to create a new Finance and Corporate Services Directorate.

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**FCS23/046 FINANCE STRATEGY 2024-28**

**S011-T00022**

- Limited new borrowings to projects that provide long term service benefits as opposed to borrowings for business-as-usual expenditure.
- Held a strategic workshop for Councillors and senior staff in March 2023 focussing on gaining a clearer understanding of Council's financial position and challenges.
- Held three community briefings in May 2023 to update the community on Council's current financial position and future challenges, followed in June by briefings for Council staff.
- Development of a Finance Strategy.

During development of the Finance Strategy, some key actions have already commenced including:

- A Council wide budget reset exercise commencing in October 2023.
- Ongoing review of Council's capital works program.
- Development of a grants strategy that outlines a new strategic approach to determine suitability to advocate for, apply for, and administer grant funds.

**CONSIDERATIONS**

An action was included in the Operational Plan 2023-24 and General Manager's 2023-24 performance plan - 5.3.1.2 "Prepare and commence implementation of future finance strategy".

A SWOT (strengths, weaknesses, opportunities, threats) analysis was undertaken with the leadership team to determine what works well for Council and where there is further room for improvement. The SWOT analysis informed the development of the Finance Strategy themes and actions by leveraging Council's current strengths and addressing weaknesses.

The strategic themes of the Finance Strategy are:

1. Financial resilience.
2. Prudent asset management.
3. Accountability.

There are 12 actions with deliverables articulated to support these themes. The Finance Strategy covers a four-year timeframe for implementation.

**Policy**

Council's Finance Strategy has been developed as a mechanism to enact the underlying principles in Council's Fiscal Responsibility Policy. The actions included in the Finance Strategy may require revisions to existing policies such as the Borrowings Policy and the creation of a Cash Reserves Policy.

The outcomes are consistent with the aspirations and activities identified in the Community Strategic Plan (Our Eurobodalla 2042) and Delivery Program 2022-26. Its development is a key action in Council's Operational Plan 2023-24.



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**FCS23/046 FINANCE STRATEGY 2024-28**

**S011-T00022**

**Community and Stakeholder Engagement**

Information regarding Council current financial situation, challenges and the Finance Strategy is available on Council's website on the [Financial forecast page](#). Three community information sessions were held in May 2023 and similar sessions will be held during 2024 to keep the community informed of Council's financial position. The community is also reminded of Council's financial situation through media releases and Council's own communication channels.

**CONCLUSION**

The Finance Strategy 2024-28 has been developed with three strategic themes and outlines 12 key actions with an aim to guide Council back to a financially sustainable future while providing a range of quality services and infrastructure for the community.

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**FCS23/047 INVESTMENTS MADE AS AT 30 NOVEMBER 2023**

**S011-T00006,S012-  
T00025**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services  
Attachments: Nil  
Community Goal: 5 Our engaged community with progressive leadership  
Community Strategy: 5.3 Work together to achieve our collective vision  
Delivery Program Link: 5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable  
Operational Plan Link: 5.3.1.1 Provide sound and strategic financial management and reporting

**EXECUTIVE SUMMARY**

The purpose of this report is to:

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

**RECOMMENDATION**

THAT the certification of investments as at 30 November 2023, 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.

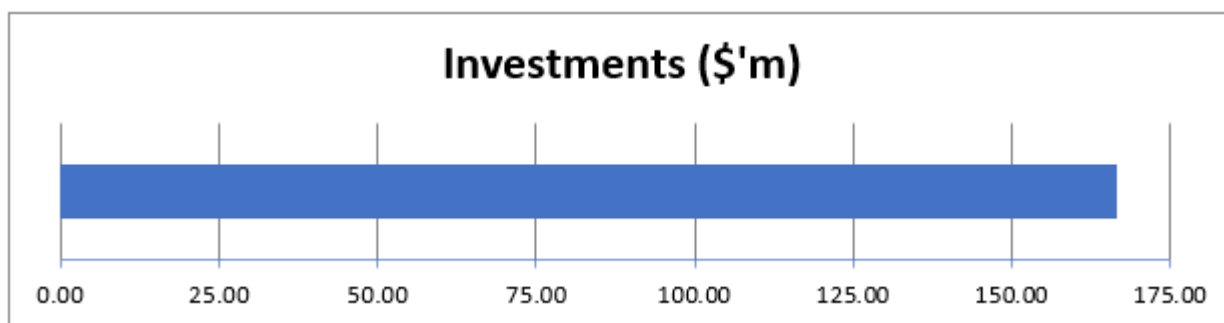
**CONSIDERATIONS**

**Policy**

The portfolio is compliant with Council's Investment Policy adopted by Council on 9 August 2022 (Minute 22/190).

**Financial**

Council investing overall



**FCS23/047 INVESTMENTS MADE AS AT 30 NOVEMBER 2023**

**S011-T00006,S012-T00025**

Council has \$161.64M (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 \$40.5M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments decreased by \$5m in November 2023 due to normal variations in timing of cash flows.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 25.06% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.08% of the portfolio.

There are \$60.0M (37.12%) of funds invested in institutions which either have no direct financing exposure to projects in the fossil fuel sector or no longer directly finance projects in the fossil fuel sector but still have some exposure from historical funding.

The weighted average return for all investments for the month is 5.27%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (4.63%).

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                     | 7,371,783          |
| Term deposits                       | 152,520,000        |
| Term deposits Government guaranteed | 1,750,000          |
|                                     | <b>161,641,783</b> |
| <i>Weighted average interest %:</i> | 5.27%              |
| <i>Average 90 day BBSW + 0.25%</i>  | 4.63%              |

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>       | 1.08                        | 1.08                          | 100.00                              |
| <b>Near risk free</b>    | 73.86                       | 73.86                         | 100.00                              |
| <b>Some limited risk</b> | 25.06                       | 25.06                         | 30.00                               |

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**FCS23/047 INVESTMENTS MADE AS AT 30 NOVEMBER 2023**

**S011-T00006,S012-  
T00025**

|                    |               |               |  |
|--------------------|---------------|---------------|--|
| (BBB+)             |               |               |  |
| <b>Grand total</b> | <b>100.00</b> | <b>100.00</b> |  |

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2023 is 2.94:1. Council therefore has approximately \$2.94 of current assets for each \$1 of current liabilities.

**CONCLUSION**

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

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**FCS23/048 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT**

**S012-T00003**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services

Attachments: 1. Council's Code of Conduct Statistic Report 2023

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.2 Implement effective governance and long-term planning

Operational Plan Link: 5.2.2.1 Assist the Council in meeting its statutory obligations and roles

### **EXECUTIVE SUMMARY**

The Office of Local Government (OLG) requires Council to submit a Code of Conduct Complaints Statistics Report by the 30 November each year. Council submitted its Code of Conduct Statistics Report to the OLG on 14 November 2023. A copy of the report is attached for Council's information.

The report includes statistical information on Code of Conduct complaints relating to Councillors and the General Manager from 1 September 2022 to 31 August 2023. As part of this process the report must be presented to Council by 31 December 2023.

### **RECOMMENDATION**

THAT Council receive and note the Code of Conduct Complaints Statistics Report 2023.

### **BACKGROUND**

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

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

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

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

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

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

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**FCS23/048 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT**

**S012-T00003**

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

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

Where the conduct reviewer determines the conduct investigated constitutes a breach of the Code of Conduct, the conduct reviewer may recommend:

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

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

- Total number of complaints received in the period about Councillors and the General Manager.
- Total number of complaints finalised in the period about Councillors and the General Manager.
- Number of complaints finalised at the outset by alternative means by the General Manager or Mayor.
- Number of complaints finalised referred to the Office of Local Government under a special complaints management arrangement.
- Number of complaints referred to a conduct reviewer.
- Number of complaints finalised at preliminary assessment by conduct reviewer.
- Number of complaints referred back to the General Manager or Mayor for resolution after preliminary assessment by conduct reviewer.
- Number of finalised complaints investigated by a Conduct Reviewer.
- Number of finalised complaints investigated where there was found to be no breach.
- Number of finalised complaints investigated where there was found to be a breach.

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**FCS23/048 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT**

**S012-T00003**

- Number of complaints referred by General Manager or Mayor to another agency of body such as ICAC, the NSW Ombudsman, OLG or the Police.
- Number of complaints being investigated that are not yet finalised.
- Total cost of dealing with Code of Conduct complaints relating to Councillors and the General Manager, including staff costs.

**CONSIDERATIONS**

All complaints under the Code of Conduct that were received about Councillors and the General Manager in the reporting period from 1 September 2022 to 31 August 2023 have been included in this report.

There were two complaints from the previous reporting period that were not finalised. The outcome of these complaints were finalised in the current reporting period and are as follows:

- The complaint at the preliminary assessment stage was determined as no action required.
- The complaint at the investigation stage was determined as no action required (no breach).

For this reporting period three complaints were received, with two under investigation stage and one at preliminary assessment stage. As at the end of this reporting period, all three complaints were still underway. Out of the three complaints received in the current reporting period, the same Conduct Reviewer was used as all complaints related to the same Councillor and the complaints were received in a short period of time.

**Legal**

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

**Policy**

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

**Financial**

The total cost of dealing with Code of Conduct complaints relating to Councillors and the General Manager for the 2022-2023 period was \$11,093 - out of this amount, \$4,332 related to the two complaints that were not finalised in the 2021-2022 period.

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**FCS23/048 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT**

**S012-T00003**

This is compared to the total cost of dealing with Code of Conduct complaints for the 2021-2022 period of \$18,516.

**CONCLUSION**

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

Council submitted the Code of Conduct Complaints Statistics report to the Office of Local Government on 14 November 2023.



Model Code of Conduct Complaints Statistics 2022-23  
Eurobodalla Shire Council

Number of Complaints

|     |   |   |
|-----|---|---|
| 1   | The total number of complaints <b>received</b> in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources: |   |
| i   | Community   | 3 |
| ii  | Other Councillors   | 0 |
| iii | General Manager   | 0 |
| iv  | Other Council Staff   | 0 |
| 2   | The total number of complaints <b>finalised</b> about councillors and the GM under the code of conduct in the following periods:  |   |
| i   | 3 Months  |   |
| ii  | 6 Months  | 2 |
| iii | 9 Months  |   |
| iv  | 12 Months   |   |
| v   | Over 12 months  |   |

Overview of Complaints and Cost

|   |     |  |       |
|---|-----|--|-------|
| 3 | a   | The number of complaints <b>finalised at the outset</b> by alternative means by the GM or Mayor  | 0     |
|   | b   | The number of complaints <b>referred to the Office of Local Government (OLG)</b> under a special complaints management arrangement           | 0     |
|   | c   | The number of code of conduct complaints <b>referred to a conduct reviewer</b>   | 3     |
|   | d   | The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer                                      | 1     |
|   | e   | The number of code of conduct complaints <b>referred back to GM or Mayor</b> for resolution after preliminary assessment by conduct reviewer | 0     |
|   | f   | The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>   | 1     |
|   | g   | Cost of dealing with code of conduct complaints via preliminary assesment  | 2,575 |
|   | h   | Progressed to <b>full investigation by a conduct reviewer</b>  | 2     |
|   | i   | The number of finalised complaints investigated where there was found to be <b>no breach</b>   | 1     |
|   | j   | The number of finalised complaints investigated where there was found to be <b>a breach</b>  | 0     |
|   | k   | The number of complaints referred by the GM or Mayor <b>to another agency</b> or body such as the ICAC, the NSW Ombudsman, OLG or the Police |       |
|   | i   | ICAC   | 0     |
|   | ii  | NSW Ombudsman  | 0     |
|   | iii | OLG  | 0     |
|   | iv  | Police   | 0     |

|   |  |        |
|---|--|--------|
| v | Other Agency (please specify)  | 0      |
|   | <div></div>  |        |
| l | The number of complaints being investigated that are <b>not yet finalised</b>  | 2      |
| m | The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs | 11,093 |

| Preliminary Assessment Statistics |  |   |
|-----------------------------------|--|---|
| 4                                 | The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:  |   |
| a                                 | To take no action (clause 6.13(a) of the 2020 Procedures)  | 1 |
| b                                 | To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures)   | 0 |
| c                                 | To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures)  | 0 |
| d                                 | To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures)   | 0 |
| e                                 | To investigate the matter (clause 6.13(e) of the 2020 Procedures)  | 2 |
| f                                 | Other action (please specify)  | 0 |
| <input type="text"/>              |  |   |
| Investigation Statistics          |  |   |
| 5                                 | The number of investigated complaints resulting in a determination that there was <b>no breach</b> , in which the following recommendations were made:   |   |
| a                                 | That the council revise its policies or procedures   | 0 |
| b                                 | That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures)  | 0 |
| 6                                 | The number of investigated complaints resulting in a determination that there <b>was a breach</b> in which the following recommendations were made:  |   |
| a                                 | That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures)   | 0 |
| b                                 | In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures)   | 0 |
| c                                 | In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)   | 0 |
| d                                 | In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures) | 0 |
| 7                                 | Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)  | 0 |

| Categories of misconduct  |   |  |
|---------------------------|---|--|
| 8                         | The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct: |  |
| a                         | General conduct (Part 3)  | <input type="text" value="0"/>         |
| b                         | Non-pecuniary conflict of interest (Part 5)   | <input type="text" value="0"/>         |
| c                         | Personal benefit (Part 6)   | <input type="text" value="0"/>         |
| d                         | Relationship between council officials (Part 7)   | <input type="text" value="0"/>         |
| e                         | Access to information and resources (Part 8)  | <input type="text" value="0"/>         |
| Outcome of determinations |   |  |
| 9                         | The number of investigated complaints resulting in a determination that there was a breach in which the council:  |  |
| a                         | Adopted the independent conduct reviewers recommendation  | <input type="text" value="0"/>         |
| b                         | Failed to adopt the independent conduct reviewers recommendation  | <input type="text" value="0"/>         |
| 10                        | The number of investigated complaints resulting in a determination where:   |  |
| a                         | The external conduct reviewers decision was overturned by OLG   | <input type="text" value="0"/>         |
| b                         | Council's response to the external conduct reviewers recommendation was overturned by OLG   | <input type="text" value="0"/>         |
| 11                        | Date Code of Conduct data was presented to council  | <input type="text" value="19-Dec-23"/> |

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**IR23/026 REQUEST FOR TENDER NO. 10061561 - TUROSS HEAD SEWAGE  
PUMPING STATION TU01 AUGMENTATION**

**S029-  
T00004**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - RFT No. 10061561 - Tuross head SPS TU01 Augmentation

Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles

Community Strategy: 1.4 Work together in the management and use of our valuable resources

Delivery Program Link: 1.4.1 Provide safe, reliable and sustainable water and sewer services, guided by the Integrated Water Cycle Management Strategy

Operational Plan Link: 1.4.1.3 Deliver programmed capital works (build and renewals) for the sewerage network

### **EXECUTIVE SUMMARY**

Council is undertaking augmentation of the existing Tuross Head Sewer Network. Request for Tender (RFT) No. 10061561 relates to the upgrade of Sewage Pumping Station TU01 which includes: augmentation of the existing wet/wet/dry well into a single connected wet well, replacement of the existing duty/assist dry pumps to duty/duty/standby submersible pumps, construction of a new building with permanently installed generator, odour control room and switchroom, new pipework, fittings and metalwork, new valve pit, ASP1 (electrical) upgrade and associated civil and earthworks. The augmentation of TU01 will ensure the security and reliability of the sewage network in Tuross and reduce the risk of environmental incidents in Coila Lake.

Council engaged Public Works Advisory (PWA) to advertise RFT No. 10061561 on Council's behalf.

This report outlines the evaluation of offers submitted in response to RFT No. 10061561 and provides a recommendation for the preferred tenderer.

### **RECOMMENDATION**

THAT Council:

1. Enters into a contractual arrangement with the preferred tenderer for the construction of the water reticulation and pressure sewerage systems, subject to the terms specified in Request for Tender No. 10061561 – Tuross Head Sewage Pumping Station TU01 Augmentation unless otherwise varied in accordance with this report.
2. Agrees that variations may be made in accordance with the relevant provisions of the contract, provided that the total value of variations does not exceed 10% of the approved tender price.

### **BACKGROUND**

Tuross Head Sewage Pump Station TU01 was constructed in 1985 to provide sewage services to the Tuross Head community. The mechanical and electrical components of the pump station have a design life of 25 years. Considering the current age of the pump station of 38 years

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**IR23/026 REQUEST FOR TENDER NO. 10061561 - TUROSS HEAD SEWAGE  
PUMPING STATION TU01 AUGMENTATION**

**S029-  
T00004**

Council has identified the need to upgrade the pump station to ensure the reliability of the sewage network and prevent environmental discharges into Coila Lake. The upgrade of Tuross Head Sewage Pump Station TU01 follows the upgrade of Tuross Sewage Treatment Plant, completed in 2021-2022 which was conducted to allow for the increased loading on the Tuross Head Sewage Network.

In 2021 Council engaged Public Works Advisory to undertake sewer modelling for Tuross Head to model the expected sewage loading on the network up to the year 2051. The results of this modelling showed that the existing network will need to be upgraded to meet the current and expected increase in load on the network. Council then engaged GHD to conduct concept and detailed design for the augmentation of the Tuross Head sewage network. The augmentation is to be completed in two stages:

- Stage One (2023 – 2026): Replacement of pumps, electrical system upgrades, sewer upgrades, and the provision of emergency storages.
- Stage Two (2048 – 2051): Increasing pump capacity of some sites and replacement of TU01 rising main.

RFT No. 10061561 relates to the augmentation of TU01 and includes conversion of existing wet/wet/dry well into a single wet well, replacement of existing duty/assist dry pumps with duty/duty/standby submersible pumps, new switchroom building including permanently installed diesel backup generator and odour control unit, all new pipework and fittings, new metalwork, new valve pit, new overflow screen, new driveway and pavement, and modifications to incoming sewer to suit.

RFT No. 10061561 was advertised on 11 September 2023 with a closing date of 19 October 2023. Offers were received from the following three (3) tenderers and assessed in accordance with the Tender Evaluation Plan.

- Ironbuilt Infrastructure Pty Ltd
- Quay Civil Pty Ltd
- Tallai Project Group Pty Ltd.

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. 10061561 – Tuross Head Sewage Pump Station TU01 Augmentation was advertised in accordance with clause 167 of the Local Government (General) Regulation 2021 and Local Government Act 1993.

The tender was advertised in local newspapers and through the NSW Government tendering website (<https://tenders.nsw.gov.au>).

Before tender assessment was undertaken a formal Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee (TEC). Declarations of Confidentiality and Conflicts of Interest Forms were completed and signed by the TEC.

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**IR23/026 REQUEST FOR TENDER NO. 10061561 - TUROSS HEAD SEWAGE  
PUMPING STATION TU01 AUGMENTATION**

**S029-  
T00004**

The offer submitted by the preferred tenderer has been assessed as the most advantageous tender which represents best value for money for Council due to the company's demonstrated experience, quality of workmanship, and satisfactory price in comparison to the pre-tender estimate.

**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 2021 and the Local Government Act 1993.

**Environmental**

The works are required to minimise the risk of sewage discharges into Coila Lake which is a sensitive ICOLL estuary environment.

**Social Impact**

The augmentation of sewage pump station TU01 will ensure the security and effectiveness of the Tuross Head sewage system for the community as well as providing increased environmental protections for both Coila Beach and Coila Lake which are heavily visited by locals and tourists alike.

**Financial**

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

**Community and Stakeholder Engagement**

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 tenderer as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the construction of the Tuross Head sewage pump station TU01 augmentation.



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**IR23/027 LOCAL TRAFFIC COMMITTEE NO. 5 FOR 2023-24**

**S030-T00018**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. LTC No. 5 Minutes  
2. Plan 5490 - Cambridge Crescent and Train Street

Community Goal: 4 Our connected community through reliable and safe infrastructure networks

Community Strategy: 4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla

Delivery Program Link: 4.1.1 Plan for an integrated and active local transport network, guided by the NSW Government's Future Transport 2056 Strategy

Operational Plan Link: 4.1.1.3 Coordinate the Local Traffic Committee

**EXECUTIVE SUMMARY**

The Local Traffic Committee is primarily a technical review committee. It advises Council on traffic control matters that relate to prescribed traffic control devices or traffic control facilities for which Council has delegated authority.

Recommendations arising from the Local Traffic Committee meeting No. 5 held 2 November 2023, are as follows:

**RECOMMENDATION**

THAT Council approves:

1. The following acts for determination from Local Traffic Committee No. 5:
  - 2024.RT.009 Plan 5490-A-01 detailing one way and turning movement linemarking on Cambridge Crescent and No Right Turn Sign on Train Street into Cambridge Crescent, Broulee approved.
2. The following Special Events and Informal Items:
  - 2024.SE.007 Traffic Management and Control Plans for the Charity Bike Ride, Royal Far West – Ride for Country Kids, to be conducted Corkhill Drive Tilba Tilba and Central Tilba on Tuesday 19 March 2024 be approved.

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 5 for 2023-24 was held on 2 November 2023. The meeting was attended by Councillor Amber Schutz (Chair), Cst Kieran Bryant (NSW Police), Emma Pietruska (Transport for NSW), Kate McDougall (Traffic Officer), Samantha Dennis (Infrastructure Support Coordinator) and Karen Shea (representative for Michael Holland MP).

**CONCLUSION**

The minutes of the Eurobodalla Local Traffic Committee meeting No. 5 are attached to this report and provide further background for the recommendations.





**LOCAL TRAFFIC COMMITTEE  
MINUTES**

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|                    |   |                |          |
|--------------------|---|----------------|----------|
| <b>Meeting No:</b> | 5-23/24   | <b>File No</b> | E16.0002 |
| <b>Date:</b>       | Thursday 2 November 2023                                  | <b>Time:</b>   | 9:30am   |
| <b>Location:</b>   | Eurobodalla Shire Council – Glass Meeting Room and Online |                |          |

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**ITEM 1 ATTENDANCE**

Councillor Amber Schutz (Chair), Kate McDougall (ESC Traffic Officer), Samantha Dennis (ESC Infrastructure Support Coordinator) Cst Kieran Bryant (NSW Police), Emma Pietruska (Transport for NSW), and Karen Shea (representative for Michael Holland MP).

**ITEM 2 APOLOGIES**

Senior Sgt Scott Britt (NSW Police), Kristy Campbell (Transport for NSW), Tom Franzen (Division Manager Technical Services), Sheree Ward (Infrastructure Support Officer).

**ITEM 3 DEPUTATIONS**

Nil.

**ITEM 4 MINUTES OF PREVIOUS MEETING**

Confirmed that the Eurobodalla Local Traffic Committee Meeting No 4 for 2023-24 held on 12 October 2023 were accepted.

**ITEM 5 ROAD TRANSPORT (SAFETY & TRAFFIC MANAGEMENT) ACT ITEMS FOR DETERMINATION**

**5.1 2024.RT.009 Sign and Linemarking – Cambridge Crescent and Train Street, Broulee**

**RECOMMENDATION**

That Council Plan 5490-A-01 detailing one way and turning movement linemarking on Cambridge Crescent and No Right Turn Sign on Train Street into Cambridge Crescent, Broulee approved.

**BACKGROUND**

The principal of Broulee Public School had contacted Council regarding her concerns of traffic travelling down Cambridge Cres the wrong way towards the school crossing. It was highlighted when a heavy vehicle travelled down the road to the childrens crossing during in the afternoon at peak pick up time. The heavy vehicle then had to reverse placing students, parents, and property in danger.

**CONCLUSION**

The arrows on at the intersection of Train Street and Cambridge Crescent and exit of shopping centre into Cambridge Crescent, will make it more obvious to drivers that this part of the roadway is one way. The No Right Turn sign on Train Street, will complement the two No Entry signs on Cambridge Crescent advising drivers not to enter at the intersection with the shops.



## LOCAL TRAFFIC COMMITTEE MINUTES

|                    |   |                |          |
|--------------------|---|----------------|----------|
| <b>Meeting No:</b> | 5-23/24   | <b>File No</b> | E16.0002 |
| <b>Date:</b>       | Thursday 2 November 2023                                  | <b>Time:</b>   | 9:30am   |
| <b>Location:</b>   | Eurobodalla Shire Council – Glass Meeting Room and Online |                |          |

### ITEM 6 INFORMAL ITEMS FOR DISCUSSION

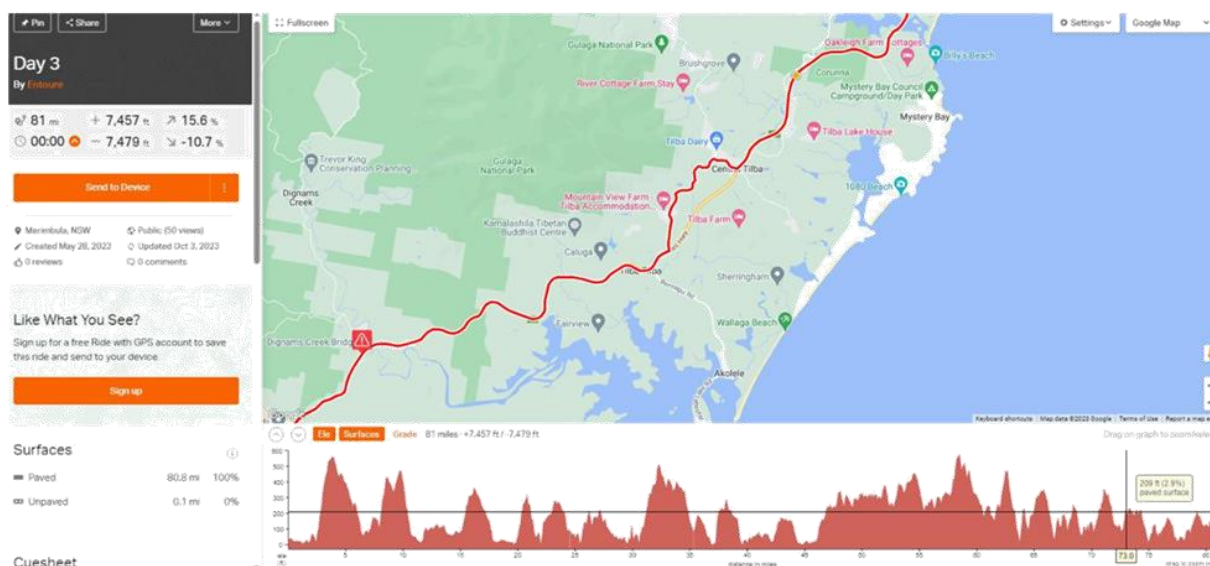
#### 6.1 2024.SE.007 Charity Bike Ride, Royal Far West – Ride for Country Kids, Tuesday 19 March 2024

That the Traffic Management and Control Plans for the Charity Bike Ride, Royal Far West – Ride for Country Kids, to be conducted Corkhill Drive Tilba Tilba and Central Tilba on Tuesday 19 March 2024 be approved.

#### BACKGROUND

Charity Bike Ride, Royal Far West is a 3-day charity cycle tour in and around Merimbula and Narooma in support of the Royal Far West. Entoure, a specialist in cycle event management, have been engaged to manage the on-road logistical components of the event. The name of the event is Ride for Country Kids. The dates the ride is to be held is March 17 to March 19, 2024. On 19 March the ride will be going through Eurobodalla townships of Tilba Tilba and Central Tilba. The number of riders expected to attend range from 60 to 70 riders. – 3 pelotons.

Two of the rides will be in the Bega Shire, the third ride will run partly through Eurobodalla, through Tilba Tilba and Central Tilba as per attached map.



#### CONCLUSION

The Charity Bike Ride, Royal Far West – Ride for Country Kids to be held on 17 to 19 March 2024 will be conducted on Corkhill Drive Tilba Tilba and Central Tilba on 19 March 2024.



**LOCAL TRAFFIC COMMITTEE  
MINUTES**

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|                    |   |                |          |
|--------------------|---|----------------|----------|
| <b>Meeting No:</b> | 5-23/24   | <b>File No</b> | E16.0002 |
| <b>Date:</b>       | Thursday 2 November 2023                                  | <b>Time:</b>   | 9:30am   |
| <b>Location:</b>   | Eurobodalla Shire Council – Glass Meeting Room and Online |                |          |

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**ITEM 7 GENERAL BUSINESS**

- 7.1 Parking signage on Bangalay Court, Maloneys Beach
- 7.2 Tomakin Beach Access Survey Results April 2023
- 7.3 Kiss and Drop, Mogo Public School
- 7.4 Centenary Drive, North Narooma
- 7.5 Araluen Road, Araluen
- 7.6 Change of boundary, Eden Monaro
- 7.7 Bus Industry Task Force event 1 December 2023
- 7.8 Batemans Bay Bridge lighting
- 7.9 Bus stop at Clyde Road, North Batemans Bay
- 7.10 Speed zone review for Murramurang Road, South Durras
- 7.11 Underpass/overpass Bay Ridge Development Application
- 7.12 TfNSW Bus Working Group
- 7.13 Speed signage on Pollwombera Road, Moruya
- 7.14 Dalmeny Drive (North), Kianga

**ITEM 8 DEVELOPMENT APPLICATIONS**

Nil.

**ITEM 9 NEXT MEETING**

7 December 2023.





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**CAR23/022 CAMPING AT THE MORUYA SHOWGROUND**

**S023-  
T00037**

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

Attachments: Nil

Community Goal: 2 Our community that welcomes, celebrates, and supports everyone

Community Strategy: 2.2 Encourage community spirit and enable healthy lifestyles

Delivery Program Link: 2.2.3 Plan for, and deliver safe and accessible recreation opportunities, guided by the Recreation and Open Space Strategy and asset management plan

Operational Plan Link: 2.2.3.1 Provide and maintain recreation facilities

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek a Council endorsement to investigate all aspects of camping at the Moruya Showground, in line with actions from the Moruya Showground Landscape Masterplan (LSMP) and the Moruya Golf Course and Showground Reserves Plan of Management (POM).

If endorsed, a future report will be provided back to Council, outlining relevant findings of the investigation, and recommendations on whether Council should pursue approvals to permit camping at the Showground.

### **RECOMMENDATION**

THAT Council:

1. investigate options and issues in relation to camping at the Moruya Showground; and
2. receive a further report outlining the relevant findings and recommendations of the investigation.

### **BACKGROUND**

The Moruya Showground (the Showground) is used for a range of sporting and community events, including local and regional equestrian events, travelling circuses, and the annual Eurobodalla Agricultural Show and Rodeo.

A grassed area, located in the north-east corner of the site, is embellished with bollards and contains camping facilities including power supply boxes and water outlets for camping. In addition, amenities are provided within the vicinity of the grandstand.

Currently camping only occurs in conjunction with events such as the annual Rodeo, Agricultural Show and major equestrian events.

In 2018 and 2020, Council adopted the Moruya Showground Landscape Masterplan (LSMP) and the Moruya Golf Course and Showground Reserves Plan of Management (POM) respectively.

Both documents contain the following actions relating to the development of camping and camping infrastructure at the Showground:

- Actions H14 and H17 of the LSMP seek to maintain and improve camping infrastructure to support camping as required

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**CAR23/022 CAMPING AT THE MORUYA SHOWGROUND**

**S023-  
T00037**

- Action 1.9 contained within the POM seeks development consent to accommodate up to 200 campers in a legal, safe, and sustainable way and in accordance with relevant legislation.

In accordance with actions identified above, Council is currently undertaking the construction of a new bar and amenities building adjoining the grandstand, for the purpose of servicing events and camping.

In light of these improvements to camping infrastructure, it is now considered appropriate to investigate issues and options in relation to camping at the Showground.

**CONSIDERATIONS**

A number of Showgrounds across NSW contain areas approved for 'primitive camping,' offering overnight and short-term camping for caravans and campervans, in addition to camping associated with events. This provides a range of benefits to the Showgrounds and relevant communities, including:

- increased utilisation and consistent activation of these sites
- higher levels of passive surveillance, assisting to reduce vandalism and anti-social behaviour
- a financial contribution which assists with the ongoing upkeep and maintenance of these Showgrounds
- economic benefits related to and associated with tourism.

There are a number of preliminary matters that require further investigation in relation to camping at the Showground. Considerations include:

- Requirements of and compliance with relevant legislation, including but not limited to:
  - *NSW Environmental Planning and Assessment Act 1979 (EPA)*
  - *Crown Land Management Act 2016*
  - *Local Government Act 1993*
  - *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*
  - *Relevant State Environmental Planning Policies (SEPPs)*
  - *Eurobodalla Local Environmental Plan 2012*
- A review of the adopted Moruya Golf Course and Showground Reserves POM in relation to camping, to ensure that the POM satisfies relevant Crown Land requirements
- Consent requirements relating to the defined use/activity and consideration of the number of people/camping sites permitted
- Social and economic considerations

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**CAR23/022 CAMPING AT THE MORUYA SHOWGROUND**

**S023-  
T00037**

- Site suitability and any environmental constraints associated with the locality
- Legislated infrastructure requirements and cost considerations associated with relevant and required upgrades
- Consideration of fees and charges and management models.

**Legal**

The proposed investigation into camping at the Moruya Showground will explore relevant legal matters, including but not limited to, the permissibility of camping, and compliance with relevant legislation.

**Environmental**

Relevant environmental constraints associated with the locality and possible impacts will be explored as part of the investigation.

**Social Impact**

The proposed investigation of camping at the Moruya Showground will include a consideration of social impacts, issues and benefits, for both residents and visitors.

**Financial**

The immediate investigation into camping at the Moruya Showground will be resourced within the existing recreation services budget. The investigation will consider future cost benefits, as well as financial implications associated with possible infrastructure upgrades required if Council pursues approval of camping at the Showground.

**Community and Stakeholder Engagement**

No formal community consultation has been undertaken at this stage. However, preliminary consultation has been undertaken with the existing Moruya Showground Section 355 Management Committee, who resolved at their November meeting to support Council's investigation into camping at the Showground.

Should the findings of the investigation indicate that Council proceeds with a proposal to approve camping at the Showground, we will inform the community by:

- providing information on Council's website
- online News
- posting on Council's Facebook and Twitter
- distributing a media release.

In addition, we will involve relevant stakeholder/user groups in the development of the proposal.

Any development application or community proposal would be publicly exhibited in accordance with legislative requirements, as well as notified:

- on Council's website

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**CAR23/022 CAMPING AT THE MORUYA SHOWGROUND**

**S023-  
T00037**

- at the Batemans Bay, Moruya and Narooma libraries, and
- at the Moruya customer service centre.

**CONCLUSION**

In 2018 and 2020, Council adopted the Moruya Showground Landscape Masterplan (LSMP) and the Moruya Golf Course and Showground Reserves Plan of Management (POM) respectively.

In light of recent improvements to camping infrastructure, it is now considered appropriate to investigate issues and options in relation to camping at the Showground.

If this investigation is endorsed by Council, a further report will be provided back to Council outlining relevant findings and recommendations.



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## 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.

## RECOMMENDATION

THAT pursuant to Section 10A of the *Local Government Act 1993* the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

### **CON23/002 Draft Voluntary Planning Agreement - 54 Hawdon Street, Moruya and 34 Murray Street, Moruya**

Item CON23/002 is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

### AGENCY ADVICE

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

| CONTACT                                     | PHONE        | EMAIL                   | WEBSITE             |
|---|--------------|-------------------------|---------------------|
| Eurobodalla Shire Council<br>Public Officer | 4474-1000    | council@esc.nsw.gov.au  | www.esc.nsw.gov.au  |
| ICAC  | 8281 5999    | icac@icac.nsw.gov.au    | www.icac.nsw.gov.au |
| The Office of Local Government              | 4428 4100    | dlg@dlg.nsw.gov.au      | www.dlg.nsw.gov.au  |
| NSW Ombudsman                               | 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.