



AGENDA

Ordinary Meeting of Council

16 July 2024

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 16 JULY 2024

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 18 June 2024

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

6. PUBLIC FORUM

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8. NOTICES OF MOTION

Nil

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Nil

10. PETITIONS

Nil

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WARWICK WINN
GENERAL MANAGER

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MR24/002 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW 2023-24

File Ref: H0013-T00001

Attachments: 1. General Manager's Performance Plan 2023-24
 2. Confidential - General Manager's Total Remuneration Package (TRP)

EXECUTIVE SUMMARY

In accordance with the General Manager's employment contract, the Mayor is required to undertake an annual review of the General Manager's performance. The review took place with the Mayor and Councillors on Tuesday 9 July 2024.

The General Manager's 2023-24 performance plan with outcomes is attached.

RECOMMENDATION

THAT:

1. The General Manager's Performance Plan 2023-24 (attached) be received, noting the positive outcomes.
2. Council approve the increase to the General Manager's total remuneration package in line with the award increase for Council staff.

REPORT

Section 226 of the *Local Government Act 1993* describes the role of the Mayor, including that "in consultation with the councillors, to lead performance appraisals of the General Manager".

The General Manager's 2023-24 performance plan was made publicly available via report FCS23/037 at the Council Meeting on 21 November 2023. The plan with the year's outcomes is attached to this report.

The General Manager's performance review took place on Tuesday 9 July 2024. Mr Winn briefed Councillors on the outcomes of the agreed 2023-24 performance plan.

Councillors noted Mr Winn's comments and self-appraisal against his 2023-24 performance plan, and his narrative around the year's achievements and challenges.

Overall, the feedback on the General Manager's performance review was very positive. Among other highlights, Councillors discussed the financial leadership shown and the positive steps to communicate honestly with residents and ratepayers.

I am recommending the same increase to the General Manager's remuneration package as that provided to Council staff from 1 July 2024 under the Local Government (State) Award 2023; that being 3.5% with a once-off bonus payment of 0.5%. This increase should apply from 1 July 2024 (as outlined in the confidential attachment).

Mr Winn commenced with Council on 7 November 2022 under a four-year contract. Mr Winn's 2022-23 Performance Plan was similarly reported to Council in September 2023 (MR23/004).

Mr Winn has advised that based on his performance feedback and the timing of elections in September, he would present his draft 2024-25 performance plan to the August 2024 Council Meeting.

MR24/002 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW 2023-24

ATTACHMENT 1 GENERAL MANAGER'S PERFORMANCE PLAN 2023-24

EUROBODALLA SHIRE COUNCIL

2023-24 Performance Plan - General Manager Warwick Winn OUTCOMES FOR PERFORMANCE REVIEW JULY 2024



Action		Outcome / KPI	Due date	Responsible Directorate	Delivery Program Measure (4 year)	Community Strategic Plan Goal	Delivery Program Linkage	2023/24 Outcome
1	Structure the organisation to deliver key outcomes	Continue organisation restructure	Jun-24	General Manager with People and Safety	More effective and accountable management of Council's projects. Increased customer satisfaction.	5. Our engaged community with progressive leadership	5.3.4 Develop and grow a skilled, motivated and accountable workforce and position Council as an organisation people want to work for	Organisational reviews are ongoing. -Review of Infrastructure Services underway (commenced May 24). -Parks and Gardens team moved from Infrastructure directorate to Community, Arts and Recreation directorate in March 24. -Planning and Environment directorate review complete. -Introduction of Legal Counsel and Chief Operating Officer roles. -Movement of Property Services (from Planning & Sustainability directorate) and People & Safety (from GM's Office) to Finance and Corporate Services Directorate.
2	Customer Experience Plan	Develop a Customer Experience Plan with tangible actions for improvements.	Draft by Jun-24	Chief Operating Officer	Increased satisfaction with Council's customer service	5. Our engaged community with progressive leadership	5.1.3 Provide a welcoming and easy to deal with Council where customers have a positive experience	A draft Customer Experience Plan is currently under staff review.
3	Events Strategy	Develop an events strategy addressing Council's approach to third-party events, Council-run events and community events.	Draft by Jun-24	Chief Operating Officer	Increased satisfaction with Council's events offering, removal of barriers for organisers, enhanced community cohesion.	3. Our region of vibrant places and spaces	3.2.5 Encourage a variety of quality events	A draft 2024-28 Events Strategy (aligned with new term of Council) is currently under staff review. The draft Strategy will be presented to Council this calendar year for public exhibition.
4	Mogo Trails	1. Open eastern portion of Mogo Trails 2. Prepare branding and marketing strategy for Mogo Trails	Jun-24	Chief Operating Officer	Satisfaction with Mogo Trails	3. Our region of vibrant places and spaces	3.2.3 Develop Mogo Adventure Trail Hub	The Mogo Trails mid-point review (in conjunction with Coastal Headland Walking Trails), including a recommendation to investigate future management options away from Council, was endorsed by Councillors at the May 2024 Council Meeting. Investigation of options is underway. 1. Stage one (eastern section) of the trail network will open to the public in August 2024. 2. The Mogo Trails branding and marketing strategy will roll out in conjunction with stage one opening.
5	Business Continuity Plan and Risk Strategy	1. Update Business Continuity Plan 2. Develop Risk Strategy 3. Present strategies to Council and ARIC	Draft by Jun-24	Finance & Corporate Services	Increased satisfaction with the long-term planning of Eurobodalla	5. Our engaged community with progressive leadership	5.2.2.Implement effective governance and long-term planning	1. BCP test deferred until late 2024 to accommodate resourcing challenges in key areas. 2. Risk Coordinator appointed November 2023 and new risk management software procured (June 2024). Implementation of the system is underway, expected December 2024. 3. A risk assurance review is underway and the revised strategic risk register and BCP will be presented to ARIC and Councillors in December 2024.
6	Future Finance Strategy	1. Develop an agreed Finance strategy	Draft by Dec-23	Finance & Corporate Services	Increased satisfaction with the management of Council's finances	5. Our engaged community with progressive leadership	5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable	Finance Strategy endorsed by Council December 2023 with 12 priority actions aimed at returning Council to a financially sustainable position. Actions completed include budget reset exercise across all Council services (Oct-Nov 23), mid-point reviews of key projects (Nov 23), and endorsement of Grants Strategy (April 24). A second strategic financial workshop was held with councillors (March 24) followed by three community briefing sessions in April 24 on the Finance Strategy and three in June about the 2024-25 budget and operational plan.

MR24/002 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW 2023-24


ATTACHMENT 1 GENERAL MANAGER'S PERFORMANCE PLAN 2023-24

7	Investments	1. Brief Councillors on fossil fuel-free investment opportunities 2. Report to Council on investment opportunities	Jun-24	Finance & Corporate Services	Increased satisfaction with the management of Council's finances	5. Our engaged community with progressive leadership	5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable	1. Councillors were briefed by Curve Securities (April 24) on opportunities to increase holdings in fossil-free institutions and general market conditions. 2. A revised investment policy will be presented to Council during 2024-25 for exhibition/adoption. 3. A revised investments briefing and report template for Council has been developed (May 24) to include relevant metrics and long term trend analysis.
8	Review Bay Pavilions	Develop Sustainability Plan for the Bay Pavilions	Jun-24	CARS	Increased satisfaction with public facilities and swimming pools	2. Our community that welcomes, celebrates and supports everyone	2.2.2.6 Manage Bay Pavilions	KPMG review of the Bay Pavilions reported to Council on 15 August 2023, followed by a risk review and energy audit in October 2023. These three reviews are guiding future service planning and improvements. Quotes have been sought for the necessary energy improvement works to reduce energy costs, and a detailed transition plan from defect liability to Council maintenance is in place. The Bay Pavilions Sustainability Plan has been drafted and includes actions drawn from the three independent reviews, as well as actions for benchmarking, the management model, and a maintenance program. It is currently under staff review.
9	Toilet Strategy	Implement the Toilet Strategy	Jun-24	CARS	Increased satisfaction with the public toilet network	2. Our community that welcomes, celebrates and supports everyone	2.2.2.3 Finalise and implement the Public Toilet Strategy	Budget for the implementation of Toilet Strategy established. Public Amenities Coordinator appointed (Sept 23) with remaining team recruited and in place by January/February 2024. Implementation of Toilet Strategy well underway, including establishment of permanent rapid response team; maintenance program in place and backlog complete (169 defects rectified); cleaning contract compliance regime in place; two new toilets constructed, 4 currently being renewed/renovated and 2 planned for 2024-25, including the long awaited John St Mogo facility; forward planning including improved procurement and processes in place.
10	Emergency preparedness	Update Emergency Management Plans	Dec-23	Infrastructure Services	Community reassurance that emergency planning is contemporary and robust	2. Our community that welcomes, celebrates and supports everyone	2.4.4 Work with agencies and emergency services to coordinate emergency management and improve resilience	Appointment of Council's first full time Local Emergency Management Officer (Nov 23). The Eurobodalla Emergency Management Plan was approved by the Local Emergency Management Committee in November with the disaster-specific sub plans subsequently reviewed and adjusted. Consequence Management Guides for specific potential emergency situations have been reviewed and updated. A Pre Event Recovery Plan has been developed in co-operation with the Reconstruction Authority to manage the process of post disaster recovery and work has commenced on the development of a Disaster Adaptation Plan.
11	Continue Southern Dam	Completion of power supply upgrade, embankment foundation preparation and commencement of dam wall construction	Dec-23	Infrastructure Services	Commissioning of water supply from the dam	1. Our sustainable shire, that celebrates our natural environment and outdoor lifestyles	1.4.2 Increase water security through construction of the Southern Water Supply Storage	1. Geology worse than expected in October 2023, so not out of the ground late 2023 but June 2024. 2. Poor on-site quarry geology required re-design of embankment but avoided importing fill. 3. Both issues resulting in higher consulting (SMEC) and construction (Haslin) costs - Council briefed April 2024. 4. Biodiversity offsets quoted at \$31.5m versus conservative budget of \$9m - wrote to NSW Minister for Water requesting solution to avoid project impacts on ratepayers. Councillors briefed April 2024. 5. Still uncertainty as to final project cost but will complete early 2025 or a few months later if a wet year. Council report due July 2024.


MR24/002 GENERAL MANAGER’S ANNUAL PERFORMANCE REVIEW 2023-24

ATTACHMENT 1 GENERAL MANAGER'S PERFORMANCE PLAN 2023-24

12	Animal Shelter	Develop concept plan and cost estimate for a new animal shelter	Jun-24	Planning & Environment	Increased community satisfaction with Council's animal shelter	2. Our community that welcomes, celebrates and supports everyone	2.4.3 Provide companion animal services	Preliminary architectural plans have been developed. Structural engineering plans and a quantity surveyors report have been requested. This will provide Council with the detail to explore funding opportunities. Briefing for councillors in August 2024.
13	Batemans Bay Master Plan	Progress preparation of the Batemans Bay Master Plan and associated planning proposal	Jun-24	Planning & Environment	Increased satisfaction with planning for development	3. Our region of vibrant places and spaces	3.1.1 Review, prepare and deliver planning instruments	Consultants are finalising their documentation and a Councillor workshop was held in June 2024. Community drop in sessions will be held over July and August. The aim is a report the draft Masterplan to Council in November, with public exhibition over December 2024 - February 2025.
14	Housing Strategy	Finalise preparation of a Housing Strategy for the Shire	Jun-24	Planning & Environment	Decrease community concern about housing affordability and availability	3. Our region of vibrant places and spaces	3.1.3 Work in partnership to encourage and facilitate greater housing diversity and affordability.	Draft Housing Strategy reported to Council in May 2024 for public exhibition. Report back to Council in July /August 2024 for adoption.

Signed: 
Mathew Hatcher
Mayor

Date: 9 July 2024

Signed: 
Warwick Winn
General Manager

Date: 9 July 2024

Multi-year project carried forward from 22-23

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MR24/003 COASTAL PROTECTION WORKS, SURFSIDE BEACH

File Ref: S010-T00018

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on coastal protection works and provide clarity around the roles and responsibilities under the Coastal Management Program (CMP).

A requirement of the *Coastal Management Act 2016* as administered by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEW) is that Councils have a certified Coastal Management Program for the Open Coast (CMP). The purpose of a CMP is to identify the strategic aims for the management of the coastal zone and identify specific actions to mitigate the impacts of coastal hazards. This includes the North Bateman Bay area and specifically Surfside.

Council's Open Coast CMP was gazetted in March 2023. There are 83 beaches along the 110 km of the Shire's coastline, with many of these beaches being urbanised, some with low lying community infrastructure and private property and homes, which are at risk of storm events and rising sea levels.

Council is responsible for those actions which will protect public assets and there are other actions, such as beach nourishment when the Clyde River is dredged, which are the responsibility of the NSW Government (Transport for NSW).

Private property owners are responsible for protecting their own property.

Council does not have the funding or resources available to deliver all the actions identified in the CMP and therefore, the actions are prioritised and subject to co-funding by the NSW Government.

RECOMMENDATION

THAT:

1. Council advocates to the NSW Minister for Environment, Energy, Climate Change and Heritage (The Hon. Penny Sharpe MLC) requesting support for further funding of actions as identified in the Coastal Management Programs including the dredging of the Clyde River as a matter of urgency.
2. Council advocates to the Secretary for Transport for NSW to prioritise and fund the dredging of the Clyde River for nourishment of Surfside Beach.

BACKGROUND

The Eurobodalla Open Coast CMP was gazetted on 2 March 2023. Under Division 4 of the *Coastal Management Act* (CM Act), once a CMP is adopted, councils (and any relevant NSW Government Stakeholders) have a responsibility to deliver the CMP actions for which they are identified as responsible. The delivery of actions is noted as being subject to availability of funding and this is generally the case with all CMPs.

The NSW Government provides an advisory and financial role in preparation of a CMP and is responsible for providing funding to councils (2:1, in the case of an adopted CMP) to implement the actions in their CMP. Various NSW Government entities have jurisdiction and responsibilities within the coastal zone. In Eurobodalla, the major state agencies are Crown

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Lands and Batemans Marine Park. Any operations adjacent to the open coast will require input and potentially approvals from these agencies.

The NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) are also responsible for administering the *Coastal Management Act*.

Private property owners have the ability to protect their property at any time by applying for approval to undertake protection works.

CONSIDERATIONS

Council's Coastal Management Program

NSW coastal councils are required to prepare a Coastal Management Program (CMP) under Part 13 of the *Coastal Management Act 2016* (CM Act) in order to secure financial support from the NSW Government. A CMP outlines the responsibilities for coordinated management of the coastal zone, both for Council and any identified government stakeholder, through a business plan which details a series of actions over the ten-year life of the CMP.

Delivery of the Open Coast CMP is estimated to cost approximately \$46.6 million in capital and operational expenses over the ten-year implementation period. A certified CMP will enable Council to have access to up to 2:1 funding allocated under the NSW Government's Coastal Management Program Fund.

Since gazettal of the CMP in 2023, \$11 million in grants has been allocated to Council for implementing coastal protection works in the Batemans Bay area.

Council has been actively implementing a large number of priority actions in the Open Coast CMP during the 2023/2024 financial year, noting that grant funding is not typically available until around December:

- CHA_A: Updated planning controls (through implementing the Coastal Hazard Code)
- RA3_R: Implement Disability Friendly access to beaches
- CH1_D: Long Beach Coastal Protection Works
- CH1_K: Wharf Road Coastal Protection Works and remediation
- CH1_P: Caseys Beach Coastal Protection Works
- CH1_ZB: Implement the Eurobodalla Coastal Zone Emergency Action Subplan
- CD1_A: Continue to implement Snapper Island Penguin monitoring program
- CD1_B: Erosion management to be undertaken on dunes at Knowlman Road, Rosedale
- RA2_F: Support Coastcare/Landcare projects
- EGC2_B: Identify opportunities to promote, support and undertake citizen science and research initiatives with the coastal zone: Coast Snap Eurobodalla
- EGC4_A: Identify opportunities for and undertake cultural burning in the coastal zone.
- CD2_A: Investigate source of water quality issues at Surf Beach.

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In addition to the above, the CMP establishes several actions that are passive, or using staff time only, which can be considered delivered as well. These have not been listed.

Limitations of the CMP are largely related to Council's ability to fund and adequately resource implementation of the CMP, given that the NSW Government will only fund 2:1 and only allows councils to match funding using money derived from rates. This is noted in the business plan, which specifies that actions are subject to availability of funding. Council does not have any full-time staff dedicated solely to implementing the CMP, instead spreading this across multiple functions of Council.

Eurobodalla Shire Council has a very large coastline, a comparatively very small rate base and long established, high risk coastal hazard areas. Advocacy to the NSW Government to have this challenge recognised in their funding model has been unsuccessful.

One key limitation in CMP implementation is the grant funding process. While to date Council has been successful in receiving funding for implementation of the CMP, the process is expected to become more competitive as other councils in NSW adopt their own CMPs.

Ministerial Position

Recent correspondence with the NSW Minister for Environment has indicated to the community that it is the responsibility of Eurobodalla Shire Council to manage the coastal zone. It should be noted that in accordance with the *Coastal Management Act*, management of the coastal zone by a council is to be undertaken through implementation of a CMP, and Council is currently implementing its CMP at Surfside and across the rest of the Eurobodalla.

The Minister's letter therefore fails to acknowledge the complexity of the situation in that the NSW Government is responsible for part funding of the actions identified in the CMP and that other NSW government agencies have responsibilities including Crown Lands, Transport for NSW (TfNSW) and Department of Primary Industries (Batemans Marine Park).

Expenditure to date and allocation of funds

Recent and previous presentations to Public Access have made reference to a \$18 million grant figure that Council has received. This is not correct. There are two existing grant agreements for funding coastal protection works.

1. 2023 - Council entered into a \$5 million grant agreement with the NSW Government to implement three priority coastal protection projects in North Batemans Bay.

This funding agreement is rigid and requires the \$5 million to be split across three separate actions identified in the Certified Open Coast CMP. These are:

- i) Coastal protection works at Wharf Road
- ii) A Coastal Inundation Levee at Surfside West (sometimes referred to as McLeods beach) and;
- iii) Coastal protection works at Bay Road, Long Beach.

Council staff have been advised that the funding must be strictly used for investigation, design and construction of these works.

2. In a separate agreement, Council staff were able to leverage the initial \$5 million grant (plus an additional \$1 million derived from \$~881,000 in current budget and \$~100,000

MR24/003 COASTAL PROTECTION WORKS, SURFSIDE BEACH

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in-kind contribution from Council), for a total matched amount of \$6 million. This was used to secure (1:1 ratio) a \$6 million grant from the Federal Government's "Disaster Ready Fund". This second grant is allocated to coastal protection works in Batemans Bay, with Caseys Beach being the top priority, but acknowledges that any remaining funds could be allocated to the three aforementioned projects.

In total, Council will have access to \$11 million in grant funding for the delivery of Coastal Protection works in Batemans Bay as a result of having a certified CMP. Council is active in implementing the CMP and has engaged Worley Consulting to implement coastal protection works at Surfside, Long Beach and Wharf Road.

This funding and schedule of works is separate to the ongoing smaller grant agreements Council will have access to each year through the NSW Governments Coast and Estuaries grant funding stream, which is solely for implementation of CMPs.

Surfside

The Eurobodalla Open Coast CMP identifies Surfside Beach as an area to receive beach nourishment, utilising sand dredged from the mouth of the Clyde River, to assist in protection against erosion.

Dredging of the Clyde River at Batemans Bay is a responsibility of the NSW Government (TfNSW-Maritime) and is periodically undertaken when required to improve navigability of the channel for vessels. TfNSW is identified as the lead agency for delivery of action CH1_L of the CMP, which identifies that dredged sand from the Clyde River shall be used for beach nourishment at Surfside and / or Long Beach, and the agency has provided a letter of support to Council to indicate their agreement to this action.

TfNSW is presently preparing a Review of Environmental Factors (environmental assessment), which is required prior to dredging works taking place. However, TfNSW have previously indicated that they are yet to determine their priority in delivery of their dredging program.

Council will continue to advocate for the dredging of the Clyde River to be given high priority, given the urgent need to nourish the northern end of Surfside Beach with an appropriate source of sand.

Surfside Dune

Dune management has been ongoing at Surfside East (adjacent to Myamba Parade) for many years, primarily through Landcare groups supported by Council's Natural Resource Management staff. In recent years, this has become more difficult due to dune recession. The dune itself does not represent a Council asset, though Council does have responsibility for ensuring that the carpark and accessways remain safe to use. Beach nourishment is the only identified option for this area in the Eurobodalla Open Coast CMP and responsibility for this sits with TfNSW.

Surfside West

Coastal protection works are underway at Surfside West to protect the shoreline as well as the Council assets at risk (Wharf Road, Surfside Culvert).

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GMR24/007 2024-25 EVENTS GRANTS PROGRAM

S014-T00018

Responsible Officer: Warwick Winn - General Manager

Attachments: 1. Confidential - Community Event Grants - Assessment Matrix and Scores
2. Confidential - Tourism Events Sponsorship Program - Assessment Matrix and Scores

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: 3.2.5.1 Attract and support quality events that drive visitation to the shire and enhance community life

EXECUTIVE SUMMARY

The purpose of this report is to advise Council of the recommended allocation of grant funding through the 2024-25 Events Grants program.

Council's Events Grants program is an annual funding opportunity to support the safe and successful delivery of events in the Eurobodalla. Grant funding is offered through two streams, with a total of \$55,756 available as per Council's Community grant 2024-25 (page 91 2024-25 Delivery Program Operational Plan).

- Stream 1: Tourism Events Sponsorship Program is to support event organisers to plan and deliver successful destination and sports tourism events.
- Stream 2: Community Events Grant is to support local organisations to plan and deliver successful community events.

RECOMMENDATION

THAT Council approves the allocation of \$55,756 in grant funding through the 2024-25 Events Grants program for the recipients as outlined in the confidential attachment to this report.

BACKGROUND

Section 356 of the *Local Government Act 1993* allows Council to grant financial assistance for the purpose of exercising its functions.

Eurobodalla Shire Council recognises the value and importance of the role that community groups and organisations play in building vibrant, inclusive and healthy communities. Council provides grant funding to a range of organisations for the purpose of providing a community service or undertaking a project of benefit to the community.

Council's Events Grants program is an annual funding opportunity to support the safe and successful delivery of events in the Eurobodalla. Grant funding is offered through two streams, with a total of \$55,756 available as per Council's Community grant 2024-25 (page 91 2024-25 DPOP).

GMR24/007 2024-25 EVENTS GRANTS PROGRAM

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Applications for both funding streams were reviewed and assessed by members of Council's Events and Tourism teams. Council's Grants and Events Manager provided oversight of the grant assessments, along with a final review of the recommended funding allocations.

Tourism Events Sponsorship Program

The Tourism Events Sponsorship Program aims to support event organisers to plan and deliver successful destination and sports tourism events.

The grant is for tourism events that drive economic development of Eurobodalla through a significant leisure event or regional/state sporting event which attracts intrastate and interstate visitation.

Destination events that appeal to Eurobodalla's key visitor markets, occur outside of the peak season, align to brand and create local pride were encouraged to apply for funding of up to \$8,000.

Sports tourism events that appeal to Eurobodalla's key visitor markets, occur in low season or mid-week, activate key infrastructure and generate local pride were encouraged to apply for funding up to \$5,000.

Applications were open to the community and event organisers from Friday 7 June and closed Sunday 30 June 2024 at 11.59pm. Council received and assessed 16 applications.

Community Events Grant

The Community Events Grant aims to support local event organisers to plan and deliver a community event that Council recognises as being of benefit to a majority of its residents and is aligned to the Eurobodalla Community Strategic Plan aspirations, outcomes or strategies.

This grant will support community events that generate community participation, create a positive community identity and celebrate the cultural and social life of our community.

Grant applications of up to \$2,000 were considered for costs directly incurred in organising a large community event. Applications were open to the community and event organisers from Friday 7 June and closed Sunday 30 June 2024 at 11.59pm. Council received and assessed 7 applications.

CONSIDERATIONS

Legal

Section 356 of the *Local Government Act 1993* allows Council to grant financial assistance for the purpose of exercising its functions.

A total of \$55,756 was allocated to the 2024-25 Events Grants program through the Community grants program (page 91) included within the adopted 2024-25 Delivery Program - Operational Plan (DPOP).

Policy

The 2024-25 Events Grants program is informed by the Community Grants Policy 2022 and the Eurobodalla Event Strategy 2019-24.

GMR24/007 2024-25 EVENTS GRANTS PROGRAM

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The purpose of the Community Grants Policy 2022 is to set out Council's framework for delivering grant funding to the community and provide information for Council and the community on the principles guiding the community grants program.

A review and update of the Community Grants Policy will be undertaken later this year, after the September 2024 Local Government elections.

The vision of the Eurobodalla Event Strategy 2019-24 is to establish a balanced and sustainable portfolio of vibrant tourism and community events that celebrate and generate awareness of the unique attributes of Eurobodalla, creating compelling reasons for visitors and residents to visit, explore and return to the area.

The Event Strategy states that the events support program is to align with the framework and categories of events, ensuring that there is a fair and transparent process and allocation to support the achievement of the strategic vision of the Strategy.

The draft 2024-28 Eurobodalla Events Strategy is currently being developed and will be presented to Council later this year, after the September 2024 Local Government elections. The draft Strategy will include recommendations to update the way Council provides support for events to community groups and event organisers.

Social Impact

The objectives of the community grants program, and subsequent 2024-25 Events Grants program, are to:

- increase residents' participation in their community
- increase representation of community groups and issues
- develop innovative approaches to local issues
- assist groups and volunteers to develop skills and build capacity
- encourage the sustainability and better governance of community organisations
- encourage partnerships between local organisations and the development of local community networks.

Financial

A total of \$55,756 was allocated to the 2024-25 Events Grants program through the Community grants program (page 91) included within the adopted 2024-25 Delivery Program - Operational Plan. This \$55,756 was divided across the two funding streams:

- Stream 1: Tourism Events Sponsorship Program
 - \$86,308 total amount of grant funding requested
 - \$45,248 total amount of grant funding recommended to be allocated
 - 9 number of events proposed to be supported with grant funding (as per the confidential attachment).
- Stream 2: Community Events Grant
 - \$12,508 total amount of grant funding requested

GMR24/007 2024-25 EVENTS GRANTS PROGRAM

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- \$10,508 total amount of grant funding recommended to be allocated
- 6 number of events proposed to be supported with grant funding (as per the confidential attachment).

Community and Stakeholder Engagement

Applications were open to the community and event organisers for the 2024-25 Events Grants program from Friday 7 June and closed Sunday 30 June 2024 at 11.59pm. Council received a total of 23 applications across both funding streams.

The community and event organisers were advised of this grant funding opportunity in the following ways:

- Newsletter publication to event organisers via 'What's On' database
- Promotion in Tourism e-Newsletter
- Direct email to local Economic Development, Events and Tourism contacts
- Council's social media channels
- Council's website
- Reminder emails to applications 'In progress' one week prior to submission deadline.

CONCLUSION

Council's Events Grants program is an annual funding opportunity to support the safe and successful delivery of events in the Eurobodalla. Grant funding is offered through two streams, with a total of \$55,756 available in 2024-25 as per Council's Community grants 2024-25 (page 91, 2024-25 DPOP).

Stream 1: Tourism Events Sponsorship Program is to support event organisers to plan and deliver successful destination and sports tourism events.

- \$86,308 total amount of grant funding requested
- \$45,248 total amount of grant funding recommended to be allocated
- 9 number of events proposed to be supported with grant funding (as per the confidential attachment).

Stream 2: Community Events Grant is to support local organisations to plan and deliver successful community events.

- \$12,508 total amount of grant funding requested
- \$10,508 total amount of grant funding recommended to be allocated
- 6 number of events proposed to be supported with grant funding (as per the confidential attachment).

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GMR24/008 RESPONSES FROM MINISTERS TO ADVOCACY LETTERS

S012-T00026

Responsible Officer: Warwick Winn - General Manager

Attachments:

1. 22/116 Attachment
2. 23/36 Motion Attachment 1
3. 23/36 Motion Attachment 2
4. 23/87 Motion Attachment
5. 23/113 Motion Attachment 1
6. 23/113 Motion Attachment 2

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 purpose of this report is to provide an update on responses Council has received in relation to six advocacy letters sent to Ministers and NSW and Australian Government agencies on six matters resolved by Council since May 2022. A report was provided to Council at the [Ordinary Council Meeting 8 November 2022](#) describing responses received on advocacy issues since the start of this Council term.

Since the last report to Council on 8 November 2022, Council has received six responses to four of the advocacy issues Council has pursued. These are:

- NOM22/10 Advocacy for housing construction workers
- MR23/002 Emergency Services Levy
- NOM23/002 Upgrades to Evacuation Centres
- NOM23/004 Advocacy to NSW Government to amend the *Companion Animals Act 1998* regarding pet cat containment.

Follow up letters have been sent to the Ministers who have not yet provided a response.

RECOMMENDATION

THAT Council receive and note the responses received to date from Ministers and NSW and Australian Government agencies on points of advocacy resolved by Council.

BACKGROUND

At the Council Meeting on 13 September 2022, Councillor Alison Worthington moved the following motion:

22/246 MOTION *Councillor Worthington/Councillor Diskon*

THAT Council publishes/tables all responses from Ministers and state and federal government agencies to advocacy letters from council in the business papers of the next available council meeting.

GMR24/008 RESPONSES FROM MINISTERS TO ADVOCACY LETTERS

S012-T00026

There have been six occasions since May 2022 where Council has resolved to advocate to Ministers and NSW and Australian Government agencies. To date, Council has received six responses to four of the advocacy issues that Council has addressed.

CONSIDERATIONS

The table below provides the agenda item, Council resolution and responses received (attached) to date:

Agenda item	Resolution	Response received	Attachment
NOM22/010 Advocacy for housing construction workers	<p>22/116 MOTION Councillor Pollock OAM/Councillor Worthington</p> <p>THAT Council:</p> <ol style="list-style-type: none"> 1. Undertake targeted advocacy to the NSW Government for significant infrastructure investment projects - namely the Moruya Bypass, and the Eurobodalla Regional Hospital - to urgently develop and implement funded strategies for the construction of housing to meet the needs of construction workers and the potential to provide long term housing supply. 2. Seek the support of the Land and Housing Corporation, Southern Cross Housing and LGNSW in the delivery of the advocacy. 3. Direct the advocacy to the following NSW Government members, via letter from the Mayor and seeking a meeting with Council: <ul style="list-style-type: none"> • NSW Premier, the Hon. Dominic Perrottet MP. • NSW Minister for Homes Anthony Roberts MP. • NSW Minister for Families and Communities the Hon. Natasha Maclaren Jones MP. • NSW Minister for Health, the Hon. Brad Hazzard MP. • NSW Minister for Regional Transport and Roads, the Hon. Sam Faraway MP. • NSW Minister for Regional NSW the Hon. Paul Toole MP. • NSW Minister for Tourism and Sport the Hon. Stuart Ayres MP. • State member for Bega the Hon. Michael Holland MP. 	Yes	1

GMR24/008 RESPONSES FROM MINISTERS TO ADVOCACY LETTERS

S012-T00026

Agenda item	Resolution	Response received	Attachment
MR23/002 Emergency Services Levy	<p>23/36 MOTION Councillor Hatcher/Councillor Worthington</p> <p>THAT:</p> <ol style="list-style-type: none"> That Council advocate to the NSW Premier, relevant ministers and the Member for Bega to reinstate the Emergency Services Levy subsidy for 2023-24 to support local councils in meeting their contribution to the Emergency Services Levy. That in its representations, Council lends its support to Local Government NSW, who are lobbying the government to: <ol style="list-style-type: none"> restore the subsidy for 2023-24 unshackle this payment from council rates develop a fairer, more transparent and financially sustainable method of funding the critically important emergency services that benefit us all. That Council write to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023-24 rate increase which has resulted in additional financial stress. That Council advocate for the NSW Government to fund Local Emergency Management Officer roles across the state and seek the support of peak bodies including LGNSW and the Canberra Regional Joint Organisation in doing so. 	Yes	2 3
NOM23/002 Upgrades to Evacuation Centres	<p>23/87 MOTION Councillor Mayne/Councillor Schutz</p> <p>THAT:</p> <ol style="list-style-type: none"> Council continues to advocate with relevant State Agencies for ensuring emergency preparedness. Council writes to the NSW Government requesting upgrading of the Council facilities used for evacuation centres in the 3 major towns, to ensure that they have appropriate infrastructure (air conditioning etc.) and generators to service the facilities in the case of an emergency. Council work with local communities and the responsible State Agencies to ensure all relevant 	Yes	4

GMR24/008 RESPONSES FROM MINISTERS TO ADVOCACY LETTERS

S012-T00026

Agenda item	Resolution	Response received	Attachment
	emergency signage is clear and appropriate and prepare a council communications strategy for times of crisis in natural disaster.		
NOM23/004 Advocacy to NSW Government to amend the Companion Animals Act 1998 regarding pet cat containment	<p>23/113 AMENDMENT Councillor Worthington/ Councillor Mayne</p> <p>THAT:</p> <ol style="list-style-type: none"> 1. Council notes that: <ol style="list-style-type: none"> a) Eurobodalla Shire Council resolved in 2022 to advocate to the former NSW Government to amend the Companion Animals Act 1998 to introduce legislation that enables councils to implement 24/7 cat containment in their jurisdictions. b) The Local Government Association of NSW supports 'Amendments to legislation to enable councils to more effectively manage the nuisance effects of cats on residents and wildlife, including streamlining the process of animal registration and limiting the roaming of cats beyond their owner's property.' c) Unlike in other states and territories, the NSW Companion Animals Act 1998 does not currently allow local councils the flexibility to introduce cat containment policies, in consultation with the local community, that meet the specific needs of their area and protect local wildlife. 2. Council write to the Minister and Shadow Ministers for Local Government, Environment and Animal Welfare and our local Member of Parliament Dr Michael Holland, drawing their attention to this motion and calling for: <ol style="list-style-type: none"> i. Changes to the Companion Animals Act 1998 to bring NSW into line with other states and territories by allowing local government to introduce cat containment policies in consultation with the local community that meet the specific needs of their area and community, including phase-in periods, selection of areas within the LGA to which the policy applies, monitoring frameworks and resource allocation. ii. The establishment of a \$9 million three-year 	Yes	5 6 - Response from Minister for Agriculture refers to (3.) LGNSW Conference resolution.

GMR24/008 RESPONSES FROM MINISTERS TO ADVOCACY LETTERS

S012-T00026

Agenda item	Resolution	Response received	Attachment
	<p>state-wide grant program to support councils to implement domestic cat containment policies and associated responsible cat ownership programs to increase containment, desexing, identification and registration.</p> <p>iii. Implementation of a state-wide 'Safe cat, safe wildlife' campaign that includes the development of a central, state-wide online platform, in consultation with councils, relevant agencies and animal welfare bodies to make responsible pet ownership information easily accessible.</p> <p>3. Council submit this motion to the LGNSW Annual Conference.</p>		
<p>MR23/006</p> <p>Batemans Bay pontoon modifications to accommodate passenger-carrying seaplanes</p>	<p>23/136 MOTION Councillor Hatcher/Councillor Schutz</p> <p>THAT Council:</p> <ol style="list-style-type: none"> 1. Supports urgent modifications to Batemans Bay pontoon that will allow 15-seat seaplanes to use the facility. 2. Advise the Minister for Transport, Transport for NSW, the Member for Bega, and other relevant parties of Council's support, noting the potential economic benefit for the region. 3. Thank the Batemans Bay Business Chamber for their efforts and confirm Council's formal support and advocacy for the modifications. 	<p>Awaiting response, followed up on 28 June 2024.</p>	
<p>MR24/001</p> <p>Eurobodalla Regional Hospital</p>	<p>24/36 MOTION Councillor Hatcher/Councillor Harrison</p> <p>THAT Council:</p> <ol style="list-style-type: none"> 1. Advocate to the NSW Government to prioritise construction of the Moruya Bypass to provide direct and efficient access to the hospital from the north of the shire. 2. Advocate to the NSW Government for increased ambulance services in the north of the shire to coincide with the opening of the new Eurobodalla Regional Hospital. 3. Advocate to the Australian Government to extend opening hours of the Batemans Bay Urgent Care Clinic to 24/7 to coincide with 	<p>Awaiting response.</p>	

GMR24/008 RESPONSES FROM MINISTERS TO ADVOCACY LETTERS

S012-T00026

Agenda item	Resolution	Response received	Attachment
	<p>the opening of the new Eurobodalla Regional Hospital.</p> <p>4. Request the NSW Government reassess the need for the emergency department at Batemans Bay Hospital in light of demographic change and uncertainty around construction of the Moruya bypass.</p>		

Council will continue to report responses from advocacy efforts when they are received.

Follow up letters have been sent to the Ministers who have not yet provided a response.

CONCLUSION

Council has resolved to write to various state and federal ministers on points of advocacy for our shire. The responses Council has received to date are provided as attachments to this report.



Ref: SGM24/5257
21 June 2024

Mr Gary Bruce
Acting Director Planning and Environment
Eurobodalla Shire Council
PO Box 99
MOURUYA NSW 2537

Sent via email: council@esc.nsw.gov.au

Re: Land for Key Worker Housing in the Eurobodalla Shire

Dear Mr Bruce,

Thank you for your letter of 29 May 2024 requesting Homes NSW to partner to develop key worker housing in Broulee, Eurobodalla Shire.

The NSW Government acknowledges that NSW is in a housing and rental crisis, and more affordable housing is needed.

I share Council's commitment to working in partnership to deliver more affordable homes so workers can live closer to where they work.

Our team has reviewed the site Council has suggested could be used for key worker housing. In our opinion it is unsuitable for government-delivered key worker, social or affordable housing.

The two main reasons are:

- the site is heavily vegetated and appears prone to bushfire, and
- the site offers limited yield in terms of the number of homes that could be generated on the site.

Maximising the yield of homes in our developments is critical to ensure that they are financially viable over the long term.

I'm sorry that this may not be the answer you were hoping for.

I understand Homes NSW's Delivery South team is working with Council to finalise a Collaboration Agreement. The agreement will grow the portfolio of 'fit for purpose' high-standard housing, to better meet the housing needs of the local community within the Eurobodalla LGA.

My team are available to explore other alternative sites within your local government area. This may include:

GMR24/008 RESPONSES FROM MINISTERS TO ADVOCACY LETTERS

ATTACHMENT 1 22/116 ATTACHMENT

- Support Council to develop the land into housing, in partnership with an Aboriginal or mainstream community housing providers
- Redevelopment of Homes NSW property. We currently own 460 social homes in the Eurobodalla LGA. We have active projects underway in Moruya to deliver up to a further 29 general social housing units. Homes NSW has additional sites in Batemans Bay which are also under consideration for future development.
- Joint ventures in relation to new Key Worker Housing for police and teacher housing. We are currently investigating options to expand housing availability to more worker types and locations.

I look forward to finalising and working closely with Council under the Collaboration Agreement and open to assess and review other potential sites suitable for affordable, social, and key worker housing. This includes sites that may be owned by Council.

By working together, we can maximise the amount of housing available for the local community.

If you would like to discuss this proposal, please contact Peter Brackenreg, Executive Director Delivery South at peter.brackenreg@homes.nsw.gov.au.

Thank you again for getting in touch.

Sincerely,



Rebecca Pinkstone
Chief Executive Officer
Homes NSW

The Hon. Ron Hoenig MP

Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government



Your Ref: S004-T00063
Our Ref: A866797

His Worship the Mayor
Cr Mathew Hatcher
Eurobodalla Shire Council
PO Box 99
MORUYA NSW 2537

via email: council@esc.nsw.gov.au

Dear Mayor,

Thank you for your letter of 19 June 2023 about Eurobodalla Shire Council's objection to the NSW Government discontinuing its subsidy toward the 2023/24 Emergency Services Levy contributions. I apologise for the delay in responding.

I acknowledge Council's concerns about its financial sustainability and I appreciate you sharing your views on this matter.

While I note Council's position, tough budgetary decisions are being taken across the NSW government sector to ensure the financial sustainability of NSW and to provide priority services and infrastructure to communities and councils.

Council emergency services contributions have not risen since 2019-20 because of the annual ad-hoc subsidy by the former Government. However, at the same time the costs of emergency services has risen significantly. This situation is unsustainable in the current fiscal climate. Due to pressures on the NSW Budget and the lack of funding made available in the forward estimates, the NSW Government is not able to apply a subsidy to council contributions this financial year.

NSW emergency services agencies including Fire and Rescue NSW, NSW Rural Fire Service and the NSW State Emergency Service have long been funded through a three-way cost-sharing arrangement. Local government contributions to the cost of emergency services date back to the 1800s. These costs are a shared responsibility, and we all need to do our part to ensure communities get the services they deserve.

Please be assured that the newly elected NSW Government and the Office of Local Government are committed to supporting the financial capabilities of all local councils across NSW. We have a commitment to implement a review of financial modelling for councils to address concerns about resources and the increasing cost burdens on councils and their residents. The NSW Government is committed to working with the sector to address the financial sustainability of councils into the future.

I will continue to advocate on behalf of all NSW local councils for continued financial support to assist with their operational functions.

Yours sincerely,



The Hon. Ron Hoenig MP
Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government

cc: The Hon. Jihad Dib MP, Minister for Emergency Services



Our reference: 23/266

Contact Sheridan Rapmund
T (02) 9290 8430
E Sheridan_Rapmund@ipart.nsw.gov.au

20 June 2023

Cr Mathew Hatcher, Mayor
Eurobodalla Shire Council
89 Vulcan Street
Moruya NSW 2537

via email – stephanie.speedy@esc.nsw.gov.au

Dear Cr Hatcher,

The Emergency Services Levy

Thank you for your recent letter highlighting the issues facing your council and the broader local government sector following the cessation of subsidies from the NSW Government for council contributions to the Emergency Services Levy (ESL).

We understand that this places pressure on councils' budgets for the upcoming financial year, especially as increases in ESL contributions have not been factored into the rate peg since the NSW Government began subsidising the increases.

As the rate peg for 2023-24 used IPART's current methodology, basing changes in the ESL costs on the year 2022-23, this meant ratepayers did not have to pay for increases in ESL through their rates. However, with the removal of the subsidy there will be changes in ESL costs that were not included in the calculation of some previous rate pegs and a need to include ESL changes in future rate pegs.

IPART is currently considering options for addressing these issues and will be in touch with councils to seek information.

As you would be aware, IPART is also currently undertaking a [review of the rate peg methodology](#). As part of this review, we are considering ways we can improve the rate peg methodology to more closely reflect changes in ESL costs.

Throughout this review, we have consulted extensively with councils and other stakeholders on a number of issues, including council contributions to the ESL. We have heard from stakeholders about the importance of developing an appropriate mechanism to capture councils' ESL contributions in the rate peg methodology.

We have now released our Draft Report on our review of the rate peg methodology. We have made a draft decision to include a separate council specific adjustment factor for the ESL. The factor would reflect the change in individual council's ESL contributions. This would apply for all councils for which we have access to accurate and timely information on their individual annual ESL contribution. We have heard that some council's may enter cost sharing arrangements for the ESL and may what they actually pay may be different to their ESL invoice. For further information on our Draft decision please refer our website.

We encourage all interested stakeholders to make a submission to our Draft Report. We will also be providing opportunities for further consultation by holding a public hearing to enable stakeholders to express their views and concerns.

Our rate peg review team would like to contact an appropriate representative from the council to discuss its ESL contributions. In particular, we'd like to discuss:

- Whether your council and others in the same rural fire district have a zone/district agreement (or any other arrangements) in place to share the costs of the rural fire service (RFS) component of the ESL contribution that is billed to councils by Revenue NSW.
- If such arrangements exist, how are zone/district agreements or arrangements established, how do they work and what do these arrangements cover (including whether they cover matters other than RFS contributions)?
- Are there any cost sharing arrangements between councils that apply to the Fire and Rescue NSW and State Emergency Service components of the ESL bills received from Revenue NSW?

We will work with stakeholders to develop an appropriate mechanism to capture councils' ESL contributions in the rate peg methodology going forward.

IPART's contact officer for this matter is Sheridan Rapmund, Director – Pricing and Policy, contactable on (02) 9290 8430.

Yours sincerely

20/06/2023

X



Signed by: Carmel Donnelly

Carmel Donnelly PSM
Chair

The Hon Rose Jackson MLC

Minister for Water, Minister for Housing,
Minister for Homelessness
Minister for Mental Health, Minister for Youth,
Minister for the North Coast



Ref: EAP23/11716

Mr Mathew Hatcher
Mayor
Eurobodalla Shire Council
PO Box 99
MORUYA NSW 2537

By email: council@eurocoast.nsw.gov.au

Dear Mayor *Mathew*

Thank you for your letter dated 13 September 2023 to the Minister for Emergency Services, the Hon Jihad Dib, MP. This matter was forwarded to my office for response as the management of evacuation centres in NSW is part of my portfolio responsibility, managed by the Department of Communities and Justice through the Welfare Services Functional Area.

Standards and requirements for evacuation centres are outlined in the *NSW Evacuation Management Guidelines*. These guidelines include an audit and checklist guide for facilities that should be conducted by the Local Emergency Management Committee (LEMC) which is chaired by the relevant Council's General Manager. A copy of the Evacuation Centre Audit document has been attached for your convenience.

The LEMC is responsible for the selection of facilities and ensuring they meet audit requirements. Facilities do not have to be publicly owned, and arrangements can be made with private operators of suitable facilities should the LEMC wish to do so.

The Department of Communities and Justice (DCJ) provides management for an evacuation centre when it is activated by the local emergency controller or relevant combat agency. DCJ does not directly fund evacuation centre facility upgrades, however facility operators can access NSW and Commonwealth Government grants for capital works related to the facility's usual use.

If you would like more information, please contact Samantha Colwell, A/Executive Director Disaster Welfare Services, on 0408 901 850 or email at Samantha.Colwell@dcj.nsw.gov.au.

Yours sincerely

Handwritten signature of Rose Jackson

Rose Jackson MLC

Minister for Water, Minister for Housing, Minister for Homelessness
Minister for Mental Health, Minister for Youth, Minister for the North Coast

Date: *11.10.23*

Encl: Evacuation Centre Audit Document

Handwritten note:
Thanks so much Mathew -
have a look at the
audit document and get
back in touch again
if you wish to
discuss further. Very
happy to engage
with you on this
R.

OFFICIAL

Parliament of New South Wales
Legislative Assembly



Dr. Michael Holland MP
Member for Bega

5 July 2024

The Hon Penny Sharpe MLC
Minister for the Environment

Dear Minister Sharpe

I write making representations on behalf the Eurobodalla Shire Council, in my electorate of Bega.

Mayor Mathew Hatcher has contacted my office to raise the Council's concern about cat containment and to advise of the Council's desire to enforce stricter control of wandering cats.

The Eurobodalla Shire Council is seeking an amendment to the *Companion Animals Act 1988* to enable councils to implement 24/7 cat containment policies in their jurisdictions.

I have included correspondence from Mayor Hatcher detailing Council's resolution adopted at their meeting on 19 September 2023. I ask that you investigate the Council's request and provide a response at your earliest convenience.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Holland'.

Dr Michael Holland MP
Member for Bega

Encl.
cc: Mayor Mathew Hatcher, Eurobodalla Shire Council

The Hon Tara Moriarty MLC

Minister for Agriculture
Minister for Regional New South Wales
Minister for Western New South Wales



Ref: MF24/1286
Your Ref: R23/0022

Cr Darriea Turley
President
Local Government NSW

executive.assistant@lgnsw.org.au

Re: Annual conference resolutions - safe cat, safe wildlife, and non-lethal dingo management

Dear Cr Turley,

I refer to your letter to the Hon. Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment and Minister for Heritage regarding resolutions on issues raised at the 2023 Local Government NSW Annual Conference. Part of your correspondence has been referred to me it falls within my portfolio responsibility.

Resolution 116 – Tweed Shire Council – Safe cat, safe wildlife

Local Land Services is not responsible for enforcement or compliance under the *Companion Animals Act 1998* and associated Companion Animals Regulation 2018.

Management or resolution of the issues raised in this resolution are the responsibility of Local Government, such as the *Companions Animals Act 1998*. I have referred this resolution to the Minister for Local Government for a response.

Local Land Services are responsible for the preparation of the Regional Strategic Pest Animal Management Plan (RSPAMP) and for providing technical advice on control options for many pest animals including feral cats. Additionally, the RSPAMPs identify opportunities for Local Land Services to support land managers when undertaking feral cat control programs.

Feral cats are identified as a priority pest in all 11 Local Land Services regions in NSW.

The NSW Government is working with state and commonwealth governments to find more effective broad-scale controls for cats and with local governments to promote responsible cat ownership in their communities to ensure domestic cats do not contribute to the feral cat problem.

Under the *Biosecurity Act 2015*, all land managers have a legal obligation to control priority pests as outlined in their RSPAMP on their respective lands. This primarily involves asset-based protection, aiming to minimise the impacts cats can have on identified assets

Resolution 117 – Byron Shire Council – Non-lethal dingo management

In both the NSW Wild Dog Management Strategy and National Wild Dog Action Plan, the term 'wild dog' refers to all wild-living dogs (*Canis familiaris*) and includes dingoes, feral domestic dogs and the hybrid descendants of these. There is considerable interest in dingo conservation in Australia, including concerns about their genetic integrity and preserving their ecological roles.

Both the NSW Wild Dog Management Strategy and the National Wild Dog Action Plan promote a balance between managing wild dogs in areas where they have negative impacts and preserving their ecological roles in designated conservation areas.

I have attached further information on NSW Wild Dog Management Strategy and National Wild Dog Action Plan for your information.

Under the Biosecurity Act 2015, all land managers have a legal obligation to control priority pests as outlined in their Regional Strategic Pest Animal Management Plan (RSPAMP) on their respective lands. Across all 11 RSPAMPs, feral cats and wild dogs are consistently ranked as priority pest species. Beyond identification, these plans also delineate specific control strategies, such as trapping or ground shooting, for managing priority species.

The primary objective of the RSPAMP concerning feral cat and wild dog populations is asset-based protection, aiming to minimize the impacts they can have on identified assets.

Local Land Services acknowledges that biosecurity is a shared responsibility and actively supports land managers by enhancing their capacity to manage vertebrate pests. This support includes educational initiatives and advice for control tools.

At present, the available controls for feral cats and wild dogs include:

- **Ground Shooting:** Utilizing ground shooting as a method to manage feral cat and wild dog populations.
- **Trapping:** Implementing trapping techniques to capture and control feral cats and wild dog.
- **Exclusion Fencing (non-lethal):** Establishing exclusion fencing to limit the movement and access of feral cats and wild dog in specific areas.
- **Baiting (Wild dogs):** Undertaking coordinated baiting programs to reduce wild dog populations and impacts on identified assets.

I trust this is of assistance, however, I have asked Mr Jake Tanner, Principal Program Manager Biosecurity to be available to answer any further questions you may have. Mr Turner can be contacted on 0438 673 722 or by email at jake.tanner@lls.nsw.gov.au.

Yours sincerely,

Tara Moriarty MLC
Minister for Agriculture
Minister for Regional New South Wales
Minister for Western New South Wales

14 / 6 /2024

Encl: NSW Wild Dog Management Strategy 2022-2027 and National Wild Dog Action Plan 2020-2030

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PSR24/015 EUROBODALLA HERITAGE STRATEGY 2024-2028

S017-T00007

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 1. Under Separate Cover - Eurobodalla Heritage Strategy 2024 – 2028
2. Confidential - Submission

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

Community Strategy: 2.1 Acknowledge our beginnings, embrace our diversity

Delivery Program Link: 2.1.2 Manage and promote our natural, cultural and historical heritage identity guided by the Heritage Strategy

Operational Plan Link: 2.1.2.1 Coordinate the Heritage Advisory Committee and provide heritage advice

EXECUTIVE SUMMARY

This report seeks Council's adoption of the Eurobodalla Heritage Strategy 2024 -2028.

At the ordinary meeting of Council on Tuesday 21 May 2024, Council endorsed the public exhibition of the Heritage Strategy. The Strategy was then placed on public exhibition until Wednesday 19 June 2024.

During public exhibition one submission was received.

The Strategy will guide the Heritage Committee's direction and enable staff to focus on heritage conservation and management in the Eurobodalla Shire. The Strategy was developed in line with Heritage NSW guidelines.

The adoption of the Strategy is required by the Heritage NSW as a condition for the continuation of grant funding to support heritage management in the Eurobodalla Shire.

The Strategy outlines seven key pillars with 32 actions.

A copy of the draft Eurobodalla Heritage Strategy and the submission for Council's consideration is attached to this report.

RECOMMENDATION

THAT Council:

1. Adopt the Eurobodalla Heritage Strategy 2024 - 2028.
2. Following the adoption of the Eurobodalla Heritage Strategy, the Strategy be forwarded to Heritage NSW as a condition for the continuation of grant funding requirements.

BACKGROUND

Council has conducted a successful heritage program over the last 27 years. As part of this program, the Strategy is reviewed every five years or with the election of a new Council.

CONSIDERATIONS

The staff, in consultation with the Committee, have reviewed the existing Heritage Strategy. The updated strategy outlines seven pillars for the heritage work in the Council.

The seven focal points are:

PSR24/015 EUROBODALLA HERITAGE STRATEGY 2024-2028

**S017-
T00007**

1. Identification and listing of heritage items, which includes removing items from current lists when they are no longer relevant
2. Providing a Heritage Advisory Service. The services are currently offered by a heritage architect and partly funded by the NSW Government
3. Manage local heritage. There are now six State-significant items on the list; the newest item is All Saints Church in Bodalla
4. Local Heritage Grants Program. Provide and manage a small grants scheme partly funded by the NSW Government
5. Run promotional programs for tourism and provide educational services throughout the shire
6. Manage Council-owned heritage places.

The strategy includes 32 actions divided between each of the focus areas.

Legal

Adoption of the draft Heritage Strategy is a requirement of Council's funding agreement with the Heritage Division, NSW Office for Environment and Heritage.

The responsibility for managing and regulating cultural heritage in NSW is split between the State and Local Governments.

Local government is responsible for local heritage through environmental planning instruments, heritage advisory services and community engagement.

Policy

The draft Heritage Strategy aligns with the aspirations in Council's Community Strategy Plan (the Plan) to value local heritage. The Heritage Strategy articulates how Council meets its statutory and community responsibilities while meeting the Plan's goals to respect our heritage and unique culture, acknowledging our beginnings and embracing our diversity.

Environmental

There are no specific environmental implications of the Strategy other than contributing to the conservation of the built and natural environment.

Asset

The Strategy helps guide the management of Council owned and/or operated heritage assets. It should also be highlighted that the Eurobodalla Shire has six State-significant heritage items.

Social Impact

Heritage will be valued and enjoyed by the community.

Economic Development Employment Potential

Employment and economic activity are enabled through the Local Heritage Places Grants program which supports the owners of local heritage to employ local tradespeople to conduct conservation works on their heritage items.

PSR24/015 EUROBODALLA HERITAGE STRATEGY 2024-2028

**S017-
T00007**

Financial

Council contributes \$14,000 per annum towards a Heritage Advisor to provide professional heritage advice to inform decision-making by staff and owners of heritage items in order to best manage, conserve and protect shared cultural heritage in Eurobodalla. Heritage NSW also contributes \$6,000 per annum for the Heritage Advisor.

Council contributes \$7,000 per annum towards a Museum Advisory Service. Museum and Galleries NSW also contributes \$7,000 per annum to this service.

Council contributes \$19,000 per annum towards a Local Heritage Grants fund to support the conservation and maintenance of heritage items. Heritage NSW also contributes \$6,500 per annum to this fund.

Community and Stakeholder Engagement

On Tuesday 21st May 2024, Council endorsed the public exhibition of the Strategy, and the Strategy was then placed on public exhibition until Wednesday 19th June 2024.

The Strategy was available on Council website. Hard copies were available at Council's customer service office at Moruya, and at our Batemans Bay, Moruya and Narooma libraries.

During public exhibition one submission was received. The submission was in support and agreement of the sentiments of the strategy with the recommendation for Battery Track on Gulaga Mountain be conserved and added to the Eurobodalla Local Environment Plan 2012.

Gulaga Mountain is under Nationals Parks and Wildlife's jurisdiction and Council staff will contact National Parks staff to relay the issues in the submission.

The Heritage Advisory Committee has been involved in the development of the draft Heritage Strategy. A number of workshops were held to facilitate the review by the Committee.

CONCLUSION

It is recommended that Council adopt the Eurobodalla Heritage Strategy 2024 – 2028.

Following the adoption of the Eurobodalla Heritage Strategy, the Strategy be forwarded to Heritage NSW as a condition for the continuation of grant funding requirements.

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**FCS24/023 EUROBODALLA REGIONAL HOSPITAL SITE WATER SUPPLY AND
SEWER SCHEME EASEMENTS**

**S023-
T00001**

Responsible Officer: Jacqueline Sullivan - Acting Director of Finance and Corporate Services

Attachments: 1. Confidential - Eurobodalla Regional Hospital

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, guided by the finance strategy

EXECUTIVE SUMMARY

The purpose of this report is to advise councillors of the proposed creation of easements for water and sewer purposes for the Eurobodalla Regional Hospital site.

In 2024, Council will be undertaking works to service the Eurobodalla Regional Hospital. These works include construction of a new pump station SPS MO22, new gravity sewer mains and a new sewage rising main from the new pump station site to an existing pump station, together with new water mains.

The alignment of the new sewer and water mains will go through properties adjacent to the new pump station:

- Sewage rising main 4m wide easement through Lot 1 DP 125321 and Lot 80 DP 613376.
- Gravity sewer main 4m wide easement through Lot 8 DP 1212271, Lot 1 DP 1281576 and Lot 2 DP 1281576.
- Construction of a new water main 4m wide easement through Lot 8 DP 1212271 and Lot 1 DP 1281576.

Acquisition of an interest in land for creation of easements for the proposed pipelines is advisable to ensure access for construction and maintenance. Easements are not required for pipelines that are within road reserves.

RECOMMENDATION

THAT:

1. Council approve the acquisition of interest in land for creation of easements for water and sewer infrastructure within properties Lot 1 DP 1281576, Lot 1 DP 125321, Lot 8 DP 1212271, Lot 2 DP 1281576 and Lot 80 DP 613376.
2. All necessary actions be taken for the easement acquisitions within properties Lot 1 DP 1281576, Lot 1 DP 125321, Lot 8 DP 1212271, Lot 2 DP 1281576 and Lot 80 DP 613376 in accordance with Council's *Land Management – Acquisition, Disposal and Leasing/Licensing Policy*.
3. If the acquisition of interest in land for easements within Lot 1 DP 1281576, Lot 1 DP 125321, Lot 8 DP 1212271, Lot 2 DP 1281576 and Lot 80 DP 613376 cannot be negotiated by agreement, Council can make application to the Minister for Local Government and

**FCS24/023 EUROBODALLA REGIONAL HOSPITAL SITE WATER SUPPLY AND
SEWER SCHEME EASEMENTS**

**S023-
T00001**

the Governor to acquire those easements by compulsory process in accordance with Council's power under *section 187 of the Local Government Act 1993*.

4. All survey and reasonable legal costs associated with the easement acquisitions be borne by Council.
5. The General Manager be given delegated authority to execute all necessary documentation associated with the acquisition of interest in land for easements.

BACKGROUND

At the Ordinary Meeting of Council on 21 May 2024, Council's Infrastructure team recommended the engagement of the preferred tenderer for the Moruya Sewer Servicing Works for the new Eurobodalla Regional Hospital.

The works will be supported within the existing water and sewer fund capital budget and water and sewer fund reserves, in conjunction with a financial contribution from the Health Administration Corporation through its Health Infrastructure division.

The total cost of the water and sewer project is estimated to be \$10.4m, this includes the contract itself, administration support from Public Works and all associated works.

CONSIDERATIONS

Sketch of the area is set out below:

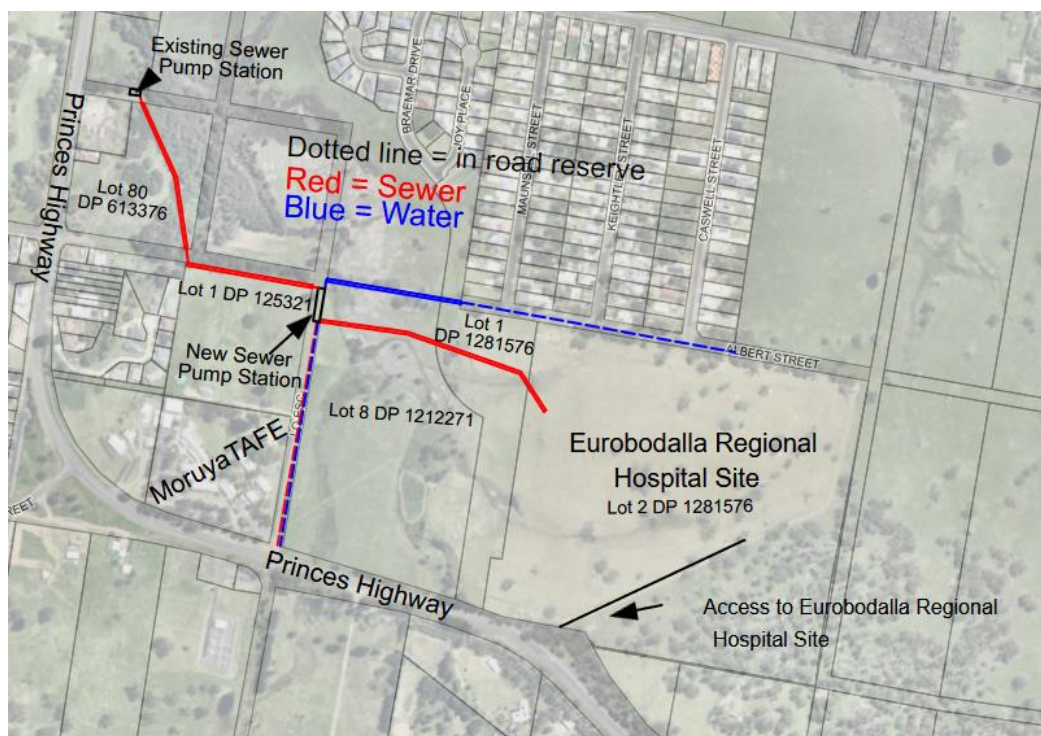


Diagram of proposed easements (indicative)

Legal

Acquisition of the interests in the land for easements over property within Lot 1 DP 1281576, Lot 1 DP 125321, Lot 8 DP 1212271, Lot 2 DP 1281576 and Lot 80 DP 613376, will be in

**FCS24/023 EUROBODALLA REGIONAL HOSPITAL SITE WATER SUPPLY AND
SEWER SCHEME EASEMENTS**

**S023-
T00001**

accordance with the provisions of the *Local Government Act 1993* and *Land Acquisition (Just Terms Compensation) Act 1991*.

If the acquisition of the easements within the land cannot be negotiated by agreement, Council can under section 187 *Local Government Act 1993* acquire the interest in the land by compulsory process. Should the acquisition proceed by way of compulsory process Council must obtain consent from the Minister for Local Government and Governor.

[LG Act sec186](#)

[LG Act sec187](#)

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

Policy

Acquisition for water and sewer easements within private properties being Lot 1 DP 1281576, Lot 1 DP 125321, Lot 8 DP 1212271, Lot 2 DP 1281576 and Lot 80 DP 613376 are advisable and will be undertaken in accordance with Council's *Land Management – Acquisition, Disposal and Leasing/Licensing Policy*.

[Land-Management-Acquisition-Disposal-and-Leasing-Licensing-Policy-final-for-adoption.pdf \(nsw.gov.au\)](#)

Asset

The easement will ensure access by Council to construct and maintain the water and sewer infrastructure.

Financial

Compensation for the easements will be determined following valuations by registered valuers. Together with compensation, Council will be responsible for costs associated with the acquisition including survey and legal fees, and the landowners' reasonable legal costs.

Community and Stakeholder Engagement

Council has been in contact with the landowners of Lot 80 DP 613376, Lot 1 DP 125321, Lot 8 DP 1212271, Lot 1 DP 1281576 and Lot 2 DP 1281576 in relation to the easements. Those discussions are ongoing.

Landowners' details are set out in the confidential attachment.

CONCLUSION

This report recommends the acquisition of interests in land for water and sewer easements within properties Lot 1 DP 1281576, Lot 1 DP 125321, Lot 8 DP 1212271, Lot 2 DP 1281576 and Lot 80 DP 613376 to service the Eurobodalla Regional Hospital.

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**FCS24/024 CLASSIFICATION OF LAND TO OPERATIONAL - PART 2876 PRINCES
HIGHWAY MORUYA**

**S023-
T00001**

Responsible Officer: Jacqueline Sullivan - Acting 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: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.1 Undertake strategic management of Council's operational land portfolio, guided by the finance strategy

EXECUTIVE SUMMARY

The purpose of this report is to recommend land be classified as operational land.

The land to be classified is Lot 10 DP 1293843.

In accordance with the provisions of the *Local Government Act 1993*, public notice was given of Council's intention to classify the land as operational land from 30 April to 29 May 2024. No submissions were received.

RECOMMENDATION

THAT Lot 10 DP 1293843 be classified as operational land.

BACKGROUND

At its Ordinary Meeting of 11 October 2022 Council resolved to purchase land for the Eurobodalla Regional Collocated Emergency Services Precinct and that public notice be given of Council's intention to resolve that the land be classified as operational land. (Minute No: 22/275). This report is only in regard to classification of the land as operational land.

Council now owns Lot 10 DP 1293843, Princes Highway, Moruya (formerly known as part Lot 1 DP 784401).

The Minute 22/275 in part states:

Public notice be given of Council's intention to resolve that the land when acquired becomes operational land and that:

(a) A period of 28 days is given for members of the public to make submissions in relation to the proposed operational land and;

(b) A further report be presented following the acquisition to classify the land.

**FCS24/024 CLASSIFICATION OF LAND TO OPERATIONAL - PART 2876 PRINCES
HIGHWAY MORUYA**

**S023-
T00001**

CONSIDERATIONS



Land purchased bordered in red.

Legal

All land owned by Council must be classified as either community or operational land.

In accordance with *Section 34* of the *Local Government Act 1993*, public notice was given of Council's intention to classify the land as operational land and 28 days have been allowed for submissions. No submissions were received.

Under *Section 31* of the *Local Government Act 1993*, Council may now resolve to classify the land as operational.

[LG Act sec34](#)

[LG Act sec31](#)

Policy

The land acquisition took place in accordance with Council's Land Management - Acquisition Disposal and Leasing Licensing Policy.

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

FCS24/024	CLASSIFICATION OF LAND TO OPERATIONAL - PART 2876 PRINCES HIGHWAY MORUYA	S023- T00001
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Financial

There are no financial costs involved in the classification of land which this report covers.

Community and Stakeholder Engagement

The community was informed of Council’s intention to classify the land as operational land by public notification with a 28 day period for submissions from 30 April to 29 May 2024. No submissions were received.

CONCLUSION

This report recommends that Lot 10 DP 1293843 be classified as operational land.

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FCS24/025 ROAD CLOSURE, PART JOHN STREET, MORUYA

**S023-
T00023**

Responsible Officer: Jacqueline Sullivan - Acting Director of Finance and Corporate Services

Attachments: 1. Confidential - Landowner details
2. Confidential - Submission

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, guided by the finance strategy

EXECUTIVE SUMMARY

An application has been received from the landowner of Lots 3 and 4 in DP 1181856 to close part of the unformed road reserve adjoining the properties to enable its sale. On closure, the newly created lot will be vested to Council as operational land that enables Council to then sell the land.

The applicant will be required to pay Council for the newly created lot following road closure and for his own legal costs.

The proposed road closure and transfer will take place in accordance with Council's *Land Management – Acquisition, Disposal and Leasing/Licensing Policy*.

The landowner's details are provided in the confidential attachments.

Public notification occurred between 20 February to 18 March 2024. One submission was received and is provided in the confidential attachments.

RECOMMENDATION

THAT:

1. Council approves the road closure and sale of part John Street, Moruya.
2. Once closed and vested in Council, the former segment of unformed road reserve adjacent to John Street, Moruya be sold to the adjoining landowner on payment of agreed value.
3. An agreement be entered into with the landowner of Lots 3 and 4 DP 1181856 for the closure and sale of that part of John Street adjacent to this property, and to consolidate the newly created lot with the adjoining property.
4. The General Manager be given delegated authority to execute all necessary documentation.

BACKGROUND

The landowner of Lots 3 and 4 in DP 1181856 has applied to close and purchase part of the unformed road reserve at John Street adjoining his property.

FCS24/025 ROAD CLOSURE, PART JOHN STREET, MORUYA

S023-T00023

The road reserve known as John Street, Moruya is unformed, and there is no future need for the part of the unformed road proposed to be sold by Council. It is proposed to close part of the road reserve to create a new lot to be sold and subsequently consolidated with the landowner's property.

Subject to final survey, the area of road reserve proposed to be closed is approximately 935sqm with approximately 765sqm being the remaining part of the road reserve.

Public access along the remaining part of the road reserve is to be maintained as 9 metres of the 20 metre wide strip and will be retained for access from Queen Street to the Princes Highway and for future water and sewer lines.

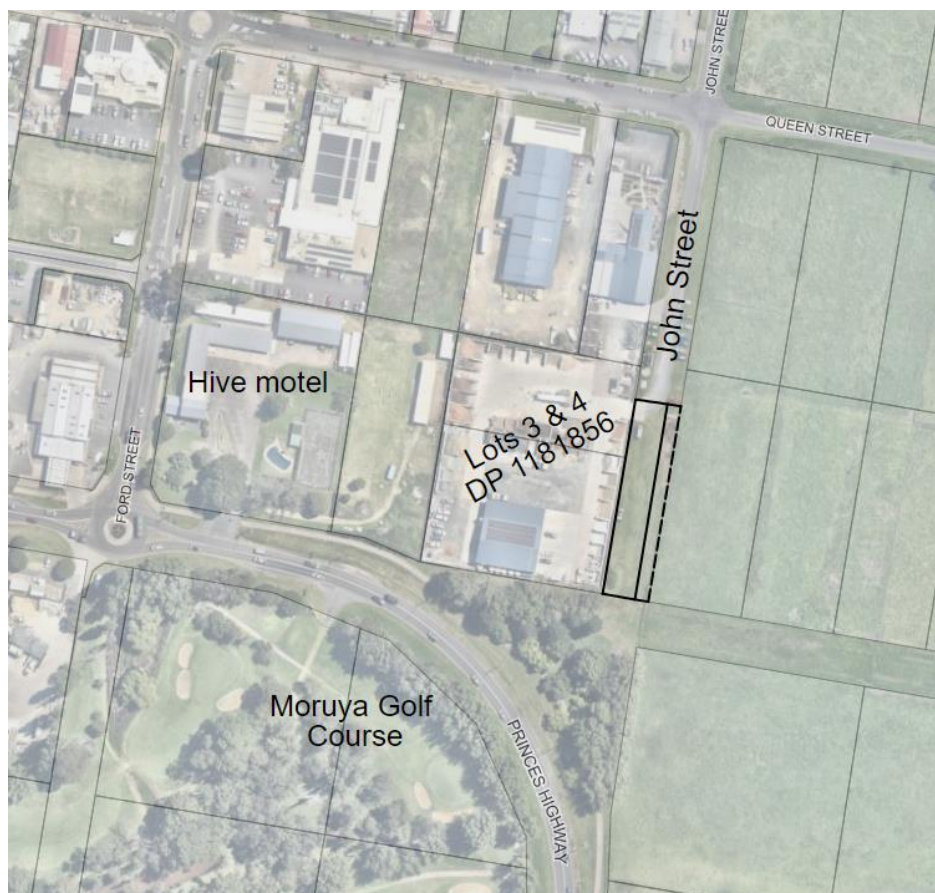
The closure of part of the unformed road reserve will devolve Council of current and future maintenance responsibilities over the area disposed of.

Public notification of the proposed closure took place including notification sent to the appropriate statutory authorities and neighbouring property owners, allowing a minimum of 28 days for submissions to be received. One submission was received.

CONSIDERATIONS

John Street, Moruya and adjacent land to the west is currently zoned E3 Productivity Support and adjacent land to the east is zoned RU1 Primary Production.

Below is a sketch of the area of the proposed part road closure (subject to final survey).



FCS24/025 ROAD CLOSURE, PART JOHN STREET, MORUYA

S023-T00023

Legal

In accordance with s38A of the *Roads Act 1993*, Council is the roads authority for public roads and may propose the closure of a public road for which is it the authority.

In addition, s38B of the *Roads Act 1993*, state the proposal to close the road must be advertised in the local paper and all affected landowners and notifiable authorities must be given a minimum 28-day period within which to lodge a written submission on the proposal.

A Deed of Agreement will be signed with the landowner for the road closure, lot creation and transfer and consolidation of the new lot with the adjoining property.

Survey plans will be registered at NSW Land Registry Services. Following registration of the plan the road closure and transfer of land can be completed.

[Roads Act 1993 Sec 38A](#)

[Roads Act 1993 Sec 38B](#)

Policy

The eastern side of the road reserve adjoins land zoned RU1 Primary Production.

The eastern side of the road reserve is to be retained as public access and for future water and sewer infrastructure. This area is burdened by a drainage swale.

Closure and sale of part of the road reserve to the applicant landowner will achieve best value for money and the land proposed for sale only adjoins the applicants land.

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

Asset

Public access will be available on the eastern side of the current road reserve for use by the community for connectivity to Moruya east. Future water and sewer are also proposed in that location.

Financial

All costs including survey, valuation and Council's legal costs associated with the road closure, lot creation and transfer will be funded from the sale proceeds. The landowner will be required to pay all costs of plan preparation and legal costs associated with the consolidation of the lot with his own property.

The value of the unformed road reserve proposed to be closed and new lot created will be determined following a valuation by a registered valuer. Council will negotiate the sale with the applicant who will be required to pay the agreed amount to Council for the sale of the newly created lot following road closure.

Discussions and negotiations are ongoing with the applicant landowner to reach a mutually agreeable price in line with the Land Management – Acquisition, Disposal and Leasing/Licensing Policy. A probity plan has been developed.

Community and Stakeholder Engagement

In accordance with s38B of the *Roads Act 1993*, the proposed road closing was publicly notified through the local newspaper on Council's website from 20 February to 18 March 2024 allowing

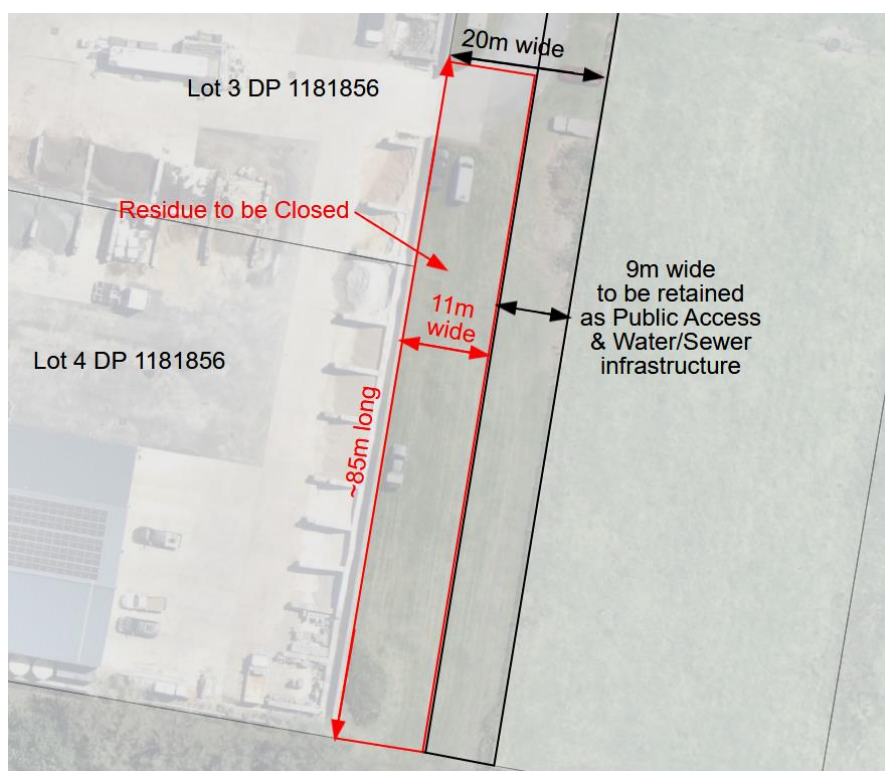
FCS24/025 ROAD CLOSURE, PART JOHN STREET, MORUYA

S023-T00023

28 days for submissions (one submission was received). Notification letters were also sent to appropriate statutory authorities and neighbouring property owners.

The drainage/flooding issues raised in the submission are to be assessed within the new owner's development application process for the use of the land.

To address access concerns, the area proposed for closure and sale has been reduced from the original proposal to 935sqm, increasing the strip retained for public use to a 9 metre width and retaining access to those adjoining landowners' properties. Discussions are continuing with the adjoining landowners about this.



Current proposal - retain 9 metres as public access

CONCLUSION

An application for the proposed road closure and purchase of part of the unformed road reserve has been received from the landowner of Lots 3 and 4 in DP 1181856, known as John Street, Moruya, whose property directly adjoins the unformed road reserve.

Public notification was carried out to consider approval of the proposed closure and sale of part road reserve at John Street, Moruya. One submission was received.

The submission received during the period of public notice has been considered and reviewed by the relevant Council staff. Council is in discussions with the submitter. It is recommended that Council proceed to approve the proposed road closure and sale.

Following closure, the newly created lot will vest in Council as operational land. Once sold, the land is to be transferred to and consolidated with the landowner's property being Lot 3 and Lot 4 DP 1181856.

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FCS24/026 INVESTMENTS MADE AS AT 30 JUNE 2024

**S011-T00006,S012-
T00025**

Responsible Officer: Jacqueline Sullivan - Acting 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 June 2024, 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

Council's investment policy is divided into two categories of risk, credit risk (risk of not being able to redeem funds) and liquidity risk (risk of loss due to the need to redeem funds earlier than the investment term). Council's portfolio is 100% invested in bank deposits, maintaining a low liquidity risk across all credit risk categories.

In April 2024, S&P upgraded the long-term credit rating for the Bank of Queensland and Bendigo bank from BBB+ to A-. The changes are reflected in Table 1.

As at 30 June 2024, the portfolio is compliant with Council's Investment Policy adopted by Council on 9 August 2022 (Minute 22/190). A summary of holdings by risk category is summarised below in Table 1.

FCS24/026 INVESTMENTS MADE AS AT 30 JUNE 2024

S011-T00006,S012-T00025

Table 1 – Policy Risk Categories

S&P Long Term Category	S&P Short Term Category	Policy Risk Category	Current Holdings	Maximum Holdings
AAA (Government Guaranteed Deposits)	A-1+	Remote Risk	1.21%	100%
AAA to AA	A-1+	Near Risk Free	59.57%	100%
A	A-1 to A-2	Near Risk Free	39.22%	40%
BBB+	A-2	Some Limited Risk	0.00%	30%

Financial

Investment holdings summary

Table 2 provides a summary of cash and investment balances as at 30 June 2024. Fossil fuel free refers to institutions that have no exposure or no longer directly finance projects in the fossil fuel industry but still have some exposure from historical funding.

Table 2 – Investment holdings by category

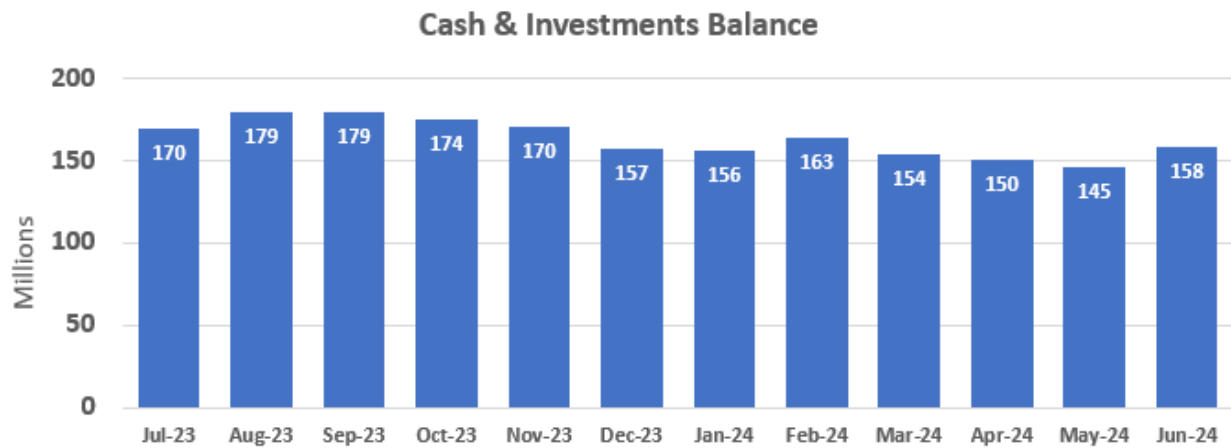
Category	(\$)	% of Portfolio
At Call Deposit	12,810,363	8.85%
Term Deposits – Government Guaranteed	1,750,000	1.21%
Term Deposits – Fossil Fuel Free Institutions	45,000,000	31.07%
Term Deposits	85,270,000	58.87%
Total Investments	144,830,363	
Cash at Bank (Operating Account)	13,567,986	
Total Cash and Investments	158,398,349	

Cash and investments increased by \$13m in June 2024, primarily due to the receipt of grant instalments for Water & Sewer infrastructure projects and the receipt of the 2024-25 Financial Assistance Grant advance payment. Council received 85% of the 2024-25 Financial Assistance Grant in advance, equating to \$7.68m. Graph 1 displays Council's cash and investments balances over a 12-month period.

FCS24/026 INVESTMENTS MADE AS AT 30 JUNE 2024

S011-T00006,S012-T00025

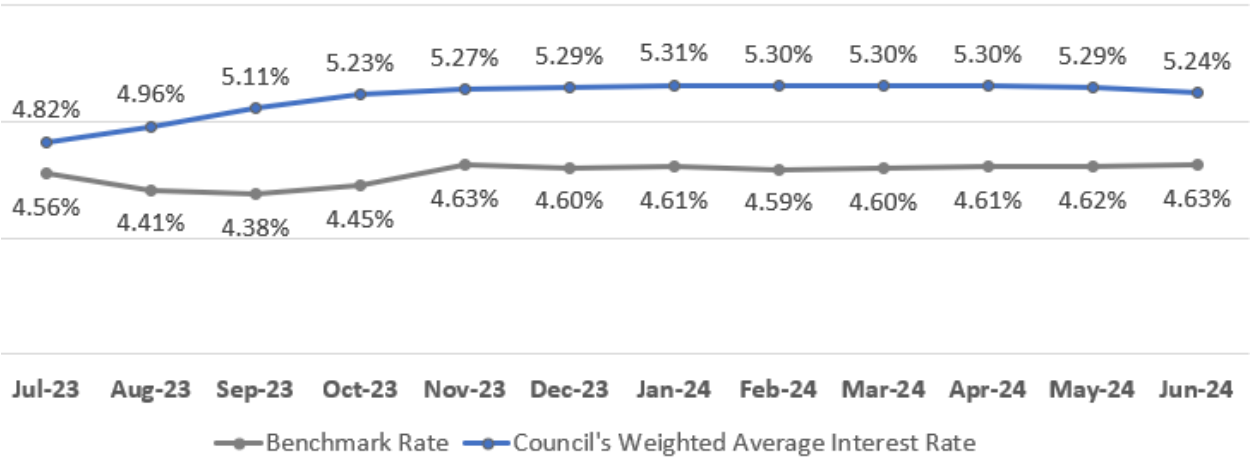
Graph 1 – Total Cash and Investment Balances (12 months)



Performance

The weighted average monthly return on Council’s investments for June 2024 is 5.24%, surpassing the Council policy benchmark of 4.63%, calculated using the bank bill swap rate (BBSW) plus 0.25%. Graph 2 compares Council’s weighted average return to the benchmark rate over a 12-month period.

Graph 2 – Investment performance over 12 months



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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IR24/015 UPDATE ON EUROBODALLA SOUTHERN STORAGE

S032-T00008

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - Update on Eurobodalla Southern Storage

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: 1.4.2 Increase water security through construction of the Southern Water Supply Storage

Operational Plan Link: 1.4.2.1 Continue the construction of the Southern Water Supply Storage/Dam

EXECUTIVE SUMMARY

The Eurobodalla Southern Water Supply Storage (Southern Storage) is a priority project to drought proof the Shire's water supply and improve the resilience of Council's water supply as initially identified in Councils Integrated Water Cycle Management strategy 2003.

The NSW Government committed \$25.6 million to the project in October 2019 and the Australian Government committed \$51.2 million in May 2021. Council's contribution, based on the pre-construction estimate of the project was \$25.6 million or 25% of the total project cost. The Project is now estimated to cost at least \$150 million, not accounting for a potential increase in biodiversity offsets and as such Council's contribution will increase without further Federal or State Government funding.

Council engaged SMEC Australia through an open tender process in July 2016, to undertake the detailed design of the storage and ancillary works. Council then resolved to extend the scope of this engagement to include design during construction services in October 2023, and again resolved to further vary the contract in June 2024.

Council resolved to engage Haslin Constructions (Haslin) in June 2022 to construct the storage and the power supply upgrade following an expression of interest and request for tender process.

Councils Audit, Risk and Improvement Committee (ARIC) was provided a brief on the project on 12 October 2023 and Councillors were most recently provided with an update on the status with a briefing on 9 April 2024.

RECOMMENDATION

THAT Council **Note:**

1. Latest update with regards to the delivery of the Southern Storage project and in particular:
 - a) Expenditure to date and forecast (within the confidential section)
 - b) Forecast completion date

IR24/015 UPDATE ON EUROBODALLA SOUTHERN STORAGE

S032-T00008

- c) Actions being undertaken to minimise risks to Council

2. That Council will now be provided with updates every 3 months or earlier if required.

BACKGROUND

Reporting to Council

The below provides an overview of the reporting to Council of the Southern Storage project since the engagement of the designer back in 2016, in addition to updates for Council's annual report:

- Report and resolution to award of the design contract to SMEC – July 2016
- Endorsement of Concept Design and EIS Exhibition – March 2018
- Report and resolution to accept State Funding – October 2019 - \$25.6m
- Report and resolution to accept Federal funding – May 2021 - \$51.2m
- Report and resolution to award the construction contract to Haslin – June 2022
- Report and briefing to ARIC – October 2023
- Report to Council and resolution for the SMEC contract variation – October 2023
- Cllr Southern Storage project update Briefing April 2024
- Report to Council and resolution for another SMEC contract variation – June 2024

Need for a New Water Supply Source

With existing sources, including Deep Creek Dam, Council's current storage capacity is 4.9GL. Our current average annual unrestricted demand is 3.7GL, providing approximately 16 months of supply. With the drought of record, being the millennium drought (2008-2010) and the recent 2017-2019 drought, being both two years in duration, the community couldn't endure a comparable drought without severe water restrictions or potentially running out of water.

Council's first Integrated Water Cycle Management Strategy (IWCM), which was completed in 2003, identified the long term need to secure another 3 GL of water storage.

Subsequent IWCMs (2016 and 2023) reinforced the need for an extra 3 GL of water storage and indeed identified the need to provide for the ability to increase this to 8 GL by 2070.

Increasing Project Budget

An independent risk-based cost estimate was prepared in 2006 with a P80 confidence level estimates \$36.3M. This estimate did not include land costs, investigation and detailed design costs, nor costs to upgrade the existing transfer system to accommodate the new storage.

A revised cost estimate, which included all the costs not previously considered was estimated in 2014 to be \$61.4M.

The 2006 concept design was reviewed to allow for an increase the size of the storage from 3 GL to the required 8 GL (in another 40 years), by initially constructing a wider clay core, different profile, foundations to accommodate a larger storage and a future proof outlet tower.

IR24/015 UPDATE ON EUROBODALLA SOUTHERN STORAGE

S032-T00008

A revised 30% design P80 cost estimate was costed at \$94.1M in 2017, including an allowance for a new river pumping station (\$6.4M).

NSW Government's biodiversity offsets scheme was introduced in February 2018 to offset environmental impacts of developments. After estimating the cost at \$3.5M using the Office of the Environment's calculator, Council conservatively budgeted for \$9M.

As design progressed further P80 cost estimates were prepared at 60% design and 95% design. The 60% design estimate (October 2018) was \$100.9M. The 95% P80 design estimate was \$106.7M as costed in December 2018.

With grant funding committed, Council sought expressions of interest from experienced contractors through the selective tendering method in accordance with Clause 166 of the Local Government (General) Regulation 2005. Formal tenders were invited from the four shortlisted tenderers and received April 2022. All tendered prices exceeded the tender estimate significantly, with the actual contract being \$25.1M higher.

The construction cost increases, from the pre-tender estimate (December 2018) were attributed to COVID 19 (supply issues and labour shortages), the 2019-20 bushfires and flooding (resource competition) low un-employment and the Ukraine War (fuel costs and material costs).

Council resolved on 28 June 2022 to award the construction contract.

Summary of Estimated Detailed Design and Construction Costs to October 2021

Date	Cost (\$M)	Comment
2006	36.3	Concept estimate (did not include design, land and system upgrades)
2014	61.4	Revised costing of the concept estimate
2017	94.1	Revised P80 cost estimate and included pumping station (\$6.4M)
2018 Feb	104.1	Includes \$9M biodiversity offsets introduced February 2018
2018 Oct	100.9	60% design P80 estimate
2018 Dec	106.7	95% design P80 design estimate
2021 Oct	131.8	Following receipt of tenders and contract award

Since construction commenced, significant geotechnical issues have been encountered which have delayed the delivery of the project, originally due to finish March 2024 to now early 2025, assuming no significant rain delays.

The geological issues have also resulted in higher project management, consultant (design during construction services) and construction costs.

With the foundation works now complete, the main risks associated with the Project are associated with construction of the embankment and weather. As such, the final cost of the Project is still unknown, however an estimate is included in the confidential attachment.

IR24/015 UPDATE ON EUROBODALLA SOUTHERN STORAGE

S032-T00008

Note that, according to the Australian Bureau of Statistics, the NSW non-residential construction cost index has risen by 65% from 2006 to 2023 and 23% from 2018 to 2023.

Biodiversity Offsets

Council, as part of its State Significant Development application, submitted an Environmental Impact Statement (EIS) and associated Biodiversity Development Assessment Report (BDAR) for State Government approval, with an assumption of assumed presence for some species, given (at the time) the relatively low biodiversity offset costs. The Office of the Environment (OEH) biodiversity offset calculator estimated at the time (April 2019) that the total value of biodiversity offsets would be about \$3.4M. Council did not purchase them then as funding was not yet secured.

Council budgeted a conservative \$9M for biodiversity costs for the total project.

Responsibility for estimating biodiversity offsets transferred from OEH to the Biodiversity Conservation Fund (BCF). Late last year Council requested a quote to purchase the biodiversity credits from the BCF and a quote of \$30.9M (ex. GST) was provided to Council, \$20.9M more than budgeted and \$27.5M than the initial estimate.

Council has written to the Minister for Water and the Minister for the Environment seeking a solution which will not impact the final project costs nor potentially increase water rates.

Land Acquisition

Land subject to the Project is controlled by the Forestry Corporation of NSW (Forestry) as Bodalla State Forest.

To facilitate completion of the Project, Council has an agreement with Forestry for Council to acquire the land subject to the Project by compulsory process, and to obtain early access to the relevant land to do the necessary works to carry out the Project prior to the land acquisition.

Forestry has since informed Council that Council's acquisition of the land for the required purpose cannot be undertaken due to the classification of the land as Bodalla State Forest. Council has obtained legal advice to confirm that under s15 of the *Forestry Act 2012* (NSW), in order to revoke the dedication of the relevant land as Bodalla State Forest, such that the land can be acquired by Council for the Project, an Act of Parliament for that revocation will need to be passed.

In that regard, Council will approach Forestry again to seek the formal revocation of Bodalla State Forest from the subject land. Given Council's agreements with Forestry, the project will continue whilst Forestry is progressing this.

Native Title

The Forestry Land is also the subject of a Native Title claim. In that regard, Council is required to consider the interests of the Native Title claimant as part of the acquisition process and, subject to the negotiations with that claimant for the acquisition of land, any compensation payable to the Native Title claimants.

In early 2023, Council notified the Native Title claimants of the project and the need to acquire the land. In addition, Council has offered to meet to discuss the project further.

The Native Title process before the Federal Court could take another five years or more. Council will be liable to pay compensation if the Native Title claim is approved.

IR24/015 UPDATE ON EUROBODALLA SOUTHERN STORAGE

S032-T00008

Council understands that part of the Forestry land has previously been privately owned and, as such, is investigating and seeking legal advice to confirm whether this private ownership has had the effect of extinguishing Native Title.

Once Council has further clarity on its exposure to the Native Title claim in connection with the acquisition, this will assist Council to confirm its position moving forward including how Council intends to further negotiate the acquisition with the Native Title claimants. An agreement with the claimants will be required to finalise the acquisition.

Governance Arrangements

Council is in the process of engaging an independent consultant to undertake a review of governance arrangements and processes with regards to the delivery of the project.

CONSIDERATIONS

Legal

The Dams Safety Act 2015 and Dams Safety Regulation 2019 require Council to engage a competent person(s) who is subject to a quality management system in accordance with AS/NZS ISO Standard 9001:2016 Quality Management Systems – Requirements for relevant design work and construction and commissioning verification for the Eurobodalla Southern Storage project, and that the dam designer prepare a construction report to certify that the dam has been constructed in accordance with the detailed design.

Policy

Procurement practices are considered 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*.

Financial

When the project budget was increased to \$104.1M in February 2018, financial modelling was carried out to determine the level of subsidy required to enable the project to proceed without increasing water rates. Modelling determined that 50% funding would be required and that Council could afford to spend \$52M on construction costs without increasing water rates.

Council submitted a funding request to the NSW Government in March 2019. In November 2019 Council resolved to accept a funding offer of \$25.6 million.

Council then applied for financial assistance under the Federal Government's National Water Grid Fund in January 2021. While two years had passed since the project estimate was reviewed, the project estimate was not updated for the purposes of applying for Federal funding as access to federal funding was subject to the State contributing 25%, the project estimate was a risk-based estimate (P80 and included a 15% contingency. Inflation was low.

In May 2021, the Federal Government announced that it had allocated \$51.2 million towards the project, representing 50% of the 2018 project construction estimate. Council resolved in May 2021, to accept the funding once a formal offer had been received.

A total of \$76.8 million had been secured, reducing Council's share of the project estimate of \$104.1 million to \$27.2 million at the time.

IR24/015 UPDATE ON EUROBODALLA SOUTHERN STORAGE

S032-T00008

Following the increases in the project cost due to the higher than estimated construction cost, to proceed, Council's contribution needed to be increased by at least \$25M from \$27.2M to \$52.2 M (noting that modelling carried out in 2018 determined that a contribution of \$52M was affordable without increasing water rates).

With the forecast increase in Project costs, as detailed above, Council's contribution will inevitably increase with either a need to increase debt and/or increase water rates. This forecasting is taking place and will be reported to Council and ARIC in due course.

CONCLUSION

That Council note the status and current forecast costs and timeline for the Southern Storage project, as well as the actions being taken to mitigate against cost increases which are currently known or which may eventuate as the project continues.

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IR24/016 LOCAL TRAFFIC COMMITTEE NO.11 FOR 2023-24

**S030-
T00018**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Minutes LTC No. 11
2. Under Separate Cover - Tilba Festival 2024 - Traffic Guidance Scheme
- Plans - TM2019 - Tilba Tilba Parking

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. 11 held 13 June 2024, are as follows:

RECOMMENDATION

THAT Council approves:

1. The following Special Events and Informal Items:
 - **2024.SE.018 Tilba Festival Traffic Management Plan.**

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 11 for 2023-24 was held on 13 June 2024. The meeting was attended by Kate McDougall (ESC Traffic Coordinator), Katherine Buttsworth (ESC Road Safety Officer), Andy Gaudiosi (Transport for NSW), Chief Inspector John Sheehan (NSW Police), Sheree Ward (ESC Infrastructure Support Officer), Kelly-Anne Marshall (ESC Surveillance Officer – Maintenance), Anne-Marie Aston Wyatt – (Office of Dr Holland), James Thompson (ESC Transport and Stormwater Engineer).

Apologies

Councillor Amber Schutz

Senior Sgt Scott Britt (NSW Police).

CONCLUSION

The minutes of the Eurobodalla Local Traffic Committee meeting No. 11 for 2023-24 are attached to this report and provide further background for the recommendation.



**LOCAL TRAFFIC COMMITTEE
REPORTS**

Meeting No: 11-23/24	File No -----
Date: Thursday 13 June 2024	Time: 9:30am
Location: Eurobodalla Shire Council – Glass Meeting Room	

OUTSTANDING ITEMS

No Items

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

Nil

ITEM 6 - INFORMAL ITEMS FOR DISCUSSION

6.1 2024.SE.018 Tilba Festival

RECOMMENDATION

That the revised submitted traffic management plan and traffic guidance scheme for the Tilba Festival to be held on 13 July 2024, subject to review by Council and approval by NSW Police and Transport for NSW, be approved.

BACKGROUND

The Tilba festival is a celebration of Tilba's heritage, local produce and creative and musical talent and has been held annually for over 30 years.

As the festival requires several roads to be closed, traffic management plans are required.

As there is a direct impact on traffic on the Princes Hwy, a Roads Occupancy License (ROL's) is required. An initial ROL was submitted on the 12/06/2024, however, feedback from the LTC will require the ROL to be revised and resubmitted to Transport for NSW.

Traffic Management plans were provided by event organizers to the committee on the 12/06/2024.

CONCLUSION

The TMP's and Traffic Guidance Schemes provided by event organisers are required to ensure pedestrian and motorist safety on the Hwy and at the festival itself. Pending revision and review by Council and approval from NSW Police and TfNSW, the festival is planned for Saturday the 13th of July, 2024

ITEM 7 – GENERAL BUSINESS

7.1 George Bass Drive and Broulee Road Intersection Interim Treatment

Eurobodalla Shire Council successfully secured funding for a roundabout construction at the intersection of Broulee Road and George Bass Drive, Broulee. Council is currently in the design phase of the upgrade, with construction planned for 2025.

7.2 Pollwombra Road Speed Limit and Road Alignment

Kellyanne Marshall stated that no speed zone has been increased, the 100 km/s speed zone sign was re-installed. The default speed zone for Pollwombra Road is 100 km/s. Kellyanne Marshall was unsure if the speed sign has been removed. A Kangaroo Sign has also been installed to create further awareness of the wildlife.

Andy from NSW Transport made comment that this road was within Transport's system and would be considered for a speed review within the future.



**LOCAL TRAFFIC COMMITTEE
REPORTS**

Meeting No: 11-23/24**File No** -----**Date:** Thursday 13 June 2024**Time:** 9:30am**Location:** Eurobodalla Shire Council – Glass Meeting Room

7.3 Blairs Road Diver Speeding and Wildlife Protection

Educate the public on driving to the advertised speed limit. Long Beach is a high wildlife area within a residential zone. Review the Pathway Strategy to investigate if infrastructure specific to the area is listed within the strategy.

7.4 Batemans Bay Sunday Markets

Batemans Bay Rotary Club have asked to move the Sunday markets to further up along the foreshore within the carpark. It was suggested that Tina Young our Events Officer work with Rotary to find another location. A possible location was the area under the bridge north of the current area and adjacent park land be used. Development of a TGS was raised and recommended that this be submitted.

ITEM 8 – DEVELOPMENT APPLICATIONS

No Items

ITEM 9 – NEXT MEETING

11 July 2024

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CAR24/004 TOILET STRATEGY UPDATE

S023-T00030

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: 2.2.2 Provide and manage quality community facilities to meet the needs of the current and future communities
Operational Plan Link: 2.2.2.2 Continue to implement the Public Toilet Strategy

EXECUTIVE SUMMARY

This report provides Council with an update on the implementation of Council's Toilet Strategy 2023-2028 (the Strategy).

The aim of the Strategy is to improve user experience and associated customer satisfaction, cleanliness, safety, accessibility, maintenance, and facility condition.

In line with the Strategy, a new Public Amenities team, including a rapid response service during holidays and special events, has been established.

The new team has responsibility for planning, cleaning, maintenance, renewal, and construction of toilet facilities.

The team has put a responsive maintenance program in place and commenced the renewal of the toilet network, with five toilet projects started since Christmas 2023, as well as undertaking proactive and positive communication with the community.

RECOMMENDATION

THAT Council receive and note the report.

BACKGROUND

Council has a network of 67 public toilets spread across the shire, with 40,000 residents and up to 3 million visitors using our facilities annually. As such, the provision of public toilets is a core function of Council.

Over the past few years, feedback from community surveys consistently rated toilets as important, but satisfaction as low. Council was regularly receiving complaints via its customer request system, including significant community complaints over the 2022/23 summer period regarding cleanliness and maintenance concerns.

Different components of public toilet management (renewal, maintenance, cleaning) were coordinated by different business units of Council, with no clear strategic direction, consistent point of responsibility or service standards in place.

Some improvements were implemented in early 2023, including improved cleaning contracts and the establishment of the rapid response team during peak season, resulting in positive community feedback. However, a complete review was required, to identify key issues and set a new strategic direction.

In assessing public toilet provision, the following issues were considered:

CAR24/004 TOILET STRATEGY UPDATE

S023-T00030

- Assessed the significant gap between the importance (expectations) of toilets to the community and the level of satisfaction experienced.
- Assessed Council's maintenance system and customer request management system, which identified that the majority of issues concern maintenance and cleaning.
- Established categories (1 Excellent – 5 poor) for condition assessment and then assessed each toilet and assigned a category – with over 60% rated 4-5 (Fair/Poor).
- Assessed existing processes, responsibility and reporting lines for planning, construction, renewal, maintenance, and operation of the network.
- Considered communication and user experience.
- Assessed available budgets and resourcing options.

As a result of this evaluation process, the Toilet Strategy 2023-2028 was developed.

CONSIDERATIONS

Council was briefed on the Toilet Strategy 2023-2028 on 20 June 2023, with a put in place for the implementation of the Strategy from the 2023-24 financial year onwards.

The Strategy has 4 strategic focus areas:

1. Coordinated management and communications
2. Improved amenity of public toilets
3. Well-designed public toilets
4. Strategic provision of public toilets

The four strategic focus areas are supported by 21 prioritised actions and associated measures to track our progress.

Progress to date

The Team

To support the implementation of the Strategy, Council created a new Public Amenities team, using resources from existing toilet budgets from previous areas of responsibility (Action 1). In addition, LRCI grant funding was secured to accelerate the renewals program.

The newly created Public Amenities Coordinator position was appointed in late 2023, with a renewal/maintenance team in place from early 2024. The team has set up a workspace and off site storage, with equipment, tools and vehicles in place and operating.

Rapid response

A rapid response team was trialed over the 2022/23 summer period, prior to the development of the Strategy, with positive results.

A permanent rapid response team roster was established as part of the Strategy (Action 8), providing additional cleaning and an on-call roster in place over Christmas, New Year's Eve, school holidays, public holidays at key high-use sites, as well as during special events. Eg. Narooma Oyster Festival, Sculpture for Clyde.

CAR24/004 TOILET STRATEGY UPDATE

S023-T00030

Maintenance and Cleaning

The Strategy included a condition and functionality assessment of Council's 67 toilets, with each facility assessed against a set of criteria and assigned a condition category, being Category 1 (Excellent) through to Category 5 (Poor). Over 60% (43) were assessed as being Fair (4) to Poor (5) in 2023.

During the first six months of operation, the team has fixed 169 defects across the network, identified by staff and cleaning contractors, addressed 54 customer requests lodged by the community via Council's CRM system, as well as responding to 27 items of correspondence regarding maintenance and vandalism issues. As a result, the backlog of defects and customer complaints has now been addressed, with improved processes in place and ongoing defects and customer complaints managed weekly (Action 5).

The team has worked proactively with Council's cleaning contractors to ensure compliance with cleaning contract requirements and performance, with positive results. The cleaning crews are now identifying and reporting defects and issues across the network (Action 7).

New and Renewal

In the past six months two new toilets have been constructed. They are:

Brierley's Boat ramp toilets – installation of new modular 'kit' facility and removal of old pit toilets. Previously Category 5.

Malua Bay Reserve – new, high quality, architecturally designed toilet facility due for completion June 2024. Includes accessible facilities, larger cubicles and changerooms, external showers, lighting, increased natural lighting, improved ventilation, and high-quality fixtures. Storage included in design. Project not directly run by the Public Amenities team, but with their valuable input. This facility was previously identified as a Category 5 facility in the Strategy, requiring upgrade.

In addition, four toilets are being renewed/renovated, to be completed in 2023/24 or early 2024/25. They are:

North Broulee – renovation of existing toilets, including ambulant compliance, new flooring, walls, roof sheeting, privacy screens, and new lighting. The existing mosaics have been retained, with lighting to highlight them installed. Previously Category 5.

South Broulee – renovation of existing toilets, in consultation with Broulee Surf Club. Unisex and ambulant compliance facilities, and new changeroom, new showers, new entrance, and improved line of sight for safety. Previously Category 5.

NATA Oval, Narooma – renovation with ambulant compliant facilities, new flooring, wall sheeting, and improved lighting. Previously Category 5.

South Head, Moruya – vegetation control to improve line of sight from playground, renovation of existing, in consultation with Moruya Surf Club and New Wave Nippers. Providing more ambulant compliant and accessible facilities, unisex stalls, new external showers, changeroom and some storage facilities on site. Previously category 5.

CAR24/004 TOILET STRATEGY UPDATE

S023-T00030

Upcoming projects for 2024/25 year

John Street, Mogo – new toilet facility. Preliminary designs are being prepared, and permits sought, with plans to consult Mogo Chamber, LALC and community in July/August 2024. Once completed, Tomakin Road toilets (next to RFS) will be decommissioned and removed. Tomakin Road toilets are Category 5.

Mogo Oval toilets – redesign, unisex stalls, mountain bike wash station. Plans to consult Mogo Chamber, LALC and community in July/August 2024. Current facilities are Category 5.

Mosquito Bay – remove existing facility and replace with a modular ‘kit’ toilet. Approvals/permits in place and project will commence in new financial year. Current facilities are Category 5.

Lilli Pilli - remove existing facility and replace with a modular ‘kit’ toilet. Approvals/permits in place. Project to commence early in new financial year. Current facilities are Category 5.

New and renewal projects address Action 6 of the Strategy.

Planning

To support renewal and maintenance activities and maximise operating outcomes, the team has undertaken a range of reviews, including:

- Expanded the trade panel to improve resilience and responsiveness of the service offering
- Undertaken contingency planning of different products in different settings e.g. Power outage, failure of electronics
- Assessed a range of kit toilets, including site visits in other LGAs to determine quality and value for money
- Purchased fixtures and materials in bulk to ensure readily available replacement items, a consistent standard and value for money, as well as arranging secure storage.

Strategic context

The Strategy aligns with the strategic direction of Council and was the result of significant community feedback.

The development of the Strategy and was an action in the General Manager’s Performance Plan 2022-23. The implementation of the Strategy was an action in the General Manager’s Performance Plan for 2023-24.

Council’s Delivery Program 2022-2026 and Operational Plan 2023-2024 includes:

Delivery Program Vision: *Our Eurobodalla is Inclusive*

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

Activity 2.2.2 *Provide and manage quality community facilities to meet the needs of the current and future communities.*

Operational Plan Action 2.2.2.3 *Finalise and implement the Public Toilet Strategy*

CAR24/004 TOILET STRATEGY UPDATE

S023-T00030

The 2024-2025 Operational Plan Actions include:

2.2.2.3 Continue to implement the Public Toilet Strategy

2.2.2.4 Construct John St, Mogo public amenity

Asset

The six public toilets renovated and/or replaced in the first six months of operation were all rated as Category 5 (Poor) in the Strategy. Once all these projects are finalized a new condition assessment will be undertaken to assign a revised, improved category for each facility (Action 21).

Social Impact

The provision of clean, safe, and accessible public amenities is a core function of Council. This service has a significant impact on community wellbeing, enabling people to confidently engage in community life and participate.

A key component of service delivery is the consideration of the user experience, in terms of layout, fixtures, lighting, environment and appearance. Community members have been included in the development of key projects, ensuring local needs are met effectively.

Financial

Funding for the implementation of the Strategy, including resourcing (staff, equipment, materials) has been drawn from existing council budgets, supplemented by grant funding for specific projects.

Community and Stakeholder Engagement

A public toilets website has been created, with links to the Strategy and the national toilet map, as well as information on current and upcoming projects.

Proactive engagement with the community has occurred, with stakeholder meetings held with a range of individuals and groups, including Broulee Surf Club, Moruya Surf Club, Nelligen Community Association, and local artist groups.

The community has also been informed via media releases and updates in Living in Eurobodalla, as well as via Council's corporate documents and onsite signage.

CONCLUSION

The Toilet Strategy 2023-2028 is focused on improving user experience and associated customer satisfaction, cleanliness, safety, accessibility, maintenance, and facility condition.

The new amenities team, established to implement the Strategy, has implemented a well-planned and effective maintenance and renewal program, established a permanent rapid response team, engaged proactively and positively with the community and incorporated a range of innovative products and processes into service delivery.

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.

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

CONTACT	PHONE	EMAIL	WEBSITE
Eurobodalla Shire Council Public Officer	4474-1000	council@esc.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
The Office of Local Government	4428 4100	olg@olg.nsw.gov.au	www.olg.nsw.gov.au
NSW Ombudsman	1800 451 524	info@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.