



AGENDA

Ordinary Meeting of Council

17 December 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 17 DECEMBER 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 19 November 2024
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 6. PUBLIC FORUM**
- 7. MAYORAL REPORTS**
Nil
- 8. NOTICES OF MOTION**
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- 9. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil
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Nil

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WARWICK WINN
GENERAL MANAGER

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**NOM24/010 FEASIBILITY OF PROVIDING RECYCLED WATER TO NAROOMA OVALS AND
GOLF COURSE**

S012-T00026

Responsible Officer: Phil Constable - Clr

Attachments: Nil

Councillor Phil Constable has given notice that at the Ordinary Meeting of Council on Tuesday 17 December 2024, he will move the following motion.

MOTION

THAT Council:

1. Conduct a preliminary feasibility study into using recycled water from Kianga sewage treatment plant for Narooma ovals and golf course and report back to Council.

BACKGROUND

Council currently provides recycled water from Batemans Bay sewage treatment plant for Catalina Country Club golf course and the Hanging Rock ovals, from Moruya sewage treatment plant to Moruya Golf Course, as well as from Tuross sewage treatment plant for dust suppression of road work sites.

Kianga sewage treatment plant, which treats sewage from Narooma, Dalmeny, Kianga and surrounds, does not currently provide recycled water for reuse. The raw sewage is treated and after detention in a lagoon, is pumped out to the ocean to the standards required by the Environmental Protection Agency (EPA).

There are some genuine environmental benefits in using recycling water, namely that the amount of treated effluent discharged into the ocean would be less.

Using drinking quality water for purposes such as watering ovals and golf courses is not the best use of this resource when there is the possibility of using lower quality but still fit for purpose recycled water. With Council not charging for the use of recycled water, Council's general fund would save money as well as the golf club.

There have been numerous studies into the re-use of effluent across the Shire over the years, with the last one being in 2014 which estimated a cost to supply recycled water from Kianga to Narooma Golf Course at about \$2.6m. No recommendations were made in this report.

The proposed feasibility study would consider the:

- demand for recycled water from the ovals and the golf club
- increased treatment requirement to treat the current effluent to the required standard
- infrastructure including pumping station(s), transfer pipes (about 5km) and storage tanks required
- planning and approvals requirements
- ongoing operational and maintenance costs
- benefits, including environmental and financial

**NOM24/010 FEASIBILITY OF PROVIDING RECYCLED WATER TO NAROOMA
OVALS AND GOLF COURSE**

S012-T00026

Council will need to engage a consultant or similar for the cost of about \$10,000 to undertake the feasibility study as we currently don't have the internal capacity or capability.

GENERAL MANAGER'S RESPONSE

Council is required to manage its finances, including that of the sewerage fund, from which this potential project would be funded from, in a prudent manner. Similarly, Council is required to manage its assets in a safe, financially and environmentally responsible way to provide the best benefit to the greatest number of users.

Council already uses and provides recycled water for non-domestic uses in the Shire and this practice is commonplace across NSW Councils and is considered best practice.

Investment in providing recycled water is most advantageous when raw water supplies are constrained, however there are genuine environmental benefits in reusing our treated effluent for purposes, such as watering ovals and golf courses, which don't need to use potable water.

The provision of water for the Narooma ovals would result in some financial savings for Council's general fund, as well as savings for the golf course.

Whilst any new infrastructure would need to be maintained, it is possible that operational costs will be neutral in that savings will be realised in not having to treat and distribute water, which would be replaced by the recycled water, which would have its own (extra treatment and transfer) operational costs.

The feasibility study would explore the costs and benefits and provide the basis for whether the concept should be considered further.

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PET24/003 BAY PAVILIONS MOBILITY ACCESS

S020-T00020; S012-T00029

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

Attachments: Nil

Council has received a petition from the Members of the Bay Pavilions Aqua Mobility Fitness classes, requesting the disabled parking be moved closer to the main entrance at Bay Pavilions and an improved wrist band system to improve access.

MOTION

THAT Council receive and note the petition.

BACKGROUND

Petition specifically states:

To the Mayor and Councillors of Eurobodalla Shire Council

This Petition of: The Members of the Bay Pavilions Aqua Mobility Fitness classes

Draws to the attention of the Council:

We would like to present this submission with suggestions for your consideration. As a group of committed Aqua Mobility Fitness class users at Batemans Bay Pavilions we would like to compliment the Bay Pavilions on providing a service to us which we highly enjoy and participate in very regularly. The Aqua Mobility group are frequent supporters of the cafe and appreciate and value the opportunity to come together after the classes to share a coffee together. The staff at the Reception Desk, Cafe and all Instructors are highly professional, supportive and very friendly. The tagline for the aquatic centre... "a place of joy, a place of community and a place of well-being for body and mind" really does resonate for many of us who have retired in Batemans Bay and are looking to improve our fitness as we age.

It is because of our great enthusiasm in participating in Aqua Mobility classes that we would like to bring the following issues to your attention.

The Mobility Fitness Classes in the warm water pool are specifically aimed at members with mobility issues. These issues cover a multitude of disabilities, often displayed as unsteadiness while walking, difficulty getting in and out of cars and frequently falls. There are common conditions in older people that can contribute to mobility problems, such as muscle weakness, joint replacements and pain. Many of the participants also suffer from respiratory problems and extensive walking can become difficult for these folk.

For many of the Aqua Mobility participants, the Batemans Bay Pavilion is unfortunately not conducive to meeting their needs for the following reasons:

- The Disabled Car Park is a considerable distance away from the main entrance.
- Many of Aqua Mobility participants have a 'Group Fitness Membership' as they are only physically capable of participating in Aqua Mobility classes. This membership requires participants to obtain a ticket from the front Reception Desk which then needs to be scanned at the pool gate enclosure to gain access into the pool area. The Reception Desk is a further distance to walk to obtain a ticket. There are on occasions, queues at Reception causing delays in getting to classes causing a significant bottleneck. Reception staff are required to handle new members, answer phone calls

PET24/003 BAY PAVILIONS MOBILITY ACCESS

**S020-T00020;
S012-T00029**

and deal with customers just requiring entry making it challenging for front desk personnel.

- The necessity of requiring a paper ticket to gain access to the swimming pools is a slow manual process that undermines the streamlined systems already in place for other members able to access fitness classes with other coloured wristbands.
- This issue affects a considerable number of members attending the Aqua Mobility fitness classes
- There is a level of dissatisfaction of members in the Aqua Mobility classes as they are not provided with equal access to facilities.

We therefore ask the Council to:

- Consider moving the Disabled parking closer to the main entrance.
- The current Red Wrist Band will continue to give those members wishing to use the gym, access to those facilities as well as the pools.
- Streamlining your front desk management processes with the new Coloured Aqua Wrist Band provides a more consistent and equitable access point for all members and especially those with mobility issues.
- The additional Coloured Aqua Wrist Band will reduce the time each member takes to obtain entry, reduces their walking distance to the classes and works towards a crowd-free reception area.

GENERAL MANAGER'S COMMENTS

The petition was received on 7 August 2024. Due to council elections and the caretaker period, the petition could not be tabled at Council upon receipt. However, staff Contacted the petitioner in early September to work through the two issues raised.

In relation to the wrist bands and simplifying the administrative requirements, Aligned Leisure has provided wrist bands for participants in the mobility class. This became operational in early October.

In relation to providing accessible car spaces closer to the venue, the petitioners have been advised that Council will look into options.

Painting disabled parking spaces closer to the raised crossing would not meet standards as people with disabilities will enter directly into active traffic lanes. Accessible parking needs a direct path of travel compliant with AS 1428.

Accessible parking near the existing raised crossing is the most suitable for consideration, with the relevant location highlighted in yellow in Table 1.

PET24/003 BAY PAVILIONS MOBILITY ACCESS

**S020-T00020;
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Table 1



Issues

1. Near a known an AHIMS site.
2. Need to undertake an Aboriginal Heritage Assessment (AHIP)
3. Need to obtain an AHIP.
4. Need to move the fence to provide a pathway to access the existing raised pathway.
5. Need to move the stormwater drainage pit.
6. Need to batter the embankment to ensure the runoff zone in the sports field is maintained.
7. Could take six months at a minimum to get the AHIP with construction and up to twelve months to deliver
8. Will require a budget

Action

Council staff will undertake to do the analysis and AHIP, prepare a costing for the work and provide costed options back to Council for consideration in future operational planning.

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**PSR24/022 NOM24/005 - CLIMATE ACTION PLAN AND CRJO NET ZERO GUIDE S010-T00015
FOLLOW UP REPORT**

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 1. CAP and Net Zero Guide linkages

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

Community Strategy: 1.1 Move together for a sustainable future

Delivery Program Link: 1.1.2 Investigate and encourage renewable energy and technologies for Council and the community

Operational Plan Link: 1.1.2.1 Continue to seek renewable energy supply for 100% of Council's electricity demand

EXECUTIVE SUMMARY

The purpose of this report is to provide a response to the deferred notice of Motion item regarding the *Climate Change (Net Zero Future) Act 2023* and our obligations regarding emission reduction targets.

The report will outline that Council is generally on target to achieve the actions in the Climate Action Plan and that Council's emissions have significantly reduced from the 2005/2006 baseline.

The report does acknowledge that while there has been progress, this has been hampered by a lack of budget allocation. To move forward towards Net zero and meet the actions contained in the Climate Action Plan, Council will need access to smarter systems, an annual budget allocation and annual emissions reporting.

RECOMMENDATION

THAT Council:

1. note the progress achieved towards Net Zero and fulfillment of the Climate Action Plan.
2. commit to receiving annual reports on the Climate Action Plan and Net Zero progress
3. Provide a one-off budget of \$25 000 for an emissions profiling and reduction plan.
4. Provide an ongoing annual budget of \$50 000 towards funding such things as a subscription to an emissions monitoring platform, energy advisory services and other feasibility studies/energy audits.

BACKGROUND

Council endorsed the Eurobodalla [Climate Action Plan](#) in July 2022, which sets targets and identifies actions for Council and the community across key areas of sustainability - energy, transport, the built environment, waste, water, biodiversity, agriculture, the regional economy, natural hazards, and Council responsiveness.

For Council operations the targets are:

- Reduce emissions from the 2005-06 baseline by 80% by 2030

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FOLLOW UP REPORT

- Net zero emissions by 2040
- Sourcing 100% of Council's electricity demand from renewable energy by 2030

Council also commits to supporting the community to meet the targets adopted by the NSW Government:

- Net zero emissions by 2050 for Eurobodalla
- 50% reduction in emissions by 2030 for Eurobodalla

There are 40 actions for Council and 18 actions outlined in the CAP to support the community and businesses achieve the emission reduction targets.

A Climate Change Advisory Committee (CCAC) was formed to provide advice to Council and the community on effectively delivering the actions outlined in the Plan, as well as identifying and advising on emerging climate issues and opportunities.

In August 2024, Cllr Alison Worthington put forward the following Notice of Motion [NOM24/005](#).

THAT Council:

- 1. Acknowledges the NSW legislation, Climate Change (Net Zero Future) Act 2023, which legislates State emissions reduction targets to achieve net zero emissions by 2050, and the obligations of Council to meet the regulations relating to that Act.*
- 2. Note the work of the Canberra Region Joint Organisation (CRJO) Net Zero Accelerator Program (NZAP), which aims to assist member councils accelerate emissions reduction and set milestones to achieve net zero emissions.*
- 3. Note that Councillors are aware of the content of the CRJO Net Zero Accelerator Program presentation given in February 2024, and the recording shared with Councillors.*
- 4. Commits to implementing the actions in the Net Zero Council Guide and the 31 Net Zero Milestones prepared by the NZAP to assist Council to improve its emissions data capture and account for their emissions data and actions in emissions reduction.*
- 5. Resolve to develop a Net Zero Action Plan that provides a roadmap to achieve net zero emissions by 2050.*

The motion was amended and the following motion carried [24/108 MOTION](#):

*THAT Council defer item NOM24/005 Eurobodalla Shire Council acknowledges the Climate Change (Net Zero Future) Act 2023 and our obligations in regard to emissions reductions to achieve the targets set out in the Act and a **further report addressing the five points in the motion be presented to the new Council in November 2024.***

CONSIDERATIONS

The following provides a response to the five points raised in the Notice of Motion.

Climate Change (Net Zero Future) Act 2023

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FOLLOW UP REPORT**

The regulations associated with the Act are currently being developed, and the CRJO network have been advised that the details of what is expected of local councils under the legislation including reporting requirements will be available in late 2025. In the meantime, councils should use the legislated targets for the whole State as their legally obligated target or their own more ambitious targets.

The Act legislates:

- guiding principles for action to address climate change that consider the impacts, opportunities and need for action in NSW
- emissions reduction targets for NSW - 50% reduction on 2005 levels by 2030, 70% reduction on 2005 levels by 2035 and net zero by 2050.
- an objective for NSW to be more resilient to a changing climate
- establishing an independent, expert Net Zero Commission to monitor, review, report on and advise on progress towards these targets.

The Act can be read in full on the [NSW legislation website](#).

CRJO Net Zero Accelerator Program

The program has been running since early 2023 and has allowed the CRJO to help its members further on their Net Zero journeys. The objective of the program is to increase capacity building within the member Councils to accelerate emission reductions as well as create a regional opportunity to share expertise to improve project implementation efficiency. Council's Sustainability staff attend regular working group meetings with the member councils and the Net Zero Accelerator Coordinator.

The Top 5 emission sources from local councils forms the framework of the Net Zero programs:

- Secondary emissions from the purchasing of fossil fuel generated electricity
- Direct emissions from the decomposition of sewage in wastewater treatment facilities
- Direct emissions from the decomposition of organic matter in landfill facilities, including legacy landfill sites (no longer operational)
- Direct emissions from the use of fossil fuels in fleet, including vehicles and equipment
- Direct emissions from gas appliances

CRJO Net Zero Accelerator Program Presentation

All Councillors were invited in May 2024 to a presentation given to all member councils and the recording can be viewed or downloaded here [CRJO Mayors Meeting-20240314 170741-Meeting Recording.mp4](#)

Another round of briefings will occur in early 2025. The Net Zero Coordinator can provide a briefing to Eurobodalla Councillors in the New Year if required.

Net Zero Council Guide

The Eurobodalla Shire Councils Net Zero Maturity Snapshot shows that Council has achieved 14 out of the 31 Net Zero Milestones. Further, the linked document details the status of the 53

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actions recommended to achieve these milestones, and how each of the recommendations link to existing Council plans and strategies.

The full Net Zero Council Guide can be found here [Eurobodalla Net Zero Council Guide v3.pdf](#)

Table 1 shows the linkages between the Net Zero Council Guide, CAP and other council plans.

Net Zero Action Plan

The ESC Climate Action Plan 2022-2042 outlines Council's vision and commitment to Net Zero across Council operations and the wider community. An additional Emissions Profiling and Reduction Pathways Plan (Net Zero Action Plan) is required to get us there. The plan will enable Council to define the specific pathways to net zero, inclusive of priority projects, the affiliated costings and resources, as well as an appropriate timeframe for implementation.

The costs below are a summary of the requirements to deliver the Climate Action Plan and additional Net Zero Plan actions:

- Emissions profiling and reduction pathways plan (Net Zero Action Plan) \$25 000 (one off)
- Subscription to emissions monitoring platform \$ 20 000 (annually)
- Energy advisory services \$15 000 (annually)
- Feasibility studies and energy audits \$15 000 (annually)

Council's emissions come from a variety of sources typical of a local government area managing landfill and water and sewer services. Significant emission reduction work has been undertaken since 2006 including installation of solar, renewable electricity Power Purchase Agreement, LED street light upgrades, heating/cooling system and appliance upgrades and improvement in operating procedures.

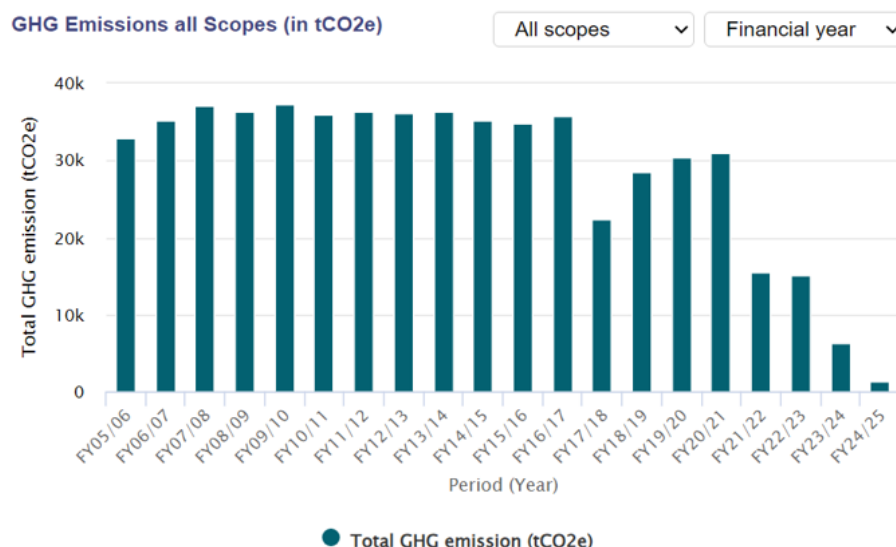
Table 1 shows the status of the actions recommended in the Net Zero Guide.

The documents show that 52 out of 53 of the recommended actions link to existing Council strategies and plans, and that 18 have been completed, 13 are in progress or ongoing, and 22 have not started.

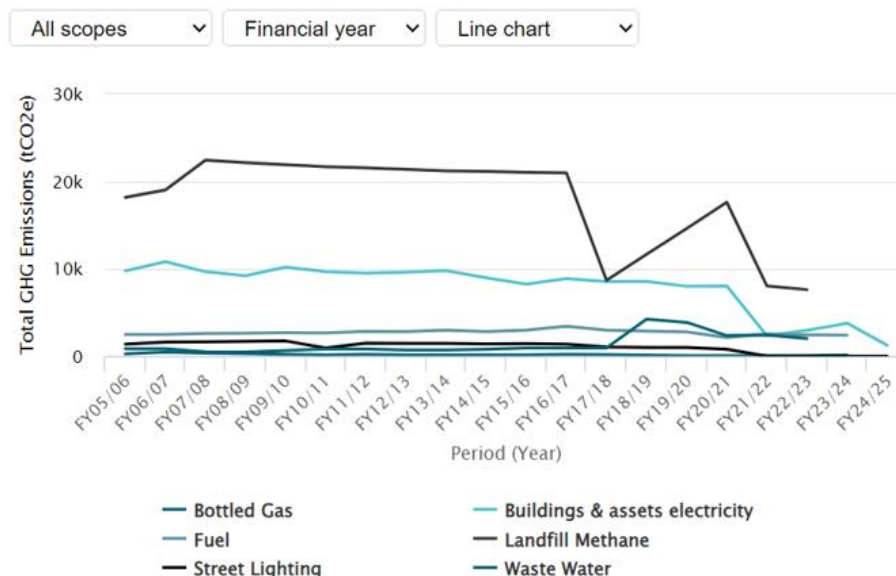
Council emissions

In 2022/23 total emissions across all sources were down from the 2005/06 baseline. This represents a reduction from 32,927 tCO₂e to 16,280 tCO₂e which equates to 54%.

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FOLLOW UP REPORT**



Total GHG emissions by year and by source



See further details in Table 2 Emissions comparison to baseline year. Full data sets are not yet available for 2023/24 so 2022/23 is the most accurate data to use. It should be noted that data capture improvements have been implemented over the last 10 year and the more recent data is most accurate. Changes in population, number of facilities, operational procedures and implementation of energy saving projects all contribute to changes in Council's emissions profile.

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FOLLOW UP REPORT

Reporting

Climate Action Plan action 10.1 states *annual reporting of the progress of the CAP and review and update as required*. An annual report to council should be scheduled for October to allow for emissions data for the financial year to be updated prior to reporting.

Legal

Mandated emission reporting for most large organisations is required from January 2025. Council's have been omitted from this reporting requirement however further information including timeframes for mandated reporting are expected in 2025.

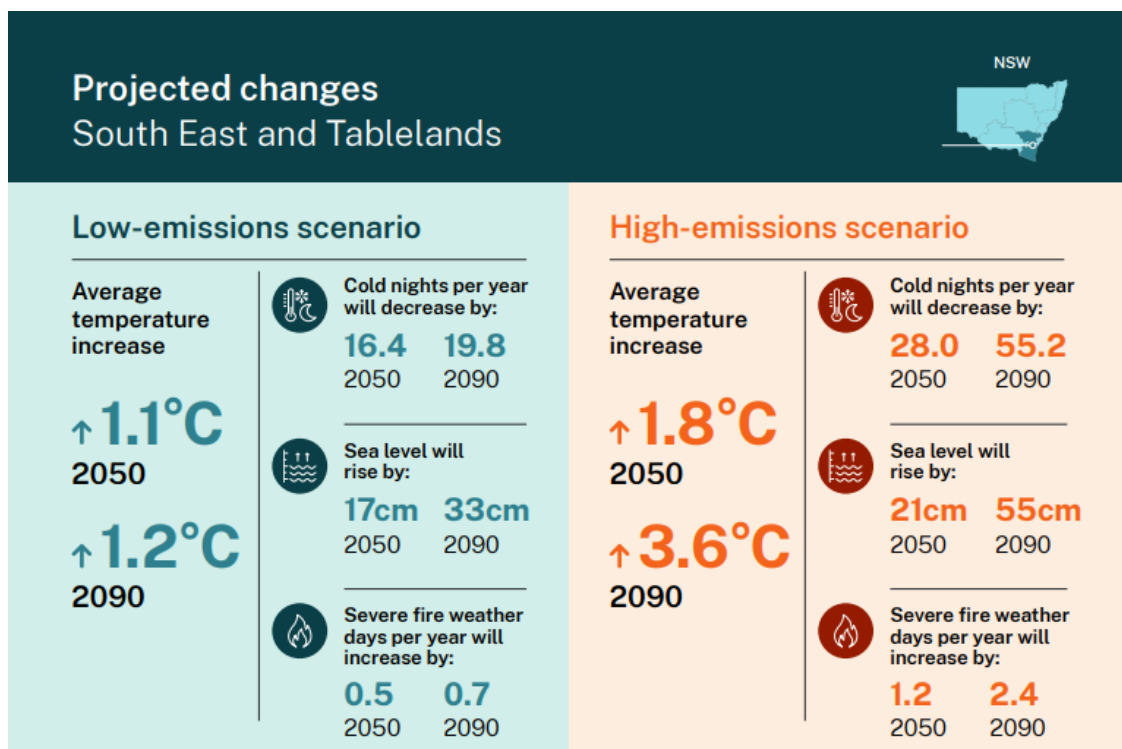
Policy

This report considers the actions and objectives of Council's Climate Action Plan which was endorsed by council in July 2022.

Environmental

The New South Wales (NSW) and Australian Regional Climate Modelling (NARClm) project delivers high-resolution climate change projections for NSW and south-east Australia.

Information in this snapshot can be used in conjunction with detailed information that is available through the [AdaptNSW Interactive Map and the Climate Data Portal](#). The latest information shows two different scenarios for low emissions and high emissions:



Social Impact

Over 47 submissions were received from community members, associations and businesses in response to the DRAFT Climate Action Plan 2022-2024, with 43 of those showing support and offering further feedback for consideration in the plan.

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FOLLOW UP REPORT**

Economic Development Employment Potential

The Climate Action Plan includes an objective to improve awareness of climate risks and market opportunities among business and provide support to address barriers to investing in sustainable practices.

Local businesses are engaged in existing education programs and will be further engaged in opportunities to reduce their emissions through programs such as Power Purchase Agreements, and accessing sustainability upgrade options.

Implementation of projects will utilise local and non-local businesses and contractors where they are the preferred supplier for works such as electrical and solar upgrades and maintenance, EV charging installation and operation, EV purchases, consultants and technical advisors.

Innovative projects are needed to address the next stage of emissions reduction and opportunities for new businesses and employment may arise.

Financial

There is currently no, nor has there been, an operational budget allocated towards delivery of net zero or climate action programs. This has restricted Council's ability to deliver significant inroads into delivering actions.

It must also be said that while there has been progress with the Climate Action Plan, the actions that have been completed are ones that are generally considered 'low hanging fruit' and there is a need to monitor emissions and carry out investigations/feasibility studies as to how Council and the community can further reduce emissions.

Delivery is facilitated by the Sustainability Team which comprises of a Sustainability Supervisor at 1 FTE and two part-time Education Officers at 0.6 FTE.

Delivery of projects to date has been heavily reliant on external grant funds.

Council's Revolving Energy Reserve was established in 2015 to enable savings from energy efficiency projects to be captured and accessed for new projects.

The costs below are a summary of the requirements for an annual budget to deliver the Climate Action Plan and additional Net Zero Plan actions:

- Emissions profiling and reduction plan \$25,000 (one off)
 - Subscription to emissions monitoring platform \$20,000 (annually)
 - Energy advisory services \$15,000 (annually)
 - Feasibility studies and energy audits \$15,000 (annually)

A recommendation of this report is that council commit to an annual budget allocation for monitoring systems and audits/ feasibility studies.

Initial work can be costed from the Revolving Energy Reserve but if Council is to meet the Net zero targets, that an annual budget is allocated.

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FOLLOW UP REPORT**

Community and Stakeholder Engagement

The Education Officers focus on engagement and education with school groups, businesses and the general community in programs to reduce water, waste and energy consumption. This will support the community with sustainability and reducing emissions.

CONCLUSION

Council is proceeding well with the delivery of Climate Action Plan actions and has already completed some of the recommendations from the Net Zero Guide. These efforts are showing a reduction in council operational emissions however further work is required to ensure Council meets all the actions outlined in the Climate Action Plan.

This report recommends that annual progress is reported to Council, that an annual budget is set to achieve these targets, and that council invest in an emissions profiling and reduction plan.

ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL ON TUESDAY 17
DECEMBER 2024
PSR24/022 NOM24/005 - CLIMATE ACTION PLAN AND CRJO NET ZERO GUIDE
FOLLOW UP REPORT
ATTACHMENT 1 CAP AND NET ZERO GUIDE LINKAGES

Net Zero Council Guide					
Recommendation	Cost	Impact	Timeframe	Current status	Links to existing Council Strategy
Overarching objectives of the Net Zero Council Guide					
					<p>CSP 1.1 Move together for a sustainable future</p> <p>CSP 1.3 Respond to our changing climate and natural hazards</p> <p>CSP 4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla</p> <p>CSP 5.1 Acknowledge our shared responsibility through an informed community</p> <p>DP 1.3.4 Reduce Council's contribution to the effects of man-made climate change through the implementation of the Climate Action Plan</p> <p>DP 1.1.2 Investigate and encourage renewable energy and technologies for Council and the Community</p> <p>DP 1.4.3. Provide opportunities and incentives to encourage responsible use of resources by the community and at Council</p> <p>DP 2.2.2 Provide and manage quality community facilities to meet the needs of the current and future communities</p> <p>DP 5.2.3 Advocate and collaborate to advance the region and address local issues</p> <p>OP 1.1.2.1 Continue to seek renewable energy supply for 100% of Council's electricity demand</p> <p>OP 1.2.2.4 Undertake water, sewer and waste monitoring</p> <p>OP 4.3.1.1 Advocate for improved power supply resilience to critical infrastructure and vulnerable communities</p> <p>OP 5.3.3.6 Undertake a review of existing light fleet to inform a fleet strategy</p> <p>Please refer to columns below for how specific recommendations align with actions outlined in the Eurobodalla Climate Action Plan 2022-2032 and/or other strategies and plans not identified above</p>
Leadership and Governance					
Make a public commitment to reducing operational emissions to Net Zero by 2050	Low	High	Short	Complete	Endorsement of the CAP in 2022 with target of net zero emissions by 2040 for Council operations
Advocacy - Encouraging other Councils to take on emission reductions and lobbying State and National governments to adopt, fund, invest and regulate for Net Zero actions by local government	Low	High	Short	In progress	ESC is an active member of the CRJO Net Zero Working Group which helps facilitate regional approach to net zero emissions strategy and projects. Also a member of the Cities Power Partnership with 175 councils from across Australia providing joined advocacy.
Finance & Procurement					
Revolving Energy Fund - Establish a Revolving Energy Fund/Net Zero Fund to finance Net Zero emission reductions	Low	High	Medium	Complete	Energy and Efficiency Fund 2024, previously the Revolving Energy Fund established in 2014
Divest from fossil fuels - Develop a plan for Council to divest from institutions that operate or invest in fossil fuel companies and projects.	Low	High	Medium	Pending	<p>CAP 10.4. Consider further divestment of Council's investment portfolio to fossil free funds</p> <p>CAP 10.5. Advocate to the NSW Government to create clear pathways and opportunities for greater divestment of fossil fuels by local councils</p>

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FOLLOW UP REPORT
ATTACHMENT 1 CAP AND NET ZERO GUIDE LINKAGES

Sustainable Procurement – Adopt sustainable procurement principles by amending the existing procurement policy and procedure.	Low	High	Short	Complete	Council's adopted procurement policy incorporates sustainable procurement principles.
Establish an internal Net Zero working group which has the task of overseeing resource use and emissions. The group would be led by the CFO or GM, with representation from all operational areas	Low	High	Medium	Complete	CAP 10.7. Continue Council's internal Sustainability Matrix Group to ensure collaboration and engagement in climate change actions and opportunities across all divisions of Council Sustainability Matrix Group established in 2011; meets quarterly to discuss items relating to Climate Action Plan and other relevant projects, strategies etc
Undertake an emissions inventory	Medium	High	Medium	Complete	CAP 10.1. Annual reporting of the progress of the Climate Action Plan and review and update as required Baseline established in 2005/06
Adopt an annual emissions monitoring and reporting procedure	Low	High	Medium	Complete	Sustainability Team gathers data from across council. Executive reporting on this data was suspended in 2023. For council emissions Eurobodalla-Climate-Action-Plan-2022-2032.pdf aims to - reduce emissions from the 2005-06 baseline by 80% by 2030 - achieve net zero emissions by 2040 - source 100% of Council's electricity demand from renewable energy by 2030. Council will also support the wider community to achieve at least equal to the NSW Government's targets: - net zero emissions by 2050 for Eurobodalla - 50% reduction in emissions by 2030 for Eurobodalla.
Adopt Net Zero targets	Low	High	Low	Complete	
Net Zero processes and projects included in the IP&R process (draft Community Strategic Plan, Delivery Plan and Operational Plan)	Low	High	Low	Complete	Sustainability and net zero actions are included in the Community Strategic Plan 2022-2042 (CSP), Delivery Plan 2022-2026 (DP) and Operational Plan 2024-25 (OP)
Review of all Council strategic documents, processes and programs and modify to align with emission reduction targets	Low	High	Medium	Pending	CAP 10.2. Integration of climate change responses into Council plans, programmes, reports as they are developed/updated CAP 10.3. Consider the impacts of climate change on Council operations and activities CAP 10.4. Review and update (as needed) Council's Safe Work Method Statements, and Work Activity Brief procedures, to eliminate or reduce exposure to climate change-related risks (e.g. excessive heat)
Where necessary, adopt new strategic documents which outline Council's approach to Net Zero:					
Climate Change Strategy	Medium	High	Medium	Complete	Climate Action Plan adopted in 2022
Operational Emissions Reduction Plan	Medium	High	Medium	Pending	Development and implementation of this plan, Operational Emissions Reduction Plan required. Costing estimated at \$25k based on other LGAs
Energy Management Plan	Medium	High	Medium	Pending	Inclusive to the Operational Emissions Reduction Plan
Electric Vehicle Transition Plan	Medium	High	Medium	In progress	Inclusive to the Operational Emissions Reduction Plan

Landfill emission reduction plan/ clause	Medium	High	Medium	Pending	Inclusive to the Operational Emissions Reduction Plan
Water and Waste Water treatment emission reduction plan/ clause	Medium	High	Medium	Pending	Inclusive to the Operational Emissions Reduction Plan
Offset Policy	High	Medium	Short	Pending	Inclusive to the Operational Emissions Reduction Plan
Resource Efficiency Policy	Low	High	Low	Pending	Inclusive to the Operational Emissions Reduction Plan
Asset Management Strategy/Capital Works Plan	Medium	High	Medium	Ongoing	Included in the IPR cycle
Modify Project Mgmt procedures Join membership groups which help Councils on their Net Zero and Sustainability journeys, e.g., NSW Government's Sustainability Advantage, Local Government NSW Climate Action Professional Officers Group (CAPOG), the Global Covenant of Mayors for Climate & Energy (GCeM) and Sustainable Choice by Local Government Procurement.	Low	High	Medium	Pending	
Human Resources & Internal Communications	Low	Medium	Short	Complete	Member of CAPOG, others to be considered.
Compulsory staff training on climate change and the importance of emission reductions and adaptation	Medium	High	Medium	Pending	
Embed measurable resource efficiency and emission reduction key performance indicators (KPIs) into Executive and Manager roles	Low	High	Short	Pending	
Setting corporate expectations through onboarding process	Low	Medium	Short	Pending	
Develop videos of internal staff showcasing their commitment to Net Zero	Low	High	Short	Pending	

CAP 10.2. Integration of climate change responses into Council plans, programmes, reports as they are developed/updated
CAP 10.3. Consider the impacts of climate change on Council operations and activities
CAP 10.4. Review and update (as needed) Council's *Safe Work Method Statements*, and *Work Activity Brief* procedures, to eliminate or reduce exposure to climate change-related risks (e.g. excessive heat)

PSR24/022 NOM24/005 - CLIMATE ACTION PLAN AND CRJO NET ZERO GUIDE
FOLLOW UP REPORT
ATTACHMENT 1 CAP AND NET ZERO GUIDE LINKAGES

Internal communications campaigns to educate staff about new procedures and expectations	Low	High	Short	Pending	
Electricity & Gas					
Review electricity contract and opt for sourcing electricity from renewable sources	Low	High	Medium	In progress	CAP 1.1. Seek Power Purchase Agreement/renewable energy supply for remaining 20% Council energy usage
Upgrade all electricity meters to smart meters	Low	High	Medium	In progress	One third of all council meters are smart metering devices. Upon update and renewal of electricity contracts, smart metering will be negotiated as part of the new contracts.
Undertake audits on assets (energy efficiency) e.g., pools	Medium	High	Medium	In progress	CAP 5.3. Continue to improve energy security for key water and wastewater assets
Undertake tariff reviews	Low	High	Short	In progress	CAP 1.2. Continue to lower energy usage where feasible through solar, lighting upgrades, maintenance works and other opportunities to improve energy efficiency
Implement an electricity monitoring process which aligns with the emission reduction monitoring procedure	Low	High	Medium	In progress	Recently changed providers of monitoring platform to merge with other council monitoring dashboards and reduce costs. Close to finalising data.
Introduce minimum performance standards for goods and services	Low	High	Medium	Complete	Inclusive to Procurement Policy
Work with Essential/Endeavour Energy to have all Street Lights upgraded to LED	Medium	High	Medium	Complete	Council lighting the way on tackling climate change 1 Eurobodalla Council Oct 2017 Council's recently-completed LED streetlight upgrade resulted in almost 2,500 LED streetlights installed on Eurobodalla residential roads. "This project resulted in saving about 400 tonnes of CO2 per year, which is equivalent to taking over 110 cars off the road," Mr Shorter said. "The LED upgrade is now saving Council more than \$120,000 per year in reduced electricity and maintenance costs."
Implement onsite solar projects	Medium	Medium	Medium	In progress	CAP 1.2. Continue to lower energy usage where feasible through solar, lighting upgrades, maintenance works and other opportunities to improve energy efficiency Twenty per cent of electricity used by Council is sourced from renewable energy. We have installed over 3,000 solar panels at 28 Council facilities across Eurobodalla Shire. The solar panels can produce over 750KW of power when the sun shines.
Adopt battery technology	Medium	Medium	Low	Pending	Using solar power saves over 1000 tonnes of carbon dioxide and over \$180,000 a year in energy costs. CAP 1.2. Continue to lower energy usage where feasible through solar, lighting upgrades, maintenance works and other opportunities to improve energy efficiency CAP 1.3. Investigate potential for batteries to be integrated with solar assets

PSR24/022 NOM24/005 - CLIMATE ACTION PLAN AND CRJO NET ZERO GUIDE
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Develop an Offsite Renewable Energy project	High	High	Long	Pending	CAP 1.1. Seek Power Purchase Agreement/renewable energy supply for remaining 20% of Council energy use
Co-Fund Joint CRJO Energy Projects	Medium	High	Short	Pending	CAP 1.1. Seek Power Purchase Agreement/renewable energy supply for remaining 20% of Council energy use CAP 1.2. Continue to lower energy usage where feasible through solar, lightning upgrades, maintenance works and other opportunities to improve energy efficiency
Undertake Energy Efficiency Projects	Low	Medium	Medium	In progress	CAP 1.2. Continue to lower energy usage where feasible through solar, lightning upgrades, maintenance works and other opportunities to improve energy efficiency
Replace gas powered appliances and equipment with electric alternatives	Medium	Medium	Short	Pending	Links to CAP via best practice for emissions reduction
Evaluate your waste water treatment energy performance	Low	Medium	Short		CAP 5.3. Continue to improve energy security for key water and wastewater assets
Direct Waste Water Emissions					
Implement a Best Practice emissions monitoring protocol for your waste water treatment facilities	Medium	Medium	Medium	Complete	DP 1.2.2.4. Undertake water, sewer and waste monitoring Water and sewer reports emissions as part of their performance reporting to DP/E
Supplement waste water management strategies with emission reduction clauses, with the assistance of the NSW EPA	Medium	High	Medium	Pending	
Scope best practice waste water treatment for future plant upgrades	Medium	High	Long	Complete	
Direct Landfill Emissions					
Implement robust monitoring of landfill emissions protocol	Medium	Medium	Medium	Complete	EPA requirement
Supplement landfill management strategies with emission reduction clauses, with the assistance of the NSW EPA	Medium	High	Medium	Pending	To be included in DRAFT Waste Strategy (early 2025)
Adopt methane reducing technology solutions	High	High	Long	Complete	CAP 4.1. Investigate opportunities for further methane capture and flaring at landfills
Introduce FOGO, material recovery and recycling programs to reduce the amount of waste going to landfill	Medium	High	Medium	In progress	CAP 4.4. Continue to implement waste diversion programs that reduce the volume of waste going to landfill

Explore ways to monitor and reduce emissions from legacy landfill sites	Medium	Medium	Medium	N/A	Council has not yet closed a landfill site and therefore have not developed a remediation and/or monitoring plan for legacy landfill sites
Scope best practice landfill management for future site upgrades	Medium	High	Long	Complete	TBC Waste Team
Direct Fleet Emissions					
Adopt a Fleet Transition Plan which outlines the steps that will be taken to transition away from combustion engines	Low	Medium	Medium	In progress	CAP 2.1. Develop an Electric Vehicle (EV) Strategy including charging infrastructure requirements, operational changes and transition plan
Develop a charging policy on public land	Low	Medium	Medium	Complete	Eurobodalla Shire Council Electric Vehicle Charging Infrastructure Strategy 2023
Offsetting remaining emissions					
Develop an Offset policy and plan	High	Medium	Short	Pending	Inclusive to the Operational Emissions Reduction Plan

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FCS24/054 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

S012-T00003

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

Attachments: 1. Council's Code of Conduct Statistic Report 2024

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

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

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

EXECUTIVE SUMMARY

The Office of Local Government (OLG) requires Council to submit a Code of Conduct Complaints Statistics Report by the 31 December each year. Council submitted its Code of Conduct Statistics Report to the OLG on 3 December 2024. A copy of the report is attached for Council's information.

The report includes statistical information on Code of Conduct complaints relating to councillors and the General Manager from 1 September 2023 to 31 August 2024. As part of this process the report must be presented to Council by 31 December 2024.

RECOMMENDATION

THAT Council receive and note the Code of Conduct Complaints Statistics Report 2024.

BACKGROUND

The Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct) is made under section 440 of the *Local Government Act 1993* (LGA) and the *Local Government General Regulation 2021* (The Regulation).

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

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

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

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

- To take no action.
- To resolve the complaint by alternative and appropriate strategies such as counselling, training, mediation, informal discussion, negotiation, or apology.
- Refer the matter back to the General Manager for alternative and appropriate strategies such as, counselling, training, mediation, informal discussion, negotiation, or apology.
- To refer the matter to another agency or body such as, the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, the OLG or the Police.

FCS24/054 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

S012-T00003

- To recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

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

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

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

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

- Total number of complaints received in the period about councillors and the General Manager.
- Total number of complaints finalised in the period about councillors and the General Manager.
- Number of complaints finalised at the outset by alternative means by the General Manager or mayor.
- Number of complaints finalised referred to the Office of Local Government under a special complaints management arrangement.
- Number of complaints referred to a conduct reviewer.
- Number of complaints finalised at preliminary assessment by conduct reviewer.
- Number of complaints referred back to the General Manager or mayor for resolution after preliminary assessment by conduct reviewer.
- Number of finalised complaints investigated by a conduct reviewer.
- Number of finalised complaints investigated where there was found to be no breach.
- Number of finalised complaints investigated where there was found to be a breach.
- Number of complaints referred by General Manager or mayor to another agency of body such as ICAC, the NSW Ombudsman, OLG or the Police.
- Number of complaints being investigated that are not yet finalised.

FCS24/054 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

S012-T00003

- Total cost of dealing with Code of Conduct complaints relating to councillors and the General Manager, including staff costs.

CONSIDERATIONS

All complaints under the Code of Conduct that were received about councillors and the General Manager in the reporting period from 1 September 2023 to 31 August 2024 have been included in this report.

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

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

For this reporting period one complaint was received, which was under preliminary investigation stage as at the end of the reporting period. Out of the one complaint received in the current reporting period, an external Conduct Reviewer was used.

Legal

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

Policy

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

Financial

The total cost of dealing with Code of Conduct complaints relating to councillors and the General Manager for the 2023-2024 period was \$17,892 all of which related to the three complaints that were not finalised in the 2022-2023 period.

This is compared to the total cost of dealing with Code of Conduct complaints for the 2022-2023 period of \$11,093.

CONCLUSION

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

Council submitted the Code of Conduct Complaints Statistics report to the Office of Local Government on 3 December 2024.

Model Code of Conduct Complaints Statistics 2023-24 Eurobodalla Shire Council		
Number of Complaints		
1	The total number of complaints received in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources:	
i	Community	<input type="text" value="0"/>
ii	Other Councillors	<input type="text" value="1"/>
iii	General Manager	<input type="text" value="0"/>
iv	Other Council Staff	<input type="text" value="0"/>
2	The total number of complaints finalised about councillors and the GM under the code of conduct in the following periods:	
i	3 Months	<input type="text" value="0"/>
ii	6 Months	<input type="text" value="3"/>
iii	9 Months	<input type="text" value="0"/>
iv	12 Months	<input type="text" value="0"/>
v	Over 12 months	<input type="text" value="0"/>
Overview of Complaints and Cost		
3 a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	<input type="text" value="0"/>
b	The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	<input type="text" value="0"/>
c	The number of code of conduct complaints referred to a conduct reviewer	<input type="text" value="1"/>
d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	<input type="text" value="1"/>
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	<input type="text" value="0"/>
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	<input type="text" value="2"/>
g	Cost of dealing with code of conduct complaints via preliminary assesment	<input type="text" value="11,131"/>
h	Progressed to full investigation by a conduct reviewer	<input type="text" value="0"/>
i	The number of finalised complaints investigated where there was found to be no breach	<input type="text" value="3"/>
j	The number of finalised complaints investigated where there was found to be a breach	<input type="text" value="0"/>
k	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	
i	ICAC	<input type="text" value="0"/>
ii	NSW Ombudsman	<input type="text" value="0"/>
iii	OLG	<input type="text" value="0"/>
iv	Police	<input type="text" value="0"/>
v	Other Agency (please specify)	<input type="text" value="0"/>
<input type="text"/>		
l	The number of complaints being investigated that are not yet finalised	<input type="text" value="1"/>
m	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	<input type="text" value="17,892"/>

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

Categories of misconduct		
8	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	<input type="text" value="0"/>
b	Non-pecuniary conflict of interest (Part 5)	<input type="text" value="0"/>
c	Personal benefit (Part 6)	<input type="text" value="0"/>
d	Relationship between council officials (Part 7)	<input type="text" value="0"/>
e	Access to information and resources (Part 8)	<input type="text" value="0"/>
Outcome of determinations		
9	The number of investigated complaints resulting in a determination that there was a breach in which the council:	
a	Adopted the independent conduct reviewers recommendation	<input type="text" value="0"/>
b	Failed to adopt the independent conduct reviewers recommendation	<input type="text" value="0"/>
10	The number of investigated complaints resulting in a determination where:	
a	The external conduct reviewers decision was overturned by OLG	<input type="text" value="0"/>
b	Council's response to the external conduct reviewers recommendation was overturned by OLG	<input type="text" value="0"/>
11	Date Code of Conduct data was presented to council	<input type="text" value="17-Dec-24"/>

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FCS24/055 PROPOSED LICENCE FOR FOOD TRUCK, NAROOMA

LAND ID 34247

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

Attachments: 1. Confidential - Submissions-Proposed licence for food truck Narooma
2. Confidential - Submitter questions-Proposed licence for food truck Narooma
3. Confidential - Images of parking area-Proposed licence for food truck Narooma

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.2 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for a licence for a food truck in Narooma.

Council has received an application for a licence from the tourism business owner that operates from the old Narooma Visitor Centre building adjacent to NATA oval.

The food truck proposed is to be an extension of that business to cater for tourists.

The land is Crown reserve under Council management. In accordance with 47A of the Local Government Act 1993, the licence proposal was publicly notified from 10 September 2024 to 10 October 2024.

Submissions have been received both in support and opposed to the proposal.

RECOMMENDATION

THAT:

1. Council notes it has considered the submissions received in relation to the requested licence for a food truck.
2. Council grant a licence for one year for the operation of a food truck within Lot 7011 DP 1055108 with the following conditions:
 - (a) Provision of evidence of \$20 million public liability insurance.
 - (b) All relevant legislation must be complied with.
 - (c) Licence conditions generally in line with similar Crown licences and including requirements to:
 - (i) keep the area in a clean, tidy and well-maintained condition
 - (ii) not discourage or obstruct access to the toilets or public bench seating
 - (iii) make it clear any tables and chairs are for the general public to use
 - (iv) for the licensee to promote other food outlets within walking distance of the existing business

FCS24/055 PROPOSED LICENCE FOR FOOD TRUCK, NAROOMA

LAND ID 34247

3. The General Manager be given delegated authority to approve further licences for one year at a time.

BACKGROUND

The applicant for the licence operates a successful tourism business from the old Narooma Visitors Centre building adjacent to NATA oval. The business operates an information hub as part of the business operation from the building.

The food truck proposed is to be an extension of that business to cater for tourists and to bring life to the visitor centre precinct with a casual atmosphere. Proposed opening times are in line with the information hub, currently 7am to 2pm.

It will be a condition of the licence that in addition to the licenced area, tables and chairs be provided for the benefit of all reserve users, not just customers of the food truck, and that they are to be packed up at the end of each day.

The land is Crown reserve under Council management being Reserve 63051.

The Narooma Sport and Leisure Precinct Plan of Management for the reserve states licences for commercial food outlets and outdoor eating are permissible. Indeed, the Plan of Management specifically notes that at Nata Oval, Council may enter into leases or licences with commercial operators for a 'café and / or food related outlets'.

During public notification of the proposed licence, several submissions were received raising matters for Council's consideration.

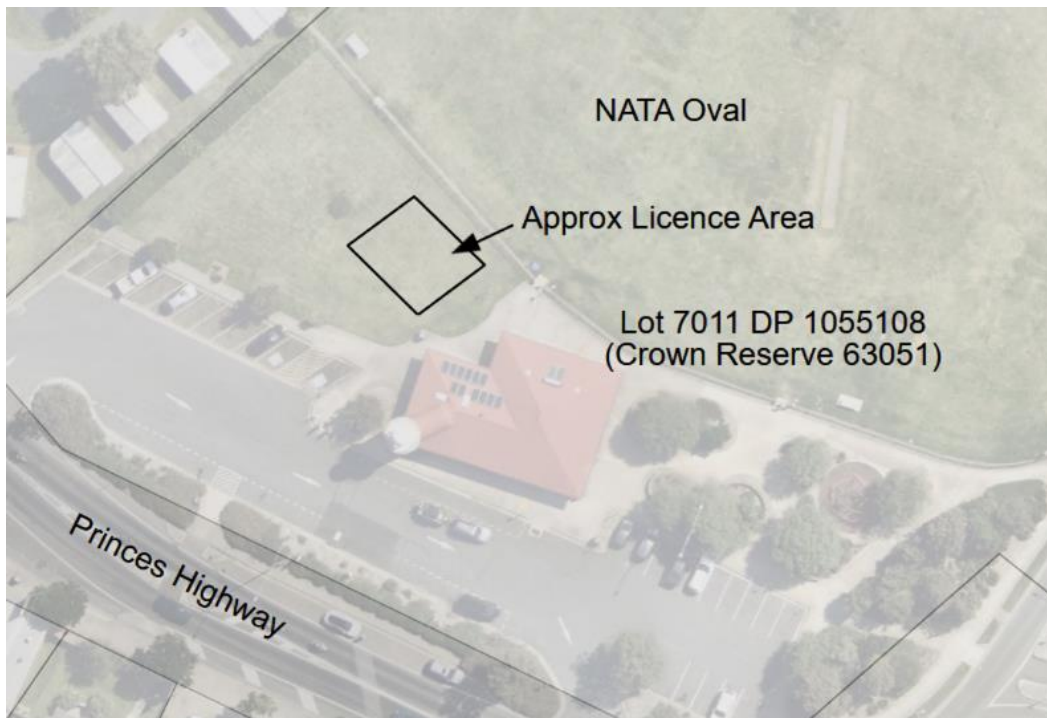
CONSIDERATIONS

Council's Property Team facilitate the leasing and licensing of Council-owned operational and community land, and Crown land, under Council management, such as NATA oval and surrounds.

A sketch of the area of use is set out below:

FCS24/055 PROPOSED LICENCE FOR FOOD TRUCK, NAROOMA

LAND ID 34247



Legal

A mobile food or drink outlet, such as the food truck requested, that adheres to Subdivision 27A of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 - NSW Legislation](#) can be situated on any land. In addition, Council as land manager, needs to give consent.

Council's Street Activities Code of Practice considers the approval process for Mobile Food Businesses to stop temporarily on public roads and car parks but is not applicable to this application because the site is not on a road or car park and the use will not be temporary.

In addition, the Street Activities Code requires there to be no other food businesses within 250 metres which is also not the case.

NATA oval and surrounds is Crown Reserve under the management of Council as Crown Land Manager. A Crown Land Manager (CLM) is responsible for the care, control and management of appointed Crown Reserves on behalf of the people of NSW. CLMs oversee the appointed reserves, buildings, assets and infrastructure, along with administering the crown leases and licences for these locations. [Crown Land Management Act 2016](#)

Council can only issue a licence for a period of up to five years for Crown Reserves for which Council is Crown Land Manager, after giving public notice and considering any submissions in accordance with Section 47A of the *Local Government Act 1993*.

[Local Government Act s47A](#)

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

FCS24/055 PROPOSED LICENCE FOR FOOD TRUCK, NAROOMA

LAND ID 34247

Policy

An EOI is called each year to welcome interested parties who may wish to conduct activities including markets, events or commercial businesses on Council managed public reserves for a period of up to five years in accordance with Council's *Code of Practice - Licensing of Public Reserves and Associated Buildings*.

Council's Street Activities Code of Practice considers the approval process for Mobile Food Businesses to stop temporarily on public roads and car parks but is not applicable to this application because the site is not on a road or car park and the use will not be temporary.

In addition, the Street Activities Code requires there to be no other food businesses within 250 metres which is also not the case.

Instead, Council is considering issuing a licence in line with Council's *Land Management-Acquisition, Disposal and Leasing/Licensing Policy* (Land Policy).

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

Environmental

The licensee will be required to keep the area in a clean and well-kept condition and any damage caused is to be rectified by the licensee.

Social Impact

The proposal is to be an extension of the tourism business within the building on site, to cater for tourists and to bring life to the visitor centre precinct. Existing food business already operate nearby but on the other side of the Princes Highway.

Economic Development Employment Potential

The proposal is to support tourism and development of the existing business.

Financial

Licence fees have been calculated regarding Council's outdoor eating areas fees and charges. The area proposed to be licenced is 24 square metres with an annual fee of \$2,808 being the area for the food truck and immediate surrounds.

In addition to the licenced area, it will be a condition of the licence that the licensee supply tables and chairs for the benefit of all reserve users, not just customers of the food truck.

Community and Stakeholder Engagement

An EOI is called each year to welcome interested parties who may wish to conduct activities including markets, events or commercial businesses on Council managed public reserves for a period of up to five years in accordance with Council's *Code of Practice - Licensing of Public Reserves and Associated Buildings*. In 2024, the EOI was publicly notified for 28 days in April. No other party has expressed an interest in using the same part of the reserve.

Public notification in accordance with Section 47A of the *Local Government Act 1993* of the proposal to grant a licence took place from 9 September 2024 to 10 October 2024. 11 submissions were received during the notification period with 4 after the period closed.

FCS24/055 PROPOSED LICENCE FOR FOOD TRUCK, NAROOMA

LAND ID 34247

Submissions in support of the licence were received from Rotary Club Narooma, Narooma Mountain Bike Club and the Narooma Historical Society.

A summary of concerns raised is set out below. The submissions are attached to this report in full as confidential attachments (refer Att 1.) for Councillors' consideration.

Concern	Council Response
<p>Parking</p> <p>Limited parking which is already in high demand and this will increase it. Parking restrictions along highway have changed</p> <p>People park across owners driveway.</p> <p>Five bays also allocated at centre for EVs further restricting parking.</p> <p>Concerned as to further loss of parking, particularly for disability users.</p>	<p>Changes were made to parking on the highway when the roundabout was constructed but there was no net loss of parking as additional spots were provided next to the Leisure Centre.</p> <p>The property affected by people parking across the driveway is on the other side of the Princes Highway, an image is attached for Councillor information, and it is not considered this licence will increase the already existing behaviour.</p> <p>The bays allocated for EVs do not reduce parking, just allocate it for an emerging vehicle type and encourage users to use local shops.</p> <p>Attached are photos of the car park showing capacity. Except when events are on at the Oval, the business states there is usually plenty of parking for her and other businesses customers. There is also parking on the highway immediately adjacent to the car park.</p>
<p>Public Amenity</p> <p>Already tables & chairs on eastern side. If on western side - who will check on the spread.</p> <p>Concern about licensee dominating the area and having possibly unapproved seating</p> <p>Concern as to upkeep of the grass area under truck and snake / vermin control</p> <p>Building surrounds is cluttered:</p> <p>- difficult to get around</p>	<p>The tables and chairs would be for the use for all, not just customers of the proposed food truck. There will be information on site that makes this clear. They will be removed each day.</p> <p>The area to the south is used as a walkway for the public toilets</p> <p>It will be a condition of the licence to maintain and not to block or discourage access to the toilets, public paths and undercover seating as well as keep the area in a presentable, tidy and uncluttered manner.</p>

FCS24/055 PROPOSED LICENCE FOR FOOD TRUCK, NAROOMA

LAND ID 34247

<p>and to get to toilet facilities.</p> <ul style="list-style-type: none"> - you cannot sit on garden edges at east due to tables in that area. - Access under awning for bus customers 	<p>Tables blocking the access to the undercover seating have been removed since the public notification period.</p>
<p>Other</p> <p>Were Rotary and dog club notified?</p> <p>Who is paying for electricity?</p> <p>Process questions asked</p>	<p>Rotary and dog club were notified and notices on site together with notification to all landowners in area.</p> <p>Rotary markets have confirmed in writing their support the food truck.</p> <p>Electricity will come from the former VIC and it will also be a condition that this is provided safely.</p> <p>The submitters questions were answered. Refer to Att 2. for their questions and answers.</p>
<p>Impact on other businesses</p> <p>Lots of similar business already in area. Will impact them.</p> <p>Food Truck less than 250m from existing businesses, could affect their turnover.</p> <p>Concern re seating being semi-permanent</p> <p>Believe no need for a further food business with 13 others close by</p>	<p>The tables and chairs would be for the use for all, not just customers of the proposed food truck. There will be information on site that makes this clear.</p> <p>The proponent is providing an information service to customers. This will include information on all nearby food business and confirmation that the seating is available for all.</p> <p>These points will be a condition of the licence.</p> <p>The hours of operation will be the same or less than the adjoining leased building, currently 7am to 2pm. The owner intends the van to be to serve existing customers of the lessee's business.</p>
<p>Planning approval concerns</p> <p>Other businesses, including food ones have had to supply parking.</p> <p>Some have been refused permission due to insufficient parking.</p>	<p>A mobile food or drink outlet can be situated on any land in NSW that adheres to Subdivision 27A of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. This is contingent upon meeting the development standards specified in the clause and obtaining the landowner's consent. Notably, the exemption does not mandate any parking related to the development.</p>

FCS24/055 PROPOSED LICENCE FOR FOOD TRUCK, NAROOMA

LAND ID 34247

Not fair if another business can set up without that requirement.	
Community use of public land Concerned about loss of use of half the reserve which should be for community not commercial use. VIC for public, now being used for private benefit at expense of other businesses	Use of reserve governed by Plan of Management which was publicly notified and specifically permits these types of licences. Maintenance of the grass area, kitchen waste, garbage disposal, food hygiene compliance and vermin control will form part of the licence conditions. The VIC is also included in the Plan of Management and was previously leased to the operator after a separate public & competitive process.

CONCLUSION

An application has been received for a licence to operate a food truck with tables and chairs adjacent to the NATA Oval and what was the visitor information building.

The proposed licence was publicly notified and submissions have been received.

Once Councillors have considered the submissions, Council may grant a licence up to 12 months for the food truck and for renewals to be considered based upon successful operation of the initial term.

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**FCS24/056 PROPOSED ROAD CLOSURES - PARTS OF DARTS ROAD,
MAULBROOKS ROAD AND EUROBODALLA ROAD**

**LAND ID
18629/20070/19939**

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

Attachments: 1. Confidential - Attachment - proposed part road closures

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.2 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for closure and sale of unformed road reserves that are not required by Council.

Applications have been received from landowners of rural properties seeking closure of road reserves that are within their properties.

On closure of these road reserves, the newly created lots will be vested to Council as operational land, enabling Council to then sell and transfer the land to the relevant landowner. The landowner is to then consolidate the land with their property.

Applications have been received from landowners of the following properties:

- 1) 180 Darts Road, Tinpot within Lot 170 DP 752145, and
- 2) 416 Maulbrooks Road, Mogo within Lot 26 DP 755963, and
- 3) 1188 Eurobodalla Road, Eurobodalla within Lot 1 DP 752145.

All costs including survey, valuation and legal costs associated with the road closures will be borne by the applicants. The applicants will be required to pay Council for the newly created lots, in addition, costs of survey and legal costs for the consolidation of the newly created lots with their own property.

For the property on Eurobodalla Road, there is also a proposed land swap where a physical road is not within the legal road reserve.

The proposed road closures and transfers are to take place in accordance with Council's *Land Management – Acquisition, Disposal and Leasing/Licensing Policy*.

The landowners' details are shown in the Confidential attachment to this report.

RECOMMENDATION

THAT:

1. Council approve the proposed road closure of part Darts Road, Tinpot within Lot 170 DP 752145 and sell that part to the owners of Lot 170 DP 752145.
2. Council approve the proposed road closure of part Maulbrooks Road, Mogo within Lot 26 DP 755963 and sell that part to the owners of Lot 26 DP 755963.
3. Council approve the proposed road closure of part Eurobodalla Road, Eurobodalla within Lot 1 DP 752145 and sell that part to the owners of Lot 1 DP 752145.

**FCS24/056 PROPOSED ROAD CLOSURES - PARTS OF DARTS ROAD,
MAULBROOKS ROAD AND EUROBODALLA ROAD**

**LAND ID
18629/20070/19939**

4. Council approve the road closure and road opening within Lot 1 DP 752145 Eurobodalla Road to legalise the current location of the physical road within that property.
5. Deeds of agreement be entered into with the landowners of Lot 170 DP 752145 and Lot 26 DP 755963 for the closure of road reserves within their relevant properties; requiring the landowners to pay all costs associated with the closure of the road reserves within their respective properties, including payment for the land to be determined following a valuation and to consolidate the newly created lots with their own property.
6. Deed of agreement be entered into with the landowner of Lot 1 DP 752145 for the closure of road reserve within their property and for the road closure and road opening within Lot 1 DP 752145 to legalise the current location of the physical constructed road with costs shared between the parties.
7. Once closed and vested in Council, the former segments of unformed road reserve within Lot 170 DP 752145 and Lot 1 DP 752145 and Lot 26 DP 755963 be transferred to the relevant landowners following payment of any agreed value and for them to consolidate the newly created lots with their own property.
8. The General Manager be given delegated authority to execute all necessary documentation.

BACKGROUND

Road reserves are areas of land reserved for future use as a road, often created in subdivision plans from the 19th century. Many private properties within Eurobodalla have road reserves in them which are known as 'paper' roads, these have never been built as physical roads and where there is no longer any potential for future public use as road.

In such cases, there is a legal process whereby Council can undertake public notification of its intent to close the road and sell the land to the adjoining owner.

Applications have been received from landowners of the following rural properties seeking closure of unformed road reserves that are within or adjacent to their properties:

- 1) 180 Darts Road, Tinpot within Lot 170 DP 752145, and
- 2) 416 Maulbrooks Road, Mogo within Lot 26 DP 755963, and
- 3) 1188 Eurobodalla Road, Eurobodalla within Lot 1 DP 752145.

Council has no future need for the unformed roads requested by landowners.

For the property on Eurobodalla Road, there is also a proposed land swap where a physical road is not within the legal road reserve.

**FCS24/056 PROPOSED ROAD CLOSURES - PARTS OF DARTS ROAD,
MAULBROOKS ROAD AND EUROBODALLA ROAD**

**LAND ID
18629/20070/19939**

CONSIDERATIONS

The closure of part of the unformed road reserves for the above 3 matters will devolve Council of current and future maintenance responsibilities over the areas disposed of, and the road open/close will legalise the position of the relevant part of Eurobodalla Road.

Council's procedure for road closures has been followed, including notification to the appropriate statutory authorities including Forestry NSW and any neighbouring property owners, allowing a minimum of 28 days for submissions to be received.

The only submissions received were from the statutory authorities who agreed with the road closures. No adverse submissions have been received.

Below are diagrams of each part road reserve.

1. part Darts Road, Tinpot – *sketch below*

The landowners have applied to close and purchase part of the unformed road reserve within their property to enable development of a dwelling in that area.

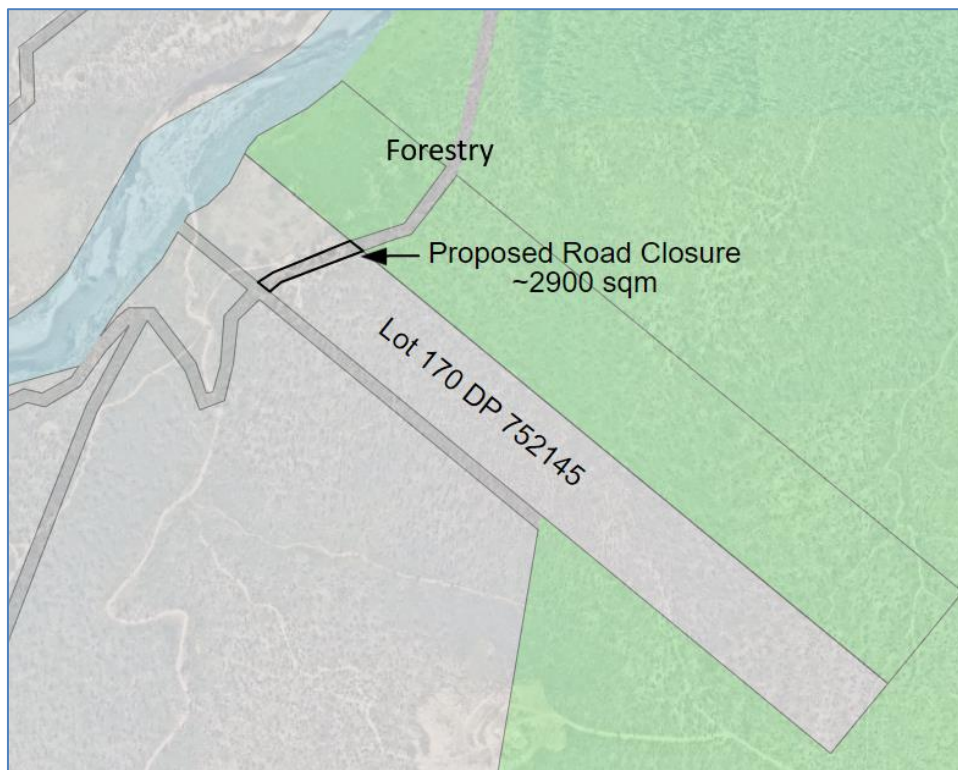
It is proposed to close part of the road reserve to create a new lot, to be sold and subsequently consolidated with the landowners' property.

Subject to final survey, the area of road reserve proposed to be closed is approximately 2900sqm. The whole of Lot 170 DP 752145 is 162,000sqm (16.2ha).



**FCS24/056 PROPOSED ROAD CLOSURES - PARTS OF DARTS ROAD,
MAULBROOKS ROAD AND EUROBODALLA ROAD**

**LAND ID
18629/20070/19939**



2. part Maulbrooks Road, Mogo – *sketch below*

The landowner has applied to close and purchase part of the unformed road reserve within his property to utilise this area of the property.

It is proposed to close part of the road reserve to create a new lot, to be sold and subsequently consolidated with the landowners' property.

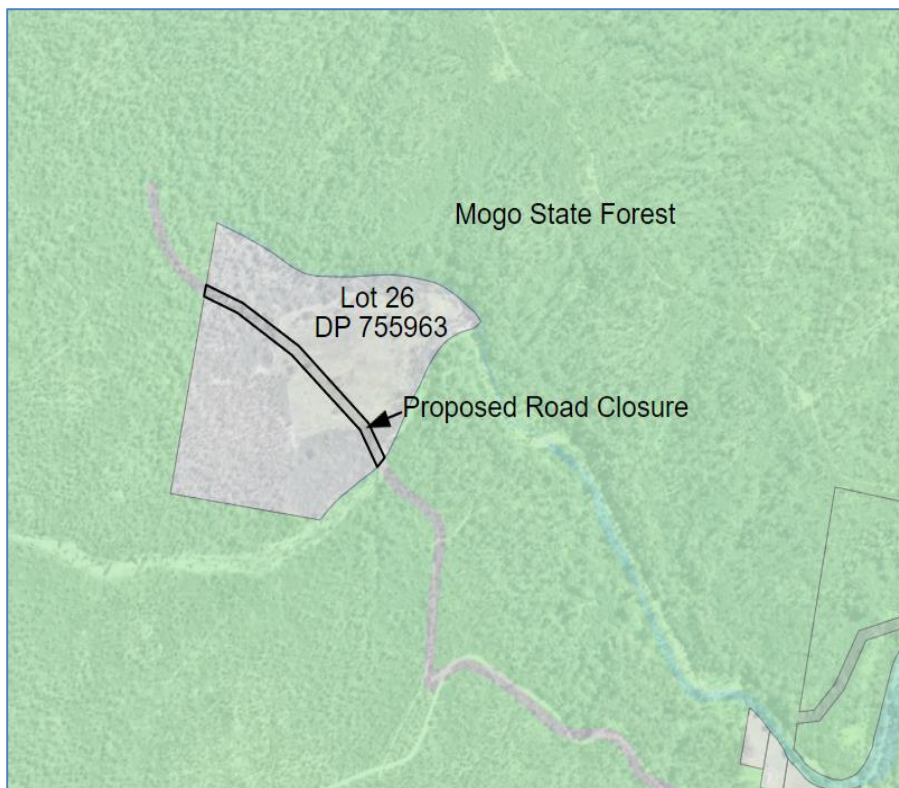
Subject to final survey, the area of road reserve proposed to be closed is approximately 9250sqm. The whole of Lot 26 DP 755963 is 161,000sqm (16.1ha).

This property is surrounded by State Forest. Practical access for the landowner to his property is partly through State Forest and partly along Council road reserve.

This report is only in relation to the proposed road closure of the unformed road within this property. As with some other rural areas, Council does not maintain part of the road to this property. That matter is still being investigated.

**FCS24/056 PROPOSED ROAD CLOSURES - PARTS OF DARTS ROAD,
MAULBROOKS ROAD AND EUROBODALLA ROAD**

**LAND ID
18629/20070/19939**



3. part Eurobodalla Road, Eurobodalla - *sketch below*

The landowner has within their property boundary the following:

- 1) An unused, unformed road reserve
- 2) A formed road not in a road reserve
- 3) Another unused road reserve close to the above formed road

The landowner has applied to:

- close and purchase part of the unformed road reserve within their property to utilise this area of the property.
- do a land swap of the 2nd unused road reserve for the land under the formed road.

It is proposed to close part of the road reserve to create a new lot, to be sold and subsequently consolidated with the landowners' property and to do the land swap.

This section of unformed road reserve adjoins Forestry land and Forestry NSW have agreed in writing to the road closure.

Subject to final survey, the area of road reserve proposed to be closed and transferred to the applicant is approximately 11100sqm(1.1ha).

The land swap areas are approximately: road reserve to close 2.37ha and road reserve to open 2.34ha.

**FCS24/056 PROPOSED ROAD CLOSURES - PARTS OF DARTS ROAD,
MAULBROOKS ROAD AND EUROBODALLA ROAD**

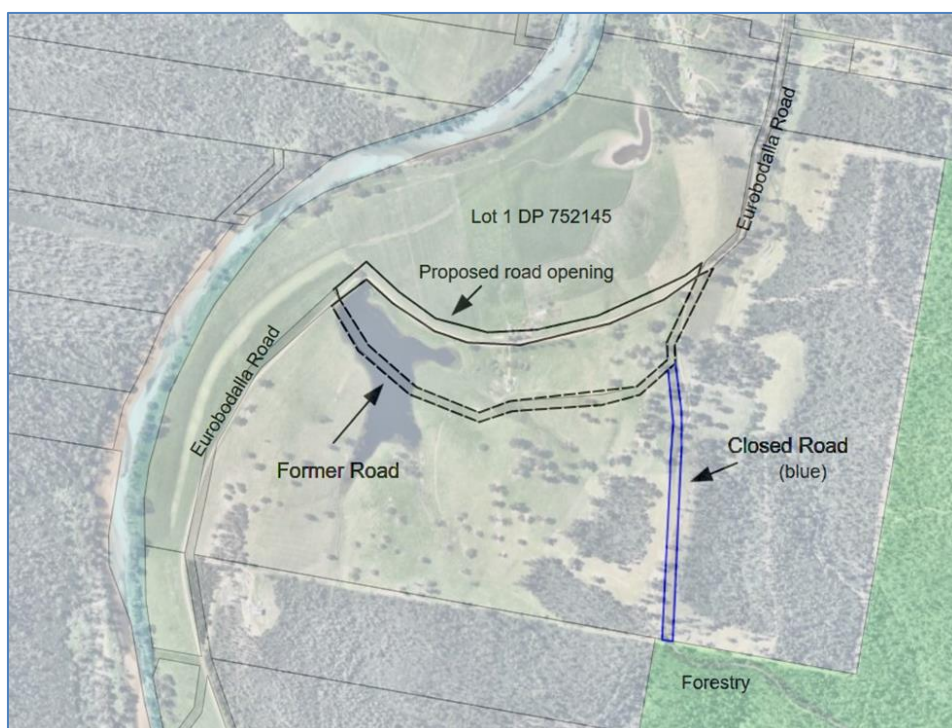
**LAND ID
18629/20070/19939**

The whole of Lot 1 DP 752145 is 1,295,000sqm (129.5ha).

Eurobodalla Road has been maintained by Council for many years. Like many rural roads in the shire, part of this road is not fully contained within the legal road reserve.

The proposal to dedicate a public road over the physical constructed road, in exchange for the closing of part of the unformed road reserve and transferring it to the landowners, has been agreed to by the landowners.

The sketch below notes the part road closure for transfer to the landowner as 'Closed Road (blue)' and the legalisation of the road reserve being road closure/open noted as 'proposed road opening' and 'former road'.



The sale of unformed road reserve is appropriate where the purchaser of the road reserve is a landowner whose property directly adjoins the area of unformed road to be closed.

Legal

In accordance with the 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 it is the authority.

In accordance with the s38B of the *Roads Act 1993*, 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.

Plans of Road Closure and First Title Creation will be registered at NSW Land Registry Services. Following registration of the plans, the road closures are to be notified in the Government Gazette. On closure of the road sections, the lands will vest in Council as operational land.

**FCS24/056 PROPOSED ROAD CLOSURES - PARTS OF DARTS ROAD,
MAULBROOKS ROAD AND EUROBODALLA ROAD**

**LAND ID
18629/20070/19939**

Subject to negotiation, Deeds of Agreement can be entered into with the applicants and the newly created lots can be transferred and consolidated with the adjoining relevant properties - Lot 170 DP 752145, and Lot 26 DP 755963, and Lot 1 DP 752145.

In regard to the road close/open within Lot 1 DP 752145, s44 of the Roads Act 1993 states that land being former public road may be given as compensation, in regard to the road opening/closing shown as black solid lines 'proposed road opening' and black dashes 'former road' in the sketch.

[ROADS ACT 1993 - s38A](#)

[ROADS ACT 1993 - s38B](#)

[Roads Act 1993 - s44](#)

Policy

All actions in respect of the sale of the closed road reserve will be in accordance with Council's *Land Management – Acquisition, Disposal and Leasing/Licensing Policy*.

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

Asset

The closure of part of the unformed road reserves for the above 3 matters will devolve Council of current and future maintenance responsibilities over the areas disposed of.

Financial

In regard to 1. part Darts Road, Tinpot and 2. part Maulbrooks Road, Mogo:

All costs including survey, valuation and legal costs associated with the road closures will be borne by the applicants. In addition, the applicants will be required to pay all costs of surveying and legal costs associated with the consolidation of the lot with their own property.

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

In regard to 3. Part Eurobodalla Road:

Costs for the land swap (open/close to legalise the road reserve) within Lot 1 DP 752145 (running east/west) together with costs for sale of the unformed section of road (running north/south) within Lot 1 DP 752145 are to be shared between the parties by agreement including survey and plan registration.

Community and Stakeholder Engagement

In accordance with s38B of the *Roads Act 1993*, each proposed road closure matter has been publicly notified through the local newspaper and on Council's website allowing 28 days for submissions and State statutory authorities including Forestry NSW have also been notified allowing 28 days for submissions.

**FCS24/056 PROPOSED ROAD CLOSURES - PARTS OF DARTS ROAD,
MAULBROOKS ROAD AND EUROBODALLA ROAD**

**LAND ID
18629/20070/19939**

Submissions were only received from the statutory authorities who were in agreement with the road closures. No adverse submissions have been received. Forestry NSW adjoins each property and has confirmed in writing there is no objection to the road closures.

CONCLUSION

Applications for proposed road closures and purchase of parts of unformed road reserves have been received from the landowners of - Lot 170 DP 752145, and Lot 26 DP 755963, and Lot 1 DP 752145.

Public notification has been carried out to consider approval of the proposed closure and sale of part road reserves within - Lot 170 DP 752145, and Lot 26 DP 755963, and Lot 1 DP 752145.

No adverse submissions have been received.

Following closure, the newly created lots will vest in Council as operational land. The closed road lands are to be transferred to and consolidated with each applicant's property at Darts Road, Maulbrooks Road and part Eurobodalla Road .

The physical road formation within Lot 1 DP 752145 (east/west) is not fully contained within the legal road reserve. Opening the physical constructed road, in exchange for the closing of part of the unformed road reserve and transferring it to the landowners in accordance with the Roads Act 1993 is the appropriate means to legalise the physical road within this section of Eurobodalla Road.

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FCS24/057 POLICY REVIEW - CODE OF MEETING PRACTICE

S012-T00025

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

Attachments: 1. Under Separate Cover - Code Of Meeting Practice - Exhibition copy
January 2025

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

Several of Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993* (the Act):

- *Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.*
- *Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.*
- *Section 165 (4) Amendment and revocation of local policy – 'a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election'.*

The Code of Meeting Practice has been reviewed and several amendments are proposed, in addition to referencing errors that have been corrected. The draft policy was tabled at the November 2024 Ordinary Meeting of Council, at which time several amendments were carried which are reflected in this updated report.

As per s361 of the Act it is proposed that the draft amended Code of Meeting Practice be placed on public exhibition from 28 January 2025 for a period of 42 days, with submissions closing 10 March 2025.

RECOMMENDATION

THAT:

1. Council endorses the draft amended Code of Meeting Practice for public exhibition from 28 January 2025.
2. The draft Code of Meeting Practice be placed on public exhibition for 42 days from 28 January to 10 March 2025. Following this period the draft policy and any submissions be presented to Council at the Ordinary Meeting of Council 25 March 2025.

BACKGROUND

Council's current Code of Meeting Practice was adopted in July 2023 and meets the requirements of the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) and is prescribed under s360 of the Act and the *Local Government (General) Regulation 2021* (the Regulations).

FCS24/057 POLICY REVIEW - CODE OF MEETING PRACTICE

S012-T00025

CONSIDERATIONS

Before adopting any changes to Council's Code of Meeting Practice, under s361 of the Act, Council is required to exhibit the Code of Meeting Practice for a period of not less than 28 days, inviting submissions for a period of at least 42 days.

The Code of Meeting Practice has been reviewed and the proposed amendments include:

1. Clause 2.2 (2), Timing of Ordinary Meetings, changes from third to fourth Tuesday of each month, unless otherwise resolved.
2. Clause 3.25, Public Access, changes from "usually on the first Tuesday of each month", to "usually on the second Tuesday of each month, unless otherwise resolved".
3. Update clause 4.2 to include the sentence: "The Chair must be physically present in the Council Chamber except in emergency circumstances."
4. Clause 4.3 change from "If a councillor is anywhere in the room where the Council meeting is being held, they are considered to be present for the purposes of voting. This means that if they are in the room but do not raise their hand to vote on an issue, then their vote is taken as against the Motion" to "If a councillor is present at a meeting of Council but fails to vote on a motion put to the meeting, their vote is taken as against the motion." Practice notes 1. And 2. which define the Chamber, have been removed as no longer necessary. This brings the Code in line with the mandatory provisions of the OLG Model Code, clause 11.5.
5. Update clauses 4.23,4.24, requiring General Manager approval for councillor participation via audio-visual link. Replaces this with "written notification to the Corporate Manager – Governance and Risk". Remaining requirements remain unchanged.
6. Clause 16.11, Rescinding or altering Council decisions, change requirement for rescission motions relating to development applications to be submitted to the General Manager no later than 12.00pm on the following business day after the meeting at which the resolution was adopted. Previous requirement was 5.00pm.

Minor edits include:

- Updated references to the *Local Government Act 1993* and *Local Government (General) Regulation 2021*.
- Corrections to referencing and/or numbering errors.

Legal

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under S360 of the Act and s232 of the *Local Government (General) Regulation 2021* (the Regulations).

The Code of Meeting Practice includes mandatory clauses that reflect the Act and the Regulations. Additional clauses do not contradict the Model Code.

FCS24/057 POLICY REVIEW - CODE OF MEETING PRACTICE

S012-T00025

Policy

Under s361 of the Act, Council is required to exhibit the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft Code of Meeting Practice.

Community and Stakeholder Engagement

Council will place the draft Code of Meeting Practice on public exhibition for a period of 42 days from Tuesday 28 January 2025 with submissions closing Monday 10 March 2025. Details on making a submission can be found on Council's ['Have your say'](#) webpage.

Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma Libraries and Council's main administration building in Moruya.

CONCLUSION

The draft Code of Meeting Practice will be publicly exhibited for 42 days from 28 January 2025 to 10 March 2025. At the end of the public exhibition period the draft Code of Meeting Practice will be presented to Council for consideration to adopt, along with a report to consider any submissions received during the exhibition period. This will take place at the Ordinary Meeting of Council in March 2025.

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FCS24/058 DRAFT COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY PARTICIPATION PLAN 2025-29 FOR PUBLIC EXHIBITION S012-T00025

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

Attachments: 1. Under Separate Cover - Draft Community Engagement Strategy and Community Participation Plan 2025-29

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.1 Acknowledge our shared responsibility through an informed community

Delivery Program Link: 5.1.2 Provide a range of opportunities for the community to be consulted and engaged, guided by the Community Engagement Strategy

Operational Plan Link: 5.1.2.2 Review the Community Engagement Strategy

EXECUTIVE SUMMARY

The purpose of this report is to present the draft Community Engagement Strategy and Community Participation Plan 2025-29 (draft strategy) for public exhibition. The draft strategy contains two main sections:

- Part one - The Community Engagement Strategy
- Part two - The Community Participation Plan

Councils have a vital role to play in opening opportunities for community members to be involved in the strategic planning process. The draft strategy outlines the guiding principles and approach for ensuring the community has an opportunity to have their say in a meaningful way.

The draft strategy is proposed to be placed on public exhibition for 28 days from Monday 13 January 2025 to Sunday 9 February 2025. Submissions will be invited during this period.

Following the exhibition period, a further report will be submitted to Council for consideration of submissions from the community and for endorsement of the plan.

RECOMMENDATION

THAT Council:

1. Endorse the draft Community Engagement Strategy and Community Participation Plan 2025-29 for public exhibition for a period of 28 days.
2. Following public exhibition, a further report be submitted to Council for consideration of submissions from the community and for endorsement of the plan.

BACKGROUND

Council adopted the initial Community Engagement Charter, Framework and Planning Tool in February 2017. In August 2019, Council reviewed the Framework with the purpose of incorporating requirements for a Community Participation Plan (CPP) in accordance with the *Environmental Planning and Assessment Act 1979*. The purpose of the legislative changes was to ensure that Council had a single document that the community can access which explains how the community can participate in the planning process.

FCS24/058 DRAFT COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY PARTICIPATION PLAN 2025-29 FOR PUBLIC EXHIBITION S012-T00025

Councils are required to review their community engagement strategy within three months of the ordinary elections. Section 402A of the *Local Government Act 1993* requires councils to establish and implement a Community Engagement Strategy for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters). Council adopted its current Community Engagement Strategy 2022 on 25 October 2022. This strategy was revised during 2022 following input from councillors and placed on exhibition for 28 days. No submissions were received. The 2022 strategy was the subject of this review.

CONSIDERATIONS

The Community Engagement Strategy is one of the ways that Council is informed of different perspectives, potential solutions and information before making decisions. Council engages with the community using a variety of formal and informal techniques, guided by Council's currently adopted Community Engagement Strategy.

The draft strategy contains two main sections:

- Part one - The Community Engagement Strategy
- Part two - The Community Participation Plan

The draft strategy supports the development of Council's plans, policies, programs and key activities - including those relating to Integrated Planning and Reporting, as well as strategic plans and programs under other legislation.

The draft Community Engagement Strategy 2025-29 was developed following a review of Council's existing Community Engagement Strategy 2022, for best practice considerations within the Integrated Planning and Reporting Guidelines (2021) and Handbook (2021) and to bring it in line with contemporary standards for councils.

Changes included amending language to be accessible and inclusive. The document has been updated to be a community facing document and further defines stakeholder groups and methods for engagement.

The following principles guide engagement in Eurobodalla:

- Inclusive and accessible
- Transparent and effective communication
- Authentic and responsive engagement
- Collaborative partnerships

The process of decision making involves multiple steps and can be complex. Engagement opportunities may range from detailed and involved to limited input, depending on the nature and constraints of the project.

Council is responsible for designing and facilitating engagement processes, ensuring they align with strategic goals and meet legislative requirements. Community members are encouraged to actively participate by providing feedback, sharing insights and engaging in discussions. Council staff are tasked with implementing engagement activities collecting feedback and reporting on outcomes.

FCS24/058 DRAFT COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY PARTICIPATION PLAN 2025-29 FOR PUBLIC EXHIBITION S012-T00025

Part two of the draft strategy is the CPP. The CPP is a plan that establishes when and how the community can participate in planning decisions. A primary objective of the plan is to ensure Council's community engagement in the planning process is consistent and clear. The CPP outlines when exhibition or notification is required for a development application.

Legal

This Community Engagement Strategy has been prepared in accordance with Sections 8A and Section 402A of the *Local Government Act 1993*.

Section 8A provides the guiding principles for councils and Section 402A requires councils to establish and implement a Community Engagement Strategy for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters).

The Office of Local Government also sets out the requirements for this review in the Integrated Planning and Reporting Guidelines (2021). This includes several essential elements including:

2.3 Councils are required to review the Community Engagement Strategy within three months of the local government elections, as part of the broader review of the Community Strategic Plan.

2.5 Where a council has community engagement requirements under other legislation or regulations, they should, wherever practical, be integrated into the Community Engagement Strategy.

Community and Stakeholder Engagement

The draft Community Engagement Strategy 2025 – 2029 was informed by Council's existing Community Engagement Strategy 2022, from feedback received during the recent Eurobodalla Community Strategic Plan consultation activities, which occurred during 1 February to 15 March 2024, and by previous community research.

If endorsed for public exhibition, Council will advise and engage the community by:

- Informing the community about the public exhibition and inviting the community to provide feedback on the draft strategy. This will be achieved using Council's own platforms and through local media. Details on making a submission can be found on Council's ['Have your say'](#) webpage.
- Making the draft strategy available for the community to read on Council's website. Requests for hard copies can be made by contacting Council on 4474 1000, and reference and lending copies will be available at the libraries.
- All community submissions will be provided to councillors for consideration prior to endorsement of the draft strategy.

CONCLUSION

Section 402A of the *Local Government Act 1993* requires councils to establish and implement a Community Engagement Strategy for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities (other than

FCS24/058 DRAFT COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY PARTICIPATION PLAN 2025-29 FOR PUBLIC EXHIBITION S012-T00025

routine administrative matters). Councils are required to their community engagement strategy within 3 months of a local government election.

The draft strategy is informed by Council's existing strategy, best practice recommendations contained in the Office of Local Government Integrated Planning and Reporting Guidelines, and to bring it in line with contemporary standards for councils.

This report proposes the draft strategy is publicly exhibited for 28 days, from Monday 13 January 2025 to Sunday 9 February 2025 with submissions to be received during this period. Following the exhibition period, a further report will be submitted to Council for consideration of submissions from the community and for endorsement of the plan.

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**FCS24/059 EXHIBITION OF THE DRAFT EUROBODALLA SHIRE COMMUNITY
STRATEGIC PLAN 2042 (2025 REVISION)**

S004-T00028

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

Attachments: 1. Under Separate Cover - Draft Eurobodalla Shire Community Strategic Plan 2042 (2025 Revision)

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.2 Proactive, responsive and strategic leadership

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

Operational Plan Link: 5.2.2.2 Review and prepare Council's plans and reports under the Integrated Planning and Reporting Framework

EXECUTIVE SUMMARY

The Community Strategic Plan (CSP) is the highest-level plan that Council will prepare as part of the Integrated Planning and Reporting (IPR) Framework. Council has a custodial role in initiating, preparing and monitoring the CSP on behalf of the community. However, it is not wholly responsible for its implementation. Other partners, such as other levels of governments, community organisations and business may also be engaged in delivering the long-term goals of the plan.

The draft Eurobodalla Shire Community Strategic Plan 2042 (2025 Revision) (draft CSP) has been prepared in accordance with Section 402 and 406 of the *Local Government Act 1993* and the Office of Local Government Integrated Planning and Reporting Guidelines. It must be exhibited for no less than 28 days, prior to endorsement by Council. Due to the Christmas and New Year period, this report proposes a public exhibition period of 28 days, commencing Monday 13 January 2025, submissions can be made during this time.

The draft CSP is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's long-term aspirations, priorities and vision.

Council is required to review its CSP every four years, aligning with the Local Government Election cycle. On 17 October 2023 Council approved participation in the Canberra Region Joint Organisation (CRJO) Regional Community Strategic Plan refresh project. The project proposed a collaborative approach with member councils to refresh their Community Strategic Plans. The project involved Eurobodalla Council officers conducting the community engagement activities to develop their Community Strategic Plan.

Our community vision reflects the kind of community we would like to be in ten to twenty years' time and is designed to encourage commitment and a sense of common purpose and responsibility. Our vision is: *From our beaches to our bushlands, rivers and mountains... Our Eurobodalla is a place of inclusive communities embracing sustainable lifestyles. Our future balances our natural assets and thriving economy. Our community is resilient and collaborative, and this underpins all that we do.*

**FCS24/059 EXHIBITION OF THE DRAFT EUROBODALLA SHIRE COMMUNITY
STRATEGIC PLAN 2042 (2025 REVISION)**

S004-T00028

To achieve this vision five goals were developed with supporting strategies. The draft CSP addresses social, economic, environmental, infrastructure and civic leadership goals and is based on social justice issues, in line with IPR guidelines.

Progress will be monitored against community indicators and Council has identified key partnerships and strategic regional and state priorities that link with the draft CSP.

RECOMMENDATION

THAT Council:

1. Endorse the draft Eurobodalla Community Strategic Plan 2042 (2025 Revision) for public exhibition for a period of 28 days from Monday 13 January 2025 to Sunday 9 February 2025.
2. Following public exhibition, a further report be submitted to Council for consideration of submissions from the community and for endorsement of the plan.

BACKGROUND

Local councils in NSW are required to undertake their planning and reporting activities in accordance with the Local Government Act and the Office of Local Government Integrated Planning and Reporting guidelines.

The IPR framework is detailed in the figure below:



The Community Strategic Plan (CSP) is the highest-level plan that Council will prepare as part of the Integrated Planning and Reporting (IPR) Framework. Council has a custodial role in initiating, preparing and monitoring the CSP on behalf of the community. However, it is not wholly responsible for its implementation. Other partners, such as other levels of governments, community organisations and business may also be engaged in delivering the long-term goals of the Plan.

**FCS24/059 EXHIBITION OF THE DRAFT EUROBODALLA SHIRE COMMUNITY
STRATEGIC PLAN 2042 (2025 REVISION)**

S004-T00028

A CSP will identify the community's long-term aspirations, priorities and vision for the future of the local government area. It will articulate goals and strategies to guide efforts towards the future vision and include measures to assess progress towards the future goals.

The Integrated Planning and Reporting Framework recognises that most communities share similar aspirations: a safe, healthy and pleasant place to live, a sustainable environment, opportunities for social interaction, opportunities for employment and reliable infrastructure. The difference lies in how each community responds to these needs. It also recognises that council plans and policies should not exist in isolation and should be connected to Council's high-level planning documents.

This framework allows NSW councils to draw their various plans together, understand how they interact and achieve the maximum leverage from their efforts by planning holistically for the future.

Councils need to take a long-term view and consider social, economic and environmental aspects, and the needs of current and future generations when making decisions. This underpins the planning and reporting framework. Each CSP must adequately address social, environmental, economic and civic leadership considerations. This approach is generally referred to as 'the quadruple bottom line'. This approach ensures that the Community Strategic Plan is balanced and takes a holistic view.

CONSIDERATIONS

The CSP is a whole of community plan, reviewed and developed in partnership with the community. Council first developed its community Strategic Plan in 2010, with further comprehensive reviews in 2012, 2016, 2021, and during 2024 to establish the revised draft plan this report considers.

On 17 October 2023 Council resolved to participate in the Canberra Regional Joint Organisation (CRJO) Regional Community Strategic Plan refresh project. The project enabled member Council's to use the same engagement tools and methods, during the same engagement period, to review and understand the aspirations of their communities. This will also enable the CRJO to refresh the regional CSP, which articulates future aspirations at a regional level.

Engagement activities occurred during February and March 2024 and its findings informed the draft Eurobodalla Shire Community Strategic Plan 2042 (2025 Revision) (draft CSP).

**FCS24/059 EXHIBITION OF THE DRAFT EUROBODALLA SHIRE COMMUNITY
STRATEGIC PLAN 2042 (2025 REVISION)**

S004-T00028

The draft CSP outlines our community vision: *From our beaches to our bushlands, rivers and mountains... Our Eurobodalla is a place of inclusive communities embracing sustainable lifestyles. Our future balances our natural assets and thriving economy. Our community is resilient and collaborative, and this underpins all that we do.*

Under this vision are five goals:

1. Our community – Eurobodalla welcomes, celebrates and supports everyone.
2. Our economy – We have a strong economy with learning, employment and business opportunities
3. Our environment – We sustain our shire by balancing growth and protecting our natural environment
4. Our infrastructure – Our community has reliable and safe infrastructure networks and community facilities.
5. Our civic leadership – We are an engaged community with progressive leadership.

Each goal lists strategies to guide efforts towards the future vision, and the draft CSP includes community indicators to assess progress towards the future goals.

The draft revised CSP proposes the vision and five goals / themes remain the same. The strategic objectives which describes each goal area, and the strategies to achieve them have been updated to reflect the latest aspirations and values of the community.

Legal

Section 402 of the *Local Government Act 1993* requires each local government area to have a community strategic plan that identifies the main priorities and aspirations for the future of the area, for at least 10 years from when the plan is endorsed. It also requires Council's to review the plan by 30 June following an election.

Section 406 of the *Local Government Act 1993* requires Council's to comply with the Office of Local Governments Integrated Planning and Reporting Guidelines (the guidelines) when preparing their integrated plans, including community strategic plans.

The guidelines state that council must place their draft Community Strategic Plans on public exhibition for a period of no less than 28 days, and that submissions from the community be considered prior to endorsing the final plan.

Community and Stakeholder Engagement

The draft CSP has been developed with the Eurobodalla community. A range of engagement activities took place between 1 February and 15 March 2024 to gain insights into the community's future aspirations, priorities and concerns.

**FCS24/059 EXHIBITION OF THE DRAFT EUROBODALLA SHIRE COMMUNITY
STRATEGIC PLAN 2042 (2025 REVISION)**

S004-T00028

Engagement methods for Eurobodalla included:

- Online survey – 1,322 individual survey responses.
- Discussion guides – 524 people contributed to discussions.
- Drawing sheets – 90 drawing sheets received.
- Pop-ups – 552 people attended pop-up sessions.
- Regional Wellbeing Survey – 227 individual survey responses.
- Submissions – 7 formal submissions received.

This report proposes the draft CSP be placed on public exhibition for a period of 28 days from Monday 13 January 2025 to Sunday 9 February 2025. If endorsed for public exhibition, Council will advise and engage the community by:

- Informing the community about the public exhibition and inviting the community to provide feedback on the plans. This will be achieved using Council's own platforms and through local media. Details on how to make a submission can be found on Council's ['Have your say'](#) webpage.
- Making the draft CSP available for the community to read on Council's website. Requests for hard copies can be made by contacting Council on 4474 1000, and reference and lending copies will be available at the libraries.
- All community submissions will be provided to councillors for consideration prior to any decisions being made about the plan.

CONCLUSION

The Community Strategic Plan is the highest-level plan that Council will prepare as part of the Integrated Planning and Reporting framework. Council has a custodial role in initiating, preparing and monitoring the CSP on behalf of the community. However, it is not wholly responsible for its implementation. Other partners, such as other levels of governments, community organisations and businesses may also be engaged in delivering the long-term objectives of the Plan.

The draft CSP has been prepared in accordance with the *Local Government Act 1993* and the Integrated Planning and Reporting Guidelines and updated to reflect community feedback received during February and March 2024. This report proposes the draft CSP is placed on public exhibition for a period of 28 days, from Monday 13 January 2025 to Sunday 9 February 2025. Following public exhibition, a further report will be submitted to Council for consideration of submissions from the community and endorsement of the plan.

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FCS24/060 INVESTMENTS MADE AS AT 30 NOVEMBER 2024

**S011-T00006,
S012-T00025**

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

EXECUTIVE SUMMARY

The purpose of this report is to:

- certify that Council's investments in financial instruments have been made in accordance with legislation, however, have temporarily contravened Council's investment policy regarding the maximum percentage of investment allowed in any single A-rated institution. The diversification investment threshold of 40% has been exceeded by 4.29% due to a change in the overall size of Council's total investment portfolio during November 2024
- provide information and details of investments
- raise other matters relevant to investing.

RECOMMENDATION

THAT the certification of investments as of 30 November 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 2021*, 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. The portfolio is compliant with credit risk and liquidity risk thresholds as outlined in the policy.

Council's Investment Policy further limits the amount of investment in one institution based on these risk categories. On 30 November 2024, 44.29% of the total investment portfolio is invested with National Australia Bank (NAB) which marginally exceeds the 40% maximum percentage allowed to be invested in a single A-rated institution. This threshold has been inadvertently exceeded due to a change in the overall size of Council's total investment portfolio between October and November 2024. Council's investment strategy has not changed and remains in line with the aims of Council's Investment Policy. As cash reserves are replenished in the future, Council staff will continue to manage diversification back to accord with the diversification threshold outlined in Council's policy.

FCS24/060 INVESTMENTS MADE AS AT 30 NOVEMBER 2024

**S011-T00006,
S012-T00025**

As of 30 November 2024, the portfolio is compliant with Council's Investment Policy adopted by Council on 9 August 2022 (Minute 22/190) but for the diversification threshold as outlined above. A summary of holdings by risk category is summarised below in Table 1.

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	1.38%	100%
AAA to AA	A-1+	Near Risk Free	72.15%	100%
A	A-1 to A-2	Near Risk Free	26.47%	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 of 30 November 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	5,489,141	4.34%
Term Deposits – Government Guaranteed	1,750,000	1.38%
Term Deposits – Fossil Fuel Free Institutions	29,000,000	22.92%
Term Deposits	90,280,000	71.36%
Total Investments	126,519,141	
Cash at Bank (Operating Account)	10,088,144	
Total Cash and Investments	136,607,285	

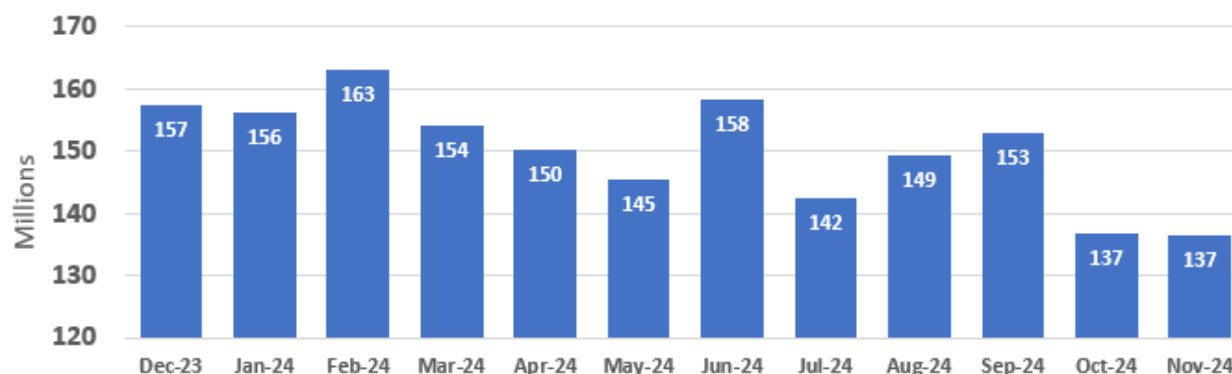
There was minimal change in the total cash and investments balance during November 2024. However, \$9m of term and cash deposits were redeemed to support short-term cash flow

FCS24/060 INVESTMENTS MADE AS AT 30 NOVEMBER 2024

**S011-T00006,
S012-T00025**

requirements. Graph 1 displays Council's cash and investments balance over a 12-month period.

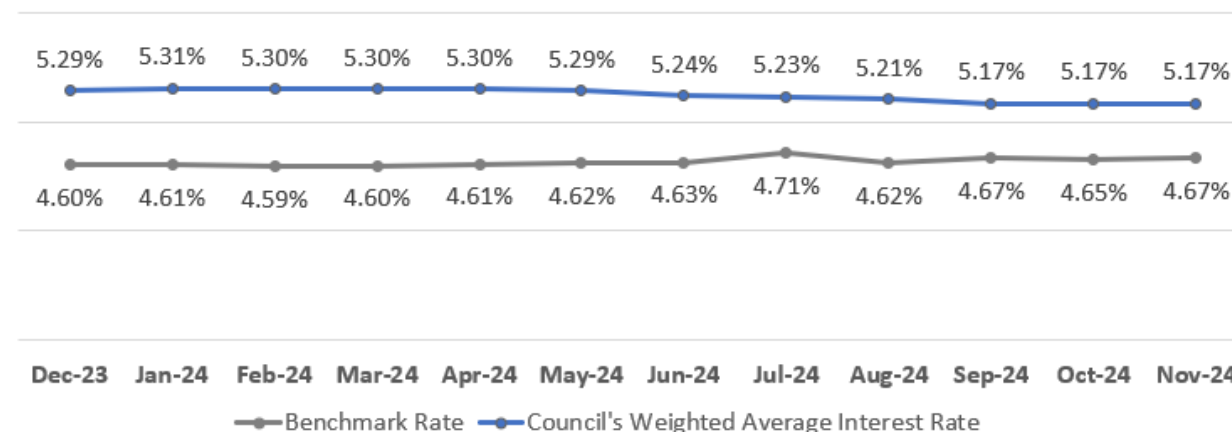
Graph 1 – Total Cash and Investment Balances (12 months)



Performance

The weighted average monthly return on Council's investments for November 2024 is 5.17%, surpassing the Council policy benchmark of 4.67%, 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 2021*, I hereby certify that these investments have been made in accordance with the *Local Government Act 1993* and related regulations. I note that Council's investments in financial instruments have been made in accordance with legislation, however, have temporarily contravened Council's investment policy regarding the maximum percentage of investment allowed in any single A-rated institution. The diversification investment threshold of 40% has been inadvertently exceeded by 4.29% due to a change in the overall size of Council's total investment portfolio between October and November 2024.

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FCS24/061 COUNCIL ADVISORY AND EXTERNAL COMMITTEES

S012-T00025

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

Attachments: 1. Under Separate Cover - Committees Terms of Reference
2. Under Separate Cover - Guidelines for Meeting Practice

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 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

Council may establish committees to act in an advisory capacity. Councillors can attend these committees as observers or be appointed by Council as members of these committees and exercise voting rights.

Council may also be represented by councillors on external committees. It should be noted that the responsibilities and operation of the external committees are set by the host organisation.

Community representation on each advisory committee will be sought through a combined recruitment effort. The community membership on each committee will be presented to Council for endorsement at the Ordinary Meeting of Council in April 2025. It is recommended that community memberships on each committee will be for the term of this Council (four years).

This report is for Council to consider the appointment of delegates to committees and other external bodies and to determine the term of appointment.

RECOMMENDATION

THAT:

1. Council adopt the committee's terms of reference and Guidelines for Meeting Practice – Advisory Committees attached to this report.
2. Council's method of voting for delegates and chairpersons will be by show of hands;
3. The term of appointment of delegates be for this term of Council;
4. Council appoints delegates to the following s355 committees:
 - a. Moruya Showground Management Committee
 - b. Kyla Hall Management Committee
 - c. Tuross Memorial Gardens Committee
5. Council appoint delegates/chairs to the following advisory committees:
 - a. Disability Inclusion Advisory Committee (1 councillor as chair, 1 alternative)
 - b. Eurobodalla Aboriginal Advisory Committee (1 councillor delegate, 1 alternative)
 - c. Heritage Advisory Committee (1 councillor delegate)

FCS24/061 COUNCIL ADVISORY AND EXTERNAL COMMITTEES

S012-T00025

- d. Climate Change Advisory Committee (1 councillor as chair, 1 alternative)
- e. Coastal and Environmental Management Advisory Committee
(1 councillor as chair, 1 councillor as delegate)
- f. Public Art Advisory Committee (1 councillor as chair, 1 alternative)
- 6. Council appoint delegates to the following external committees:
 - a. Eurobodalla Local Traffic Committee (1 councillor delegate)
 - b. Floodplain Management Association of NSW (1 councillor delegate)
 - c. South East Arts (1 councillor delegate)
 - d. South East Australian Transport Strategy Inc (1 councillor delegate)
 - e. Gulaga Board of Management (1 councillor delegate, 1 alternative)
 - f. Canberra Region Joint Organisation (mayor)
- 7. Advertise for community representatives on the following advisory committees:
 - a. Disability Inclusion Advisory Committee
 - b. Eurobodalla Aboriginal Advisory Committee
 - c. Heritage Advisory Committee
 - d. Coastal and Environment Management Advisory Committee
 - e. Public Art Advisory Committee.
 - f. Climate Change Advisory Committee.
- 8. Determine any additional sunset/advisory committees that Council wishes to establish during their term.

BACKGROUND

A robust advisory committee framework strengthens governance and leadership by providing clear and transparent processes for the community to advise Council on particular areas. Community representation on each committee will be sought in line with the Terms of Reference of each committee.

CONSIDERATIONS

Council appoints delegates to a range of committees, including Section 355 committees, advisory committees, and sunset/steering committees.

Membership of the advisory committees generally comprises councillors, as appointed by Council, plus external stakeholder and community representatives determined by their respective Terms of Reference, as provided in attachment 1 along with the Guidelines for Meeting Practice – Advisory Committees in attachment 2.

Council should determine the period of appointment for delegates to committees and external bodies. It is recommended that membership is for the term of this Council.

FCS24/061 COUNCIL ADVISORY AND EXTERNAL COMMITTEES

S012-T00025

Note that the individual Terms of Reference will be updated early 2025 and will require a Council staff leadership team member to be present at meetings of Council committees.

Section 355 committees

Under section 355 of the *Local Government Act 1993*, Council can establish committees to perform certain functions on behalf of the Council and involve local community members in the management of its facilities or functions. In the last term of Council, it was resolved not to have councillor representatives on these committees for that term. Council can determine if it wishes to appoint representatives for this term.

The alternate delegates are to attend meetings when the delegate is not available.

Community membership on these committees is set by user groups of these facilities.

Committees under Section 355	Number of Delegates required (as per Terms of Reference)
Moruya Showground Management Committee	Currently no councillor representative
Kyla Hall Management Committee	Currently no councillor representative
Tuross Memorial Gardens Committee	Currently no councillor representative

Advisory and Sunset/Steering Committees

Advisory and sunset/steering committees are appointed by Council from representatives of the community and other stakeholders or agencies with relevant expertise, to provide advice to Council on a range of issues. Sunset or steering committees are advisory committees, which are established for a limited term for a specific purpose or to undertake a specific project.

Currently, there are no active sunset/steering committees.

FCS24/061 COUNCIL ADVISORY AND EXTERNAL COMMITTEES

S012-T00025

The alternate delegates are to attend meetings when the delegate is not available. Community membership on advisory committees will be sought via a combined recruitment process and presented to Council for endorsement.

Advisory Committees	Number of Delegates required (as per Terms of Reference)
Disability Inclusion Advisory Committee	1 councillor (Chair) plus 1 alternative
Aboriginal Advisory Committee	1 councillor plus 1 alternative
Heritage Advisory Committee	1 councillor plus 1 alternative
Coastal and Environmental Management Advisory Committee	2 councillors (1 to be Chair)
Public Art Advisory Committee	1 councillor (Chair) plus 1 alternative
Climate Change Advisory Committee	1 councillor (Chair) plus 1 alternative

External Committees

Council representatives participate in several external committees. Councillor membership on external committees fosters relationships with stakeholders and enhances consultation and engagement with the community. Councillor membership on external committees will cease the day before the scheduled local government election of the current Council term, or if a councillor resigns or otherwise ceases to be a councillor. In addition, councillor membership is subject to the terms of each external committee's constitution or governing document.

External Committees	Number of Delegates required
Eurobodalla Local Traffic Committee (Established by Transport for NSW)	1 councillor
Floodplain Management Association of NSW	1 councillor
South East Arts	1 councillor
South East Australian Transport Strategy Inc (SEATS)	1 councillor
Gulaga Board of Management	1 councillor
Canberra Region Joint Organisation of Councils	Mayor

FCS24/061 COUNCIL ADVISORY AND EXTERNAL COMMITTEES

S012-T00025

Statutory Appointments to External Organisations

Ministers appoint some delegates to organisations other than Council committees. When Council is notified of such vacancies, nominations will be sought through a Council resolution.

CONCLUSION

Delegates and chairs (where appropriate) should be appointed to committees and the term of appointment to such committees be determined.

Community representatives will be sought for each current advisory committee, if required. Noting the Audit Risk and Improvement Committee memberships were endorsed at the Ordinary Meetings of Council on 20 August 2024 (Chair) and 29 October 2024 (Independent Members). Appointments for the other committees outlined above will be presented at the Ordinary Meeting of Council in April 2025.

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**IR24/021 NAROOMA SCHOOL OF ARTS EASEMENT AND BUDGET
ALLOCATION**

S006-T00002

Responsible Officer: Graham Attenborough - Director Infrastructure Services
Attachments: 1. Under Separate Cover - NSoA Easement Plan
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

Eurobodalla Shire Council ('Council') is the landowner of 94 Campbell Street, Narooma (Lot 4 Section 2 DP 758754) and the property is currently used as a carpark. The ownership of this carpark was transferred to Council from the Commonwealth Government in 1951. A longstanding encroachment issue exists due to the fill batter, which supports the carpark, extending into the adjoining property owned by the Narooma School of Arts & Soldiers War Memorial Hall Incorporated ('NSoA') at 92 Campbell Street, Narooma (Lot 2 DP 519890). This encroachment was further exacerbated when Council expanded the carpark between 1978 and 1986, steepening the fill batter within NSoA's land and increasing the extent of the encroachment.

The NSoA are re-developing the property on their site and the purpose of this report is to seek approval to correct the above encroachment situation by creating an easement over the NSoA's property and for Council to remove the fill batter and construct a retaining wall in order to maintain the number of parking spaces available to the community.

Council staff have been liaising with the NSoA to investigate a number of possible solutions to address the encroachment and the recommended retaining wall option is considered to provide the best value to the community (in terms of costs and amenity).

The NSoA have indicated their agreement to construction of the retaining wall with no loss of car parking as compensation for the creation of an easement.

The \$395,000 (excl. GST) cost of granting of the easement, including all surveying, legal, registration fees and construction of the retaining wall will be borne by Council.

This report also seeks endorsement for a budget allocation to be made within the Operational Plan 2024/25 for the construction of the retaining wall.

RECOMMENDATION

THAT:

1. Consent be given for the creation of an easement over Lot 2 DP519890, 92 Campbell Street Narooma benefitting Eurobodalla Shire Council.
2. The cost of \$395,000 (excl. GST) associated with the granting of the easement including all surveying and registration costs, legal fees and construction of the retaining wall is borne by Council.

**IR24/021 NAROOMA SCHOOL OF ARTS EASEMENT AND BUDGET
ALLOCATION**

S006-T00002

3. A budget allocation of \$395,000 be approved for the 2024/25 financial year to enable the removal of the structural fill batter encroachment within Lot 2 DP 519890, 92 Campbell Street and replacement with a 'MassBloc' retaining and carpark modifications depicted on draft Council Plan 5159 Set B (attached).
4. The General Manager be given delegated authority to execute all necessary documentation associated with the easement.

BACKGROUND

Council owns and maintains Operational Land at Lot 4 Section 2 DP 758754, 94 Campbell Street, Narooma as a public carpark. The carpark was historically known as the Narooma Servicemen's Carpark.

Council became the owner of the carpark when it was transferred to Council from the Commonwealth Government of Australia on 23 November 1951.

Council records show that in 1978 the Council Plan 'M936' was created to expand the carpark including a possible future extension of the carpark behind the Narooma School of Arts. This work included earthworks to steepen the structural fill batter within Lot 2 DP 519890. The work identified on this plan, including the kerb and gutter and stormwater were undertaken between 1978 and 1986 and were formally recorded as Council assets in 1986. The encroachment of the fill batter is a longstanding issue.

The Narooma School of Arts & Soldiers War Memorial Hall Incorporated (NSoA) was successful in securing funds from the Australian and NSW Governments through the Bushfire Local Economic Recovery (BLERF) grants program in 2020 for a new Narooma Arts and Community Centre (NACC) facility to be built on their land at Lot 2 DP 519890.

According to the BLERF project information the NACC project will enhance the School of Arts precinct, creating an inspiring cultural and community hub. The project will support the community's ongoing social recovery and stimulate economic growth, particularly through job creation and cultural tourism. Council has indicated its support for the project through Letters of Support to NSoA funding applications in 2019 and 2023.

NSoA has requested that Council remove the encroachment of the structural fill batter so that it does not impact the construction of the new facility.

Council staff have been liaising with the NSoA and NACC committee members to design a new retaining wall that will replace the fill batter and enable the current carpark layout to be retained whilst minimising the size of the easement required. This will resolve Council's longstanding encroachment within Lot 2 DP 519890.

For the retaining wall to be constructed and maintained by Council an easement is required to be created on the private land within Lot 2 DP 519890.

CONSIDERATIONS

The NSoA initially requested Council remove the encroachment of the structural fill batter within Lot 2 DP519890 so they can safely and efficiently build the new NACC facility. This fill batter is currently required to structurally support the public carpark within Lot 4 Section 2 DP 758754.

**IR24/021 NAROOMA SCHOOL OF ARTS EASEMENT AND BUDGET
ALLOCATION**

S006-T00002

The NSoA raised concerns with the safety and long-term structural adequacy of the current fill batter that is encroaching within their land. This situation could not be continued and the NSoA and Council staff have been working constructively to find a solution.

Although Council's stormwater, kerb and gutter and carpark pavement assets are fully located within the Council Operational Land, it is not practical to fully remove the fill material within Lot 2 DP 519890 without reducing the size of the carpark and significant parking spaces.

It has been determined that for Council to remove the fill encroachment within Lot 2 DP 519890 and replace it with a new structurally sound fill batter wholly within Council's Operational Land, being Lot 4 Section 2 DP 758754, that this would result in the loss of 16 parking spaces. It is not considered that this would be an acceptable solution for the community as this carpark is well utilised and formal carparking within this area of the CBD is in demand.

Building a reinforced concrete retaining wall without an easement or batter, whilst retaining the current car parking spaces would come at a substantial cost to Council.

To remove the fill encroachment and retain the current carpark layout requires the construction of a vertical retaining wall within an easement in the NSoA land. Council staff have been working closely with the NSoA and the NACC committee to design a retaining wall that minimises the overall easement size required that also complies with current standards.

It has been determined that the most suitable retaining wall for this situation will be a 'MassBloc' style concrete retaining wall. This is similar to what has been used in other locations within the Narooma CBD and has been chosen for its ease of construction, durability, efficiency and suitability for the site. Council staff have incorporated input from the NSoA and NACC committee into the design of the retaining wall. The current draft design is depicted on Council Design Plan 5159 Set B (attached).

The NSoA and NACC committee have indicated their support for the retaining wall design and the proposed easement.

The structural elements and suitability of engineering specifications for the site are currently being reviewed and certified and any amendments will be incorporated into the final design.

Legal

Terms of the proposed easement will confirm the landowner of the lot benefited, being Eurobodalla Shire Council, will keep the retaining wall maintained in a good state of repair and will effect and keep in place the insurance in an amount of not less than \$20 million.

The easement will be registered at NSW Land Registry Services.

Policy

The granting of the Easement will be in accordance with Council's *Land Acquisition and Disposal Policy*.

**IR24/021 NAROOMA SCHOOL OF ARTS EASEMENT AND BUDGET
ALLOCATION**

S006-T00002

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0005/141872/Land-Management-Acquisition-Disposal-and-Leasing-Licensing-Policy-final-for-adoption.pdf

Environmental

A Review of Environmental Factors (REF) will be prepared by Council to assess the proposed construction of the retaining wall and all measures within the REF will be implemented to minimise any impacts on the environment. No material issues are envisaged.

Asset

The carpark, kerb and gutter and stormwater located with Lot 4 Section 2 DP 758754 are current assets owned and maintained by Council and open to the public.

The proposed retaining wall and easement are required to maintain the current carpark assets in the current layout and resolve the longstanding fill batter encroachment into Lot 2 DP 519890.

As part of the project the stormwater drainage and a portion of the existing kerb and gutter will be renewed through replacement as they will be impacted by the works.

A new footpath will be constructed at the top of the retaining wall to facilitate improved access to meet Australian Standards AS1428 requirements and new guardrail and fencing will be provided.

Social Impact

The NSoA project will enhance the School of Arts precinct, creating an inspiring cultural and community hub. The project will support the community's ongoing social recovery and stimulate economic growth, particularly through job creation and cultural tourism. The removal of the fill batter encroachment within the NSoA's land and replacement with a retaining wall will help remove impediments to the success of the project.

Retaining the existing parking with the provision of the retaining wall and easement will ensure sufficient parking is available to meet demand within this area of Narooma CBD.

Economic Development Employment Potential

Retaining the existing parking with the construction of the retaining wall and creation of the easement will help cater for future economic activity within the Narooma CBD by ensuring sufficient public carparking supply and to ensure no loss of carparking for the public is compromised.

Removing the fill batter encroachment within the NSoA's land, which are current impediments to the NACC project, will help ensure the success of the NACC project which will stimulate economic growth, particularly through job creation and cultural tourism.

Financial

It is estimated that the construction of the 'MassBloc' style retaining wall and modifications to the current carpark will cost in the order of \$395,000. The cost to Council for constructing a reinforced concrete retaining wall would have been significantly more.

**IR24/021 NAROOMA SCHOOL OF ARTS EASEMENT AND BUDGET
ALLOCATION**

S006-T00002

All costs associated with the granting of the easement including surveying and registration costs, legal fees and construction of the retaining wall is to be borne by Council.

A budget allocation of \$395,000 will be required within the 2024/25 Operational Plan to enable the works to proceed.

It is identified that these funds will be sourced from within existing budgets, including Section 7.11 development contributions for car parking deficient developments within Narooma CBD and allocations for relevant pathway and stormwater components funded from the pathways renewal and stormwater capital/renewal budgets where alternate external funds have been sourced for current projects.

Community and Stakeholder Engagement

Council's Community Engagement Strategy and relevant legislation have been used to guide the best approach to engagement on this matter. There is no legal requirement to advise the community through public notice or to seek feedback through public exhibition for land dealings within private land.

CONCLUSION

The creation of an easement over private land at 92 Campbell Street Narooma (Lot 2 DP 519890) is required for a retaining wall to be constructed by Council who is the landowner of 94 Campbell Street, Narooma (Lot 4 Section 2 DP 758754).

Endorsement for a budget allocation of \$395,000 within 2024/25 is required for the construction of the retaining wall within the proposed easement. It is considered that this is the best value option for the community which addresses the longstanding encroachment issue within the NSOA's land whilst maintaining parking spaces available to the public.

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IR24/022 EUROBODALLA SOUTHERN STORAGE BIODIVERSITY OFFSETS AND CREDITS S032-T00008

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: Nil

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 Council's Integrated Water Cycle Management Strategy 2003.

Development of the Southern Storage required an Environmental Impact Statement (EIS) and associated Biodiversity Assessment Report (BAR) under the *Threatened Species Conservation Act 1995* and the Biodiversity Offsets Policy for Major Projects.

Council prepared a Biodiversity Offsets Strategy in 2021 to provide guidance for the delivery of biodiversity offsets to achieve a long-term conservation gain for the threatened species, populations and ecological communities impacted by the project. This included sourcing biodiversity credits from the market. However, many types of ecosystem (plant community) and species (threatened flora/fauna) credits were not available. Council requested a quote from the Biodiversity Conservation Trust (BCT) to pay into the Biodiversity Conservation Fund (BCF) and received a quote in February 2024 for \$30.9M (excl. GST). This was significantly more than originally estimated and significantly more than budgeted.

Council has been working on solutions to reduce the cost of biodiversity credits. This report covers the first tranche of actions in this regard to reduce costs for Council and the community.

RECOMMENDATION

THAT:

1. Council approves the purchase and retirement of biodiversity credits from the market (Supply Fund) for a cost of up to \$1.4M (excl. GST) in accordance with Council's Procurement Policy.
2. Council approves the retirement of up to \$0.7M (excl. GST) of biodiversity credits it currently holds.
3. Council approves the payment of up to \$0.3M (excl. GST) into Council's Broulee Biobank from the Eurobodalla Supply Storage Project.
4. All actions necessary be taken to enact the above transactions.

IR24/022 EUROBODALLA SOUTHERN STORAGE BIODIVERSITY OFFSETS AND CREDITS S032-T00008

BACKGROUND

The development and construction of the Southern Storage required a State Significant Development application. As part of that, an Environmental Impact Statement (EIS) and associated Biodiversity Assessment Report (BAR) under the NSW Government *Threatened Species Conservation Act 1995* and the Biodiversity Offsets Policy for Major Projects was required.

Council undertook studies to identify the presence of threatened flora and fauna species on the site. Whilst some species (East Lynne Midge Orchid, Giant Burrowing Frog and Eastern Pygmy Possum) were not found at the time, the Office of Environment and Heritage (OEH) requested further investigations. Based on the cost to acquire credits at the time versus the cost for another study and the risk of delays to the project, an assumed presence strategy was adopted.

Utilising the OEH biodiversity offset calculator, the total value of biodiversity offsets was estimated at about \$3.4M. Council did not purchase offsets then as funding was not yet secured for the project. Council budgeted a conservative \$9M for biodiversity costs for the total project.

Development consent under section 4.38 of the *Environmental Planning and Assessment Act 1979* was provided by the then Department of Planning and Environment in October 2019. This included approval to clear 55 hectares of native vegetation. The approval also included measures for protecting biodiversity during construction and eventual operation, as well as requirements for biodiversity offsets, including acquiring and then retiring credits for the species assumed to be present.

Biodiversity credits are required to be retired before commencement of the operation (filling) of the storage, forecast to be mid-2025 weather pending.

Responsibility for estimating biodiversity offsets transferred from OEH to the Biodiversity Conservation Trust (BCT) in 2022. Late last year Council requested a quote to pay into the Biodiversity Conservation Fund (BCF) as a way to meet its offset obligation. A quote of \$30.9M (ex. GST) was provided to Council in February 2024.

CONSIDERATIONS

Consistent with Council's Biodiversity Offsets Strategy, as submitted in 2021, the Biodiversity Offsets Package, which outlines how the required offset obligation from the development will be achieved in accordance with the development consent conditions, Council is planning on implementing the following actions:

Tranche 1

1. Purchase biodiversity credits from the market

Council will seek to obtain biodiversity credits from the market (or Supply Fund), being from individual sellers who have participated in a reverse-auction, as managed by the Department of Climate Change Energy Environment Water (DCCEEW).

Council will seek to purchase biodiversity credits, which will then be retired, in order to offset impacts by making use of variation rules.

The recommendation is to purchase a variety of biodiversity credits at a cost of about \$1.4M.

IR24/022 EUROBODALLA SOUTHERN STORAGE BIODIVERSITY OFFSETS AND CREDITS S032-T00008

2. Retire credits already held by Council

Council currently owns a range of biodiversity credits within the Broulee Biobank Site 153 which covers about 400 hectares. Some of the credits are committed whilst a range are uncommitted and available for Council to either retain, sell or retire to offset projects such as the Southern Storage. Credits will be used to offset by making use of variation rules whilst some will be used on a like for like basis.

The recommendation is to retire about 471 credits:

- at a cost of having to transfer about \$0.3M into the Biobank Site Fund (Total Fund Deposit) from the Southern Storage project budget; and
- an opportunity cost of about \$0.7M, being the revenue that Council might have obtained if the credits were sold on the market.

Tranche 2

Council is progressing the following actions and is planning to provide a subsequent report to Council which will recommend the implementation of:

1. Biodiversity Stewardship Agreement on land around the storage

Council is considering the establishment of a Biodiversity Stewardship Agreement (BSA) which will cover the 142 hectares of land surrounding the storage which has not been cleared. DCCEEW has been engaged and is currently assessing the potential for such an arrangement and Council is liaising with Forestry Corporation NSW with regards to the transfer of ownership of the land to Council.

This arrangement has the potential to:

- generate biodiversity credits which can offset the impacts of the construction of the dam, whilst creating a fund to provide for the future maintenance and improvement of the biodiversity of the protected land; and
- generate biodiversity credits which can either be retained, sold or retired to offset other Council projects.

2. Purchase any available like for like biodiversity credits from the market

Council will again seek to obtain biodiversity credits from the market (or Supply Fund), being from individual sellers who have participated in a reverse-auction, as managed by the DCCEEW.

3. Pay into the Biodiversity Conservation Fund

Council will seek to pay into the Biodiversity Conservation Fund to meet any remaining credit obligation, following the implementation of the above actions.

Legal

Pertinent to the context of this Report, Council is required to comply with the requirements of the *Environmental Planning and Assessment Act 1979* (NSW) and *Environmental Planning and Assessment Regulation 2021* (NSW) conditions as per the approval provided by the then

IR24/022 EUROBODALLA SOUTHERN STORAGE BIODIVERSITY OFFSETS AND CREDITS S032-T00008

Department of Planning and Environment on 17 October 2019, that includes compliance with the *Threatened Species Conservation Act 1995* (NSW), since repealed and replaced with the *Biodiversity Conservation Act 2016* (NSW).

The NSW Parliament passed the *Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024* (NSW)(Bill) on 22 November 2024. The Bill will significantly amend the *Biodiversity Conservation Act 2016* and the *Biodiversity Conservation Regulation 2017* (BC Reg) on a date yet to be proclaimed. The amendments enacted by the Bill will change the legislative rules contained in the BC Regulation that guide how proponents can purchase, trade and retire biodiversity credits. Those changes will prevent Council from enacting Tranche 1 at the reduced price. The proclamation date is yet to be confirmed but could be as early as mid-January 2025.

Policy

Biodiversity credits are proposed to be purchased (procured) in compliance with Council's Purchasing Policy and Code of Practice, with the principles of value for money, efficiency and ethics being followed.

Whilst any biodiversity credits will be effectively single sourced, either directly from an owner of those credits or through DCCEEW, the purchase price will have been determined through a reverse auction and the Supply Fund as managed by DCCEEW with oversight provided by the Independent Pricing and Regulatory Tribunal (IPART).

The Operating Protocol for the Supply Fund is publicly available and outlines the governance arrangements and how the fund will participate in the market in a transparent way, bringing sellers and buyers of biodiversity credits together.

Environmental

Compliance with the development conditions of consent should offset the impacts of the development and construction of the Southern Storage and should Tranche 2 be implemented, notably the Biodiversity Stewardship Agreement, then it could be anticipated that there will be better environmental outcomes.

Recommended actions of Tranche 1 as well as the potential Tranche 2 actions should result in improved environmental outcomes within Eurobodalla, as opposed to paying into the BCF for which it is not evident that the funds will be used locally.

It should be noted that there is an argument that developing and constructing the Southern Storage, which is an off-stream storage, is providing for better long term environmental benefits given that 142 hectares of land which might have been cleared, will be protected.

Financial

The NSW Government committed \$25.6M to the Southern Storage project in October 2019 and the Australian Government committed \$51.2M in May 2021. Council's contribution, based on the pre-construction estimate of the project was \$25.6M or 25% of the total project cost. The project is now estimated to cost at least \$150M, not accounting for the biodiversity offsets and as such Council's contribution will increase without further Federal or State Government funding. Council has been unable to source funding from the Australian or NSW Government to fund the increase in quoted biodiversity offset costs.

IR24/022 EUROBODALLA SOUTHERN STORAGE BIODIVERSITY OFFSETS AND CREDITS S032-T00008

The impact of the quote received by Council in 2024 from the Biodiversity Conservation Trust would have a significant cost burden on the final project cost, therefore Council is seeking ways to mitigate this unfunded additional cost.

Community and Stakeholder Engagement

Council has been consulting with the Department of Climate Change Energy Environment and Water (DCCEEW) and the Department of Planning, Housing and Infrastructure (DPHI) on the proposed approach.

CONCLUSION

Approval for Council to purchase biodiversity credits from the market and also retire credits which Council currently holds, specifically implementation of those actions associated with Tranche 1, would reduce what Council might be liable to pay the BCF and as such would be a good outcome for the community.

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CAR24/010 BAY PAVILIONS, MORUYA AND NAROOMA POOLS - ONE YEAR S026-T00023
CONTRACT EXTENSION

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: 2.2.2.5 Manage the Bay Pavilions

EXECUTIVE SUMMARY

This report seeks Council endorsement to extend the existing contract with Aligned Leisure, for the management and operation of the Bay Pavilions, Moruya and Narooma pools for one year, specifically for the period 1 July 2025 to 30 June 2026, in line with previous Council resolutions (PSR20/001 and CAR21/012) and the contract terms.

Aligned Leisure has been managing the three facilities and met the requirements of the contract, for an initial transition period of eight months prior to the opening of the Bay Pavilions in June 2022, and then all three facilities from 1 July 2022 to the present. The current three year contract is in place until 30 June 2025.

If endorsed, the proposed contract management fee for an additional year would be based on the current contract terms, with the management fee set at the 2024-2025 figure plus CPI of 3.5%, for a total of \$284,323, for the three facilities (plus GST). In addition, Council has negotiated the following specific performance indicators:

- Agreed data to support reporting and inform Council's analysis of future directions
- Net performance improvement against agreed original budget for the 1 July 2025 to 30 June 2026 year.

The aim of these indicators is to provide more targeted data and information to inform Council's future management decisions, as well as strengthen performance incentives with Aligned Leisure.

Any agreed surplus above the agreed 2025-2026 budget (net overall for the three facilities combined) will result in a profit share payment being allocated between the parties.

The endorsement of a one year extension of the current contract will enable time for Council to address key actions of its recently endorsed Sustainability Plan for the Bay Pavilions, including Action 16: Review management models for aquatic centres (Bay Pavilions, Moruya, Narooma) and Action 17: Conduct benchmarking exercise at the Bay Pavilions, with the aim of providing an options paper back to Council regarding the future direction of the facility from 1 July 2026.

**CAR24/010 BAY PAVILIONS, MORUYA AND NAROOMA POOLS - ONE YEAR
CONTRACT EXTENSION**

S026-T00023

RECOMMENDATION

THAT

1. Council endorse a one year extension of the current contract with Aligned Leisure, from 1 July 2025 to 30 June 2026, for the management of the Bay Pavilions, Moruya and Narooma pools, with a total management fee set at \$284,323 for the year.
2. Council delegate authority to the General Manager to finalise the contract extension and associated documentation, including agreed additional performance indicators and profit share agreement for the 2025-2026 year.
3. A report be prepared for Council regarding future management and service delivery options at the facility.

BACKGROUND

A range of management models for the Bay Pavilions were considered prior to the construction of the facility. At its meeting of 10 March 2020 Council resolved:

THAT:

1. Council adopt a Contract Fee for Service model to manage operations at the proposed Batemans Bay Regional Aquatic, Arts and Leisure Centre.
2. Council undertake a tender process to appoint an external contractor to manage the Batemans Bay Regional Aquatic, Arts and Leisure Centre under a Fee for Service contract model.
3. The contract length of the Fee for Service model to manage operations at the new Batemans Bay Regional Aquatic, Arts and Leisure Centre be five years with a review period after the first three years.
4. The Moruya and Narooma aquatic centres be included as options in the scope of work contained in the Contract Fee for Service for the Batemans Bay Regional Aquatic, Arts and Leisure Centre.

The tender for the operation of the Bay Pavilions was released in April 2021. Two Tender Evaluation Working Groups (TEWGs) were developed to separately evaluate the service delivery and the financial sustainability of each tender, providing a recommendation to the Tender Evaluation Board (TEB) to endorse its recommendation to Council.

At its meeting of 13 July 2021 Council resolved:

THAT

1. Council endorse the selection of the preferred tenderer listed for Request for Tender No. 2021-046 – Management and Operation of the Batemans Bay Regional Aquatic, Arts
2. and Leisure Centre (BBRAALC) and Shire Pools (incorporating Moruya War Memorial Pool and Narooma Swimming Centre) within the confidential attachment.
3. Council accordingly approve entering into a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with the confidential attachment

**CAR24/010 BAY PAVILIONS, MORUYA AND NAROOMA POOLS - ONE YEAR
CONTRACT EXTENSION**

S026-T00023

4. *The General Manager be given delegated authority to negotiate the terms of the contract, including:*
 - a) *Incorporation of Moruya and Narooma pools*
 - b) *Appropriate pro rata rate for the transition period and initial opening period up to 30 June 2022*
 - c) *A three year contract from 1 July 2022 with the option for a further two years, upon review and at an agreed price*
 - d) *Conclusion of negotiations, and if appropriate, the entering into a contract with the preferred tenderer identified in the confidential attachment to the Council report for Tender No. 2021-046 – Management and Operation of the Batemans Bay Regional Aquatic, Arts and Leisure Centre (BBRAALC) and Shire Pools (incorporating Moruya War Memorial Pool and Narooma Swimming Centre).*
5. *Council allocate a total project budget in accordance with the confidential attachment.*

Aligned Leisure were awarded the contract to manage and operate the three facilities for Council from 1 July 2021.

CONSIDERATIONS

Aligned Leisure has met the requirements of the contract, during the transition period and during each financial year to the present. The existing contract includes a fixed management fee, plus CPI annually, as well as an agreed revenue/expenditure budget approved and monitored by Council.

During the past two years Council has undertaken three independent, external reviews of the Bay Pavilions. These included: Financial management and operational performance review (KPMG); Risk and audit report and risk register (InConsult); and Energy audit (GHD), as well as developing a Council endorsed Sustainability Plan for the facility (CAR24/005).

The external reviews highlighted areas for improvement in relation to contract management, with a range of improvements implemented with Aligned Leisure, particularly over the past twelve months. These include:

- Monthly monitoring of actual year to date revenue and expenses commenced, supported by Council's Finance team
- Audit of Bay Pavilions contractor documentation to ensure it exists and is fit for purpose. As part of this, Aligned Leisure has undertaken and been awarded ISO 450001 Accreditation for the Bay Pavilions and a 5 star safety rating from Royal Life for all 3 sites (Bay Pavilions, Moruya and Narooma pools)
- Monitor energy consumption – support on site to monitor and manage energy usage
- Review ancillary contracts – with a reduction in the cleaning contract held by Aligned Leisure at the Bay Pavilions
- Strengthen reporting and governance between Council and Aligned Leisure – with monthly reports, monthly meetings and detailed financial information provided

CAR24/010 BAY PAVILIONS, MORUYA AND NAROOMA POOLS - ONE YEAR S026-T00023

CONTRACT EXTENSION

- Monitor incidents and compliance issues, including regular reporting - Compliance is managed on site by Aligned Leisure via the ISO 450001 Accreditation process.
- Ongoing work and analysis is required to maximise operations, as well as identify appropriate options for future directions, management and service delivery components at the Bay Pavilions, with a range of actions from the Sustainability Plan, pertaining to financial management, maintenance and reporting already implemented.
- A one year extension of the contract will enable future focused actions from the Sustainability Plan to be addressed in a considered manner, including:
- Explore partnerships with other service providers (Action 14)
 - Identify commercial opportunities at the site (Action 15)
 - Review management model for aquatic centres (Bay Pavilions, Moruya and Narooma) (Action 16)
 - Conduct benchmarking exercise at the Bay Pavilions (Action 17)
- The findings from this analysis will be incorporated into a further report, providing evidence based options for Council consideration in relation to future directions, management and service delivery components for the Bay Pavilions.

Incentivised Structure

- This model is being is proposed following feedback in previous reports highlighting the operator is not incentivised to drive ongoing improved financial performance. In this context the profit is not a profit, but rather any reduction on the net budget, set at the outset of the financial year in agreement with the contractor. The allocation of any Profit Share shall be dependent on the Contractor’s performance against the Key Performance Indicators, being:
- Agreed data to support reporting and inform Council’s analysis of future directions.
 - Net performance improvement against agreed original budget for the 1 July 2025 to 30 June 2026 year.

The incentivised allocation is to be:

KPI’s achieved	% of any Profit Share to Council	% of any Profit Share to Aligned Leisure
1/2 KPI’s achieved	70	30
2/2 KPI’s achieved	50	50

This model incorporates all facilities (Bay Pavilions, Narooma and Moruya Swimming Pools).

Legal

The current contract includes an Option to extend the term of the contract. Specifically, Section 2.3 states:

The Council may, by notice in writing to the Contractor, issues at least sixty (60) days prior to the expiry of the current Term, elect to extend the Term by up to two (2) further periods of twelve

**CAR24/010 BAY PAVILIONS, MORUYA AND NAROOMA POOLS - ONE YEAR S026-T00023
CONTRACT EXTENSION**

(12) months each, on the terms and conditions of this Agreement (including with respect to price).

The proposed extension of the current contract is in line with this contract provision.

The current contract includes a clause in relation to amendments. Specifically, Section 47, which states:

No amendment to the provisions of this Agreement will be effective unless agreed in writing and signed by properly authorized representatives of each of the Parties.

Council has negotiated verbal and in principle written agreement with Aligned Leisure to the proposed contract amendments in relation to additional performance indicators and the proposed incentives structure. If Council endorses the recommendations in this report, a formal written agreement will be prepared and signed.

Financial

The proposed contract management fee for an additional year is based on the current contract terms, with the management fee set at the 2024-2025 figure plus CPI of 3.5%, for a total of \$284,323, for the three facilities (plus GST).

This fee can be accommodated in the existing budgets for the three facilities.

CONCLUSION

Aligned Leisure has been managing the three facilities and met the requirements of the contract, for an initial transition period of eight months prior to the opening of the Bay Pavilions in June 2022, and then all three facilities from 1 July 2022 to the present. The current three year contract is in place until 30 June 2025.

This report proposes extending the existing contract with Aligned Leisure, for the management and operation of the Bay Pavilions, Moruya and Narooma pools for one year, specifically for the period 1 July 2025 to 30 June 2026, in line with previous Council resolutions (PSR20/001 and CAR21/012) and the contract terms.

The proposed contract management fee for an additional year is based on the current contract terms, with the management fee set at the 2024-2025 figure plus CPI of 3.5%, for a total of \$284,323, for the three facilities (plus GST).

A one year extension of the contract will enable future focused actions from the Sustainability Plan to be addressed in a considered manner, with findings from this analysis incorporated into a further report, providing evidence based options for Council consideration in relation to future directions, management and service delivery components for the Bay Pavilions.

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**CAR24/011 OUTCOMES FROM INVESTIGATIONS INTO CAMPING AT MORUYA S020-T00021
SHOWGROUND**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services
Attachments: Nil
Community Goal: 3 Our region of vibrant places and spaces
Community Strategy: 3.4 Celebrate our unique region through inclusive places and spaces
Delivery Program Link: 3.4.1 Plan and deliver functional and inclusive public spaces
Operational Plan Link: 3.4.1.3 Continue to develop plans of management for developed and undeveloped Crown Reserves

EXECUTIVE SUMMARY

Following consideration of a report on the 19 December 2023, Council resolved (MIN23/196) to:

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

The purpose of this report is to respond to the above resolution (MIN23/196), presenting staff findings from investigations into camping at the Moruya Showground.

Based on the findings outlined in the following report, the proposal is for the establishment of a *primitive camping ground* at Moruya Showground for self-contained caravans and motor homes only, pending community consultation, consisting of 2 designated camping areas catering for a maximum of 18 camp sites for up to 7 nights duration, and an associated future budget for the refurbishment of amenities as required by legislation.

RECOMMENDATION

THAT Council:

1. provide 'in principle' support for the establishment of a *primitive camping ground* at Moruya Showground for self-contained caravans and motor homes only, consisting of 2 designated camping areas catering for a maximum of 18 camp sites and an associated budget for the refurbishment of the amenities required by legislation, by endorsing staff to:
 - a. Put the proposal on public exhibition for 28 days, commencing on 28 January 2025.
 - b. Consult with key community and industry stakeholders.
 - c. Consider any comments received as part of the consultation.
 - d. Provide a further report back to Council.

BACKGROUND

The Moruya Showground (the Showground) is legally known as Lot 1 DP1141031, located at 98 Albert Street, Moruya. The Showground is currently utilised for a range of sporting and community events, including local and regional equestrian events, travelling circuses, and the

**CAR24/011 OUTCOMES FROM INVESTIGATIONS INTO CAMPING AT MORUYA S020-T00021
SHOWGROUND**

annual Eurobodalla Agricultural Show and Rodeo. Located centrally to the Moruya township and to the south of Moruya CBD, pedestrians can walk or cycle through the Reserves via a gravel path that links the Moruya CBD with Moruya High School and the southern residential area.

Typical of many agricultural showgrounds, Moruya Showground has a range of buildings and facilities to support the various activities associated with the annual Agricultural Show and Rodeo. The venue attracts additional events and activities throughout the year, including equestrian events, canine agility and obedience training and rugby league games, additionally operating as a Disaster Evacuation Centre for residents of the district.

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

Currently camping at the Showground only occurs in conjunction with events such as the annual Rodeo, Agricultural Show and major equestrian events. This form of event camping is permitted under clause 73(3) of the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (LG Regulation), which permits camping occurring in conjunction with a sporting, recreational or cultural event for a period of 6 weeks without having to comply with regulations normally applicable to a caravan or camping ground.

Plan of Management

The Showground is a Crown Reserve (Reserve 580020), owned by the Crown and managed by Eurobodalla Shire Council (ESC) on behalf of Crown Lands. The *Local Government (LG) Act 1993* and *Crown Land Management (CLM) Act 2016* provide the legislative framework for the governance and management of Crown Reserves, requiring that any public land classified as “community” land requires a Plan of Management to apply to the land.

A POM is the key strategic planning and governance tool for the management and use of community land for a 5-10 year period. In general terms, Plans of Management:

- are prepared by a council in consultation with the community.
- set out objectives and performance targets for community land.
- identify the important features and attributes of the land, including how it is used at the current time.
- identify and authorise the use of the land, including tenures and development on the land.
- indicate how the land may be used or developed in the future.

In 2018 and 2020, Council adopted the Moruya Showground Landscape Master Plan (LSMP) and the Moruya Golf Course and Showground Reserves Plan of Management (POM) respectively. The POM identifies activities that require the prior approval of the council before being carried out on the land. The Management Action Plan recommends seeking development consent to enable the Showground to become a *primitive camping ground*. The proposal outlined above would fulfil the relevant action set out in the POM.

CAR24/011 OUTCOMES FROM INVESTIGATIONS INTO CAMPING AT MORUYA S020-T00021 SHOWGROUND

CONSIDERATIONS

The proposal is for the establishment of a *primitive camping ground* at Moruya Showground for self-contained caravans and motor homes only, consisting of 2 designated camping areas catering for a maximum of 18 camp sites for up to 7 nights duration, and an associated future budget for the refurbishment of the amenities required by legislation.

Final details relating to the management model, minimum number of allowable days and fees will all be considered as part of a future report, following the community consultation.

The following information outlines the legislative requirements, examples from other showgrounds, and constraints considered as part of the investigations.

INVESTIGATIONS

Short-term casual camping

Short-term casual (non-event) camping is widespread at showgrounds across Australia, as it:

- allows for utilisation of the Showground outside of scheduled event periods.
- increases activation and passive surveillance of the site, assisting to reduce vandalism.
- creates an income stream that can be reinvested back into the site.
- provides a small and alternative tourist accommodation option within the shire.

As part of the investigations into camping at the Showground, several other Showgrounds that offer camping were reviewed. A summary of the findings and links to websites is provided in the table below:

Showground	Approved use	No. of sites	Camping permitted	Density	Max Nights	Management
Kendal	Primitive camping	10	Motorhomes & Caravans	Designated	4	s.355 committee
Kempsey	Primitive camping	20	Motorhomes & Caravans	Designated	21	s.355 committee
Oberon	Primitive camping	20	Motorhomes, Caravans & Camper trailers	Designated	5	Caretaker/HIP Camp
Milton	Camping ground	14	Motorhomes, Caravans & Camper trailers	Designated	4	Council
Murwillumbah	Primitive camping	25	Motorhomes & Caravans	Designated	4	Caretaker

**CAR24/011 OUTCOMES FROM INVESTIGATIONS INTO CAMPING AT MORUYA S020-T00021
SHOWGROUND**

Showground	Approved use	No. of sites	Camping permitted	Density	Max Nights	Management
Young	Primitive camping	16	Motorhomes & Caravans	Designated	3	s.355 committee

In addition to those identified above, the research found that the most common forms of camping at Showgrounds was *primitive camping*. This is likely because the infrastructure requirements set out under the relevant legislation and the subsequent investment required for primitive camping grounds is less than that of other approval types.

In considering providing short-term casual camping at the Showground throughout the year, similar to that provided by many other rural and regional showgrounds, there are a number of considerations and relevant requirements that are outlined as follows:

LEGISLATIVE REQUIREMENTS

A variety of Commonwealth, State and Local legislation applies to the Showground site and will be complied with as part of any future application for year-round short-term casual camping. Additionally, various NSW planning and local government legislation apply to the regulation of camping. The following legislation identifies that Council approval is required to use land for the purposes of operating a caravan or camping ground:

- *Section 4.12(3) of the EP&A Act.*
- *Section 68(F) of the LG Act.*
- *Chapter 3, Part 9 of the Housing SEPP.*

Any future application for approval of a *camping ground* or *primitive camping ground* at the Showground would need to be assessed against the provisions of:

- *Eurobodalla LEP 2012; and*
- *LG (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*

Eurobodalla LEP 2012:

Pursuant to the provisions of *Eurobodalla LEP 2012*, *camping grounds* are defined as:

camping ground means an area of land, with access to communal amenities, used for the short-term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

(a) a caravan park, or

(b) farm stay accommodation.

primitive camping ground means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

**CAR24/011 OUTCOMES FROM INVESTIGATIONS INTO CAMPING AT MORUYA S020-T00021
SHOWGROUND**

The Showground is zoned RE2 Private Recreation. *Camping grounds* and *primitive camping grounds* (a type of camping ground) are permitted subject to consent within the RE2 zone.

LG (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation

The [LG \(Caravan Parks, Camping Grounds and Moveable Dwellings\) Regulation](#) (the Regulation) is the primary legislation that details the requirements for the design, construction, installation and operation of *camping grounds* and *primitive camping grounds*.

Consideration could have been given to applying for use of the Showground as a *caravan park*, *camping ground* or a *primitive camping ground*; however, the Regulation sets out varying requirements for each of these uses. In considering the future use, consideration was given to the following:

- Under the Regulations, the number of camp sites permitted for the above uses are limited based on the Showground area, required setbacks, and infrastructure requirements.
- The requirements for approval of a *caravan park* or *camping ground* are onerous and would require significantly greater communal facilities and infrastructure, (including kitchens, laundries and road upgrades), and associated levels of investment. Given the limited number of camp sites that would be permitted at the Showground, the cost benefit of providing such additional infrastructure, versus the associated return on this investment and recoupment of funds from camping fees would be limited/cost prohibitive.
- Under Clause 123 of the Regulation, a *caravan park* would prevent the area from being used for any other commercial purpose, which would restrict the sites use as a Showground or for any other purpose.
- Most of the camping approved at other Showgrounds across the State is for primitive camping.
- Establishing the Showground as a *primitive camping ground*, does not necessarily pose significant competition for other tourist accommodation operators in town, rather catering for a small niche market.

As the Showground largely meets the requirements for use as a *primitive camping ground*, requiring only minimal upgrades, the remainder of the investigation focused on this form of camping. As such, the requirements for enabling *primitive camping ground* at the Showground as are set out below.

Requirements for Primitive Camping

Sections 72, 73 and 131 of the Regulation are relevant to *primitive camping grounds*, setting out matters required to be specified in an approval and for operation.

As such, any application would need to -

- characterise the development as a *primitive camping ground* in accordance with Division 3, Subdivision 9.
- Identify the location of:

**CAR24/011 OUTCOMES FROM INVESTIGATIONS INTO CAMPING AT MORUYA S020-T00021
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- off-site parking spaces, if any, for camp sites,
- flood liable land, if any, in the caravan park or camping ground.
- campsites on a community map.

The Regulation provides two options in regulating the density of *primitive camping grounds* as follows:

Designated camp sites –

- Designate a specific area where camping can occur.
- The maximum number of designated camp sites is not to exceed an average of two per hectare where tents, caravans, campervans must be located (calculated over the total area of the *primitive camping ground*).
- There is no specific limit on the number of tents, campervans or caravans that may be sited in a designated camp site, but requirements apply to each kind of moveable dwelling in regard to separation from one another.
- If the primitive camping ground approval designates camp sites, camping is not permitted outside of that area.

Non-designated camp sites –

- Does not designate an area where camping can occur.
- The maximum number of tents, caravans and campervans permitted to use the primitive camping ground at any one time is not to exceed an average of two per hectare (calculated over the total area of the *primitive camping ground*).
- 2 or more tents occupied by no more than 12 persons camping together must be counted as 1 tent.

The operation of a *primitive camping ground*, requires the that:

- a caravan, annexe or campervan must not be permitted to be installed within 6 metres of another caravan, annexe, campervan or tent,
- the camping ground must be provided with a water supply, toilet and refuse disposal facilities as specified in the approval for the camping ground,
- unoccupied caravans, campervans and tents are not permitted to remain in the camping ground for more than 24 hours,
- a register is kept in accordance with section 121;
- fire-fighting facilities required by the approval must be provided at the primitive camping ground.
- no more than 12 persons may be permitted to stay overnight at a campsite at the same time.
- limit visitors to stay no more than 50 days in a 12-month period, (unless reasonably satisfied that they have been displaced due to natural disaster or a pandemic).

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SHOWGROUND**

DISCUSSION

Density requirements

The Showground is located on Lot 1 DP1141031, the lot has an area of approximately 7.22ha. Based on the density requirements set out in the Regulations, the Showground could accommodate the following:

Designated:

- accommodate a maximum of 3 designated camping sites (7.22ha/2 designated areas per ha= 3 designated areas).
- a caravan or campervan must not be permitted to be installed within 6 metres of one another.

Not designated:

- accommodate a maximum of 14 camp sites across the grounds (7.22ha x 2 sites per ha).
- 2 or more tents occupied by no more than 12 persons camping together must be counted as 1 tent.

Designated camping is considered the most suitable option for Moruya Showground currently as:

- the site would continue to operate as an existing Showground, so restricting camping to specific areas will prevent areas crucial to the Showgrounds operations, e.g. show ring, from being damaged by vehicles.
- it would allow for a greater number of campsites than non-designated camping.
- there are existing areas designated for event camping that already have water/power available.
- there is no specified minimum or maximum size for a designated camp site and the number of tents, campervans or caravans that may be sited in a designated camp site is based on separation requirements not limited to a specific number, a third designated camping area could be considered in the future subject to the installation of more power/water.

Infrastructure Requirements

The Regulations require that the minimum standard of infrastructure provided for *primitive camping grounds* includes:

- a water supply,
- toilets, and
- refuse disposal facilities.

Whilst Subdivisions 1–8 of the Regulations do not apply to *primitive camping grounds*, it does contain provisions relating to the type/number of facilities required per site for camping grounds. As any future development application for a *primitive camping ground* would need to

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specify the number of toilets provided, the provisions outlined in section 107 are considered relevant. Based on these, a facility with 1-25 sites would require 6 toilets (3 female/3 male).

Infrastructure is currently located in the amenities building at the rear of the Grandstand, this includes male (2) and female (4) toilets, showers, 1 accessible toilet and shower, and a sewage dump point connected to the existing utility infrastructure near the secondary entry. In addition, there are approximately 18 sites connected to power/water. These are in the existing event camping area and around the exterior of the Show ring.

The current level of infrastructure provided at the Showground largely meets the requirements for primitive camping under the Regulations, with only minor upgrades required. However, the infrastructure is ageing and much of it not complying with current standards. As a result, the building requires some refurbishments.

Several other showgrounds reviewed as part of the investigations also provide infrastructure for primitive camping above what is required by the Regulation - this includes showers, camp kitchens and laundries. These additions make these Showgrounds highly popular and well utilised, ensuring minimal vacancy rates and allowing them to set higher fees.

While all other showgrounds reviewed have a caretaker who manages the camping ground day-to-day, not all caretakers reside on site and caretakers' residence are not a requirement of the Regulations.

If a budget is to be provided for refurbishing the facilities, it is recommended that this includes funds to:

- upgrade existing toilet and shower facilities to include new tiling, toilets, showers, basins and associated petitions.
- fit out the current storage space as a communal camp kitchen.
- provide digital locks to the amenity areas and security alarms.

Financial

Pending the exhibition period and a final decision by Council, a budget will need to be considered for the refurbishments and improvements recommended above. Depending on the nature and extent of improvements, preliminary costings will be provided as part of a subsequent report to Council.

Social

Many of the showgrounds reviewed as part of investigations limited primitive camping to:

- designated camping areas.
- camping by self-contained caravans and campervans only.
- an average of up to 7 nights.

Restricting the number of nights visitors are permitted to stay and limiting camping to self-contained caravans and campervans ensures that accommodation is catering for a small niche market, such as grey nomads.

**CAR24/011 OUTCOMES FROM INVESTIGATIONS INTO CAMPING AT MORUYA S020-T00021
SHOWGROUND**

Environmental considerations

The Showground is mapped within the flood planning area of the Eurobodalla LEP. As such, a flood certificate will be required to be submitted with any future development application and the relevant flooding clauses within the Eurobodalla LEP addressed. As the Showground currently operates as the Disaster Evacuation Centre for residents of the district, in a flood event, visitors could be evacuated to the grassed area located between the caretaker's residence and the amenities building.

Governance & Management

As part of the investigations, the governance and management of camping at other NSW Showgrounds was considered. Fees, allowable days, and the management model varied considerably.

If the proposal was to be supported, details relating to the management model, minimum number of allowable days, required policies, and fees will all be considered as part of a future report, following the community consultation.

The Moruya Showground Management Committee currently has delegated responsibility for day-to-day management and maintenance of the Showground Precinct. The role and responsibilities of the committee are governed by Section 355 of the LG Act and corresponding Community Facility Management Committee Procedures Manual (2014). The s.355 Committee would be consulted as part of any community consultation.

Legal

The proposal for a *primitive camping ground* to be established at Moruya Showground is permitted under the relevant legislation and consistent with the POM applying to the site, subject to development consent.

Policy

A future policy and terms and conditions would need to be developed if the proposal for camping at the Showground is approved.

Community and Stakeholder Engagement

We will consult with the community by seeking feedback through a 28-day community consultation where the proposal will be on Council's website, and conversations with community interest groups.

We will involve the community in the development of the proposal for camping at the Showground through correspondence and potential workshops.

CONCLUSION

It is recommended that Council provide 'in principle' support to establish a *primitive camping ground* at Moruya Showground for:

- self-contained caravans and campervans
- consisting of 2 designated camping areas and catering for a maximum of 18 camp site, and

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- an associated future budget for the refurbishment of amenities required by legislation.

A community consultation with community, and key community and industry stakeholders would be undertaken if the recommendation is endorsed.

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**CAR24/012 PUBLIC EXHIBITION OF HANGING ROCK, CORRIGANS BEACH AND S003-T00025
OBSERVATION POINT PLAN OF MANAGEMENT**

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

Attachments: 1. Under Separate Cover - Hanging Rock POM Draft 2023-Final Version for Public Exhibition

Community Goal: 3 Our region of vibrant places and spaces

Community Strategy: 3.4 Celebrate our unique region through inclusive places and spaces

Delivery Program Link: 3.4.1 Plan and deliver functional and inclusive public spaces

Operational Plan Link: 3.4.1.2 Work with key stakeholders to develop and implement recreation and open space plans and projects

EXECUTIVE SUMMARY

This report advises Council that Ministerial consent has been granted, enabling the draft Plan of Management (POM) for Hanging Rock, Corrigans Beach and Observation Point Reserves to be publicly exhibited.

Council endorsement is now sought to proceed to public exhibition of the draft POM, and subject to only minor changes, adopt the POM in accordance with section 70B of the *Crown Land Management Regulation 2018*.

The POM comprises Crown Reserve number 66122 Hanging Rock Reserve, which also includes the Batemans Bay Beach Resort and Corrigans Beach Reserve, and Crown Reserve number 60913 Observation Point Reserve. These Reserves are Crown Land under the control and management of Eurobodalla Shire Council.

The NSW Crown Land Management Act 2016 (CLM Act) came into force on 1 July 2018 and as the appointed land manager, Council is required to prepare a new POM for the Reserves as if they were community land under the NSW Local Government Act 1993 (LG Act).

A POM is a planning document that outlines how the land can be used, developed and managed, how leases and licences or other interests are granted on community land and determines the scale and intensity of current and future use and development on the land. Possible future developments are illustrated in landscape masterplans provided at Appendix A of the POM.

RECOMMENDATION

THAT Council

1. In accordance with Section 38 of the NSW *Local Government (LG) Act 1993*, endorse the public exhibition of the draft Hanging Rock, Corrigans Beach and Observation Point Plan of Management from 28 January 2025, for a period of not less than 28 days, with a total specified period of not less than 42 days after the date on which the draft POM is placed on exhibition during which submissions may be made to Council; and
 - a. If no significant adverse feedback is received as part of the public exhibition, the draft Plans of Management be finalised and deemed adopted pursuant to

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section 38 of the *Local Government Act 1993* and in accordance with 3.23(6) of the *Crown Land Management Act 2016*; or

- b. If significant adverse feedback is received as part of the public exhibition of the draft Plans of Management that requires the draft Plan of Management to be amended, the draft POM is to be resubmitted for Ministerial consent to adopt.
2. Upon adoption of the draft Plan of Management, forward a copy of the adopted Plan of Management to the Department of Planning, Housing and Infrastructure (the Department) for record purposes.

BACKGROUND

Development of the draft POM and associated master planning process involved extensive consultation with the community. Council engaged Localé Consulting and Ayling Drury Landscape Architecture to develop the draft POM and landscape masterplans.

As part of this process, Localé Consulting undertook significant community consultation with a range of key site user groups (below), and Council and Crown land staff. It also involved the public exhibition of the subsequent site analysis and schematic plans that have informed the Landscape Master Plans. Information received during consultation has identified issues and opportunities that have been incorporated and as used to inform the draft POM.

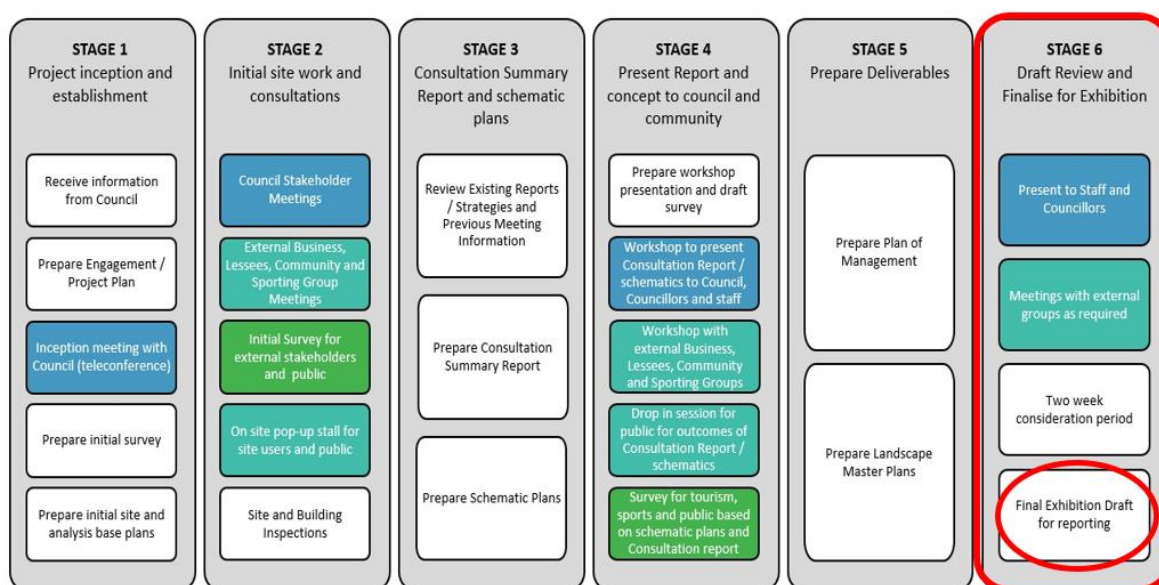
Key stakeholder groups consulted:	
<ul style="list-style-type: none">• Batemans Bay Radio Control Club• Batemans Bay Sailing Club• Batemans Bay Football Club• Batemans Bay Boars Rugby Union Club• Batemans Bay Cricket Club• Batemans Bay Touch Football• Batemans Bay AFL Seahawks• Batemans Bay Rotary Club• Batemans Bay Marine Rescue NSW• Batemans Bay Tennis Club	<ul style="list-style-type: none">• Batemans Bay Basketball Club• Batemans Bay High School• Batemans Bay Beach Holiday Resort (accommodation)• Bells Amusement Hire – Carnival• Tai Chi for Arthritis• Shugyo Martial Arts• Wild Wombat Mountain Biking Festival• Eurobodalla Canine Club• Euro-Coast Athletics Club• The Bay Push

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Consultation methods and responses are outlined below:

Consultation Activity	Response
Face-to-face meetings with key user groups and lease/ license holders (including Council staff).	20
Council briefing.	1
Council Report	1
On-site pop up stall/ drop in session at Corrigans Beach Reserve.	6hrs
Letter box drops and phone calls to adjoining residents/ businesses/ landowners/ community groups	28
Provision of an electronic survey that was open for 2 weeks (with hard copies made available at Batemans Bay library).	126
Information collection from all Council departments	Yes

The Hanging Rock, Corrigans Beach and Observation Point POM is now in 'Stage 6 – Final Exhibition Draft for report.' This represents the final stage in the POM development process, as identified below.



Following consideration of a report on the 24 November 2020, Council resolved (MIN.20/203) that:

1. *In accordance with Section 39 of the NSW Local Government Act 1993, Council send an electronic copy of the Hanging Rock, Corrigans Beach and Observation Point Reserves draft Plan of Management (POM) to the NSW Minister for Water, Property and Housing and seek the Minister's consent to exhibit the draft POM.*

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2. *Subject to the decision of the NSW Minister for Water, Property and Housing with respect to recommendation 1, and in accordance with Section 38 of the NSW Local Government Act 1993, Council publicly exhibits the Hanging Rock, Corrigans Beach and Observation Point Reserves draft Plan of Management for a period of not less than 28 days with a total specified period of not less than 42 days after the date on which the draft POM is placed on exhibition during which submissions may be made to Council.*

In accordance with section 39 of the LG Act, a draft POM is required to be referred to the Department prior to Council placing the draft POM on public exhibition. This provides the Department (as landowner) with an opportunity to review the draft PoM to ensure its interests and obligations are addressed and that the POM meets the requirements set out by legislation and the relevant Guideline for Developing Plans of Management for community land Crown Reserves.

Following MIN.20/203 being made, the draft POM was sent to the Department for the purpose of gaining Minister's consent to undertaken public exhibition. As part of this process, a number of aspects of the draft POM were required to be resolved, including but not limited to the following summary:

- Discussions regarding the best fit for categorisation of the land.
- Encroachment of Council road works within Crown Reserve 66122.
- Discussions regarding Aboriginal Cultural Heritage.
- Updates associated with a number of reforms to NSW planning legislation.
- Inclusion of new requirements and information regarding coastal Crown land Management, not forming part of the original POM process.

As discussions and requested amendments regarding the above aspects of the draft POM were undertaken in an ad hoc way, there were significant delays with the approval process. More recent delays to the public exhibition were due to the caretaker period associated with the local government election process.

CONSIDERATIONS

Draft Hanging Rock, Corrigans Beach and Observation Point POM

Since the initial Council resolution, the draft POM has subsequently been amended to include:

- updates to address any changes to relevant legislation.
- information regarding the encroachment of a Council round-a-about at the intersection of Beach Road and Hanging Rock Place on Reserve 66122.
- the addition of coastal management information.

The draft POM for Hanging Rock, Corrigans Beach and Observation Point Reserve includes the following sections:

- A description of the Hanging Rock, Corrigans Beach and Observation Point Reserve, its current uses, its natural environment, history and current planning. For the purpose of

**CAR24/012 PUBLIC EXHIBITION OF HANGING ROCK, CORRIGANS BEACH AND S003-T00025
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the draft POM, Hanging Rock Reserve contains a number of substantial structures (including function centre, amenities buildings, storage sheds, regional scale Variety Inclusive Playground, holiday/caravan park) and other improvements such as car parking, lighting, fencing, access roads, seating and shared pathways across the Hanging Rock Sporting Complex and Corrigans Beach Reserve. Observation Point is a smaller space and does not have any substantial assets, other than car parking and an access road.

- The legislative and policy framework that governs use and development of Hanging Rock, Corrigans Beach and Observation Point Reserve.
- Issues raised in preliminary consultation with user groups.
- A plan for the ongoing management of Hanging Rock, Corrigans Beach and Observation Point Reserve, including how the Reserves will be categorised under the NSW Local Government Act 1993, objectives and options for future management and development, and authority for the potential future issuing of leases or licenses over parts of each Reserve for certain activities.
- A Management Action Plan.

The draft POM outlines the general approach to planning and implementation of infrastructure and landscaping improvements at Hanging Rock, Corrigans Beach and Observation Point Reserve. Whilst the draft Plan is a Council document, it is community driven, with feedback received as part of the extensive community consultation process used to inform and develop the draft POM which will guide future upgrades to the site.

The overarching approach seeks to coordinate the intentions of the community within the key principles and objectives of the POM and its associated Action plan. Key management objectives addressed by the Management Action Plan for the Reserves are as follows:

1. Maintain and grow formal and informal sporting use
2. Integrate shared access for all users to and within the reserves
3. Maintain and grow events and visitation
4. Integrate, protect and enhance natural and cultural features
5. Promote linkages within and beyond the reserves
6. Improve existing infrastructure for a variety of user groups
7. Manage user groups.

The draft POM includes landscape master plans for Hanging Rock Sporting Complex (including Council Operational land within this precinct), Corrigans Beach Reserve and Observation Point Reserve (Appendix A). These illustrate proposed developments for the sites, based on consultation outcomes, which can be pursued for funding and implementation over the life of the POM. These landscape master plans also address Recreation and Open Space Strategy 2018 Actions N17, N21, and N23.

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OBSERVATION POINT PLAN OF MANAGEMENT**

Key proposed developments resulting from consultation and as illustrated in the landscape master plans include:

Hanging Rock Sporting Complex

- Relocating the old amenities building on soccer field 3 to the perimeter of the field, with supporting car parking, allowing for future additional use of the field for cricket or athletics
- Upgrades to the function centre to support wider and inclusive use
- Ancillary facility upgrades, including lighting, spectator seating, ball netting, cricket nets, car parking and shade trees
- Opportunities to increase appropriate sports storage and grey water for irrigation
- Tennis court and clubhouse upgrades
- Expansion of the skate park to create a more inclusive recreation space
- RV dump point (near boat ramp parking), Corrigans Beach Reserve
- Pedestrian and recreation improvements with a loop path connecting the whole reserve with supporting shade trees, picnic shelters/furniture and optional exercise stations.
- Improved infrastructure and open spaces to support events, including covered stage and event-related camping options
- Consolidation of beach access paths to improve accessibility and dune rehabilitation
- Additions to the playground in support of inclusive use, within the playground area
- Improved signage, including wayfinding and interpretive elements
- Landscaping including shade trees, boundary planting and levelling of the ground surface

Corrigans Beach Reserve

- Pedestrian and recreation improvements with a loop path connecting the whole reserve with supporting shade trees, picnic shelters/furniture and optional exercise stations
- Improved infrastructure and open spaces to support events, including covered stage and event-related camping options
- Consolidation of beach access paths to improve accessibility and dune rehabilitation
- Additions to the playground in support of inclusive use, within the playground area
- Improved signage, including wayfinding and interpretive elements
- Landscaping including shade trees, boundary planting and levelling of the ground surface
- Relocation of RV dump point away from playground area.

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Observation Point

- Construction of a viewing platform at the eastern point with compacted gravel shared access path from car park
- Designated viewing areas to the north and west with safety balustrading
- Regeneration of eastern existing car park and conversion to picnic area incorporating shelters, furniture, directional signage and a cultural interpretive element (eg, sculpture or signage)
- Formalisation of western existing car park and establishment of long vehicle/bus parking area
- Upgraded entry access road with entry signage and traffic calming device
- Pedestrian connectivity to existing Corrigan's Beach access stairs and opportunity for future connection to Caseys Beach.

Once finalised, the draft POM can be used to assist with funding applications, as well as provide a strategic methodology to deliver infrastructure and upgrades to Hanging Rock, Corrigan's Beach and Observation Point Reserve.

Projects in the final adopted POM will be included in future years of the long-term financial plan, which if supported and funded, will enable grant funding applications to be submitted once the elements within the plan have progressed through detail design stage and are 'shovel ready'.

NEXT STEPS

Exhibition

Once endorsed by Council, the draft POM will be publicly exhibited from 28 January 2025 for a period of not less than 28 days, with a total specified period of not less than 42 days after the date on which the draft POM is placed on exhibition during which submissions may be made to Council.

Following the public exhibition period, any submissions received will be compiled and considered. Where there are submissions that:

- Do not require significant changes, the POM will be finalised and deemed adopted pursuant to section 38 of the *Local Government Act 1993* and in accordance with 3.23(6) of the *Crown Land Management Act 2016*; or
- justify significant changes to the draft POM these will be collated and considered, and the draft POM will need to be resubmitted for Ministerial consent to adopt and re-exhibited.

Final Plan

Once the draft POM has been adopted, it will become a public document, used to guide future projects, upgrades and future funding opportunities for Hanging Rock, Corrigan's Beach and Observation Point Reserve.

**CAR24/012 PUBLIC EXHIBITION OF HANGING ROCK, CORRIGANS BEACH AND S003-T00025
OBSERVATION POINT PLAN OF MANAGEMENT**

Upon adoption of the draft Plan of Management, Council will forward a copy of the adopted Plan of Management to the Department of Planning, Housing and Infrastructure (the Department) for record purposes.

Legal

An adopted POM is a legal requirement for Crown reserves under the control and management of Council in accordance with requirements of the NSW CLM Act and LG Act. Public exhibition and adoption of the POM is the final process of this legal requirement.

Financial Implications

The preparation of the draft POM has been resourced through grant funding provided by the Office of Local Government for the development of Plans of Management.

Future funding will be sought for the delivery of developments identified in the Action Plan and landscape master plan. Grant funding opportunities continue to be explored to allow for the delivery of these elements.

Policy

Outcomes for the Reserve continue to be consistent with the community's objectives and Council's corporate objectives, as outlined in the Eurobodalla Community Strategic Plan and the Council's Delivery Program 2024-25.

All event organisers are required to comply with Council's Events Policy and the Eurobodalla Event's Guide while dog owners will be required to adhere to the Companion Animal Management Plan.

A key management objective for the Reserves is to integrate, protect and enhance natural and cultural features. Actions within the implementation action plan reinforce appropriate management of environmental features as outlined above.

Social Impact

The draft POM outlines the following social impact and development outcomes for the Reserves. The Reserves will continue to:

- have a mix of formal sporting, recreational, cultural and social activities.
- allow parts of the Reserves to be available for large and small events with selected buildings available for functions and other activities.
- be open to the general public for passive recreation when not in use for scheduled sports and events.
- support tourism through the operation of the Batemans Bay Beach Resort, the regionally significant Variety Inclusive Playground, and opportunities to connect with nature and locations of cultural significance.

No significant change is anticipated to the existing and future primary uses of the Reserves, being for a range of formal and passive public recreation purposes and events.

**CAR24/012 PUBLIC EXHIBITION OF HANGING ROCK, CORRIGANS BEACH AND S003-T00025
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Council will seek funding to further develop and improve the sites and facilities to better service community needs in alignment with the POM landscape master plans.

Economic Development Employment Potential

Objectives within the draft POM seek to increase use of existing facilities and provide improvements that would support a wider range of community and regional functions and events to those already held on the Reserves. Ongoing operation of the Batemans Bay Beach Resort provides a range of employment opportunities and both Reserves contribute to tourism activities in the region.

CONCLUSION

It is recommended that the draft POM and associated landscape master plan be placed on public exhibition for a period of not less than 42 days from the 28 January 2025 in accordance with section 38 of the LG Act.

17. 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*, a council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

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.