



AGENDA

Ordinary Meeting of Council

14 February 2023

Statement of Ethical Obligations

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

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

ON TUESDAY 14 FEBRUARY 2023

COMMENCING AT 12.30PM

AGENDA

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

1. WELCOME

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Ordinary Meeting held on 13 December 2022

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

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6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

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WARWICK WINN
GENERAL MANAGER

GMR23/006 POSITION OF DEPUTY MAYOR

S012-T00020

Responsible Officer: Warwick Winn - General Manager

Attachments: Nil

Focus Area: 5 Our engaged community with progressive leadership

Delivery Program Link: 5.2 Proactive, responsive and strategic leadership

Operational Plan Link: 5.2.2 Implement effective governance and long-term planning

EXECUTIVE SUMMARY

This report seeks Council's decision on whether it wishes to create the position of Deputy Mayor and if so, the term of that position and the method of voting for the position.

RECOMMENDATION

THAT in accordance with section 231 of the *Local Government Act 1993*:

1. Council resolve to create the position of Deputy Mayor;
2. Council determine the term of appointment for the position of Deputy Mayor;
3. Council determine whether the method of voting for election to the position of Deputy Mayor is to be by open voting, ordinary ballot or preferential ballot;
4. Nominations be called for the position of Deputy Mayor and the election be conducted as determined in (3) above;
5. The result of the election be provided to the Chief Executive of the Office of Local Government, along with the local media and other councils in New South Wales.

BACKGROUND

For many years, Eurobodalla Shire Council has created the position of Deputy Mayor, usually for a period of one or two years. Deputy Mayors have assumed the role of Mayor on occasions when the Mayor has been absent.

On 08 February 2022, Council resolved:

THAT in accordance with section 231 of the *Local Government Act 1993* Council determine the term of appointment for the position of Deputy Mayor to be 12 months.

CONSIDERATIONS

Section 231 of the *Local Government Act 1993* provides that:

- (1) *The councillors may elect a person from among their number to be the deputy mayor.*
- (2) *The person may be elected for the mayoral term or a shorter term.*
- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*

GMR23/006 POSITION OF DEPUTY MAYOR

S012-T00020

- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

[Schedule 7](#) of the *Local Government (General) Regulations 2021* outlines the process for nomination to the position of Deputy Mayor. In summary, this states:

1. The general manager (or a person appointed by the general manager) is the returning officer.
2. A councillor may be nominated without notice for election as deputy mayor.
3. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
4. The nomination is to be delivered or sent to the returning officer.
5. The returning officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

Nomination forms for the position of Deputy Mayor have been provided for Councillors. Additional copies will also be available at the meeting.

[Schedule 7](#) of the *Local Government (General) Regulations 2021* provides details on the methods of voting.

After calling for nominations, the General Manager as returning officer will determine if an election is necessary and if so, an election will be conducted in accordance with the method adopted by Council.

Council must resolve the method of voting it wishes to follow for the position of Deputy Mayor, in accordance with the provisions of the *Local Government Act 1993* and *Local Government (General) Regulations 2021*. Voting is either by ordinary (secret) ballot, open voting (show of hands) or preferential ballot.

A copy of Schedule 7 of the *Local Government (General) Regulation 2005* is attached to this report.

The nomination form for the position of Deputy Mayor has been circulated to Councillors.

Legal

The *Local Government Act 1993* and *Local Government (General) Regulation 2021 – Schedule 7* provide for the election of a Deputy Mayor.

CONCLUSION

Council is required to determine if it wishes to create the position of Deputy Mayor, and if so determine the term of the Deputy Mayor.

The General Manager as returning officer will then call for nominations for the position of Deputy Mayor and conduct the ballot in accordance with the method of voting determined by Council.

GMR23/007 ADMINISTRATION OF THE 2024 LOCAL GOVERNMENT ELECTIONS

**S012-
T00021**

Responsible Officer: Warwick Winn - General Manager

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

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

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

EXECUTIVE SUMMARY

The 2024 Local Government Elections are scheduled for Saturday 14 September 2024.

Under Section 296AA of the *Local Government Act 1993* (the Act), councils must make a decision on how its September 2024 ordinary elections are to be administered. This decision must be made no later than 18 months prior to the next election (13 March 2023).

Each council must resolve to either:

- Enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council's elections, polls and constitutional referenda or
- That the council's elections are to be administered by another electoral services provider.

If Council does not engage the NSWEC to administer its elections by 13 March 2023 it will be required to have the election administered by another electoral service provider.

It is recommended that Council resolve to enter an electoral arrangement with the NSW Electoral Commission. Under section 296(3)(b), where a council enters an election arrangement with the NSWEC, the arrangement must be finalised no later than 15 months before the ordinary council elections, that is by 13 June 2023.

The Act also requires that a resolution to engage the New South Wales Electoral Commissioner (NSWEC) must be made 18 months prior to the date of the local government election (13 March 2023). Model resolutions provided by the Electoral Commissioner are included in this report.

RECOMMENDATION

THAT:

1. Pursuant to section 296 (2) and (3) of the *Local Government Act 1993 (NSW)* ('the Act') that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to section 296 (2) and (3) the Act, as applied and modified by section 18, that a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council.

GMR23/007 ADMINISTRATION OF THE 2024 LOCAL GOVERNMENT ELECTIONS

**S012-
T00021**

3. Pursuant to section 296 (2) and (3) the Act, as applied and modified by section 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council where necessary.
4. Authority be granted to the General Manager to conduct negotiations with the Electoral Commissioner as to the terms of the engagement and to enter into a contract with the Commissioner on behalf of Council.

BACKGROUND

Council has the following options to consider for the administration of the 2024 Local Government elections:

- Enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council's elections, polls and constitutional referenda or
- That the council's elections are to be administered by another electoral services provider.

If Council does not engage the NSWEC to administer its elections by 13 March 2023 it will be required to have the election administered by another electoral service provider. Under section 296AA of the Act, where a council resolves that its elections are to be administered by an electoral services provider other than the NSWEC, the resolution must also state whether the general manager has identified an electoral services provider to be engaged for the next ordinary election and, if so, that name of that provider. As soon as practicable after the resolution is made, the general manager must publish a copy of the resolution on Council's website.

In considering the use of other electoral service providers, it is important to clarify that they can deliver the elections for the council. A key consideration will be whether the provider is able to administer the complex counts required under the weighted inclusive Gregory method of preference allocation prescribed under the *Local Government (General) Regulations 2021* (the Regulations) for council elections using the proportional system.

It is also a requirement that the method proposed to be used by the provider to conduct the count of the ballot papers (whether through the use of data entry or scanning equipment) can comply with the formality, scrutiny and record keeping provisions contained in the Act and Regulations.

Section 55 of the *Local Government Act* exempts councils from tendering when entering a contract or arrangement for the NSW Electoral Commission to administer the council's elections, referendums and polls. This exemption does not apply to contracts or arrangements with any other service provider. Therefore, based on previous election costs, a tender process would need to be undertaken to provide election services from a commercial electoral service provider as it will be over the tendering threshold of \$250,000.

Council has approached the Australian Election Company (AEC) for costings, one of the electoral services providers, to undertake the 2024 Local Government Elections. For the AEC to undertake the full election, initial costs indicate a total of \$618,578.62.

GMR23/007 ADMINISTRATION OF THE 2024 LOCAL GOVERNMENT ELECTIONS

**S012-
T00021**

The NSW Electoral Commission has provided an indicated cost of \$460,063.00 to administer the 2024 Local Government election.

The Act allows councils to negotiate commercial terms with the NSWEC based upon a negotiated service level agreement. If Council determines to appoint the NSWEC, it is expected that this negotiation will achieve savings for Council in the overall cost of the administration of 2024 election. This could be achieved by sharing of a Returning Officer with Bega Valley Shire Council, undertaking statutory advertisements and preparation of the non-resident roll.

CONSIDERATIONS

The additional legal and governance responsibilities allocated to the General Manager to engage a commercial election service provider (Australian Electoral Company) needs to be thoroughly considered. The impact of governance breaches and independence in a rural regional community carries high risk to the Council.

The benefits to Council of engagement of the NSWEC to administer the election include:

- The integrity of the NSWEC's systems and processes including its vote counting software.
- The experience of the Commissioner and his staff in conducting State and Local Government elections including the resolution of complaints and disputes.
- The 'arm's length' probity principle of not having the General Manager or Council's administrative staff directly involved in the administration of the election process.
- Certainty of availability of polling places, polling staff and election material such as voting screens, ballot boxes and stationery.

Policy

The administration of the local government election must adhere to the requirements of the *Local Government Act 1993*.

Financial

Funds have been restricted for this purpose. Further amendments to the Act allow Councils to negotiate commercial terms with the NSWEC based upon a service level agreement. Negotiations with the Electoral Commission on undertaking the statutory advertising of the elections and preparation of the non-residential role internally is expected to achieve savings for Council in the overall cost of the administration of the 2024 elections.

Staff

The General Manager will prepare the Non-Resident Roll, which involves writing to all non-resident ratepayers and providing telephone, email and other written advice to the requirements of becoming a non-resident elector. Council officers will also liaise with the Returning Officer to identify locations of polling places, organisation of statutory advertising, planning and logistics.

We will inform the community of the 2024 elections through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and Twitter; writing to non-resident ratepayers regarding instructions for inclusion in

GMR23/007 ADMINISTRATION OF THE 2024 LOCAL GOVERNMENT ELECTIONS

**S012-
T00021**

the non-resident roll, advertising on Council's noticeboard page in two local newspapers; and distribution of media releases.

CONCLUSION

It is proposed that the General Manager be authorised to conduct negotiations with the Electoral Commissioner with a view to engage the Commissioner to administer the 2024 Elections of Mayor and Councillors, and any future Council polls of electors and constitutional referenda. It is also proposed that the General Manager be authorised to finalise the terms of the engagement and to enter into a contract with the Commissioner on behalf of Council for the conduct of the elections, Council polls and referenda.

GMR23/008 INVESTMENTS MADE AS AT 31 DECEMBER 2022

**S011-T00006,
S012-T00025**

Responsible Officer: Warwick Winn - General Manager

Attachments: Nil

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

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

Operational Plan Link: 5.3.1.1 Provide sound and strategic financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

THAT the certification of investments as at 31 December 2022, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

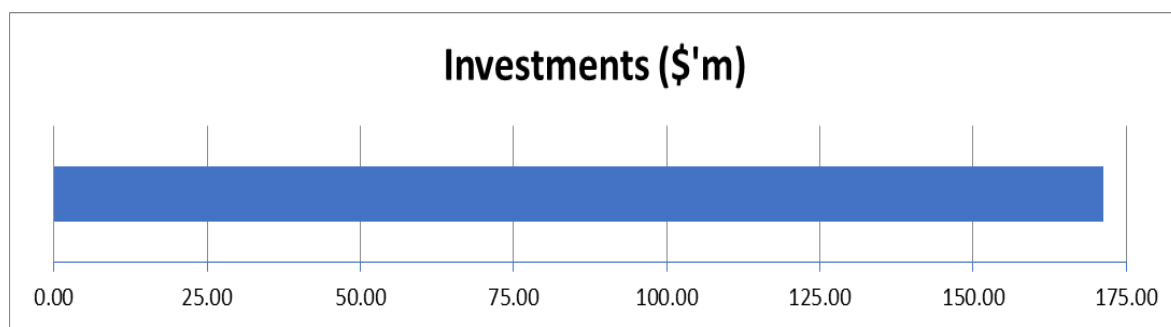
CONSIDERATIONS

Policy

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

Financial

Council investing overall



GMR23/008 INVESTMENTS MADE AS AT 31 DECEMBER 2022

**S011-T00006,
S012-T00025**

Council has \$171.30M (100%) invested in bank deposits. The bank deposits are held in banks rated A or greater, or covered by the AAA rated Government guarantee, except for \$37.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments increased by \$6m during December 2022 due to rate instalments and normal variations in timing of cash flows.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 21.89% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.02% of the portfolio.

There are \$62.0M (36.19%) of funds invested in institutions which either have no direct financing exposure to projects in the fossil fuel sector or no longer directly finance projects in the fossil fuel sector but still have some exposure from historical funding.

The weighted average return for all investments for the month is 3.62%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (3.41%).

Summary investment information

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

CATEGORY	(\$)
At call deposit	13,041,466
Term deposits	156,510,000
Term deposits Government guaranteed	1,750,000
	171,301,466
<i>Weighted average interest %:</i>	3.62%
<i>Average 90 day BBSW + 0.25%</i>	3.41%

GMR23/008 INVESTMENTS MADE AS AT 31 DECEMBER 2022

**S011-T00006,
S012-T00025**

Policy and liquidity risk

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

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.02	1.02	100.00
Near risk free	77.09	77.09	100.00
Some limited risk (BBB+)	21.89	21.89	30.00
Grand total	100.00	100.00	

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2022 is 3.63:1. Council therefore has approximately \$3.63 of current assets for each \$1 of current liabilities.

CONCLUSION

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

GMR23/009 ORGANISATION STRUCTURE - SENIOR STAFF

S004-T00026

Responsible Officer: Warwick Winn - General Manager

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: 5.3.4 Develop and grow a skilled, motivated and accountable workforce
and position Council as an organisation people want to work for

Operational Plan Link: 5.3.4.1 Provide human resource management

EXECUTIVE SUMMARY

The purpose of this report is to advise of the proposed changes to Council's senior organisational structure as a result of a review by the newly appointed General Manager in November 2022.

Under Section 332 of the *Local Government Act*, Council must determine the senior staff positions within the organisation structure after consulting with the General Manager.

In late November 2022, the General Manager undertook the following actions as part of a review of Council's senior organisational structure.

- consultation with senior staff,
- review of Council's strategic reports, including the Community Strategic Report, Delivery Program (2022-26), Operational Plan (2022-23) and Annual Report.

Further, a high-level financial health check was conducted which included recommendations for Council's organisational structure.

In summary, all corporate functions were reporting directly to the previous General Manager.

To ensure effective alignment of corporate functions and to establish a key focus on Finance, it is recommended that a new position of Director, Finance and Corporate Services be established, and a Directorate, Finance and Corporate Services be formed.

RECOMMENDATION

THAT

1. Council endorse the senior structure to include:
 - (a) Director, Finance and Corporate Services
 - (b) Establish of a new Directorate called Finance and Corporate Services.

BACKGROUND

The Community Strategic Plan is the highest-level strategy that Council prepares and is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's long-term aspirations, priorities and vision. The Council's vision, as articulated in the CSP, is '*From our beaches to our bushlands, rivers and mountains... Our Eurobodalla is a place of inclusive communities embracing sustainable lifestyles. Our future*

GMR23/009 ORGANISATION STRUCTURE - SENIOR STAFF

S004-T00026

balances our natural assets and thriving economy. Our community is resilient and collaborative, and this underpins all that we do’. This vision is supported by five goals and 18 strategies that provide more detail about how our vision is translated.

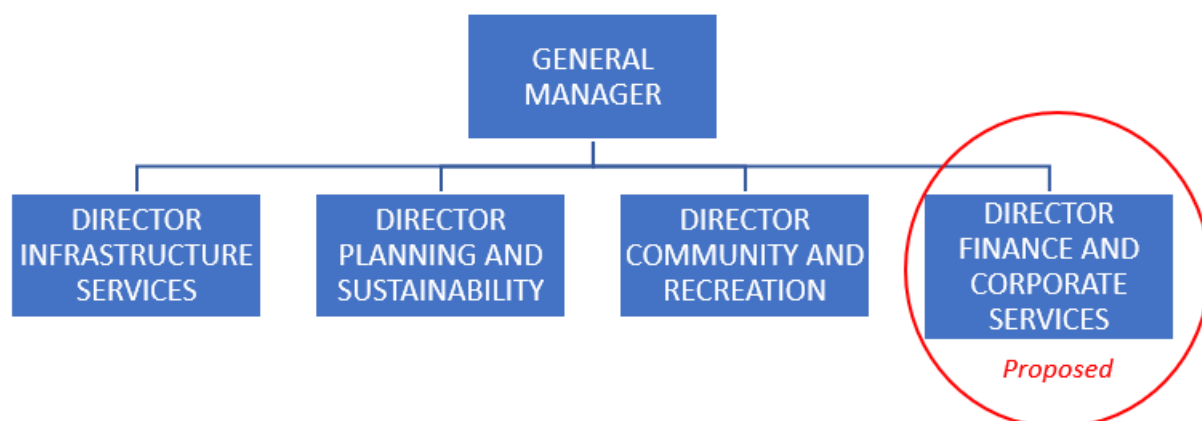
The Delivery Program details the activities that the Council will deliver over its term and the strategies it will implement in consultation with the community and contained in the Community Strategic Plan.

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

The General Manager, supported by the Executive Leadership Team, implements the program of services, capital works and projects set out in the annual Operational Plan and endorsed by the Council.

The organisation structure should facilitate the delivery of services to achieve the Operational Plan actions. It is considered that the following change to the senior structure has a focus on the current and future needs of the community. It is designed to provide the leadership and management of appropriately grouped services which currently work across directorates to enable improved and effective delivery of services for our community. The aim is to also ensure the senior structure of the organisation aligns with the priorities of the Community Strategic Plan, Delivery Program, Operational Plan and Resourcing Strategy.

The proposed four Directorate structure report directly to the General Manager and supports the delivery of the activities and actions in the Delivery Program 2022-26 and Operational Plan 2022-23 as follows:



The five goals and 18 strategies of the Community Strategic Plan are met through the activities and actions outlined in the Delivery Program 2022-26 and Operational Plan 2022-23.

CONSIDERATIONS

At the Council meeting of 26 July 2022, Council report GMR22/073 Organisational Structure – Senior Staff advised that “the new General Manager may recommend a different structure once they have had the opportunity to review the relevant strategies”.

In late November 2022, the General Manager undertook a review of Council’s senior organisational structure.

GMR23/009 ORGANISATION STRUCTURE - SENIOR STAFF

S004-T00026

To ensure effective alignment of corporate functions and to maintain a focus on Finance, it is recommended that a new position of Director, Finance and Corporate Services be established, and a Directorate, Finance and Corporate Services be formed.

The Directorate, Finance and Corporate Services includes the following functional areas:

- Finance
- Information Technology
- Governance
- Fleet Management
- Procurement/Stores
- Insurance
- Integrated Planning and Reporting
- Government Information Public Access (GIPA)
- Customer Service and Records

The Director, Finance and Corporate Services will report to the General Manager and supports the delivery of activities and actions in the Delivery Program 2022-26.

While preparing for the recruitment process an Acting Director will be appointed to help in the establishment of the framework for the new Division and the component parts. This will be finalised by the new Director in due course.

No other changes are proposed to the senior structure.

Legal

Following are relevant extracts from the *Local Government Act 1993*.

Section 332 Determination of structure

- (1) A council must, after consulting the general manager, determine the following:
 - a. The senior staff positions within the organisation structure of the council,
 - b. The roles and reporting lines (for other senior staff) of holders of senior staff positions,
 - c. The resources to be allocated towards the employment of staff.

Policy

The adopted community Strategic Plan, Delivery Program 2022-2026 and operation Plan 2022-2023 have provided direction for the proposed addition of a Director, Finance and Corporate Services to the senior staff structure.

Financial

The resources for the employment of staff (Section 332 (1) (c) is included in the Operational Plan 2022-2023. Senior staff remuneration details are outlined in the Annual Report.

The position of Director, Finance and Corporate Services will be appointed to a permanent position, employed under the *Local Government (State) Award 2020*. This rate will be

GMR23/009 ORGANISATION STRUCTURE - SENIOR STAFF

S004-T00026

comparable to the senior executives whose positions are graded Band 1 under the [Government Sector Employment Act 2013](#).

CONCLUSION

The organisation structure must facilitate the delivery of services to achieve the Operational Plan actions. The proposed new structure is designed to provide the leadership and management of appropriately grouped services which currently work across directorates to enable improved and effective delivery of services for our community. The aim is to also ensure the structure of the organisation aligns with the priorities of the Community Strategic Plan, Delivery Program, Operational Plan and Resourcing Strategy. It is considered that the four Directorate structure proposed aligns with these strategies.

PSR23/002 DEVELOPMENT EXPRESSION OF INTEREST, VESPER ST, BATEMANS BAY

**S023-
T00014**

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

Attachments:

1. Under Separate Cover - Draft contract for Marketing - 2 Vesper Street, Batemans Bay
2. Under Separate Cover - Confidential - Initial submissions - all parties
3. Under Separate Cover - Confidential - Submission A
4. Under Separate Cover - Confidential - Submission B
5. Under Separate Cover - Confidential - Submission C
6. Under Separate Cover - Confidential - Submission D
7. Under Separate Cover - Confidential - Summary of submissions
8. Under Separate Cover - Confidential - Assessment and combined scores
9. Under Separate Cover - Confidential - Negotiating Priorities
10. Under Separate Cover - Probity Plan
11. Under Separate Cover - Confidential - Valuation

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

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

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to enter into negotiations with two preferred proponents for the sale and development of Council-owned operational land at 2 Vesper Street, Batemans Bay, and to approve the sale of the land subject to the successful conclusion of those negotiations.

The Expression of Interest (EOI) was issued in accordance with Council's resolution at the Ordinary Meeting dated 27 March 2018 (Minute No: MR18/001).

- 11. Proceed with the issuing of Request for Expressions of Interest from development companies or consortiums to redevelop the northern precinct of Mackay Park (the former Bowling Club site) for appropriate uses consistent with the preferred development outcomes previously identified and agreed by Council.*

Council engaged a real estate agent to conduct the EOI process on behalf of Council - selected by competitive process in accordance with Council's Procurement Policy. To market the property in this way, a contract for sale is required.

Council received proposals from four different parties with a total of ten offers for the consideration of Council.

PSR23/002 DEVELOPMENT EXPRESSION OF INTEREST, VESPER ST, BATEMANS BAY

S023-T00014

With the proposals from two of the parties clearly scoring higher than the other two when assessed, it is recommended that Council approves the sale and enters into negotiations with the EOIs from the top two parties.

A further Council report will be presented when the negotiations are complete to consider endorsement of the negotiated agreement.

RECOMMENDATION

THAT

1. Council approve the sale of the former Batemans Bay Bowling Club, being Lot 282 DP 755902, Lot 83 DP 755902, Lot 299 DP 755902 and Lot 304 DP 257116.
2. Council authorises the General Manager to pursue negotiations with the two proponents identified in the confidential attachment (Confidential Attachment 8) and finalise negotiations with one of these proponents.
3. A further report be presented to Council to endorse the final negotiated details.

BACKGROUND

The purchase of the former bowling club site was finalised in accordance with Minute CON16/009 of Council Report dated 26 April 2016. See excerpt below:

2. If negotiations are successful the General Manager be given delegated authority to enter into a Contract for Sale for the Property.

Since then, various Council reports have been presented at Council meetings exploring how Council may best utilise this strategic parcel of land. Reports to Council included:

Report	12.06.18	CCS18-022	Bowling Club Site Lease to RMS
Report	27.03.18	MR18-001	Mayoral Report, Regional Aquatic, Arts and Leisure Centre at Mackay Park
Report	29.08.17	PSR17-050	Consideration of Business Cases and Concept Plan Options for Mackay Park Precinct Redevelopment
Report	13.06.17	PSR17-034	Mackay Park Precinct Short Term Interim Use and Disposal of Equipment Update
Report	12.07.16	PSR16-026	Batemans Bay Bowling Club, Aquatic Centre, and Mackay Park Precinct
Report	12.07.16	PSR16-027	Classification of Land as Operational - Batemans Bay
Report	26.04.16	CON16-009	Mayoral Report - Purchase from Club Catalina
Report	23.02.16	CON16-002	Preliminary Expression of Interest Document
Report	09.02.16	CON16-001	Consideration of Potential Public-Private Partnership

**PSR23/002 DEVELOPMENT EXPRESSION OF INTEREST, VESPER ST, BATEMANS
BAY**

**S023-
T00014**

Councillors have also been informed as this matter progressed by way of Councillor newsletter items and briefings including most recently on 4 February, 20 May, 10 June, 12 August 2022 and 15 November 2022.

The briefing on 15 November 2022 included a copy of all the EOIs submitted and details of Council's assessment of them.

In 2016, the preferred future uses of this strategic site were identified by Council following engagement with the community as tourist accommodation, conference facilities, restaurants and cafes, and residential accommodation.

Council has been proceeding in accordance with Council's resolution at the Ordinary Meeting dated 27 March 2018 (Minute No: MR18/001).

The EOI process has been an action in Council's adopted Operational Plan for a number of years.

CONSIDERATIONS

Council engaged a real estate agent to conduct the EOI process on behalf of Council - selected by competitive process in accordance with Council's Procurement Policy. To market the property in this way, a contract for sale is required. Terms of this sale contract have been drafted to enhance Council's prospect of achieving the preferred development outcomes. See Attachment 1 for the draft sales contract prepared for marketing purposes.

This approach was used in order to test the market fully to see what interest there was from the development community.

Council has not yet made any decision on the sale, nor is it bound to any course of action for the property following the EOI.

Expressions of interest received

At the conclusion of the EOI, Council received proposals from four different parties with a total of 10 offers for the consideration of Council. The submissions received align with the preferred future uses identified by Council following engagement with the community.

After the initial EOI period closed, Council requested more information from the applicants to facilitate a more complete assessment of the submissions. The initial submissions of all responders are attached as Confidential Attachment 2.

The final EOIs were assessed by a three-member panel against the assessment criteria, which had the following headings and weighting:

- Social Impact – 20%
- Financial Impact – 35%
- Strategic Alignment – 25%
- Governance / Risk – 20%.

Each final submission received is provided in full as separate Confidential Attachments (Confidential Attachments 3-6) to this report, together with a detailed summary of these submissions (Confidential Attachment 7).

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The detailed assessment criteria and scores are provided in Confidential Attachment 8.

The following is a high-level summary of the EOIs received:

- EOIs received from four parties, each with multiple offers
- All proposals contained a mix of hotel and residential
- A range up to 200 hotel rooms proposed
- A range up to 350 residential units proposed
- Proposals contained various amounts of affordable housing, seniors housing, and/or specialised disability housing
- All submissions vary the height limit. Limits varying from the current height to 30 to 70 metres. Most submissions requested a height limit of between 25 to 30 metres.
- Some proposals contained additional uses or ended up with Council owning part of the development

Proposed next steps

With the proposals from two of the parties clearly scoring higher than the other two, it is proposed to enter into detailed negotiations with the top two parties, as identified in the Confidential Attachment 8.

As the sale progresses, councillors will continue to receive briefings including on the process being followed for the negotiations and this site's role in the master planning proposal for the Batemans Bay CBD.

A further Council report will be presented when the negotiations are complete to endorse the negotiated agreement. Confidential Attachment 9 details negotiation considerations, including consideration of outcomes related to housing supply, quality and consistency of urban design and sustainability, as well as the financial return and risk to Council.

Legal

The former bowling club site is Council-owned operational land. Council can resolve to pursue whatever future plans for the site that it assesses as appropriate.

All EOIs assume a change to height limits and zoning for the site. Council is undertaking a master plan to review height limits and zoning for the Batemans Bay CBD precinct, and this site will be included in the master planning proposal, alongside a number of privately-owned sites.

The outcome of the master plan process may necessitate an amendment to the Eurobodalla Local Environment Plan (LEP) via a planning proposal. The community will be engaged in the master planning and planning proposal process.

Policy

Objective 5.3.2 of the Delivery Program/Operational Plan (DPOP) is to undertake strategic management of Council's operational land portfolio.

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The EOI process was commenced in the 2021-22 financial year under action 5.1.3.2 of that year's plan.

All actions in respect of the potential sale of this land will be in accordance with Council's Land Management- Acquisition, Disposal and Leasing/Licensing Policy (Land Policy).

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

See attached Probity Plan (Attachment 10) prepared in compliance with Council's Land Policy. This has been developed with advice from Council's legal advisors.

Environmental

The location is next to environmentally sensitive waterways and is also a gateway, entrance site to Batemans Bay.

Asset

Council acquired the site following the Ordinary Meeting of Council dated 26 April 2016 (Confidential Minute No: CON16/009) and the site sits opposite the landmark Bay Pavilions building.

Social Impact

The site has the potential to provide the community with a range of beneficial outcomes, including those the community identified in 2016.

Economic Development Employment Potential

Development of the site will generate economic activity and employment.

Financial

A valuation report from a registered valuer will be used to determine the minimum acceptable price in accordance with Council's Land Policy. See Confidential Attachment 11.

Because of the complexity of the EOIs and the need to agree key details like building height limits, it will be necessary to review the valuation once negotiations are nearly complete.

Community and Stakeholder Engagement

Consultation on this matter has been guided by the Council Resolution of 12 July 2016 (Min No: 16/215) as follows:

THAT:

- 1. Lots 282, 283 and 299 DP 755902 and Lot 304 DP 257116 Batemans Bay be classified as operational land.*
- 2. Council assures the community that they will not lose tenure over any of the four titles of Bowling Club land, without comprehensive and transparent community engagement.*

The potential uses highlighted during this EOI process were first identified in consultation with the community in 2016.

The engagement process over this site is ongoing with the current step highlighted in the DPOP for a number of years, as well as engagement with members of the community, who requested

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information when an EOI was undertaken in a different format in 2021, and most recently from the media release on 9 February 2022.

In addition, Council is undertaking a master plan to review height limits and zoning for the Batemans Bay CBD precinct, and this site will be included in the master planning proposal, alongside a number of privately-owned sites. The outcome of this may necessitate an amendment to the LEP via a planning proposal.

There will be extensive community engagement in the master planning and planning proposal process, and a subsequent Council report required to consider the community's input.

The sale will be conditional on any amendment to the LEP being approved following the appropriate engagement.

CONCLUSION

The Expression of Interest was issued in accordance with Council's resolution (Minute MR18/001) at the Ordinary Meeting of Council dated 27 March 2018.

With two EOIs clearly scoring higher than the other two, it is proposed that Council approves the sale and enters negotiations with the top two EOIs identified in the confidential attachment.

A further Council report will be presented when the negotiations are complete to endorse the negotiated agreement.

**PSR23/003 PLANNING PROPOSAL 20 - HERITAGE CONSERVATION AREA AT
BRIERLEY'S BOAT RAMP**

**S017-
T00008**

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

Attachments: 1. Planning Proposal - Heritage Amendment - ELEM 2012 Amendment No. 20

Community Goal: 3 Our region of vibrant places and spaces

Community Strategy: 3.1 Balance development between the needs of people, place and productivity

Delivery Program Link: 3.1.1 Review, prepare and deliver planning instruments that support sustainable social, environmental and economic outcomes as guided by our Local Strategic Planning Statements

Operational Plan Link: 3.1.1.4 Conduct ongoing reviews and update planning controls

EXECUTIVE SUMMARY

Council has prepared Planning Proposal 20 (see attached) that explains the effect of, and justification for, a proposed amendment to the *Eurobodalla Local Environmental Plan 2012* (ELEM) involving the identification of a new Heritage Conservation Area (HCA) for the Brierley's Boat Ramp area at Bruce Cameron Drive, North Head.

The effect of the planning proposal is to afford the Brierley's Boat Ramp area further protection. The Plan aims to enhance the amenity of the area including upgrades to the boat ramp and associated facilities.

The historical significance of the former Brierley's homestead previously located on land adjacent to the boat ramp, will be acknowledged as part of the interpretative signage, as will the cultural values of the surrounding landscape and the economic contribution Aboriginal people have made to the region. The eastern and western portions of the proposed HCA will remain accessible native grassland and bushland to enable cultural practices to be sustained.

The planning proposal is the result of a range of studies, all of which have involved extensive consultation with the Aboriginal community, including the:

- Eurobodalla Aboriginal Cultural Heritage Study
- Aboriginal Cultural Heritage Assessment for the Moruya Airport redevelopment
- Moruya Regional Airport Redevelopment, Intangible Aboriginal Cultural Heritage Assessment Report.

The planning proposal process must be undertaken in accordance with the *Environmental Planning and Assessment Act 1979* and NSW Government guidelines inclusive of the public exhibition period. All submissions will be reported to Council for consideration before the changes to the ELEM are finalised. As this planning proposal meets the definition of a 'basic' planning proposal, Council intends to be the local plan making authority.

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RECOMMENDATION

THAT Council:

1. Endorse the attached Planning Proposal 20 to include AH14 Aboriginal Heritage Conservation Area in Schedule 5 Part 3 'Conservation Area' of the *Eurobodalla Local Environmental Plan 2012*.
2. Forward the planning proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.
3. Following receipt of a Gateway Determination, undertake further consultation as required by the Determination.
4. Receive a report back on the planning proposal following community engagement.

BACKGROUND

Planning proposal process

A planning proposal is required to identify heritage conservation areas in the ELEP. The planning proposal process must be in accordance with the *Environmental Planning and Assessment Act 1979* and NSW Government guidelines. The steps include:

1. The planning proposal is submitted to the Department of Planning and Environment (DPE) for a Gateway Determination (permission to commence the process)
2. Council implements the requirements of the Gateway Determination eg, additional studies, stakeholder engagement
3. Public exhibition of the proposal
4. Council consideration of all submissions received during the exhibition period
5. Submission of the outcomes of public exhibition (and any changes to the planning proposal) to the Department of Planning and Environment (DPE) to finalise the amendments to the LEP.

The planning proposal process is an extensive and thorough process, which provides opportunity for adjacent land holders and the broader community to comment. All submissions will be reported to Council for consideration before the changes to the ELEP are finalised.

Brierley's Boat Ramp

Between 2005 and 2008, Council undertook a shire-wide Aboriginal Cultural Heritage Study. This study identified the Moruya North Head – Garland Town area as one of significant Aboriginal Heritage, requiring protection and acknowledgement.

A Master Plan for Moruya Airport was publicly exhibited and approved by Council in early 2015. Extensive engagement was undertaken with the Aboriginal community as part of an Aboriginal Cultural Heritage Assessment (ACHA) prepared for the proposed airport redevelopment. The ACHA subsequently supported multiple Aboriginal Heritage Impact Permit (AHIP) applications to the Office of Environment and Heritage (OEH, now Heritage NSW) to undertake and implement a range of investigations and management strategies to conserve Aboriginal cultural heritage.

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Concurrent with the airport redevelopment ACHA, at the request of the Aboriginal community and OEH (now Heritage NSW), Council undertook an Intangible ACHA to investigate the Aboriginal cultural landscape, including and surrounding the Moruya Airport.

Through this process, it was confirmed that an area on the north side of the Moruya River contained a complex of highly significant traditional and contemporary Aboriginal cultural values, and as such recommended the following:

“Council commitment to scheduling the Brierley’s boat ramp homestead / foreshore complex a Heritage Conservation Area in the Eurobodalla Local Environment Plan and develop an associated management plan as a way to formally recognise and preserve the identified Aboriginal cultural heritage values, in conjunction with ongoing public / council use of the area” (Donaldson 2017:60).

At the Ordinary Meeting of Council on 12 December 2017 (Minute No: 17/416), Council endorsed the creation of an 8.3ha Heritage Conservation Area (HCA) between Birches Creek and the North Head Camping Ground, adjacent to the Moruya Airport between, Bruce Cameron Drive and the Moruya River, and that a planning proposal be prepared to amend Part 3 of Schedule 5 of the ELEP to include the subject land as an HCA. The proposed HCA aims to encompass the cultural values associated with Brierley’s Boat Ramp and the former Brierley’s homestead.

Between April 2017 and March 2020, the proposed HCA was the subject of extensive consultation with the Aboriginal community and saw the development of a Heritage Nomination Report, which identified cultural heritage management objectives. During this period, engagement occurred with the Mogo Local Aboriginal Land Council, Cobowra Local Aboriginal Land Council, the Gadu Elders, Native Title applicants and members of the Brierley-Duren-Holmes family closely associated with the site.

Engagement included the co-design of proposed upgrades to the Brierley’s Boat Ramp area, within the proposed Aboriginal Heritage Conservation Area (boat ramp, toilet, cultural interpretive signage, BBQ shelter, etc). Council and the Aboriginal community collaboratively developed a Landscape Management Plan for the proposed HCA, which aims to maintain the identified Aboriginal values, whilst ensuring public use of the site continues.

After an 18-month pause in engagement due to the bushfires, Covid-19 pandemic and sorry business, engagement with the Aboriginal community resumed in April 2022 to confirm the HCA boundary, associated cultural values and Landscape Management Plan for the proposed HCA.

These documents were finalised in June 2022 and funds were secured to implement the plan. The plan aims to enhance the amenity of the area for everyone to enjoy, including upgrades to the boat ramp and associated facilities. The historical significance of the former Brierley’s homestead previously located on the elevated portion of land adjacent to the boat ramp, will be acknowledged as part of the interpretative signage, as will the cultural values of the surrounding landscape and the economic contribution Aboriginal people have made to the region. The eastern and western portions of the proposed HCA will remain accessible native grassland and bushland to enable cultural practices to be sustained.

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Seeking Gateway Determination from the NSW Government is the next step in the process of establishing this area as a designated Aboriginal Heritage Conservation Area. If approved, the Brierley's Boat Ramp HCA will be the twelfth HCA scheduled in the ELEP protecting important Aboriginal cultural values. The area will be shown by yellow edging in the Eurobodalla LEP and labelled AH14.

CONSIDERATIONS

Legal

A planning proposal has been prepared in accordance with Section 3.33(2) of the *Environmental Planning and Assessment Act 1979*. The purpose of the planning proposal is to explain the effect of, and justification for, the proposed amendments to the ELEP involving the identification of a new HCA for the Brierley's Boat Ramp area at Bruce Cameron Drive, North Head.

The effect of the planning proposal is to afford the Brierley's Boat Ramp area further protection in accordance with clause 5.10 of the ELEP. Any future development of the area would need to be assessed in accordance with clause 5.10 and, in particular sub-clause (8), as outlined below:

- (8) ***Aboriginal places of heritage significance*** - *The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—*
- (a) *consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
 - (b) *notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

The land proposed to be an HCA is currently owned by Eurobodalla Shire Council, with a small part of the HCA extending into the foreshore of the Moruya River (Crown land). Prior to 1943, the land was owned by the Duren–Brierley (Aboriginal) family before it was compulsorily acquired by the Australian Government. In 1964 when the land was no longer required by the Australian Government, the title was transferred to Council.

As this planning proposal meets the definition of a 'basic' planning proposal, Council intends to be the local plan making authority.

The planning proposal has considered:

- Ministerial Directions issued under s9.1 of the *Environment Planning and Assessment Act 1997*
- State Environmental Planning Policies (SEPPs)
- local and regional strategies
- social, economic, and environmental values.

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Policy

The planning proposal:

- will deliver on the objectives of the Aboriginal Action Plan 2020-2024 with respect to building relationships, respect, and opportunity. The planning proposal allows Council and the Aboriginal community to resolve long-standing conflict around the history of the place and promote healing within the Aboriginal community
- will help in the delivery of Activity 2.11 of the Community Strategic Plan by 'acknowledging and involving the traditional custodians of the Eurobodalla'
- is consistent with Action 2.1.2.4 to 'investigate opportunities to celebrate and showcase our indigenous heritage'
- is consistent with the vision and strategies in the Heritage Strategy
- delivers on Action 2.1 in the Local Strategic Planning Statement to engage with the local Aboriginal community in best interpreting Aboriginal cultural heritage in settlements.

Environmental

The recognition of the heritage significance of this place will positively influence the environmental aspects associated with this proposal. The continued recognition and management of the environment in the Eurobodalla contributes to our amenity and character of the area.

Asset

The Plan aims to enhance the amenity of the area for everyone to enjoy, including upgrades to the boat ramp and associated facilities.

Social Impact

The recognition of the heritage significance of this place will positively influence the social and economic environment of the Eurobodalla. The continued recognition and management of heritage in the Eurobodalla contributes not just to amenity and character, but more importantly, the healing between local families and government.

Financial

No cost implications of the proposal.

Community and Stakeholder Engagement

Between April 2017 and March 2020, the proposed HCA was the subject of extensive engagement with the Aboriginal community and saw the development of a Heritage Nomination Report, which identified cultural heritage management objectives. During this period, engagement occurred with the Mogo Local Aboriginal Land Council, Cobowra Local Aboriginal Land Council, the Gadu Elders, Native Title applicants, and members of the Brierley-Duren-Holmes family closely associated with the site.

Engagement included the co-design of proposed upgrades to the Brierley's Boat Ramp area within the proposed Aboriginal Heritage Conservation Area (boat ramp, toilet, cultural interpretive signage, BBQ shelter, etc). Council and the Aboriginal community collaboratively

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developed a Landscape Management Plan for the proposed HCA, which aims to maintain the identified Aboriginal values, whilst ensuring public use of the site continues.

After an 18-month pause in consultation due to the bushfires, Covid-19 pandemic and sorry business, engagement with the Aboriginal community resumed in April 2022 to confirm the HCA boundary, associated cultural values, and Landscape Management Plan for the proposed HCA.

CONCLUSION

A planning proposal has been prepared in accordance with Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* to identify a new Heritage Conservation Area for the Brierley's Boat Ramp area at Bruce Cameron Drive, North Head, Moruya. It is considered appropriate that Council progress the planning proposal to a Gateway Determination.



Planning Proposal

Heritage Amendment

Eurobodalla Local Environmental Plan 2012

ELEP 2012 Amendment No. 20

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ATTACHMENT 1 PLANNING PROPOSAL - HERITAGE AMENDMENT - ELP 2012 AMENDMENT NO. 20

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EXECUTIVE SUMMARY

This planning proposal explains the intended effect of, and justification for the proposed amendment of Part 3 of Schedule 5 of the *Eurobodalla Local Environmental Plan 2012*, specifically in relation to the addition of one Aboriginal Heritage Conservation Area (HCA).

It has been prepared in accordance with Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning, Industry and Environment 'Local Environmental Plan Making Guideline' (2021).

At the ordinary meeting of Council on 12 December 2017, Council endorsed the preparation of this planning proposal which relates to an 8.3ha portion of land on the northern banks of the Moruya River, adjacent to the Moruya Airport, along Bruce Cameron Drive. The land is described as part of Lot 5 DP1264836 at Bruce Cameron Drive, Moruya. The land also extends partly into Crown Land, being the foreshore of the Moruya River. The proposed HCA is predominantly zoned C2 Environmental Conservation, with small sections zoned SP1 Airport and W1 Natural Waterways.

The proposed HCA aims to encompass the important Aboriginal cultural landscape values associated with Brierley's Boat Ramp and the former Brierley's Homestead.

Council is seeking to progress this planning proposal through the gateway determination process as an amendment to the Eurobodalla LEP 2012.

As this Planning Proposal meets the definition of a "basic" planning proposal, Council intends to be the local plan making authority.

PART 1: OBJECTIVES AND INTENDED OUTCOMES

Objective

To amend Part 3 of Schedule 5 of the *Eurobodalla Local Environmental Plan 2012* to identify a new Heritage Conservation Area (HCA).

Intended Outcomes

The intended outcomes for this item are:

- To implement the recommendations of the:
 - Moruya Regional Airport Redevelopment Intangible Aboriginal Cultural Heritage Assessment Report (Donaldson 2017)
 - Brierley's Boat Ramp, Moruya North Heads, NSW Heritage Conservation Area Nomination Report (Donaldson 2020)
- To ensure places of high Aboriginal significance and cultural sensitivity are afforded protection and acknowledgement.

PART 2: EXPLANATION OF PROVISIONS

The intended outcome is to be achieved through an amendment to Part 3 of Schedule 5 - Environmental Heritage of the Eurobodalla LEP 2012, as follows:

Description	Identification on Heritage Map	Significance
Brierley's Boat Ramp	Shown by yellow edging and labelled "AH14"	Local

The intended outcome is also to be achieved by a map amendment. An extract of the proposed amended Heritage Map showing the new HCA is provided in Figure 1 below. The full proposed map amendment is provided in Part 4.

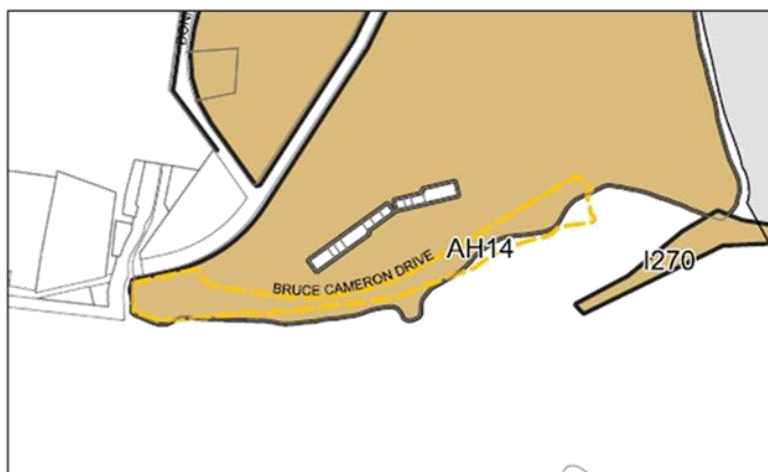


Figure 1: Extract of proposed amendment to Heritage Map Sheet HER_012A

PART 3: JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. This planning proposal is the result of a strategic study and a report.

The proposal was initiated by members of the Aboriginal community and formulated in the context of the Moruya Regional Airport Redevelopment Intangible Aboriginal Cultural Heritage Assessment Report (2017) prepared for Eurobodalla Shire Council by anthropologist Susan Dale Donaldson, at the request of the NSW Office of Environment and Heritage (now Heritage NSW).

Through the application of the ICOMOS Practice Note on Intangible cultural heritage and place [2017]; the AIATSIS Guidelines for Ethical Research in Australian Indigenous Studies [2012] and the Heritage NSW Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW [OEH 2011], Donaldson found that an area on the north side of the Moruya River contained a complex of highly significant traditional and contemporary Aboriginal cultural values and as such recommended the following:

“Council commitment to scheduling the Brierley’s boat ramp homestead / foreshore complex a Heritage Conservation Area in the Eurobodalla Local Environment Plan and develop an associated management plan as a way to formally recognise and preserve the identified Aboriginal cultural heritage values, in conjunction with ongoing public / council use of the area” (Donaldson 2017:60).

Donaldson’s 2017 recommendation is consistent with the findings in the Eurobodalla Shire Council Aboriginal Heritage Study which found the Moruya North Head area of high cultural significance to the Aboriginal community (Goulding and Waters 2005; Donaldson 2007; Donaldson 2006; Donaldson and Barry 2008).

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the best means of achieving the protection and acknowledgement of the identified cultural heritage values in the long term.

Section B – Relationship to Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The Planning Proposal will assist Council in meeting the outcomes set by the State Government in the South East and Tablelands Regional Plan 2036. Direction 23 of the South East and Tablelands Regional Plan, titled “Protect the region’s heritage” is specifically relevant to this Planning Proposal. Under this direction, the following statement is made:

“The Aboriginal community has strong links to the coastal, rural and alpine landscapes. The process of protecting and preserving Aboriginal heritage gives Aboriginal people the opportunity to be involved in and consulted about the conservation of their heritage. Heritage is irreplaceable and should be appreciated, valued and protected for the benefit of current and future generations. Harm to Aboriginal objects and places, or areas of significance to Aboriginal people, should be avoided. Where impacts on Aboriginal and historic heritage cannot be avoided, appropriate heritage management mechanisms must be implemented. Areas of high growth can have cumulative impacts on Aboriginal cultural heritage values and historic places. Early investment at the strategic planning stage can protect and preserve heritage and provide greater certainty for stakeholders during the development assessment process.”

The planning proposal gives effect to the following actions under Direction 23:

Table 1: Consistency of Planning Proposal with relevant actions of the Regional Plan

Action	Consistency of Planning Proposal
Action 23.1 Undertake and implement heritage studies, including regional Aboriginal cultural heritage studies, to inform local strategies.	This planning proposal is the direct result of heritage studies and reports, including: <ul style="list-style-type: none"> • The Eurobodalla Aboriginal Cultural Heritage Study • Moruya Regional Airport Redevelopment Intangible Aboriginal Cultural Heritage Assessment Report • Brierley’s Boat Ramp, Moruya North Heads, NSW Heritage Conservation Area Nomination Report.
Action 23.2 Consult with Aboriginal people and the broader community to identify heritage values at the strategic planning stage.	Significant consultation has been undertaken with local Aboriginal people and the broader community in the development of the studies and reports referred to above. Further consultation on this planning proposal will be undertaken following receipt of a Gateway Determination.

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ATTACHMENT 1 PLANNING PROPOSAL - HERITAGE AMENDMENT - ELP 2012 AMENDMENT NO. 20

Action 23.3 Conserve heritage assets during local strategic planning and development.	The intended outcome of this planning proposal is to facilitate the conservation of an important Aboriginal cultural heritage place.
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4. *Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*

The Eurobodalla Local Strategic Planning Statement (LSPS) contains no planning priorities or specific actions in relation to heritage management outside of towns and villages. The LSPS is therefore not relevant to the planning proposal.

However, the Planning Proposal will assist Council in meeting the targets outlined in Eurobodalla Council's Community Strategic Plan, Heritage Strategy and Aboriginal Cultural Heritage Study.

The Community Strategic Plan – Our Eurobodalla 2024 recognises Aboriginal people as the original inhabitants and custodians of all land and water in the Eurobodalla and respects their enduring cultural and spiritual connection to it. The Walbanga people of the Yuin Nation are recognised as the first people of our region. The Dhurga speaking Walbanga people have lived in this area for thousands of years and have an enduring custodianship and connection over the land and waterways of the Eurobodalla.

This planning proposal specifically responds to the Strategy 2.1 in the Community Strategic Plan – Acknowledge our beginnings, embrace our diversity.

The Eurobodalla Heritage Strategy 2017 – 2021 aims to ensure that Council's local environmental plans include up-to-date lists of environmental heritage items and areas and its contents are a consideration in the assessment of development applications and Council works. The strategy also aims to research, interpret and conserve the significant heritage items that have shaped the history and development of Eurobodalla.

This planning proposal specifically responds to Action 7 of the Heritage Strategy – Ensure Council's local environmental plans are updated with new or amended heritage items and that property descriptions are kept up-to-date.

The Eurobodalla Aboriginal Cultural Heritage Study (4 stages) contains a number of recommendations in relation to the mapping of Aboriginal cultural heritage places and affording LEP protections to these places. While the Brierley's Boat Ramp was not specifically identified as a place to list in the LEP, the Study found the Moruya North Head area of high cultural significance to the Aboriginal community. The study also recommended ongoing research and studies to develop an Aboriginal heritage inventory.

The Moruya Regional Airport Redevelopment, Intangible Aboriginal Cultural Heritage Assessment Report specifically recommends the listing of the Brierley's Boat Ramp as a Heritage Conservation Area in the Eurobodalla Local Environmental Plan 2012.

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ATTACHMENT 1 PLANNING PROPOSAL - HERITAGE AMENDMENT - ELP 2012 AMENDMENT NO. 20

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other applicable State or regional studies or strategies.

6. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment of applicable State Environmental Planning Policies against the planning proposal is provided in the table below.

Table 2: Consistency of Planning Proposal with relevant SEPPs

SEPP	Consistency of Planning Proposal
SEPP (Resilience and Hazards) 2021	<p>Consistent.</p> <p>In relation to coastal management, the site is identified in two Coastal Management Areas (CMA), being the Coastal Environment Area (CMA 3) and the Coastal Use Area (CMA 4).</p> <p>As the planning proposal does not seek to facilitate development of the land, there will be no impact on coastal processes or coastal amenity. The planning proposal will have a positive impact on the Aboriginal cultural heritage values of the area. The planning proposal is therefore consistent with the SEPP provisions relating to CMA 3 and CMA 4. In relation to remediation of contaminated land, the subject land has no known history of any contaminating activities. As the planning proposal does not seek to facilitate any change of use of the land, no further assessment of potential contamination is considered warranted.</p>
SEPP (Biodiversity and Conservation) 2021	<p>Not Relevant</p> <p>As the planning proposal does not seek to facilitate any development or removal of vegetation, there are no provisions of this SEPP relevant to the planning proposal.</p>
SEPP (Planning Systems) 2021	<p>Not Relevant</p> <p>Chapter 3 of this SEPP relates to Aboriginal Land, being land owned by a Local Aboriginal Land Council. The subject land is not owned by a LALC and therefore, this SEPP is not relevant to the planning proposal.</p>

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The proposed amendments to Eurobodalla LEP 2012 are not inconsistent with any s.9.1 Ministerial Directions. An assessment of the relevant s. 9.1 Directions against the planning proposal is provided in the table below.

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ATTACHMENT 1 PLANNING PROPOSAL - HERITAGE AMENDMENT - ELEP 2012 AMENDMENT NO. 20

Table 3: Consistency of Planning Proposal with relevant Ministerial Directions

Ministerial Direction	Aim of the Direction	Consistency and Implications
1.1 Implementation of Regional Plans	To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	Consistent As outlined in Section B above, the planning proposal is consistent with the South East and Tablelands Regional Plan.
1.3 Approval and Referral Requirements	To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent The planning proposal does not contain provisions requiring concurrences, consultations or referrals and does not identify designated development.
3.1 Conservation Zones	To protect and conserve environmentally sensitive areas.	Consistent The planning proposal provides added heritage protection to an environmentally sensitive area and does not reduce the existing environmental protections that apply to the land.
3.2 Heritage Conservation	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent The planning proposal retains the current provisions within ELEP 2012 relating to the conservation of heritage significance. The amendment to the schedule of heritage items would ensure that the existing heritage management provisions of ELEP 2012 (clause 5.10) apply to identify and conserve the heritage values of the Brierley's Boat Ramp area.
4.2 Coastal Management	To protect and manage coastal areas of NSW.	Consistent. The proposal is consistent with <i>SEPP (Resilience and Hazards) 2021</i> and the relevant coastal management areas, as described previously in this planning proposal.
4.3 Planning for Bushfire Protection	To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and encourage sound management of bush fire prone areas.	Consistent The subject land is partly mapped as bushfire prone land. However, as the planning proposal does not seek to facilitate any development of the land, it is considered that an assessment against Planning for Bushfire Protection 2019 is not required.

PSR23/003 PLANNING PROPOSAL 20 - HERITAGE CONSERVATION AREA AT BRIERLEY'S BOAT RAMP

ATTACHMENT 1 PLANNING PROPOSAL - HERITAGE AMENDMENT - ELEP 2012 AMENDMENT NO. 20

4.4 Remediation of Contaminated Land	To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	Consistent The planning proposal does not seek to rezone the land or permit a change of use. A preliminary investigation of the potential for contamination of the land is therefore not required.
4.5 Acid Sulfate Soils	To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent The subject land is mapped as containing acid sulfate soils. However, as the planning proposal does not seek to facilitate any development of the land, it is considered that an assessment against the Acid Sulphate Soils Planning Guidelines is not required.
5.3 Development near regulated airports and defence airfields	To ensure the effective and safe operation of regulated airports and defence airfields; ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	Consistent The planning proposal is on land containing the Moruya Airport, a regulated airport. However, as the planning proposal does not seek to set controls for the development of the land (other than apply the heritage management provisions of clause 5.10(3) of the ELEP 2012), it is considered that the planning proposal will have no impact on the operation of Moruya Airport.
8.1 Mining, Petroleum Production and Extractive Industries	To ensure that the future Extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Consistent As the planning proposal does not change the zoning of the land, there is no change to the permissibility or otherwise of mining, petroleum production or extractive industries.
9.3 Oyster Aquaculture	To ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and protect 'Priority Oyster	Consistent As the planning proposal does not seek to change the land use or facilitate the development of the land, it is considered that there will be no adverse impacts on priority oyster aquaculture areas located across the Moruya River from the subject land, as shown in the map below.

Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.



Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal is aimed at protecting and enhancing the existing natural environment and as such, there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There will be no adverse environmental effects as the proposal will be protecting the natural environment. There will be positive environmental benefits through the protection of the existing natural environment implemented through a Landscape Management Plan which is to be cooperatively actioned by the local Aboriginal community and Council.

10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal intends to protect a place of heritage significance by amending the list of environmental heritage items within Schedule 5 – Environmental Heritage of the Eurobodalla LEP 2012. This will have positive social and economic effects through the recognition and protection of significant Aboriginal cultural heritage values.

Section D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

Yes. The Planning Proposal does not propose to increase the scale of development. The Planning Proposal relates only to the conservation of the heritage qualities of the existing natural environment. Accordingly, no additional public infrastructure is required.

Section E- State and Commonwealth Interest

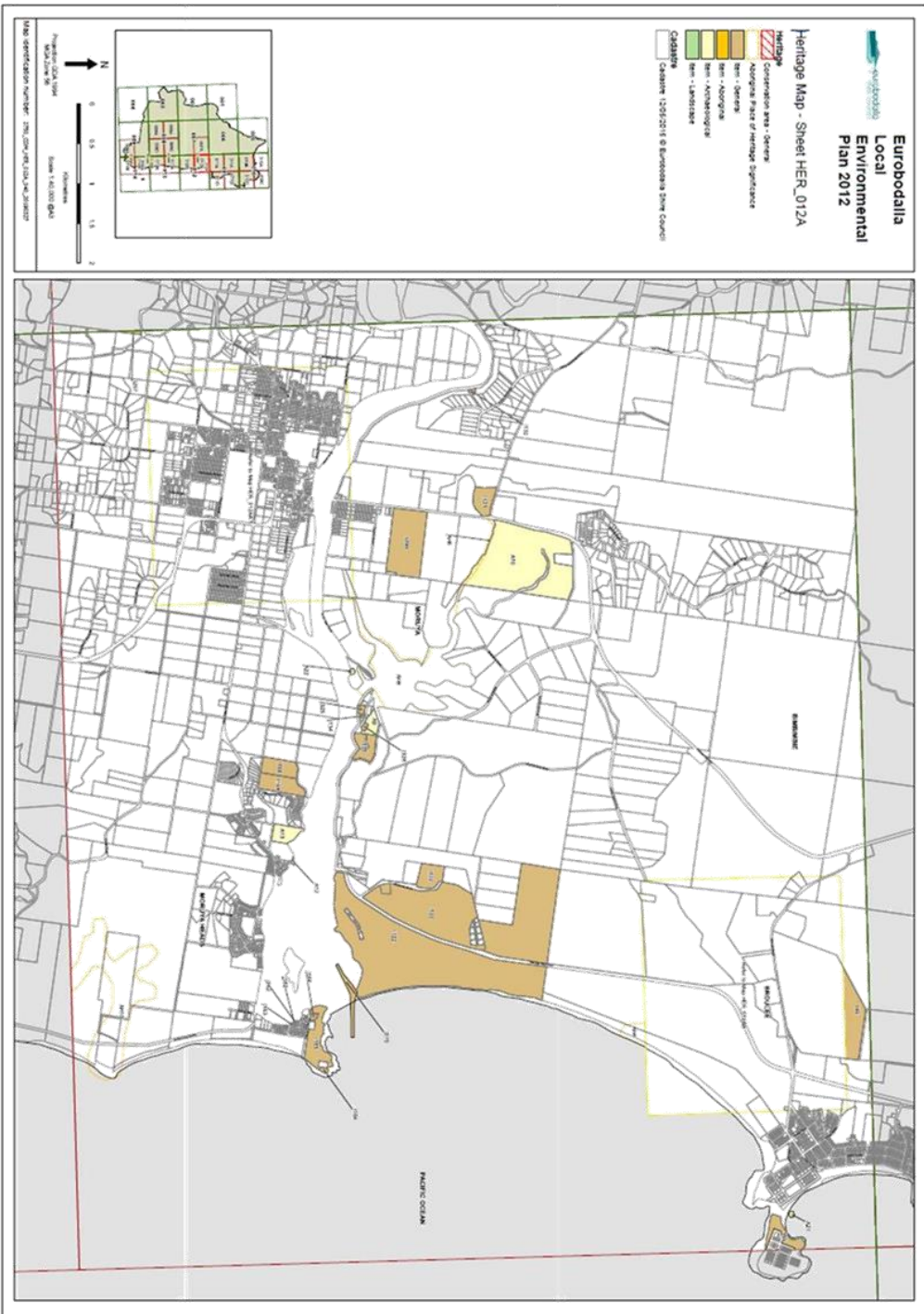
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Preliminary discussions have taken place between Council and the NSW Department of Planning and Environment. The department indicated support for the proposal and the procedures undertaken by council leading up to the proposal. No consultation has been carried out with Commonwealth public authorities. Consultation will occur with all relevant public authorities identified as part of the Gateway Determination.

PSR23/003 PLANNING PROPOSAL 20 - HERITAGE CONSERVATION AREA AT BRIERLEY'S BOAT RAMP

ATTACHMENT 1 PLANNING PROPOSAL - HERITAGE AMENDMENT - ELEM 2012 AMENDMENT NO. 20

PART 4: Maps

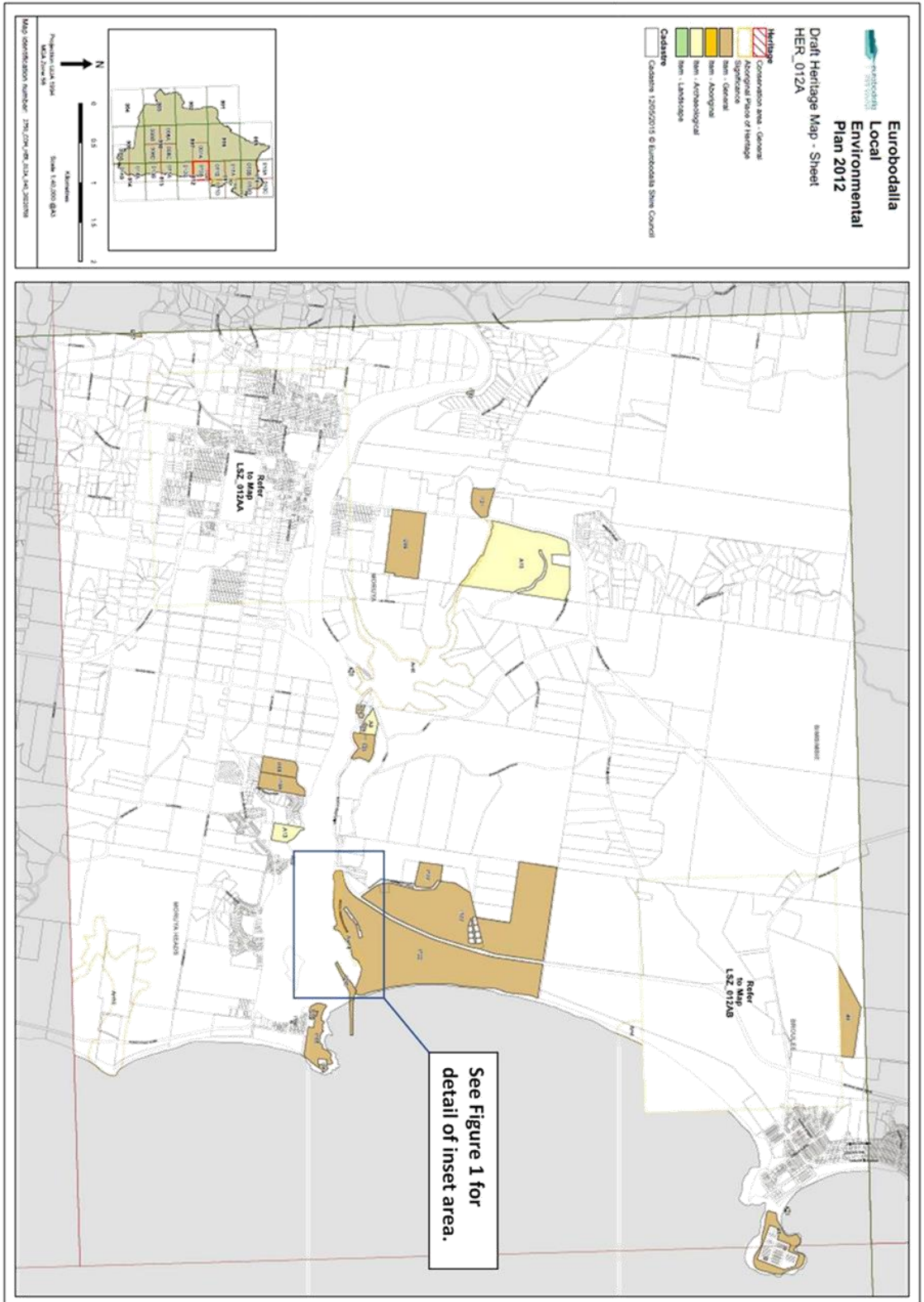


Map 1 – Existing Heritage Map – Sheet HER_012A

PSR23/003 PLANNING PROPOSAL 20 - HERITAGE CONSERVATION AREA AT BRIERLEY'S BOAT RAMP

ATTACHMENT 1 PLANNING PROPOSAL - HERITAGE AMENDMENT - ELEP 2012 AMENDMENT NO. 20

Map 2 – Proposed Heritage Map – Sheet HER_012A



Part 5: Community Consultation

Between 2005 and 2008 Council undertook a shire wide Aboriginal Cultural Heritage Study, involving extensive engagement with the Aboriginal community. The study identified the Moruya North Heads – Garland Town area as an area of significant Aboriginal Heritage requiring protection and acknowledgement.

A Master Plan for Moruya airport was publicly exhibited and approved by Council in early 2015. Extensive consultation was held with the Aboriginal community as part of an Aboriginal Cultural Heritage Assessment (ACHA) prepared for the proposed airport redevelopment. Concurrent to the airport redevelopment ACHA, at the request of the Aboriginal community and OEH, Council undertook an Intangible Aboriginal Cultural Heritage Assessment to investigate the Aboriginal cultural landscape including and surrounding the Moruya Airport.

At the Ordinary meeting of Council on 12 December 2017 Council endorsed the creation of an 8.3ha Heritage Conservation Area between Birches Creek and the Moruya Heads Camping ground, adjacent to the Moruya Airport between Bruce Cameron Drive and the Moruya River.

Between April 2017 and March 2020, the proposed HCA was the subject of extensive consultation with the Aboriginal Community and saw the development of a heritage nomination report which identified cultural heritage management objectives. During this period consultations occurred with the Mogo Local Aboriginal Land Council, Cobowra Local Aboriginal Land Council, the Gadu Elders, Native Title Applicants, and members of the Brierley- Duren-Holmes family closely associated with the site.

Consultations also included the co-design of proposed upgrades to the Brierleys Boat Ramp area, within the proposed Aboriginal Heritage Conservation Area (boat ramp, toilet, cultural interpretive signage, BBQ shelter etc). Council and the Aboriginal community collaboratively developed a Landscape Management Plan for the proposed HCA which aims to maintain the identified Aboriginal values whilst ensuring public use of the site continues.

After an 18 month pause in consultation due to the bushfires, the covid-19 pandemic and deaths in the local Aboriginal community, engagement with the Aboriginal community resumed in April 2022 to confirm the HCA boundary, associated cultural values and Landscape Management Plan for the proposed HCA.

PSR23/003 PLANNING PROPOSAL 20 - HERITAGE CONSERVATION AREA AT BRIERLEY'S BOAT RAMP

ATTACHMENT 1 PLANNING PROPOSAL - HERITAGE AMENDMENT - ELP 2012 AMENDMENT NO. 20

Preliminary discussions were held with the Department of Planning and Environment on the draft Planning Proposal on 19 July 2022 with no issues raised.

In accordance with Schedule 1(Part 1)(Div 1)(4) of the *Environmental Planning and Assessment Act 1979*, this planning proposal must be approved prior to community consultation undertaken by the local authority. The planning proposal is considered a "basic" proposal and therefore it is intended for this proposal to be exhibited for a fourteen (14) day period.

Consultation on the proposed amendments will be to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at Council's Administration Building;
- Consultation documents to be made available on Council's website; and
- Letters, advising of the proposed amendments and how to submit comments will be sent to adjoining landowners, Mogo, Batemans Bay and Cobowra Local Aboriginal Land Councils and other stakeholders that Council deem relevant to this planning proposal.

Additional consultation measures may be determined appropriate and added to the above as part of the gateway determination.

Council officers will consider all submissions received and present a report to Council for their endorsement of a final planning proposal.

PART 6: Project timeline

The anticipated timeline for the planning proposal is outlined in Table 4 below.

Table 4: Project Timeline

Consideration by council	February 2023
Council decision	February 2022
Gateway determination	March/April 2023
Pre-exhibition	April 2023
Commencement and completion of public exhibition period	May 2023
Consideration of submissions	June 2023
Post-exhibition review and additional studies	June 2023
Submission to the Department for finalisation (where applicable)	July 2023
Gazettal of LEP amendment	July 2023

PSR23/004 MARKET FEES AND CHARGES - COUNCIL CAMPGROUNDS

S023-T00006/7/8

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

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.3 Manage the operation of Councils campgrounds and Batemans Bay Beach Resort

EXECUTIVE SUMMARY

The purpose of this report is to remove the fees and charges for Council campgrounds from the general fees and charges, to enable flexible market pricing as part of the new management contract for these campgrounds.

Council own and manage three campgrounds being Dalmeny, Moruya North Head and Mystery Bay.

The delegated authority of the General Manager to approve the dynamic pricing for fees and charges for the campgrounds is recommended, in order to keep the campgrounds in line with other tourism businesses.

RECOMMENDATION

THAT

1. Camping Grounds fees for Council campgrounds at Dalmeny, Moruya North Head and Mystery Bay be removed from Council's Fees and Charges.
2. The General Manager be given delegated authority to review and approve camping fees and charges for the Council owned campgrounds at Dalmeny, Moruya North Head and Mystery Bay.

BACKGROUND

At the Council Meeting on 10 May 2022, Council approved the conclusion of negotiations to enter into a management contract for Council's campgrounds (Min No: 22/126):

6. *Delegate to the General Manager to conclude these negotiations related to the campgrounds and if appropriate, enter into contracts with the tenderer identified in the Confidential Attachment to the Council report 'Request for Tender Management Contract - Batemans Bay Beach Resort and Council campgrounds'*

Council entered into a new Management Contract with Belgravia Pro Pty Limited for the management of Council's campgrounds at Dalmeny, Moruya North Head and Mystery Bay in December 2022. The new contract puts most of the operational responsibilities onto the contractor.

A key clause of the contract stipulates that the Contractor will recommend a range for the Fees and Charges for the Parks (including minimum and maximum prices) to be agreed by Council

PSR23/004 MARKET FEES AND CHARGES - COUNCIL CAMPGROUNDS

S023-T00006/7/8

acting reasonably. To achieve this greater ability to respond to market forces, the delegated authority of the General Manager to approve fees and charges for the campgrounds is required to enable this to be managed in an efficient manner.

CONSIDERATIONS

In accordance with Council's Delivery Program/Operational Plan 'Pricing methodology', Council will 'develop transparent pricing structures that can be administered simply and efficiently and be understood by the public'.

The Contract Managers are to supply proposed fees and charges to Council based on the Contractor's industry knowledge and relevant benchmarks and supported by reasonable evidence. These proposed fees and charges will be reviewed by Council.

Legal

Formal fees and charges are set by Council in accordance with Part 10 of Chapter 15 of the Local Government Act 1993. In the case of campground management, the need to capture the changing needs of the tourism industry is essential and flexibility is required.

It is a term of the management contract that the Contractor provide Council with a recommended range for the fees and charges.

In accordance with Part 10 Cl 610B (2) of the Local Government Act 1993, Council may determine a fee other than in accordance with a pricing methodology if the determination is made by resolution at an option meeting of Council.

[Local Government Act 1993 No 30 - NSW Legislation - Part 10 Fees](#)

[Local Government Act 1993 No 30 - NSW Legislation - Cl 610B](#)

Policy

Council's Pricing Policy in part states "Recognise pricing encourages or discourages consumer use and behaviours" and refers to the legislation stated in "Legal" above - [Pricing policy](#)

Economic Development Employment Potential

The management of the campgrounds includes the employment of various staff, several of whom are local residents.

Financial

The *Local Government Act 1993* regulates the determination of fees. In regard to Council approved Fees and Charges, the need to capture the changing needs of the tourism industry is essential. Fees and charges for camping at the campgrounds will be provided by the management contractor each year and those fees need to be reasonably flexible to allow for dynamic pricing and to keep up with tourism trends.

Community and Stakeholder Engagement

Council's *Community Engagement Strategy* has 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 or seek feedback through public exhibition. The rate card for the camping fees will be added to the Council website together with the campgrounds websites.

PSR23/004 MARKET FEES AND CHARGES - COUNCIL CAMPGROUNDS

S023-T00006/7/8

CONCLUSION

Council campgrounds fees and charges be removed from the general fees and charges to enable dynamic market pricing.

Council own and manage three campgrounds being Dalmeny, Moruya North Head and Mystery Bay.

The delegated authority of the General Manager to approve the dynamic pricing for fees and charges for the campgrounds is recommended, in order to keep in line with other tourism businesses.

PSR23/005 EUROBODALLA FLYING FOX MANAGEMENT PLAN REVIEW

S010-T00034

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

Attachments: 1. Under Separate Cover - Eurobodalla Flying-fox Management Plan 2018-22 Planned Management Actions and Evaluation - Attachment 1
2. Under Separate Cover - Eurobodalla Flying-fox Management Plan Planned Management Actions 2023 and onwards - Attachment 2

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

Community Strategy: 1.2 Value, protect, and enhance our natural environment

Delivery Program Link: 1.2.1 Protect and enhance the landscape and biodiversity values of Eurobodalla

Operational Plan Link: 1.2.1.6 Review the Eurobodalla Flying Fox Management Plan

EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement of the revised Flying Fox Management Plan 2018 (Plan) and to ensure the Plan is appropriate and updated for 2023 and onwards.

The Flying Fox Management Plan 2018 provides a framework to reduce impacts of flying-foxes on people within the Eurobodalla, whilst conserving flying-foxes and the ecosystem services they provide. The Plan was developed following a major flying-fox influx in 2016 in Batemans Bay and with support and funding from the NSW Government.

The review of the Plan identified that the Planned Management Actions (section 7) requires updating. All the other information contained within the Plan remains relevant and provides the background information, purpose and objectives, camp locations, management framework and implementation.

This report provides a summary of the status of Grey Headed Flying-Foxes in the Eurobodalla and an update on the actions completed from 2018 to 2022 and draft actions for consideration to implement from 2023 and onwards based on the review of the Plan.

RECOMMENDATION

THAT Council

1. Receive and note Eurobodalla Flying Fox Management Plan 2023 Review report
2. Endorse the Eurobodalla Flying Fox Management Plan Planned Management Actions 2023 and Onwards, contained in Attachment 2.

BACKGROUND

Grey-Headed Flying-Foxes are listed as a threatened species under both NSW and Australian Government legislation and provide an ecological role in long-distance seed dispersal and pollination.

PSR23/005 EUROBODALLA FLYING FOX MANAGEMENT PLAN REVIEW

S010-T00034

People living near flying-fox camps can experience impacts including noise, smell, faecal drop, damage to vegetation and concern about potential health risks.

The Flying Fox Management Plan was adopted by Council (Min 18/354) in November 2018:

THAT Council adopt the draft Eurobodalla Flying-fox Management Plan 2018.

The objectives of the Plan are:

- improve Council's ability to respond to changes from the impacts of flying-foxes
- more effectively manage the impacts of flying-foxes on people
- manage impacts of flying-foxes in ways that are economically sustainable
- improve the resilience of the community and infrastructure to flying-fox impacts
- improve community awareness and understanding of flying-fox ecology and behaviour
- improve conservation outcomes for flying-foxes in the Eurobodalla.

The Plan identifies a risk-based approach to management, where camp intervention is generally only considered when there is an actual risk that cannot be otherwise managed. The Plan includes a decision support tool to assist Council in determining the appropriate management actions (when and how to respond to community concerns regarding flying-foxes based on this risk).

Extensive effort was made to engage with the community and key stakeholders during the Plan's development and the information in the Plan remains relevant, only the actions require updating.

Eurobodalla has six regularly occupied known camps: Batemans Bay (Water Gardens and Catalina), Moruya township, Moruya Heads, Narooma and Tuross. These camps have been monitored periodically since 2012. The number of flying-foxes at each camp is seasonally variable, depending on the availability of food resources. New camps may form temporarily or even permanently and known camps may not be in use at all during a season.

Annual status for flying-foxes has been included in the annual Natural Resource Management (NRM) Status Report (last report was dated 23 August 2022 (PR22/034)). Additionally, monitoring results and updated information is included on the Council website ([Flying-fox populations in Eurobodalla | Eurobodalla Council \(nsw.gov.au\)](https://www.eurobodalla.nsw.gov.au/flying-fox-populations-in-eurobodalla)).

PSR23/005 EUROBODALLA FLYING FOX MANAGEMENT PLAN REVIEW

S010-T00034

Table 1 Main actions undertaken 2018-2022

STRATEGY	ACTIONS
Community engagement and awareness programs	<ul style="list-style-type: none">• Development of the communications strategy• Update website• Media releases, radio interviews• School excursions• Signage installed at the Water Gardens• Liaising and supporting impacting residents and businesses as required• Proactive engagement with community
Impact mitigation	<ul style="list-style-type: none">• Maintenance of vegetation buffers• Subsidised services such as odour pots, Cocos palm removal
Monitoring and research	<ul style="list-style-type: none">• Regular camp monitoring• Participation in national monitoring• Supporting other councils with the provision of information• Odour trials• Regular reporting and liaising with the NSW Department of Planning and Environment
Dispersal	<ul style="list-style-type: none">• No active dispersal undertaken
Maintenance	<ul style="list-style-type: none">• Significant upgrades in the Water Gardens, Batemans Bay

Attachment 1 provides the comprehensive detail of the actions undertaken from 2018-2022.

CONSIDERATIONS

Flying-foxes will continue to return to Eurobodalla while favourable habitat and food resources exist in the area which could mean that camps may also establish in new locations, including urban areas. It is very difficult to predict how many flying-foxes will return each season, where they will go and the impacts that may occur anywhere across the Eurobodalla in the future.

While flying-fox camps are generally temporary and seasonal, they are increasingly establishing within urban areas. People living near flying-fox camps can experience impacts associated with noise, smell, faecal drop, damage to vegetation and concern about potential health risks. Managing these impacts is challenging and attempts to relocate flying-foxes are extremely costly and may splinter a camp to multiple undesirable locations.

The Flying Fox Management Plan assists Council in decision making regarding managing the camps and impacts on community. Noting that if dispersal is considered that substantial funding and resources would be required, and all legal obligations met.

Council has been proactive in monitoring and participating in regional and national flying-fox forums and remains as up to date as possible on the conservation and management strategies that are available for the species. Support and advice have also been provided to other local government areas within NSW and Australia regarding flying-fox management and resources for the community.

PSR23/005 EUROBODALLA FLYING FOX MANAGEMENT PLAN REVIEW

S010-T00034

The draft Flying Fox Management Plan provides the actions that Council will implement from 2023 onwards. These actions align with and build on the actions that have been completed from 2018–2022.

Main actions to be undertaken

Work will focus on delivery of an updated communications and engagement program. The program will be adapted depending on numbers and impacts of the flying fox camps and will include engagement of residents living close to the flying fox camps and new workshops for the wider community and school groups to learn more about flying foxes.

Promotion of odour masking plant species will feature in the engagement to help residents reduce odour impacts on their properties.

Ongoing monitoring and reporting on camp populations will continue and participation in NSW and Australian Government programs to help improve management of the species.

Funding will continue to be sought to implement further Cocos Palm removal and other projects that may assist with reduction of impacts on residents. These programs have been well received by affected residents and businesses.

To enable a clearer (more scientific) comparison of community attitudes and perceptions, another stakeholder engagement exercise/survey has been identified.

Attachment 2 provides the comprehensive detail of the proposed actions to be undertaken from 2023 onwards.

Legal

Grey-Headed Flying-Foxes are listed as a threatened species under NSW and Australian legislation. There is a range of legislation and policy that governs how flying-foxes and their habitat can be managed.

Council holds a current Biodiversity Conservation Licence to undertake dispersal actions if appropriate, in Batemans Bay only. The decision to disperse would be considered through the Decision Support Tool in the Plan, which includes legalities and resourcing requirements.

Flying-fox dispersal activities undertaken on Council-managed lands are subject to an internal and external approval process and would be reported to Council as required.

Environmental

Council continues to work within the framework of the Flying Fox Management Plan to reduce impacts of flying-foxes on residents, whilst conserving the ecosystem services they provide.

Asset

The actions undertaken benefit both social and environmental facets of our landscape and support assistance to the community.

Social Impact

The impacts on residents and businesses that are located near a flying-fox camp primarily include noise, odour and faecal drop. Since the 2016 major influx of flying-foxes in Batemans Bay, the impacts and concerns from the community have significantly reduced.

PSR23/005 EUROBODALLA FLYING FOX MANAGEMENT PLAN REVIEW

S010-T00034

Many residents who live close to the camps on Council reserves are understandably frustrated with the impacts but appreciate Council's transparency in communications and efforts made to help reduce the impacts.

Financial

Grant funds were provided from the NSW Government in 2015-16 to carry out dispersal and related activities and have supported the staffing resources on the programs until 2022.

Council funds a part time officer to assist with coordinating the flying fox programs. The current resourcing for the actions is sufficient and if there was a major influx of flying-foxes, then additional resourcing would be required.

Council will continue to seek grant funding to support actions associated with the Flying Fox Management Plan.

Community and Stakeholder Engagement

Council undertook extensive community engagement when the Plan was developed in 2018 and included: media releases; newsletters; website updates and social media; online survey (492 responses), drop-in sessions (12 stalls); land manager interviews, focus groups (four) and public exhibition. All the results from the community engagement were taken into consideration with the development of the management actions.

Council has actively engaged with residents and businesses that have been directly impacted or seeking information about flying-foxes and more broadly, with the general community. This includes: one on one conversations; door knocks and letterbox drops of homes near the Water Gardens; information stalls and education events.

Council's website is regularly updated and shows the flying-fox populations, camp locations and information for the community on flying-foxes.

Council has reviewed the Plan and associated actions in consultation with the NSW Department of Planning and Environment and with consideration of the community feedback over actions undertaken over the past four years.

CONCLUSION

The Eurobodalla Flying Fox Management Plan 2018 remains a valuable framework to guide and assist Council to reduce the impacts of flying-foxes on people, as well as protect the flying-foxes and the ecosystem services they provide.

Many projects have been completed and actions implemented successfully throughout the period 2018-2022.

The draft Flying Fox Management Plan and the planned management actions 2023 and onwards enables continuation of the support to the community in terms of managing the impacts of flying-foxes whilst recognising the significance of the species.

PSR23/006 REPEAL OF EVENT POLICY

S004-T00060

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

Attachments: 1. Events Policy for repeal

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: 3.4.3 Provide distinctive, innovative and consistent signage and interpretation that promotes our unique features guided by the Wayfinding and Signage Strategy

Operational Plan Link: 3.4.3.1 Review relevant signage policies and practices

EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement for the repeal of the Event Policy (Policy).

Council's policies are reviewed within the first 12 months of a new Council term in accordance with the *Local Government Act 1993*.

Following a review of the Policy, a report was presented to the Ordinary Meeting of Council on 13 September 2022 with a recommendation to repeal the Policy (Minute No: 22/252). This repeal is justified as the adopted Eurobodalla Event Strategy 2019-2024 (Minute No. 19/56 – August 2019) incorporated requirements contained in the Event Policy, making the Policy redundant.

Public exhibition of the repeal of the Event Policy was undertaken for a period of 28 days and no submissions were received.

This report recommends repeal of the Events Policy.

RECOMMENDATION

THAT Council repeal the Event Policy.

PSR23/006 REPEAL OF EVENT POLICY

S004-T00060

BACKGROUND

The Event Policy was initially implemented in 2012, with a purpose to state Council's commitment to events and set out Council's approach to process event requests on Council-owned and controlled land, but not including Council buildings.

Council adopted the Eurobodalla Event Strategy 2019-2024 in August 2019 (Minute No. 19/156). This Strategy outlines Council's vision for events: to establish a balanced and sustainable portfolio of vibrant tourism and community events that celebrate and generate awareness of the unique attributes of the Eurobodalla, creating compelling reasons for visitors and residents to visit, explore and return to the area.

The Event Strategy has a clear vision to support events that align with the 'All kinds of natural' brand and which support visitation outside of the peak season encouraging visitors to stay longer.

A specific requirement and outcome of the Event Strategy was to establish a clear process for allocating funding around events that were built around an events calendar. These included sports events, destination events and hallmark events.

The Event Strategy has a clear vision to support events that align with the 'All kinds of natural' brand and which support visitation outside of the peak season encouraging visitors to stay longer.

The specific outcomes for Eurobodalla Shire with our Event Strategy include:

1. Develop significant anchor or hallmark events that create a competitive advantage for Eurobodalla, build reputation, create a reason to visit in the off-season, celebrate everything that is special about Eurobodalla and form the foundation of the events calendar.
2. Support the sustainable growth and development of the destination events and volunteer committees.
3. Delineate tourism and community events to ensure a clear framework for assessment and support that is fair and transparent.
4. Attract and leverage key external events to enhance Eurobodalla's reputation as an event destination.
5. Catalyse the development of home-grown events and tourism experiences.
6. Use sports tourism events to extend the calendar with complementary events.
7. Establish a robust and consistent event evaluation framework.

PSR23/006 REPEAL OF EVENT POLICY

S004-T00060

CONSIDERATIONS

The Event Strategy provides a more detailed, strategic approach to events support and development than the 2012 Policy. Extensive engagement was undertaken with tourism industry and event organisers in the development of the Strategy, which was not undertaken with the original Policy.

The matters contained within the Policy are incorporated into the new Strategy, in particular a portal on Council's website to assist event organisers with event planning guidelines, marketing plan templates, compliance fact sheets and event evaluation tools.

In return for support, event organisers are expected to share information on visitor attendance, media reach, and attendee satisfaction and community involvement.

The Event Policy has been reviewed and its content has been incorporated into the Event Strategy. The Event Policy is no longer required and should be repealed.

Policy

The Events Policy was adopted in 2012 however it has now been superseded by the Eurobodalla Event Strategy 2019-2024 adopted in August 2019 (Minute No: 19/156).

Community and Stakeholder Engagement

Council placed the repeal of the Event Policy on public exhibition for a period of no less than 28 days and during this time, no submissions were received.

CONCLUSION

The Event Policy is no longer required as the matters contained in the Policy have been comprehensively reviewed and incorporated into the Event Strategy.

The proposed repeal of the Event Policy was publicly exhibited for 28 days and during this time, no submissions were received.

It is now recommended that Council formally repeal the Event Policy.



Policy

Policy title	Events
Responsible manager(s)	Divisional Manager Strategic and Sustainable Growth
Contact officer(s)	Tourism Events Coordinator
Directorate	Planning and Sustainability
Approval date	12 September 2017
Outcome area	5. Vibrant and diverse economy
Strategy	5.3 Focus on the development of sustainable tourism and quality events and visitor experiences
Delivery Program	5.3.2 Actively seek and support the development and hosting of events
Operational Plan	5.3.2.2 Support event organisers in delivery of a range of new and established events

Purpose

The purpose of this policy is to state Eurobodalla Shire Council's commitment to events and set out Council's approach to process event requests on council owned and controlled land, but not including Council buildings.

This Policy must be read in conjunction with the *Eurobodalla Shire Events Guidelines*.

Council recognises the value and vitality events bring to the community in its Community Strategic Plan 2030 and Destination Management Plan 2011-2020, where

Council identifies the following strategic goals to:

- help our economy grow; and
- develop and promote a vibrant cultural and leisure tourism destination.

Council:

- Welcomes events which contribute to one or more of the following:
 - Build strong communities;
 - Support community health and wellbeing;
 - Contribute to economic development;
 - Strengthen participation in culture and recreation;
 - Enhance the Shire's reputation as a tourism, leisure and event destination known for its unique natural beauty; and
 - Considers access and inclusion.
- Strives to make it easy to stage events;
- Acknowledges it has a role to support events of benefit to the Eurobodalla Shire;
- Focus on the development of sustainable tourism and quality events and visitor experiences; and
- Balances its support for events with protection of resident and public amenity.

The following policy statement is designed to recognise Council's complex role in balancing the rights and responsibilities of event organisers, participants and community members.



Policy

Policy statement

1	<p>Application</p> <p>This policy is specifically directed at Commercial and Community Events that are held on Council owned or managed land and public roads.</p> <ul style="list-style-type: none"> • Commercial Events - are events that directly benefit the local economy by attracting visitor numbers to the area or provide the area with local, national or international recognition. • Community Events - are events that create and foster a positive community spirit through involvement, participation, relationship building and cooperation. <p>Exemptions</p> <p>The Policy does not apply to:</p> <ul style="list-style-type: none"> • Events on private land • Events in Council buildings • Activities of a small scale that do not interrupt the day to day running of the shire and usually only require a booking for the use of a Council venue or public space such as a street, park, beach, sports ground or reserve. <p>Note: The above type of use is not covered by the Events Policy and Guidelines, but instead falls under the umbrella of Council's <i>Sporting Facilities Seasonal Hire Policy</i>, <i>Casual Hire</i> and/or <i>Adopted Fees and Charges</i>.</p>
2	<p>Approval Process and Legislation</p> <p>Council's events team is responsible for processing all community and commercial event applications on public land and issuing licences to hold an event.</p> <p>Council will ensure the event approval process meets relevant legislative requirements.</p> <p>The full process for assessing event applications is outlined in the <i>Eurobodalla Shire Events Guidelines</i>.</p>
3	<p>Council's role</p> <p>Council will not act in an event organiser capacity although it may occasionally deliver its own events. It does have a role to support events and this is outlined in the draft Events strategy. Council's administrative role is to facilitate the assessment of event applications, issuing of an event licence and associated approvals and to provide event organisers with the assistance required to foster the planning of events in the shire through the following:</p> <ul style="list-style-type: none"> • provision of a transparent framework for the consistent assessment of event applications • applying a cross-organisational approach to the approval phase of all events in the Shire that have an impact on residents and visitors • provision of advice and detailed information on appropriate event venues • provision of event guidelines to assist event organisers in preparing and submitting event applications • provision of a fee structure that enables events while recouping the costs associated with maintenance and enhancement of event venues.

PSR23/006 REPEAL OF EVENT POLICY

ATTACHMENT 1 EVENTS POLICY FOR REPEAL



Policy

	While the Council acknowledges the important role of events in developing a vibrant community, the Council is not obliged to provide any financial support to events. Some events may receive financial assistance.
4	Community and Environmental Impacts There must be a balance between the frequency and economic benefit of events and the needs and requirements of affected businesses, residents and other stakeholders. Events must have a minimal impact on the natural environment.
5	Payment of Fees Event fees will be determined annually as part of the Council financial review.
6	Indemnity The event organiser conducts an event at their own risk and must indemnify and hold harmless the Council against all claims resulting from any damage, loss, death or injury in connection with the venue used.

Implementation

Requirements		Responsibility
1	Guidelines This policy will be implemented by following Council's <i>Eurobodalla Shire Events Guidelines</i> , which specifies in detail the plan, procedures and matters to be considered.	Div Mgr Strategic and Sustainable Growth
2	Staff Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council Officers
4	Consultation Consultation regarding this policy will follow legislative requirements and occur as relevant with key stakeholders and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy will be considered during the exhibition period.	As required

Review

This policy may be reviewed and updated as necessary should legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages events.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: The next general local government election is expected to be held in September 2020.

PSR23/006 REPEAL OF EVENT POLICY

ATTACHMENT 1 EVENTS POLICY FOR REPEAL



Policy

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

Performance indicator	Data source(s)
Concerns	Council records
Customer Feedback Survey Responses	Surveys

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and the *Eurobodalla Shire Events Guidelines*.

Related legislation and policies

Name	Link
Sporting Facilities Seasonal Hire Policy	www.esc.nsw.gov.au
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Environmental Planning and Assessment Act 1979	www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/
Food Act 2003	www.austlii.edu.au/au/legis/nsw/consol_act/fa200357/
Roads Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/
Road Transport (Safety and Traffic Management) Act 1999	www.austlii.edu.au/au/legis/nsw/consol_act/rtatma1999412

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Supporting documents

Name	Link
<i>Eurobodalla Shire Events Guidelines</i>	www.esc.nsw.gov.au
<i>Code of Practice – Licencing of Council controlled public reserves and associated buildings</i>	www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Licencing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

Definitions

Word/Term	Definition
Small scale	<ul style="list-style-type: none"> • Less than 200 attendees • Using only one location within a council reserve • Limited traffic alterations required (excluding parking arrangements) • Infrastructure with minimal site/environmental impact • No alcohol sales • No ticket sales

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	28 Feb 2012	Council	12/29	E11.5098	Policy commenced.

PSR23/006 REPEAL OF EVENT POLICY

ATTACHMENT 1 EVENTS POLICY FOR REPEAL



Policy

2	10 Sep 2013	Council	13/275	E11.5098 E13.7095	Reviewed and updated.
3	12 Sep 2017	Council	17/306	E11.5098 E06.0376 E16.0297	Policy reviewed and updated at commencement of new Council term. No significant changes.

Internal use

Responsible officer		Director Planning & Sustainability		Approved by	Council
Minute	17/306	Report	FBD17/062	Effective date	12 Sep 2017
File	E11.5098 E06.0376	Review date	Sep 2020	Pages	5

IR23/001 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2022-23

S030-T00018

Responsible Officer: Tony Swallow - Acting Director Infrastructure Services

Attachments: Nil

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

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

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

Operational Plan Link: 4.1.1.3 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report. The main issues covered at the Eurobodalla Local Traffic Committee meeting, held 1 December 2022, are as follows:

- Signage and Line Marking – Accessible car spaces, Clive Court toilet and Main Beach carpark, Tuross Head
- Signage – Accessible car spaces, Shared Zone, South Head Surf Life Saving Club Carpark, Moruya
- Signage and Line Marking – Accessible car spaces, Mummaga Lake pedestrian footbridge carpark, Dalmeny
- Signage and Line Marking – Accessible car spaces, Surf Life Saving Club, Narooma
- Signage and Line Marking – Accessible car spaces, Apex Park - Bar Beach South, Narooma
- Signage and Line Marking – Accessible car space, Dalmeny campground, Ocean Parade, Dalmeny.

IR23/001 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2022-23

S030-T00018

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 4 for 2022-23 be received and noted.
2. That Council Plan Set A Sheet 03 date 23/11/22 detailing the signage and linemarking associated with two (2) accessible parking spaces within the Clive Court Toilet and Main Beach Access, Tuross Head Bay be approved.
3. That Council Plan Set A Sheet 02 dated 23/11/22 detailing the signage associated with two (2) accessible parking spaces within the South Head Surf Life Saving Club carpark, and Shared Zone, 10km/h sign and accessible parking ahead sign at the entrance to South Head Surf Life Saving Club off Charles Moffit Drive, Moruya be approved.
4. That Council Plan Set A Sheet 04 date 23/11/22 detailing the signage and linemarking associated with two (2) accessible parking spaces within the Mummaga Lake Pedestrian Footbridge Carpark, Dalmeny be approved.
5. That Council Plan Set A Sheet 05 date 23/11/22 detailing the signage and linemarking associated with one (1) additional accessible parking space within the Narooma Surf Life Saving Club, Narooma be approved.
6. That Council Plan Set A Sheet 01 date 23/11/22 detailing the signage and linemarking associated with one (1) accessible parking space within Apex Park - Bar Beach South, Narooma be approved.
7. That Council Plan Set A Sheet 06 date 23/11/22 detailing the signage and linemarking associated with one (1) accessible parking space at Dalmeny campground / park, Ocean Parade, Dalmeny be approved.
8. That the meeting dates outlined in section 2023.SE.004 of the report be adopted for the Local Traffic Committee for the remainder of 2022/2023 and first half of 2023/2024.
9. That one left turn only image sign and two left turn pavement arrows, and a single one way sign on the pedestrian fence opposite the southern exit of Bay Pavilions, Vesper Street, Batemans Bay be approved.
10. That the Traffic Management Plans for Wharf Street realignment, Nelligen, date 17th November 2022 be approved.

IR23/001 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2022-23

S030-T00018

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 5 for 2022-23 was held on 1 December 2022. The meeting was attended by Councillor Amber Schutz (Chair), Senior Sergeant Angus Duncombe (NSW Police), Emma Pietruska (Transport for NSW), Kate McDougall (Road Safety Officer) and Geoff Armstrong (Design Coordinator), Thomas Franzen (Divisional Manager Technical Services), Ankit Bhangale (Transport for NSW) and Sarah Kerkham (representative for Michael Holland MP).

APOLOGIES

Nil

DEPUTATIONS

Nil

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 4 for 2022-23 held on 3 November 2022 were confirmed and accepted. A discussion was held on the recommendation to endorse the Transport Network Plan – Southern Area of Eurobodalla tabled at LTC No 3 held on October 6 advising further consultation will be undertaken before submission to Council.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

Nil

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2023.RT.011 Signage and Line Marking – Accessible car spaces, Main Beach, Tuross Head

Council has received \$495,000 from NSW Government's Regional Tourism Activation Fund to improve access for people with reduced mobility at Eurobodalla's patrolled beaches and Narooma South Bar netted area.

Council met the Disability Inclusion Action Committee in June 2022 who were widely supportive of the projects Council's advisor from Accessible Beaches Australia recommended. These include a range of changes at sites to ensure that Council facilities are accommodating for all people, especially as Council encourages increased use by people with a disability. These will be incremental changes as funding allows, but a high priority would be to enhance disability parking options at several key sites including Main Beach, Tuross Head.

LTC Recommendation:

That Council Set A Sheet 03 date 23/11/22 detailing the signage and linemarking associated with two (2) accessible parking spaces as per AS2890.6 within the Clive Court Toilet and Main Beach Access, Tuross Head Bay be approved.

2023.RT.010 Signage – Accessible car spaces, Shared Zone, South Head Surf Life Saving Club Carpark, Moruya

IR23/001 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2022-23

S030-T00018

Council has received \$495,000 from NSW Government's Regional Tourism Activation Fund to improve access for people with reduced mobility at Eurobodalla's patrolled beaches and Narooma South Bar netted area.

Council met the Disability Inclusion Action Committee in June 2022 who were widely supportive of the projects Council's advisor from Accessible Beaches Australia recommended. Including a range of changes at sites to ensure that Council facilities are accommodating for all people, especially as we will be encouraging increased use by people with a disability. These will be incremental changes as funding allows, but a high priority would be to enhance disability parking options at several key sites including South Head Surf Life Saving Club Carpark, Moruya.

Recommendation:

That Council Set A Sheet 02 dated 23/11/22 detailing the signage associated with two (2) accessible parking spaces as per AS2890.6 within the South Head Surf Life Saving Club carpark, and Shared Zone, 10kmh sign and accessible parking ahead sign at the entrance to South Head Surf Life Saving Club off Charles Moffit Drive, Moruya be approved.

2023.RT.018 Signage and Line Marking – Accessible car spaces, Mummaga Lake Pedestrian Footbridge Carpark, Dalmeny

Council has received \$495,000 from NSW Government's Regional Tourism Activation Fund to improve access for people with reduced mobility at Eurobodalla's patrolled beaches and Narooma South Bar netted area.

Council met the Disability Inclusion Action Committee in June 2022 who were widely supportive of the projects Council's advisor from Accessible Beaches Australia recommended. Including a range of changes at sites to ensure that Council facilities are accommodating for all people, especially as we will be encouraging increased use by people with a disability. These will be incremental changes as funding allows, but a high priority would be to enhance disability parking options at several key sites including Mummaga Lake Pedestrian Footbridge Carpark, Dalmeny.

LTC Recommendation:

That Council Set A Sheet 04 date 23/11/22 detailing the signage and linemarking associated with two (2) accessible parking spaces as per AS2890.6 within the Mummaga Lake Pedestrian Footbridge Carpark, Dalmeny be approved.

2023.RT.017 Signage and Line Marking – Accessible car spaces, Narooma Surf Life Saving Club, Narooma

Council has received \$495,000 from NSW Government's Regional Tourism Activation Fund to improve access for people with reduced mobility at Eurobodalla's patrolled beaches and Narooma South Bar netted area.

Council met the Disability Inclusion Action Committee in June 2022 who were widely supportive of the projects Council's advisor from Accessible Beaches Australia recommended. Including a range of changes at sites to ensure that Council facilities are accommodating for all people, especially as we will be encouraging increased use by people with a disability. These will be incremental changes as funding allows, but a high priority would be to enhance disability parking options at several key sites including Narooma Surf Life Saving Club, Narooma.

IR23/001 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2022-23

S030-T00018

LTC Recommendation:

That Council Set A Sheet 04 date 23/11/22 detailing the signage and linemarking associated with two (2) accessible parking spaces as per AS2890.6 within the Narooma Surf Life Saving Club, Narooma be approved.

2023.RT.019 Signage and Line Marking – Accessible car space, Apex Park - Bar Beach South, Narooma

Council has received \$495,000 from NSW Government's Regional Tourism Activation Fund to improve access for people with reduced mobility at Eurobodalla's patrolled beaches and Narooma South Bar netted area.

Council met the Disability Inclusion Action Committee in June 2022 who were widely supportive of the projects Council's advisor from Accessible Beaches Australia recommended. Including a range of changes at sites to ensure that Council facilities are accommodating for all people, especially as we will be encouraging increased use by people with a disability. These will be incremental changes as funding allows, but a high priority would be to enhance disability parking options at several key sites including Apex Park - Bar Beach South, Narooma.

LTC Recommendation:

That Council Set A Sheet 01 date 23/11/22 detailing the signage and linemarking associated with one (1) accessible parking space as per AS2890.6 within Apex Park - Bar Beach South, Narooma be approved.

2023.RT.020 Signage and Line Marking – Accessible car space, Dalmeny Campground, Ocean Parade, Dalmeny

Council had been contacted by a business owner at the Dalmeny shops asking for an accessible parking space to assist patrons with accessibility issues. After reviewing the location including Dalmeny shops, Dalmeny Playground and Dalmeny Campground, it was determined an accessible car space adjacent to Dalmeny playground, opposite Dalmeny Campground on Ocean Parade would benefit park users, Dalmeny Campground visitors and shop clients.

LTC Recommendation:

That Council Set A Sheet 06 date 23/11/22 detailing the signage and linemarking associated with one (1) accessible parking space as per AS2890.6 at Dalmeny campground / park, Ocean Parade, Dalmeny be approved.

INFORMAL ITEMS FOR DISCUSSION

2023.SE.004 Local Traffic Committee Meeting Dates for 2023

Dates need to be determined for the monthly meetings of the Local Traffic Committee for the 2023 Calendar Year.

This year for the convenience of Committee members, it is proposed that meetings of the Eurobodalla Local Traffic Committee will be held on the first Thursday of each month.

Recommendation:

That the following meeting dates be adopted for the Local Traffic Committee for the remainder of the 2022/2023 financial year and first half of 2023/2024 financial year be approved.

IR23/001 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2022-23

S030-T00018

Meeting No.	Date
6-22/23	Thursday 2 February 2023
7-22/23	Thursday 2 March 2023
8-22/23	Thursday 6 April 2023
9-22/23	Thursday 4 May 2023
10-22/23	Thursday 1 June 2023
1-23/24	Thursday 6 July 2023
2-23/24	Thursday 3 August 2023
3-23/24	Thursday 7 September 2023
4-23/24	Thursday 5 October 2023
5-23/24	Thursday 2 November 2023
6-23/24	Thursday 7 December 2023.

2023.IN.005 Signage and Line Marking – Left Turn Only and One Way – Vesper Street, Batemans Bay

Council had been notified by management at Bay Pavilions that vehicles have exited the carpark on the southern end of Bay Pavilions by turning right in the left-hand lanes of Vesper Street and continuing against the flow of traffic. Currently there is no signage that directs traffic to turn left, and the pedestrian fencing hinders the sight of the southern lanes.

Installing left turn only and one way signage and two left turn pavement arrows direct road users to turn left will help create a safer road environment for all road users.

Recommendation:

That one left turn only sign and two left turn pavement arrows, and a single one way sign on the pedestrian fence opposite the southern exit of Bay Pavilions, Vesper Street, Batemans Bay be approved.

2023.IN.006 Wharf Street Nelligen realignment – Traffic Management Plan

Background

Seymour Whyte is undertaking road safety improvements to MR51 Kings Highway, Nelligen, namely the Kings Highway Realignment and New Bridge construction project over the Clyde River at Nelligen. The extent of the project works commences approximately 175m east of Thule Road through to Reid Street, Nelligen.

The work will include realignment of the existing roadway to the new Clyde River Bridge including realignment and leveling of local roads accessing the Kings Highway within the project boundaries.

This Traffic Management Plan is for the closure of Wharf Street, Nelligen, during the construction and realignment of Wharf Street to the new Kings Highway (Nelligen Bridge).

Recommendation:

That the Traffic Management Plans for Wharf Street realignment, Nelligen, date 17th November 2022 be approved.

IR23/001 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2022-23

S030-T00018

GENERAL BUSINESS

- Acknowledgement of new turn left arrow line marking, southbound, on Vesper Street Batemans Bay between North Street to Beach Road installed by Transport for NSW.
- Discussion that residents of Congo have requested more 50km/hr speed signs in the township and leading into the town in the 50km/hr speed zone. Residents raised speeding as an issue, which has been referred to Batemans Bay Highway Patrol for action.

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 2 February 2023 in Council's Glass Meeting Room and via MS Teams, commencing at 9.30am.

CAR23/002 YOUTH ACTION PLAN

S003-T00027

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

Attachments: 1. Under Separate Cover - Draft Youth Action Plan

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

Community Strategy: 2.1 Acknowledge our beginnings, embrace our diversity

Delivery Program Link: 2.1.4 Provide services and strengthen opportunities to retain and attract youth, supported by the Youth Action Plan

Operational Plan Link: 2.1.4.5 Finalise and adopt the Youth Action Plan

EXECUTIVE SUMMARY

The draft Youth Action Plan 2022 (Plan) has been developed through extensive literature research, data analysis and consultation with community and internal teams with the aim of influencing and improving outcomes for young people living in Eurobodalla.

The Plan has been developed with reference to strategic planning at the federal, state and local level, as well as direct engagement with youth and youth-led platforms in Eurobodalla. Within the Plan, young people are defined as being aged 12-24.

The draft Plan has been developed around the three focus areas of *safety, wellbeing and opportunity*. Each focus area has a set of objectives with identified actions and proposed roles and responsibilities for Council and community.

The plan will seek further input from the broader community through a public exhibition of 28 days.

RECOMMENDATION

THAT:

1. Council publicly exhibits the draft Youth Action Plan for a period of 28 days.
2. Following the exhibition and consideration of any submissions, a further report regarding the draft Youth Action Plan will be provided to Council for determination.

BACKGROUND

The development of this draft Plan has been based on extensive consultation and research.

From mid-2021 to November 2022 consultation was undertaken that included council staff, members of the Workers with Youth Network (a network of community services and youth stakeholder organisations including local high schools), young people aged 12-24 years and Council's Youth Committee.

Prior to this process, three youth forums were held in quick succession in February and March 2020 to inform the development of a Youth in Recovery Plan in direct response to the Black Summer Fires.

These processes have informed the development and focus of the Plan.

CAR23/002 YOUTH ACTION PLAN

S003-T00027

CONSIDERATIONS

Youth context

Eurobodalla's youth make up 11% of the overall population and live across the region, with higher densities of young people in areas including North Batemans Bay, Nelligen, Mogo and Akolele. Eurobodalla has 4,574 young people aged 12-24. Aboriginal youth make up 12% of 15-24 year olds, the median Indigenous age in Eurobodalla is currently 25. Of people aged 10-19 in Eurobodalla, 4% live with a disability.

The audience for youth services in Eurobodalla is defined by two distinct youth cohorts – school-aged youth between 12-17 years old and young adults aged between 18-24.

What they told us

Youth in Eurobodalla face similar challenges to other communities across the state, including barriers to transport, education, and social and cultural opportunities. Living within an ageing community can mean young people need to advocate harder for more of a voice, meaningful activities, support from adults and safe spaces.

Other reports indicate:

- in 2019, only around 12% of school leavers in Eurobodalla were entering university (Coordinare, 2022).
- Young peoples' access to work has been impacted in areas of high casualised employment, especially the hospitality and tourism industries (Youth Action, 2022).
- In 2020/2021 Campbell Page Youth Homelessness Services assisted 197 young people aged 12-24, who presented with homelessness or significant risk of homelessness as one of their primary reasons for seeking assistance.
- According to Micromex surveys, community satisfaction with youth services decreased between 2019 and 2021, a key focus area for Council.

Youth development

Young people aged between 12-24 undergo significant personal and social change as they navigate the path between childhood and adulthood. Providing strong supports and opportunities for young people requires taking on a youth development lens, founded in best-practice principles and theory. This approach includes meeting the key fundamental needs of youth while helping to build on their social, recreational and vocational opportunities, skills and outcomes.

The voice of young people

Integrating the voices of young people into this Plan is crucial to the delivery of dynamic, responsive and relevant local programs, and youth needs are central to the ethos of service delivery. Council's Youth Committee is an established and valuable civic platform for youth engagement. The Committee provides a dialogue with youth and is consulted on youth programs as well as other projects by Council and the community. Key themes consistently raised by the group include lack of access to transport and housing, a desire for diverse events, activities and opportunities, the need for strong youth voices in the community and access to enriching work and education.

CAR23/002 YOUTH ACTION PLAN

S003-T00027

Guiding values

During engagement, key values arose that reflect what young people care about, what they would like to see more of, and what they like about where they live. These values help to bring to life the opinions and voice of young people and reflect the role of Eurobodalla's youth in shaping a region where they want to live, work and play.

Young people in Eurobodalla have identified that they value:

- Exploration - exploring the world through joy, entertainment and new experiences
- Freedom - being free to connect with and celebrate the natural landscape
- Learning - having access to opportunities to learn and build local career opportunities
- Leading - having an active voice in youth issues, programs and outcomes

Key priorities

The Plan sets out three key priority areas to guide the delivery of youth services to the community over the next four years. These priorities have been created in response to federal and state strategic plans for youth and are based on helping them to holistically meet their needs. Feedback from local young people has further formed the substance of each theme and will continue to guide the execution of each initiative.

Priority areas:

1. Safety - create, promote and program accessible and youth-friendly spaces
2. Wellbeing - support the health and wellbeing of young people
3. Opportunity - provide opportunities for all young people to play, explore, develop and lead

Delivering outcomes

The Plan outlines actions based on the three key priorities (Safety, Wellbeing, Opportunity) that meet key fundamental needs of youth while helping to build on their social, recreational and vocational opportunities. Each action indicates the service responsible for the outcome, what role Council will take, and whether the action is existing, evolving or commencing.

How actions will be achieved

To maximise resources, coordinate the promotion of services and create a cohesive network of youth-oriented activities in Eurobodalla, the role of Council's Youth Services team against each action has been divided between four categories:

1. Deliver: Council will primarily plan, fund, promote and deliver the action.
2. Partner: Council will partner in conjunction with other organisations to plan, fund, promote and/or deliver the action.
3. Support: Council will support another organisation's activity and provide input to its delivery.
4. Promote: Council will distribute details of another organisation's activity or event and promote participation.

CAR23/002 YOUTH ACTION PLAN

S003-T00027

Action plan

Each planned initiative by Council's Youth Services will align to the *Theory of Change* model of program delivery, which requires any output to respond to an identified need or gap within the community, and seeks to examine resources, assumptions and solutions. This evidence-based approach will help to ensure that Council services consistently meet long term youth development goals of capacity building and positive impact.

Social Impact

Over the past few years our shire has experienced extreme conditions that have had lasting impacts on the community. Our youth population has not been left unaffected by this. There is a marked increase in mental health issues, interruptions to education and social norms and a subsequent change in the economic systems that influence employment and training opportunities.

This plan is more than a report outlining Council's future priorities. It represents a whole of Council and whole of community approach, based on feedback from young people and stakeholders, and research on current best practice. Council takes a lead role in developing strategies to engage young people in civic participation activities, and in supporting the services for and with young people and local organisations.

As the shire continues to evolve, we need to work closely with our youth and the community to ensure we are meeting the current and future needs of our young people.

Financial

The Plan will be delivered by Council's Youth team using its existing operational budget.

In addition, Council is currently the recipient of several large grants that support the delivery of the programs in 'The Job Shop' and the Driver Licensing Access Program (DLAP) 'YDrive' and several smaller grants for youth week and school holiday programs that augment service delivery.

Community and Stakeholder Engagement

We have conducted a broad range of engagement activities including workshops, meetings with advisory groups, panels and surveys across the shire with young people, service groups and Council staff.

We will consult the community by seeking feedback through a 28 day Public Exhibition where the Youth Action Plan will be on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

Council will place the draft plan on public exhibition commencing on 16 February 2023 until 16 March 2023

CONCLUSION

The draft Youth Action Plan 2023-2028 is a considered, robust plan that has been developed through collaboration with key stakeholders. Placing the draft plan on public exhibition to seek further feedback will support the plan to meet community expectations. The plan promotes that everyone, not just Council, has a role to play in building a community that supports young people to thrive.

DR23/001 2022 LGNSW SPECIAL CONFERENCE DELEGATES REPORT

S004-T00019

Delegate: Mathew Hatcher, Tubby Harrison and Amber Schutz - Councillors
Attachments: 1. Under Separate Cover - Resolutions
Community Goal: 5 Our engaged community with progressive leadership
Community Strategy: 5.2 Proactive, responsive and strategic leadership
Delivery Program Link: 5.2.1 Be proactive leaders with a focus on 'community better'
Operational Plan Link: 5.2.1.4 Provide professional development opportunities for Councillors

EXECUTIVE SUMMARY

The Local Government NSW Special Conference was held on 28 February – 2 March 2022 in Sydney. The conference focused on how councils can drive a “Locally Led” employment and economic recovery, as we continue to grapple with the complex challenges posed by the global pandemic.

Councillors Mathew Hatcher, Tubby Harrison and Amber Schutz were Council’s delegates at the Conference and presents the following report.

RECOMMENDATION

THAT the Delegate Report from Councillors Mathew Hatcher, Tubby Harrison and Amber Schutz be received and noted.

BACKGROUND

LGNSW provides a forum for all NSW Councils to debate and discuss common issues and vote on motions to be presented as a united front to State and Federal Government. It is an opportunity to share ideas, seek inspiration, and help determine our sector’s policy directions for the coming year.

The conference was hosted by the city of Sydney and there was great excitement about being able to meet in person after the long Covid lockdowns. Topics discussed ranged from the housing crisis, regional health services, and strategies to boost our local. There was substantial focus on this year’s historic low 0.7% baseline rate peg that has rocked councils across the state.

There was a terrific line-up of guest speakers and panelists, including some outstanding Mayors, new Local Government Minister Wendy Tuckerman, herself a former Mayor, Ministers and Shadow Ministers.

Panel discussions included how we can work together to combat the Housing Crisis and Climate change – the gap between recognition and action. The discussion around climate change was particularly relevant in the light of the flooding affecting the state at the time preventing several northern Councils from attending.

The record of decisions is attached to this report.

DR23/001 2022 LGNSW SPECIAL CONFERENCE DELEGATES REPORT

S004-T00019

CONCLUSION

LGNSW provides Councils a valuable opportunity to discuss common challenges facing their community and work together for better outcomes, it lends strength to advocacy pieces to State and Federal Government and provides networking opportunities for collaborating and learning from others in the field.

DR23/002 2022 LGNSW ANNUAL CONFERENCE DELEGATES REPORT

**S004-
T00019**

Delegate: Matcher Hatcher, Amber Schutz - Councillors

Attachments: 1. Under Separate Cover – Resolutions
2. Under Separate Cover – Record of Decisions

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.1 Be proactive leaders with a focus on 'community better'

Operational Plan Link: 5.2.1.4 Provide professional development opportunities for Councillors

EXECUTIVE SUMMARY

The Local Government NSW 2022 Annual Conference was held on 23 October 2022 – 25 October 2022 in the Hunter Valley. The conference provided an opportunity to share ideas, seek inspiration, and help determine our sector's policy directions for the coming year. Councillors Mathew Hatcher and Amber Schutz was one of Council's delegates at the Conference and presents the following report.

RECOMMENDATION

THAT the Delegate Report from Councillors Mathew Hatcher and Amber Schutz be received and noted.

BACKGROUND

Hosted by Cessnock City Council, this year's Annual Conference provided us with the opportunity to come together, share ideas and debate key issues for councils and communities right across the state. There was a packed agenda for this conference, with 144 motions being debated and voted on.

The conference began on Sunday with a number of workshops. I attended the workshop for Universal Urban Design - creating welcoming, vibrant, safe, and inclusive communities. Speakers included Cr Romola Hollywood, Blue Mountains City Council; Dr Jane Bringolf, Centre for Universal Design Australia; Dr Justin Ellis, University of Newcastle and Fiona Morrison, Department of Planning and Environment. Universal design is a critical element in strategic planning from everything from the built environment to media content, it is something decision makers should promote and advocate for to endure equitable access for all of our community members.

Universal design began as a paradigm shift in 1950's America when many veterans returned from WW2 with mobility related injuries. In the 1970's activists created makeshift kerb ramps for wheelchairs through the University of California campus, breaking existing curbs and laying asphalt in the night. We have progressed a long way since then, but more work needs to be done to ensure good design that enables universal access for all people is at the forefront of designer and planner's minds. Some of the newer areas where progress is being made includes font design, documents that are easily readable, co-design techniques, website design, and inclusive play space. Eurobodalla Shire Council's new play space at the Botanical Gardens, which is currently in planning, was commended by Fiona Morrison and used as case study on

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universal play space as part of their “Everyone Can Play” initiative. She encouraged everyone to focus on “just doing a little better” for each project.

The conference was opened by the MC Stephanie Brantz who emphasized the importance of collaboration and cooperation between councils in addressing common issues. The first keynote address was delivered by TPG Telecom - Jeremy Howe, GM Commercial Enterprise Government and Wholesale who spoke on internet connectivity and critical infrastructure. This was followed by Professor Mary O’Kane AC and Mick Fuller APM speaking to the NSW Flood Inquiry and paving a way forward. The final talk of the day was John Brogden AM, President of Life Line International who gave an emotive speech on the mental health crisis and the impact of covid on our communities. He encouraged delegates to develop their skills in mental health first aid.

One of the most interesting presentations was by Simon Kuestenmacher from the Demographics Group, who spoke to reimagining our future workforce. Simon commented that Covid resulted in approximately 90,000 jobs normally filled by migrants not being filled and said this would persist into the future. Given the generations after the Baby Boomers are much smaller, it will become increasingly more challenging to find staff for jobs. These generations also have different values and priorities and will tend to be attracted to jobs that provide them with a sense of purpose and meaning. They dislike hierarchy and generally prefer a flatter corporate structure. It will be interesting to see how workplaces develop and transition as these generations drive change.

A record of decisions and resolutions is attached to this report. All motions were debated and voted on with many being close showing a great variety of perspectives and priorities across delegates.

CONCLUSION

Overall, the conference was a valuable opportunity for local government leaders to come together, share their experiences and insights, and explore new ways of working together to address the challenges facing their communities.

**DR23/003 2022 LGNSW DESTINATION AND VISITOR ECONOMY CONFERENCE
DELEGATE REPORT**

**S004-
T00019**

Delegate: Rob Pollock OAM - Councillor
Attachments: Nil
Community Goal: 5 Our engaged community with progressive leadership
Community Strategy: 5.2 Proactive, responsive and strategic leadership
Delivery Program Link: 5.2.1 Be proactive leaders with a focus on 'community better'
Operational Plan Link: 5.2.1.3 Explore opportunities for Councillors to be more accessible to the community

EXECUTIVE SUMMARY

The 2022 LGNSW Destination and Visitor Economy Conference was held from 17-19 May in the Central West with the support of Orange City, Cabonne Shire and Blayney Shire councils.

Councillor Rob Pollock OAM attended the Conference and presents his delegate's report.

The three-day event brought together local government staff and Councillors, key industry stakeholders and local operators to discuss insights and the ever-changing world facing visitors.

RECOMMENDATION

THAT the delegate report from Councillor Rob Pollock OAM on 2022 LGNSW Destination and Visitor Economy Conference held in Orange be received and noted.

BACKGROUND

I attended the 2022 LGNSW Destination and Visitor Economy Conference that was held from 17-19 May in the Central West town of Orange with the support of neighbouring councils of Cabonne Shire and Blayney Shire.

"Dare to Dream" was the theme of the conference and it was convened to bring together staff, Councillors, key industry stakeholders and local operators to discuss insights and the ever-changing world facing visitors.

A brief summary of the key notes, presentations and highlights included:

- The original program was severely disrupted by COVID absences.
- Several discussions confirmed the importance of visitor recommendations in ongoing successful tourism marketing and visitation and by remote the experience and level of service, helpfulness and welcoming.
- Experience is more important than marketing. The theme of Bring you customer alive.
- The Manager of the Orange Visitors Centre and Regional Art Gallery demonstrated the value of a permanent and growing art collection both in value (dollars) and as an attractor.
- The diversity could be described as "Art is what ideas and feelings look like".

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- Looking to the future:
 - The importance of electric vehicle master plan mapping in NSW
 - The development of 'HIPCAMP' and the ramifications for traditional campgrounds and private camp rentals.
- Individual tours demonstrated the diversity of the smaller towns surrounding orange and their particular attributes.
- An address by a local indigenous elder outlined opportunities for tours relating to their history and life practices, empathising the need for reliable and regular availability.
- The Tourism Industry Council presented their top awards including recognizing Narooma as a highly commended in the category of towns under 50,000 population.

CONCLUSION

I believe the Conference was a valuable insight into the ever-changing world facing visitors and appreciate the opportunity as Council's delegate.

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S004-T00019

Delegate: Amber Schutz, Tubby Harrison - Councillors
Attachments: Nil
Outcome: 7 Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.1 Advocate for improved transport links, services and infrastructure
Operational Plan Link: 7.1.1.1 Partner with peak bodies to advocate for improved and on-going funding programs for local transport infrastructure

EXECUTIVE SUMMARY

This delegate report provides Council with an overview of the 2022 NSW Local Roads Congress which had the theme *Putting Policies into Practice*.

Clr Amber Schutz and Clr Tubby Harrison were Council's delegates at the Conference and present the following report.

The Congress Communique is included as an attachment with this report.

RECOMMENDATION

THAT the Delegate Report on the 2022 NSW Local Roads Congress be received and noted.

BACKGROUND

The NSW Local Roads Congress was held on Monday 6 June 2022 at NSW Parliament House bringing together Local and State Government representatives, engineers, and transportation experts to discuss the latest developments in road infrastructure and transportation policy.

The conference opened with a keynote address by the Hon. Wendy Tuckerman, MP, Minister for Local Government, followed by a President's welcome by Grant Baker. Mr Baker spoke on the importance of identifying the barriers to local government from fully accessing funding. He touched on the Fixing Country Bridges program as well as the difficulties in attracting staff to local government to deliver Capital Works Programs.

In the Keynote Address, Hon. Sam Faraway, MLC, Minister for Regional Transport and Roads discussed the recent flooding and the cost impact repairing the road network. He stressed that rapid response was essential to recovery and that if we want to build back better then we must build resilience into the infrastructure. That future construction should include reliable access to critical infrastructure and that re-building infrastructure on a like for like basis was not a sustainable option. He summed up by saying Local Government needs security around the funding models for infrastructure, preferably with repeating programs.

Will Barton, Board Member IPWEA NSW and ACT spoke on reflections back to the Local Roads Congress 2021. He started with a comment that in the December 2005 communique had a clear influence on current policy. The previous year's communique asked if councils were fit for the future in their asset management strategy, and did they have the ability to manage the development of infrastructure that was resilient to natural disasters and climate change. He commented that while we have had good progress, the funding models still needed work.

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Wendy Machin, Chair of Regional Road Transfer and NSW Road Classification Review presented an update of the Regional Roads Classification Review. Regional Councils were eligible to apply for some of their roads to be reclassified to State Roads, Regional Roads or Local Roads. The funding for this program is provided by the State Government. Each road required its own application and there was a staged application process, September 2020 – Nominations, November/December – Priority Round, September 2021 to February 2022 – Full Application Round. Lessons learned by the panel included the following:

- improving how they manage the process.
- data collection
- Including webinars and mapping tools to make it easier and more streamlined,
- That there was a high volume of applications
- The need to develop strategies to lighten the load on councils.
- Using satellite information to see surrounding industries.
- The use of Smarty Grants
- The importance of how to develop roads that cars can read, the impacts on EV's on the network and ensuring internet connectivity across the road network.

The panel commended Councils on their thorough applications and intended to finalise applications with the minister in late 2022.

Cr Alan Tickle, Deputy Mayor of MidCoast Council shared a Council's Perspective on the Road Classification Review. He noted that Regional Councils have a lower population density, this makes funding the maintenance and construction of infrastructure less sustainable for them given the current funding models. Reflecting on Mid Coast's experience, he questioned the ethics of State Government passing assets to Councils with no consultation. In summary, he commented that we all serve a common purpose, which is to serve the community, and all decisions should be made through this lens across all levels of government.

After lunch the Hon John Graham, MLC Shadow minister for roads presented a Keynote Address on the Oppositions Analysis of budget and priorities for road infrastructure. The following years forecasted budget is predicted to have less money than previous years for infrastructure and there needs to be more of a focus on improving and developing local roads and less on mega projects. Minister Graham encouraged Councils to be better network managers, to use existing data and research to map priority transport routes and to publish this data to transport providers on online portals. Council Engineers can use this portal to map and approve heavy and oversized vehicle routes. The Minister summed up by saying that a productive operator is a safe operator and that the more complicated we make the process for them, the more expensive that process is.

Sal Petrocchio, CEO National Heavy Vehicle Regulator continued Minister Graham's point by speaking on the cost implications for transporting goods on substandard local roads.

Tony Lickiss, Director of Assets and Infrastructure Services for Kyogle Council spoke to the Fixing Country Bridges program. His Council has 310 bridges, with 94 of them being replaced as

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part of the program. Some of the challenges they faced as part of the program and lessons learned include the following:

- Timber is unsustainable moving forward, for durability, procurement and cost reasons.
- They had challenges with the administration of the program and called for qualified and experienced technical staff to be included in the State government management team.
- The 2 year grant timeframe made the program very challenging to deliver as there were not enough contractors prepared to take on the workload required. Director Lickiss suggested longer timeframes for large amounts of grant funding as it has significant disruption to local economies.
- Kyogle Council developed a standard bridge design and details, which allowed them efficiencies in staff time, procurement, and production.
- They made a decision to pre-buy all the steel before the supply chain problems, caused by Covid effected the market. This saved significant time.
- Early involvement by local Councils when State Government are writing grants would allow valuable input which may save time in the future. He asked State Government to stop assuming what Councils want or need.
- Giving Councils money without micromanaging the program will allow savings in administration costs. Performance criteria could be set as conditions.
- It is unsustainable to make Councils compete for grant funding.
- A universal set of conditions for grant extensions would streamline the process.
- The rise in building costs required applications to vary the grant amount, these applications were too slow to keep up with the program. Fixed criteria for approvals would streamline this.

Joshua Devitt, Manager Roads and Transport Directorate spoke to the local government capability dilemma and a way forward. He predicts a shortfall of 70,000 engineers by 2023. Stressing that all levels of government will need to find efficiencies in the way they do things he identified a number of things Councils could do to attracts staff. These included:

- Higher wages
- Upskilling existing staff into other areas
- Enabling working from home for parents, and metropolitan staff.
- Encouraging local school children to work in required fields.
- Taking meaningful steps to ensure barriers to employment are addressed.
- Cultivating supportive and positive work cultures
- Working with Universities on Cadet programs
- Resource sharing with other Councils.

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The Congress was concluded by a panel comprising of Wendy Machin, Sal Petrocchio and Cr Alan Tickle, who took questions from delegates. Most of the discussion centered on the forecasted labor shortage and strategies to mitigate this.

CONCLUSION

In conclusion, the NSW Local Roads Congress 2022 was a highly successful and informative event, providing a platform for delegates to network and learn about the latest developments in local road infrastructure and transportation planning. The congress highlights the importance of local roads in connecting communities and supporting economic growth, and demonstrates the ongoing commitment of the transportation industry to improving the quality and safety of local roads for all road users.

**DR23/005 2022 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION
CONFERENCE DELEGATE REPORT**

**S004-
T00019**

Delegate: Tanya Dannock, Amber Schutz, Alison Worthington - Councillors

Attachments: Nil

Focus Area: 5 Our engaged community with progressive leadership

Delivery Program Link: 5.2 Proactive, responsive and strategic leadership

Operational Plan Link: 5.2.1 Be proactive leaders with a focus on 'community better'

EXECUTIVE SUMMARY

The Australian Local Government Women's Association 2022 Annual Conference was held on 7 July 2022 – 9 July 2022 in Fairfield City. The conference provided an opportunity to share ideas, seek inspiration, and share experiences.

Councillors Dannock (online), Schutz and Worthington represented Council at the 2022 Australian Local Government Women's Association Conference held in Fairfield and now presents her delegate's report on that Conference.

RECOMMENDATION

THAT Councillors Dannock, Schutz and Worthington's delegate report on 2022 Australian Local Government Women's Association Conference held in Fairfield be received and noted.

BACKGROUND

Councillors Dannock (online), Schutz and Worthington attended the Australian Local Government Women's Association (NSW) conference hosted by Fairfield City Council in early July 2022. The theme for this conference was 'What's your Superpower?' and the conference program was filled with inspiring speakers who shared lessons learned in resilience throughout their diverse careers.

The opening night event was held at the recently redeveloped Fairfield Showground and we were welcomed by the Mayor Frank Cabone and Deputy Mayor Dai Le along with ALGWA NSW President, Councillor Dianna Baker from Inverell Shire.

The Mayor welcomed us to the first official event held at the redeveloped venue and the Fairfield team was clearly excited to be hosting the conference. We were reminded that only one year ago this LGA, along with Liverpool and Canterbury, were in the national media for all the wrong reasons. These three LGA's were suffering under the toughest restrictions implemented in NSW during the pandemic. Many of the residents of these LGA's come from culturally and linguistically diverse and low socio-economic backgrounds.

The ADF was brought in to monitor compliance of restrictions because people were still moving around too much, especially in the west and south-west of Sydney.

As the Chief Health Officer Dr Kerry Chant noted at the time, the people living in these "hotspots" of Sydney were the same people who worked in essential services across the city - the cashiers, the shelf stackers, the shopkeepers, the Uber drivers, the delivery guys, the aged

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care workers and the cleaners. We were asking them to not attend their workplaces but without the economic support to be able to stay home.

In this socio-economic context, Fairfield City commits to keeping rates low and invests in projects like the construction of Dutton Lane Plaza and car parks to generate income for the council. Fairfield City is proud to boast of infrastructure works like the Showground - an unused trotting track which now includes AFL/cricket fields and events arena, a multipurpose amenity building, a FIFA-standard sports field, a synthetic football pitch, pavilion, all-abilities playground, off-leash dog parks and walking/cycling paths.

We also heard from Deputy Mayor Dai Le who had recently been sworn in as the Independent Federal Member for Fowler. The burning question on everyone's lips - can Dai Le serve as both Deputy Mayor and a Federal MP at the same time?

The answer is - yes, she can, and will. Now there is a superpower!

A bit of an update on the work of NSW ALGWA:

- ALGWA was established in 1952 and has been representing and advocating for women in local government since then.
- The organisation seeks to strengthen networking, mentoring and innovative opportunities that encourage and support women in local government.
- Their work in campaigning to increase the representation of women in local government included conducting 29 forums across NSW in the lead up to the last elections.
- That work helped to bring about an 8.5% increase in women mayors and councillors in the December 2021 elections, bringing the figure for women in local government representation to 39.5%.

In latest news, Eurobodalla Shire's Division Manager, Community Development and Participation, Kim Bush, has just been awarded ALGWA's Champion of Change Award – Regional/Rural in the 2022 Minister's Award for Women in Local Government!

CONCLUSION

The ALGWA Conference was an uplifting and inspiring event, bringing together influential figures from across the country to discuss important issues affecting women in leadership roles. The conference provided a platform for women to network, share their ideas and experiences, and work towards creating a more equitable and inclusive future. The discussions and ideas generated at the conference will be invaluable in driving progress towards gender equality and empowering women to achieve their full potential and discover their superpower.

DR23/006 2022 NATIONAL GENERAL ASSEMBLY DELEGATE REPORT

S004-T00019

Delegate: Anthony Mayne - Councillor

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.1 Be proactive leaders with a focus on 'community better'

Operational Plan Link: 5.2.1.4 Provide professional development opportunities for Councillors

EXECUTIVE SUMMARY

Councillor Anthony Mayne represented Eurobodalla Shire Council at the 2022 National General Assembly which was held on the 19 to 21 June 2022 in Canberra.

RECOMMENDATION

THAT the delegates report from Councillor Anthony Mayne be received and noted.

BACKGROUND

2022 saw the return of the Eurobodalla Shire Council to ALGA, the premier Local Gathering meeting held each year in Canberra. Importantly, this forum is so much more than just networking and listening to presentations. It is also about being able to engage with very contemporary issues, such as listening to the Mayor of Lismore talk about their flood experiences. Or to be present to an inspiring and challenging key not address on Global Democracy by Stan Grant.

The Lismore floods reminded us all as Councillors just how focused we need to be in preparing for disasters. The word resilience is used a great deal, though community spirit needs to be supported by having the necessary resources in place. While spending money to recover post disaster is obviously very important, there is an emerging focus on preventative measures, or being pro-active, in light of the negative impacts generated by climate change.

Stan Grant looked at the challenges currently faced by democracies around the world. In particular he spoke about the role of the media in ensuring the flow of information within the community. As we continue to see the changing landscape of the media, we have seen a loss of a number of media outlets, especially in regional Australia. However, there have been a number of new media outlets which have emerged during this period, which serve a vital role in shining a light of government and community.

The discussion on housing and housing affordability underscored the Australia wide challenge that we are all facing. A number of motions were voted on at this Conference, one of them being to the Federal Government seeking resources for housing the homeless. It was terrific to see the Minister for Housing, Julie Collins MP, write back to ALGA that as the Government moves to develop and implement its housing agenda, that there will be opportunities for councils and ALGA to put forward ideas. Councils work closely with their State Governments, however, ALGA affords Councils the opportunity to advocate on key issues directly with the Federal Government; one more reason it has been important to see our Council once again attend ALGA as a voting member.

DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

- Setback* Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);
- Envelope* taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;
- Footprint* the percentage of a lot taken up by a building on a site plan.