



# AGENDA

## Ordinary Meeting of Council

**29 October 2024**

### **Statement of Ethical Obligations**

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



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

**ON TUESDAY 29 OCTOBER 2024**

**COMMENCING AT 12.30PM**

**AGENDA**

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

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**  
Nil
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 10 September 2024
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
- 6. PUBLIC FORUM**
- 7. MAYORAL REPORTS**  
Nil
- 8. NOTICES OF MOTION**  
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- 9. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
- 10. PETITIONS**  
Nil

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 Nil

**13. FINANCE AND CORPORATE SERVICES REPORTS**  
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**WARWICK WINN**  
**GENERAL MANAGER**

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**NOM24/009      VEHICULAR ACCESS TO MALONEYS BEACH**

S012-T00026

Responsible Officer: Amber Schutz - Councillor

Attachments:        Nil

Councillor Amber Schutz has given notice that at the Ordinary Meeting of Council on 29 October 2024 she will move the following motion.

**MOTION**

THAT Council:

1. Consult the community for a period of 14 days regarding their views around removing the sandstone blocks to reinstate access to the former track that was used to access Council's decommissioned informal boat ramp at the east of Maloneys Beach.
2. Receive and consider the community feedback along with a staff report at the November Council Meeting.

**BACKGROUND**

At the Ordinary Meeting of Council held on Tuesday 19 March 2024 a petition was received requesting beach access be reinstated at Maloneys Beach.

The informal boat ramp at Maloneys Beach was decommissioned in 2008 following repeated storm damage, however it remained noted on Transport for NSW's Boat Ramps website as an informal sand ramp until approximately March 2024.

The gravel track across Council maintained Crown Land and Community Land was used for beach access along with an informal track through the Murramarang National Park adjacent to the Council managed reserve.

This informal access to the beach was removed by NPWS on National Park land in approximately 2022 as part of the Murramarang South Coast Walk project. Following limited consultation, Council also gave permission for NPWS to close the informal track on Council managed land at the same time by installing bollards. These bollards were removed and due to the safety risk of the remaining holes, Council installed sandstone blocks in their place.

Council has a Plan of Management (POM) for its Developed Reserves and Facilities 1999 that covers the Maloneys Beach Reserve. The assets listed in this POM for this reserve include the toilets, shower and picnic facilities and fencing. The informal tracks and vehicular access are not covered or considered within this Plan of Management. Council currently has several Restricted Activity Multi Signs around the perimeter of the reserve that prohibit vehicular access within the reserve that have been in place for some time. There is also a Restricted Activity Multi Sign at the decommissioned boat ramp prohibiting vehicular access to the beach.

Maloneys Beach, below the mean high-water mark, forms part of the Batemans Marine Park. This land is managed by the NSW Department of Primary Industries – Fisheries (Marine Parks) and is covered by the *Marine Estate Management (Management Rules) Regulation 1999*. In general, a person must not use a vehicle in a marine park, except for the purpose of launching or retrieving a boat or similar from a designated boat launching facility.

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**NOM24/009 VEHICULAR ACCESS TO MALONEYS BEACH**

**S012-T00026**

Driving of private vehicles across the grassy foreshore within National Park and onto the beach is not authorised by the National Parks and Wildlife Service (NPWS) Plan of Management for Murramarang National Park.

In addition to the 22 boat ramps that Council formally manages and maintains as assets under the care and control of Council, there are other examples on the Transport for NSW Boat Ramps website of informal sand ramps located at Gilmores Creek Moruya, Mystery Bay and North Narooma that are not formally managed by Council.

**GENERAL MANAGER'S RESPONSE**

Council is required to manage its assets in a safe, financially and environmentally responsible way to provide the best benefit to the greatest number of users. The community would benefit if parking and access was allowed closer to the beach, on the unformed former track.

Council would likely have additional ongoing maintenance requirements from the increased use. It should also be noted that the area could flood as it is a storm water swale.

Given the difficulties in sustainably managing a physical boat ramp facility in a dynamic, ocean facing environment periodically subjected to large storm surges, Council would have little appetite to construct a formal boat ramp facility on Maloneys Beach.

The community has not been consulted on this proposal, however NPWS and Marine Parks have been informed. Given the tight community of interest Council could consider undertaking a short consultation period to ensure community feedback is received ahead of the summer season.

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**GMR24/018 RECOGNITION OF SERVICE**

**S012-T00020**

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**

In recognition of the service made to the community by non-returning Councillors after the 2024 local government elections, it is proposed to send Letters under Seal acknowledging their contribution to the business of Council over the preceding two and a half years.

**RECOMMENDATION**

THAT Council resolve to send Letters under the Seal of Council to former Councillors in acknowledgement of their contribution to the business of Council over the preceding term.

**BACKGROUND**

It is the practice in many jurisdictions to recognise service provided by former Councillors during the previous term of Council, with Letters under the Seal of Council acknowledging their contributions to the community and progressing the business of Council.

These letters will also outline their contributions to Council Committees and any other additional responsibilities they have undertaken in their role as Councillors.

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**FCS24/038 DECLARATION OF POLL FOR MAYOR**

**S012-T00023**

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

Attachments: 1. Declaration of Poll for Mayor

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**

To report the declaration of the poll for the position of Mayor.

**RECOMMENDATION**

THAT the information on the Declaration of the Poll for the election of Mayor of Eurobodalla Shire Council, following the general election held on Saturday 14 September 2024, be noted.

**BACKGROUND**

The formal declaration of the poll for the election of a popularly elected Mayor to the Eurobodalla Shire Council, following the general election held on 14 September 2024 was made by the Returning Officer, Brian Evans, on Tuesday 1 October 2024.

Mathew Hatcher was elected to the position of Mayor of Eurobodalla Shire Council for the term of the Council until the next general election due to be held in September 2028.

A copy of the Declaration of the Poll for the position of Mayor is attached to this report.

FCS24/038 DECLARATION OF POLL FOR MAYOR

ATTACHMENT 1 DECLARATION OF POLL FOR MAYOR

## Declaration of Mayor - LG.561



**Council:** Eurobodalla

**Election Day:** 14 September 2024

An election was held on Saturday 14/09/2024 to elect the Mayor.

The counting of votes resulted in the election of HATCHER Mathew as Mayor and I declare them duly elected as Mayor until the next ordinary election of the Council.

Candidates	1st Preference Votes	Total Votes*	Elected Candidate
CONSTABLE Phil	3,726	4,181	
HATCHER Mathew	9,467	10,687	Elected
MAYNE Anthony	2,136	2,315	
TURNER Colleen	1,527	1,605	
POLLOCK Rob	4,297	4,749	
JOHNSON Mick	601	601	
MCASH Claire	1,276	1,298	
WINSLADE Sharon	2,321	3,476	
<b>Formal</b>	<b>25,351</b>		
<b>Informal</b>	<b>1,445</b>		
<b>TOTAL</b>	<b>26,796</b>		

\* Total votes received when the candidate was excluded, or when any candidate received an absolute majority of the votes and was elected

A full copy of the results may be viewed on the NSW Electoral Commission website

BRIAN EVANS

RETURNING OFFICER'S NAME

*[Signature]*

RETURNING OFFICER'S SIGNATURE

1 / 10 / 24

DATE

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**FCS24/039 DECLARATION OF POLL FOR COUNCILLORS**

**S012-T00020**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services  
Attachments: 1. Declaration of Poll for Councillors  
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**

To report the declaration of the poll for the election of eight Councillors.

**RECOMMENDATION**

THAT the information on the Declaration of the Poll, for the election of eight Councillors to the Eurobodalla Shire Council, following the general election held on 14 September 2024, be noted.

**BACKGROUND**

The formal declaration of the poll for the election of eight Councillors to the Eurobodalla Shire Council, following the general election held on 14 September 2024 was made by the Returning Officer, Brian Evans, on Wednesday 2 October 2024.

The following have now been duly elected as Councillors until the next general election due to be held in September 2028.

Councillor Laurence Babington  
Councillor Phil Constable  
Councillor Mick Johnson  
Councillor Anthony Mayne  
Councillor Rob Pollock OAM  
Councillor Amber Schutz  
Councillor Colleen Turner  
Councillor Sharon Winslade

A copy of the Declaration of the Poll for the election of eight Councillors is attached to this report.

## Declaration of Councillor - LG.560



**Council:** Eurobodalla  
**Ward (if applicable):**  
**Election Day:** 14 September 2024  
**Candidates to be Elected:** 8  
**Quota:** 2,717

The counting of votes resulted in the election of the candidates with the word "Elected" next to their name and I declare those candidates duly elected as Councillors until the next ordinary election of the Council.

Candidates	1st Preference Votes	Total Votes*	Elected Candidates
CONSTABLE Phil	3,810	3,810	Elected
JOHNSON Mick	89	1,826	Elected
HELLIER Trish	24	34	
BEECHAM Kristy	153	250	
FORD Jason	944	994	
BRAYSHAW Mariene	2	2	
GREER Dave	6	8	
DEADMAN Rosemary	9	10	
FORTUNA Robert	6	6	
MARTIN Geoff	0	0	
MCASH Claire	1,116	1,495	
HAWKE John	7	7	
TRITTON Krystal	9	10	
TRAYNOR Gary	66	85	
MAYNE Anthony	2,184	2,533	Elected
STARMER Karyn	52	61	
HAMROSI Michelle	61	102	
CHRISTIANSEN Sally	24	25	
GRICE David	11	14	
POLLOCK Rob	3,953	3,953	Elected
KEADY Sofia	146	1,560	
TAIT John	18	24	
MARCHINI Keira	51	78	
ZAHRA Emily	36	46	
THOMSON James	39	55	
BROWN Lindsay	62	134	
WINSLADE Sharon	2,730	2,730	Elected

FCS24/039 DECLARATION OF POLL FOR COUNCILLORS

ATTACHMENT 1 DECLARATION OF POLL FOR COUNCILLORS

## Declaration of Councillor - LG.560



**Council:** Eurobodalla  
**Ward (if applicable):**  
**Election Day:** 14 September 2024  
**Candidates to be Elected:** 8  
**Quota:** 2,717

The counting of votes resulted in the election of the candidates with the word "Elected" next to their name and I declare those candidates duly elected as Councillors until the next ordinary election of the Council.

Candidates	1st Preference Votes	Total Votes*	Elected Candidates
SEARSON Maureen	21	38	
ELLIS Patricia	101	163	
VINCENT Gail	3	3	
TURNER Colleen	1,697	1,959	Elected
VAN DER MOOLEN Joslyn	13	15	
BELL Charlie	8	8	
O'DONNELL Niall	14	18	
HATCHER Mathew	0	0	Elected as Mayor
SCHUTZ Amber	6,607	6,607	Elected
BABINGTON Laurence	29	3,873	Elected
MEEK Ronald	27	1,272	
TAYLOR Carrie	38	66	
MAHON Rebecca	26	31	
STUART Charles	21	23	
GOW Neil	237	272	
<b>Formal</b>	<b>24,450</b>		
<b>Informal</b>	<b>2,341</b>		
<b>TOTAL</b>	<b>26,791</b>		

\* Total votes received when the candidate was elected or excluded

A full copy of the results may be viewed on the NSW Electoral Commission website

BRIAN EVANS

RETURNING OFFICER'S NAME

*[Signature]*

21 10 24

RETURNING OFFICER'S SIGNATURE

DATE



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**FCS24/040 POSITION OF DEPUTY MAYOR**

**S012-T00020**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services  
Attachments: 1. Schedule 7 Local Government (General) Regulation 2021  
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**

Council may elect a councillor to be the Deputy Mayor. 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 resolve that the term of appointment for the position of Deputy Mayor to be the term of Council;
3. Council resolve that the method of ballot be by open voting pursuant to Schedule 7, Part 1(3) of the Local Government (General) Regulation 2021;
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. The Deputy Mayor may be elected for the mayoral term or a shorter term. The previous Council resolved in February 2023 to create the position of Deputy Mayor for the remainder of the term. Voting was by open voting on a show of hands.

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. This includes being called upon to chair the meeting in the absence of the Mayor, conducting Citizenship ceremonies, and signing the Council's financial statements for Audit. The position of Deputy Mayor does not receive additional remuneration.

**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.*

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**FCS24/040 POSITION OF DEPUTY MAYOR**

**S012-  
T00020**

- (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.*
- (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 2021* 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.

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**FCS24/040 POSITION OF DEPUTY MAYOR**

**S012-  
T00020**

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.

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# Local Government (General) Regulation 2021

Current version for 2 August 2024 to date (accessed 27 August 2024 at 13:48)

Schedule 7

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## Schedule 7 Election of mayor by councillors

(Section 394)

### Part 1 Preliminary

#### 1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

#### 2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 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.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

#### 3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this section—  
**ballot** has its normal meaning of secret ballot.  
**open voting** means voting by a show of hands or similar means.

## **Part 2 Ordinary ballot or open voting**

### **4 Application of Part**

This Part applies if the election proceeds by ordinary ballot or by open voting.

### **5 Marking of ballot-papers**

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

### **6 Count—2 candidates**

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

### **7 Count—3 or more candidates**

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

## **Part 3 Preferential ballot**

### **8 Application of Part**

This Part applies if the election proceeds by preferential ballot.

## 9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

## 10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this section, **absolute majority**, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

## 11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

## Part 4 General

### 12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of

Local Government (General) Regulation 2021 [NSW]

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votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

### **13 Result**

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is—

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Secretary and the Chief Executive Officer of Local Government NSW.



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**FCS24/041 DECISION ON USING COUNTBACKS TO FILL CASUAL VACANCIES S012-T00025**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services  
Attachments: Nil  
Community Goal: 5 Our engaged community with progressive leadership  
Community Strategy: 5.2 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**

Following the 2024 local government elections, Council has the option of using a countback of votes cast on 14 September 2024 to fill casual vacancies in Councillors occurring in the first 18 months after the election.

This will allow Council to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

To exercise the option of using a countback to fill casual vacancies, Council must resolve at the first meeting after the election to use a countback to fill casual vacancies.

If Council does not resolve this at the first meeting after the election, they will be required to fill casual vacancies through a by-election.

It should be noted that when a casual vacancy occurs for a popularly elected mayor (for example through resignation or death), the vacancy is filled by way of a by-election, unless it occurs within 18 months before the next ordinary election. If so, the Governor of New South Wales will appoint a Councillor nominated by the council to the vacant office. If the council does not nominate a Councillor, the Governor may appoint one of the Councillors to the office.

**RECOMMENDATION**

THAT Pursuant to section 291A (1)(b) of the *Local Government Act 1993* (the Act) Eurobodalla Shire Council declares that casual vacancies occurring in the office of Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at the election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

**BACKGROUND**

Section 291A of the *Local Government Act 1993*, states the following provisions concerning the use of a countback instead of holding a by-election for a casual vacancy in the office of Councillor:

**291A Countback to be held instead of by-election in certain circumstances**

- (1) *This section applies to a casual vacancy in the office of a councillor if -*
- (a) *the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and*

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**FCS24/041 DECISION ON USING COUNTBACKS TO FILL CASUAL VACANCIES S012-T00025**

- (b) *the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.*
- (2) *This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected--*
- (a) *in an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or*
- Note:** See [section 285](#) (Voting system for election of councillors).
- (b) *in an election without a poll being required to be held.*
- Note:** See [section 311](#) (Uncontested elections).
- (3) *A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.*
- (4) *A countback election to fill a casual vacancy to which this section applies must be conducted*
- (a) *if the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner--by a returning officer appointed by the Electoral Commissioner, or*
- (b) *if the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council--by a returning officer appointed by the electoral services provider.*
- (5) *If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election--*
- (a) *the returning officer must notify the general manager of the council concerned, and*
- (b) *a by-election in accordance with this Part must be held to fill the casual vacancy.*
- (5A) *If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.*
- (6) *This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.*

The election of the Popular Elected Mayor and Councillors for Eurobodalla Shire Council was administered by the NSW Electoral Commission through an appointed returning officer.

### **CONSIDERATIONS**

Council, pursuant of section 291 (1) (b) of the *Local Government Act 1993* is able to determine to fill casual vacancies in the office of Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024.

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**FCS24/041 DECISION ON USING COUNTBACKS TO FILL CASUAL VACANCIES S012-T00025**

Given the costs of conducting a by-election are substantial, it is recommended that Council determine that any casual vacancy that occurs within 18 months of the last ordinary election be filled by a countback of votes cast at the last election for that office.

A vacancy in the office of Popularly Elected Mayor must be filled by a by-election unless it is within 18 months of the next ordinary local government election. If this is the case, the Governor of New South Wales will appoint a Councillor nominated by the council to the vacant office. If the council does not nominate a Councillor, the Governor may appoint one of the Councillors to the office.

It should be noted that if a vacancy occurs within 18 months before the date specified for the next ordinary local government election the Minister, under section 294 (2) of the *Local Government Act 1993* may order that the vacancy not be filled. The next ordinary local government election for Eurobodalla Shire Council is currently scheduled for September 2028.

**Legal**

This report is written in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2021*.

**CONCLUSION**

This report provides Council with information regarding the option to use a countback of votes cast at the local government election on 14 September 2024 to fill casual vacancies in the office of Councillor occurring in the Council in the first 18 months after the election. It also notes that a vacancy in the office of popularly elected Mayor must be filled by a by-election, unless it occurs within 18 months before the next ordinary election.

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**FCS24/042 2025 COUNCIL MEETING DATES**

**S012-T00025**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services  
Attachments: Nil  
Community Goal: 5 Our engaged community with progressive leadership  
Community Strategy: 5.2 Proactive, responsive and strategic leadership  
Delivery Program Link: 5.2.2 Implement effective governance and long-term planning  
Operational Plan Link: 5.2.2.1 Assist the Council in meeting its statutory obligations and roles

**EXECUTIVE SUMMARY**

This report provides a schedule of proposed Council Meeting dates for the 2025 calendar year and seeks Council's endorsement of the schedule.

Under Section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 11 meetings to be held during 2025.

The 2025 schedule has been developed to consider Council's compliance and reporting requirements, and public and school holidays.

Council's Code of Meeting Practice states that Council meetings are usually held on the third Tuesday of each month starting at 12.30pm, excluding January. It is proposed to move Council meetings to the fourth Tuesday of each month to assist with financial reporting deadlines. The Council meeting held in April will be held on the fifth Tuesday due to the Easter and ANZAC holidays.

Council's Code of Meeting Practice states that Council will hold a Public Access session usually on the first Tuesday of each month, for members of the public to raise any Council-related issues with Councillors, which have not been previously determined by Council. It is proposed to move Public Access to the second Tuesday of each month to align with Councillor briefing sessions.

Due to public exhibition notification requirements in accordance with the Council's Code of Meeting Practice, Council is unable to amend the Code of Meeting Practice prior to adopting the 2025 Council Meeting and Public Access dates. It is acknowledged that this schedule may be subject to change pending the exhibition and adoption of the Code of Meeting Practice.

**RECOMMENDATION**

THAT Council:

1. Endorse to hold Council meetings on the fourth Tuesday of each month.
2. Endorse to hold Public Access Sessions on the second Tuesday of each month.
3. Endorse the following 11 dates as the meeting schedule for Council meetings for the 2025 calendar year:
  - (a) 25 February 2025
  - (b) 25 March 2025
  - (c) 29 April 2025

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**FCS24/042 2025 COUNCIL MEETING DATES**

**S012-T00025**

- (d) 27 May 2025
  - (e) 24 June 2025
  - (f) 22 July 2025
  - (g) 26 August 2025
  - (h) 23 September 2025
  - (i) 28 October 2025
  - (j) 25 November 2025
  - (k) 16 December 2025
4. Endorse the following 11 dates as the Public Access sessions for the 2025 calendar year:
- (a) 11 February 2025
  - (b) 11 March 2025
  - (c) 8 April 2025
  - (d) 13 May 2025
  - (e) 10 June 2025
  - (f) 8 July 2025
  - (g) 12 August 2025
  - (h) 9 September 2025
  - (i) 14 October 2025
  - (j) 11 November 2025
  - (k) 9 December 2025
5. Note that the schedule of meeting dates may be amended at any time, as required.

**BACKGROUND**

Under Section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times per year, each time in a different month. The proposed schedule includes 11 meetings to be held during 2025.

Council's Code of Meeting Practice allows for Council meetings to be held on the third Tuesday of each month. It is proposed to move Council meetings to the fourth Tuesday of each month to assist with financial reporting deadlines.

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

Council's Code of Meeting Practice states that Council will hold a Public Access session usually on the first Tuesday of each month, for members of the public to raise any Council-related issues with Councillors, which have not been previously determined by Council. It is proposed to move Public Access to the second Tuesday of each month to align with Councillor briefing sessions.

**FCS24/042 2025 COUNCIL MEETING DATES**

**S012-T00025**

**CONSIDERATIONS**

A schedule of meetings for 2025 has been developed in consultation with Councillors. The calendar may be amended at any time if Council resolves to alter the meeting day/s.

In developing the schedule of meetings for 2025, consideration has been given to the Office of Local Government’s compliance and reporting requirements, and public and school holidays.

<b>Date</b>	<b>Statutory Deadline</b>
28 February 2025	December quarterly review and Six monthly progress report
31 May 2025	March quarterly review
30 June 2025	Adoption of Delivery Program and Operational Plan, Community Strategic Plan, Resourcing Strategy
30 November 2025	September quarterly review and Annual Report endorsement

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

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

<b>Date</b>	<b>Meeting Type</b>
11 February 2025	Public Access
25 February 2025	Council Meeting
11 March 2025	Public Access
25 March 2025	Council Meeting
8 April 2025	Public Access
29 April 2025	Council Meeting
13 May 2025	Public Access
27 May 2025	Council Meeting
10 June 2025	Public Access
24 June 2025	Council Meeting
8 July 2025	Public Access
22 July 2025	Council Meeting
12 August 2025	Public Access
26 August 2025	Council Meeting
9 September 2025	Public Access
23 September 2025	Council Meeting
14 October 2025	Public Access



**FCS24/042 2025 COUNCIL MEETING DATES**

**S012-T00025**

28 October 2025	Council Meeting
11 November 2025	Public Access
25 November 2025	Council Meeting
9 December 2025	Public Access
16 December 2025 <sup>*</sup>	Council Meeting

\* Third Tuesday due to Christmas

**Legal**

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

**Financial**

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

**Community and Stakeholder Engagement**

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

**CONCLUSION**

The proposed schedule of Council meetings for 2025 has been prepared in consultation with Councillors and takes into account compliance and reporting requirements and public and school holidays.

The calendar may be amended at any time if Council resolves to alter the meeting day/s.

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**FCS24/043 APPOINTMENT OF INDEPENDENT MEMBERS OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE S004-T00048**

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

Attachments: 1. Confidential attachment Independent ARIC members

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.5 Be an agile organisation that champions continuous improvement and efficiencies

Operational Plan Link: 5.3.5.1 Facilitate the Audit, Risk and Improvement Committee

### **EXECUTIVE SUMMARY**

All councils and joint organisations are required under the NSW Local Government Act 1993 to have an Audit Risk and Improvement Committee from 4 June 2022.

The NSW Office of Local Government (OLG) has issued comprehensive Guidelines for Risk Management and Internal Audit for Local Government in NSW to assist councils and joint organisations to implement these requirements.

Amendments have been made to the Local Government (General) Regulation 2021 to require all councils and joint organisations to have a risk management framework and an internal audit function and to prescribe membership requirements for Audit Risk and Improvement Committees (ARIC). Councils and joint organisations are required to comply with these requirements from 1 July 2024 and commencing with the 2024-25 annual report, to attest to their compliance with the requirements in their annual reports.

In July 2024, Council sought Expressions of Interest for the role of Chair and independent members of the ARIC. The assessment process for independent members has been undertaken, this report seeks Council's endorsement for the recommended appointment of the two listed applicants. A recruitment process for the third independent member will take place in 2025.

### **RECOMMENDATION**

THAT:

1. Council endorse the appointment of the applicants listed in the confidential attachment to this report.
2. Correspondence from the General Manager be forwarded to the successful applicants inviting them to join the Audit, Risk and Improvement Committee as an independent member.
3. Council note correspondence from the Director of Finance and Corporate Services has been forwarded to unsuccessful applicants, thanking all other applicants for expressing an interest in the role.

### **BACKGROUND**

The ARIC is an advisory committee to Council. Under the Risk Management and Internal Audit for local government in NSW Guidelines 2023, ARIC's are required to comprise a minimum of one independent Chairperson and at least two independent members, who have voting rights.

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**FCS24/043 APPOINTMENT OF INDEPENDENT MEMBERS OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE S004-T00048**

Council's ARIC Terms of Reference (ToR) provide for four independent members (including an independent Chairperson), and that a quorum consists of a majority of independent members.

In April 2024 Council considered a report regarding re-establishment of Council's ARIC that included public exhibition of the ToR and Internal Audit Charter, membership, frequency of meetings, and sitting fees.

On 18 June 2024 Council considered a report regarding adoption of the ARIC Terms of Reference and Internal Audit Charter which foreshadowed further reports regarding appointment of members. At the Ordinary Meeting of Council on 20 August 2024, Council endorsed the appointment of the recommended Chairperson - Mr. Grant Doran.

The ToR also frame the recruitment process so that the Chairperson is recruited in the first instance, followed by the remaining three independent members, in order that the Chairperson may have an involvement in the process of their appointment for the remaining members.

### **CONSIDERATIONS**

The ARIC Guidelines outline the purpose of the ARIC, the Statutory Framework, the role of the governing body, the role of the General Manager, and the role, composition and criteria for membership of the ARIC. Criteria of committee membership as per Guidelines as follows:

Independence criteria:

The Chairperson and independent voting committee members must not:

- Currently be a councillor of any NSW council.
- Be a non-voting representative of the board of the joint organisation.
- Be a candidate at the last election of the council.
- Be a person who has held office in the council during its previous term.
- Be currently employed by the council or joint organisation or been employed during the last 12 months.
- Conduct audits of the council on behalf of the Audit Office of NSW.
- Have a close personal or business relationship with a councillor or a person who has a senior role in the council that may lead to a real or perceived conflict of interest.
- Currently, or within the last three years, provided any material goods or services (including consultancy, legal, internal audit and advisory services) to the council which directly affect subjects or issues considered by the audit, risk and improvement committee.
- Be (or have a close family member who is) a substantial shareholder, owner, officer or employee of a company that has a material business, contractual relationship, direct financial interest or material indirect financial interest with the council or a related entity which could be considered a real or perceived conflict of interest, or

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**FCS24/043 APPOINTMENT OF INDEPENDENT MEMBERS OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE S004-T00048**

- Currently or have previously acted as an advocate of a material interest on behalf of the council or related entity which could be considered a real or perceived conflict of interest.

Essential criteria:

Independent members of Committee members must demonstrate the following:

- An ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest).
- Functional knowledge in areas such as risk management, performance management, human resources management, internal and external auditing, financial reporting, accounting,
- management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations.
- A capacity to form independent judgements and willingness to constructively challenge/question management practices and information.
- A professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of an independent member of an Audit, Risk and Improvement Committee.
- Preparedness to undertake any training on the operation of the Committees recommended by the Chairperson based on their assessment of the skills, knowledge and experience of the independent member.

Desirable criteria

- Extensive senior level experience in governance and management of complex organisations.
- Possession of a relevant professional qualification or membership.

Council received 25 applications during the recruitment period, with recruitment being advertised on 'seek.com'; Council's website and a media release on 11 July 2024.

In order to assess the EOI's received, Council convened an assessment panel comprising of Corporate Manager, Governance and Risk, Chairperson and the Director of Finance and Corporate Services. EOI's were assessed against the independence, essential and desirable criteria outlined above.

The confidential attachment to this report details the assessment outcomes. The attachment is classed CONFIDENTIAL under Section 10A(2) (a) of the *NSW Local Government Act 1993*, as it relates to personnel matters concerning particular individuals (other than councillors).

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**FCS24/043 APPOINTMENT OF INDEPENDENT MEMBERS OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE S004-T00048**

**Policy**

Council has complied with the Risk Management and Internal Audit Guidelines for local government in NSW (November 2023) in adopting the guidance documentation for the ARIC i.e. the ToR and Internal Audit Charter and proceeding to recruit the remaining independent members.

**Community and Stakeholder Engagement**

The community has been informed via reports to Council and opportunities to comment on the guidance documentation as reported via previous reports to Council in April, June and August 2024. Media advising of recruitment was released on 11 July 2024.

**CONCLUSION**

This report is the fourth report to Council on this matter and seeks Council endorsement of the appointment of two of the remaining three independent members of the ARIC, with the fourth independent member to be recruited in 2025.

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**FCS24/044 DISCLOSURE OF PECUNIARY INTEREST AND OTHER MATTERS  
RETURNS**

**S012-T00031,  
S021-T00004**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services  
Attachments: Nil  
Outcome: 5 Our engaged community with progressive leadership  
Focus Area: 5.2 Proactive, responsive and strategic leadership  
Delivery Program Link: 5.2.2 Implement effective governance and long-term planning  
Operational Plan Link: 5.2.2.1 Assist the Council in meeting its statutory obligations and roles

**EXECUTIVE SUMMARY**

In accordance with section 440AAB of the *Local Government Act 1993* councillors and designated persons who hold that position on 30 June in each year are required to lodge a "Disclosures by Councillors and Designated Persons Return" with their general managers by 30 September each year.

Accordingly, the Disclosure of Pecuniary Interest and Other Matters returns for Councillors and designated staff for 2023-24 are tabled.

**RECOMMENDATION**

THAT the report on the Disclosure of Pecuniary Interest and Other Matters returns for 2023-24 be received and noted.

**BACKGROUND**

The lodgement date for Disclosure of Pecuniary Interest and Other Matters returns covering 1 July 2023 to 30 June 2024 was 30 September 2024.

Notice was provided to Councillors and designated staff on 12 August 2024.

**CONSIDERATIONS**

**Legal**

The lodgement of Pecuniary Interest and Other Matters returns is required to comply with section 440AAB of the *Local Government Act 1993*.

**Community Engagement**

Councillor and designated staff forms are provided on Council's website with personal information redacted.

**CONCLUSION**

The register of returns by Councillors and designated staff for their disclosures of pecuniary interests and other matters is now tabled in accordance with section 440AAB of the *Local Government Act 1993*.



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**FCS24/045 INVESTMENTS MADE AS AT 31 AUGUST 2024**

**S011-T00006,S012-T00025**

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

**EXECUTIVE SUMMARY**

The purpose of this report is to:

- certify that Council's investments in financial instruments have been made in accordance with 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 August 2024, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2021*, be received.

**CONSIDERATIONS**

**Policy**

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

As at 31 August 2024, the portfolio is compliant with Council's Investment Policy adopted by Council on 9 August 2022 (Minute 22/190). A summary of holdings by risk category is summarised below in Table 1.

FCS24/045 INVESTMENTS MADE AS AT 31 AUGUST 2024

S011-T00006,S012-T00025

**Table 1 – Policy Risk Categories**

S&P Long Term Category	S&P Short Term Category	Policy Risk Category	Current Holdings	Maximum Holdings
AAA (Government Guaranteed Deposits)	A-1+	Remote Risk	1.25%	100%
AAA to AA	A-1+	Near Risk Free	61.66%	100%
A	A-1 to A-2	Near Risk Free	37.09%	40%
BBB+	A-2	Some Limited Risk	0.00%	30%

## Financial

### Investment holdings summary

Table 2 provides a summary of cash and investment balances as at 31 August 2024. Fossil fuel free refers to institutions that have no exposure or no longer directly finance projects in the fossil fuel industry but still have some exposure from historical funding.

**Table 2 – Investment holdings by category**

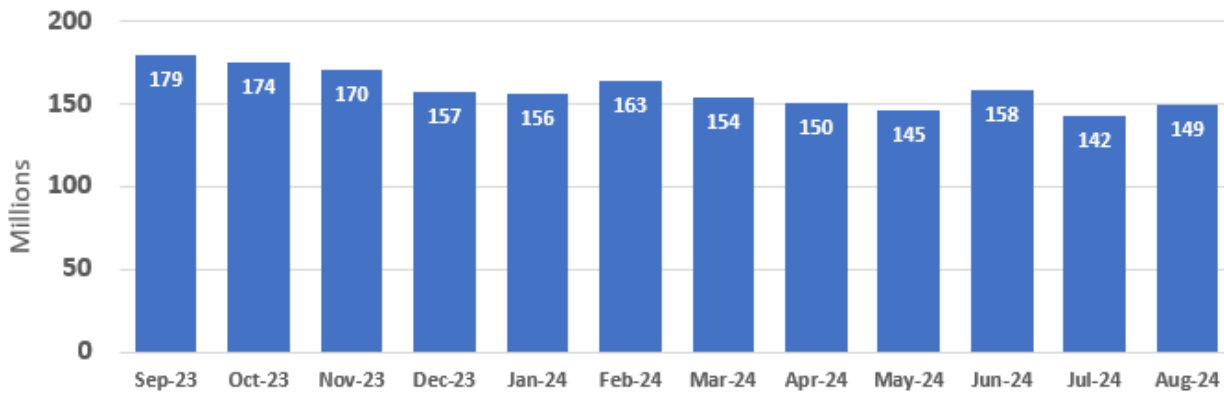
Category	(\$)	% of Portfolio
At Call Deposit	11,897,413	8.50%
Term Deposits – Government Guaranteed	1,750,000	1.25%
Term Deposits – Fossil Fuel Free Institutions	41,000,000	29.30%
Term Deposits	85,280,000	60.95%
<b>Total Investments</b>	<b>139,927,413</b>	
Cash at Bank (Operating Account)	<b>9,375,203</b>	
<b>Total Cash and Investments</b>	<b>149,302,616</b>	

Cash and investments increased by \$7m in August 2024, primarily due to the collection of the 1<sup>st</sup> Rates instalment. Graph 1 displays Council’s cash and investments balance over a 12-month period.

FCS24/045 INVESTMENTS MADE AS AT 31 AUGUST 2024

S011-T00006,S012-T00025

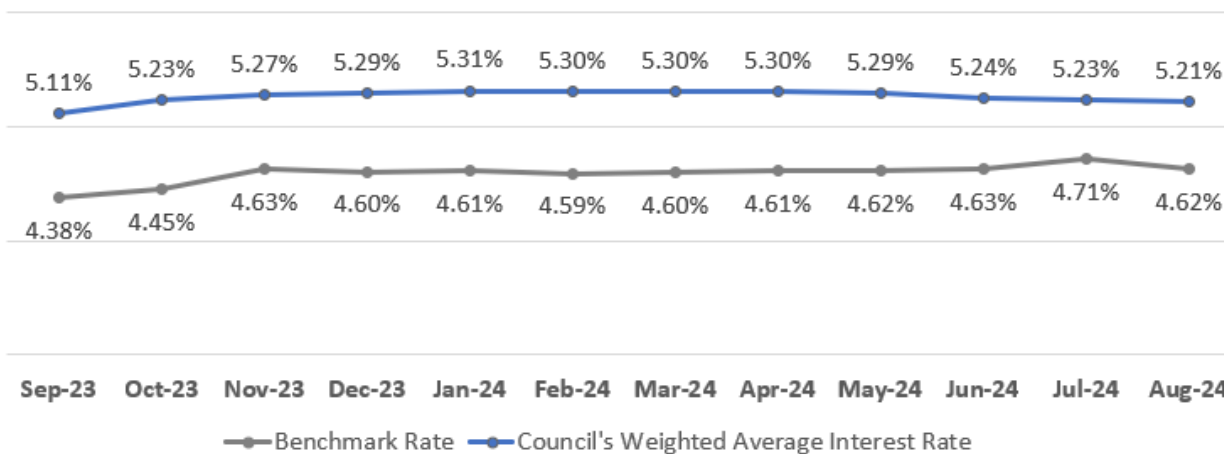
Graph 1 – Total Cash and Investment Balances (12 months)



Performance

The weighted average monthly return on Council’s investments for August 2024 is 5.21%, surpassing the Council policy benchmark of 4.62%, calculated using the bank bill swap rate (BBSW) plus 0.25%. Graph 2 compares Council’s weighted average return to the benchmark rate over a 12-month period.

Graph 2 – Investment performance over 12 months



**CONCLUSION**

Pursuant to provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2021* I hereby certify that these investments have been made in accordance with the *Local Government Act 1993* and related regulations.

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**FCS24/046 INVESTMENTS MADE AS AT 30 SEPTEMBER 2024**

**S011-T00006,S012-T00025**

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

**EXECUTIVE SUMMARY**

The purpose of this report is to:

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

**RECOMMENDATION**

THAT the certification of investments as at 30 September 2024, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2021*, be received.

**CONSIDERATIONS**

**Policy**

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

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

FCS24/046 INVESTMENTS MADE AS AT 30 SEPTEMBER 2024

S011-T00006,S012-T00025

**Table 1 – Policy Risk Categories**

S&P Long Term Category	S&P Short Term Category	Policy Risk Category	Current Holdings	Maximum Holdings
AAA (Government Guaranteed Deposits)	A-1+	Remote Risk	1.17%	100%
AAA to AA	A-1+	Near Risk Free	64.20%	100%
A	A-1 to A-2	Near Risk Free	34.63%	40%
BBB+	A-2	Some Limited Risk	0.00%	30%

### Financial

#### Investment holdings summary

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

**Table 2 – Investment holdings by category**

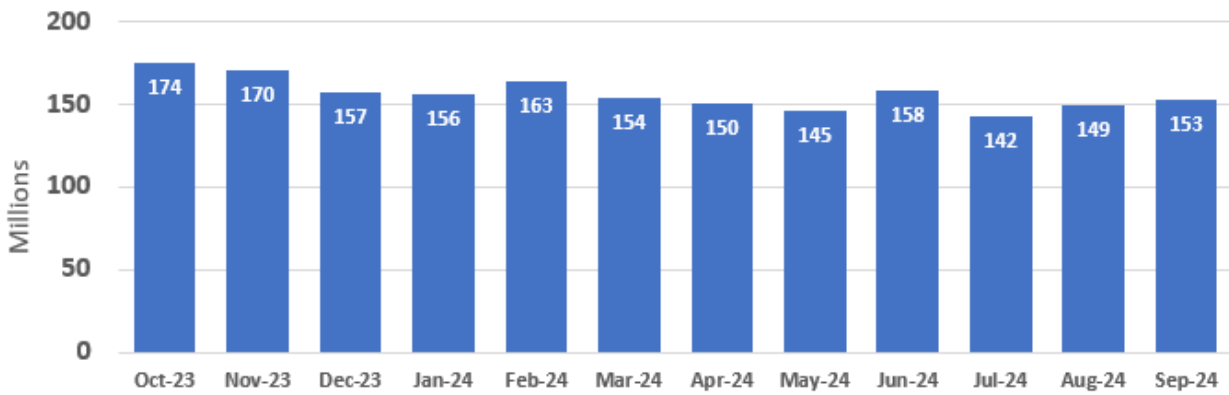
Category	(\$)	% of Portfolio
At Call Deposit	11,937,897	7.96%
Term Deposits – Government Guaranteed	1,750,000	1.17%
Term Deposits – Fossil Fuel Free Institutions	41,000,000	27.34%
Term Deposits	95,280,000	63.53%
<b>Total Investments</b>	<b>149,967,897</b>	
Cash at Bank (Operating Account)	<b>2,963,881</b>	
<b>Total Cash and Investments</b>	<b>152,931,778</b>	

Cash and investments increased by \$3.6m in September 2024, primarily due to the collection of water usage fees to 30 July 2024 and the receipt of various grant funds. Graph 1 displays Council's cash and investments balance over a 12-month period.

FCS24/046 INVESTMENTS MADE AS AT 30 SEPTEMBER 2024

S011-T00006,S012-T00025

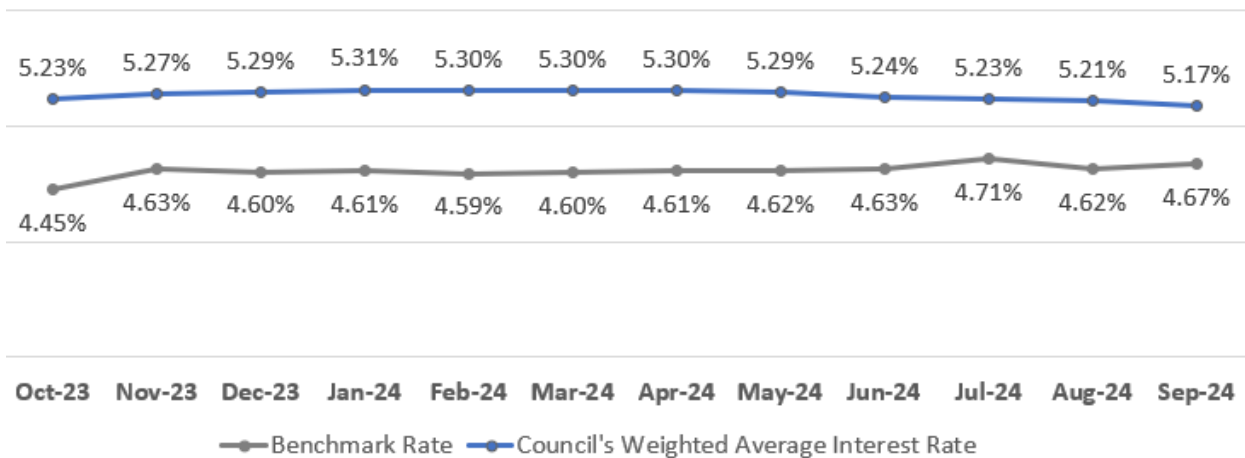
Graph 1 – Total Cash and Investment Balances (12 months)



Performance

The weighted average monthly return on Council’s investments for September 2024 is 5.17%, surpassing the Council policy benchmark of 4.67%, calculated using the bank bill swap rate (BBSW) plus 0.25%. Graph 2 compares Council’s weighted average return to the benchmark rate over a 12-month period.

Graph 2 – Investment performance over 12 months



CONCLUSION

Pursuant to provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2021*, I hereby certify that these investments have been made in accordance with the *Local Government Act 1993* and related regulations.



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**IR24/018 LOCAL TRAFFIC COMMITTEE NO.2 FOR 2024-25**

**S030-T00018**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Minutes LTC No. 2  
2. Under Separate Cover - Minutes LTC No. 2 - Attachments

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

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

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

Operational Plan Link: 4.1.1.3 Coordinate the Local Traffic Committee

**EXECUTIVE SUMMARY**

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

Recommendations arising from the Local Traffic Committee meeting No. 2 held 8 August 2024 are as follows:

**RECOMMENDATION**

THAT Council approves:1.The following acts for determination from Local Traffic Committee No. 2:

- **2025.RT.002 Wimbie Street, carpark signage, Surf Beach**

That Council Plan 5490-U-01, for signage at Wimbie Street carpark, Surf Beach, be approved.

- **2025.RT.003 Berrima Street, signage, Catalina**

That Council Plan 5490-GA-01, for signage at Berrima Street, Catalina, be approved.

- The following Special Events and Informal Items:

- **2025.SE.001 Special Event - Crank It Up**

That the Crank it Up Rock and Roll Event, to be conducted in the Batemans Bay CBD on Saturday 16 and Sunday 17 November 2024 on Clyde Street and Orient Street based on the submitted Traffic Management and Control Plans be approved.

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 2 for 2024-25 was held on 8 August 2024. The meeting was attended by Kate McDougall (ESC Traffic Coordinator), Donna Bins (Transport for NSW), Ariann Fernie (Transport for NSW), Councillor Amber Schutz, Skye Steedman (Dr Holland Office), Chief Inspector John Sheehan (NSW Police), Senior Sgt Scott Britt (NSW Police), Kelly-Ann Marshall (ESC Surveillance Officer, Maintenance), Katherine Buttsworth (ESC Road Safety Officer), Sheree Ward (ESC Infrastructure Support Officer).

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**IR24/018 LOCAL TRAFFIC COMMITTEE NO.2 FOR 2024-25**

**S030-  
T00018**

**Apologies**

Thomas Franzen (ESC Divisional Manager, Technical Services)

**CONCLUSION**

The minutes of the Eurobodalla Local Traffic Committee meeting No. 2 for 2024-25 are attached to this report and provide further background for the recommendation.



**LOCAL TRAFFIC COMMITTEE  
REPORTS**

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<b>Meeting No:</b> 2-24/25	<b>File No</b> -----
<b>Date:</b> Thursday 8 August 2024	<b>Time:</b> 9:30am
<b>Location:</b> Eurobodalla Shire Council – Glass Meeting Room	

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**OUTSTANDING ITEMS**

No Items

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

**5.1 2025.RT.002 Wimbie Street, carpark signage, Surf Beach**

**RECOMMENDATION**

That Council Plan 5490-U-01, for signage at Wimbie Street carpark, Surf Beach, be approved.

**BACKGROUND**

Council has been notified those residents of 35 and 37 Wimbie Street, Surf Beach are having issues exiting their driveways during peak beach usage times. Beach goers are trying to maximise the car park space by parking across the driveways and onto the front lawn of the two residents. As the residents only have access to Wimbie Street via the Wimbie Street carpark, their driveway is blocked on a regular basis by vehicles, and in turn their waste collection is also compromised.

Council's Traffic Coordinator inspected the site and a plan for signage for NO PARKING was devised to alleviate issues for residents of 35 and 37 Wimbie Street and their ability to enter and leave their properties. An agreement has been reached to service their waste collection at the end of Wimbie Street.

**CONCLUSION**

Signage at Wimbie Street Carpark will reduce congestion and create a safer area for residents to arrive and exit their properties, and pedestrians using the Coastal Headland Track.

**5.2 2025.RT.003 Berrima Street, signage, Catalina**

**RECOMMENDATION**

That Council Plan 5490-GA-01, for signage at Berrima Street, Catalina, be approved.

**BACKGROUND**

Council had been notified that heavy vehicles have been parking in the turnaround area of Berrima Street Catalina. The vehicle had been parking there on a regular basis and have prevented vehicles from executing a turnaround manoeuvre. To allow vehicles to use the turn around area, NO PARKING signs will be erected to remind residents and visitors that no parking is allowed in the turn around bay.

**CONCLUSION**

The signage in Berrima Street, Catalina turn-around area will allow both visitors and residents to manoeuvre their vehicles more safely and ensure that parking within this area is not permitted.



**LOCAL TRAFFIC COMMITTEE  
REPORTS**

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<b>Meeting No:</b> 2-24/25	<b>File No</b> -----
<b>Date:</b> Thursday 8 August 2024	<b>Time:</b> 9:30am
<b>Location:</b> Eurobodalla Shire Council – Glass Meeting Room	

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**ITEM 6 - INFORMAL ITEMS FOR DISCUSSION**

**6.1 2025.SE.001 Special Event - Crank It Up**

That the Crank it Up Rock and Roll Event, to be conducted in the Batemans Bay CBD on Saturday 16 and Sunday 17 November 2024 on Clyde Street and Orient Street based on the submitted Traffic Management and Control Plans be approved.

**BACKGROUND**

A special event application that includes Traffic Management and Control Plan documentation has been received for the Crank it Up Rock and Roll Event to be conducted in the Batemans Bay CBD. Traffic management will be in place on Saturday 16 and Sunday 17 November 2024 in Clyde Street and Orient Street.

Crank it Up is a three-day rock n roll event to be conducted between Friday 15 November and Sunday 17 November 2024. It will be held in the Batemans Bay CBD and presented by Batemans Bay Rock n Rollers in partnership with the Batemans Bay Soldiers Club.

Various activities are proposed including unique food experiences, eight bands and custom car showings.

The part of the event that requires traffic management is on Saturday 16 November on Clyde St Batemans Bay closed for through traffic from the intersection of North Street to the Bridge Plaza carpark exit. The road closure times are:

Saturday 16<sup>h</sup> 7:00am -4:00pm

Sunday 17<sup>th</sup> 7:00am – 3:00pm

Access to North Clyde Street for residents, accommodation, and event vehicles, is via the Bridge Plaza Carpark under traffic control.

One lane will always remain clear on Clyde Street to allow Emergency services access if required.

Request for extended parking times November 16 and 17 for event vehicles in Clyde Street within the event site.

Event will use Soldiers Club shuttle bus to move event patrons to site, thereby minimising traffic impact of patron vehicle.

All businesses have been consulted regarding the road closure and been delivered a hard copy of the road closure plan including:

- Impact of parking restrictions and vehicle access
- Timing of the event
- Pedestrian movements
- Traffic control measures
- Emergency services contingency

All businesses provided a positive response to the event and encouraged further events of similar nature in Batemans Bay. In addition, the Batemans Bay Chamber of Commerce is in full support of the event.



**LOCAL TRAFFIC COMMITTEE  
REPORTS**

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**Meeting No:** 2-24/25

**File No** -----

**Date:** Thursday 8 August 2024

**Time:** 9:30am

**Location:** Eurobodalla Shire Council – Glass Meeting Room

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**ITEM 7 – GENERAL BUSINESS**

**ITEM 8 – DEVELOPMENT APPLICATIONS**

**ITEM 9 – NEXT MEETING**

14 November 2024

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## 17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

In accordance with Section 10A(4) of the *Local Government Act 1993*, a council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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



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

### AGENCY ADVICE

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

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

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

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

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

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