



AGENDA

Ordinary Meeting of Council

29 April 2025

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 APRIL 2025

COMMENCING AT 12:30 PM

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 25 March 2025

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

6. PUBLIC FORUM

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7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

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Nil

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MARK FERGUSON
INTERIM GENERAL MANAGER

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**NOM25/001 RESCISSION OF MOTION 25/35 - REVIEW OF COUNCIL DECISION - PROPOSED
LICENCE FOR FOOD TRUCK, NAROOMA**

S026-TT00010

Responsible Officer: Phil Constable - Clr

Attachments: 1. Signed Rescission Motion - 1
 2. Signed Rescission Motion - 2

Rescission Motion signed by Councillor Phil Constable, Councillor Sharon Winslade and Councillor Rob Pollock, received 26 March 2025.

We the undersigned give notice that we intend to move a motion to rescind the following resolution (Minute Number 25/35) regarding FCS25/018 Review Of Council Decision – Proposed Licence For Food Truck, Narooma as resolved at the Council Meeting on 25 March 2025:

25/35 MOTION

THAT:

1. *Council notes it has reviewed the decision made on report FCS24/055, AND that*
2. *Council grant a licence for one year for the operation of a food truck within Lot 7011 DP 1055108 with the following conditions:*
 - (a) *Provision of evidence of \$20 million public liability insurance.*
 - (b) *All relevant legislation must be complied with.*
 - (c) *Licence conditions generally in line with similar Crown licences and including requirements to:*
 - (i) *keep the area in a clean, tidy and well-maintained condition*
 - (ii) *not discourage or obstruct access to the toilets or public bench seating*
 - (iii) *make it clear any tables and chairs are for the general public to use*
 - (iv) *for the licensee to promote other food outlets within walking distance of the existing business*

MOTION

THAT Council rescinds motion 25/35 - Review Of Council Decision – Proposed Licence For Food Truck, Narooma.

GENERAL MANAGER RESPONSE

Section 100 of the *Local Government Act 1993* (NSW) (**Local Government Act**) was not available as a right of appeal against the Council's decision of 17 December 2024 to not grant the Licence for a food truck. The correct and only avenue of review of the Council's decision of 17 December 2024 not to grant the Licence was for the Council to reconsider its decision at a later meeting, which was held on 25 March 2025. It is open to the Council to revisit its decision to grant the Licence through the Rescission Motion, provided the Rescission Motion complies with s372 of the *Local Government Act*.

NOM25/001 RESCISSION OF MOTION 25/35 - REVIEW OF COUNCIL DECISION -
PROPOSED LICENCE FOR FOOD TRUCK, NAROOMA
ATTACHMENT 1 SIGNED RESCISSION MOTION - 1

NOTICE OF RESCISSION MOTION

To : Acting General Manager: Stephanie Speedy

Eurobodalla Shire Council

From: Clr Phil Constable

Date: 26/03/2025

**Subject: Notice of Rescission Motion – FCS25/018 Review of Council Decision –
Proposed Licence for Food Truck, Narooma, Land ID 34247**

NOTICE IS HEREBY GIVEN that, in accordance with the relevant provisions of the Local Government Act, I, Councillor Phil Constable, intend to move the following motion at the next meeting of the Council:

MOTION:

That the Council rescind its decision of 25th March 2025 to grant the licence for the Food Truck in Narooma. That was passed by Council as Agenda Item FCS25/018 Review of Council Decision - Proposed Licence for Food Truck, Narooma (Land ID 34247).

Signatories of Councillors Supporting this recession Motion.

Clr Phil Constable



Clr Sharon Windslade



Clr Rob Pollock



26th March 2025.

NOM25/001 RESCISSION OF MOTION 25/35 - REVIEW OF COUNCIL DECISION -
PROPOSED LICENCE FOR FOOD TRUCK, NAROOMA
ATTACHMENT 2 SIGNED RESCISSION MOTION - 2

NOTICE OF RESCISSION MOTION

To : Acting General Manager: Stephanie Speedy

Eurobodalla Shire Council

From: Clr Phil Constable

Date: 26/03/2025

**Subject: Notice of Rescission Motion – FCS25/018 Review of Council Decision –
Proposed Licence for Food Truck, Narooma, Land ID 34247**

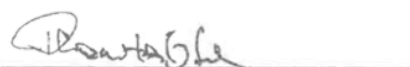
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Signatories of Councillors Supporting this recession Motion.

Clr Phil Constable



Clr Sharon Windslade



Clr Rob Pollock



26th March 2025.

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**NOM25/002 COUNCILLOR REPRESENTATION ON AUDIT RISK AND IMPROVEMENT
COMMITTEE**

Responsible Officer: Phil Constable - Clr

Attachments: Nil

Councillor Phil Constable has given notice that at the Ordinary Meeting of Council on 29 April 2025, he will move the following motion.

MOTION

THAT Council appoint an elected representative as a non-voting member to the Audit Risk and Improvement Committee for the balance of the Council term and that the current terms of reference be updated.

BACKGROUND

The model guidelines supplied by the Office of Local Government NSW provide that the Council can appoint a councillor to the Audit, Risk and Improvement Committee as a non-voting member of the committee. This is to ensure that the decisions made by the committee remain independent of the Council.

The purpose of the Council appointing a representative of the governing body would be:

- Relay to the committee any concerns the governing body may have regarding the Council and issues being considered by the committee
- Provide insights into local issues and the strategic priorities of the Council that would add value to the committee's consideration of agenda items
- Advise the governing body (as necessary) of the work of the committee and any issues arising from it, and
- Assist the governing body to review the performance of the committee each council term.

The term of appointment would be for the balance of the Council term, and it would be expected the councillor representative would conduct themselves in a non-partisan and responsible manner as identified in the guidelines of the Office of Local Government NSW.

Eligibility criteria for councillor members

To be appointed as a non-voting audit, risk and improvement committee member a councillor should 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)
- a good understanding of one or more of the following: 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

**NOM25/002 COUNCILLOR REPRESENTATION ON AUDIT RISK AND
IMPROVEMENT COMMITTEE**

- a professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of a councillor member of an audit, risk and improvement committee, and
- preparedness to undertake any training on the operation of audit, risk and improvement committees recommended by the chairperson based on their assessment of the skills, knowledge and experience of the councillor member.

GENERAL MANAGER'S RESPONSE

It is open to the Council to appoint a representative to the Audit, Risk and Improvement Committee. The councillor will not be a voting member. This retains the committee's independence. It is expected that the appointment will improve communication between the Council and the committee. The committee's terms of reference will be updated where required.

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GMR25/001 DRAFT EUROBODALLA EVENTS STRATEGY 2025-29

S026-T00001

Responsible Officer: Kellee Pisanos - Chief Operating Officer

Attachments: 1. Under Separate Cover - Draft Eurobodalla Events Strategy 2025-29

Community Goal: 3 Our region of vibrant places and spaces

Community Strategy: 3.2 Support diversified industry and thriving businesses

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

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

EXECUTIVE SUMMARY

The purpose of this report is to seek Council resolution to publicly exhibit the draft Eurobodalla Events Strategy 2025-29.

The strategy reflects the need to assist the community and event organisers in delivering safe and successful events in Eurobodalla. The strategy incorporates stakeholder feedback from event organisers, tourism providers, infrastructure suppliers, service contractors, and event attendees.

The strategy focuses on three key areas: streamlining event approvals, investing in Council venues, and promoting Eurobodalla as a premier event destination. These initiatives will enhance the event organiser experience, improve attendee satisfaction, and strengthen Eurobodalla's economic and cultural landscape.

RECOMMENDATION

THAT:

1. Council places the draft Eurobodalla Events Strategy 2025-29 on public exhibition for a period of 28 days.
2. Following the exhibition period, the draft strategy and any public submissions be presented to Council for consideration.

BACKGROUND

The Eurobodalla Destination Action Plan 2024-28 highlights the essential role of events in driving sustainable economic and community development. Events stimulate the visitor economy, support local businesses, and position Eurobodalla as a dynamic and engaging destination.

The draft Eurobodalla Events Strategy 2025-29 provides a structured approach for Council to support and expand the events sector. It focuses on enhancing event quality and increasing event frequency by streamlining approval processes, improving event venues, and developing targeted promotional strategies and strategic partnerships.

The strategy improves Council's grant funding model for events, providing increased flexibility at a time when the events industry needs it most. These initiatives intend to attract high-quality events, strengthen local industries, and enhance the overall event experience for organisers and attendees. Inform Council about relevant matters that have led to the current situation and

GMR25/001 DRAFT EUROBODALLA EVENTS STRATEGY 2025-29

S026-T00001

provide detail of the relevant issues and background. Reference to any relevant earlier Council reports and decisions should be included, and should advise of Council's decision at the time.

CONSIDERATIONS

Policy

The Eurobodalla Destination Action Plan 2024-28 recognises the need for a dedicated Event Strategy to support the region's growth in tourism and events. The draft Eurobodalla Events Strategy 2025-2029 builds upon the success of the 2019-2023 Strategy and aligns with local, regional, and state policies to strengthen Eurobodalla's position as a premier event destination.

Environmental

The Eurobodalla Destination Action Plan 2024-28 identifies that one of the region's key competitive advantages is its pristine natural environment. Protecting and enhancing this asset is essential for long-term sustainability and the continued appeal of Eurobodalla as a premier destination for visitors and event organisers.

The draft Eurobodalla Events Strategy 2025-29 incorporates environmental initiatives aimed at fostering cleaner, greener, and more sustainable events. The strategy extends Council's environmental commitments to event organisers hosting events on Council owned and managed land.

Social Impact

The draft Strategy will align with the goals of the Eurobodalla Community Strategic Plan 2042:

1. Our community
2. Our economy
3. Our environment
4. Our infrastructure
5. Our civic leadership

Economic Development Employment Potential

Events generate significant employment opportunities across multiple industries, including hospitality, tourism, logistics, and event management. A single event can require staffing for roles such as security, catering, production, and transport, creating both direct and indirect job demand. By increasing the number and scale of events in Eurobodalla, there will be a measurable rise in employment opportunities and economic activity across these sectors.

Volunteer participation also plays an important role in event delivery, particularly in community-based events.

Financial

Funding programs featured in the draft Eurobodalla Events Strategy 2025-29 form part of the Eurobodalla Community Grants and Donations program, with annual budget allocations included in the annual Operational Plan and budget each financial year.

The 2025-26 Operational Plan includes a budget of \$223,475 for the Community Grants and Donations program. Advise Council of financial or resource implications if the options or

GMR25/001 DRAFT EUROBODALLA EVENTS STRATEGY 2025-29

S026-T00001

recommendations are adopted. Highlight impact on operating budget, ongoing budgetary costs (i.e. maintenance), impact on capital budget and funding sources.

Community and Stakeholder Engagement

A post-event survey was introduced in 2023 to gather insights from event organisers and assess the challenges and opportunities within Eurobodalla's events sector.

The survey was distributed to organisers who have hosted events attracting over 300 patrons on Council owned or managed land since the start of the 2021 financial year.

Following the initial broadcast, event organisers have been asked to complete the survey after each event, ensuring a continuous flow of feedback.

In January 2025, Council's Events Team conducted a pulse check with major event organisers and previous Hallmark Grant Funding recipients. Additionally, internal Council event stakeholders were consulted throughout the strategy's development, including a roundtable pulse check in early February 2025.

A survey was provided to internal staff and event organisers in late January to confirm the identified priorities and challenges. The feedback has been consistently positive, confirming that the Strategy's focus areas align with the needs of the events sector and the broader community.

Council will place the draft Eurobodalla Events Strategy 2025-29 on public exhibition for a period of not less than 28 days and will be available for viewing on Council's website.

CONCLUSION

The draft Eurobodalla Events Strategy 2025-29 is an important strategic priority of the adopted Eurobodalla Destination Action Plan 2024-28.

The strategy prioritises opportunities and actions to deliver an achievable and realistic action plan and event assessment framework to guide Council's support for the growth and development of tourism and community events.

As part of the community and stakeholder engagement process, this report seeks Council resolution for the draft strategy to be placed on public exhibition for 28 days.

Following the expiration of the exhibition period, the draft strategy and any public submissions will be presented to Council for consideration.

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**GMR25/002 REVIEW OF EUROBODALLA COMMUNITY GRANTS AND
DONATIONS POLICY**

S014-T00019

Responsible Officer: Kellee Pisanos - Chief Operating Officer

Attachments: 1. Under Separate Cover - Draft Eurobodalla Community Grants and Donations Policy - April 2025 - For Public Exhibition

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: 5.2.1.2 Administer community grants and donations

EXECUTIVE SUMMARY

This report presents the revised Community Grants Policy (draft Eurobodalla Community Grants and Donations Policy) and seeks Council resolution to place the policy on public exhibition for 28 days for community feedback.

The policy provides a clear framework for the distribution of financial and in-kind support to eligible individuals, community groups, not-for-profit organisations, and local businesses. It ensures that all financial assistance is allocated fairly and transparently, with a focus on delivering meaningful community outcomes.

The revised policy supports Council's commitment to improving community well-being, encouraging civic participation, and contributing to the Shire's social, cultural, environmental, and economic development.

Under Section 356 of the *Local Government Act 1993*, Council is authorised to provide financial assistance where it supports its functions. The policy outlines a structured approach for:

- Community grants – funding for local projects that address identified needs
- Donations – unconditional financial or in-kind support for causes of broad community benefit.

The policy applies to all outgoing financial assistance and ensures that decisions are consistent, fair, and aligned with the Community Strategic Plan 2042.

RECOMMENDATION

THAT

1. Council places the draft Eurobodalla Community Grants and Donations Policy on public exhibition for 28 days to receive feedback from the community.
2. Following the exhibition period, Council will consider any submissions from the community prior to adoption of the Policy.

BACKGROUND

The draft Eurobodalla Community Grants and Donations Policy follows best practice and ensures financial assistance is strategically aligned with the Eurobodalla Community Strategic Plan 2042, Delivery Program and Operational Plan.

**GMR25/002 REVIEW OF EUROBODALLA COMMUNITY GRANTS AND
DONATIONS POLICY**

S014-T00019

Funding is distributed through defined streams and categories that reflect Council's objectives and community priorities. Grant funding is designed to be responsive to emerging issues and trends, with priorities informed by current data, community insights, and Council's strategic direction.

Grant streams, objectives, and themes are regularly reviewed to ensure funding remains relevant and impactful. The policy is structured to align with the five themes of the Eurobodalla Community Strategic Plan 2042, with all grant and donation funding streams fitting within these themes:

1. Our community
2. Our economy
3. Our environment
4. Our infrastructure
5. Our civic leadership.

Inform Council about relevant matters that have led to the current situation and provide detail of the relevant issues and background. Reference to any relevant earlier Council reports and decisions should be included, and should advise of Council's decision at the time.

CONSIDERATIONS

The Policy aligns financial assistance with Council's strategic objectives and Community Strategic Plan, supporting a shared vision for a strong, engaged, and inclusive Eurobodalla community.

The policy establishes clear roles for Council and the community, ensures robust governance and accountability, and promotes accessibility and fairness in the funding process, while optimising the impact of public funds.

The objectives of the policy are to:

- Support initiatives that encourage active participation in community life
- Encourage innovative solutions to identified community needs
- Assist community groups and local not-for-profit organisations to build capacity
- Promote good governance and long-term sustainability for community organisations
- Enable partnerships and collaboration between local organisations, businesses, and key community stakeholders.

Legal

The policy applies to all community grants and donations offered by Eurobodalla Shire Council for eligible individuals, organisations, businesses, or community groups applying for a grant or donation.

**GMR25/002 REVIEW OF EUROBODALLA COMMUNITY GRANTS AND
DONATIONS POLICY**

S014-T00019

The policy applies to all Council officials, as defined in Council's Code of Conduct, and provides a structured framework for the distribution of funds under Section 356 of the *Local Government Act 1993* which states:

(1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

Section 610E of the *Local Government Act 1993* allows the General Manager, through delegation of the Council, to waive payment of or reduce a fee in a particular case, if it is satisfied that the case falls within a category of hardship or any other category that Council has determined it may consider in waiving payment, or reducing a fee.

Policy

The Community Grants Policy was last reviewed and adopted by Council on 22 November 2022 (GMR22/111 – Minute number 22/313).

Financial

The Community Grants and Donations program budget allocations are to be included in the annual Operational Plan and budget each financial year.

The 2025-26 Operational Plan includes a budget of \$223,475 for the Community Grants and Donations program. Advise Council of financial or resource implications if the options or recommendations are adopted. Highlight impact on operating budget, ongoing budgetary costs (i.e. maintenance), impact on capital budget and funding sources.

Community and Stakeholder Engagement

Community feedback is proposed through public exhibition of the draft policy for 28 days and will be available for viewing on Council's website.

CONCLUSION

The draft Eurobodalla Community Grants and Donations Policy is an overarching document that enables Council to provide financial assistance for the purpose of exercising its functions under section 356 of the Local Government Act 1993 (Act).

The draft Eurobodalla Community Grants and Donations Policy is recommended to be placed on public exhibition to consider any submissions from the community before being presented to Council for adoption.

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PSR25/008 NEW ANIMAL SHELTER DESIGN AND CONSTRUCTION

S010-T00003

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 1. Under Separate Cover - Proposed Animal Shelter Plans
2. Previous Council Report 19 November 2024

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

Community Strategy: 2.4 Foster a safe community

Delivery Program Link: 2.4.3 Provide companion animal services, guided by the Companion Animal Management Plan 2018

Operational Plan Link: 2.4.3.3 Manage animal impounding and rehoming

EXECUTIVE SUMMARY

This report seeks Council's endorsement to prepare a development application for the construction of a new animal shelter (shelter) and part re-positioning of the existing stock yards at Lot 220 DP787419 Pollwombra Road, Moruya.

The proposed site and plans for the new shelter (refer attached plans) is within the current site and relocated north of the existing animal shelter.

To accommodate the construction of the new shelter, the livestock pens must be re-positioned temporarily. It is recommended these pens would be dismantled and reconstructed within the car park of the existing shelter. This will also enable an adequate turning circle for stock transporters driving heavy vehicles during the construction period.

This report recommends that approval be granted to commence the development application process for the construction of the new animal shelter.

RECOMMENDATION

THAT

1. The report concerning the proposed site for the new animal shelter and re-positioning of the livestock yards be received.
2. Approval is sought to temporarily relocate all or part of the existing livestock sale yards to the car park of the current animal shelter during construction
3. Approval be granted to prepare and submit a Development Application for the construction of the new animal shelter, re-positioning of the livestock yards and the demolition of the existing animal shelter.
4. Council approves the submission of grant applications to support this project.

BACKGROUND

The existing shelter was built in 1989 and houses dogs and cats for 365 days each year. The shelter holds companion animals overnight pending owner notification and subsequent pick-up, and, in some instances, the animals are kept longer than the 18-day impoundment period.

The shelter requires ongoing maintenance to ensure the safety of the animals, staff and pet owners who visit.

PSR25/008 NEW ANIMAL SHELTER DESIGN AND CONSTRUCTION

S010-T00003

The livestock yards are located nearby, are used intermittently and can be re-positioned to align with the new animal shelter.

At the Ordinary Meeting of Council on 19 November 2024 (see attached report), the following Motion was resolved (Min. No: 24/159):

THAT Council:

- 1. Notes the information relating to the proposed animal shelter Designated Construction,*
- 2. Consults with outside organisations, such as RSPCA and Animal Welfare League, on shelter design, use and management,*
- 3. Considers incorporating recommendations from NSW Parliamentary report, in particular Recommendation 15,*
- 4. Examines further optimum usage of the current site, and*
- 5. Council approve a submission of a grant application for \$3 million to support this project.*

CONSIDERATIONS

Consultation with RSPCA and the Animal Welfare league

The design plans of the new animal shelter were distributed to the Animal Welfare League (AWL) and the Royal Society for the Prevention of Cruelty to Animal (RSPCA) representatives. Council staff met with local representatives of these organisations and received positive feedback around the plans.

The plans were also reviewed by RSPCA Head Office, who endorsed the plans and applauded Council for their positive steps toward ensuring that the welfare of dogs and cats in animal shelters are improved and maintained beyond the code.

The RSPCA Head Office extended an invitation for Council staff to visit their new state-of-the-art refurbished facility in Yagoona. A site inspection was subsequently undertaken by Council's Senior Ranger and the Environmental Health and Compliance Coordinator.

NSW Legislative Council – Portfolio Committee No.8 Customer Service – Recommendation 15

Recommendation 15 of the Legislative Council Portfolio Committee 8 – Customer Service – “Pounds in New South Wales” [Pounds in New South Wales](#) report recommended that New South Wales develop an enforceable Code of Practice for the construction, care, and housing of companion animals including:

- Minimum space requirements for animals
- Quarantine and isolation areas
- Minimum size for exercise areas for animals
- Housing design that ensures animal health, welfare, physiological, psychological behaviour and social needs are met
- Appropriate heating, cooling, air quality, ventilation, lighting and noise control
- Separation of dogs and cats (and other species) in shelter facilities, so they cannot see, hear or smell each other

PSR25/008 NEW ANIMAL SHELTER DESIGN AND CONSTRUCTION

S010-T00003

- other requirements including access to veterinary care, appropriate first aid facilities, food storage, waste removal, hot and cold running water, vaccinations, and desexing.

This Code is yet to be developed by the NSW Government but Council in consultation with the RSPCA and the Animal Welfare League is confident that these matters have been addressed in the current design plans.

Optimum usage of the site

The proposed site for the new shelter is within the current site, north of the existing animal shelter. The animal shelter has been repositioned to within 12m of the Princes Highway in accordance with the Industrial Zones DCP.

Moderate vegetation exists on the eastern boundary of the site, screening the proposed shelter site from the Princes Highway; trees could be planted on the northern, and southern perimeters of the site, providing additional screening and shade to the compound.

The site is occupied by numerous livestock pens used for the sale of livestock which has been used intermittently for many years. It is proposed to part relocate the livestock pens adjacent to the proposed animal shelter.

Providing the livestock pens and the new animal shelter adjacent to each other will mean that the remainder of the site (location of current animal shelter) will be vacant and able to be used for other purposes.

Legal

The *Department of Primary Industries (DPI) - NSW Animal Welfare Code of Practice No: 5 – Dogs and Cats in animal boarding establishments* sets out the standards for the holding and care of cats and dogs for boarding - [NSW Animal Welfare Code of Practice No 5](#).

Due to the ongoing maintenance, age and the standards required by the *Department of Primary Industries (DPI) NSW* as well as the RSPCA, construction of a new animal shelter facility is a viable proposition. This construction will meet the current standards described by the *DPI NSW Animal Welfare Code of Practice No: 5 – Dogs and Cats in animal boarding establishments*.

Policy

There are no specific policies that Council must adhere to other than the Animal Welfare Code discussed previously.

Environmental

Environmental impacts of the proposal will be assessed as part of the development application process.

Asset

The construction of a new animal shelter will supersede the existing shelter which has been in use for approximately 33 years.

The existing shelter requires constant maintenance due to its age and to comply with the standards required by the DPI and the RSPCA. The re-positioning of the livestock yards will be to align with the setback of the new animal shelter, providing an adequate turning circle for stock transporters driving heavy vehicles.

PSR25/008 NEW ANIMAL SHELTER DESIGN AND CONSTRUCTION

S010-T00003

Financial

The Estimated Development Cost (EDC) for the proposed works has been prepared in accordance with the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The scope of works subject of this report relates to the proposed development of the animal shelter including an administration building, dog kennels, re-positioning of the livestock yards, external works and landscaping.

Based on current market rates and the documentation provided, the estimated cost of the project is around \$2 million. This does not include the cost of relocating part of the stock yards.

Council will apply for grant funding to support this project.

Community and Stakeholder Engagement

Informal discussions have taken place with branch representatives from both the Animal Welfare League and the RSPCA.

A site inspection of the existing shelter has also been undertaken by the branch representatives and Council officers.

Representatives from the Animal Welfare League and RSPCA have provided input into the development of the design plans.

The current plans for the new shelter were distributed to the Animal Welfare League (AWL) and local RSPCA branch representative, who in turn, onforwarded the plans to the RSPCA Head Office in Yagoona. RSPCA Head Office endorsed the design plans and congratulated Council for their proactive steps in ensuring that the welfare of dogs and cats in animal shelters are improved and maintained beyond the code.

Positive feedback from the animal welfare organisations was received by Council.

CONCLUSION

Whilst Council's present-day shelter is functional, there remains an ongoing cost to maintain the 33-year-old shelter to the minimum standards as identified by the RSPCA and DPI, as such, the shelter has attained its end-of-life purpose.

It is proposed that an area of 5500m² is required for the construction of the new shelter administration building, cattery, kennels, exercise area, car park and re-positioning of the livestock yards.

The design plan of the new shelter has been distributed to the Animal Welfare League and the RSPCA for scrutiny, Council has received positive feedback from both organisations.

To accommodate the construction of the new shelter, the livestock pens must be re-positioned temporarily. It is recommended these pens would be dismantled and reconstructed within the car park of the existing shelter.

REPORT TO ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL
HELD ON TUESDAY 19 NOVEMBER 2024

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PSR24/020 NEW ANIMAL SHELTER DESIGN AND CONSTRUCTION

**S010-
T00003**

Responsible Officer: Gary Bruce - Director of Planning and Environment
Attachments: Nil
Community Goal: 2 Our community that welcomes, celebrates, and supports everyone
Community Strategy: 2.4 Foster a safe community
Delivery Program Link: 2.4.3 Provide companion animal services, guided by the Companion
Animal Management Plan 2018
Operational Plan Link: 2.4.3.3 Manage animal impounding and rehoming

EXECUTIVE SUMMARY

This report seeks Councils determination regarding the construction of a new Animal Shelter at Pollwombra Road, Moruya.

The existing Animal Shelter is located at Lot 220 DP787419, Pollwombra Road, Moruya, it is proposed that a new shelter and associated car park be built on the site currently occupied by the livestock yards. It is recommended that all or part of the livestock sale yards be relocated to the car park of the existing shelter or that they be removed from the current site entirely and the livestock yards at the Moruya Showground be utilised instead.

Due to the ongoing maintenance, age and the standards required by the Department of Primary Industries (DPI) NSW as well as the RSPCA, construction of a new Animal Shelter facility is a viable proposition. This construction of the Animal Shelter will meet the current standards described by the Department of Primary Industries (DPI) *NSW Animal Welfare Code of Practice No: 5 – Dogs and Cats in animal boarding establishments*.

RECOMMENDATION

THAT

1. The report concerning the proposed site for the new Animal Shelter as identified within the current location, north of the existing animal shelter be received.
2. Approval is sought to temporarily relocate all or part of the existing livestock sale yards to the car park of the current animal shelter.
3. Approval be granted to prepare and submit a Development Application for the construction of the new Animal Shelter and the demolition of the existing Animal Shelter when it has become redundant.
4. Council approve a submission of a grant application for \$3 million to support this project.

REPORT TO ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL
HELD ON TUESDAY 19 NOVEMBER 2024

Page 2

PSR24/020 NEW ANIMAL SHELTER DESIGN AND CONSTRUCTION

**S010-
T00003**

BACKGROUND

The existing Shelter was built in 1989, some 33 years ago, and houses dogs and cats for 365 days each year. The Shelter holds companion animals overnight pending owner notification and subsequent pick-up and, in some instances, the animals are kept longer than the 18-day impoundment period.

The Shelter requires ongoing maintenance to ensure the safety of the animals, the staff and pet owners who visit.

It should be noted that the livestock yards are located nearby and are used intermittently.

CONSIDERATIONS

The proposed site for the new Shelter as identified in Appendix 1, is within the current parcel of land, north of the existing animal shelter. Moderate vegetation exists on the eastern boundary of the site, screening the proposed shelter site from the Princes Highway; trees could be planted on the northern, and southern perimeters of the site, providing additional screening and shade to the compound.

The site is occupied by numerous livestock pens used for the sale of livestock which have not occurred at this location for some time. The livestock pens are used sporadically, and only accommodating one or two animals when in use.

Legal

The Department of Primary Industries (DPI) *NSW Animal Welfare Code of Practice No: 5 – Dogs and Cats in animal boarding establishments* sets out the standards for the holding and care of cats and dogs for boarding. [NSW Animal Welfare Code of Practice No 5 - Dogs and cats in animal boarding establishments](#)

Financial

The Estimated Development Cost (EDC) for the proposed works has been prepared in accordance with the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The scope of works subject of this report relates to the proposed development of the Animal Shelter including an administration building, dog kennels, external works and landscaping.

Based on current market rates and the documentation provided, the estimated costs for the construction of the animal shelter are approximately \$1,941,848 (\$2,136,003 inclusive of \$194,185 GST).

It is proposed that the project can be part funded from Council and also from grant funding. A budget initiative will be requested in the 2025/2026 budget and this will enable Council to seek grant funding for the remainder of the project costs.

CONCLUSION

Council's present-day Shelter is functional, there remains an ongoing cost to maintain the 33-year-old shelter to the minimum standards as identified by the RSPCA and DPI, as such, the shelter has attained its end-of-life purpose.

REPORT TO ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL
HELD ON TUESDAY 19 NOVEMBER 2024

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PSR24/020 NEW ANIMAL SHELTER DESIGN AND CONSTRUCTION

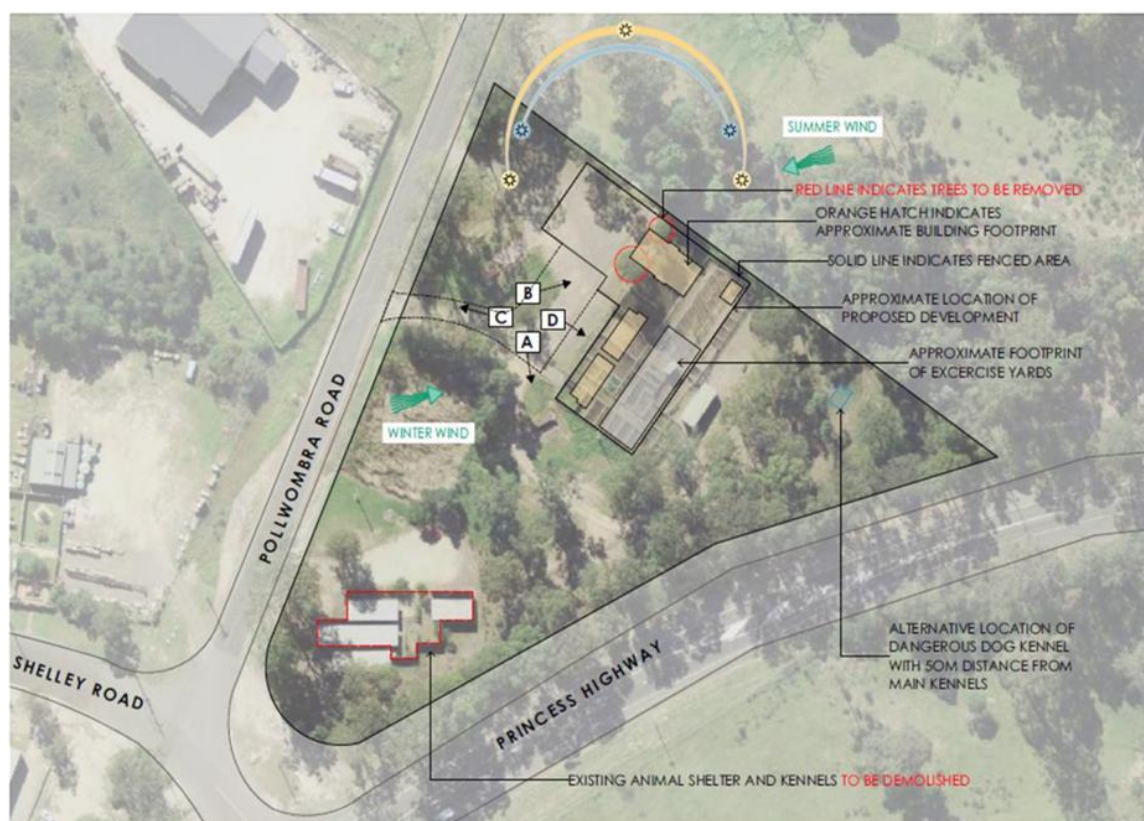
**S010-
T00003**

It is proposed that an area of 5500m²m is required for the construction of the new Shelter administration building/cattery, kennels, exercise area and car park.

To accommodate the construction of the new Shelter, the livestock pens must be relocated. It is recommended these pens would be dismantled and reconstructed within the car park of the existing Shelter temporarily, until the old shelter is demolished. Alternatively, as the livestock pens are used infrequently, the pens could be removed altogether, with the livestock yards at Moruya Showground used as the substitute.

Appendix 1

Present-Day Animal Shelter and Proposed Location of New Animal Shelter Located at Pollwombra Road Moruya



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PSR25/009 VERGE GARDEN GUIDELINES

S010-T00015

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 1. Draft Verge Gardens Guidelines
2. Confidential - Submissions
3. Confidential - Advice

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: 3.1.1.5 Conduct ongoing reviews and update planning controls

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with the final draft Verge Garden Guidelines following the public exhibition period.

The draft guidelines were on public exhibition from 24 June - 28 July 2024 during which time two submissions were received. One submission was in support of the program and concerns raised by the other submission are addressed in this report.

The draft Verge Garden Guidelines provide the community with the ability to plant within the road verge and this will enhance the social, environmental and aesthetic values of their street.

RECOMMENDATION

THAT Council:

1. Endorse the Verge Gardens Guidelines for display on Council's website and for use by the community.
2. Include Verge Gardens in any updated Development Control Plan / local approval policy.
3. Thank those who have made a submission to the draft Verge Garden Guidelines.

BACKGROUND

Council currently does not provide any advice publicly about what residents can or cannot do in the verge space. Consent is only provided to a resident to plant in the verge if they seek permission from Council. The consent is provided via a letter from Infrastructure Services which states that a maximum of two shrubs is to be planted in a straight line at least 2.5m back from the kerb.

Given the lack of guidance on Council's website, many residents don't ask for approval and instead develop and plant their verge without reference to any conditions; often these gardens are unsafe and unsuitable. Council resources are spent on complaints about unsuitable verge gardens and liaising with residents to mitigate them.

There is an agreed need across Council's directorates that further guidance and rules are needed to ensure consistency across Council and for the community.

PSR25/009 VERGE GARDEN GUIDELINES

S010-T00015

The draft guidelines were developed with input from all sections of Council to ensure risk is reduced and the conditions meet requirements related to:

- public and Council risk and insurance
- road safety and line of sight requirements
- proximity to services (eg sewer, stormwater, underground power, NBN, fire hydrants and postal services)
- plant types, heights and root structures
- maintenance requirements
- compliance and change of ownership
- biodiversity outcomes
- street cooling
- habitat for birds and insects

A trial verge garden planting was undertaken on 17 November 2022 with residents of ten properties in Hedley Way, Broulee. This trial project allowed for implementing and amending the conditions in the draft Guidelines.

The guidelines incorporate various garden design requirements that consider the verge format and have been updated in response to risk or governance advice, feedback received during the exhibition period from residents and Council staff.

Draft Verge Gardens Guidelines (Report [PSR24/014](#), Minute No: 24/72) were reported to Council on 18 June 2024 and put on public exhibition from 24 June – 28 July 2024.

THAT:

1. *Council endorses the Draft Verge Guidelines.*
2. *The draft guidelines be placed on public exhibition for a period of not less than 28 days.*
3. *A report be prepared to Council after the public exhibition for consideration of the submissions and adoption of the guidelines as exhibited or amended.*

Two submissions were received during exhibition period, one in support of the program and one raised concerns about Council's insurance and risk.

CONSIDERATIONS

Updates to the draft guidelines and internal processes have been made in response to the public submission and risk or governance issues specifically:

- All landholders must register their details online with Council. This will commit them to the conditions of installation and maintenance of the verge garden. An internal database of these details will be generated for staff access.
- Prior to commencing installation, each registered verge garden will receive a sign which must be installed on the verge to inform the community and Council's Compliance Team that they have read the Guidelines and committed to the conditions.
- Staff will utilise the database to undertake a routine inspection of each registered verge garden. Periodic inspections of the registered verge gardens will continue.

PSR25/009 VERGE GARDEN GUIDELINES

S010-T00015

Legal

Through the development of the Guidelines, Council staff have incorporated risk and governance advice and this has been integrated into the final draft guidelines and internal process.

The guidelines clearly outline the compliance process that will be followed if they are not adhered to. This will provide clarity for residents and a consistent response from Council. Residents can contact Council for advice during the planning stage to ensure their proposed verge garden complies with the conditions of the Guidelines.

The draft guidelines state:

- If a verge garden contravenes any part of these guidelines to the extent that it presents a risk to the health, safety or wellbeing of community members, Council may direct the participating resident to remediate the verge garden so that it no longer contravenes the guidelines. Council may issue orders under Section 124 of the *Local Government Act 1991* for failure to comply with requirements of the guidelines or subsequent directions to comply.
- If a verge garden poses an immediate and unacceptable risk or a participating resident does not comply with a previous Council direction to remediate a verge garden, Council may remove the verge garden.

Policy

During 2025 the Shire Wide Development Control Plan (DCP) is being developed. The Verge Gardens Guidelines will be incorporated into the DCP as a mechanism to formalise the conditions, process and enforcement.

Environmental

Where plants replace bare verges or lawn, there will be an increase in the cooling effect in the street. There will also be an increase in habitat for birds and insects and in carbon storage from the addition of more plants.

Trees have not been included in the Guidelines and will be considered in future planning eg Urban Greening Strategy/Street Tree Policy.

Asset

The draft guidelines clearly stipulate the size and type of plants that can be used to ensure root structures do not impact underground infrastructure. There are also very clear distance requirements from above ground infrastructure including power poles, fire hydrants, service pits and letter boxes to ensure impacts are mitigated.

Social Impact

Delivery of the trial verge gardens showed that neighbours worked together to develop plans for their streets, enhancing the social connectedness between them. It is envisaged that working on street verges will continue to connect neighbours and provide an opportunity for outdoor recreation.

PSR25/009 VERGE GARDEN GUIDELINES

S010-T00015

Economic Development Employment Potential

Residents participating in the program will support local nursery businesses for plants and supplies.

The Eurobodalla Regional Botanic Garden will be promoted as an opportunity for residents to view the display gardens to generate ideas and inspiration and to access plants from the retail nursery.

Financial

Through findings from other councils, it is expected that staff resources in managing complaints and enforcement will be reduced due to direction being provided through promotion of the Guidelines on the Council website. Enquiries will be directed to the website where all the conditions will be found along with an online registration form, examples of compliant and non-compliant gardens, supporting resources and contacts. This will reduce the need for staff sending out letters of consent, site visits and responding to complaints which occurs now.

There is not a specific budget allocated for the Verge Garden program and existing budgets are expected to cover the program.

A review will be scheduled for 12 months after introduction of the program to assess the actual impacts on workloads and costs.

Community and Stakeholder Engagement

In 2022 sixty-five responses were received from residents expressing interest in participating in the verge garden pilot program. Ten properties from Hedley Way in Broulee participated in the trial.

Residents who didn't participate in the pilot program have been waiting for the finalised Verge Garden Guidelines so they can progress their own verge gardens. Additionally numerous calls to Council are consistently received from residents wanting to undertake a verge garden and awaiting guidelines so they can meet the required standards.

The draft guidelines were on public exhibition from 24 June to 28 July 2024. Two responses were received providing support for the program. One response was received raising concerns about Council's insurance and risk.

Updates to the Guidelines and internal processes have been made in response to the submission as outlined above.

CONCLUSION

After many years of internal and external consultation, the Verge Garden Guidelines have been developed to consider:

- public and Council risk and insurance
- road safety and line of sight requirements
- proximity to services (eg sewer, stormwater, underground power, NBN, fire hydrants and postal services)
- plant types, heights and root structures
- maintenance requirements
- compliance and change of ownership.

PSR25/009 VERGE GARDEN GUIDELINES

S010-T00015

Endorsement of the draft guidelines will ensure Council has a consistent approach and the community is well informed and guided to install a verge garden that can enhance the social, environmental and aesthetic values of their street.



Verge Garden
Guidelines

Eurobodalla
Shire Council

Draft

What is a verge garden?

A 'street verge' is the area of public land located between a property boundary and a road which is often referred to as a "nature strip". This area represents an opportunity to participate in urban greening and these guidelines have been developed to help you create a successful and safe verge garden.

These guidelines apply to verge gardens. All existing trees in the verge area are to remain and are protected.

Why create a verge garden?

Encouraging the community to get involved with creating verge gardens has wide ranging benefits. Verge gardens create greener spaces which improve our streets' amenity and access to outdoor recreation, provide significant social and health benefits through improved mental wellbeing, natural cooling through shading and sun protection, habitat for our local wildlife and they remove carbon from the atmosphere helping to reduce emissions. Verge gardens help to provide an overall better quality of life for people in the Eurobodalla.

Do I need council approval to plant the verge?

Yes, by following these guidelines, you can create a verge garden that will meet council requirements by not impacting on the safety of the community, the environment and surrounding infrastructure.

You simply need to:

1. Read this document to ensure you can create a verge garden that meets the conditions in the Verge Garden Guidelines;
2. Register your garden via the [online registration form](#) (registration is free) to receive your Council approved sign which is to be installed prior to commencement; and
3. Create and most importantly, maintain your verge garden according to the Guidelines.

Registering your verge garden is essential. Whoever registers the verge garden will be responsible for its maintenance to ensure the verge garden does not become neglected, untidy or unsafe.

Not all street verges will be suitable for a verge garden. Verge gardens can only be created on verges adjacent to urban Council roads.

These guidelines can help you determine whether your verge area is suitable for a verge garden.

Residents can only plant a verge garden in the verge area that aligns with your property. You cannot extend your verge garden to your neighbour's verge or property without their permission or onto other sections of public land including traffic islands and median strips.

To ensure your verge garden is a success, we have created some simple instructions



Talk with your neighbours

Talk with your neighbours and fill them in on your plans for a verge garden.

Understanding your neighbours concerns and adjusting your plans before you commence your garden helps maintain a positive outlook for the greening of these spaces. Together you might come up with a bigger and better plan.

It's important to remember that the verge is a public space. If you plan on growing edible plants, pedestrians passing-by may harvest from your verge garden.



Have fun – but stay safe

We encourage residents to have fun creating attractive landscapes that compliment homes and the surrounding streetscape.

When undertaking work however always consider your safety and the safety of others.

- Wear sturdy enclosed shoes, gloves, and remember sun protection.
- Never work from on the road itself when planting your verge garden
- Always allow for pedestrians to pass though the verge. However during the construction phase, you must cordon off the work zone for public safety.



Ensure you maintain a safe access for pedestrians on your verge

Pedestrians need to use the verge without being obstructed by gardens or forced to walk on the road.

If there is not a formal footpath, please leave a strip of grass at least 1.2 metres wide for pedestrian access.

Please refer to photos below

PSR25/009 VERGE GARDEN GUIDELINES

ATTACHMENT 1 DRAFT VERGE GARDENS GUIDELINES



Ensure people can open car doors when parking in front of your verge garden

If your verge doesn't have a formal footpath, your verge garden must have a 1.2 metre clearance from the edge of the kerb to ensure people can open their car door.



Leave enough room for the postie!

PSR25/009 VERGE GARDEN GUIDELINES

ATTACHMENT 1 DRAFT VERGE GARDENS GUIDELINES

Leave enough space for the postie to access your letterbox – usually a 1 metre clearance around the letterbox is sufficient.



Check for services

The verge area often contains above and below-ground services including lighting, powerlines and poles, service access pits, water, sewerage, stormwater, gas, telephone, fire hydrants and optic fibre cables.

Always lodge an enquiry with Before you Dig Australia (BYDA) before you commence any digging or excavation work. BYDA is a free referral service to obtain information relating to underground infrastructure. Go to www.byda.com.au to obtain your **free** dial before you dig check for your verge.

The BYDA report will not include council infrastructure (water and sewer) but if the Guidelines are followed in relation to plant selection/size, their root structure should not impact on council infrastructure.

It is also important to leave 1.2 metres access around power poles, fire hydrants and service pits that are located within your verge.

Please refer to photo below



In the event that damage is caused to public utility services due to verge gardening activities, you must report this immediately to the appropriate authority for repairs, the costs of which may be charged back to you.

PSR25/009 VERGE GARDEN GUIDELINES

ATTACHMENT 1 DRAFT VERGE GARDENS GUIDELINES

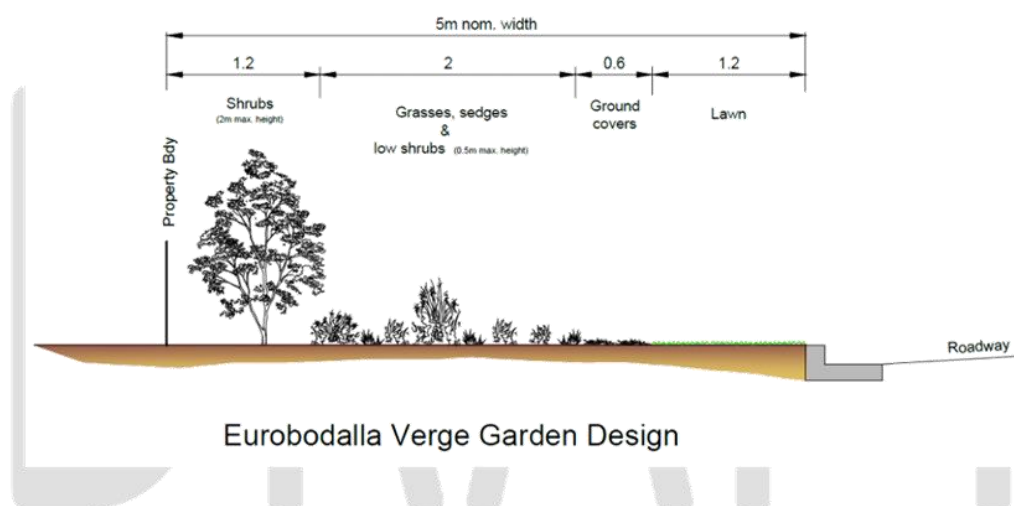


Maintain your verge garden for pedestrian and traffic safety

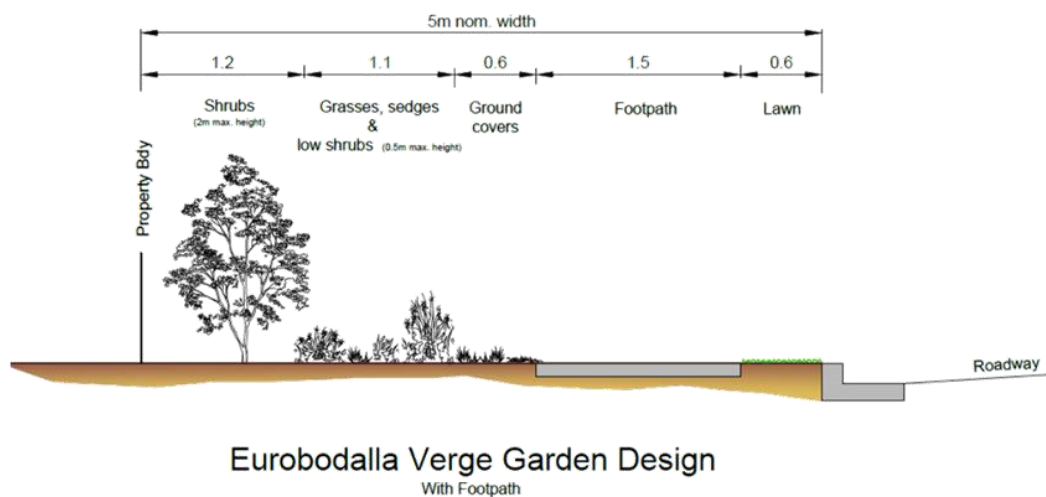
Ensure that your verge garden does not impact on lines of sight for traffic, including vehicles entering and exiting driveways.

We ask for this purpose that you follow the plant height restrictions as outlined in the Eurobodalla Verge Garden Designs.

Example 1: Verge Garden design without a footpath



Example 2: Verge Garden design with a footpath





Do not install any structures or hard surfaces in your verge garden

As the verge is public land, we need to ensure the area remains free of obstructions and nuisances to others.

For this reason, the guideline recommends the use of plants and organic mulches only. We ask that residents do not install sculptures, seating, rocks or other items with hard surfaces where a member of the public could potentially injure themselves.

Garden edging with a 'lip' of no-more than 5 cm is acceptable to contain mulch and to stop it from entering the stormwater drain. It should not be more than 5 cm wide.

Organic mulching should be flush with the footpath or grass area. The use of non-organic materials such as loose gravel, crushed brick or other stone aggregate is not permitted. The use of any hard landscaping materials or irrigation systems is also not permitted.

The use of garden structures such as wood planter boxes is not supported by council. Should residents use such materials, council may ask for their removal.



What to plant

Residents are encouraged to get creative and plant verges to suit your own style, but you are only permitted to plant either bush friendly (plants that won't spread or become invasive) or edible plants. Check soil quality by undertaking an at-home soil test kit before planting edible plants.

You cannot use plants with spikes and thorns. Be prepared to commit some time and effort and only plant what you know you can continue to maintain. By selecting bush friendly plants that are suited to the location they should be low maintenance, drought resistant and hardy. They will also provide food and habitat for our local wildlife.

It is also important to use mulch to retain moisture and to assist with controlling weeds.

If you live in a bushfire prone area, you may want to consider planting in a way that does not increase your fire risk eg leave gaps between patches of vegetation, and use plants that have fire retardant properties including species with thick or glossy leaves and a high moisture content.

If you don't know where to start, visit the [Eurobodalla Regional Botanic Gardens](#) or contact Council's Natural Resource Team to meet with you at your property to assist with ideas for plant selection.

Plant selection

During your planning phase please familiarise yourself with the [Eurobodalla Bush-Friendly Garden Guide](#). This will assist you to select hardy, water tolerant, colourful species suited to your verge space.

You may also like to visit the [Eurobodalla Regional Botanic Gardens](#) (ERBG) to be inspired by four different Naturescape gardens – Wildlife, Coastal, Cottage and Formal Gardens. The ERBG also offers a wide range of verge garden friendly ground covers, grasses, and shrubs that are native to the Eurobodalla area.



Maintaining your verge garden

Once you create and register your verge garden, you are responsible for ensuring that your verge garden is maintained in accordance with these guidelines. You must ensure your verge garden is maintained and does not become neglected, untidy or unsafe. No material from the garden is permitted to enter the stormwater system as it could be deemed water pollution under *Protection of the Environment Operations Act 1997*.

If you have moved into a residence that already has an established verge garden, you will:

- assume responsibility for ensuring the verge garden complies with the program guidelines; and
- Need to register the verge garden (irrespective of whether the verge garden has already been registered by the previous owner) to ensure the contact details attached to the verge garden are up to date.

Should you decide to discontinue your verge garden, you must return the verge area to its original condition. If unknown and unless paved, this can usually be assumed to be ordinary grass/turf. Contact Council to de-register your garden.

If your verge garden is vandalised, you are responsible for any costs incurred in remediating your verge garden. If your verge garden has become untidy or unsafe as a result of vandalism, you will need to remediate your verge garden as soon as practicable.

If a verge garden contravenes any part of these guidelines to the extent that it presents a risk to the health, safety or wellbeing of community members, Council may direct the participating resident to remediate the verge garden so that it no longer contravenes the guidelines. Council may issue orders under Section 124 of the *Local Government Act 1991* for failure to comply with requirements of the guidelines or subsequent directions to comply.

If a verge garden poses an immediate and unacceptable risk or a participating resident does not comply with a previous council direction to remediate a verge garden, Council may remove the verge garden.

PSR25/009 VERGE GARDEN GUIDELINES

ATTACHMENT 1 DRAFT VERGE GARDENS GUIDELINES

Council reserves the right to remove or modify a verge garden (in whole or part) in order to undertake any future infrastructure or maintenance work. Any cost associated with restoring the verge garden to its prior state will be borne by the resident with the responsibility to maintain the verge garden.

For further information

For further information on how to create a verge garden please contact Council on 4474 1000 and one of the staff from the Natural Resources Team will provide assistance.

Self-assessment check list

You must complete and submit this checklist as part of the online registration prior to commencing work on your verge garden.

VERGE GARDEN CHECKLIST:	YES	NO
I am the legal owner of the property (include a copy of your rates notice with registration)		
I have talked to my neighbours and considered their feedback on my verge garden proposal		
I have planned to ensure safe pedestrian access while I construct my verge garden		
I have planned to construct my verge garden with only hand tools and will not use any machinery		
The Verge Garden I have planned is in line with my property boundary, and does not encroach onto my neighbours verge		
I have ensured my verge will retain a pedestrian access 1.2 m wide which is level and free from trip hazards		
My verge garden has been designed to ensure car doors can open with no plants within 1.2 m of the edge of the kerb		
I have left clear access for the postal service		
I have left clear access around service pits, power poles and fire hydrants		
I have a safe and accessible place for my garbage bin collection		
I have lodged my free enquiry from Before Your Dig Australia at www.byda.com.au to check and confirm that underground infrastructure that will be impacted by the garden.		
I understand that my verge garden could be impacted by future infrastructure installations or repairs, and Council will not replace any plants lost.		
My garden will be maintained to a maximum height as outlined in the Verge Garden Design Plan to ensure line of sight for traffic and pedestrians		

PSR25/009 VERGE GARDEN GUIDELINES

ATTACHMENT 1 DRAFT VERGE GARDENS GUIDELINES

My verge garden consists of plants and organic mulches only. I have not installed hard materials except for edging no more than 5cm above ground level and 5cm wide to retain mulch.		
The garden will be regularly maintained to ensure it remains safe, healthy, tidy and attractive and complies to the Verge Garden Guidelines		

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**PSR25/010 DA0187/25 - TELECOMMUNICATION MONOPOLE (40M) AND
EQUIPMENT SHELTER - 1A ACACIA CLOSE DALMENY**

DA0187/25

Responsible Officer:	Gary Bruce - Director of Planning and Environment
Attachments:	1. Conditions of consent 2. Assessment against NSW Telecommunications Guidelines 3. Height Variation Request 4. Under Separate Cover - Plans
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:	3.1.2 Provide receptive and responsive development assessment services
Operational Plan Link:	3.1.2.1 Assess and determine development applications
Applicant:	CPS Technology & Infrastructure on behalf of Amplitel
Land:	1A Acacia Close DALMENY; Lot 3 DP 785998
Area:	1.2310 ha
Setbacks:	N/A
Height	Permitted Height 10m – Proposed Height 41.3m (313% variation)
Zone:	E4 General Industrial
Current Use:	Industrial Building (to be retained)
Proposed Use:	Telecommunication facility
Description:	Telecommunication Monopole (40m) and Equipment Shelter
Permitted in Zone:	Yes – Permitted pursuant to the SEPP (Transport and Infrastructure) 2021
DA Registered:	29 October 2024
Reason to F&S:	Height of buildings exceedance >10%
Recommendation:	Approval subject to conditions

EXECUTIVE SUMMARY

Council received a development application for the construction of a telecommunication monopole (40m) and equipment shelter on 29 October 2024. The development is located within the industrial area at Dalmeny and the site address is 1A Acacia Road, Dalmeny. The telecommunication facility will be located within privately owned land at the rear of the site behind the existing industrial building.

The development consists of one (1) 40m monopole, headframe mount to support the antennae and an outdoor equipment shelter.

**PSR25/010 DA0187/25 - TELECOMMUNICATION MONOPOLE (40M) AND
EQUIPMENT SHELTER - 1A ACACIA CLOSE DALMENY**

DA0187/25

The development application is being reported to Council due to a variation of the building height development standard that exceeds 10% (in this case a variation of 313%). The industrial area has a maximum building height of 10m and in order for the telecommunication device to effectively operate it is required to be a total height of 41.3m (measured to the top of the antenna).

The applicant's main reason for the building height variation is that if the structure were to be lower it would not function properly given the topography and height of the surrounding tree canopy and therefore would not proceed to build funding. In addition, there are no other structures of a suitable height to co-locate the facility and therefore the new monopole is required. There is an identified need for the proposal with the facility located within a targeted location for the 'Mobile Black Spot Program' identified by the Federal Government.

The documents submitted with the application has outlined the site selection process, identified co-location opportunities and evaluated alternate sites for the facility. As a result of this investigation process, the subject site has been chosen as the most suitable location for the facility and has minimised the visual impact of the development given the chosen location is not located on any prominent ridgetop or landscape feature.

The application was publicly exhibited on two (2) occasions and no submissions were received.

RECOMMENDATION

THAT:

1. Council approves the application subject to the conditions attached to the report.

BACKGROUND

Council received the above application for a telecommunication monopole (40m) and equipment shelter at 1A Acacia Close DALMENY NSW 2546 on 29 October 2024.

The proposed facility will be owned by Amplitel (a Mobile Network Infrastructure Provider) and host Telstra telecommunications equipment. The facility will provide Telstra 4G and 5G services to Dalmeny.

The proposal involves:

- One (1) 40m monopole with one (1) new headframe mounted atop the monopole supporting the following equipment:
 - Six (6) 4G panel antennas, each up to 2.8m in length
 - Three (3) active antenna units (AAUs), each up to 1m in length
- One (1) outdoor equipment cabinet at ground level
- Ancillary equipment associated with operation and safety of the facility, including but not limited to remote radio units, cabling and GPS antenna

The facility will be located within a fenced compound measuring 10m x 10m. The monopole and antennas will be finished in a factory grey and the cabinet will be finished in a non-reflective pale eucalypt. The overall height of the facility, including antennas and equipment, will be 41.3m above ground level.

**PSR25/010 DA0187/25 - TELECOMMUNICATION MONOPOLE (40M) AND
EQUIPMENT SHELTER - 1A ACACIA CLOSE DALMENY**

DA0187/25



Figure 1 – Location plan of the proposal marked in red dot – Drawn by CPS/Google Maps.

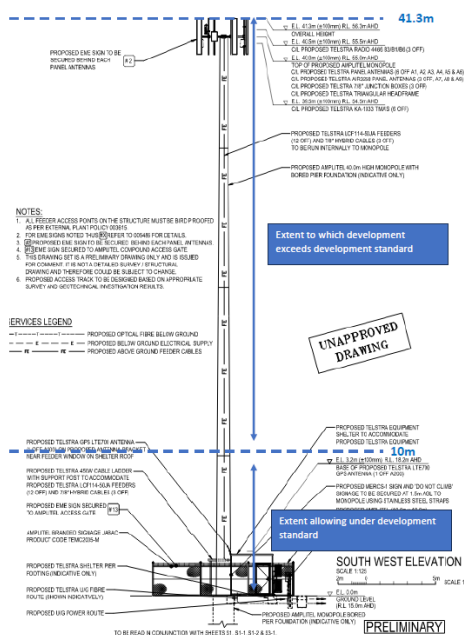



Figure 2 –Elevation plan of proposal – Drawn by CPS.

Need for Facility

The 'Statement of Environmental Effects (SoEE)' submitted with the application outlines the need for the facility and has identified that the facility is located within a targeted location for the 'Mobile Black Spot Program' identified by the Federal Government:

**PSR25/010 DA0187/25 - TELECOMMUNICATION MONOPOLE (40M) AND
EQUIPMENT SHELTER - 1A ACACIA CLOSE DALMENY**

DA0187/25


Australian Government

Mobile Black Spot Program improving mobile coverage round – Target Locations

Location	State
Wreck Bay Village	ACT (JBT)
Blaxlands Ridge	NSW
Bowen Mountain	NSW
Maraylya	NSW
Carwoola	NSW
Talbingo	NSW
Wee Jasper	NSW
Dalmeny	NSW
Mystery Bay	NSW
Eleebana	NSW
Jewells and Redhead	NSW
Lake Munmorah	NSW
Budgewoi	NSW
Jamberoo (greater area)	NSW
Lili Pilli (Postcode 2536)	NSW
Worrigee	NSW
Kangaroo Valley	NSW
Kings Highway	NSW
Majors Creek	NSW
Mangrove Mountain	NSW



**Mobile Black Spot Program—Improving Mobile
Coverage Round Target Location Outcomes**

October 2023

Location	MBSP Solution Identifier	Applicant	State	Macrocell/ Small cell
Alkimos (North)	MBSP6-WA-001	Telstra	WA	Macrocell
Alonnah (South Bruny Island)	MBSP6-TAS-006	Telstra	Tas	Macrocell at Verona Sands
Ansons Bay	MBSP6-TAS-001	Telstra	TAS	Macrocell
Blaxlands Ridge	MBSP6-NSW-001	Telstra	NSW	Macrocell
Budgewoi	MBSP6-NSW-002	Telstra	NSW	Macrocell
Cudlee Creek	MBSP6-SA-001	Telstra	SA	Macrocell
Dalmeny	MBSP6-NSW-003	Telstra	NSW	Macrocell
East Douglas (Townsville Region)	MBSP6-QLD-001	Telstra	QLD	Macrocell
Eleebana	MBSP6-NSW-004	Telstra	NSW	Macrocell
Emerald (south west)	MBSP6-QLD-002	Telstra	QLD	Macrocell

Figure 3 – Extract from government website identifying Dalmeny as ‘Mobile Black Spot’.

The SoEE has outlined the site selection process, identified co-location opportunities and evaluated alternate sites for the facility. As a result of this investigation process, the subject site has been chosen as the most suitable location for the facility and the application has detailed how the proposal has a minimal visual impact of the development in the chosen location.

The below figure shows the location of the proposed facility, in relation to the existing facilities to the north and south:

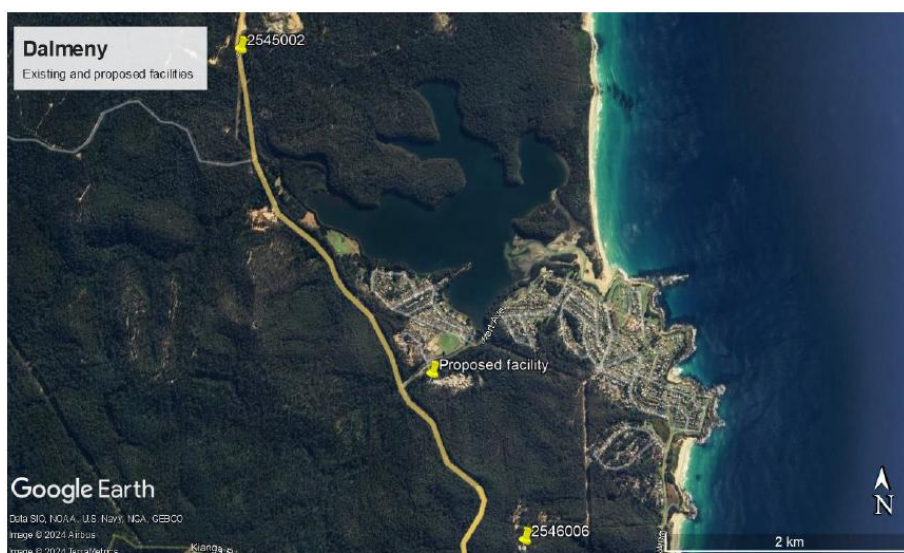


Figure 4 – Extract from SoEE showing the location of the existing and proposed telecommunication facilities.

POLICY

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and the following relevant legislation, planning instruments and policies.

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EQUIPMENT SHELTER - 1A ACACIA CLOSE DALMENY**

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Eurobodalla Local Environmental Plan 2012 (LEP 2012)

Land Use

The subject site is identified as being within the E4 General Industrial Zone.

The proposal is defined as a 'telecommunication facility'. Pursuant to the Division 21 of SEPP (Transport and Infrastructure) 2021, telecommunication facilities are permitted with development consent on any land with consent. It is also notable that 'telecommunication facilities' are not a listed prohibited use in the E4 General Industrial Zone. Therefore, the use is permissible under the Eurobodalla LEP 2012 and the SEPP (T & I) 2021.

Clause 4.3 Building Height

The land is mapped as having a 10m building height and the proposal requests a variation to the development standard with the structure having a total height of 41.3m (or a 313% variation) resulting from the 40m high monopole and associated antenna/headframe at the top.

Clause 4.6 Exceptions to Development Standards

The application is accompanied by a written request to vary the development standard, as required by Clause 4.6 of the Eurobodalla LEP 2012. The written request demonstrates that compliance is 'unreasonable and unnecessary' and that there are sufficient 'environmental planning grounds' to warrant departure from the standard. The written request is attached to this report.

The applicant's main justification for the height variation is if the proposal were to be within the building height limit, it would not be able to function properly given the topography and height of the surrounding tree canopy. There are no structures of a suitable height within Dalmeny to facilitate co-location opportunities and therefore the new monopole is required. The selected site is within a location the Federal Government is seeking to address under its 'Mobile Black Spot Program'.

In relation to visual impact, the subject site has been chosen as the most suitable location for the facility and the application has detailed how the proposal has minimised the visual impact of the development given the chosen location. The proposal is not located on any prominent ridgetop or landscape feature and is only partially visible from a few select locations, as demonstrated in the photomontages provided within the SoEE.

The applicant has undertaken a visual impact assessment from a number of vantage points within 500m of the subject site and it is concluded the facility will not have a significant impact on the visual amenity of the area and will only be visible at a distance from limited locations.

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displaying photomontage B located 403 metres north of the proposed site location looking south

Figure 5 – Photomontage prepared by applicant showing the most visible location of the facility from the public road at Bindalong Street (left) and Dulip Close (right).

As the proposed facility requires additional height to effectively operate and there is an absence of any significant environmental, visual or amenity impact on the surrounding properties, the proposed departure from the development standard is acceptable in this circumstance and it is reasonable that flexibility to the building height standard be applied. Council staff are satisfied as to the matters set out in Clause 4.6 of the EEP 2012 and the proposal is worthy of support.

State Environmental Planning Policy (Transport and Infrastructure) 2021 - (SEPP T&I) 2021

The SEPP (T&I) 2021 outlines the matters for consideration regarding the design, construction and operating principles for telecommunication facilities. The assessment has considered the proposal against the NSW Telecommunication Facilities Guidelines and the proposal has addressed each part of the guideline in a satisfactory way. An assessment of the guidelines forms an attachment to this report.

Industrial Development Control Plan (DCP)

The proposal was considered against the Industrial DCP and the proposal is considered to comply with the requirements of the DCP.

Planning for Bushfire Protection (PFBP)

The site is bushfire prone land. The proposal is not a 'Special Bushfire Protection Purpose' and does not require a Bushfire Safety Authority under Section 100B of the Rural Fires Act. The applicant has provided the following statement in relation to bushfire, which is agreed with:

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"Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent."

A condition has been recommended to maintain a 10m wide APZ around the structure.

A standard Condition “*Discovery of Relics and Aboriginal Objects*” has been applied regarding discovery of unknown matters.

The proposal is subject to contributions under Section 7.12 of the EP&A Act. The following contributions are applicable to the development based on the estimated cost of works:

S94A Contributions Plan	Rate	Estimated cost of this development	Total Amount
Cost of Development			
Less than \$100,000	0	-	-
\$101,000 to \$200,000	0.5%	-	-
Greater than \$200,000	1%	\$448,400	\$4,484

The proposal does not require the removal of any trees or vegetation and will be constructed within an existing hardstand area. The structure is unlikely to impact native flora and fauna. Erosion and sediment control conditions have been recommended to be implemented during construction to mitigate against sediment run-off into the nearby watercourse.

CONSULTATION

The application was publicly notified and advertised on two occasions. The first time between 4 November and 18 November 2024 and during this time, no submissions were received.

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During the assessment of the application, it was identified the development was 'nominated integrated development' and required a 'controlled activity approval' from the Department of Planning and Environment-Water (**DPE-Water**) due to the development's proximity to a watercourse which runs through the site. As such, the applicant chose to have the application dealt with as 'nominated integrated' and the application was then referred to DPE-Water which triggered a need to renotify and advertise the DA for the statutory 28-day timeframe.

The public exhibition period ran from 30 January to 27 February 2025 and during this period, no submissions were received. DPE-Water issued 'General Terms of Approval' on 15 March 2025 and did not raise any concerns with the proposal.

The application was also referred to 'Transport for NSW' (TfNSW) who provided comments in relation to the transportation of materials to the site using the Princess Highway. Its comments have been included in the recommended conditions.

CONCLUSION

Development application DA0187/25 for the construction of a Telecommunication monopole (40m) and equipment shelter at 1A Acacia Close DALMENY is reported to Council given the structure will exceed the building standard by more than 10% (in this case 313%). The written request under Clause 4.6 to vary the 10m building height development standard sufficiently outlines why compliance with the standard is 'unreasonable and unnecessary' and that there are 'sufficient environmental planning grounds' to warrant departure standard. The primary reason being that the facility would not effectively operate at a lower height given the topography and tree canopy height in the surrounding area. The facility is within a suitable location that does not result in any significant visual impacts. In relation to the public interest test, it will improve mobile reception for residents and visitors, and assist emergency management for the area. As such, it is recommended the application be supported subject to the attached conditions.

DA0187/25 – Attachment 1 – Conditions of consent

Attachment 1 - Conditions of Consent

	GENERAL CONDITIONS																																																								
1	<p><i>Approved plans and supporting documentation</i></p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table><tr><th colspan="5">Approved plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>DA0187/25 Sheet 1 of 6</td><td>1</td><td>Site layout and access</td><td>CPS</td><td>15/09/2024</td></tr><tr><td>DA0187/25 Sheet 2 of 6</td><td>1</td><td>Site set out plan</td><td>CPS</td><td>15/09/2024</td></tr><tr><td>DA0187/25 Sheet 3 of 6</td><td>1</td><td>Antenna layout</td><td>CPS</td><td>15/09/2024</td></tr><tr><td>DA0187/25 Sheet 4 of 6</td><td>1</td><td>Elevation</td><td>CPS</td><td>15/09/2024</td></tr><tr><td>DA0187/25 Sheet 5 of 6</td><td>1</td><td>Antenna configuration table</td><td>CPS</td><td>15/09/2024</td></tr><tr><td>DA0187/25 Sheet 6 of 6</td><td>1</td><td>Aerial photo locality plan</td><td>CPS</td><td>15/09/2024</td></tr></table> <table><tr><th colspan="4">Approved documents</th></tr><tr><th>Document title</th><th>Version number</th><th>Prepared by</th><th>Date of Document</th></tr><tr><td>Document 1 – DPE-Water General Terms of Approval</td><td>IDAS-2025-10101</td><td>DPE Water</td><td>14/03/2025</td></tr><tr><td>Document 2 – Transport for NSW</td><td>STH24/00738/001</td><td>TfNSW</td><td>14/11/2024</td></tr></table> <p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. [0001]</p> <p>Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	DA0187/25 Sheet 1 of 6	1	Site layout and access	CPS	15/09/2024	DA0187/25 Sheet 2 of 6	1	Site set out plan	CPS	15/09/2024	DA0187/25 Sheet 3 of 6	1	Antenna layout	CPS	15/09/2024	DA0187/25 Sheet 4 of 6	1	Elevation	CPS	15/09/2024	DA0187/25 Sheet 5 of 6	1	Antenna configuration table	CPS	15/09/2024	DA0187/25 Sheet 6 of 6	1	Aerial photo locality plan	CPS	15/09/2024	Approved documents				Document title	Version number	Prepared by	Date of Document	Document 1 – DPE-Water General Terms of Approval	IDAS-2025-10101	DPE Water	14/03/2025	Document 2 – Transport for NSW	STH24/00738/001	TfNSW	14/11/2024
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2	<p><i>Concurrence and Referral</i></p> <p>The General Terms of Approval issued by the DPE-Water, Reference No. IDAS-2025-10101 dated 14 March 2025 are included as conditions of this consent and must be complied with.</p> <p>The advice issued by the Transport for NSW, Reference No. STH24/00738/001 dated 14 November 2024 are included as conditions of this consent and must be complied with.</p> <p>Reason: To ensure compliance with the legislation. [0002]</p>																																																								

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3	<p>Prescribed Conditions</p> <p>The development must comply with Part 4, Division 2, Subdivision 1, if the Environmental Planning and Assessment regulation 2021, as applicable.</p> <p>Reason: To ensure compliance with prescribed conditions. [0003]</p>
4	<p>Requirement to Notify about New Evidence</p> <p>Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Certifier. Remediation is at the full cost of the owner.</p> <p>Reason: To ensure the environmental, social and economic impact of the development are minimised. [11.19]</p>
5	<p>No clearing of vegetation outside property boundaries</p> <p>This consent does not authorise any tree removal or the clearing of any vegetation outside the property boundaries of the subject site.</p> <p>Reason: To protect native vegetation and wildlife.</p>
6	<p>Colours and Materials</p> <p>The following colours are to be nominated on the approved plans:</p> <ul style="list-style-type: none"> (a) The colour of the external finish to the monopole and antenna are to be "Pale Grey". (b) The external finish to the equipment shelter to be painted "pale eucalypt". (c) All colour of the external finishes are to be non-reflective and non-glare. Any metallic steel finish is not permitted <p>Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure the structure has minimal visual impact.</p>
7	<p>Bushfire Requirements</p> <p>The development is located in bush prone land and therefore is subject to the requirements of Planning for Bush Fire Protection 2019 and the Australian Standard AS 3959-2018 Construction of Buildings in Bushfire-Prone Areas. The development is to be carried out in accordance with the NSW Rural Fire Service (RFS) Practice Note 1/11 for Telecommunication Towers in Bush Fire Prone Areas.</p> <p>A 10m wide asset protection zone is to be maintained around the footprint of the proposed structure is to be maintained for the life of the development.</p> <p>Reason: To ensure compliance with the legislation, Council Policies and applicable planning controls applying to the land. [9.03a]</p>
	PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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8	<p><i>Erosion and sediment control plan</i></p> <p>Before the issue of a construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Certifier:</p> <ul style="list-style-type: none"> a) Council’s relevant development control plan b) the guidelines set out in the NSW Department of Housing manual ‘Managing Urban Stormwater: Soils and Construction Certificate’ (the Blue Book) (as amended) and c) the ‘Do it Right On-Site, Soil and Water Management for the Construction Industry’ (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended). d) Any requirements of the Department of Primary Industries - Water <p>Reason: To ensure no substance other than rainwater enters the stormwater system and waterways. [11.01]</p>
9	<p><i>Payment of Section 7.12 Contributions</i></p> <p>Before the issue of a construction certificate, the applicant must pay a contribution that is calculated at the rate of 1% of the total development cost where this is greater than \$200,000. Where the total development cost is less than \$200,000 but greater than \$100,000, the contribution is determined at the rate of 0.5%. Where the total development cost is less than \$100,000, no contribution payment is required. The total amount payable may be adjusted at the time payment is made, in accordance with the Eurobodalla Local Infrastructure Contributions Plan 2022.</p> <p>Where the cost of the development exceeds \$100,000 but is less than \$1million, the applicant is to provide a registered Quantity Surveyor’s report, or a copy of the home warranty insurance or copy of contracts verifying the total cost amount. The total cost documentation is to include all costs (including any demolition works, earthworks, driveways, garages and retaining walls) and this is to be forwarded to Council with payment of the contribution.</p> <p>Where the cost of the development exceeds \$1million, the Contribution Plan requires a cost estimate report prepared by a registered Quantity Surveyor to be forwarded to Council with payment of the contribution.</p> <p>Reason: To address the increased demand for regional infrastructure resulting from the approved development. [3.12]</p>
	<p>PRIOR TO COMMENCEMENT OF WORKS</p>
10	<p><i>Erosion and Sedimentation Control</i></p> <p>Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual ‘Managing Urban Stormwater: Soils and Construction Certificate’ (the Blue Book) (as amended from time to time).</p> <p>Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways. [11.13]</p>

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	DURING CONSTRUCTION
11	<p><i>Loading and Unloading of Construction Vehicles</i></p> <p>All loading and unloading associated with construction must be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work.</p> <p>Reason: To ensure that the development complies with the standards of the Roads Authority. [0131]</p>
12	<p><i>Discovery of Relics and Aboriginal Objects</i></p> <p>While site work is being carried out, if a person reasonable suspects a relic of Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a) The work in the area of the discovery must cease immediately b) The following must be notified <ul style="list-style-type: none"> i. for a relic - the Heritage Council; or ii. for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> a) for a relic - the Heritage Council; or b) for an Aboriginal object - the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. <p>Reason: To ensure the protection of objects of potential significance during works. [13.07]</p>
13	<p><i>Public Way to be Unobstructed</i></p> <p>The public way shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances at any time during construction.</p> <p>Reason: To ensure that the development complies with the standards of the Roads Authority. [14.10]</p>
14	<p><i>Use of Mobile Cranes</i></p> <p>Mobile cranes operating from the road shall not be used as a method erecting the structure. If this is required, further consent is required from Council to operate a mobile crane from the public road.</p> <p>Reason: To ensure that the development complies with the standards of the Roads Authority. [14.11]</p>
15	<p><i>Adjoining Property Access</i></p> <p>Construction vehicles and materials are not to impede access for surrounding the properties and to the adjoining reserve throughout the construction phase.</p> <p>Reason: To ensure access during the construction phase.</p>

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	PRIOR TO OCCUPATION OR COMMENCEMENT OF USE
16	<p><i>Electromagnetic Energy</i></p> <p>The levels of radio frequency (RF) electromagnetic energy (EME) around the wireless base station shall be measured by a suitably qualified person using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and a certificate of compliance with applicable standards shall be issued to the Certifying Authority and a copy to Council.</p> <p>Levels shall include those from all sources in the area to 500m distance from the tower so the accumulative impact is documented.</p> <p>Reason: To ensure the levels of radio frequency (RF) electromagnetic energy (EME) are complaint with Australian Standards and do not pose a risk to the community.</p>
17	<p><i>Completion of public utility services</i></p> <p>Before the issue of the Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p> <p>Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation. [0209]</p>
18	<p><i>Occupation Certificate</i></p> <p>The development shall not be used or occupied until an Occupation Certificate has been issued by the Principal Certifier.</p> <p>Reason: To ensure compliance with legislative requirements. [2.14]</p>
	<i>ONGOING</i>
19	<p><i>NSW Telecommunications Facilities</i></p> <p>Compliance with NSW Telecommunications Facilities Guideline including Broadband (July 2010) and requirements of ARPANSA (Australian Radiation Protection and Nuclear Safety Agency) are to be maintained during for the life of the development.</p> <p>Reason: To comply with appropriate standards</p>

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ATTACHMENT 2 ASSESSMENT AGAINST NSW TELECOMMUNICATIONS GUIDELINES

Attachment 2 – Assessment against NSW Telecommunication Facilities Guidelines

NSW Telecommunications Facilities Guideline, Including Broadband	
Principle 1: Design and site telecommunications facilities to minimise visual impact	
a. As far as practical, integrate a telecommunications facility that is mounted on an existing building or structure with the design and appearance of the building or structure	The proposal is a new, free standing facility that is required to service Dalmeny and fill an existing 'black spot' that has been identified by the Commonwealth Government for Dalmeny. There are no existing buildings of suitable height or existing facilities that are suitable for co-location. As such, a new 'greenfield' facility is proposed to fill this gap in servicing for Dalmeny.
b. Minimise the visual impact of telecommunications facilities, reduce visual clutter (particularly on tops of buildings) and ensure physical dimensions (including support mounts) are sympathetic to the scale and height of the building to which it is to be attached and to adjacent buildings.	The proposal is a new facility that that is required to be 40m in height to service the area. The application has identified a number of candidate locations and the chosen location has been demonstrated to be the most suitable location to minimise visual impact upon entrance into Dalmeny from Mort Road and the residential properties to the North and North-east. This has been demonstrated in the submitted photomontages which demonstrate the various vantage points most susceptible to visual impact. Council is satisfied the chosen location will have minimal visual impact.
c. If a telecommunications facility protrudes from a building or structure and is predominantly seen against the sky, either match the prevailing colour of the host building or structure or use a neutral colour such as pale grey.	Pale grey has been chosen to minimise the visibility of the structure when read against the sky from the limited locations it will be visible from Dalmeny.
d. Where possible and practical, screen or house ancillary facilities using the same colour as the prevailing background and consider using existing vegetation or new landscaping	The ancillary facilities are located at the rear of the industrial buildings to not be visible from the public domain.
e. Locate and design a telecommunications facility in a way that responds to its setting (rural, residential, industrial or commercial).	The chosen location is in an industrial area which is the most suitable location to minimise the visual impact on the residential land in Dalmeny, the Beach and headlands, and minimise bushland disturbance.
f. Site and design a telecommunications facility located on or adjacent to a listed heritage item or within a heritage conservation area with external colours, finishes and scale sympathetic to the heritage item or conservation area.	N/A – Not a heritage item or near a heritage item.
g. Locate telecommunications facilities to minimise or avoid obstructing significant views of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	<p>The facility is not located on a significant ridgeline or landmark. The site is located within an industrial area and is not considered to be an area that is visually sensitive. The applicant has submitted a visual impact analysis with the Statement of Environmental Effects which includes a number of vantage points which are the most susceptible to the structure being visible.</p> <p>The visual impact assessment shows the headframe will slightly protrude above the tree line as viewed from a limited number of properties located 400m away from Dulip Close, which is the highest residential street within 500m of the site.</p>  <p>displaying photomontage B located 403 metres north of the proposed site location looking south</p>

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	<p>The facility will be most visible from Bindalong Street, however, this is largely due to the sporting fields providing a cleared area between the facility and the public road. The facility is not considered to be visually offensive or obscure an important vista or ridgeline. The proposed height is necessary for the functionality of the facility and as such, it would be unreasonable to expect the facility to be completely obscured from all public/private areas. However, given the distance is 500m away it will appear small above the tree line and is not considered visually offensive.</p>  <p>Photomontage C</p> <p>Figure 15 displaying Photomontage C located at Bindalong Street</p> <p>Additional vantage points were considered by the assessing officer given their elevation and location within 1km of the facility, these being Attunga Street (650m to the north at 26 AHD) and Goolara Avenue (890m to the east at 26 AHD). Upon visiting these locations, it is evident there is significant vegetation in the foreground of these locations that would obscure distant views to the site location. It is not considered the proposed tower to be visible from these two high points within 1km of the site.</p> <p>Overall, the proposal has been located to minimise significant impacts and is not located on any prominent ridgetop or landscape feature.</p>
h. Consult with relevant council when proposing pruning, lopping or removing any tree or vegetation. Obtain a tree preservation order, permit or development consent if required.	No tree removal proposed
i. Remove redundant telecommunications facilities and restore the site to the condition it was in prior to the facility's construction	N/A New facility
j. Remove redundant components of existing facilities after upgrades.	N/A New facility
k. Where possible, consolidate telecommunications facilities to reduce visual clutter and work with other users on co-location sites to minimise cumulative visual impact.	The proposal is a new facility given the need for servicing in Dalmeny and co-location is not possible given the distance to the nearest existing facilities. The size of the structure is capable of allow future co-locating opportunities which will minimise cumulative impacts for new facilities.
l. Accord with all relevant industry design guides when siting and designing telecommunications facilities.	The proposal has been designed in accordance with industry standards whilst the location chosen looks to find the best possible

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	balance between amenity and visual impacts and the provision of coverage and providing extra capacity to the network.
m. Assess potential visual impact in alternative site assessments	The applicant has presented several montages from the most susceptible locations in Dalmeny. A small portion of the structure will be visible from a few select locations, however, given the distance is over 400m away from these locations and it is only a portion of the structure above the tree canopy, the proposal is not considered to have an unreasonable impact.

NSW Telecommunications Facilities Guideline, Including Broadband	
Principle 2: Co-locate telecommunications facilities wherever practical	
a. As far as practical, locate telecommunications lines underground or within an existing underground conduit or duct.	The proposed facility will connect to the wider network via an underground fibre connection. Where possible, this will use existing conduits or ducts to minimise the extent of extensions.
b. Where practical, co-locate or attach overhead lines, antennas and ancillary telecommunications facilities to existing buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise clutter.	There is nowhere practical to co-locate the facility given the low scale nature of the building in Dalmeny and there existing facilities are too far away for the device to be effective if co-located.
c. Consider extending an existing tower as a practical co-location solution to new towers.	There are no facilities that were appropriate for co-location as discussed within the SoEE submitted. This is due to the distance to the nearest facility and there being no existing buildings of a suitable height in Dalmeny.
d. Demonstrate that co-location is not practicable if choosing not to co-locate a facility.	There are no facilities that were appropriate for co-location as discussed within the SoEE submitted. This is due to the distance to the nearest facility and there being no existing buildings of a suitable height in Dalmeny.
e. If choosing to co-locate, design, install and operate a telecommunications facility so that resultant cumulative levels of radio frequency emissions are within the maximum human exposure levels set out in RPS S-1.	As discussed above, new facility.

NSW Telecommunications Facilities Guideline, Including Broadband	
Principle 3: Meet health standards for exposure to radio emissions	
a. Design, install and operate a telecommunications facility so that maximum human exposure levels to radiofrequency emissions comply with RPS S-1 (see Appendix B).	The location of the facility is a suitable distance from residential properties and it will be a condition of consent that radiofrequency emissions comply with RPS S-1. The application has detailed that the emissions will be well below the national standard.
b. Using the format required by ARPANSA, report on predicted levels of EME surrounding any development covered by the Industry Code C564:2020 Mobile Phone Base Station Deployment, and how the development will comply with ACMA safety limits and RPS S-1.	The Environmental EME report has been specifically prepared for this proposal to demonstrate compliance with the ARPANSA Standard. This facility is expected to operate at maximum EME levels, which represent 2.14% of the Australian standard.

NSW Telecommunications Facilities Guideline, Including Broadband	
Principle 4: Minimise disturbance and risk, and maximise compliance	
a. Ensure the siting and height of a telecommunications facility complies with the of the Commonwealth Civil Aviation Regulations 1998 and Airports (Protection of Airspace) Regulations 1996. Avoid penetrating any obstacle limitation surface (OLS) shown on a relevant OLS plan for an aerodrome or airport (as reported to the Civil Aviation Safety Authority) within 30 km of the proposed development.	The facility sits outside the OLS map for Moruya Airport.
b. Ensure no adverse radio frequency interference with any airport, port or Commonwealth defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.	The location is a significant distance from Moruya Airport and will not interfere with operations. There are no ports or commonwealth defence equipment nearby.
c. Carry out the telecommunications facility and ancillary facilities in accordance with any manufacturer's installation specifications.	Installation will be required in accordance with standards.
d. Protect the structural integrity of any building or structure on which a telecommunications facility is erected	N/A New standalone facility
e. Erect the telecommunications facility wholly within the boundaries of a property as approved by the relevant landowner.	Contained within one property and owners consent for DA lodgement provided.

PSR25/010 DA0187/25 - TELECOMMUNICATION MONOPOLE (40M) AND
EQUIPMENT SHELTER - 1A ACACIA CLOSE DALMENY

ATTACHMENT 2 ASSESSMENT AGAINST NSW TELECOMMUNICATIONS GUIDELINES

f. Ensure all construction of a telecommunications facility accords with Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom 2004), or its replacement.	To be a condition of consent
g. Mitigate obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction.	The location of the facility will not impact pedestrians or vehicles. Loading and unloading during construction will be within the site, as will maintenance.
h. Where practical, carry out work at times that minimise disruption to adjoining properties and public access and restrict hours of work to 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.	To be a condition of consent
i. Employ traffic control measures during construction in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.	Conditions provided from TfNSW for transport of materials to the site.
j. Guard open trenching in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.	All works within the site boundaries.
k. Minimise disturbance to flora and fauna and restore land to a condition similar to its condition before the work was carried out.	No tree removal and located in an existing cleared area.
l. Identify any potential impacts on threatened species and communities in consultation with relevant authorities and avoid disturbance to identified species and communities where possible.	The proposal is located in an area to avoid impact on biodiversity.
m. Identify the likelihood of harming an Aboriginal place and/or Aboriginal object and obtain approval from the Department of Premier and Cabinet if the impact is likely, or Aboriginal objects are found.	An AHIMS search has been provided which shows no known items within the site. Conditions recommended for unexpected finds.
n. Reinstate, at your expense, street furniture, paving or other facilities removed or damaged during construction to at least the same condition as that prior to installation.	No street furniture to be removed.

NSW Telecommunications Facilities Guideline, Including Broadband	
Principle 5: Undertake an alternative site assessment for new mobile phone base stations	
a. Include adequate numbers of alternative sites in the alternative site assessment as a demonstration of good faith.	The application demonstrates a number of alternate sites have been investigated and it has been demonstrated that the chosen site is the most suitable option.
b. In addition to the new site selection matters in Section 4 of the Industry Code C564:2020 Mobile Phone Base Station Deployment: <ul style="list-style-type: none"> only include sites that meet coverage objectives, and that have been confirmed as available, with an owner agreeable to having the facility on their land if the preferred site is a site owned by the Carrier, undertake a full assessment of the site indicate the weight placed on selection criteria undertake an assessment of each site before any site is dismissed. 	<p>The proposal will meet coverage objectives as required by the Federal Government under the Mobile Black Spot Program, and the specific requirements for this site of the Improving Mobile Coverage Round (IMCR).</p> <p>The owner of the land has provided their consent and agreeance to have the facility located on their land.</p>

Request to vary a development standard

Request to vary clause 4.3 in Eurobodalla Local Environment Plan 2012

Address: 1A Acacia Close, Dalmeny NSW 2546 (Lot3 on DP 785998).

Date: 16/12/2024

Site and proposed development

1. Describe the site.

Please provide the address and describe any features of the site.

1A Acacia Close, Dalmeny NSW 2546 (Lot3 on DP 785998). The site is largely occupied by a truss and related product manufacturing building with rear storage, parking and loading areas. The site has a crossover from Ruth Place.

2. Describe the proposed development.

Please provide details about the proposed development, including land use and works

The proposed development is for a Telecommunications Facility within the rear loading and storage area of the existing manufacturing use. The development includes 2.9m high equipment shelter and 40m slim monopole with a headframe and antennas at the top to provide mobile service in the area. The proposed will be located within a fenced compound area. The 40m monopole will have an overall height of 41.3m above ground level, including antennas, mounts etc. The proposed development is within a small fenced compound. The proposed development is not manned by employees and is not accessible to the public. The facility will have maintenance visits two (2) to four (4) times a year by a utility vehicle that will involve checking the site is secure, checking for graffiti or other vandalism on the site, but will not involve accessing the upper parts of the monopole.

Planning instrument, development standard and proposed variation

3. What is the environmental planning instrument/s you are seeking to vary?

Please identify the relevant Local Environmental Plan or State Environmental Planning Policy that you seek to vary.

Eurobodalla Shire Council Planning Scheme

4. What is the site's zoning?

Please identify the land use zone that applies to the site.

E4 – General Industrial

5. Identify the development standard to be varied.

Please identify the name of the development standard being varied (for example, minimum lot size, floor space ratio, height of building), its relevant environmental planning instrument clause and the objectives of the development standard.

Clause 4.3 Height of building for which the objectives are:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

6. Identify the type of development standard.

Please identify if the development standard you are seeking to vary is numeric or non-numeric. For more guidance, see Part A, Chapter 1.3 of this guide.

Numeric

7. What is the numeric value of the development standard in the environmental planning instrument?

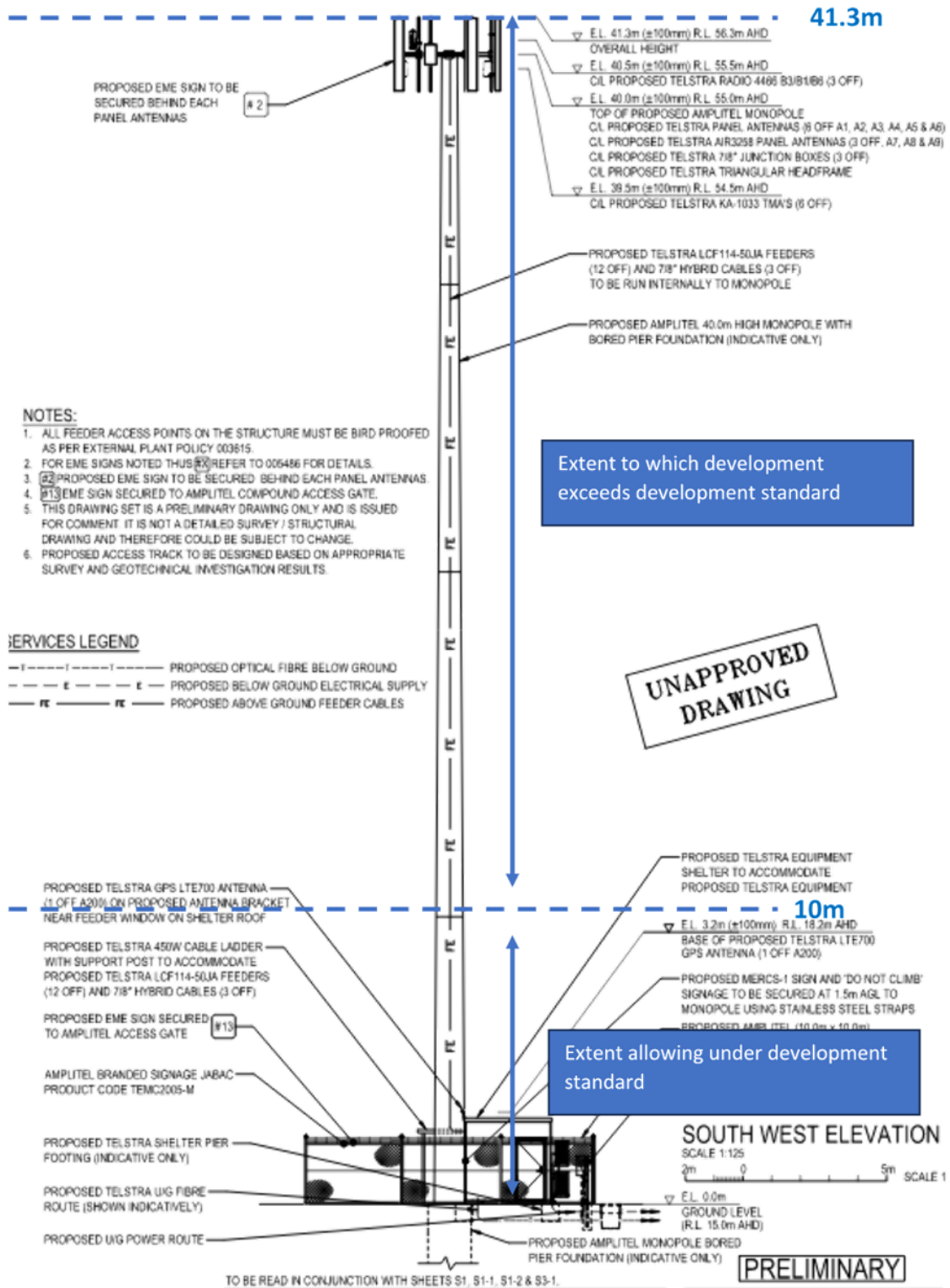
This should be specific and address all non-compliance. Please see the relevant environmental planning instrument to determine the numeric value of the development standard for your site.

10m

8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

The proposal exceeds the maximum 10m development standard by 31.3, which is a percentage variation of 413%

If relevant, provide a diagram or image showing the proposed variation.



Justification for the proposed variation

10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

There are 5 common ways that compliance with a development standard may be demonstrated to be unreasonable or unnecessary (items a to e). An applicant must satisfy at least one. This list is not exhaustive – there may be other ways available.

a) Are the objectives of the development standard achieved notwithstanding the non-compliance? (Give details if applicable)

The objectives are achieved despite the non-compliance. As provided within the Statement of Environmental Effects (SEE) for the planning application the existing character of the area from which the facility is largely visible is industrial and manufacturing uses to the east. Also provided within the SEE is there are significant setbacks to the main residential uses in the area and that there are multiple bands of mature trees to the north and north-east that provide significant obstruction from non-commercial and non-industrial uses in the area, with the SEE providing montages that demonstrate visual impacts of the proposed use are minimal. As the proposed use is not habitable, operates in an unmanned fashion and only climbable using specialised equipment there are no impacts with regards to privacy. Aerial imagery shows that the only solar panels in the area are on the subject site, and with the slim nature of the monopole, any shadowing impacts within the surrounding area would be minimal and confined to commercial and manufacturing uses.

b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)

There are exemptions under the building height standard for communication devices and masts. The main purpose of the standard is to prevent tall buildings from having an inappropriately adverse impact on sensitive uses in the surrounding area, including through shadowing, privacy impacts and visual impacts. The proposed use is a very thin structure that is not habitable or able to be climbed and only sparsely attended for ground-based maintenance checks. As a result, the objectives of the development standard are only loosely applicable to the proposed use.

c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)

Yes, the proposed development is funded under the Improving Mobile Coverage Round (IMCR) of the Peri-Urban Mobile Program (PUMP), with specific coverage requirements that must be met for a site to proceed to the site acquisition stage (which includes planning consent) and then to build. For Telecommunications Facilities the coverage provided is directly correlated with the height of antennas compared to the surrounding buildings and topographies. Restricting the height of the facility to 10m would mean that signals would only travel a very short distance, and would be

inhibited by other structures and vegetation in the immediate area, as well as topographical and structures as close as 230m the north of the structure.

Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard? *(Give details if applicable)*

The Eurobodalla Shire Council area includes Telecommunications Facilities that also exceed the building height standard by a considerable degree where visual impacts have been minimised. The Shire Council has been nuanced in its considerations of the extent to which the specific elements of the development standard applies to Telecommunications Facilities.

e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary? *(Give details if applicable)*

No

11. Are there sufficient environmental planning grounds to justify contravening the development standard?

Note: Environmental planning grounds are matters that relate to the subject matter, scope and purpose of the EP&A Act including the Act's objects (see Part A, Chapter 2.6 of this guide). They must relate to the aspect of the proposed development that contravenes the development standard and not simply promote the benefits of the development as a whole. You must provide substantive justification as to why the contravening the development standard is acceptable.

Yes, the proposed height of the structure does not result in an outcome that contravenes the outcomes of the standards. The site is well setback from the main residential uses in the area, which are to the north and north-east at a distance of 170m and 468m. The site is nearly entirely obstructed from views from these location by several layers of vegetation, particularly with regards to views from the senior living use 170m to the north. The main views of the facility are from the industrial uses to the east, which are not sensitive to the use in the same way as residential uses. The location and design of the proposal ensures that there is no clearing of sensitive areas, and that there is minimal disruption to the existing use on the site. The proposed development, where it to be set at the building height limit, would not be able to function properly and would not proceed to build funding. In summary, the impacts of the proposed use are minimal at the current height, and bringing it down to the building height limit would result in only a slight decrease in impacts, but would render it inoperable as a Telecommunications Facility.

12. Is there any other relevant information relating to justifying a variation of the development standard? *(If required)*

Please provide any other information that you feel is relevant in justifying your proposed variation to the development standard.

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Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments:

1. Under Separate Cover - Draft Delivery Program 2025-29
2. Under Separate Cover - Draft Resourcing Strategy 2025-35
3. Under Separate Cover - Draft Operational Plan 2025-26
4. Under Separate Cover - Draft Schedule of Fees and Charges 2025-26

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

EXECUTIVE SUMMARY

The *Local Government Act 1993* and NSW Office of Local Government Integrated Planning and Reporting Guidelines, require councils to prepare a Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan.

Council endorsed its revised community strategic plan – Eurobodalla Shire Community Strategic Plan 2042 (2025 Revision) (CSP) on behalf of the community at the Ordinary Meeting of Council on 25 February 2025. The plan contains a vision statement and goals for the future under five theme areas and includes 17 supporting strategies to guide efforts to these goals.

Council's draft Delivery Program 2025-29, draft Resourcing Strategy 2025-35 and draft Operational Plan 2025-26 (incorporating the proposed Revenue Policy and schedule of draft Fees and Charges 2025-26) have been prepared in accordance with the requirements of the *Local Government Act 1993*, the NSW Office of Local Government Integrated Planning and Reporting Guidelines. The draft integrated plans align to Eurobodalla Shire CSP and demonstrate Council's response and commitment to the community to work towards the community's vision and goals for the future.

The budget included in the draft Delivery Program 2025-29 and draft Operational Plan 2025-26 assumes that Council's core service delivery will remain the same and the activities and actions for the draft integrated plans reflect this assumption and call upon the community's feedback gathered during the review of the CSP, and other supporting strategies and plans that Council has developed to guide its operations.

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This report seeks Council to endorse the public exhibition of the draft Delivery Program 2025-29, draft Resourcing Strategy 2025-35 and draft Operational Plan 2025-26 (incorporating the proposed Revenue Policy and schedule of draft Fees and Charges 2025-26) for a period of 28 days.

RECOMMENDATION

THAT:

1. Council endorse the public exhibition of the draft Delivery Program 2025-29 for a period of 28 days.
2. Council endorse the public exhibition of the draft Resourcing Strategy 2025-35 for a period of 28 days.
3. Council endorse the public exhibition of the draft Operational Plan 2025-26, incorporating the proposed Revenue Policy, for a period of 28 days.
4. Following public exhibition, a further report will be submitted to Council for the consideration of submissions and adoption of the Delivery Program 2025-29, Resourcing Strategy 2025-23, and Operational Plan 2025-26.

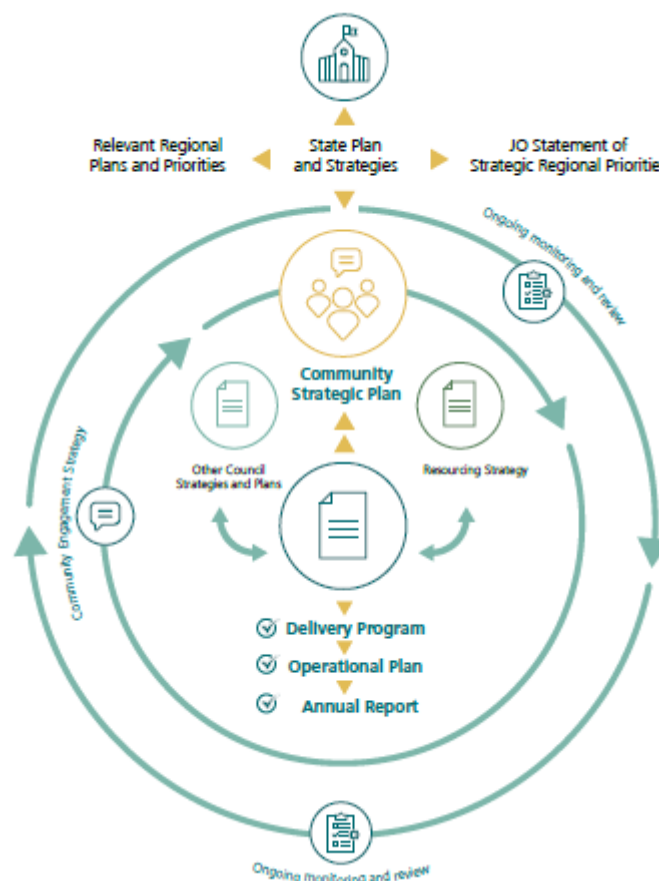
BACKGROUND

The *Local Government Act 1993* requires all NSW councils to review and adopt key Integrated Plans within 12 months following local government elections. Under NSW Integrated Planning and Reporting legislation, councils are required to prepare a Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan.

**FCS25/023 EXHIBITION OF DRAFT DELIVERY PROGRAM 2025-29, DRAFT
RESOURCING STRATEGY 2025-35, AND DRAFT OPERATIONAL
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**S004-T00028,
S004-T00029**

The IPR framework is detailed in the figure below:



The CSP is the highest level 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 vision and long-term goals.

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 CSP.

The Resourcing Strategy, consisting of the Long-Term Financial Plan, Asset Management Strategy and Plans and the Workforce Management Strategy, outlines how Council plans to allocate resources to work towards the vision and goals set out in the CSP and enable the Delivery Program. This strategy identifies how Council best plan, develop and utilise our resources to enhance performance of our business to deliver better outcomes for our community.

The Operational Plan details the actions to be undertaken during the next financial year and includes an annual budget and revenue policy (including a schedule of fees and charges) for the year ahead.

**FCS25/023 EXHIBITION OF DRAFT DELIVERY PROGRAM 2025-29, DRAFT
RESOURCING STRATEGY 2025-35, AND DRAFT OPERATIONAL
PLAN 2025-26**

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S004-T00029**

CONSIDERATIONS

Council's CSP was revised during 2024. The revision was informed by an extensive community awareness and engagement campaign that received over 2,700 contributions and included a public exhibition period.

The revised CSP was endorsed by Council on behalf of the community at the Ordinary Meeting of Council on 25 February 2025.

The CSP contains a vision statement, and goals for the future under five theme areas.

Vision:

From our beaches to our bushlands, rivers and mountains... Our Eurobodalla is a place of inclusive communities embracing sustainable lifestyles. Our future balances our natural assets and thriving economy.

Our community is resilient and collaborative, and this underpins all that we do.

Themes:

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

The CSP includes 17 supporting strategies to guide efforts towards these goals.

The draft Delivery Program 2025-29 outlines Council's commitment to work towards the CSP. It proposes four key priorities and seven major infrastructure projects of focus, along with 55 activities that will drive efforts this term.

The four key priorities areas of focus include:

- Housing diversity, affordability and livability.
- Connections between towns and villages.
- Financial stewardship.
- Climate action and sustainability.

**FCS25/023 EXHIBITION OF DRAFT DELIVERY PROGRAM 2025-29, DRAFT
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**S004-T00028,
S004-T00029**

The seven major infrastructure projects include:

- Furthering coastal management works.
- Finalising the grant funded Moruya Housing Infrastructure project.
- Completing roundabouts at key intersections on George Bass Drive.
- Commissioning the Eurobodalla Southern Water Supply Storage
- Completing works to deliver a State Emergency Services facility at the Eurobodalla Regional Co-Located Emergency Services Precinct.
- Replacement animal shelter and introducing recycled water for use in the Narooma area are also put forward to progress to shovel ready projects to seek funding for construction.

The 55 activities guide how all Council services and efforts will be delivered over the program period.

The draft Operational Plan 2025-26 sets out a workplan for the next 12 months and includes 180 individual actions for projects and activities for Council to undertake during 2025-26. The draft plan includes a detailed annual budget and Revenue Policy that outlines proposed changes to rates and annual charges and a schedule of proposed fees and charges for 2025-26 (included as separate document).

The budget included in the draft Operational Plan 2025-26 has been developed around key themes of stability and stewardship. The budget assumes that Council's core service delivery will remain the same and the activities and actions for these integrated plans reflect this assumption.

Council endorsed a finance strategy in December 2023. 12 priority actions were identified in this strategy under the themes of financial resilience, prudent asset management and accountability. Actions already undertaken include a review of existing borrowings, targeting our capital works program towards projects that align to Council's strategic goals and adoption of a grants strategy. As a result of implementing these actions Council's cash position has stabilised, improving resilience against unknown or unexpected events.

The 2025-26 operating deficit for the general fund of \$8.6 million is comparable to the most recent estimates for the current year (2025-26) of \$8.3 million, this is based on no changes to Council's core service delivery. This is an unsustainable trend for the general fund long term and future actions in the Finance Strategy are aimed at improving the operating performance of the general fund.

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The Revenue Policy, incorporated into the budget, and disclosed in the draft Operational Plan 2025-26 outlines the proposed rates, levies and annual charges, pricing policies and proposed borrowings for 2025-26. All of Council's fees and charges for specific services that are not subject to statutory control are reviewed on annual basis. Council's proposed fees and charges for the 2025-26 year are included in the schedule of draft Fees and Charges 2025-26.

The draft Resourcing Strategy 2025-35 includes the draft Long-Term Financial Plan 2025-35, the draft Asset Management Plan and Strategy 2025-35, and the draft Workforce Management Strategy 2025-29. The strategy outlines how Council plans to allocate its financial, people, and asset resources to work towards achieving its other integrated plans.

Council's draft 10 year Long Term Financial Plan 2025-35 forms part of the draft Resourcing Strategy 2025-35 and has been updated to include the annual estimates for the 2025-26 financial year and 10 year forward projections based on current market expectations and long term forecasted capital expenditure and funding.

Council is forecasting an overall improvement in the consolidated operating result from a \$1.5 million deficit in the first year to a \$6.3 million surplus in the last year of the plan. For general fund however the operating deficit reduces only slightly to a \$6.6 million deficit in the final year representing an unsustainable trend.

Higher levels of unrestricted cash are forecast in the draft Long Term Financial Plan 2025-35. This is reflective of actions undertaken including no new general fund borrowings and an approach to grant funding that supports identified priority works and services.

The draft Asset Management Plan and Strategy 2025-35 establishes a robust framework and methodology for systematically managing the asset portfolio to guide the planning, construction, maintenance and operation of infrastructure to provide services to the community.

The draft Workforce Management Strategy 2025-29 addresses key workforce challenges for Council whilst embracing inclusion, diversity, wellbeing and safety. The strategy aligns with the evolving local government sector and is guided by the four pillars of best practice.

IPR Framework and Policy

Section 403 of the *Local Government Act 1993* requires Council to have a long-term strategy for the provision of the resources required to perform its functions and implement its plans.

Section 404 of the *Local Government Act 1993* requires Council to have a Delivery Program detailing activities to be undertaken by Council to respond to strategies identified in the CSP, within the resources available under the Resourcing Strategy.

Section 405 of the *Local Government Act 1993* requires Council to adopt an Operational Plan before the beginning of each financial year that details the activities to be engaged in by the Council during the year as part of the Delivery Program.

**FCS25/023 EXHIBITION OF DRAFT DELIVERY PROGRAM 2025-29, DRAFT
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**S004-T00028,
S004-T00029**

The Operational Plan must include a statement of the Council's revenue policy for the year covered by the Plan. The revenue policy must include the statements and particulars required by legislation.

The Office of Local Government's Integrated Planning and Reporting Manual and Guidelines are comprehensive tools that have been used in the preparation of these integrated plans. The guidelines require Council to exhibit their Delivery Program, Operational Plan and Resourcing Strategy for no less than 28 days and submissions considered before final versions of the plans are presented to Council, for adoption, prior to 30 June 2025.

The Delivery Program and Operational Plan draws on and implements actions contained in adopted Council policy documents.

Financial

Council's operations are separated into three funds for financial reporting purposes. The three funds are the general fund (includes waste and environment activities), the sewer fund and the water fund. Separate rates and charges are collected for general, environment, waste, sewer and water services and each fund has a number of different considerations, for example, general fund rates are subject to rate pegging. Council's 30-year Integrated Water Cycle Management Strategy continues to inform the development of the budgets for the Water and Sewer funds.

The 2025-26 key projected financial results for each fund and a consolidated outlook are shown in the table below*.

Net Operating Result (\$'000) (before capital grants and contributions)

Key Results 2025-26 (\$'000)	General Fund	Waste Fund	Enviro Fund	Water Fund	Sewer Fund	Consolidated
Total income (before capital grants and contributions)	80,603	16,723	1,652	22,537	28,468	149,983
Total operating Expenses	89,187	15,192	1,704	19,775	25,649	151,507
Net operating result (before capital grants and contributions)	(8,584)	1,531	(52)	2,762	2,819	(1,524)
Total capital program	39,993	7,688	140	7,777	6,116	61,714
Increase / (decrease) in unrestricted funds	5,743	(2,190)	(138)	2,431	6,414	12,260

**Numbers have been rounded up to millions of dollars*

The first three columns of the table above can be combined to represent the general fund as reported (i.e. including the waste and environment funds).

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An operating deficit (before capital grants and contributions) of \$8.6 million is forecast for the general fund. Council's water and sewer funds forecast an operating surplus (before capital grants and contributions). The consolidated operating result for 2025-26 is a deficit of \$1.5 million.

Community and Stakeholder Engagement

If the draft Delivery Program 2025-29, draft Resourcing Strategy 2025-35, and draft Operational Plan 2025-26 (incorporating the Revenue Policy and schedule of draft Fees and Charges 2025-26) are endorsed for public exhibition, Council will engage the community and seek submissions from 30 April to 27 May 2025 by:

- Informing the community about the public exhibition and inviting the community to provide feedback on the plans. This will be achieved using Council's own platforms and through local media. Details on making a submission can be found on Council's ['Have your say'](#) webpage.
- Making the draft Delivery Program 2025-29, draft Resourcing Strategy 2025-35, and draft Operational Plan 2025-26 (incorporating the Revenue Policy and schedule of draft Fees and Charges 2025-26) available for the community to read on Council's website.
- Requests for hard copies can be made by contacting Council's Customer Service team on 4474 1000. Reference and lending copies will be available at the libraries.
- Hosting community information sessions regarding Council's draft Operational Plan 2025-26 (including budget) in Narooma, Moruya and Batemans Bay during the exhibition period. Information sessions will be advertised on Council's own platforms when dates are finalised.
- All community submissions will be provided to councillors for review prior to any decisions being made about the Delivery Program 2025-29, Resourcing Strategy 2025-35, and Operational Plan 2025-26 (incorporating the Revenue Policy and schedule of Fees and Charges 2025-26).

CONCLUSION

The draft Delivery Program 2025-29, draft Resourcing Strategy 2025-35 and draft Operational Plan 2025-26 (incorporating the proposed Revenue Policy and schedule of draft Fees and Charges 2025-26) have been prepared in accordance with the requirements of the *Local Government Act 1993* and the NSW Office of Local Government Integrated Planning and Reporting Guidelines. The plans align to Eurobodalla Shire CSP and demonstrate Council's response and commitment to the community to work towards the community's vision and goals for the future.

This report proposes Council endorse the public exhibition of the draft plans for 28 days. The community will be invited to provide feedback on the draft plans during the exhibition period. At the end of the public exhibition period Council will be provided with copies of all received submissions for consideration prior to adoption.

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FCS25/024 SURFAIR SPEEDWAY LEASE

S023-T00015

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments: 1. 2013 Council Minute
2. Confidential - 2013 Confidential attachment
3. Confidential - Speedway Rent Details

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.2 Manage leases and licences

EXECUTIVE SUMMARY

Surfair Speedway has a lease over Council owned land near Moruya Racecourse being Lot 10 DP 771575. Council approved this lease at the Ordinary Meeting of Council on 26 March 2013. The lease expires in 2042.

Council's approval contained rent terms that have recently delivered a significant increase in the rent due. In July 2022, the Speedway approached Council stating that it could not absorb the increased rent.

Council and the Speedway propose to develop a Memorandum of Understanding (MOU) that would allow Council to hold events at the Speedway site in return for an amendment to current rent terms.

RECOMMENDATION

THAT Council

1. Agrees to work with the lessee of Lot 10 DP771575 to develop an MOU that will allow the Speedway precinct to be used for events.
2. Agrees to amend the rent terms in the lease as outlined in the Confidential Attachment to this report in exchange for the lessee agreeing to work with Council on developing an MOU to facilitate use of the precinct for events.
3. Delegates to the general manager the ability to set terms for future rent.

BACKGROUND

Surfair Speedway has a lease over Council owned land near Moruya Racecourse being Lot 10 DP 771575. Council approved this lease at the Ordinary Meeting of Council on 26 March 2013. The lease expires in 2042.

Council's approval contained rent terms that have recently delivered a significant increase in the rent due. In July 2022, the Speedway approached Council stating that it could not absorb the increased rent. Post Covid, the finances of the Speedway were strained and there was a significant rent increase due.

FCS25/024 SURFAIR SPEEDWAY LEASE

S023-T00015

Council staff have been discussing ways of mitigating the impact of a significant rent increase and a proposal has been discussed with the Speedway to develop an MOU with Council that would allow Council to hold events at the precinct in return for an amendment to their rent terms. Measures have been put in place to facilitate a reduced rent in the interim.

The Speedway site has potential attraction as an events site due to its size and location near road links and also there is limited residential housing in the area.

The Speedway committee has agreed to the principle of working with Council to agree an MOU for this. It is envisaged that MOU discussions would take some time as they would develop alongside event plans.

It is not intended that any use for Council events would impact on existing use by the Speedway, their onsite infrastructure or the requirements of their funding or regulatory bodies.

Council has had correspondence over a couple of years and a number of meetings with the Speedway committee including an onsite meeting in June 2024 to progress this matter.

CONSIDERATIONS

In 2013, Council has resolved a position with specific rent terms. A Council resolution is required to amend these terms. The original Council minute and confidential attachment are attached to this report.

Policy

Council's current Land Management Policy, adopted in November 2022, gives the general manager delegation to approve leases on operational land so if the original lease were being approved now, there would be no need for a Council resolution.

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

Asset

The Speedway site is Council owned operational land and includes assets built by the Speedway.

Economic Development Impact

Developing an additional events venue could support the local economy.

Social Impact

The Speedway offers leisure activities for locals and tourists and plays host to the Teensafe Driving program.

Financial

In 2013, Council resolved to charge rent based on a percentage of the unimproved capital value (UCV) of the land value. This percentage was to increase from the original level to a higher percentage rate, first in 2022 and then again in 2027.

In 2022 when the increase in percentage was due, land values also increased significantly so the rent due increased threefold.

FCS25/024 SURFAIR SPEEDWAY LEASE

S023-T00015

Rents charged to the Speedway, what would have been due under the original lease terms, together with the proposed rent going forward are detailed in confidential attachment 3.

CONCLUSION

That Council support the development of an MOU and agree to the amended rent terms outlined in the confidential attachment.

MINUTES OF THE ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL
HELD ON TUESDAY 26 MARCH 2013

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MINUTE NO 13/75

O13/38 LEASE FOR SURFAIR SPEEDWAY

E80.3127

13/75 **MOTION** Councillor Pollock/Councillor Brice

THAT:

1. A lease be granted over Lot 10 DP 771575 to Surfair Motor Sports Club Inc. with terms and conditions including:
 - (a) 30 year term;
 - (b) rent as set out in the Councillors' Attachment;
 - (c) the Lessee to be responsible for remediation of any contamination of the site; and
 - (d) conditions generally in line with the previous lease E755318;
2. All costs associated with the preparation and registration of the Lease be borne by Surfair Motor Sports Club Inc.
3. Consent be given to the lessee to sub-lease part of the lease area to GTS Dirt Karts Pty Limited for a go-kart business;
4. Any encroachment on adjoining land by the go-kart track be rectified with 6 months of the date of execution of the lease;
5. Consent be given to affix the Common Seal of Council to the Lease of lot 10 DP 771575.

(The Motion on being put was declared **CARRIED**.)

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FCS25/025 INVESTMENTS MADE AS AT 31 MARCH 2025

**S011-T00006,
S012-T00025**

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

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

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

EXECUTIVE SUMMARY

The purpose of this report is to:

- certify that Council's investments in financial instruments have been made in accordance with legislation, however, have temporarily contravened Council's investment policy regarding the maximum percentage of investment allowed in any single AA- rated institution.
- provide information and details of investments
- raise other matters relevant to investing.

RECOMMENDATION

THAT the certification of investments as of 31 March 2025, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2021*, be received.

CONSIDERATIONS

Policy

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

Council's Investment Policy further limits the amount of investment in one institution based on these risk categories. On 31 March 2025, 42.05% of the total investment portfolio is invested with National Australia Bank (NAB) which exceeds the 40% maximum percentage allowed to be invested in a single AA- rated institution. This threshold has been inadvertently exceeded due to a change in the overall size of Council's total investment portfolio between October 2024 and March 2025. Council's investment strategy has not changed and remains in line with the aims of Council's Investment Policy. As cash reserves are replenished in the future, Council staff will continue to manage diversification back to accord with the diversification threshold outlined in Council's policy.

FCS25/025 INVESTMENTS MADE AS AT 31 MARCH 2025

**S011-T00006,
S012-T00025**

As of 31 March 2025, the portfolio is compliant with Council's Investment Policy adopted by Council on 9 August 2022 (Minute 22/190) but for the diversification threshold as outlined above. A summary of holdings by risk category is summarised below in Table 1.

Table 1 – Policy Risk Categories

S&P Long Term Category	S&P Short Term Category	Policy Risk Category	Current Holdings	Maximum Holdings
AAA (Government Guaranteed Deposits)	A-1+	Remote Risk	1.50%	100%
AAA to AA	A-1+	Near Risk Free	55.12%	100%
A	A-1 to A-2	Near Risk Free	*43.38%	40%
BBB+	A-2	Some Limited Risk	0.00%	30%

*18.44% of the portfolio is held with Bendigo Bank and Bank of Queensland. In April 2024, these two institutions were upgraded from an S&P Global long-term rating of BBB+ to A- and therefore now reported in the 'A' category of the policy. The investment policy is currently under review.

Financial

Investment holdings summary

Table 2 provides a summary of cash and investment balances as of 31 March 2025. 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.

FCS25/025 INVESTMENTS MADE AS AT 31 MARCH 2025

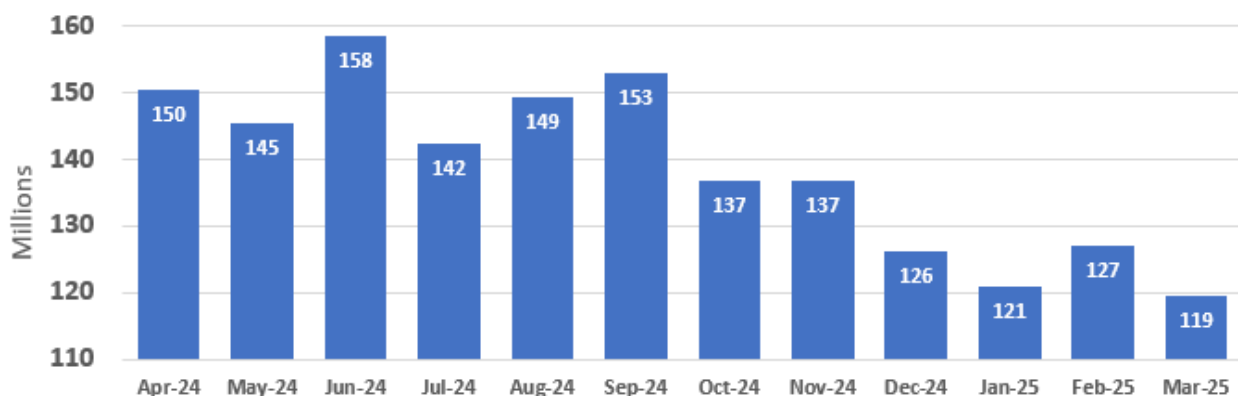
**S011-T00006,
S012-T00025**

Table 2 – Investment holdings by category

Category	(\$)	% of Portfolio
At Call Deposit	9,581,443	8.22%
Term Deposits – Government Guaranteed	1,750,000	1.50%
Term Deposits – Fossil Fuel Free Institutions	42,000,000	36.02%
Term Deposits	63,280,000	54.26%
Total Investments	116,611,443	
Cash at Bank (Operating Account)	2,776,843	
Total Cash and Investments	119,388,286	

Cash and investments decreased \$7.5m in March 2025, primarily due to expenditure on Water and Sewer infrastructure projects and quarterly loan instalments.

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



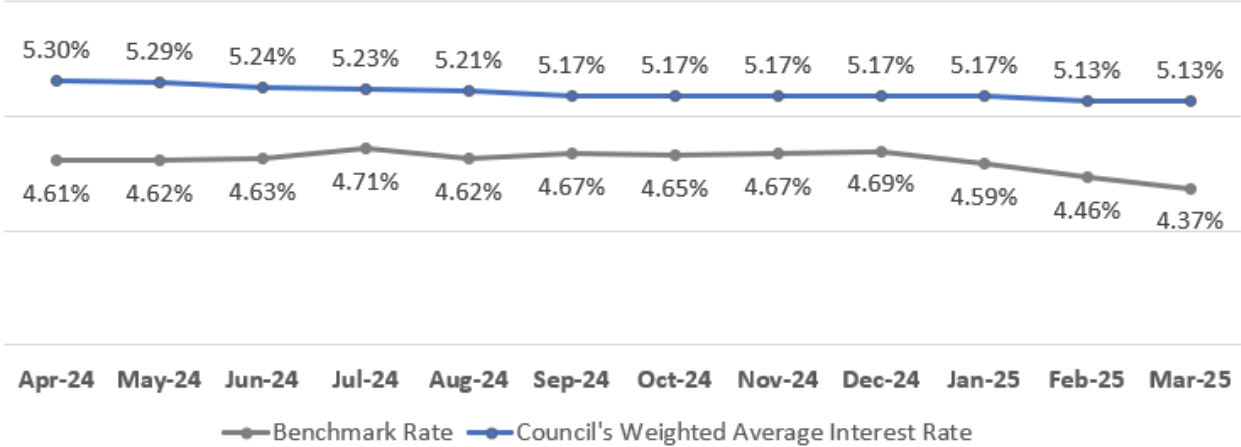
Performance

The weighted average monthly return on Council's investments for March 2025 is 5.13%, surpassing the Council policy benchmark of 4.37%, calculated using the bank bill swap rate (BBSW) 3-month average plus 0.25%. Graph 2 compares Council's weighted average return to the benchmark rate over a 12-month period.

FCS25/025 INVESTMENTS MADE AS AT 31 MARCH 2025

S011-T00006,
S012-T00025

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. Certification is made that Council's investments in financial instruments have been made in accordance with legislation, however, have temporarily contravened Council's investment policy regarding the maximum percentage of investment allowed with a single AA- rated institution. The total investment in National Australian Bank represents 42.05% of Council's investment portfolio. For the month of March this exceeds the current threshold of 40% due to a change in the overall size of Council's total investment portfolio from October 2024 to March 2025.

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IR25/005 LOCAL TRAFFIC COMMITTEE NO.5 FOR 2024-25

S030-T00018

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Under Separate Cover - LTC No 5 for 2024-25 - Minutes and 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. 5 held 13 March 2025 are as follows:

RECOMMENDATION

THAT Council:1. Approves the following acts for determination from Local Traffic Committee No. 5:

- **2025.RT.013 - Edward Road, Batehaven - No Stopping signs**

That Council Plan 5490_Q_01 to install No Stopping signs along Edward Road, Batehaven be approved.

- **2025.RT.014 - Intersection Murray/Hawdon – Mountable roundabout (MHI No.23)**

That Council Plan 4211-E-00 to install signs and lines plan for Mountable Roundabout at the intersection of Murray Street and Hawdon Street, Moruya be approved.

- **2025.RT.015 - Intersection Murray/Thomas – Mountable roundabout (MHI No.19)**

That Council Plan 4211-D-00 to install signs and lines plan for Mountable Roundabout at the intersection of Murray Street and Thomas Street, Moruya be approved.

- **2025.RT.016 - Intersection Evans and Albert – Mountable roundabout (MHI No.16)**

That Council Plan 5491-A-00 to install signs and lines plan for Mountable Roundabout at the intersection of Evans Street and Albert Street, Moruya be approved.

- **2025.RT.017 - Albert Street @ Moruya High School – (MHI No.17)**

That Council Plan 4841-F-00 plan to install signs and lines plan for the raised pedestrian crossing on Albert St, east of Vulcan St, Moruya be approved.

- **2025.RT.019 - Narooma Golf Club Entry Sign**

IR25/005 LOCAL TRAFFIC COMMITTEE NO.5 FOR 2024-25

S030-T00018

That Council Plan 5490-N-01 to install a sign at the entry of the Narooma Golf Club carpark be approved.

2. Notes the following Informal Items:

- **2025.SE.009 Distinguished Gentlemen's Ride 2025** will be held from 9am to 2.00 pm on 18 May 2025
- **2025.SE.010 Narooma Oyster Festival 2025** will be held from 2 to 4 May 2025, at Quota Park, Narooma.
- **2025.SE.011 Fox Superflow 2025** event is approved by Forestry, with the Narooma MTB permit requiring changed traffic control on the Princes Highway as a permit condition held 14 to 16 March 2025.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 5 for 2024-25 was held on 13 March 2025. The meeting was attended by Councillor Laurence Babington, Thomas Franzen (ESC Divisional Manager, Technical Services), Katherine Buttsworth (ESC Road Safety Officer), Daniel Weekes (Acting Traffic Coordinator), Donna Bins (Transport for NSW), Brad Ross (Transport for NSW), Isaac Nagawidjaja (Transport for NSW), Sheree Ward (ESC Infrastructure Support Officer), Kelly-Ann Marshall (ESC Surveillance Officer – Maintenance), Scott McNairn (ESC Events Coordinator).

APOLOGIES

James Thompson (ESC Transport and Stormwater Engineer), Chief Inspector John Sheehan (NSW Police), Senior Sgt Scott Britt (NSW Police).

CONCLUSION

The minutes of the Eurobodalla Local Traffic Committee Meeting No. 5 for 2024-25 are attached to this report and provide further background for the recommendations.

17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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