



# AGENDA

## Ordinary Meeting of Council

**16 December 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 16 DECEMBER 2025**

**COMMENCING AT 12:30 PM**

**AGENDA**

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

<b>1. WELCOME</b>	
<b>2. ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>3. APOLOGIES</b>	
Nil	
<b>4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>	
4.1 Ordinary Meeting held on 26 November 2025	
<b>5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA</b>	
(Declarations also to be made prior to discussions on each item)	
<b>6. PUBLIC FORUM</b>	<b>Page No.</b>
<b>7. MAYORAL REPORTS</b>	
Nil	
<b>8. NOTICES OF MOTION</b>	
Nil	
<b>9. QUESTIONS ON NOTICE FROM COUNCILLORS</b>	
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<b>10. PETITIONS</b>	
Nil	

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Nil

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**16. URGENT BUSINESS****17. DEALING WITH MATTERS IN CLOSED SESSION .....** **184****18. CONFIDENTIAL MATTERS**

**MARK FERGUSON**  
**GENERAL MANAGER**

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**QON25/007      UPDATE ON ADVOCACY FOR ONCOLOGY AND RADIOLOGY SERVICES AT THE  
NEW EUROBODALLA REGIONAL HOSPITAL**

Responsible Officer: Mark Ferguson - General Manager

Attachments:      1.      Letter from The Hon Ryan Park MP regarding Eurobodalla Health Services [\[link\]](#)

The following question on notice was received from Councillor Mayne:

**Question**

I would like to begin by acknowledging the wonderful progress being made on the new Eurobodalla Regional Hospital in Moruya. The ongoing development of this facility represents a significant step forward in improving healthcare infrastructure in our region, and it will greatly benefit the community in the years to come.

However, I seek an update on the advocacy efforts for the inclusion of an oncology unit and local radiology services at the new hospital, following the resolution passed at the Council Meeting on 24 August 2024.

Could the Council please provide an update on the actions taken to advance this resolution, specifically:

1.      What steps have been taken since the motion was carried to advocate for the inclusion of both an oncology unit and radiology services at the new Hospital?
2.      What responses, advice, or updates have we received from NSW and Commonwealth Governments or relevant health authorities regarding the inclusion of these services?
3.      What additional steps are planned to ensure these critical services are prioritised, and how can the community expect further involvement in this advocacy?
4.      Could all future representations include our two Federal Members (for Gilmore and Eden-Monaro) and actively seek their assistance in directly bringing this urgent issue to the attention of their Ministerial colleague, in order to secure increased funding support from the Department in collaboration with their State counterparts.

It is essential that we continue to press for these services to meet the healthcare needs of our community. I look forward to hearing about the progress made and the next steps in our ongoing efforts.

Thank you for your attention to this matter.

**Response**

Council wrote to the NSW Health Minister with a copy sent to the Federal Member for Gilmore and the Member for Bega advocating for radiation therapy services to be included in the Eurobodalla Regional Hospital at Moruya.

On 8 October 2024, the Minister for Health responded that the Access to Radiation Therapy Services for Residents of Eurobodalla / Bega Valley LGAs report supports the viability of a single linear accelerator radiation therapy service at the new Eurobodalla Regional Hospital. The letter attached outlined that the report informs ongoing planning and the NSW Government remains in negotiations with the Federal Government in relation to this project.

**QON25/007 UPDATE ON ADVOCACY FOR ONCOLOGY AND RADIOLOGY  
SERVICES AT THE NEW EUROBODALLA REGIONAL HOSPITAL**

The Minister for Health has also visited the area regularly and Council intends to remain in dialogue with the Minister, Federal Member and Local Member for Bega.

OFFICIAL

**The Hon Ryan Park MP**

Minister for Health  
Minister for Regional Health  
Minister for the Illawarra and the South Coast



Ref: M24/5258

Councillor Mathew Hatcher  
Mayor  
Eurobodalla Shire Council  
council@esc.nsw.gov.au

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**Eurobodalla Health Services**

Dear Mayor  / Mathew

Thank you for writing on behalf of the Eurobodalla Shire Council and members of your community about the development of a radiation therapy services, and maintenance of emergency services, at Batemans Bay Hospital until the completion of the Eurobodalla Regional Hospital.

I acknowledge the concerns raised and appreciate your advocacy on this matter.

I am advised the *Access to Radiation Therapy Services for Residents of Eurobodalla / Bega Valley LGAs* report supports the viability of a single linear accelerator radiation therapy service at the new Eurobodalla Regional Hospital. I am advised the report is informing ongoing planning in the Southern NSW Local Health District. The NSW Government remains in negotiations with the Federal Government in relation to this project.

Hospital services from Batemans Bay and Moruya hospitals will transition to the new Eurobodalla Regional Hospital when the new hospital is operational. Batemans Bay Hospital will continue to provide healthcare services, including emergency services, for the community while the new community health facility and Eurobodalla Regional Hospital is built.

I am informed that FAQs about the Batemans Bay Community Health project are updated regularly and are available on Health Infrastructure's website at [www.hintra.health.nsw.gov.au/projects/project-search/batemans-bay-community-health](http://www.hintra.health.nsw.gov.au/projects/project-search/batemans-bay-community-health). NSW Health is committed to keeping the community informed as the project progresses.

As the Moruya Bypass is part of the responsibilities of the Minister for Regional Roads and Transport the Hon. Jenny Aitchison MP, your letter has been referred to Minister Aitchison for consideration.

Thank you again for writing. For more information, please contact Mr Brad Scotcher, General Manager, Coastal Network, Southern NSW Local Health District, at [bradley.scotcher@health.nsw.gov.au](mailto:bradley.scotcher@health.nsw.gov.au) or on 0427 429 082.

Yours sincerely



**Ryan Park MP**  
Minister for Health  
Minister for Regional Health  
Minister for the Illawarra and the South Coast

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**PER25/022 ANIMAL SHELTER DESIGN & CONSTRUCTION**

**S010-T00003**

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 1. Confidential - EDC Report  
2. Under Separate Cover - Plans

Community Goal: 1 Eurobodalla welcomes, celebrates and supports everyone.

Community Strategy: 1.3 Foster a safe community

Delivery Program Link: 1.3.4 Provide companion animal services, guided by the Companion Animal Management Plan

Operational Plan Link: 1.3.4.3 Manage animal impounding and rehoming

#### **EXECUTIVE SUMMARY**

This report provides Council with an update on the construction and budget for the new animal shelter. Council has obtained a more recent cost estimate from a quantity surveyor and this is attached as a confidential attachment.

Council has also lodged a development application for the new animal shelter. It is expected that public exhibition will occur over December and January and for the application to be assessed by a planning consultant in the New Year.

It is recommended that Council allocates an amount of \$2.5million in the 2026-27 operational plan for the construction of the animal shelter project and any additional operational expenditure, noting that funding will be determined as part of the annual budget process.

#### **RECOMMENDATION**

THAT:

1. The report concerning the proposed animal shelter be received.
2. Council allocates an amount of \$2.5 million in the 2026-27 Operational Plan for the construction of the animal shelter project and any additional operational expenditure, noting that funding will be determined as part of the annual budget process.

#### **BACKGROUND**

Council resolved at the April 2025 Council Meeting that a report should be prepared to guide the design, construction and budget of the new animal shelter. The resolution is provided below.

25/61 MOTION Councillor Schutz/Councillor Mayne

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.*

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**PER25/022 ANIMAL SHELTER DESIGN & CONSTRUCTION**

**S010-T00003**

4. *Council approves the submission of grant applications to support this project.*
5. *That staff provide a comprehensive report to Council within this calendar year of the design, construction and budget.*
6. *A report be provided to Council in conjunction with its consideration of its annual operating plan in June 2025.*

**CONSIDERATIONS**

Council considered the animal shelter project as part of its deliberations on the 2025-2029 Delivery Plan and the 2025-2026 Operational Plan at the June 2025 Council Meeting.

An amount of \$100,000 has been allocated to assist with the preparation of a development application and construction certificate drawings.

- *Council has currently resolved to seek grant funding and prepare a Development Application for the project. The 2025-26 Operational Plan has an action to continue work to replace Eurobodalla's animal shelter/pound. A budget is proposed to be included in the September 2025 Quarterly Budget Review to support this application process which is a precursor for the application of any grant funding.*
- *Prior to December 2025, Council will receive a comprehensive report outlining design, construction and budget information. Funding options will also be considered for inclusion in the 2026-27 Operational Plan.*

**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.

Last financial year, Council impounded 189 animals with an average of 16 animals per month.

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**PER25/022 ANIMAL SHELTER DESIGN & CONSTRUCTION**

**S010-T00003**

The average time a companion animal spends in the shelter is 11 days.

The average amount of companion animals held at any given time is 4 with peaks over the holiday periods such as Christmas/New year with up to 14 animals at any one time.

**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 \$2.3 million inclusive of GST. This does not include the cost of relocating part of the stock yards. It is therefore prudent to allow for a project cost of \$2.5 million.

The NSW Government announced in early September 2025 a Companion Animal Welfare and Rehoming Grant – Round 1 – FY 25/26 [Companion Animal Welfare and Rehoming Grant - Round 1 - FY25/26 | NSW Government](#).

This grant process will run over four years and there is a \$6 million fund. There will be four separate application processes for each year with grants available from \$10,000 up to \$100,000 and \$1.5 million available each year. These grants are available to registered charities and welfare organisations.

Council is not aware of any other grants that would provide a funding source.

The September quarterly budget review presented to the November Council Meeting forecast a \$11.7 million operating deficit in General Fund and year end unallocated cash balance of \$11.8 million.

Funding for the animal shelter construction and additional operating costs will be considered as part of the 2026-27 Operational Plan and annual budget process.

Potential funding sources may include use of monies held in the asset renewal reserve, real estate disposal fund (noting replenishment requirements) and reprioritisation of Council's capital program.

**Community and Stakeholder Engagement**

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

The development application will be required to be exhibited for a minimum period of 28 days, and this is likely to be longer due to the Christmas period and NSW government policy in relation to an exclusion period.

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**PER25/022 ANIMAL SHELTER DESIGN & CONSTRUCTION**

**S010-T00003**

**CONCLUSION**

This report provides Council with an update on the construction and budget for the new animal shelter. Council has obtained a more recent cost estimate from a quantity surveyor, and this is attached as a confidential attachment.

Council has also lodged a development application for the new animal shelter. It is expected that public exhibition will occur over December and January and for the application to be assessed by a planning consultant in the new year.

It is recommended that Council allocates an amount of \$2.5 million in the 2026-27 Operational Plan for the construction of the animal shelter project and any additional operational expenditure, noting that funding will be determined as part of the annual budget process.

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**PER25/023 POST EXHIBITION REVIEW AND ADOPTION OF DRAFT LOCAL ORDERS POLICY - KEEPING OF ANIMALS**

**S004-T00060**

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 1. Draft Local Orders Policy - Keeping of Animals [Download](#)

2. Summarised submissions [Download](#)

3. Under Separate Cover - Confidential - Submissions

Community Goal: 1 Eurobodalla welcomes, celebrates and supports everyone.

Community Strategy: 1.3 Foster a safe community

Delivery Program Link: 1.3.3 Deliver legislated health protection and regulatory programs to protect public health and wellbeing

Operational Plan Link: 1.3.3.4 Monitor, inspect and respond to issues in relation to public safety

## **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's adoption of the draft Local Orders Policy – Keeping of Animals.

The Local Orders Policy was on public exhibition until 5pm on Friday 29 August 2025 but submissions were accepted until close of business on 18 September 2025, in accordance with the *Local Government Act*.

Council has reviewed the draft Policy, and the submissions received to date and are proposing some changes to address the feedback.

## **RECOMMENDATION**

THAT Council adopts the Local Orders Policy – Keeping of Animals with the following amendments as highlighted in red below:

**1. Poultry, Domestic and Guinea Fowl**

*All poultry must be kept in accordance with the Local Government (General) Regulation 2021, Schedule 2, Part 5, Division 2.*

(1) *Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health*

(2) *Poultry yards must at all times be kept clean and free from offensive odours.*

a. *Fowl*

i. *Roosters are not permitted to be kept where crowing may cause offensive noise.*

ii. *The maximum number of fowl shall be limited to ten (10) per premises for Zone R5 land*

iii. *Must not be kept within 4.5m of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.*

b. *Poultry other than fowls including ducks, geese and turkeys:*

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**PER25/023 POST EXHIBITION REVIEW AND ADOPTION OF DRAFT LOCAL ORDERS POLICY - KEEPING OF ANIMALS** S004-T00060

- i. *must not be kept within 30m of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.*
- ii. *On any other land not more than 5 small fowl or poultry (where adults are less than 2kg e.g. chickens, pheasants, quail, call ducks and mallard ducks) and*
- iii. *no more than 2 large fowl or poultry (where adults are more than 2kg e.g. large ducks and geese).*
- c. *Roosters should not be kept in residential areas due to noise. Other noisy fowl and poultry such as Peacocks, Guinea Fowls and Turkeys are also considered unsuitable to be kept in residential areas.*

**2. Swine, Goats & Sheep**

- a. *Swine, goats or sheep must not be kept (and animal waste products must not be deposited) within 60m of a dwelling, shop, office, factory, church, or other place of public worship, school or public place.*
- b. *The maximum number of swine, goats or sheep to be kept in urban areas shall be limited to two (2).*
- c. *Swine must not be kept in such a place or manner as to pollute any surrounding waters.*

**3. Birds other than Pigeons, Poultry and Domestic and Guinea Fowls**

- a. Aviaries must not be located within 4.5m of a kitchen or food preparation area.
- b. Aviaries must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- c. Aviaries must at all times be kept clean and free from offensive odours.
- d. The maximum number of birds allowed to be kept in urban areas shall be as appropriate for the species, enclosure size, proximity to neighbours etc.

**4. Pigeons**

*To encourage satisfactory care and management of pigeons and the keeping of pigeons does not adversely impact on the community or the environment.*

- a. *Pigeons must not be kept within 15m from any kitchen or food preparation area*
- b. *Nuisance due to noise and also free flight of pigeons is to be minimised. Lofts must be constructed to Council approval on hard paving of a smooth surface, or with a suspended floor elevated 0.8m above the ground.*
- c. *Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly. To minimise odours owners must design and manage lofts to prevent manure becoming wet due to rain or cleaning.*
- d. *Pigeons must be fed within lofts after exercise. All feed must be kept in vermin-proof containers.*
- e. *Racing pigeon's lofts should have adequate visible landing platforms.*
- f. *Exercising of birds should not occur between 8.00 am and 3.30 pm.*

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**PER25/023 POST EXHIBITION REVIEW AND ADOPTION OF DRAFT LOCAL ORDERS POLICY - KEEPING OF ANIMALS**

**S004-T00060**

g. *Birds shall not be allowed to roost on neighbouring buildings. 'Open' lofts are not permitted.*

*Please note:*

*Pigeon structures may require development approval. Please check first with Council.*

*Pigeon owners are encouraged to adhere to the NSW Code of Practice No:4 Keeping and Trading Birds.*

**5. Horses And Cattle**

1. *Only two (2) horses may be kept on any premises on urban land.*
2. *Horses and cattle must be kept no closer than 9m from a kitchen or food preparation area*
3. *The floors of any stables must be paved with concrete or mineral asphalt or equally impervious material and must be properly graded to drain.*
4. *Horse yards and cattle yards must be enclosed to prevent the escape of horses and cattle.*
5. *Yards must not be kept under such condition as to create a nuisance or to be dangerous or injurious to health.*
6. *Yards must at all times be kept clean and free from offensive odours.*
7. *As a general guide a minimum of 0.4ha of pastured land is required to keep horses (excludes offspring to 3 months of age)*

**6. Dogs**

- a. *The maximum number of dogs shall be limited to two (2) adults and one (1) litter of pups up to six (6) months old per premise in urban areas.*
- b. *The maximum number of dogs other than greyhounds shall be limited to four (4) adults and one (1) litter of pups up to six (6) months old per premise in rural areas.*
- c. *The maximum number of greyhounds shall be limited to four (4) adults and one (1) litter of pups up to thirteen (13) months old in rural areas.*
- d. *A premises used for the keeping of a dog or dogs must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.*
- e. *A premises used for the keeping of dog/s must at all times be kept clean and free from offensive odours.*
- f. *A premises used for the keeping of dog/s should be appropriately fenced to secure the dog/s within the premises in accordance with the requirements of the Companion Animal Act 1998*

*Please note:*

*Some dog kennel structures may require development approval. Please check first with Council.*

*Declared dangerous, or restricted dog enclosures require development approval.*

*Commercial dog breeding and/or boarding kennels are subject to Council approval.*

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**PER25/023 POST EXHIBITION REVIEW AND ADOPTION OF DRAFT LOCAL ORDERS POLICY - KEEPING OF ANIMALS** S004-T00060

*Owners of dogs are encouraged to de-sex their dog and registration fees are cheaper for desexed animals.*

*Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping dogs.*

*All provisions of the Companion Animals Act 1998 must be complied with, including:*

- *Registration requirements; and*
- *Micro-chipping requirements.*

**7. Cats**

- a. *The maximum number of cats shall be limited to four (4) per premise.*
- b. *A premises used for the keeping of a cat or cats must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.*
- c. *A premises used for the keeping of a cat or cats must at all times be kept clean and free from offensive odours.*

*Please note:*

*Owners of cats are encouraged to keep their cat(s) indoors overnight to limit hunting of native wildlife.*

*Cat owners are encouraged to keep their cat(s) contained on their property. This will keep their cat(s) safe and minimise the hunting of wildlife.*

- *There are four main ways you can keep your cat(s) contained at home:*
  - *Indoors only*
  - *Indoors with an outdoor space and escape-proof barrier. Outdoor spaces for your cat can include attached and freestanding enclosures, enclosed backyards or modified fences.*
  - *Indoors with supervised outdoor play: Walking your cat on a lead lets them explore outdoor sights, sounds, and smells safely, while protecting wildlife.*
  - *Owners of cats are encouraged to desex their cat(s); a desexed cat is more content and is less likely to roam.*

*Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping cats.*

*All provisions of the Companion Animals Act 1998 must be complied with, including*

- *Registration requirements*
- *Micro-chipping requirements; and*
- *Annual permit (un-desexed cats over 4 months of age)*

**8. Rabbits**

- a. *The maximum number of rabbits shall be limited to four (4) per premise. Should more than one rabbit be kept at a premise they must be:*
  - i. *kept inside at all times or escape proof outdoor areas*

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**PER25/023 POST EXHIBITION REVIEW AND ADOPTION OF DRAFT LOCAL ORDERS POLICY - KEEPING OF ANIMALS**

**S004-T00060**

*ii. desexed,  
iii. vaccinated*

- b. A premises used for the keeping of a rabbit must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.*
- c. A premises used for the keeping of a rabbit must at all times be kept clean and free from offensive odours.*
- d. Rabbits being kept in residential areas must not be kept closer than 10m to a kitchen or food preparation area.*
- e. Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof enclosure suitable for the breed.*

*Please note:*

*Rabbits should be desexed before 5 months of age.*

*Wild/feral rabbits are prohibited to be kept in captivity without the approval from the NSW Local Lands Service (LLS)*

**9. Bees**

- a. To keep one or more beehives in NSW, you are required to register as a beekeeper with the Department of Primary Industries.*
- b. Under the Biosecurity Act 2015, you must be registered to keep bees, you must mark all hives with a hive identification number and may include the number of hives on the property.*
- c. An adequate supply of water is to be provided within the premises where the bees are kept.*
- d. Hives are to be located so that flight paths do not interfere with surrounding residents.*
- e. All hives must be registered with the NSW Department of Primary Industries.*
- f. Beehives must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.*
- g. Beekeepers should familiarise themselves with [The Australian Honey Bee Industry Biosecurity Code of Practice](#).*

*Wild hives must be controlled. Any person having a wild hive on their property must consult NSW DPI for advice.*

**10. Ferrets**

- a. The maximum number of ferrets shall be limited to two (2) per premise.*
- b. Ferrets must not be kept within 4.5m of a kitchen or food preparation area.*
- c. A premises used for the keeping of a ferret must at all times be kept clean and free from offensive odours.*
- d. Ferrets must be caged and/or secured at all times and are not permitted to free range.*

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**PER25/023 POST EXHIBITION REVIEW AND ADOPTION OF DRAFT LOCAL ORDERS POLICY - KEEPING OF ANIMALS** S004-T00060

*Please note:*

*Owners of ferrets are encouraged to have them desexed.*

*Ferrets should not be released into the environment.*

**11. Miscellaneous**

- a. *The maximum number of bird(s) or animal(s) permitted to be kept, where the type of bird or animal, or the maximum number has not been specifically noted above, is at the discretion of the investigating Officer, taking into consideration the number and type of bird(s) or animal(s) being kept, the conditions under which they are kept and the impact they are causing.*
- b. *Such animals would be required to be kept under such conditions as to prevent the creation of a nuisance or not to be dangerous or injurious to health.*
- c. *The area proposed for the keeping of such animals must, at all times, be kept clean and free from offensive odours.*
- d. *Where the keeping of birds or animals on premise is capable of being regulated by the NSW Environment Protection Authority, Council is excluded from making an Order No. 18.*

*Where the keeping of birds or animals on premise is capable of being regulated by the NSW Environment Protection Authority, Council is excluded from making an Order No. 18.*

**12. Criteria and/or matters that will not be considered:**

- a. *damage caused by wild or native birds or animals*
- b. *the trapping of any wild or native birds or animals*
- c. *the control of or treatment of termites on private or public land*
- d. *the control of or treatment of feral animals such as rabbits, foxes or other feral pests on private or public land.*

**BACKGROUND**

The Local Orders Policy was originally adopted by Council in 2006. It was subsequently reviewed and retained at the Council meeting held on 22 September 2009. With the commencement of new Council terms in 2013, 2017, and 2022, the policy underwent further review and updates. Minor amendments were made at the Council meeting on 28 February 2017, refining the policy to focus specifically on circumstances in which an Order may be issued under Section 124 of the Act in relation to the keeping of animals. This includes provisions regarding the number of animals permitted and the conditions under which they may be kept on a premises.

At the Council Meeting on Tuesday 22 July 2025, Council resolved (Min. No: 25/114) as follows:

**THAT:**

1. *Council agrees to publicly exhibit the Local Orders Policy – Keeping of Animals for a period of 28 days*
2. *A further report regarding the draft policy be provided to Council following the public*

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**PER25/023 POST EXHIBITION REVIEW AND ADOPTION OF DRAFT LOCAL ORDERS POLICY - KEEPING OF ANIMALS**

**S004-T00060**

*exhibition period.*

3. *Appendix 1, Specific Animal Criteria, Section 7 – “Cats” of the Orders Schedule be amended to include the following sentence in italics, to be inserted directly after the “Please Note” section: “Owners of cats are encouraged to keep their cat(s) indoors overnight to limit hunting of native wildlife.”*

The amendment was made to the draft Policy and it was then put on public exhibition.

The draft Policy went out on public exhibition from 25 July until close of business on 29 August 2025, however submissions will be accepted until 5pm on Thursday 18 September 2025, in accordance with the *Local Government Act*.

The purpose of the Local Orders Policy (LOP) – Keeping of Animals is to supplement provisions of Chapter 7, Part 3 of the *Local Government Act 1993* (the Act) and Clause 99 of the *Local Government (General) Regulation 2021* (the Regulation) by specifying Council’s policy regarding certain Orders under Section 124 of the Act.

1. To provide guidelines for residents on what is usually considered an appropriate number and kind of animals which may be kept.
2. To ensure the keeping of animals does not result in unhealthy or unsafe conditions or cause a nuisance to others.
3. To outline criteria Council will take into consideration when determining whether to issue an order in relation to the keeping of animals.

The Policy provides guidance on the number of animals and the general standards that apply to the keeping of animals/birds on rural and urban properties, should an amenity issue be identified.

## **CONSIDERATIONS**

In 2024–25, Council managed an average of 1,000 nuisance animal complaints, including issues such as barking and straying dogs, cats killing wildlife, and roosters crowing. Over the past five years, the average number of animal control-related requests has been approximately 1,000 annually. A reduction of around 15% in 2024–25 is attributed to improved processes, particularly the use of the Local Orders Policy as a control tool and enhanced public education around responsible companion animal management.

However, the Local Orders Policy is only implemented when all other avenues of negotiation and processes fail. Since the 2022/23 financial year, Council has issued just three Orders as follows:

- 2022/23 0
- 2023/24 1 >20 dogs
- 2024/25 1 10-17 dogs
- 2025 to date 1 >5 dogs

These animals were causing issues around public amenity, roaming, aggressive behaviour and there were also some animal welfare considerations. In all cases, Council undertook investigations into these matters as a result of multiple complaints received from the public.

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Council spent \$251,289 on the management and control of companion animals, excluding administrative and additional support provided by regulatory officers. A total of 647 new companion animal registrations were processed, generating \$50,928 in revenue. This commission helps offset the costs associated with animal management.

In addition to handling 796 customer service requests related to companion animal control, staff also developed and maintained educational materials to support community awareness programs. These initiatives promote responsible pet ownership and encourage the desexing of dogs and cats. Council works in partnership with animal welfare organisations to provide financial assistance for desexing animals adopted from the Council shelter. Regular media releases and articles are published to support these efforts.

Additionally, Council has hosted free microchipping days annually for the past 10 years in collaboration with the RSPCA and/or Animal Welfare League. These events typically result in 20–60 animals being microchipped, which assists Rangers in identifying straying animals and enables rehoming without impoundment—provided there is no history of straying or aggression.

Due to recent considerations by the NSW Government regarding changes to the *Companion Animals Act*, there is growing interest in the management of the cat population. While it has been determined that NSW is not yet ready to implement mandatory cat containment laws, Council supports promoting responsible cat ownership and reducing the impact on native wildlife.

As a result, it is proposed that the note under Appendix 1 – Specific Animal Criteria, Section 7: Cats, of the Orders Schedule be amended to include the following:

*"Cat owners are encouraged to keep their cat(s) contained on their property. This will keep their cat(s) safe and minimise the hunting of wildlife."*

*There are four main ways you can keep your cat(s) contained at home:*

- *Indoors only*
- *Indoors with an outdoor space and escape-proof barrier. Outdoor spaces for your cat can include attached and freestanding enclosures, enclosed backyards or modified fences.*
- *Indoors with supervised outdoor play: Walking your cat on a lead lets them explore outdoor sights, sounds, and smells safely, while protecting wildlife."*
- *Desexing your cat: Cats become more content and are less likely to roam.*

#### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The draft Policy was placed on public exhibition for a period of no less than 28 days commencing on 25 July until 29 August 2025, with submissions accepted until Thursday 18 September 2025. Copies of the draft policy were available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service Centre.

During this time, a total of fifty nine (59) submissions were received, raising issues across the full range of animals covered by the policy. Of these submissions, there was considerable interest in rabbit keeping, with some twenty-three expressing views on the subject. The key

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**PER25/023 POST EXHIBITION REVIEW AND ADOPTION OF DRAFT LOCAL ORDERS POLICY - KEEPING OF ANIMALS**

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rabbit concerns are:

- Welfare risks of solitary housing:
  - Rabbits are highly social; solitary confinement leads to chronic stress, anxiety, and behavioural issues.
  - Lack of mutual grooming and companionship increases the perceived threat of predation.
  - European countries have banned solo rabbit ownership due to its inhumanity.
- Impact on rescue operations:
  - One-rabbit limit would cripple foster networks and registered rescues.
  - Rescues agencies are already overwhelmed by abandonment and surrender rates.
  - Could force bonded pairs to be split or surrendered, worsening welfare outcomes.
- Health and veterinary implications:
  - Desexing age requirements (especially for females)
  - Rescues follow strict vet protocols including desexing, vaccination, and microchipping.
  -
- Bonded pair:
  - Many rabbits are adopted as bonded pairs and must remain together.
  - Lifelong pair bonding and its importance.
- Indoor housing standards:
  - Rescues mandate indoor setups to protect rabbits from disease, predators, and weather.
  - Outdoor housing is considered unsafe and unacceptable.

The submissions raise the following amendments to the draft Local Orders Policy:

- Allow more than one rabbit in a household if:
  - Rabbits are desexed, vaccinated, and microchipped.
  - Mandate indoor housing for all domestic rabbits.
  - Recognise bonded pairs as a welfare necessity; allow four rabbits per household.
  - Discourage rabbit sales from pet shops and backyard breeders due to lack of vet work and responsible practices.
  - If concerns are flagged, keeping no rabbits may be preferable to keeping one alone
  - Wild/feral rabbits are prohibited to be kept in captivity without the approval from the NSW Local Lands Service (LLS)

The table below provides a summary of the key themes raised. Following a review of the Policy, minor amendments have been made to specific animal criteria as outlined below:

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**PER25/023 POST EXHIBITION REVIEW AND ADOPTION OF DRAFT LOCAL ORDERS POLICY - KEEPING OF ANIMALS** S004-T00060

Animal	Summary
Poultry, Domestic and Guinea Fowl	Concerns have been raised regarding noise issues caused by a rooster, with suggestions that roosters should be prohibited due to the disturbance.
Swine, Goats and Sheep	Following a review of the Local Orders Policy, Council took the opportunity to assess the document holistically and make amendments to areas not addressed through community submissions.
Pigeons	It is neither practical nor reasonable to require pigeons to be kept a significant distance from the residence, particularly in urban areas where space is limited and such separation is often impossible.
Horses and cattle	It was recommended that animal limits should be based on land size (e.g. Horses require more space).
Dogs	<ul style="list-style-type: none"><li>Numerous submissions have opposed placing limits on the number of dogs permitted on a single property.</li><li>While Council's current policy promotes desexing through reduced registration fees, waiving the fee entirely could offer a stronger incentive.</li><li>Clarification is needed on whether the same animal limits apply to working dogs as they do to domestic pets.</li></ul>
Cats	<ul style="list-style-type: none"><li>Concerns have been raised about allowing four cats in urban areas due to the potential risks to native wildlife. There is support for stricter limits and mandatory desexing.</li><li>It is recommended that cats be confined to their property at all times, either through secure fencing or an enclosed outdoor run.</li><li>A reduction in the permitted number of cats from four to two is recommended.</li><li>The policy should include stronger language regarding mandatory desexing of cats.</li><li>The introduction of cat curfews is recommended to help protect the environment, reduce nuisance issues, and improve animal welfare.</li></ul>
Ferrets	<ul style="list-style-type: none"><li>Ferrets should be desexed unless a breeding permit has been obtained.</li></ul>

**PER25/023 POST EXHIBITION REVIEW AND ADOPTION OF DRAFT LOCAL ORDERS POLICY - KEEPING OF ANIMALS**

**S004-T00060**

Animal	Summary
	<ul style="list-style-type: none"><li>• The policy includes provisions that are misleading and impractical—such as the 4.5m distance rule for ferrets—despite the fact that most are kept indoors.</li><li>• The policy does not adequately consider responsible, ethical home breeders who play a vital role in maintaining genetic diversity and reducing shelter overpopulation.</li><li>• Following a review of the Local Orders Policy, Council took the opportunity to assess the document holistically and make amendments to areas not addressed through community submissions.</li></ul>

The following minor amendments have been made to specific animal criteria of the draft Orders Policy as listed (note, the below criteria will be added to the draft Policy):

**1. Poultry, Domestic and Guinea Fowl**

*All poultry must be kept in accordance with the Local Government (General) Regulation 2021, Schedule 2, Part 5, Division 2.*

*(1) Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health*

*(2) Poultry yards must at all times be kept clean and free from offensive odours.*

*a. Fowl*

*i. Roosters are not permitted to be kept where crowing may cause offensive noise.*

*ii. The maximum number of fowl shall be limited to ten (10) per premises for Zone R5 land*

*iii. Must not be kept within 4.5m of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.*

*b. Poultry other than fowls including ducks, geese and turkeys:*

*i. must not be kept within 30m of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.*

*ii. On any other land not more than 5 small fowl or poultry (where adults are less than 2kg e.g. chickens, pheasants, quail, call ducks and mallard ducks) and*

*iii. no more than 2 large fowl or poultry (where adults are more than 2kg e.g. large ducks and geese).*

*c. Roosters should not be kept in residential areas due to noise. Other noisy fowl and poultry such as Peacocks, Guinea Fowls and Turkeys are also considered unsuitable to be kept in residential areas.*

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**2. Swine, Goats & Sheep**

- a. *Swine, goats or sheep must not be kept (and animal waste products must not be deposited) within 60m of a dwelling, shop, office, factory, church, or other place of public worship, school or public place.*
- b. *The maximum number of swine, goats or sheep to be kept in urban areas shall be limited to two (2).*
- c. *Swine must not be kept in such a place or manner as to pollute any surrounding waters*

**3. Birds other than Pigeons, Poultry and Domestic and Guinea Fowls**

- a. Aviaries must not be located within 4.5m of a kitchen or food preparation area.
- b. Aviaries must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- c. Aviaries must at all times be kept clean and free from offensive odours.
- d. The maximum number of birds allowed to be kept in urban areas shall be as appropriate for the species, enclosure size, proximity to neighbours etc.

**4. Pigeons**

*To encourage satisfactory care and management of pigeons and the keeping of pigeons does not adversely impact on the community or the environment.*

- a. *Pigeons must not be kept within 15m from any kitchen or food preparation area*
- b. *Nuisance due to noise and also free flight of pigeons is to be minimised. Lofts must be constructed to Council approval on hard paving of a smooth surface, or with a suspended floor elevated 0.8m above the ground.*
- c. *Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly. To minimise odours owners must design and manage lofts to prevent manure becoming wet due to rain or cleaning.*
- d. *Pigeons must be fed within lofts after exercise. All feed must be kept in vermin-proof containers.*
- e. *Racing pigeon's lofts should have adequate visible landing platforms.*
- f. *Exercising of birds should not occur between 8.00 am and 3.30 pm.*
- g. *Birds shall not be allowed to roost on neighbouring buildings. 'Open' lofts are not permitted.*

*Please note:*

*Pigeon structures may require development approval. Please check first with Council.*

*Pigeon owners are encouraged to adhere to the NSW Code of Practice No:4 Keeping and Trading Birds.*

**5. Horses And Cattle**

- 1. *Only two (2) horses may be kept on any premises on urban land.*

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2. *Horses and cattle must be kept no closer than 9m from a kitchen or food preparation area*
3. *The floors of any stables must be paved with concrete or mineral asphalt or equally impervious material and must be properly graded to drain.*
4. *Horse yards and cattle yards must be enclosed to prevent the escape of horses and cattle.*
5. *Yards must not be kept under such condition as to create a nuisance or to be dangerous or injurious to health.*
6. *Yards must at all times be kept clean and free from offensive odours.*
7. *As a general guide a minimum of 0.4ha of pastured land is required to keep horses (excludes offspring to 3 months of age)*

**6. Dogs**

- a. *The maximum number of dogs shall be limited to two (2) adults and one (1) litter of pups up to six (6) months old per premise in urban areas.*
- b. *The maximum number of dogs other than greyhounds shall be limited to four (4) adults and one (1) litter of pups up to six (6) months old per premise in rural areas.*
- c. *The maximum number of greyhounds shall be limited to four (4) adults and one (1) litter of pups up to thirteen (13) months old in rural areas.*
- d. *A premises used for the keeping of a dog or dogs must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.*
- e. *A premises used for the keeping of dog/s must at all times be kept clean and free from offensive odours.*
- f. *A premises used for the keeping of dog/s should be appropriately fenced to secure the dog/s within the premises in accordance with the requirements of the Companion Animal Act 1998*

*Please note:*

*Some dog kennel structures may require development approval. Please check first with Council.*

*Declared dangerous, or restricted dog enclosures require development approval.*

*Commercial dog breeding and/or boarding kennels are subject to Council approval.*

*Owners of dogs are encouraged to de-sex their dog and registration fees are cheaper for desexed animals.*

*Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping dogs.*

*All provisions of the Companion Animals Act 1998 must be complied with, including:*

- *Registration requirements; and*
- *Micro-chipping requirements.*

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**7. Cats**

- a. *The maximum number of cats shall be limited to four (4) per premise.*
- b. *A premises used for the keeping of a cat or cats must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.*
- c. *A premises used for the keeping of a cat or cats must at all times be kept clean and free from offensive odours.*

*Please note:*

*Owners of cats are encouraged to keep their cat(s) indoors overnight to limit hunting of native wildlife.*

*Cat owners are encouraged to keep their cat(s) contained on their property. This will keep their cat(s) safe and minimise the hunting of wildlife.*

- *There are four main ways you can keep your cat(s) contained at home:*
  - *Indoors only*
  - *Indoors with an outdoor space and escape-proof barrier. Outdoor spaces for your cat can include attached and freestanding enclosures, enclosed backyards or modified fences.*
  - *Indoors with supervised outdoor play: Walking your cat on a lead lets them explore outdoor sights, sounds, and smells safely, while protecting wildlife.*
  - *Owners of cats are encouraged to desex their cat(s); a desexed cat is more content and is less likely to roam.*

*Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping cats.*

*All provisions of the Companion Animals Act 1998 must be complied with, including*

- *Registration requirements*
- *Micro-chipping requirements; and*
- *Annual permit (un-desexed cats over 4 months of age)*

**8. Rabbits**

- a. *The maximum number of rabbits shall be limited to four (4) per premise. Should more than one rabbit be kept at a premise they must be:*
  1. *kept inside at all times or escape proof outdoor area*
  2. *desexed,*
  3. *vaccinated*
- b. *A premises used for the keeping of a rabbit must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.*
- c. *A premises used for the keeping of a rabbit must at all times be kept clean and free from offensive odours.*

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- d. *Rabbits being kept in residential areas must not be kept closer than 10m to a kitchen or food preparation area.*
- e. *Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof enclosure suitable for the breed.*

*Please note:*

*Rabbits should be desexed before 5 months of age.*

*Wild/feral rabbits are prohibited to be kept in captivity without the approval from the NSW Local Lands Service (LLS)*

**9. Bees**

- a. *To keep one or more beehives in NSW, you are required to register as a beekeeper with the Department of Primary Industries.*
- b. *Under the Biosecurity Act 2015, you must be registered to keep bees, you must mark all hives with a hive identification number and may include the number of hives on the property.*
- c. *An adequate supply of water is to be provided within the premises where the bees are kept.*
- d. *Hives are to be located so that flight paths do not interfere with surrounding residents.*
- e. *All hives must be registered with the NSW Department of Primary Industries.*
- f. *Beehives must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.*
- g. *Beekeepers should familiarise themselves with [The Australian Honey Bee Industry Biosecurity Code of Practice](#).*

*Wild hives must be controlled. Any person having a wild hive on their property must consult NSW DPI for advice.*

**10. Ferrets**

- a. *The maximum number of ferrets shall be limited to two (2) per premise.*
- b. *Ferrets must not be kept within 4.5m of a kitchen or food preparation area.*
- c. *A premises used for the keeping of a ferret must at all times be kept clean and free from offensive odours.*
- d. *Ferrets must be caged and/or secured at all times and are not permitted to free range.*

*Please note:*

*Owners of ferrets are encouraged to have them desexed.*

*Ferrets should not be released into the environment.*

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**11. Miscellaneous**

- a. The maximum number of bird(s) or animal(s) permitted to be kept, where the type of bird or animal, or the maximum number has not been specifically noted above, is at the discretion of the investigating Officer, taking into consideration the number and type of bird(s) or animal(s) being kept, the conditions under which they are kept and the impact they are causing.*
- b. Such animals would be required to be kept under such conditions as to prevent the creation of a nuisance or not to be dangerous or injurious to health.*
- c. The area proposed for the keeping of such animals must, at all times, be kept clean and free from offensive odours.*
- d. Where the keeping of birds or animals on premise is capable of being regulated by the NSW Environment Protection Authority, Council is excluded from making an Order No. 18.*

**12. Criteria and/or matters that will not be considered:**

- a. damage caused by wild or native birds or animals*
- b. the trapping of any wild or native birds or animals*
- c. the control of or treatment of termites on private or public land*
- d. the control of or treatment of feral animals such as rabbits, foxes or other feral pests on private or public land.*

**CONCLUSION**

The draft Local Orders Policy was placed on exhibition for 28 days with a submission period of 42 days in compliance with the *Local Government Act*. During this time, Council received fifty-nine submissions and internal feedback.

Council has reviewed the submissions and has made an amendment to the Policy in line with feedback on cats, rabbits and other animals.

It is recommended that Council approve the draft Local Orders Policy – Keeping of Animals with the amendments in relation to cats, rabbits and other animals.



## Policy

<b>Policy title</b>	Local Orders Policy – Keeping of Animals
<b>Responsible manager(s)</b>	Director, Planning and Environment
<b>Contact officer(s)</b>	Divisional Manager, Development and Compliance
<b>Directorate</b>	Planning and Environment
<b>Approval date</b>	
<b>Outcome area</b>	1 Eurobodalla welcomes, celebrates and supports everyone.
<b>Strategy</b>	1.3 Foster a safe community
<b>Delivery Program</b>	1.3.3 Deliver legislated health protection and regulatory programs to protect public health and wellbeing
<b>Operational Plan</b>	1.3.3.4 Monitor, inspect and respond to issues in relation to public safety

### Purpose

The purpose of the Local Orders Policy (LOP) – Keeping of Animals is to supplement provisions of Chapter 7, Part 3 of the *Local Government Act 1993* (the Act) and Clause 99 of the *Local Government (General) Regulation 2021* (the Regulation) by specifying Council's policy in regard to certain Orders under Section 124 of the Act.

1. To provide guidelines for residents on what is usually considered an appropriate number and kind of animals which may be kept.
2. To ensure the keeping of animals does not result in unhealthy or unsafe conditions or cause a nuisance to others.
3. To outline criteria Council will take into consideration when determining whether to issue an order in relation to the keeping of animals.

### Policy aims

- Promote an integrated framework for dealing with Order 18 – Keeping of Animals.
- Ensure consistency and fairness in the way Council deals with Order 18.
- To do or refrain from doing such things as are specified in Order 21 to ensure that land is, or premises are, placed or kept in a safe or healthy condition.
- Assist Council to fully pursue its charter under Section 8 of the Act.
- Make Council's policies and requirements for the keeping of animals readily accessible and understandable to the public.



## Policy

### Policy details

<b>1</b>	<b>Application</b>  This policy applies to all land within the Eurobodalla local government area (LGA).
<b>2</b>	<b>Legislation</b>  This policy ensures Eurobodalla Shire Council's compliance with the <i>Local Government Act 1993</i> (the Act) and the <i>Local Government (General) Regulation 2021</i> (the Regulation).  Additional information is contained in the Regulation, Schedule 2 - Standards Enforceable by Orders, Part 5 - Standards for Keeping Birds or Animals.
<b>3</b>	<b>Procedures for issuing of Orders</b>  Council Officers will ensure that the procedures for the issuing of Orders set out in Chapter 7, Part 2 Division 2 of the Act and Clause 99 of the Regulation are adhered to. Clear reasons will be given as to why the Order is being issued.  Orders served in an emergency situation need not be preceded with a notice of intention.
<b>4</b>	<b>Criteria for consideration</b>  There are no restrictions on the number of birds and animals that can be kept on premises in the Eurobodalla Shire in normal circumstances.  The standards in this Orders Schedule apply only where a legitimate problem has been identified relating to the numbers and/or types of birds or animals kept upon and where an order under the provisions of Section 124 of the Local Government Act is required to rectify the problem.  Specific animal criteria are outlined in <a href="#">Appendix 1</a> .  The giving of an order is not mandatory and is at the discretion of the Council Authorised Officer whether or not the circumstances meet the applicable criteria for the Order.
<b>4.1</b>	<b>Taking of action</b>  The issuing of an Order will be considered when birds or animals kept on the premises are: <ul style="list-style-type: none"><li>• of an inappropriate kind or number or are kept inappropriately, or</li><li>• in the case of premises— birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs.</li></ul>



## Policy

### Implementation

Requirements	Responsibility
<b>1 Order 18 Schedule</b>  This policy will be implemented by following the Orders Schedule (see Appendix 1) which specifies in detail the matters to be considered in determining whether to issue an Order. <a href="#">Council's Compliance Policy</a> and Compliance Code of Practice specifies in detail the matters for consideration and procedures to be followed.	Council Officers
<b>2 Fees and charges</b>  Current fees and charges associated with Orders are available on Council's website at <a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a>	Council
<b>3 Staff</b>  Under supervision authorised Council staff under the Local Government Act 1993 will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.	Council officers
<b>4 Concerns</b>  Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
<b>5 Consultation</b>  Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As required

### Review

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

***Note: Automatic revocation of this policy is provided for by section 165(4) of the Local Government Act 1993.***

This policy may also be reviewed and updated as necessary when:

- legislation requires it or
- Council's functions, structure or activities change or
- when technological advances or new systems change the way that Council manages the keeping of animals.



## Policy

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

Performance indicator	Data source(s)
Number of enforcement actions warranted	Council records
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Internal or external review	Audit

### Definitions

Word/ Acronym/ Phrase	Definition
Orders	A council may order a person to do or to refrain from doing a thing

### Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

### Related legislation and policies

Name	Link
Companion Animals Management Plan	<a href="https://www.esc.nsw.gov.au/residents/pets/barking-dogs">https://www.esc.nsw.gov.au/residents/pets/barking-dogs</a>
Compliance Policy	<a href="https://www.esc.nsw.gov.au/council/governance/council-policies">https://www.esc.nsw.gov.au/council/governance/council-policies</a>
Local Government Act 1993	<a href="http://www.legislation.nsw.gov.au/#/view/act/1993/30">www.legislation.nsw.gov.au/#/view/act/1993/30</a>
Local Government (General) Regulation 2021	<a href="http://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460">https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460</a>
Companion Animals Act 1998	<a href="http://www.legislation.nsw.gov.au/#/view/act/1998/87">www.legislation.nsw.gov.au/#/view/act/1998/87</a>
Protection of the Environment Operations Act 1997	<a href="http://www.legislation.nsw.gov.au/#/view/act/1997/156">www.legislation.nsw.gov.au/#/view/act/1997/156</a>
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	<a href="http://www.legislation.nsw.gov.au/#/view/EPI/2008/572">www.legislation.nsw.gov.au/#/view/EPI/2008/572</a>

### Related external references

Name	Link
The Office of Local Government	<a href="http://www.olg.nsw.gov.au/">www.olg.nsw.gov.au/</a>
NSW Department of Primary Industries	<a href="http://www.dpi.nsw.gov.au/">www.dpi.nsw.gov.au/</a>
NSW Environment Protection Authority	<a href="http://www.epa.nsw.gov.au/">www.epa.nsw.gov.au/</a>
Office of Environment and Heritage	<a href="http://www.environment.nsw.gov.au/">www.environment.nsw.gov.au/</a>



Policy

*Supporting documents*

Name	Link
NSW DPI – ‘Honeybees’ web page	<a href="https://www.dpi.nsw.gov.au/animals-and-livestock/bees">https://www.dpi.nsw.gov.au/animals-and-livestock/bees</a>

*Change history*

Version	Approval date	Approved by	Minute	File	Change
1	Oct 2006	Council		E06.0381	Policy commenced
2	22 Sep 2009	Council	09/291	E06.0381 E09.3418.B	Policy reviewed and retained
3	10 Sep 2013	Council	13/272	E06.0381 E13.7095	Reviewed and updated (start of new Council term)
4	28 Feb 2017	Council	17/34	E06.0381 E16.0297	Reviewed (start of new Council term). Policy refined to focus on circumstances where an Order may be issued under s.124 of the Act for keeping of animals. This includes the number and conditions of animals permitted to be kept at a premises. See report PSR17/005.
4	24 May 2022	Council		E06.0381	Review of policy (and updated (start of new Council term)
5	22 July 2025	Council	25/114	S004-T00060	Review of policy

*Internal use*

Responsible officer	Director, Planning and Environment		Approved by	Council
Minute no.	25/114	Report no.	PER25/015	Effective date
File	S004-T00060	Review date	21 July 2028	Pages



Policy

### Appendix 1. Specific animal criteria

<b>Orders Schedule</b> <b>SPECIFIC MATTERS FOR CONSIDERATION</b> <b>SECTION 124</b>
<p><b>Order 18</b></p> <p>Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order.</p> <p><b>1. Poultry, Domestic and Guinea Fowl</b></p> <p>All poultry must be kept in accordance with the Local Government (General) Regulation 2021, Schedule 2, Part 5.</p> <p class="list-item-l1">(1) <i>Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health</i></p> <p class="list-item-l1">(2) <i>Poultry yards must at all times be kept clean and free from offensive odours.</i></p> <p class="list-item-l2">a. Fowl</p> <p class="list-item-l3">i. Roosters are not permitted to be kept where crowing may cause offensive noise.</p> <p class="list-item-l3">ii. The maximum number of fowl shall be limited to ten (10) per premises for Zone R5 land</p> <p class="list-item-l3">iii. <i>Must not be kept within 4.5m of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.</i></p> <p class="list-item-l2">b. Poultry other than fowls including ducks, geese and turkeys:</p> <p class="list-item-l3">i. must not be kept within 30m of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.</p> <p class="list-item-l3">ii. <i>On any other land not more than 5 small fowl or poultry (where adults are less than 2kg e.g. chickens, pheasants, quail, call ducks and mallard ducks) and</i></p> <p class="list-item-l3">iii. <i>no more than 2 large fowl or poultry (where adults are more than 2kg e.g. large ducks and geese).</i></p> <p class="list-item-l2">c. Roosters should not be kept in residential areas due to their noise. Other noisy fowl and poultry such as Peacocks, Guinea Fowls and Turkeys are also considered unsuitable to be kept in residential areas.</p> <p><i>Please note:</i></p> <p><i>Clause 2.42 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides development standards for fowl and poultry houses.</i></p> <p><i>Some houses may require development approval. Please check first with Council.</i></p>



## Policy

### 2. Swine, Goats, Sheep

- a. Swine, goats or sheep must not be kept (and animal waste products must not be deposited) within 60m of a dwelling, shop, office, factory, church, or other place of public worship, school or public place.
- b. The maximum number of swine, goats or sheep to be kept in urban areas shall be limited to two (2).
- c. **Swine must not be kept in such a place or manner as to pollute any surrounding waters**

### 3. Birds other than Pigeons, Poultry and Domestic and Guinea Fowls

- a. Aviaries must not be located within 4.5m of a kitchen or food preparation area.
- b. Aviaries must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- c. Aviaries must at all times be kept clean and free from offensive odours.
- d. The maximum number of birds allowed to be kept in urban areas shall be as appropriate for the species, enclosure size, proximity to neighbours etc.

### 4. Pigeons

**To encourage satisfactory care and management of pigeons and the keeping of pigeons does not adversely impact on the community or the environment.**

- a. Pigeons must not be kept within 15m from any kitchen or food preparation area.
- b. Nuisance due to noise and also free flight of pigeons is to be minimised. Lofts must be constructed to Council approval on hard paving of a smooth surface, or with a suspended floor elevated 0.8m above the ground.
- c. Lofts are to be kept clean at all times. Manure is to be cleaned up daily and disposed of correctly. To minimise odours owners must design and manage lofts to prevent manure becoming wet due to rain or cleaning.
- d. Pigeons must be fed within lofts after exercise. All feed must be kept in vermin-proof containers.
- e. Racing pigeon's lofts should have adequate visible landing platforms.
- f. Exercising of birds should not occur between 8.00 am and 3.30 pm.
- g. Birds shall not be allowed to roost on neighbouring buildings. 'Open' lofts are not permitted.

*Please note:*

*Pigeon structures may require development approval. Please check first with Council.*

*Pigeon owners are encouraged to adhere to the NSW Code of Practice No:4 Keeping and Trading Birds.*

### 5. Horses and Cattle

- a. Only two (2) horses may be kept on any premises on urban land.
- b. Horses and cattle must be kept no closer than 9m from a kitchen or food preparation area.
- c. The floors of any stables must be paved with concrete or mineral asphalt or equally impervious material and must be properly graded to drain.



## Policy

<p>d. Horse yards and cattle yards must be enclosed to prevent the escape of horses and cattle.</p> <p>e. Yards must not be kept under such condition as to create a nuisance or to be dangerous or injurious to health.</p> <p>f. Yards must at all times be kept clean and free from offensive odours.</p> <p>g. <b>As a general guide a minimum of 0.4ha of pastured land is required to keep horses (excludes offspring to 3 months of age)</b></p>
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### 6. Dogs

<p>a. The maximum number of dogs shall be limited to two (2) adults and one (1) litter of pups up to six (6) months old per premise in urban areas.</p> <p>b. The maximum number of dogs other than greyhounds shall be limited to four (4) adults and one (1) litter of pups up to six (6) months old per premise in rural areas.</p> <p>c. The maximum number of greyhounds shall be limited to four (4) adults and one (1) litter of pups up to thirteen (13) months old in rural areas.</p> <p>d. A premises used for the keeping of a dog or dogs must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.</p> <p>e. A premises used for the keeping of dog/s must at all times be kept clean and free from offensive odours.</p> <p>f. A premises used for the keeping of dog/s should be appropriately fenced to secure the dog/s within the premises in accordance with the requirements of the Companion Animal Act 1998</p>
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*Please note:*

*Some dog kennel structures may require development approval. Please check first with Council.*

*Declared dangerous, or restricted dog enclosures require development approval.*

*Commercial dog breeding and/or boarding kennels are subject to Council approval.*

*Owners of dogs are encouraged to de-sex their dog and registration fees are cheaper for desexed animals.*

*Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping dogs.*

**All provisions of the *Companion Animals Act 1998* must be complied with, including:**

- Registration requirements; and
- Micro-chipping requirements.

### 7. Cats

<p>a. The maximum number of cats shall be limited to four (4) per premise.</p> <p>b. A premises used for the keeping of a cat or cats must not be kept under such conditions so as to create a nuisance or to be dangerous or injurious to health.</p>
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c. A premises used for the keeping of a cat or cats must at all times be kept clean and free from offensive odours.

*Please note:*

*Owners of cats are encouraged to keep their cat(s) indoors overnight to limit hunting of native wildlife.*

*Cat owners are encouraged to keep their cat(s) contained on their property. This will keep their cat(s) safe and minimise the hunting of wildlife.*

- *There are four main ways you can keep your cat(s) contained at home:*
- *Indoors only*
- *Indoors with an outdoor space and escape-proof barrier. Outdoor spaces for your cat can include attached and freestanding enclosures, enclosed backyards or modified fences.*
- *Indoors with supervised outdoor play: Walking your cat on a lead lets them explore outdoor sights, sounds, and smells safely, while protecting wildlife.*
- *Owners of cats are encouraged to desex their cat(s); a desexed cat is more content and is less likely to roam.*

*Also refer to tenancy tribunal or rental property agreements for villas and townhouses in relation to the conditions about keeping cats.*

*All provisions of the Companion Animals Act 1998 must be complied with, including*

- *Registration requirements*
- *Micro-chipping requirements; and*
- *Annual permit (un-desexed cats over 4 months of age)*

### 8. Rabbits

- a. The maximum number of rabbits shall be limited to four (4) per premise. Should more than one (1) rabbit be kept at a premise they must be:
  - i. kept inside at all times
  - ii. desexed,
  - iii. vaccinated
- b. A premises used for the keeping of a rabbit must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- c. A premises used for the keeping of a rabbit must at all times be kept clean and free from offensive odours.
- d. Rabbits being kept in residential areas must not be kept closer than 10m to a kitchen or food preparation area.
- e. Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof enclosure suitable for the breed.

*Please note:*

*Rabbits should be desexed before 5 months of age.*

*Wild/feral rabbits are prohibited to be kept in captivity without the approval from the NSW Local Lands Service (LLS)*



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### 9. Bees

- a. To keep one or more beehives in NSW, you are required to register as a beekeeper with the Department of Primary Industries.
- b. Under the *Biosecurity Act 2015*, you must be registered to keep bees, you must mark all hives with a hive identification number and may include the number of hives on the property.
- c. An adequate supply of water is to be provided within the premises where the bees are kept.
- d. Hives are to be located so that flight paths do not interfere with surrounding residents.
- e. All hives must be registered with the NSW Department of Primary Industries.
- f. Beehives must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- g. Beekeepers should familiarise themselves with [The Australian Honey Bee Industry Biosecurity Code of Practice](#).

Wild hives must be controlled. Any person having a wild hive on their property must consult NSW DPI for advice.

### 10. Ferrets

- a. The maximum number of ferrets shall be limited to two (2) per premise.
- b. Ferrets must not be kept within 4.5m of a kitchen or food preparation area.
- c. A premises used for the keeping of a ferret must at all times be kept clean and free from offensive odours.
- d. **Ferrets must be caged and/or secured at all times and are not permitted to free range.**

*Please note:*

*Owners of ferrets are encouraged to have them desexed.*

*Ferrets should not be released into the environment.*

### 11. Miscellaneous

- a. The maximum number of bird(s) or animal(s) permitted to be kept, where the type of bird or animal, or the maximum number has not been specifically noted above, is at the discretion of the investigating Officer, taking into consideration the number and type of bird(s) or animal(s) being kept, the conditions under which they are kept and the impact they are causing.
- b. Such animals would be required to be kept under such conditions as to prevent the creation of a nuisance or not to be dangerous or injurious to health.
- c. The area proposed for the keeping of such animals must, at all times, be kept clean and free from offensive odours.
- d. Where the keeping of birds or animals on premise is capable of being regulated by the NSW Environment Protection Authority, Council is excluded from making an Order No. 18.



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**12. Criteria and/or matters that will not be considered:**

- a. damage caused by wild or native birds or animals
- b. the trapping of any wild or native birds or animals
- c. the control of or treatment of termites on private or public land
- d. **the control of or treatment of feral animals such as rabbits, foxes or other feral pests on private or public land.**

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Document set id:	Summarised submission:	Comments:
1. 5861795	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
2. 5861726	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
3. 5861725	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
4. 5861693	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
5. 5861684	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
6. 5859604	<ul style="list-style-type: none"><li>• Recommends banning roosters due to their noise impact on neighbours</li><li>• Supports allowing three dogs per household in suburban areas</li></ul>	<ul style="list-style-type: none"><li>• Refer to section 4 Criteria for consideration</li><li>• Refer to Appendix 1, Specific animal criteria, sect 1 (b) Poultry, Domestic and Guinea Fowl amendments</li></ul>
7. 5859592	<ul style="list-style-type: none"><li>• Opposes the proposed policy limiting households to one rabbit.</li><li>• Focus should be on: free desexing, dog parks, and responsible ownership.</li><li>• Council is overreaching; existing state laws and rspca oversight are sufficient. Consult local vets and rescues before making changes.</li></ul>	<ul style="list-style-type: none"><li>• Criteria addressed in the review of the LOP</li><li>• Addressed in the Companion Animal Management Plan (CAMP)2018</li></ul>
8. 5859111	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.

Document set id:	Summarised submission:	Comments:
9. 5858902	Strongly opposes the draft policy, calling it unfair, controlling, and potentially cruel to herd and flock animals.	Information noted.
10. 5858890	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
11. 5858540	Strongly opposes the draft policy, arguing it unfairly targets responsible pet owners and should instead focus on cracking down on backyard breeders and animal cruelty.	This is a Welfare concern and should be directed to the RSPCA or animal welfare league (AWL).
12. 5858184	Opposes allowing four cats in urban areas due to risks to native wildlife; supports stricter limits, mandatory desexing, and restrictions on dangerous dog breeds and ferrets.	<p>Criteria addressed in Appendix 1 of the LOP.</p> <p>All provisions of the companion animals act 1998 must be complied with, including</p> <ul style="list-style-type: none"> <li>I. registration requirements</li> <li>II. micro-chipping requirements; and</li> <li>III. annual permit (un-desexed cats over 4 months of age)</li> </ul> <p>There are currently 5 restricted dogs breeds listed under the Companion Animals Act which council monitors.</p> <p>Ferrets are addressed at section 10 of the policy.</p>
13. 5858166	Suggests all pets be desexed, kept indoors or in secure outdoor areas, and regulated based on care and behaviour rather than numbers, with registration, microchipping, and owner education as key priorities.	<p>Criteria addressed in appendix 1 of the LOP.</p> <p>Council encouraged desexing with all animals under the LOP and the Companion Animals Act.</p>
14. 5858165	Requests a ban on keeping chickens in residential areas.	Noted.

Document set id:	Summarised submission:	Comments:
		Keeping of poultry, domestic and Guinea Fowl is addressed in section one of the LOP.
15. 5858151	Strongly opposes the proposed pet limits, arguing they are intrusive, harmful to vulnerable residents and rescue efforts.	Noted. The LOP mitigates risks of health & safety to the community, while at the same time it helps council to improve liveability in the local government area.
16. 5858150	Opposes a policy proposing animal limits	The LOP mitigates risks of health & safety to the community, while at the same time it helps council to improve liveability in the local government area.
17. 5858140	Opposes a policy proposing animal limits	The LOP mitigates risks of health & safety to the community, while at the same time it helps council to improve liveability in the Local Government area.
18. 5858122	<ul style="list-style-type: none"> <li>• Opposes the proposed policy limiting households to one rabbit.</li> <li>• Recommends requiring cats to be kept within their property, preferably at all times</li> </ul>	<ul style="list-style-type: none"> <li>• Policy amended to allow more than one rabbit subject to desexing and other criteria.</li> <li>• All provisions of the Companion Animals Act 1998 must be complied with, including <ul style="list-style-type: none"> <li>a. registration requirements</li> <li>b. micro-chipping requirements; and</li> <li>c. annual permit (un-desexed cats over 4 months of age)</li> </ul> </li> </ul>

Document set id:	Summarised submission:	Comments:
19. 5858112	Requests council to extend the submission deadline and promote the proposed animal keeping policy more widely.	Deadlines have been set, no requirement to extend.
20. 5858110	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
21. 5858109	Opposes the proposed animal limits and suggests council focus instead on compulsory desexing	Criteria addressed in the review of the LOP Council encouraged desexing with all animals under the LOP and the Companion Animals Act.
22. 5858108	Questions the inconsistency in pet limits, especially allowing four cats but only one desexed rabbit, and recommends desexing for all pets.	Criteria addressed in the review of the LOP Council encouraged desexing with all animals under the LOP and the Companion Animals Act.
23. 5858106	Opposes two dog limit in urban areas	Council will enforce this dog limit when the dogs are causing a nuisance.
24. 5858105	<ul style="list-style-type: none"><li>Supports maximum of 2 dogs per household.</li><li>Recommends reducing the maximum number of cats from four to two.</li></ul>	Council will enforce this dog limit when the dogs are causing a nuisance. The number of cats will remain unchanged.
25. 5858104	<ul style="list-style-type: none"><li>Working dogs should exempt from this policy.</li><li>Improve signage at dog-friendly beaches to clearly communicate rules and prevent incidents.</li><li>Publish fines and enforcement actions in a monthly council report to demonstrate active policy enforcement.</li><li>Provide public education on pet ownership laws, expectations, and consequences of non-compliance.</li><li>Dogs in foster care should be exempt from pet number limits.</li></ul>	Information noted, to be addressed in the review of the Companion Animal Management Plan scheduled for 2028.

Document set id:	Summarised submission:	Comments:
26. 5858093	<ul style="list-style-type: none"> <li>Align the policy with other regional NSW Councils</li> </ul>	
27. 5858091	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
28. 5858067	<ul style="list-style-type: none"> <li>Opposes limit of 10 chickens per household, advocating for a case-by-case assessment.</li> <li>Opposes the proposed policy limiting households to one rabbit.</li> <li>Opposes the proposed limit of four dogs in rural areas and recommends increasing the allowance.</li> </ul>	<ul style="list-style-type: none"> <li>Chickens are listed as per NSW legislation</li> <li>Policy amended to allow more than one rabbit subject to desexing and other criteria.</li> <li>A four-dog limit in rural areas will remain unchanged.</li> </ul>
29. 5858053	<ul style="list-style-type: none"> <li>Replace arbitrary animal limits with performance-based standards focused on public health (noise, odour, sanitation). Provide clear guidelines, transparent thresholds, and exemptions for cultural practices. Emphasise cooperation, education, and mediation over control.</li> </ul>	<ul style="list-style-type: none"> <li>Criteria addressed in the review of the LOP.</li> <li>Council will only act under this policy upon receipt of a customer request which are causing</li> <li>An unreasonable nuisance or interference to surrounding properties</li> <li>An animal welfare issue or</li> <li>An environmental issue.</li> </ul>
30. 5858046	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
31. 5858037	A premise used for the keeping of cat/s should be appropriately fenced or have an appropriate outdoor 'run' to secure the cat/s within the premises	Cat containment is always encouraged, however, not enforceable under legislation at this time.
32. 5856668	Opposes a policy proposing animal limits	Noted.

Document set id:	Summarised submission:	Comments:
		The lop mitigates risks of health & safety to the community, while at the same time it helps council to improve liveability in the local government area.
33. 5856465	<ul style="list-style-type: none"> <li>Animal limits should be based on land size (e.g. Horses require more space).</li> <li>Owners should have the option to apply for permission to keep additional animals.</li> <li>Regulations for keeping cats and dogs should be consistent and equitable.</li> <li>Questions vague language such as "encouraged" or "should"; recommends policies be clearly defined as mandatory or optional.</li> <li>Rabbits and ferrets should be desexed unless a breeding permit is obtained.</li> <li>Beekeeping should be restricted on properties below a minimum land size.</li> </ul>	<ul style="list-style-type: none"> <li>Criteria addressed in the review of the LOP</li> <li>Animal limits are determined as per legislation</li> <li>Council will only act under this policy upon receipt of a customer request which are causing</li> <li>An unreasonable nuisance or interference to surrounding properties</li> <li>An animal welfare issue or</li> <li>An environmental issue.</li> <li>Policy amended to allow more than one rabbit subject to desexing and other criteria.</li> <li>A four-dog limit in rural areas will remain unchanged.</li> </ul>
34. 5829617	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
35. 5828356	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
36. 5862661	Opposes a policy proposing animal limits, questions what owners are supposed to do with excess pets.	Criteria addressed in the review of the LOP.

Document set id:	Summarised submission:	Comments:
37. 5862662	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
38. 5862667	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
39. 5862668	Opposes a policy proposing animal limits. Questions inconsistencies in the draft policy, such as desexing requirements for rabbits but not for dogs or cats, and unclear rules around puppies and kittens. Challenges the restriction of greyhounds to rural areas and the one-rabbit limit.	<p>Noted</p> <ul style="list-style-type: none"> <li>• Council will only act under this policy upon receipt of a customer request which are causing</li> <li>• An unreasonable nuisance or interference to surrounding properties</li> <li>• An animal welfare issue or</li> <li>• An environmental issue.</li> <li>• Policy amended to allow more than one rabbit subject to desexing and other criteria.</li> </ul> <p>Policy amended to allow more than one rabbit subject to desexing and other criteria.</p>
40. 5864933	<ul style="list-style-type: none"> <li>• Exceeds the intent of the local government act 1993, by imposing restrictions before any proven welfare issue or formal order.</li> <li>• Lacks clarity and consistency, particularly around terms like “normal circumstances” and contradictory language in the orders schedule.</li> <li>• Unfairly restricts animal numbers, especially on larger residential properties, without considering species-specific welfare needs.</li> <li>• Fails to involve qualified experts, such as veterinarians, in determining appropriate animal numbers or health conditions.</li> </ul>	<p>Welfare concerns are the responsibility of RSPCA or Animal Welfare League and not Council.</p> <p>A review of Councils Companion Animal Management Plan to be conducted in 2028.</p>

Document set id:	Summarised submission:	Comments:
	<ul style="list-style-type: none"> <li>Misrepresents animal welfare science, particularly in its restriction of one rabbit per premises, which contradicts established welfare standards that recognise rabbits as social animals.</li> <li>Includes misleading provisions, such as the 4.5m distance rule for ferrets, despite most being kept indoors.</li> </ul> <p>Recommends:</p> <ul style="list-style-type: none"> <li>Removing arbitrary number restrictions.</li> <li>Ensuring decisions are based on expert veterinary advice.</li> <li>Rewriting the policy to reflect genuine animal welfare principles, not assumptions or bias.</li> </ul> <p>Highlighting the lack of an appeals process in the draft policy, noting that residents who have complied with existing regulations should not be forced to surrender legally and responsibly owned pets. The use of order 18s to resolve neighbour disputes is strongly opposed.</p> <p>Key points include:</p> <ul style="list-style-type: none"> <li>Animal welfare is not about numbers, but about the quality of care—housing, cleanliness, behaviour, and husbandry.</li> <li>Council should consult with qualified animal experts to ensure policies support both community needs and animal welfare.</li> <li>Promotes education over regulation, and commends councils that focus on educating residents.</li> <li>Recommends reviewing its council animal management plans for guidance.</li> <li>Open to further discussion and offers to meet with council to provide expert input.</li> </ul>	<p>Council will only act under this policy upon receipt of a customer request which are causing</p> <ul style="list-style-type: none"> <li>An unreasonable nuisance or interference to surrounding properties</li> <li>An animal welfare issue or</li> <li>An environmental issue.</li> </ul>
41. 5864959	<ul style="list-style-type: none"> <li>Opposes the proposed policy limiting households to one rabbit.</li> <li>Stronger language needed for cat desexing</li> </ul>	<ul style="list-style-type: none"> <li>Criteria addressed in the review of the LOP</li> </ul>

Document set id:	Summarised submission:	Comments:
	<ul style="list-style-type: none"> <li>Policy update needed: the policy incorrectly states the next local government election is in September 2024 and should be updated.</li> </ul>	<ul style="list-style-type: none"> <li>Policy amended to allow more than one rabbit subject to desexing and other criteria.</li> </ul>
42. 5865996	Strongly opposes the proposed pet limits, arguing council should only get involved if animals are being mistreated.	Welfare concerns are referred to RSPCA for action.
43. 5865590	<ul style="list-style-type: none"> <li>Opposes the proposed policy limiting households to one rabbit. This number could be increased if rabbits are desexed</li> <li>Insist that all rabbits that are sold or given away must be microchipped prior to sale or movement of the rabbit.</li> </ul>	<ul style="list-style-type: none"> <li>Criteria addressed in the review of the LOP</li> <li>Policy amended to allow more than one rabbit subject to desexing and other criteria.</li> <li>NSW Legislation is required to make it mandatory for Rabbits sold or given away to be microchipped prior to movement.</li> </ul>
44. 5866677	Opposes the proposed animal limits, suggest people living on rural properties should be able to keep as many animals or livestock as the property can maintain, as long as they are in good health.	<p>Criteria addressed in the review of the LOP.</p> <p>This is normally the rule, however Council will only act under this policy upon receipt of a customer request which are causing</p> <ul style="list-style-type: none"> <li>an unreasonable nuisance or interference to surrounding properties</li> <li>an animal welfare issue or</li> <li>an environmental issue.</li> </ul>
45. 5866936	Opposes the proposed policy limiting households to one rabbit.	Policy amended to allow more than one rabbit subject to desexing and other criteria.
46. 5866938	<ul style="list-style-type: none"> <li>Opposes the proposed policy limiting households to one rabbit.</li> <li>Opposed the proposed policy limiting households to 2 dogs.</li> </ul>	<ul style="list-style-type: none"> <li>Criteria addressed in the review of the LOP</li> </ul>

Document set id:	Summarised submission:	Comments:
		<ul style="list-style-type: none"> <li>Policy amended to allow more than one rabbit subject to desexing and other criteria.</li> <li>Policy limiting the number of dogs to residential properties will remain at two.</li> </ul>
47. 5866981	<ul style="list-style-type: none"> <li>Argues that instead of investing resources into new legislation with limited practical value, council should focus on improving existing animal welfare measures—particularly expanding shelter capacity.</li> <li>The submitter believes the proposed policy could cause significant mental distress for pet and livestock owners, contradict council's mental health initiatives, and potentially worsen the wellbeing of veterinarians due to increased euthanasia—urging council to reconsider its approach under its public health responsibilities.</li> <li>The submitter warns that enforcing limits on animal numbers may lead to increased abandonment and non-veterinary euthanasia, worsening animal welfare and increasing stray populations—ultimately creating more harm than the policy aims to prevent.</li> </ul>	<ul style="list-style-type: none"> <li>Information noted, Council has adopted a motion to proceed to a development assessment to build a new animal shelter</li> <li></li> <li>Council will only act under this policy upon receipt of a customer request which are causing <ul style="list-style-type: none"> <li>an unreasonable nuisance or interference to surrounding properties</li> <li>an animal welfare issue or</li> <li>an environmental issue.</li> </ul> </li> </ul>
48. 5866995	<ul style="list-style-type: none"> <li>Animal limits feel arbitrary and aren't backed by justification</li> <li>Concerns that local infrastructure won't be able to support potential influx of animals removed from homes that exceed the new limit.</li> <li>Supportive approaches are more effective than punitive ones in addressing animal welfare issues.</li> <li>Opposes the proposed policy limiting households to one rabbit.</li> <li>Strict or punitive pet ownership policies can reduce compliance.</li> <li>Mentions there are inconsistent standards in the policy</li> <li>The draft doesn't seem to account for different cultural understandings of animal custodianship, which are common in indigenous communities.</li> </ul>	<ul style="list-style-type: none"> <li>Information noted.</li> <li>Criteria addressed in the review of the LOP.</li> <li>Animal limits are set as per NSW state legislation</li> <li>As the policy was initially adopted in October 2006 there would be no foreseen impact to local infrastructure.</li> </ul>

Document set id:	Summarised submission:	Comments:
	<ul style="list-style-type: none"> <li>Ferrets being kept 4.5m from a dwelling isn't practical, as they are typically indoor pets.</li> </ul>	<ul style="list-style-type: none"> <li>Council will only act under this policy upon receipt of a customer request which are causing</li> <li>an unreasonable nuisance or interference to surrounding properties</li> <li>an animal welfare issue or</li> <li>an environmental issue.</li> <li>Policy amended to allow more than one rabbit subject to desexing and other criteria.</li> <li>Ferrets must be caged and/or always secured and are not permitted to free range.</li> </ul>
49. 5867244	<ul style="list-style-type: none"> <li>Opposes the proposed pet limits, if the animal is cared for then council should dictate how many animals can be kept.</li> <li>Believes there has been a lack of advertisement, consultation, the exhibition period wasn't long enough.</li> </ul>	Information noted <ul style="list-style-type: none"> <li>Animal limits are set as per NSW state legislation</li> <li>Consultation period, advertisement &amp; exhibition period was per Councils policy.</li> </ul>
50. 5867292	Opposes the proposed pet limits, believe the proposed policy is unnecessarily restrictive and regressive.	Information noted. Local Orders Policy was initiated in October 2006. Council will only act under this policy upon receipt of a customer request which are causing <ul style="list-style-type: none"> <li>an unreasonable nuisance or interference to surrounding properties</li> <li>an animal welfare issue or</li> <li>an environmental issue.</li> </ul>

Document set id:	Summarised submission:	Comments:
51. 5867458	<ul style="list-style-type: none"><li>Believes that policy for neutering animals would be more effective than a policy for restricting animal numbers.</li><li>Opposes the proposed policy limiting households to one rabbit.</li><li>Opposed the proposed policy limiting households to 2 dogs.</li></ul>	<ul style="list-style-type: none"><li>Criteria addressed in the review of the LOP</li><li>Council cannot enforce the neutering of animals until the NSW state government legislates this to occur.</li><li>Policy amended to allow more than one rabbit subject to desexing and other criteria.</li></ul>
52. 5867465	<ul style="list-style-type: none"><li>Opposed the proposed policy limiting households to 2 dogs.</li></ul>	<ul style="list-style-type: none"><li>Criteria addressed in the review of the LOP</li><li>Policy limiting the number of dogs to residential properties will remain at two.</li></ul>

Document set id:	Summarised submission:	Comments:
53. 5867466	<ul style="list-style-type: none"> <li>Draft local order policy — keeping of animals should be brought up to a standard that enables our community and council to manage the keeping of animals in way that protects the whole community and the whole environment.</li> <li>Esc annually informs the community about the costs of managing the draft local order policy – keeping of animals, including expenses related to animals brought in by visitors to the shire.</li> <li>Rangers and compliance team seek advice and demonstrate regular communication with key animal-related stakeholders in the community, such as, animal welfare groups, conservation groups, parks and wildlife groups, and resident groups.</li> <li>Esc informs the community how the keeping of animals policy and indicators of its effectiveness are tracking on a quarterly basis.</li> <li>In addition to promoting the health and companion benefits to domestic animal owners of pet ownership esc should promote healthy alternatives to pet ownership. There is a range of alternate activities and behaviours, less harmful to the Eurobodalla budget, non-pet owners, and the environment, that promote health, wellbeing and social interaction</li> </ul>	<ul style="list-style-type: none"> <li>Information noted</li> <li>Local orders policy was initiated in October 2006. Council will only act under this policy upon receipt of a customer request which are causing <ul style="list-style-type: none"> <li>an unreasonable nuisance or interference to surrounding properties</li> <li>an animal welfare issue or</li> <li>an environmental issue.</li> </ul> </li> <li>Council rangers have an excellent working arrangement with external agencies such as RSPCA, Animal Welfare League National parks &amp; Wildlife and the Local land Services.</li> <li>Effectiveness of Council's animal management can be accessed annually in the annual report by Council.</li> <li>This policy deals with animal owners only.</li> </ul>
54. 5867468	<p>To support residents, council is encouraged to provide practical guidelines on responsible animal ownership—covering suitable animal types and numbers, hygiene and shelter standards, noise and odour control, and animal welfare. These guidelines would help residents meet community expectations and assist council in maintaining public health and neighbourhood amenity.</p>	<p>Information noted</p> <ul style="list-style-type: none"> <li>Please refer to council's home page <a href="http://www.esc.nsw.gov.au/residents/pets">www.esc.nsw.gov.au/residents/pets</a> for further information.</li> </ul>

Document set id:	Summarised submission:	Comments:
55. 5867469	<p>Advocating for council and animal management officers to lead by example in promoting responsible pet ownership through well-resourced, research-based practices and professional local laws. They recommend:</p> <ul style="list-style-type: none"> <li>• Adopting best-practice standards aligned with progressive councils (e.g. In Victoria).</li> <li>• Introducing mandatory desexing of companion animals (including rabbits).</li> <li>• Enforcing responsible breeding practices.</li> <li>• Implementing cat curfews to protect the environment, reduce nuisance, and improve animal welfare.</li> </ul>	<p>Information noted.</p> <ul style="list-style-type: none"> <li>• Council Rangers often promote responsible Per Ownership.</li> <li>• Pet adoptions are conducted through welfare agencies.</li> <li>• Mandatory desexing, responsible breeding practices and cat curfews/containment can only be enforced through changes to NSW state legislation.</li> </ul>
56. 5867473	<p>4 key areas to consider for updating esc's draft local orders policy - keeping of animals.</p> <ol style="list-style-type: none"> <li>1. Free registration for desexed dogs – to encourage desexing and reduce strays, dog attacks, and public nuisance.</li> <li>2. Pet-friendly tenancy policies – to address animal surrender caused by housing restrictions, suggesting a ban on "no-pets" clauses.</li> <li>3. Stronger enforcement against illegal breeders – recommending proactive use of rangers to monitor ads, investigate complaints, and use nuisance laws.</li> <li>4. Dog rehabilitation measures – including mandatory hold periods and behavioural assessments before euthanasia to support rehoming and reduce unnecessary euthanasia.</li> </ol>	<ul style="list-style-type: none"> <li>• Information noted</li> <li>• Items 1-3 can only be adopted through NSW state legislation.</li> <li>• Regarding item 4, there is a legislative requirement to hold companion animals for 7 days if not identified to an owner and 14 days if they are identified. During this period behavioural assessment or conducted to assess their suitability for rehoming/adoption.</li> </ul>
57. 5867475	<p>Urges council to strengthen environmental protections by restricting dogs—especially off-leash—in sensitive habitats. They highlight:</p> <ul style="list-style-type: none"> <li>• Personal connection to the region and its natural beauty.</li> <li>• Concern over domestic pets, particularly dogs, disturbing and harming native wildlife in protected areas.</li> <li>• A specific incident involving an unleashed dog disrupting a duck and her ducklings.</li> </ul>	<p>Information noted.</p> <ul style="list-style-type: none"> <li>• The items listed will be addressed when the Companion Animal Management Plan 2018 is reviewed in 2028.</li> </ul>

Document set id:	Summarised submission:	Comments:
	<ul style="list-style-type: none"> <li>A call for council to align pet access policies with existing environmental protections, such as those in coastal reserves and marine sanctuary zones. They request council to ban dog walking on protected beaches to better safeguard local wildlife.</li> </ul>	
58. 5867484	<p>Urges council to strengthen environmental protections by restricting dogs—especially off-leash—in sensitive habitats. They highlight:</p> <ul style="list-style-type: none"> <li>Personal connection to the region and its natural beauty.</li> <li>Concern over domestic pets, particularly dogs, disturbing and harming native wildlife in protected areas.</li> <li>A specific incident involving an unleashed dog disrupting a duck and her ducklings.</li> <li>A call for council to align pet access policies with existing environmental protections, such as those in coastal reserves and marine sanctuary zones. They request council to ban dog walking on protected beaches to better safeguard local wildlife.</li> </ul>	Information noted <ul style="list-style-type: none"> <li>The items listed will be addressed when the Companion Animal Management Plan 2018 is reviewed in 2028.</li> </ul>
59. 5867321	<ul style="list-style-type: none"> <li>Lack of clarity between rural and residential zones, particularly in relation to order 18 a.1 about roosters and fowl.</li> <li>Discretionary enforcement by investigating officers, which they believe could lead to biased or unfair decisions.</li> <li>Impact on rural practices, such as farming, bird breeding, and keeping multiple animals, which they argue are traditional and essential to the local lifestyle.</li> <li>Specific objections to restrictions on bird numbers, dog ownership, rabbit keeping, and proximity rules for pigeons.</li> <li>Concern about nuisance complaints from new residential developments affecting long-standing rural operations.</li> </ul>	Information noted <p>Animal limits are set as per NSW state legislation</p> <ul style="list-style-type: none"> <li>as the policy was initially adopted in October 2006 there would be no foreseen impact to local infrastructure.</li> <li>Council will only act under this policy upon receipt of a customer request which are causing</li> </ul>

Document set id:	Summarised submission:	Comments:
	<ul style="list-style-type: none"><li>• A final suggestion that policy-making should involve locally born and bred residents to better reflect community values.</li></ul>	<ul style="list-style-type: none"><li>I. an unreasonable nuisance or interference to surrounding properties</li><li>II. an animal welfare issue or an environmental issue.</li></ul>

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**PER25/024 DA0467/25 - DEMOLISH EXISTING MOTEL AND  
CONSTRUCTION OF A NEW MOTEL - 213 PRINCES HIGHWAY  
NAROOMA**

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 1. Under Separate Cover - Conditions of Consent  
2. Under Separate Cover - Consolidated set of plans  
3. Clause 4.6 Variation Report Update [Download](#)

Community Goal: 3 We sustain our shire by balancing growth and protecting our natural environment

Community Strategy: 3.3 Balanced development between the needs of people, place and productivity.

Delivery Program Link: 3.3.3 Provide receptive and responsive development assessment services

Operational Plan Link: 3.3.3.1 Assess and determine development applications

Applicant: MKD Architects

Land: 213 Princes Highway Narooma – Lot 1 DP 251207

Area: 3498m<sup>2</sup>

Setbacks: Narooma Township DCP

Height 9m

Zone: R2 Low Density Residential

Current Use: Motel

Proposed Use: Motel

Description: Demolish existing motel and construction of a new motel –  
Comprising of 30 rooms, basement parking, pool, dining/restaurant  
and associated service rooms

Permitted in Zone: Permitted under Division 4.11 EP&A Act 1979 as Existing use rights

DA Registered: 13 May 2025

Reason to F&S: Building height variation >10% (17.3%)

Recommendation: Approval subject to conditions

#### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's determination of DA0467/25 for the demolition of an existing motel and construction of a new motel at 213 Princes Highway, Narooma ('the site').

The development replaces an existing motel, known as the 'Tree Motel', on the corner of the Princes Highway and Costin Street. The development comprises of 30 motel units (a mix of single and family units), basement car parking for 31 vehicles, service rooms, a pool and a

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restaurant/dining room across three levels. The restaurant/dining area is proposed as an ancillary feature of the motel made available to guests only. The total cost of the development is \$14,569,312.

The development is reliant upon the 'existing use rights' provisions within the Environmental Planning and Assessment Act/Regulations given a 'motel' is not permitted in the R2 Low Density Residential Zone. The applicant has successfully demonstrated the site benefits from existing use rights due to the current and continued use of the site for this purpose.

The application is being reported to Council due to a variation to the 9m building height. The building has a maximum height of 10.56m (or a 17.3% departure from the control). A written request under Clause 4.6 of the Eurobodalla LEP 2012 (ELEP) has been submitted with the application outlining the reasons compliance is 'unreasonable or unnecessary' and that there are 'sufficient environmental planning grounds' to warrant departure from the standard.

The design has also respected the significant tree by concentrating the building footprint to the northern half of the site resulting in a taller building with a more concentrated footprint.

The application was publicly notified between 13 May and 29 May 2025 for 14 days. No submissions were received.

The proposed development is a high-quality redevelopment that will be a contemporary addition to the locality and provide additional tourist and visitor accommodation on a site that has historically been used for this purpose.

Overall, the proposal is found to be within the public interest and worthy of support from Council.

**RECOMMENDATION**

That Council approve DA0467/25 to for the Demolition of the existing motel and construction of a new motel, subject to the conditions attached to this report.

**BACKGROUND**

The proposal was notified for a period of 14 days in accordance with the Community Participation Plan and no submissions were received. Council staff undertook an assessment of the proposal and requested additional information/amendments to resolve some identified issues.

In response, amended plans and documentation was submitted which resolved the issues raised. Given the minor nature of the changes, the proposal was not required to be re-notified.

The amended plans were referred to Transport for NSW and Essential Energy, with both agencies providing support for the proposal subject to recommended conditions.

**Proposed Development**

The proposed development is for the demolition of an existing motel (currently 12 rooms) and construction of a new motel (30 rooms). The development replaces an existing motel, known as

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the 'Tree Motel' on the corner of Princes Highway and Costin Street. The development specifically comprises of:

- Demolition of the existing motel
- Construction of a new motel consisting of a total 30 motel rooms, as follows
  - Basement carpark for 31 parking spaces, inclusive of one (1) manager and two (2) disabled spaces, loading area, plant room, waste storage area, bike store, four (4) units on the lower ground floor and lift lobby
  - Ground level Lobby area and espresso bar, including entrance to the motel
  - First level consisting of 14 motel rooms, service areas, corridors and lift lobby
  - Second level consisting of 12 motel rooms, service areas. This level also has a dining room with indoor dining and alfresco on a raised terrace area, balcony and bathrooms
  - Outdoor area consisting of a pool and associated pool terrace
  - Landscaping and fencing works to suit the development
  - Stormwater drainage works
  - Vehicle driveway off Princes Highway to replace existing crossover.

The following concurrent approvals are sought under the Local Government Act 1993:

- Works within the road reserve
- Sewer, water and stormwater works



Figure 1 - 3d montages

### **The Site**

The site is legally described as Lot 1 DP251207 and a street address of 213 Princes Highway, Narooma. It is an irregular shaped parcel on the south-east corner of Princes Highway and Costin Street.

The site has an area of 3498m<sup>2</sup>. It has a frontage to the Princes Highway of approximately 30m to its western boundary and approximately 61m to Costin Street along its northern boundary.

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The western and southern boundaries, which adjoin existing residential development have lengths of approximately 83m and 73m respectively.

Situated upon the property is the existing 'The Tree Motel', an older style single storey motel providing standard short term tourist accommodation with on-site parking. A significant feature of the site is a large area in the southeast corner that accommodates a number of native trees that gives the site its name.

Adjoining development to the south and east is residential in nature. Immediately to the north of the site, on the opposite side of Costin Street, is commercial development identified as Narooma Plaza, consisting of a major supermarket and other retail offerings. This large site has a commercial zoning, but is flanked on all sides by residential zones, and it contributes to the mixed-use character to this section of the Princes Highway.



Figure 2 - Nearmap image of the site.

## **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.

### State Environmental Planning Policy (Transport and Infrastructure) 2021

The site has a frontage to a classified road (Princes Highway) and therefore Clause 2.119 applies.

The development seeks to retain and improve the existing access point off the Princes Highway and has demonstrated to the satisfaction of Transport for NSW that access off Costin Street is not feasible for the site. Transport for NSW have provided a letter of support subject to

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conditions, and therefore Council can be satisfied that the development will not have an adverse impact on the safety, efficiency and ongoing operation of the classified road.

Consideration has been given to road traffic noise on the development, as required by Clause 2.12 of the SEPP. An acoustic report has been submitted with the application which addresses the impact of road traffic noise upon the development and the recommendations of the report are to be followed as required by the consent conditions.

State Environmental Planning Policy (Primary Production) 2021

*Chapter 2 Primary production and rural development - Part 2.5 Sustainable Aquaculture*

*Division 4 Consideration of effects of proposed development on oyster aquaculture*

The development was considered not likely to have an adverse effect on oyster aquaculture as it is not located in proximity to the Wagonga Inlet. Conditions have been recommended by Council's development engineers to deal with stormwater quality leaving the site.

State Environmental Planning Policy (Sustainable Buildings) 2022

**Chapter 3 – Standards for non-residential development**

This chapter applies to development involving the erection of a new building (other than residential accommodation) with a development cost of \$5 million or more. The chapter requires consideration of the following matters.

**3.2 Development consent for non-residential development**

(1) *In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*

- (a) *the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
- (b) *a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) *a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
- (d) *the generation and storage of renewable energy,*
- (e) *the metering and monitoring of energy consumption,*
- (f) *the minimisation of the consumption of potable water.*

Comment: The application is accompanied by an operational waste management plan which deals with the ongoing waste generation of the development. Conditions will be recommended to deal with construction waste.

The application is accompanied by a Section J report which sets out the energy efficiency measures to be incorporated into the building.

There is ample area for solar to be retrofitted to the development in the future.

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A condition will be included to require roof water to be detained and reused for landscape maintenance.

*(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

Comment: The applicant has filled out the embodied emissions form on the NSW Portal in the standard template format and has submitted a copy of the embodied emissions calculations for the development. Council is satisfied the SEPP has been addressed.

**State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP)**

*Chapter 2 – Coastal Management*

The SEPP aims to manage development in the coastal zone, protect environmental assets of the coast, establish a framework and guide land use planning decision making and provide mapping for the coastal management areas.

The land is identified as being within the coastal environment area and coastal use area and therefore Clauses 2.10 and 2.11 apply. These matters have been sufficiently addressed in the submitted Statement of Environmental Effects and are satisfactory, subject to conditions of consent which include erosion and sediment control measures. Development consent can be granted as the proposed development will not result in any detrimental impact to the coastal environment area or coastal use area.

*Chapter 4 – Remediation of Land*

The subject site was previously occupied by a motel and is to be replaced with the same land use. The application is accompanied by a Preliminary Site Investigation (PSI) prepared by IROS Australia, which did not raise any significant issues in relation to contamination and concludes that the site is suitable for the development, subject to soil testing beneath the slab of the motel and carpark following demolition of the structures. The report recommends that a construction environmental management plan be prepared and an unexpected finds protocol to deal with any unexpected contamination discovered during excavation/construction. This additional investigation can be conditioned given the proposal does not seek to change the land use and there are no known past contaminating land uses on the site.

As such, the development satisfies the requirements of Clause 4.6 of the SEPP and the land is suitable for the intended use, subject to the recommendations of the PSI which will be conditions of consent.

**Eurobodalla Local Environmental Plan 2012 (ELEP)**

***Clause 2.3 - Zone objectives and Land Use table / Existing Use Rights***

The site is zoned R2 Low Density Residential. The development is for the purpose of a 'motel' which is not a permitted use within the R2 Zone. However, the application is reliant upon the 'Exiting use rights' provisions contained within the *EP&A Act 1979* and *EP&A Regulations 2021*.

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The use of the site for the purpose of a 'motel' was lawful prior to the coming into force of the ELEP 2012. The current use as a motel has been lawfully carried out, as evident by the development consents Council hold for the land and has continually been used for this purpose until now. Rebuilding and expansion of the motel is permitted under the existing use rights provisions under the EP&A Regulations 2021.

Concern was raised during the assessment about the inclusion of a restaurant within the motel that would be open to members of the public because there is not currently a restaurant on site. Council was not convinced that this component could be included under the existing use rights provisions, and a restaurant is not permitted in the current R2 Zone. In response, the application was amended to nominate the restaurant to only serve meals to guests staying at the motel. This amendment addressed the concern as this was considered to fall within an 'ancillary' use of the motel, whereby meals are served to the guests only as part of their stay.

Based on the above, Council is satisfied that the development falls within the scope of existing use rights and the existing motel may be rebuilt in accordance with the *EP&A Act/Regulations*.

***Clause 4.3 Building Height***

The land is mapped as having an 9m building height under the ELEP. Portions of the proposed skillion and gable roof forms exceed the 9m height limit, as shown the figures below. The maximum height of the building is 10.56m, or a departure of 17.3%.

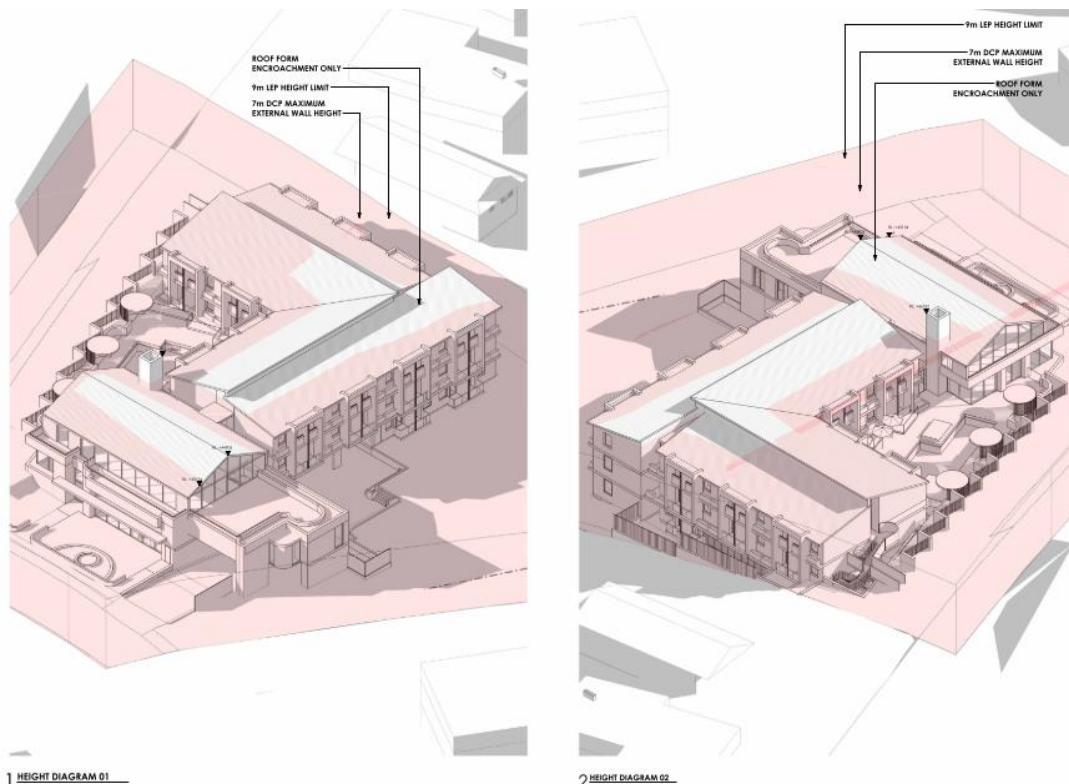


Figure 3 - Figure of 9m height blanket

The proposal is accompanied by a written request under Clause 4.6 of the ELEP seeking departure from the building height control.

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***Clause 4.6 Exceptions to development standards***

The objective of Clause 4.6 is to provide a degree of flexibility and to achieve a better outcome for development where the context support it.

Clause 4.6 enables consent to be granted for development even though the development would contravene a development standard. In accordance with sub-clause (3) development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the contravention of the development standard.

This assessment has been completed in accordance with the *Guide to Varying Development Standards*, prepared by the Department of Planning and Environment dated November 2023 (Guide). The Guide sets out key considerations in the assessment of variations which has been assessed below.

The application is accompanied by a written request to vary the development standard which sets out why compliance is '*unreasonable and unnecessary*' in the circumstances and that there are '*sufficient environmental planning grounds*' to warrant departure from the standards. The written request forms an attachment to this report.

***Clause 4.6(3)(a) - Compliance with the development standard is unreasonable or unnecessary in the circumstances***

The applicant's written request has demonstrated that compliance is '*unreasonable and unnecessary*' because the objectives of the development standard are achieved notwithstanding non-compliance with the standard. This method has been established by the NSW Land and Environment Court decision by Preston CJ in *Wehbe vs Pittwater Council (2007) LEC 827*. The objectives of the standard are outlined below, along with the applicant's response to them:

- (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*

Applicant's response:

- *The siting of the building in particular is important as it places the bulk of built form towards the corner of Princes Highway and Costin Street and provides very generous setbacks landscaping to the low-density residential development to the south that may be considered to be more sensitive to the proposed height of the development.*
- *The proposed development will be viewed within a mixed-use context that is an obvious feature of travelling through Narooma along the length of Princes Highway. Buildings of*

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*all shapes, sizes and land uses are apparent and it is not clear and obvious of when the low-density residential zone begins. This is reinforced by the major commercial development that fronts the Princes Highway on the opposite (northern) corner of Costin Street.*

- *There are no adverse solar access impacts on any adjoining properties. A development with a compliant height would have no difference in terms of solar access to the property to the south*
- *The development, as proposed or if amended to be compliant with building height, will have no impact upon the views currently enjoyed by any surrounding property.*
- *The minor variation to the building height will have no impact upon the way the development is viewed in the context with its neighbours. It is a non-residential land use and it would be unreasonable to expect that it maintain the same residential scale of low density residential development.*

Clause 4.6(3)(b) - There are sufficient environmental planning grounds to justify the contravention of the development standard

The written request identifies a number of 'environmental planning grounds' with the following considered the most relevant:

- *The development has been proposed to retain the long-standing use of tourist and visitor accommodation, but in a way that improves the standard of that accommodation to a contemporary level expected by the travelling public. This is consistent with Council's broad strategic planning objectives. It is orderly and economic.*
- *The site area and the existing location of the proposed building upon the site, allows development of the type proposed. The proposed development will occupy that part of the site that is best suited to accommodate the new motel development whilst protecting and retaining the significant natural features of the site. A lower building with a larger footprint would compromise this outcome.*
- *The development will continue to maintain an appropriate relationship with all other adjoining properties. The proposed development will not be perceived as a larger more dominant development than its neighbours, particularly the large commercial development that also fronts the Princes Highway on the northern side of Costin Street.*

The reasons outlined in the written request are generally agreed with. In particular, the footprint of the development has been concentrated to the corner of the site away from the significant tree and the residential dwellings to the south, limiting the impact of the development. The site is also opposite a commercial zone which has a 11.5m height limit, as such, this site provides a transition between zones which is consistent with the historical use as a motel. The architectural response to the 'Narooma Style Guide' is adequate for the locality given the location along the Highway and being opposite the shopping centre.

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**Concluding Comments of Height**

Council is satisfied as to the matters set out in Clause 4.6 of the ELEP. It is considered on balance, that having regard to the particular circumstances in relation to the context, quality building design and the lack of environmental or amenity impact on the surrounding properties, the proposed departure from the development standard is acceptable and it is reasonable that flexibility to the standard be applied.

***Clause 6.4 Earthworks***

The proposal involves earthworks to construct a basement carparking level and as such, the clause is considered. The application is accompanied by a geotechnical report which recommends mitigation strategies for the impact of the earthworks on adjoining properties. The stormwater management plan deals with stormwater management for the basement excavated areas. The geotechnical report has considered the presence of groundwater and based on the site investigation, the excavation will not be of a depth that will reach the groundwater table.

The disruption of any Aboriginal relics has been considered as part of the assessment and there are no known items within the site. A condition has been recommended to deal with any unknown or unexpected finds. The proposal satisfies Clause 6.4, earthworks.

***Clause 6.9 Stormwater Management***

Clause 6.9 requires consideration of stormwater management for the development. The application is accompanied by stormwater management plans which demonstrate stormwater being disposed to the street network and measures to mitigate the impact of stormwater, including on-site detention to minimise run-off. Subject to conditions of consent, the proposal has addressed stormwater in a satisfactory way.

**Development Control Plan**

The application is subject to the 'Narooma Township DCP' which has been considered as part of the assessment of the application and a full assessment included as an attachment to this report. The proposal will be a high-quality development that is consistent with the intent of the Narooma Township DCP.

**Parking and Access Code**

The Parking and Access Code requires that one space be provided per motel room, plus a space for the manager. The proposal consists of 30 rooms, and 30 parking spaces have been provided for users of the motel (including disabled parking). One parking space is provided for a manager, resulting in a total of 31 spaces compliant with the code. A designated loading area for waste collection and general loading/servicing of the development is included in the parking area.

The Code requires that additional parking be provided for 'public areas' as part of the development. The application was amended to designate the dining area/restaurant to be made available to motel guests only and therefore, the restaurant component will not generate any additional parking demand being ancillary and used solely by motel occupants.

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**PER25/024 DA0467/25 - DEMOLISH EXISTING MOTEL AND CONSTRUCTION OF  
A NEW MOTEL - 213 PRINCES HIGHWAY NAROOMA**

**Aboriginal Heritage**

The applicant has provided a Due Diligence Assessment with their application. There are no known matters of significance identified.

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

**ENVIRONMENTAL**

In accordance with Section 1.7 of the Environmental Planning and Assessment Act 1979 Council must consider impacts to biodiversity as part of the DA assessment (Part 7 of Biodiversity Conservation Act 2016). The arborist report submitted with the application identifies 14 trees on the site. Of these, there is a significant tree (marked as T4 in the arborist report) which is identified on Council’s significant tree register.

The proposal has been designed to retain and protect all 14 trees on the site. There are minor incursions into the tree protection zones (beneath the canopy), however, these have been assessed by the arborist as not impacting the health or viability of the trees. Tree protection measures are recommended in the arborist report and these will be included as conditions.

**CONSULTATION**

The application was notified for 14 days in accordance with Council’s Community Participation Plan between 13 May and 29 May 2025. No submissions were received.

**Internal and External Referral**

The application was referred to the following internal officers and external agencies for comment.

Referral	Comment
<b>External Referral</b>	
Transport for NSW	<b>For comment under SEPP (Transport and Infrastructure) 2021 for development adjoining classified road</b> Supported, subject to conditions requiring no stopping be provided at the Princes Highway Frontage, application for driveway crossover for works on the Princes Highway and to obtain a Road Occupancy Licence prior to commencing works.
Essential Energy	<b>For comment under SEPP (Transport and Infrastructure) 2021 work near power lines</b> Supported, subject to conditions relating to safety near overhead/underground powerlines.
<b>Internal Referral</b>	
Development Engineers	Supported, subject to conditions in relation to parking layout and design, stormwater connection and sewer connection.
EHO - Food	Supported, condition POC0232.1 and PCC0054 (with Council being the relevant water authority).
Liquid Trade Waste	Supported, condition PCC4.15 for a liquid trade waste agreement required.

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**PER25/024 DA0467/25 - DEMOLISH EXISTING MOTEL AND CONSTRUCTION OF  
A NEW MOTEL - 213 PRINCES HIGHWAY NAROOMA**

Local Infrastructure Contributions

The proposal is not subject to contributions under Section 7.11 of the EP&A Act being the Eurobodalla Local Infrastructure Contributions Plan 2022. The development does not propose additional residential accommodation or new lots.

Section 7.12 Contributions Plan 2022

The proposal is subject to contributions under Section 7.12 of the EP&A Act:

S94A Contributions Plan	Rate	Estimated cost of this development	Total Amount
<b>Cost of Development</b>			
Less than \$100,000	0		
\$101,000 to \$200,000	0.5%		
Greater than \$200,000	1%	\$15,288,838	<b>\$152,888.38</b>

Water & Sewer Headworks

The proposal is subject to contributions under Section 64 *Local Government Act*.

Existing development consists of 12 Units (plus 1 managers unit) and therefore a credit will be applied for Water 4.6 ET and Sewer 5.8 ET.

Proposed development has 30 Units (no managers unit) which generates a demand of Water 9 ET and Sewer 12 ET.

The water and sewer headworks charges are set out in the below table:

Contributions	ET applicable to this DA	Rate FY25/26 per ET	Total Amount
Water Headworks	4.4 ET	\$8,025	\$35,310
Sewer Headworks (DSP 1 – TO, BD)		\$13,275	
Sewer Headworks (DSP2 – MO, BB)		\$10,135	
<b>Sewer Headworks (DSP3 – NA, TU)</b>	6.2 ET	\$5,135	\$31,837

**CONCLUSION**

This report seeks Council's determination of an application for the demolition of an existing motel and construction of a new motel at 213 Princes Highway, Narooma.

The application seeks to vary the building height by up to 17.3% and due to the requirements of the NSW Department of Planning and Environment, any variation greater than 10% must be determined by the elected Council.

**PER25/024 DA0467/25 - DEMOLISH EXISTING MOTEL AND CONSTRUCTION OF  
A NEW MOTEL - 213 PRINCES HIGHWAY NAROOMA**

The application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979* and found to be appropriate for the site and context. The assessment has concluded that building is a high-quality redevelopment of the site which provides additional tourist and visitor accommodation on a site that has historically been used for this purpose. There will be no unacceptable impacts on adjoining properties as a result of the height variation and the position of the site across from the commercial zone is a suitable context for the height of the building.

The application is put to the Council with a recommendation for approval, subject to the conditions outlined in Attachment 1.

**Variation Request Pursuant to Clause 4.6  
Eurobodalla Local Environmental Plan 2012  
Development Standard Height of Building (Clause 4.3)**

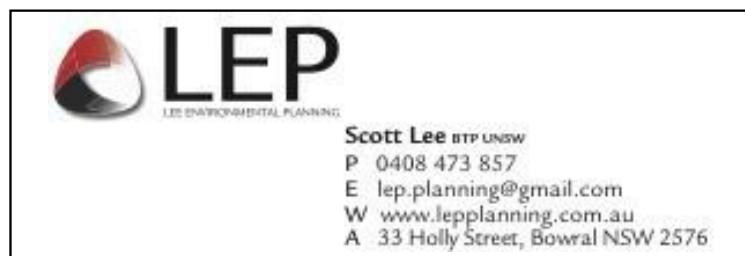
**Lots 51 and 52 DP571785**

**213 Princes Highway**

**Narooma**

**April 2025**

**Prepared by  
Lee Environmental Planning**



**1. What is the name of the environmental planning instrument that applies to the land?**

Eurobodalla Local Environmental Plan 2012 (ELEP2012)

**2. What is the zoning of the land and what are the objectives of the zone?**

The subject site is within the R2 Low Density Residential zone of CCLEP2022. The stated objectives of this zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage residential development that is consistent with the character of the neighbourhood.*

Two of these objectives relate directly to residential development and are therefore not specifically relevant to this development. Nor would they be relevant to any other non residential development type, although it is noted that the land is suitable for the R2 Low Density Residential zone allows for a number of non residential uses.

The third Objective relates to non residential uses and the proposed development is not offensive to this objective.

The development has been designed to provide a high level of architectural quality and amenity for visitors to the motel, whilst protecting the residential amenity for adjoining residents. The overall bulk and scale and siting of the built form, avoids any adverse residential amenity impacts upon any neighbouring properties.

**3. Identify the Development Standard to which this Clause 4.6 Variation applies?**

Clause 4.3 Height of building of Eurobodalla Local Environmental Plan 2012.

In this location the relevant development standard is 9 metres. Refer to Figure 2.

It is important to note the variation in height controls within the general locality that reflects the different land use zones and uses.

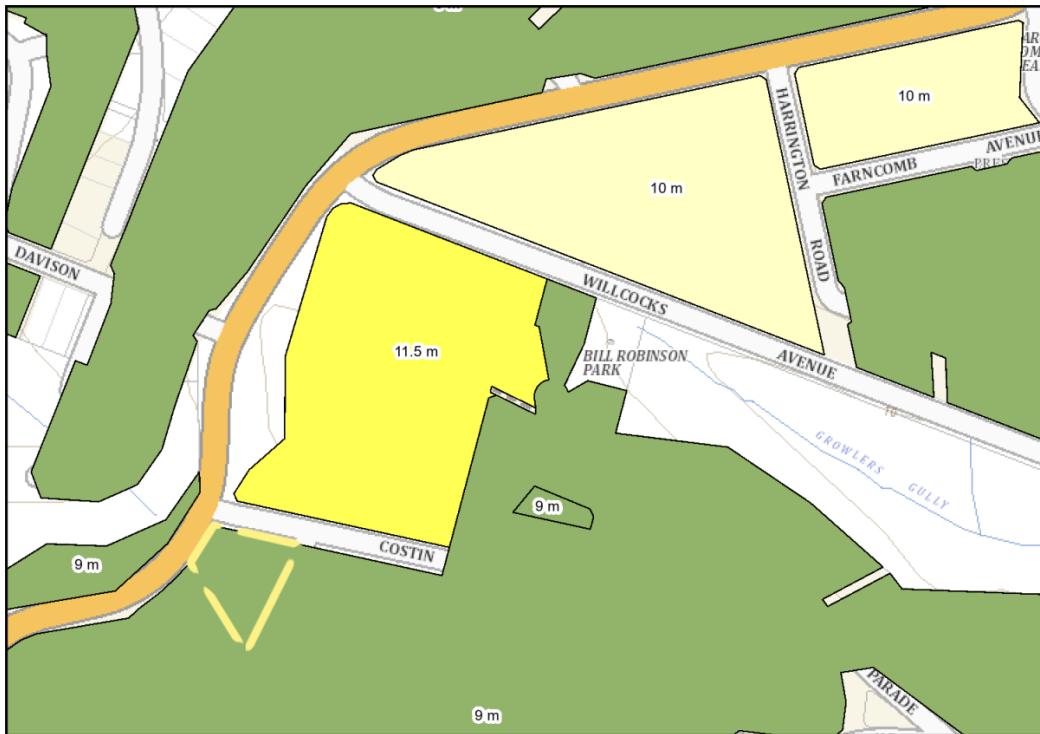


Figure 1: Extract from NSW Planning Portal ELEP2012 height of buildings maps that show the different height standards that exist within the locality

#### 4. What are the objectives of the development standard?

The objectives of the height of building development standard are:

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

The proposed development is not offensive to these Objectives.

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

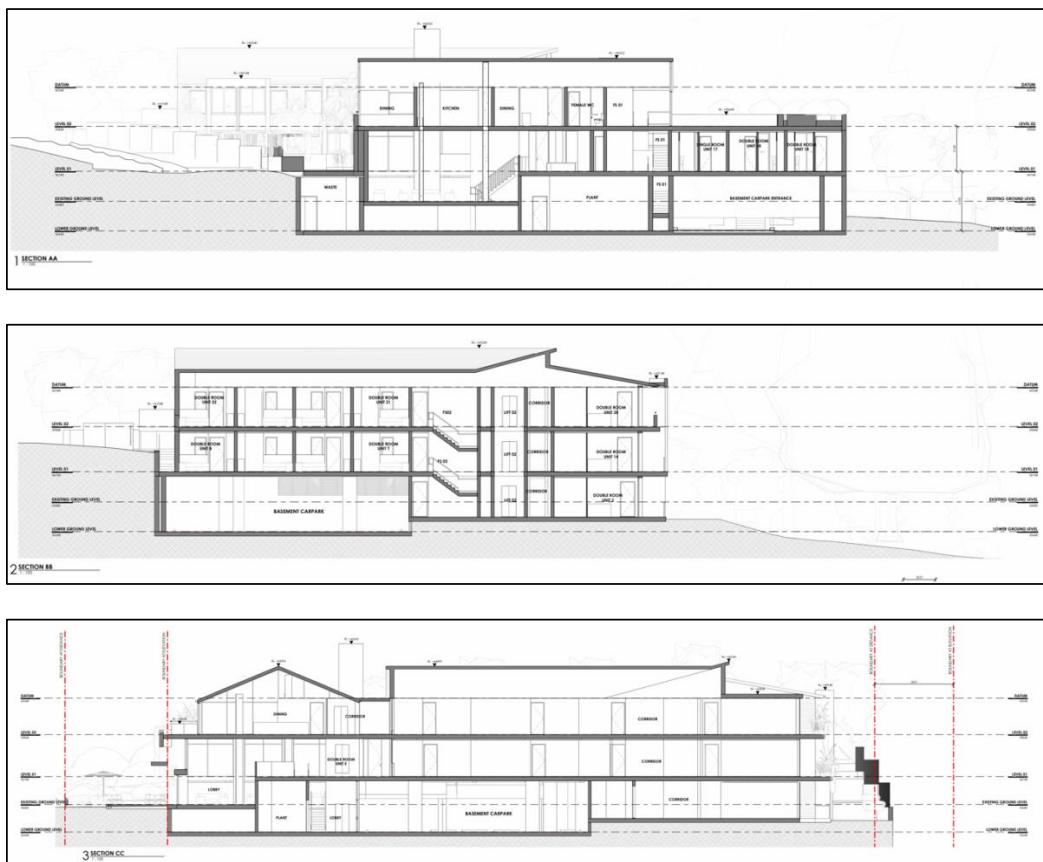
Clause 4.3 requires reference to the Height of building maps and in this case the maps indicate that the maximum allowable height of building is 9 metres.

This development standard applies consistently across the area within the low density residential zone. Refer to Figure 1. The subject site sits on the extremity of the low density zone directly opposite a commercial zone with a height limit of 11.5 metres.

**6. How do the existing and proposed numeric values relate to the development standard? What is the percentage variation (between the proposal and the environmental planning instrument)?**

The maximum height is approximately 10.560 metres, equating to a variation of approximately 15% to the 9 metre height of building development standard. The percentage variation to the numerical development standard is not considered significant and the actual extent of building that pushes up outside the height plane is limited.

The proposed height of building is described in detail upon the architectural plans prepared by MKD Architects. These architectural drawings provide the best and most useful representation of the proposed height of the proposed alterations and additions relevant to the development standard, in particular the cross section drawings. Refer to Figures 2, 3 and 4.



*Figures 2, 3 and 4: Cross sectional drawings showing existing ground levels and height of building (Extracts from MKD Architects)*

Clause 4.6 of the SSLEP2015 is similar to the previous long-standing *State Environmental Planning Policy No 1—Development Standards* (SEPP 1). It is used across the State in all local planning instruments.

SEPP 1 was the first State wide planning policy because it was always recognized that the planning system required a mechanism to exercise discretion. From its earliest days, it was agreed that SEPP 1 may be applied to vary development standards even when the variation could not be regarded as minor: *Michael Projects v Randwick Municipal Council* (1982) 46 LGRA 410, 415).

The Court of Appeal considered the issue in *Legal and General Life v North Sydney Municipal Council* (1990) 69 LGRA 201. In that matter, North Sydney Council had approved a SEPP 1 objection and the decision was subject to third party legal challenge.

The applicable floor space ratio control was 3.5:1, but, as a consequence of upholding the SEPP 1 objection, the approved floor space ratio was 15:1 (a variation to floor space of 329 per cent). The applicable height control was five storeys whereas the approved height was 17 storeys (an variation of 240 per cent).

The Court of Appeal supported the following statement by the then Chief Judge of the Land and Environment Court (in *Legal and General Life v North Sydney Council* (1989) 68 LGRA 192, 203):

*The discretion vested in councils under SEPP No 1 is wide and, subject to limitations found in the instrument itself and its relation to the Environmental Planning and Assessment Act 1979, is unconfined.*

The Court upheld the validity of the Council's decision.

Clause 4.6, now in place across all local planning instruments, is in similar terms to SEPP 1. There are no provisions that make it necessary for a consent authority to decide whether the variation is numerically minor. This makes the Court of Appeal's decision in *Legal and General Life* equally applicable to Clause 4.6. This means that there is no constraint on the numerical extent to which a consent authority may depart from a numerical standard.

In fact, a decision not to support a variation, if based solely on the numerical difference between the standard and the proposed development (including the requested percentage of the variation), would not be a valid consideration of the Clause 4.6 variation Request. Amendments to Clause 4.6 and directives from the Department of Planning in relation to how to administer Clause 4.6, reinforces this view.

Some examples that illustrate the wide range of commonplace numerical variations to development standards under clause 4.6, are as follows:

- In *Baker Kavanagh Architects v Sydney City Council* [2014] NSWLEC 1003 the Land and Environment Court granted a development consent for a three storey shop top housing development in Woolloomooloo. In this decision, the Court approved a floor space ratio variation of 187 per cent.
- In *Amarino Pty Ltd v Liverpool City Council* [2017] NSWLEC 1035 the Land and Environment Court granted development consent to a mixed use development on the basis of a clause 4.6 request that sought a 38 per cent height exceedance over a 15-metre building height standard.
- In *Auswin TWT Development Pty Ltd v Council of the City of Sydney* [2015] NSWLEC 1273 the Land and Environment Court granted development consent for a mixed use development on the basis of a clause 4.6 request that sought a 28 per cent height exceedance over a 22-metre building height standard.
- In *Season Group Pty Ltd v Council of the City of Sydney* [2016] NSWLEC 1354 the Land and Environment Court granted development consent for a mixed use development on the basis of a clause 4.6 request that sought a 21 per cent height exceedance over a 18-metre building height standard.
- In *Landco (NSW) Pty Ltd v Camden Council* [2018] NSWLEC 1252 the Land and Environment Court granted development consent for a land subdivision with clause 4.6 variations of between 47-51 per cent on the minimum 450m<sup>2</sup> lot size, allowing lot sizes ranging from 220 to 240m<sup>2</sup>.
- In *Stellar Hurstville Pty Ltd v Georges River Council* [2019] NSWLEC 1143 the Land and Environment Court granted development consent for 12-storey residential tower, on the basis of a clause 4.6 request, with a floor space ratio exceedance of 8.3 per cent.

In short, Clause 4.6 is a performance-based Clause requiring consideration of a development proposal not only in numerical terms, but also of its merits and the alignment of the proposed development with all other relevant planning controls.

Therefore it is possible, and not uncommon, for both large or small variations to be approved when all of the circumstances are considered and the development demonstrates sufficient merit to warrant approval.

In this case the variation sought is not numerically significant and of less importance than the consideration of the merits of the development that in this case, will deliver a sensible and positive planning outcome when all of the relevant issues are considered.

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

Clause 4.6(3)(a) requires that this Variation Request demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

It is the contention of this Variation Request that such compliance is unreasonable or necessary in the circumstances of the case. The reasons for this are set out in the following paragraphs.

**Thwarting the objectives of height of building**

None of the stated objectives for height of building are offended by the development proposal.

The following comments are relevant to a consideration of the objectives of the development standard.

The objectives of this clause are as follows—

- (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.*

The following comments are relevant:

A height of building development standard seeks to 'standardise' the general height of development, but can never result in all buildings being of the exact same height. Across all areas of Narooma there are buildings below the maximum height of building and there are buildings in excess of the maximum height of buildings. This will be true regardless of whether the development standard is 9 metres, as in this case, or some other arbitrary figure. However, the collective result of the development standard is an overall consistency in scale of development and this ensures that any one individual building does not stray far from the mean.

Achieving that consistency is more important than requiring strict compliance for each and every individual building on every individual property. In this case, this is a critical point to consider because the development there can be significant variations to ground levels across a single site. The design of the building above the changing natural ground levels cannot always respond to the myriad changes in ground levels below.

In this case, the proposed building will sit on the corner of Princes Highway, the main arterial road through Narooma, in a mixed use locality with a range of land uses and importantly, a range of building heights.

The siting of the building in particular is important as it places the bulk of built form towards the corner of Princes Highway and Costin Street and provides very generous setbacks landscaping to the low density residential development to the south that may be considered to be more sensitive to the proposed height of the development.

In terms of building height, adjoining development within the low density zone are of a smaller scale. However, as noted earlier, the development standard does not guarantee that every building is 9 metres in height. A building that is marginally above the 9 metre height standard is not necessarily more obvious or out of place than a building that is marginally below the 9 metre height.

In this case, the proposed development will be viewed within a mixed use context that is a obvious feature of travelling through Narooma along the length of Princes Highway. Buildings of all shapes, sizes and land uses are apparent and it is not clear and obvious of when the low density residential zone begins.

This is reinforced by the major commercial development that fronts the Princes Highway on the opposite (northern) corner of Costin Street.

All of this supports the applicant's contention that the requested variation will not lead to development that is inconsistent with its 'neighbours' nor will the scale of the building be out of context.

Context is an important consideration in whether or not it is necessary or reasonable to strictly enforce a development standard, particularly when a site is on the interface between two different standards.

Further arguments in support of the development outcome include:

- There are no adverse solar access impacts on any adjoining properties. A development with a compliant height would have no difference in terms of solar access to the property to the south.
- The development, as proposed or if amended to be compliant with building height, will have no impact upon the views currently enjoyed by any surrounding property.
- The development, as proposed or if amended to be compliant with building height, will not be any more or any less visible or prominent when viewed from the Princes Highway.
- The minor variation to the building height will have no impact upon the way the development is viewed in the context with its neighbours. It is a non residential land use and it would be unreasonable to expect that it maintain the same residential scale of low density residential development.

Based on the above comments, the development proposal does not give rise to any significant impacts on any adjoining properties.

There will be no greater impacts resulting from a non compliant development compared to a compliant development. The architectural drawing information shows the variation to the building height standard.

Therefore, a failure to be flexible in the application of the planning controls would not allow what is, by any other measure, a sensible and reasonable design for the development that results in a suitable development of the site.

In other words, strict enforcement of the building height standard in this case, would result in the objectives of the height of building control being thwarted. This is one of the ways in which the Court has explicitly said that an applicant may put forward an argument to establish that compliance with the height of building control is unreasonable or unnecessary (in *Wehbe v Pittwater Council* [2007] NSWLEC 827 (at [46]).

This is sufficient, by itself, to establish that requiring strict compliance is unreasonable or unnecessary in the circumstances of the case.

## **8. Undermining objectives of the EP&A Act**

Section 1.3 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) provides objectives of the planning legislation. Amongst others, it includes:

*To promote the orderly and economic use and development of land...*

In this case, this primary objective of the planning system is considered to be critical. In a case involving existing use rights, requiring strict compliance with the maximum height of building development standard that was designed for low density residential development, would undermine the achievement of this objective of the legislation.

The development has been proposed to retain the long standing use of tourist and visitor accommodation, but in a way that improves the standard of that accommodation to a contemporary level expected by the travelling public. This is consistent with Council's broad strategic planning objectives. It is orderly and economic.

This renewal process for all types of development occurs continuously across the Eurobodalla Shire. The proposed development is what the land owners believe is the best possible land use and it represents a significant investment, not only into the site, but into the broader economic foundations of Narooma and the Shire more broadly. In other words it is orderly and economic use of land.

The proposal does not give rise to any adverse impacts. The land use is not changing, so the most likely impact that can arise from the height of the development relate to potential view loss or overshadowing. In this case, this is not an issue of concern.

The objectives of the EPA Act relate to the proper management of land and the coordination of orderly and economic use of land. This site has a long history of tourist accommodation use. It offers an opportunity for a suitable redevelopment proposal to proceed. It does so without the height of the building impacting residential amenity to any of its neighbours.

If strict compliance of the maximum building height was imposed, then it would not be supportive of the objectives of the EPA Act because it would force an outcome that is not optimum.

Town planning works with a range of development standards to generally guide development towards appropriate outcomes. However, imposition of such numerical development standards should never be given primacy over sensible decisions based on the balance between the facts and the merits of a case. In this case, strict enforcement of the maximum height of buildings is not necessary in order to provide a suitable outcome for the redevelopment proposed.

The development achieves appropriate planning outcomes that relate the bulk and scale of development, with quality architecture, appropriate site planning, generous boundary setbacks and importantly the retention of all of the significant trees that are a feature of the site.

A compliant dwelling height would not be a better outcome, just a different one.

That difference would most likely manifest itself in a larger footprint placing greater pressure on the retention of the trees and vegetation in the south east corner of the site.

In other words, it can be argued that enforcing the development standard is acting to inhibit what is in all other respects, reasonable and suitable development for this site.

The request to vary the relevant development standard therefore is both fair and reasonable in this case. This is sufficient, by itself, to establish that requiring strict compliance with the maximum building height development standard is unreasonable or unnecessary in the circumstances of the case.

## **9. Disproportionate burden on the community**

The severity of the burden placed on members of the community (applicants), by requiring strict compliance with the maximum height of building in this case, would be disproportionate to the consequences attributable to the proposed non-compliant development (relying on comments made in an analogous context, in *Botany Bay City Council v Saab Corp* [2011] NSWCA 308 (at [15])).

This is a public interest consideration.

The development application has properly demonstrated that the proposal is

reasonable, of no adverse impact to the environment or to any adjoining property and is supportive of the broader strategic planning aims for the Shire. The built form that would result can be supported.

This is a case where strict compliance with the maximum height of building, set at 9 metres, has been shown to be both unreasonable and unnecessary. The prescribed figure within the ELEP2012 is arbitrary and the heights of buildings across Narooma have always been and will continue to be, variable. This is due to a combination of historical and locational factors, with the history of development control providing different standards at different times.

Across the locality, there are wide variances in numerical height when measured in accordance with the statutory definition of building height. However, there is a general consistency and compatibility of building height. This has come about through a general adherence to the principle of building height, but with variation as required, not strict adherence to an arbitrary figure.

It is unreasonable to expect the community, including individual property owners, to bear the cost of less than optimum outcomes because arbitrary numerical development standards, such as height, are rigidly enforced. This is particularly so when there are no adverse consequences or impacts from allowing the height of the building to respond to the site conditions and of a height that is suitable for the type of development proposed.

This is sufficient, by itself, to establish that requiring strict compliance is unreasonable or unnecessary in the circumstances of the case and would in fact be against the public interest.

#### **10. Are there sufficient environmental planning grounds to justify contravening the development standard?**

Clause 4.6(3)(b) requires that this Variation Request demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard. It is the contention of this Variation Request that there are sufficient grounds to justify the variation.

The Statement of Environmental Effects prepared to support this DA, provides a more detailed and holistic assessment of the environmental planning grounds relevant to the proposed development. The SEE provides the general platform to allow Council to be satisfied that the development can be supported.

The submitted architectural plans reinforce the claim that the proposed breach of the height control arising from the alterations and additions, are not significant and will not have any significant adverse impacts.

As already argued, the maximum height of building development standard is strategic in its objectives but arbitrary in its numerical value. It aims to ensure some compatibility with adjoining development and to avoid negative impacts by

ensuring limited impact on views and solar access.

In terms of the maximum height of building, this has now been determined by Council to be 9 metres, but this is not the only height that can result in appropriate development, particularly when that development is not of a low density residential type.

In this case, rather than being out of character because of the building height, this proposal will continue the established pattern of mixed use along the Princes Highway. With a mixed use land use pattern, the minor variation to Council's planning standard for building height would be expected.

Within the Development Application, all relevant issues, including compatibility with character of the area and amenity are satisfied.

In relation to the specific request to vary the maximum height of building development standard, the specific environmental planning grounds to justify the breach of the standard are outlined as follows:

The proposed development is a positive response to Council's long held strategic vision for economic (tourist) development across the Shire. Allowing the redevelopment to the existing older motel, will give effect to the established strategic objectives of Council and this is a valid environmental planning ground.

The site area and the existing location of the proposed building upon the site, allows development of the type proposed. The proposed development will occupy that part of the site that is best suited to accommodate the new motel development whilst protecting and retaining the significant natural features of the site. A lower building with a larger footprint would compromise this outcome.

The development will continue to maintain an appropriate relationship with all other adjoining properties. The proposed development will not be perceived as a larger more dominant development than its neighbours, particularly the large commercial development that also fronts the Princes Highway on the northern side of Costin Street .

In this context, rather than being a negative, the minimal variation to the development standard results is a positive outcome. This is an environmental planning ground to justify the contravening of the development standard.

**11. Is the proposed development, despite the contravention to the development standard, in the public interest?**

The public interest is best served when reasonable development is not thwarted by strict and unreasonable enforcement of development standards.

In this case, the development will remain consistent with the prevailing development pattern, the proposed development achieves the stated objectives of the planning regime in general and the particular development standard. Reasonable use of land to its highest and best economic values, positively supports the objectives of the *Environmental Planning and Assessment Act 1979*.

The zone objectives are not offended because the proposed development can be achieved without impact on existing residential development or the natural environment.

In summary, there is no adverse impact upon the broader public if the development standard were to be varied.

**12. Is there any other relevant information to be considered in order to justify varying the development standard?**

To support the submitted Development Application and by association this written variation request, detailed architectural plans have been provided. inclusive of cross sectional plans that show the extent of height variation.

These plans are key to understanding why the proposed development is fair and reasonable and why strict enforcement of the height of building development standard is both unreasonable and unnecessary in this case.

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**PER25/025 CLIMATE CHANGE SCENARIOS FOR BATEMANS BAY AND MORUYA**

**S017-T00013**

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments:

1. Attachment 1 - Climate Change Sea level policies in Aus [Download](#)
2. Attachment 2 - Climate Change Scenarios Understanding-SSPs-1 [Download](#)
3. Attachment 3 - Climate Change Sea level rise planning horizons [Download](#)

Community Goal: 3 We sustain our shire by balancing growth and protecting our natural environment

Community Strategy: 3.2 Respond to our changing climate and natural hazards.

Delivery Program Link: 3.2.3 Identify flood risk and mitigation strategies through developing and implementing floodplain risk management plans

Operational Plan Link: 3.2.3.1 Finalise the Batemans Bay and Moruya Floodplain Risk Management Plans

## **EXECUTIVE SUMMARY**

The purpose of this report is to seek a Council resolution on the preferred Socio-economic Pathways (SSPs) for rainfall intensity and sea level rise. This will inform the preparation of the Moruya and Batemans Bay flood models and subsequent flood risk management plans (FRMP).

This matter is being reported to Council for two reasons. The first is that the current Council policy in relation to sea level rise is no longer considered appropriate and secondly council has no specific policy position for rainfall intensity.

These two factors inform which Socio-economic Pathways (SSPs) to utilise in modelling flood behaviour.

In relation to sea level rise, Council resolved in 2014 [Minutes of Ordinary Meeting - 25 November 2014](#) to adopt RCP 6.0 from the Intergovernmental Panel on Climate Change assessment Report 5 (2012) which is equivalent to a level of 72cm at the 2100 year planning horizon. It is proposed that this is be adjusted to Socio-economic Pathways 5 (SSP5) which would increase this level to 90cm at the 2100 planning horizon. This is because sea level rise is projected to reach 0.9 m before 2150 under all scenarios except SSP1. As seen in neighbouring councils and states, this threshold has therefore become a standard benchmark for coastal planning controls across NSW.

Council has not set a policy framework around rainfall intensity, and it is proposed to set a Socio-economic Pathways 3 (SSP3) for this criteria. Based on current global policies and actions pledged, climate change is projected to meet the SSP2 scenario by 2035. However, the latest IPCC reporting indicates that progress is stalling. Flood risk management requires both a conservative approach and a planning horizon beyond 2035 for which the climate change projections are less certain.

Setting the relevant Shared Socio-economic Pathways (SSPs) for rainfall intensity and sea level rise will enable flood modelling and Floodplain Rise Management Plans to be finalised for Batemans Bays and Moruya.

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**PER25/025 CLIMATE CHANGE SCENARIOS FOR BATEMANS BAY AND MORUYA**

**S017-T00013**

**RECOMMENDATION**

THAT Council:

1. endorses Shared Socioeconomic Pathway 5 (0.9m) to be used for Sea Level Rise across the Moruya and Batemans Bay flood studies and plans.
2. endorses Shared Socioeconomic Pathway 3 to be used for Rainfall intensity across the Moruya and Batemans Bay flood studies and plans.
3. prepare a draft climate change policy to set a framework for how Shared Socioeconomic Pathways are used in other flood catchments within the shire. The draft policy could be exhibited at the same time as the Moruya and Batemans Bay flood risk management plans.

**BACKGROUND**

On 13 December 2022, Council adopted the Open Coast Coastal Management Program (CMP) (Min. 22/326).

**22/1 MOTION Councillor Hatcher/Councillor Schutz**

THAT Council:

1. *Adopt the draft Eurobodalla Open Coast Coastal Management Program and establish an annual report process.*
2. *Forward the adopted Open Coast Coastal Management Program to the NSW Minister for Local Government for certification*
3. *Write a letter of appreciation to those who made a submission to the draft Eurobodalla Open Coast Coastal Management Program.*

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

On 2 March 2023, the NSW Minister for Local Government certified the Coastal Management Plan (CMP).

In December 2022, the Eurobodalla Coastal Hazard Code (Code) was prepared as an outcome of the CMP. The Code guides the hazard assessment within development applications and Council's strategic planning.

The Code was adopted using RCP6 (Representative Concentration Pathways) which assumes moderate greenhouse gas emissions and corresponds to

- 23cm of sea level rise by 2050,
- 34cm of sea level rise by 2065 and
- 72cm of sea level rise by 2100.

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**PER25/025 CLIMATE CHANGE SCENARIOS FOR BATEMANS BAY AND MORUYA**

**S017-T00013**

This is drawn from the adopted South Coast Regional Sea Level Rise Planning and Policy Response and the 25 November 2014 Council resolution. These projections are taken from a benchmark year of 2014.

**What are RCPs and SSPs?**

RCPs only account for greenhouse gas levels and the heat they trap, without considering social or economic factors that could influence emissions levels. This makes them less useful for planning as real-world emissions are influenced by population growth, technology, energy choices and more.

To address this, and improve planning and risk assessment, the Intergovernmental Panel on Climate Change (IPCC) introduced Shared Socioeconomic Pathways (SSPs). SSPs are scenarios which explore how global society, demographics and economics might evolve and how these changes interact with climate change. They were introduced in IPCC AR6 (2021).

The use of SSPs ensures local planning aligns with advances in knowledge and global best practice for climate resilience. SSPs include:

- **Socioeconomic storylines**: Population growth, urbanisation, technology, energy use, and economic development.
- **Climate projections**: Combined with greenhouse gas emissions to show possible futures.
- This allows planners to see not just where flooding might occur, but how many people and assets will be exposed in each scenario and to choose design standards that remain safe under future conditions.

The five main SSPs are:

- ***SSP1 – Sustainability (best case)***  
Very low emissions. The world is focussed on green growth, strong climate action.
- ***SSP2 – Middle of the Road***  
Low emissions, current trends continue. Moderate economic growth and development.
- ***SSP3 – Regional Rivalry***  
Intermediate emissions. Countries compete instead of co-operate. High population growth, slow economic progress.
- ***SSP4 – Inequality***  
High emissions. Unequal development: some regions adapt well, others struggle.
- ***SSP5 – Fossil-Fuelled Development (worst case)***  
Very high emissions. No action on emission reduction; rapid economic growth powered by fossil fuels.

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**PER25/025 CLIMATE CHANGE SCENARIOS FOR BATEMANS BAY AND MORUYA**

**S017-T00013**

## **CONSIDERATIONS**

### **Impacts of Future Climate Scenarios (SSPs) on Sea Level Rise in the Eurobodalla**

Sea level rise is a major concern for the Eurobodalla coast, with tidal inundation already causing significant impacts—such as recent erosion events in northern Batemans Bay. The scientific drivers are well understood, and projections consistently show that, among all climate-related impacts, sea level rise will respond the slowest to emissions reductions. This means that sea levels will continue to rise regardless of mitigation efforts—the key uncertainty is how quickly that rise will occur.

Sea level rise drivers:

- Thermal expansion (warming oceans)
- Melting glaciers and ice sheets (Greenland, Antarctica)
- Land water storage changes
- Locally, the East Australian Current amplifies SLR on our coastline

Sea level along the NSW coast has risen at ~3.1 mm/year since the 1990s, slightly above the global average due to regional ocean circulation and wind patterns. The below table shows the sea level predictions on our coastline for each SSP up to 2150:

Scenario	2050	2100	2150
SSP1-2.6 (low)	0.18–0.25 m	0.40–0.55 m	0.65–0.90 m
SSP2-4.5 (medium)	0.22–0.30 m	0.55–0.75 m	1.00–1.40 m
SSP3-7.0 (high)	0.25–0.33 m	0.65–0.95 m	1.30–1.90 m
SSP4-3.4 (low-mid)	0.20–0.28 m	0.50–0.70 m	0.90–1.30 m
SSP5-8.5 (very high)	0.25–0.35 m	0.75–1.05 m	1.50–2.00 m

Extreme coastal flooding events that currently occur once every 100 years could become annual by the late century under SSP5-8.5.

Note that sea level rise is projected to reach 0.9 m before 2150 under all scenarios except SSP1. As seen in neighbouring councils and states, this threshold has therefore become a standard benchmark for coastal planning controls across NSW.

### **Impacts of Future Climate Scenarios (SSPs) on Rainfall Intensity in the Eurobodalla**

Rainfall intensities for each SSP scenario for the 2100 horizon were compared with the rainfall data currently used by Council to model flood events to inform planning decisions, which is based on the 1987 Australian Rainfall and Runoff (ARR) values.

The changes in rainfall intensity varied across both the design storm events (5-, 20- and 100-year Average Recurrence Interval) and storm durations (5 minutes to 72 hours).

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**PER25/025 CLIMATE CHANGE SCENARIOS FOR BATEMANS BAY AND MORUYA**

**S017-T00013**

SSP3 increases rainfall by approximately 30-40% for short duration storms. For longer duration storms, SSP3 increases rainfall by approximately 20%.

A summary of the differences between the 1987 ARR rainfall intensities and each SSP scenario for 2100 is provided below.

Scenario	5yr Average Recurrence Interval (ARI)	20 yr ARI	100 yr ARI
SSP1 (low emissions)	- 3.27%	- 1.32%	- 0.89%
SSP2 (intermediate)	8.56%	10.76%	11.21%
SSP3 (high emissions)	23.59%	26.11%	26.60%
SSP5 (very high emissions)	35.60%	38.38%	38.92%

The global stocktake, completed at COP28 in 2023, shows that while the Paris Agreement has driven substantial climate action and helped avoid a worst-case 4°C rise, the emission are not yet where they need to be. Current policies and promises place us on a path of 2.1–2.6°C warming by 2100, with the possibility of staying below 2°C if stronger commitments are delivered.

The gap between countries' targets and the 1.5°C pathway is widening rather than closing. This means that even if all current Nationally Determined Contributions were fully implemented, global emissions in 2035 would still be more than double (~125%-150%) the level required for 1.5°C compatibility.

**Why are different scenarios recommended for Seal Level Rise and Rainfall Intensity?**

Sea level rise projections are more certain than rainfall intensity because they are driven by simple, well-understood physical processes—thermal expansion and ice melt—that respond predictably to global warming. Unlike rainfall, which depends on complex atmospheric dynamics and local factors, sea level rise is a global phenomenon with relatively uniform trends and strong agreement across climate models. Oceans also have long thermal inertia, meaning sea levels will keep rising for centuries regardless of emissions cuts, making long-term forecasts more reliable. In contrast, rainfall patterns are highly variable and influenced by short-term climate systems, so projections carry greater uncertainty.

**What are other LGA's doing?**

Council	SLR	Rainfall	Consistency with ESC proposal
Bega	DRAFT Flood and Sea Level Rise Policy (FSLRP) 2025 0.9m by 2100	Australian Rainfall & Runoff 2019 (ARR) DataHub RCP 8.5 for 2090 horizon.	On par
Shoalhaven	2015 – Council adopted 0.36m by 2100.	Lower Shoalhaven River Flood Study 2022.	2015 position was below ESC proposal but

**PER25/025 CLIMATE CHANGE SCENARIOS FOR BATEMANS BAY AND MORUYA**

**S017-T00013**

<b>Council</b>	<b>SLR</b>	<b>Rainfall</b>	<b>Consistency with ESC proposal</b>
	Clyde River Flood Study 2025 adopted 0.85m by 2100.	2090 RCP 8.5	subsequent proposals have been on par
Wollongong	DCP 2009 – 0.91m by 2100.  0.9m by 2100 Collins Creek FRMS 2025.	DCP 2009 – ARR 1987 data.  2090 – RCP8.5 Collins Creek FRMS 2025.	On par
Central Coast	Central Coast Council Flood Policy DRAFT 2025 RCP 4.5, 0.53m by 2100  Tuggerah Lakes Flood Study Review 2025 - DRAFT. 0.83m by 2120	Unknown	Below ESC proposal
Newcastle	Newcastle City-wide Floodplain Risk Management Study and Plan 2012 – 0.9m by 2100  Thorsby, Styx & Cottage Creek Flood study 2023 – 0.9m by 2100.	1%AEP 2100 event estimated by modelling 0.2%AEP rainfall event combined with SLR,	On par
Ballina	Ballina Flood Study Update 2024 – 0.71m (SSP2) & 0.9m (SSP3).	Ballina Flood Study Update 2024 – SSP2 and SSP3 for near, mid and long term.	SSP2 is below ESC proposal  SSP3 is on par
Tweed	Tweed Valley Flood Study Update & Expansion 2024 – two scenarios run: 0.9m – RCP8.5 – 2090 0.71m – RCP4.5 - 2090	ARR 2019	RCP4.5 is below ESC proposal and RCP8.5 is on par.

**Legal**

Under Section 733 of the *Local Government Act 1993*, local councils, statutory bodies representing the Crown and their employees are afforded a limited indemnity for advice given or actions taken (or not taken) regarding the likelihood or extent of flooding. Importantly:

- Councils acting in accordance with the Flood Risk Management Manual (DPE 2023) are deemed to have acted in good faith.
- The indemnity is not absolute: protection does not apply where advice or actions are not undertaken in good faith, even if consistent with the manual.

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**PER25/025 CLIMATE CHANGE SCENARIOS FOR BATEMANS BAY AND MORUYA**

**S017-T00013**

In addition, Clause 5.21 of the Eurobodalla Local Environmental Plan (LEP) 2012 Flood Planning sets out objectives that Council must uphold:

- Minimise flood risk to life and property.
- Permit development only where compatible with flood behaviour, considering climate change projections.
- Prevent adverse or cumulative impacts on flood behaviour and the environment.
- Ensure safe occupation and efficient evacuation during flood events.

**Policy**

The identification of a preferred SSP is based in part on the precautionary principle. Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by an assessment of the risk-weighted consequences of various options. The SSP approach creates a framework for identifying the risks and consequences of certain actions.

**Environmental**

The modelling of flood behaviour assists Council with identifying risks to the community and natural environment.

**Asset**

The modelling of flood behaviour assists Council with identifying risks to public assets and informs asset renewal and replacement.

**Social Impact**

The modelling of flood behaviour assists Council with identifying risks to the social cohesion of the community.

**Community and Stakeholder Engagement**

The draft flood studies will be reported to council early in the new year to endorse for public exhibition. This decision enables Council and its consultant to finalise the flood risk management plans.

**CONCLUSION**

The purpose of this report is to seek a Council resolution on the preferred Socio-economic Pathways (SSPs) for rainfall intensity and sea level rise. This will inform the preparation of the Moruya and Batemans Bay flood models and subsequent flood risk management plans (FRMP).

In relation to sea level rise, Council resolved in 2014 [Minutes of Ordinary Meeting - 25 November 2014](#) to adopt RCP 6.0 from the Intergovernmental Panel on Climate Change assessment Report 5 (2012) which is equivalent to a level of 72cm at the 2100 year planning horizon.

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**PER25/025 CLIMATE CHANGE SCENARIOS FOR BATEMANS BAY AND MORUYA**

**S017-T00013**

It is proposed that this is be adjusted to Socio-economic Pathways 5 (SSP5) which would increase this level to 90cm at the 2100 planning horizon. This is because sea level rise is projected to reach 0.9 m before 2150 under all scenarios except SSP1. As seen in neighbouring councils and states, this threshold has therefore become a standard benchmark for coastal planning controls across NSW.

Council has not set a policy framework around rainfall intensity, and it is proposed to set a Socio-economic Pathways 3 (SSP3) for this criteria. Based on current global policies and actions pledged, climate change is projected to meet the SSP2 scenario by 2035. However, the latest IPCC reporting indicates that progress is stalling. Flood risk management requires both a conservative approach and a planning horizon beyond 2035 for which the climate change projections are less certain.

Setting the relevant Shared Socio-economic Pathways (SSPs) for rainfall intensity and sea level rise will enable flood modelling and Floodplain Rise Management Plans to be finalised for Batemans Bays and Moruya.

### Draft National Climate Scenario Guidance

continue to rise for many centuries due to the vast amount of heat energy absorbed by the ocean and the continued melting of ice sheets.

#### *Box 3: Considering sea-level rise in scenario analysis*

Mean sea levels are rising around Australia and the globe, and more frequent extreme sea-level events are increasing the risk of inundation and damage to coastal infrastructure and communities.

Sea-level rise cause coastal flooding and can affect the patterns and extent of coastal erosion. Short-term impacts of coastal flooding include damage to infrastructure, pollution of groundwater systems by seawater, and road closures. Longer term impacts include more rapid degradation of infrastructure and associated economic losses, as well as coastal communities becoming untenable.

Sea levels around Australia will continue to rise beyond the end of this century. While the median sea-level rise projection of the National Climate Risk Assessment is 0.5 m by the end of this century, far higher increases over this period cannot be ruled out if polar ice sheets collapse.

Sea-level rise benchmarks for the end of the century set by most state and territory governments are  $\sim$ 0.8 – 1 m, well exceeding 0.5 m, and should strongly be considered for use in scenario analysis. Some projections (low confidence) find increases of 2 m by 2100 and 5 m by 2150 due to the possibility of an acceleration of the loss of ice from the Antarctic ice sheet.

**Risk adverse decision-makers may wish to use even greater values than the state and territory benchmarks, e.g. greater than 1 m.**

It is important to realise that sea-level rise and global surface temperature respond to changes in climate forcing on very different timescales. While global surface temperatures can stabilise within decades after emissions are reduced, sea level will continue to rise into the future. This trend reflects the slow adjustment of the deep ocean and the long response times of the Antarctic and Greenland ice sheets, both of which keep evolving even after surface temperatures stop increasing. This delayed contribution is referred to as *committed* sea-level rise. Recent studies suggest that cumulative CO<sub>2</sub> emissions up to 2030 alone could commit the planet to around one metre of global mean sea-level rise by 2300.

	Snapshot	Current sea level rise planning benchmark
QLD	0.8 m by 2100	Sea-level rise factor of 0.8 m by 2100.
NSW	No state sea-level rise benchmark	Determined by individual councils through a risk-based approach using scientific advice and understanding of local processes and impacts.
VIC	0.8 m by 2100	Plan for sea-level rise of not less than 0.8 m by 2100.
SA	1 m by 2100	Requires development to be safe from the effects of a 0.3 m sea-level rise by 2050 and to be capable of being protected against additional recession due to a further 0.7 m of rise by 2100 (total of 1 m by 2100).
TAS	0.82 – 0.92 m by 2100	North East Tasmania: 0.82 m by 2100 Central North Coast Tasmania: 0.92 m by 2100.
WA	0.9 m by 2110	Sea-level rise of 0.9 m over a 100-year planning timeframe (2010 to 2110). Add 0.01 m/year to 0.9 m for every year beyond 2110.
NT	0.8 m by 2100	Approximately 0.8 m by 2100.

**Table 5: Australian sea level rise benchmarks for 2100.**

**Source:** Modified from Intergovernmental Coastal Hazards Working Group (2023).

[Note: This table will be updated by the Coastal Hazards Working Group for the National Climate Scenario Guidance final document in early 2026.]

## Part 2: Developing your scenarios

### 2.1 Considerations

When developing scenarios, you should consider the following:

## EXPLAINER

### WHAT ARE SSPs?

**'SSP'** stands for Shared Socio-economic Pathways. SSPs are the latest version of 'what if' scenarios used to explore the consequences of greenhouse gases accumulating in the atmosphere. SSPs are needed because we can't know what future greenhouse gas levels in the atmosphere will be, but we know the higher they are the more warming will occur. Each SSP outlines ways the world might change in the future, including different types of energy generation, rates of population growth, economic development and land uses. These lead to different levels of greenhouse gas emissions over time.

The SSP 'names' consist of 2 parts:

1. the 'SSP Family' code based on 1 of 5 global socio-economic narratives
2. the extra energy (in W/m<sup>2</sup>) reaching the Earth by 2100. This was also used for the previous 'RCP' scenarios.



#### How do SSPs differ from RCPs?

The SSPs further refine the previous emissions scenarios which are called the 'RCPs' (Representative Concentration Pathways). The RCPs described how future emissions might change over time and how much extra energy (W/m<sup>2</sup>) would be trapped by greenhouse gases. They did not consider social change or policies. By adding these societal choices, SSPs enable policy makers to identify efforts required to keep global warming below 2°C.

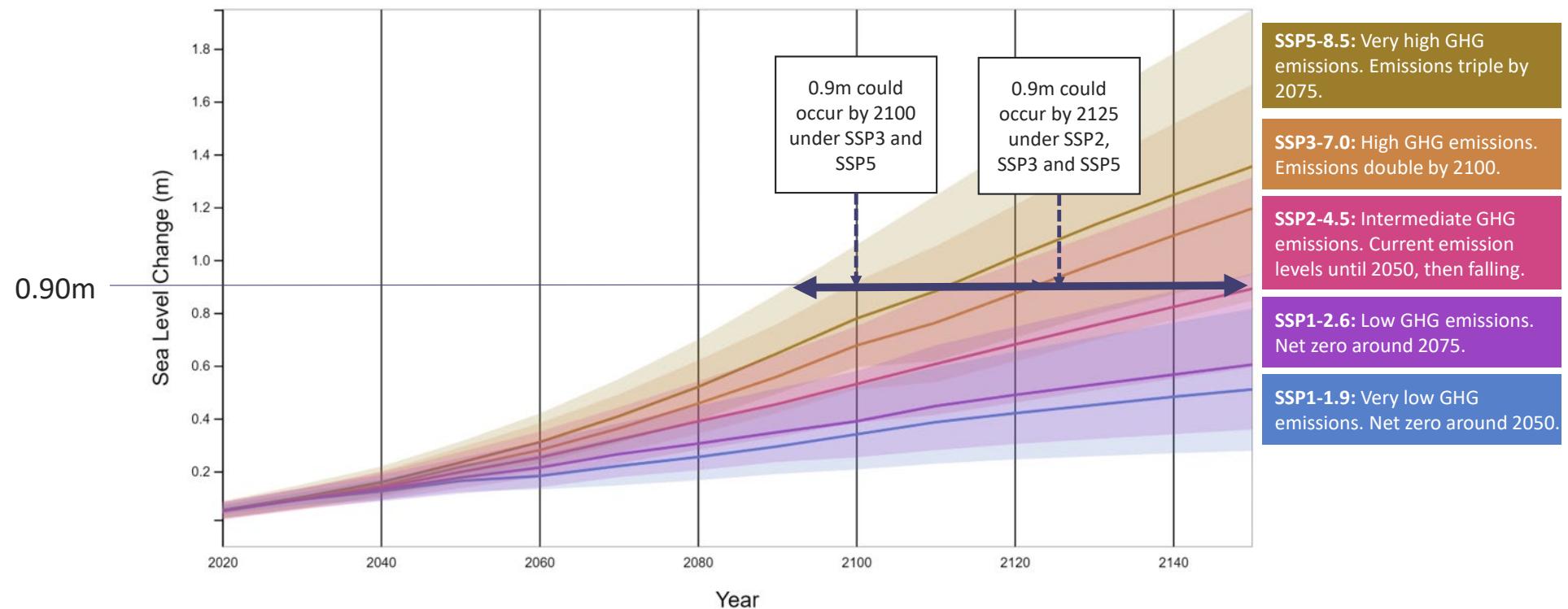
Want to know more? The full description of the SSP Scenarios can be found in the IPCC 6th Assessment Report (Working Group 1) pages 232-236: [www.ipcc.ch/report/ar6/wg1/](http://www.ipcc.ch/report/ar6/wg1/).

SSP1-1.9 "SUSTAINABILITY"		SSP1-2.6 "SUSTAINABILITY"	SSP2-4.5 "MIDDLE OF THE ROAD"	SSP3-7.0 "REGIONAL RIVALRY"	SSP5-8.5 "FOSSIL-FUELLED DEVELOPMENT"
<b>RCP equivalent</b>	No equivalent RCP	RCP2.6	RCP4.5	No equivalent RCP	RCP8.5
<b>THE WAY THE WORLD MIGHT CHANGE IN THE FUTURE</b>					
<b>Emissions reduction</b>	Very high and immediate	High and immediate	Moderate from 2040s	None (minor slowing)	None (accelerating)
<b>Energy sources</b>	Renewables	Renewables and biofuels	Renewables and fossil fuels	Fossil fuels	Increased fossil fuels
<b>Carbon dioxide removal</b>	New technology	New technology	None	None	None
<b>Global socio-economic trends</b>	Gradual move towards sustainability and environmental respect; increasing action towards Sustainable Development Goals (SDGs)	Gradual move towards sustainability and environmental respect; increasing action towards SDGs	Similar to the past; unevenly distributed; slow progress towards SDGs	Slow and increasingly unequal	Rapid growth at the expense of the environment; resource intensive lifestyles and industries; high investment in health and education; dependence on technological solutions
<b>WHAT THE FUTURE CLIMATE MAY LOOK LIKE UNDER EACH SSP</b>					
<b>Global warming by 2100</b>	1.0-1.8°C	1.3-2.4°C	2.1-3.5°C	2.8-4.6°C	3.3-5.7°C
<b>Resulting global warming levels*</b>	Overshoots 1.5C slightly around 2050 then returns and stabilises near 1.5C by 2100	Reaches 2°C around 2050s and stabilises	Reach 2°C around 2050s 2.7°C by 2100	Reach 2°C around 2050s 3°C around 2070s 4°C possible by 2100	Reach 2°C around 2050s 3°C around 2060s 4°C by around 2080s

\* As a general guide or "rule of thumb"



# Sea Level Rise & Planning Horizons



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**PER25/026 FORMATION OF THE HOUSING ADVISORY GROUP**

**S017-T00003;  
OP0076-S006**

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 1. Terms of Reference - Housing Advisory Group [Download](#)  
2. Expression of Interest - Housing Advisory Group [Download](#)

Community Goal: 3 We sustain our shire by balancing growth and protecting our natural environment

Community Strategy: 3.3 Balanced development between the needs of people, place and productivity.

Delivery Program Link: 3.3.4 Collaborate with other government agencies and developers to encourage and facilitate greater housing diversity and affordability

Operational Plan Link: 3.3.4.1 Finalise and commence implementation of the Housing Strategy

#### **EXECUTIVE SUMMARY**

A key recommendation of the Housing Strategy, endorsed by Council in October 2025, (Min. 25/168) was the establishment of an advisory group to provide advice and encourage collaboration and make sure decisions reflect community and industry views.

#### **25/168 MOTION Councillor Pollock OAM/Councillor Turner**

*THAT Council:*

1. *endorses the Eurobodalla Housing Strategy as amended as the current policy guiding housing supply and diversity in the Shire.*
2. *prepares a final implementation plan in conjunction with the Housing Advisory group to guide Council in the delivery of the Housing Strategy.*
3. *prepares an interim Affordable Housing policy that outlines the proposed targets for affordable housing and planning controls/incentives to increase the supply of affordable housing.*

The Housing Strategy aims to ensure accessible, affordable and diverse housing options for all residents, with a strong focus on social equity, environmental sustainability and economic resilience.

The purpose of this report is to approve the establishment of a Housing Advisory Group and endorse the terms of reference and an expression of interest for community members to apply for the Housing Advisory Group.

The group will include representatives from Council, community, community housing providers, Aboriginal organisations and the private sector as outlined in the Housing Strategy.

#### **RECOMMENDATION**

*THAT Council:*

1. Approve the establishment of a Housing Advisory Group for the duration of the term of this Council.

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**PER25/026 FORMATION OF THE HOUSING ADVISORY GROUP**

**S017-T00003;  
OP0076-S006**

2. Endorse the Terms of Reference and the release the Expression of Interest for the Housing Advisory Group as attached.

**BACKGROUND**

The Housing Strategy was adopted by Council at the Council Meeting in October 2025. A key action from the strategy is to establish a Housing Advisory Group.

A advisory committee terms of reference strengthen governance and leadership by providing clear and transparent processes for the community to advise Council on particular areas.

**CONSIDERATIONS**

Membership of the advisory committees, in this case a group, generally comprises councillors, as appointed by Council, plus external stakeholders, agencies and community representatives with relevant expertise, to provide advice to Council on a range of issues.

The number of representatives to an advisory committee is determined by their respective Terms of Reference. The period of representation is generally for the term of the elected Council.

The advisory committee's purpose is to work collaboratively with Council to advise on, support and help implement key priorities from the Housing Strategy 2025.

Key responsibilities for the advisory committee will be to:

- Provide advice to Council on the implementation of the Housing Strategy, including short-, medium-, and long-term actions.
- Champion initiatives that support affordable, social, and diverse housing, including partnerships, planning reforms, and advocacy.
- Support Council's engagement with the community and stakeholders to ensure housing policies reflect local needs and priorities.
- Monitor and report on housing outcomes, including supply, diversity, affordability, and liveability.

The Group is advisory in nature, not managerial. Members are expected to be actively involved in the housing sector and contribute local knowledge, industry experience, and forward-thinking ideas to help shape practical, tangible outcomes aligned with the Housing Strategy 2025.

**Policy**

Council's adopted Housing Strategy (Action 4.2) recommends the establishment of Housing Advisory Group that actively encourages and promotes the creation of affordable housing.

**Community and Stakeholder Engagement**

In line with other Council advisory committees, Expressions of Interest will be sought via Council's website for representation on the proposed Group.

Council will be seeking representation to the Group as well as input from occasional expert advisers, stakeholders and agencies.

**PER25/026 FORMATION OF THE HOUSING ADVISORY GROUP**

**S017-T00003;  
OP0076-S006**

**CONCLUSION**

Council's advisory committees provide advice to the Council on a range of issues and offer a valuable opportunity for information exchange with our community.

The establishment of a Housing Advisory Group aligns with a key recommendation of Council's adopted Housing Strategy.

A future report to Council will be prepared to seek endorsement of the Housing Advisory Groups appointment of delegates and Councillor chair for the advisory group.

## **Eurobodalla Housing Advisory Group (Committee)**

### **Terms of Reference**

#### **Purpose of the Housing Advisory Group (committee)**

The purpose of the Group is to work collaboratively with Council to advise on, support, and help implement key priorities from the [Eurobodalla-Housing-Strategy-2025.pdf](#).

The committee also plays a vital role in raising awareness of the value of housing diversity and affordability—both within industry and across the wider community—by championing sustainable practices and housing solutions that enhance the region's liveability and resilience.

#### **Title and Delegations**

- The committee shall be referred to as the Housing Advisory Group.
- The committee shall function as a non-delegated advisory committee of Council. Refer to Council's Guidelines for Meeting Practice – Advisory Committees for further detail.

#### **Objectives**

The committee serves as a strategic, community- and industry-led advisory body that works in partnership with Council to deliver the goals of the [Eurobodalla-Housing-Strategy-2025.pdf](#):

- Provide a vital link between Council, housing providers, community organisations, and stakeholders by offering practical insight, coordinating engagement, and identifying opportunities that deliver positive, long-term outcomes for residents.
- Advise on initiatives that enhance housing diversity, affordability, and accessibility, support innovative housing models, and encourage best practice in planning and design.
- Encourage collaborative action to increase housing supply, improve housing outcomes for vulnerable groups, and promote sustainable, resilient communities.
- Monitor progress against the Housing Strategy's targets and actions and provide recommendations to Council for continuous improvement.

#### **Key Responsibilities**

- Advise Council on the implementation of the Housing Strategy, including short-, medium-, and long-term actions.
- Champion initiatives that support affordable, social, and diverse housing, including partnerships, planning reforms, and advocacy.
- Support Council's engagement with the community and stakeholders to ensure housing policies reflect local needs and priorities.

- Monitor and report on housing outcomes, including supply, diversity, affordability, and liveability.

#### **Membership of the Committee**

- Community members and the nominated councillor will have voting rights.
- The Chairperson is a community member and has voting rights. The Chair is elected by the committee.
- Ex-officio members do not have voting rights.

#### **Composition**

- Up to seven skills-based representatives from housing providers, community organisations, advocacy groups, and relevant industry sectors.
- One ex-officio representative from a regional housing or planning body (e.g., Southern NSW Housing Partnership).
- One Councillor representative, plus one designated alternate (selected by Council).
- Two ex-officio Council staff

#### **General Meetings**

- The committee is to meet a minimum of four times per annum.
- In the event the Chairperson is absent from a meeting, an alternate Chair may be nominated by the Chair or the committee.

#### **Delegations of Committee**

To advise Council. Refer to Council's Guidelines for Meeting Practice – Advisory Committees for further detail about delegations.

#### **Contact Officer**

Council's Senior Strategic Planner is the committee's contact officer.

#### **Variation to the Terms of Reference**

The Terms of Reference may be added to, repealed, or amended by resolution of the Council, in consultation with or upon the recommendation of the committee.

#### **Governance**

The Committee is governed by the Guidelines for Meeting Practice – Advisory Committees, adopted by Council. Members are expected to comply with Council's Code of Conduct and relevant policies.

Appendix – Reference Documents

- [Eurobodalla Housing Strategy 2025 \[Eurobodall...ategy-2025 | PDF\]](#)
- Council's Code of Meeting Practice
- Division of Local Government Model Code of Conduct for Local Councils in NSW



## Eurobodalla Housing Advisory Group

### Expression of Interest form

#### Applicant Details

- **Full Name:** \_\_\_\_\_
- **Address:** \_\_\_\_\_
- **Phone:** \_\_\_\_\_
- **Email:** \_\_\_\_\_
- **Connection to Eurobodalla Shire (e.g. resident, business owner, community member, organisation):** \_\_\_\_\_

#### Relevant Experience and Expertise

1. Please outline your experience, expertise, or lived experience relevant to housing issues in Eurobodalla (e.g. affordable/social housing, crisis accommodation, Aboriginal housing, disability or age-friendly housing, planning, advocacy)
2. Why do you wish to join the Eurobodalla Housing Advisory Group?
3. What perspectives, skills, or knowledge will you bring to the Group?
4. What skills and attributes can you contribute to the committee? Provide as much detail as you like about your personal and professional experience:
5. Are you a member of any relevant clubs, community groups, agency forums or associations? Please list them, and describe how you participate:
6. Have you previously been a member of a Council advisory committee? If yes, please tell us which committee:
7. Is there anything else you would like to add to support your application?

8. In submitting this application, I confirm that:

- the information I have supplied is accurate
- I have read the committee's [Terms of Reference](#) and the [guidelines for meeting practice](#) and understand the role and responsibilities of committee membership.

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**FCS25/070 LAND PURCHASE - NORTH MORUYA INDUSTRIAL ESTATE**

**S023-T00014**

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments: 1. Confidential - Land Purchase - North Moruya Industrial Estate

Community Goal: 5 We are an engaged community progressive leadership.

Community Strategy: 5.3. Well managed and governed resources systems and processes

Delivery Program Link: 5.3.2 Manage land and property under Council control and develop a strategy to guide future actions

Operational Plan Link: 5.3.2.3 Seek endorsement of a property strategy to support management of council land and property

## **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council approval to purchase land at North Moruya Industrial Estate being Part Lot 82 DP 632752 and Part Lot 892 DP 1080716.

There is a recognised and significant shortage of industrial land in the Eurobodalla Shire.

Council proposes to purchase part of two parcels of land from private landowners. This land will ensure legal access to 75ha of privately owned land, zoned Industrial, for potential expansion of the North Moruya Industrial Estate. This area has long been identified as a potential future employment area and is included in Eurobodalla's Economic Development and Employment Lands Strategy.

Council will endeavour to acquire the land by agreement within policy parameters and the negotiation scope outlined in the confidential attachment, however approval to acquire the land by compulsory process is also sought if that becomes necessary.

## **RECOMMENDATION**

THAT:

1. Council approve the purchase of land being Part Lot 82 DP 632752 and Part Lot 892 DP 1080716 to provide access to the potential expansion of the North Moruya Industrial Estate.
2. If the acquisition of Part Lot 82 DP 632752 and Part Lot 892 DP 1080716 cannot be negotiated by agreement, Council will make an application to the Minister for Local Government and Governor to acquire Part Lot 82 DP 632752 and Part Lot 892 DP 1080716 by compulsory process pursuant to the [Land Acquisition \(Just Terms Compensation\) Act 1991](#).
3. Council delegates the general manager to conclude negotiations in accordance with this report and the confidential attachment.
4. Public notice be given on Council's intention to resolve that the land becomes operational land when the purchase is complete and that:
  - (a) A period of 28 days is given for members of the public to make submissions in relation to the proposed operational land, and
  - (b) A further report be presented following the notification period.

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**FCS25/070 LAND PURCHASE - NORTH MORUYA INDUSTRIAL ESTATE**

**S023-T00014**

5. The general manager be given delegated authority to execute all necessary documentation associated with the purchase.

#### **BACKGROUND**

North Moruya Industrial Estate currently has an area of approximately 32ha with no further development opportunity at present. To the west, there is 75ha of industrial zoned land that has been earmarked as an expansion area for many years.

There is a recognised and significant shortage of industrial land in the Eurobodalla Shire.

Council proposes to purchase part of two parcels of land from private landowners. The final amount of land acquired is subject to negotiation with the landowners.

This strategic investment by Council will provide legal access to the 75ha industrial zoned land expansion area. This area has long been identified as a potential future employment area and is included in Eurobodalla's [Economic Development and Employment Lands Strategy](#).

Council has been in discussions with the landowners of Lot 82 DP 632752 and Lot 892 DP 1080716 as these parcels need to be crossed to access the expansion area.

#### **CONSIDERATIONS**

The purchase of the subject land could help to facilitate future industrial development for local businesses.

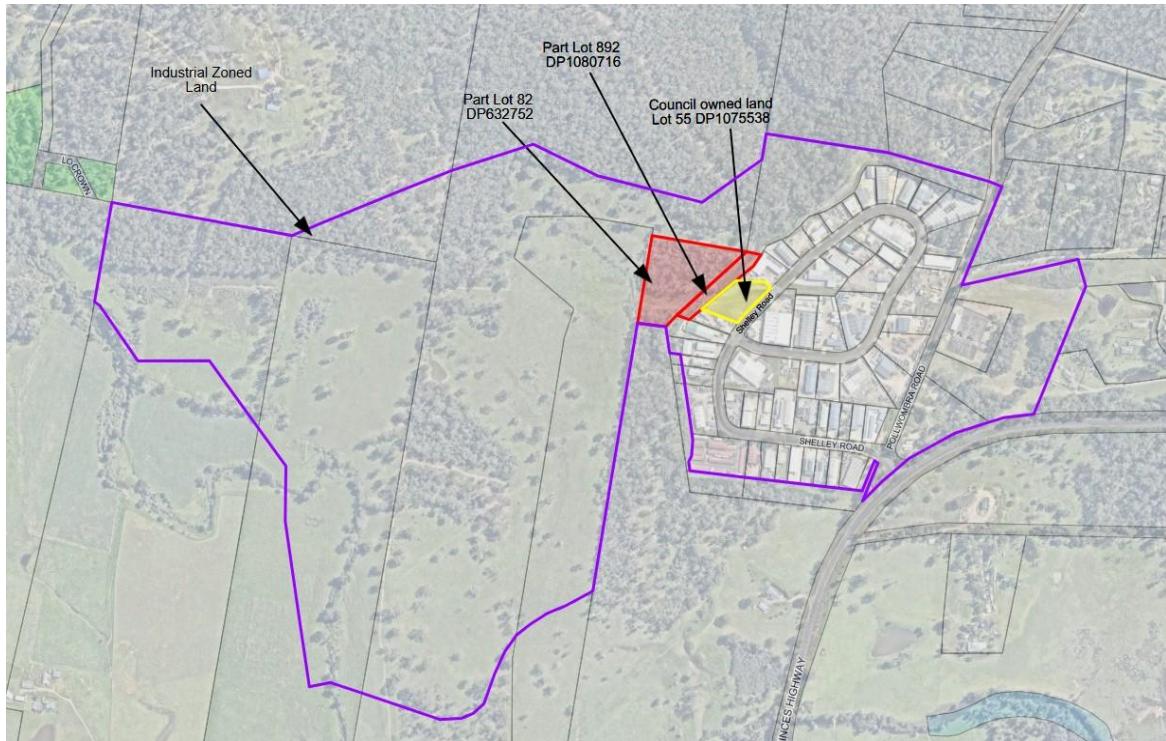
Upon acquisition of Part Lot 82 DP 632752 and Part Lot 892 DP 1080716 Council will either create a new lot or road reserve, or consolidate with existing Council land being Lot 55 DP 1075538 to the east of the subject land.



The above diagram shows the potential acquisition area of Part Lot 82 DP 632752 and Part Lot 892 DP 1080716 as per area outlined in red (subject to final survey).

**FCS25/070 LAND PURCHASE - NORTH MORUYA INDUSTRIAL ESTATE**

**S023-T00014**



The above diagram shows a wider overall location of the land proposed to be acquired, as shaded in red.

### **Legal**

Council will seek to complete the purchase of privately owned land, being Part Lot 82 DP 632752 and Part Lot 892 DP 1080716, by agreement. If purchase by agreement is not achieved, it may need to proceed by compulsory process.

The purchase, whether by agreement or compulsory acquisition, will be in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

In accordance with the provisions of the *Local Government Act 1993*, the land to be acquired is to be classified as either community or operational land. As the land is to be acquired for access purposes, it would be appropriate for it to be acquired as operational land.

Public notice must be given of Council's intention to classify the land as operational land and allowing not less than 28 days for receipt of written submissions.

- [Land Acquisition \(Just Terms Compensation\) Act 1991](#)
- [Local Government Act 1993](#)

### **Policy**

The acquisition will proceed in accordance with the confidential attachment and Council's *Land Management – Acquisition, Disposal and Leasing/Licensing Policy*. The confidential attachment to this report covers details required by the Policy.

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

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**FCS25/070 LAND PURCHASE - NORTH MORUYA INDUSTRIAL ESTATE**

**S023-T00014**

As Council is seeking to purchase the two parts of privately owned land directly from the landowners without it being listed on the open market, normal probity principles will be followed, including by ensuring value for money is obtained and noting that this Council report provides transparency about what Council is proposing.

A summary of the completed transaction will be provided to Council's Audit Risk and Improvement Committee.

**Economic Development Employment Potential**

Increased supply of industrial land is expected to have a positive economic impact on the local community. The planning and development of the potential expansion of the North Moruya Industrial area has the potential to provide employment opportunities in the future.

**Financial**

A valuation from a registered valuer has been obtained for both parcels and this will be used to guide price considerations in accordance with *Council's Land Management – Acquisition, Disposal and Leasing/Licensing Policy*, the confidential attachment and the Council resolution.

Funding for any purchase would come from the Real Estate Disposal Fund.

Council and the two landowners are currently in discussions in relation to the purchase price and land size to be acquired.

Together with the purchase price, Council will be responsible for costs associated with the purchase, including survey, legal and registration fees at Land Registry Services and the landowners' reasonable legal costs.

**Community and Stakeholder Engagement**

Council's Community Engagement Strategy and relevant legislation have been used to guide the best approach to engagement on this matter. Should the land transaction proceed, public notice will be given of Council's intention to classify the land as operational land and allowing not less than 28 days for receipt of written submissions.

**CONCLUSION**

This report recommends the purchase of the land being Part Lot 82 DP 632752 and Part Lot 892 DP 1080716 to provide access to the potential expansion to the North Moruya Industrial Estate.

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**FCS25/071 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT**

**S012-T00003**

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments: 1. Code of Conduct Statistics annual return 2024-25 [Download](#)

Community Goal: 5 We are an engaged community 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 Implement effective governance processes including strategic approach for policy review

### **EXECUTIVE SUMMARY**

The Office of Local Government (OLG) requires Council to submit a Code of Conduct Complaints Statistics Report by the 31 December each year. This is a requirement under the Model Code of Conduct and clauses 11.1 and 11.2 of the *Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW, 2020*.

Council submitted its Code of Conduct Statistics Report to the OLG on 8 December 2025. A copy of the report is attached for Council's information.

The report includes statistical information on Code of Conduct complaints relating to councillors and the general manager from 1 September 2024 to 31 August 2025. As part of this process the report must be presented to Council by 31 December 2025.

### **RECOMMENDATION**

THAT Council receive and note the Code of Conduct Complaints Statistics Report 2024-25.

### **BACKGROUND**

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

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

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

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

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

- To take no action.
- To resolve the complaint by alternative and appropriate strategies such as counselling, training, mediation, informal discussion, negotiation, or apology.
- Refer the matter back to the General Manager for alternative and appropriate strategies such as, counselling, training, mediation, informal discussion, negotiation, or apology.

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**FCS25/071 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT**

**S012-T00003**

- To refer the matter to another agency or body such as, the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, the OLG or the Police.
- To recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

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

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

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

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

- Total number of complaints received in the period about councillors and the general manager.
- Total number of complaints finalised in the period about councillors and the general manager.
- Number of complaints finalised at the outset by alternative means by the general manager or mayor.
- Number of complaints finalised referred to the Office of Local Government under a special complaints management arrangement.
- Number of complaints referred to a conduct reviewer.
- Number of complaints finalised at preliminary assessment by conduct reviewer.
- Number of complaints referred back to the general manager or mayor for resolution after preliminary assessment by conduct reviewer.
- Number of finalised complaints investigated by a conduct reviewer.
- Number of finalised complaints investigated where there was found to be no breach.
- Number of finalised complaints investigated where there was found to be a breach.
- Number of complaints referred by general manager or mayor to another agency or body such as ICAC, the NSW Ombudsman, OLG or the Police.

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**FCS25/071 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT**

**S012-T00003**

- Number of complaints being investigated that are not yet finalised.
- Total cost of dealing with Code of Conduct complaints relating to councillors and the general manager, including staff costs.

**CONSIDERATIONS**

All complaints under the Code of Conduct that were received about councillors and the general manager in the reporting period from 1 September 2024 to 31 August 2025 have been included in this report.

There was one complaint from the previous reporting period that was not finalised. The outcome of this complaint was finalised in the current reporting period.

For this reporting period one complaint was received, which was finalised in the current reporting period.

**Policy**

The Code of Conduct Complaints Statistics Report is a requirement of the *Procedures for the Administration of the Model Code of Conduct for Local Government in NSW 2020* which state that a Code of Conduct Complaints Statistics Report must be presented to Council within three months from the end of September each year.

**Financial**

The total cost of dealing with Code of Conduct complaints relating to councillors and the general manager for the current reporting period was \$37,788.

This is compared to the total cost of dealing with Code of Conduct complaints for the 2023-2024 period of \$17,892.

**CONCLUSION**

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

Council submitted the Code of Conduct Complaints Statistics report to the Office of Local Government on 8 December 2025.

Model Code of Conduct Complaints Statistics 2024-25  
Eurobodalla Shire Council

Number of Complaints

1 The total number of complaints **received** in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources:

i	Community	0
ii	Other Councillors	0
iii	General Manager	0
iv	Other Council Staff	1

2 The total number of complaints **finalised** about councillors and the GM under the code of conduct in the following periods:

i	3 Months	1
ii	6 Months	1
iii	9 Months	0
iv	12 Months	0
v	Over 12 months	0

Overview of Complaints and Cost

3	a	The number of complaints <b>finalised at the outset</b> by alternative means by the GM or Mayor	0
	b	The number of complaints <b>referred to the Office of Local Government (OLG)</b> under a special complaints management arrangement	0
	c	The number of code of conduct complaints <b>referred to a conduct reviewer</b>	2
	d	The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer	1
	e	The number of code of conduct complaints <b>referred back to GM or Mayor</b> for resolution after preliminary assessment by conduct reviewer	0
	f	The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>	1
	g	Cost of dealing with code of conduct complaints via preliminary assessment	11,996
	h	Progressed to <b>full investigation by a conduct reviewer</b>	1
	i	The number of finalised complaints investigated where there was found to be <b>no breach</b>	1
	j	The number of finalised complaints investigated where there was found to be a <b>breach</b>	0
	k	The number of complaints referred by the GM or Mayor <b>to another agency</b> or body such as the ICAC, the NSW Ombudsman, OLG or the Police	

i	ICAC	0
ii	NSW Ombudsman	0
iii	OLG	0
iv	Police	0
v	Other Agency (please specify)	0
I	The number of complaints being investigated that are <b>not yet finalised</b>	0
m	The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	37,788

### Preliminary Assessment Statistics

4 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:

- a To take no action (clause 6.13(a) of the 2020 Procedures) 1
- b To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures) 0
- c To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures) 0
- d To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures) 0
- e To investigate the matter (clause 6.13(e) of the 2020 Procedures) 1
- f Other action (please specify) 0

### Investigation Statistics

5 The number of investigated complaints resulting in a determination that there was **no breach**, in which the following recommendations were made:

- a That the council revise its policies or procedures 0
- b That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures) 0

6 The number of investigated complaints resulting in a determination that there **was a breach** in which the following recommendations were made:

- a That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures) 0
- b In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures) 0

c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)	0
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures)	0
7	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)	0

#### Categories of misconduct

8 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:

a	General conduct (Part 3)	0
b	Non-pecuniary conflict of interest (Part 5)	0
c	Personal benefit (Part 6)	0
d	Relationship between council officials (Part 7)	0
e	Access to information and resources (Part 8)	0

#### Outcome of determinations

9 The number of investigated complaints resulting in a determination that there was a breach in which the council:

a	Adopted the independent conduct reviewers recommendation	0
b	Failed to adopt the independent conduct reviewers recommendation	0

10 The number of investigated complaints resulting in a determination where:

a	The external conduct reviewers decision was overturned by OLG	0
b	Council's response to the external conduct reviewers recommendation was overturned by OLG	0

11 Date Code of Conduct data was presented to council

16-Dec-25

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**FCS25/072 POLICY REVIEW - CODE OF MEETING PRACTICE**

**S012-T00025**

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments: 1. Under Separate Cover - Code of Meeting Practice - exhibition copy  
October 2025

Community Goal: 5 We are an engaged community 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 Implement effective governance processes including strategic approach for policy review

### **EXECUTIVE SUMMARY**

Council's current Code of Meeting Practice was adopted at the Ordinary Meeting of Council, 26 August 2025 in accordance with the requirements of section 360 of the *Local Government Act (1993)* (the *Act*), which states a council must adopt a Code of Meeting Practice not later than 12 months after an ordinary election of councillors.

On 29 August 2025 a new [Model Code of Meeting Practice for Local Councils in NSW](#) (the Model Meeting Code) was issued by the Office of Local Government. The Model Meeting Code is prescribed under s360 of the *Act* and the *Local Government (General) Regulation 2021* (the Regulation).

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code no later than 31 December 2025, however transitional provisions in the Regulation provide that if a council does not adopt a code of meeting practice that incorporates the mandatory provisions of the 2025 Model Meeting Code by 31 December 2025, from 1 January 2026, any provision of the councils code of meeting practice that is inconsistent with a mandatory provision of the 2025 Model Meeting Code will be automatically overridden by the relevant mandatory provision of the 2025 Model Meeting Code.

Council's updated Code of Meeting Practice is based on the Model Meeting Code including the non-mandatory provisions. For ease of reference, clause numbering is consistent between the draft Code and the Model Meeting Code.

Under s361 of the *Act*, Council was required to exhibit the Code of Meeting Practice for a period of not less than 28 days, inviting submissions for a period of at least 42 days.

At the Ordinary Meeting of Council on 28 October 2025, the draft updated Code of Meeting Practice was endorsed by Council to be placed on public exhibition for 42 days from 29 October to 9 December 2025, with submissions closing 9 December 2025.

Two submissions were received during the exhibition period.

### **RECOMMENDATION**

THAT:

1. Council note that the draft Code of Meeting Practice was placed on public exhibition for 42 days from 29 October to 9 December 2025 and that two submissions were received.
2. Council adopt the updated Code of Meeting Practice as exhibited.

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**FCS25/072 POLICY REVIEW - CODE OF MEETING PRACTICE**

**S012-T00025**

## **CONSIDERATIONS**

The [Model code of meeting practice for local councils in NSW](#) (the Model Meeting Code) is made under [s360](#) of the Act and [s232](#) of the [Local Government \(General\) Regulation 2021](#) (the Regulations).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

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

The Model Meeting Code includes mandatory and non-mandatory provisions. Council proposes to adopt all mandatory provisions as prescribed.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

### **Mandatory Provisions – Key Changes**

A key focus of the changes made to the 2025 Model Meeting Code is to ensure meetings are conducted in a dignified and orderly way befitting a chamber of democracy and to promote community confidence in councils and their decisions. The following is a summary of the key changes. It is not an exhaustive list of all the changes that have been made.

- Extraordinary meetings: The mayor may now call an extraordinary meeting without the need to obtain the signature of two councillors.
- Dealing with urgent business at meetings: The process for dealing with urgent business at both ordinary and extraordinary meetings has been simplified. Business may be considered at a meeting at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. The resolution must state the reasons for the urgency. If all councillors are not present at the meeting, the chairperson must also rule that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting
- Prohibition on pre-meeting briefing sessions: The 2025 Model Meeting Code prohibits briefing sessions being held to brief councillors on business listed on the agenda for meetings of the council or committees of the council. The prohibition on briefing sessions does not prevent a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. The information must be provided in a way that does not involve any discussion of the information.

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**FCS25/072 POLICY REVIEW - CODE OF MEETING PRACTICE**

**S012-T00025**

- Public forums: The public forum provisions are now mandatory but leave it to councils to determine whether to hold public forums before council and committee meetings. Councils are also free to determine the rules under which public forums are to be conducted and when they are to be held. Public forums must be livestreamed.
- Councillors' attendance at meetings by audio-visual link: The provisions governing attendance by councillors at meetings by audio-visual link have been made mandatory and the option to attend meetings by audio-visual link has been restricted to where councillors are prevented from attending a meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- Absences from council meetings: Changes have been made to the provisions governing absences from meetings. Where councillors are unable to attend one or more meetings of the council or committees of the council, the new provisions encourage them to submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings, and request that the council grant them a leave of absence from the relevant meetings. Where a councillor makes an apology, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting. Councils are required to act reasonably when deciding whether to grant a leave of absence to a councillor. To ensure accountability, if the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.
- Mayoral minutes: The restrictions on mayoral minutes under the previous code have been removed. A mayoral minute may be put to a meeting without notice on any matter or topic that the mayor determines should be considered at the meeting.
- Rules of debate: The rules of debate have been simplified and the rules governing the foreshadowing of motions and amendments have been removed. It remains open to councillors to foreshadow that they intend to move an amendment during the debate, but there are no longer formal rules governing this. An amendment has been made to clarify that there is nothing to prevent a further motion from being moved at a meeting on the same item of business where the original motion is lost, provided the motion is not substantially the same as the one that was lost. Councils will no longer have the option of reducing the duration of speeches to less than 5 minutes. However, councils continue to have other options to expedite business at meetings such as moving that a motion be put where the necessary conditions have been satisfied and to resolve to deal with items by exception.
- Voting on planning decisions: Consistent with the Independent Commission Against Corruption's (ICAC) recommendations, a council or a council committee must not make a final planning decision at a meeting without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision. Where the council or a council committee makes a planning decision that is

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**FCS25/072 POLICY REVIEW - CODE OF MEETING PRACTICE**

**S012-T00025**

inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.

- Making information considered at closed meetings public: Consistent with ICAC's recommendation, the general manager must publish business papers for items of business considered during meetings that have been closed to public on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential. Before publishing this information, the general manager must consult with the council and any other affected persons and provide reasons for why the information has ceased to be confidential.

**Non-mandatory Provisions**

For the non-mandatory provisions (shown below in red), or those where Council can prescribe the detail, Council's proposed position is as follows

1. Clause 3.10: Councils can determine "reasonable time before the meeting" with regard to notices of motion/questions on notice. It is proposed this will remain as 12.30pm on the Friday preceding distribution of the agenda at which the matter is to be considered. This is consistent with Council's current adopted Code of Meeting Practice.
2. Clauses 4.1,4.2 : While Council may determine rules under which Public Forums (and Public Access even though these are not mentioned in the Model Code), are to be conducted, the new Model Code requires that these are held separately from Council Meetings. As such it is proposed that Public Forums will be held between 10am and 12 noon on Council Meeting days. Commencement of Council Meetings will remain at 12.30pm in line with the resolution made at the Ordinary Meeting held on 26 August 2025. Public Access sessions will remain on the dates as resolved.

The rules by which Public Forum and Public Access sessions will be conducted are covered in Appendix A to the draft Code. The only proposed change to the current adopted process is to allow for a right of reply by the general manager to speakers at Public Forum and Public Access sessions.

3. **Clause 11.11: (non-mandatory clause)** requires all voting to be recorded in the minutes. It is proposed that Council adopts this clause as it is consistent with the current process and adopted Code of Meeting Practice. Adopting this clause allows deletion of clauses 11.6-11.6 and 11.15 which cover recording of dissenting votes, as these are already recorded in the minutes.
4. **Clauses 13.1 – 13.7 (non-mandatory clauses):** These clauses cover dealing with items by exception. It is proposed to adopt these clauses, as they are consistent with the current adopted Code of Meeting Practice.
5. **Clauses 15.15 or 15.16 (Councils may use one or the other):** These clauses provide for the process of expulsion from Council Meetings for acts of disorder. Clause 15.15 allows the Chair to expel any person including a councillor for acts of disorder, while clause 15.16 requires a resolution of Council in order for councillors to be expelled. It is

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**FCS25/072 POLICY REVIEW - CODE OF MEETING PRACTICE**

**S012-T00025**

proposed to adopt clause 15.16 which is consistent with Council's current adopted Code of Meeting Practice.

6. **Clause 17.10 (non-mandatory clause):** provides for the process of rescinding decisions relating to approval of development applications. It is proposed to accept this clause which requires that notice of motion to rescind a resolution relating to a development application must be submitted to the general manager no later than 1 day after the meeting at which the resolution was adopted. This will be a change to Council's current adopted Code of Meeting Practice as this timing is midday on the day after the meeting at which the resolution was adopted.
7. **Clauses 17.12-17.14 (non-mandatory clauses):** these clauses cover rescission motions and are consistent with Council's current adopted Code of Meeting Practice. It is recommended these be adopted.
8. **Clauses 17.15-17.20 (non-mandatory clauses):** these clauses cover recommitting resolutions to correct an error and are consistent with Council's current adopted Code of Meeting Practice. It is recommended these be adopted.
9. **Clauses 18.1-18.4 (non-mandatory clauses):** these clauses cover time limits on Council Meetings. Council can determine time for Council Meetings to conclude. It is proposed that a time limit of 5.30pm is resolved, beyond which time an adjournment is required unless Council resolves to extend the meeting. This will be a change to Council's current adopted Code of Meeting practice which has a 4.30pm time limit which may be extended to 5.30pm by resolution. The remaining provisions of clauses 18.2 to 18.4 are proposed to be adopted as these are consistent with Council's current adopted Code of Meeting Practice.
10. **Clause 20.25 (non-mandatory clause):** this clause states that all voting must be recorded in the minutes. It is proposed to adopt this clause, which is consistent with Council's current adopted Code of Meeting Practice.

**Public Submissions Received**

Two submissions were received during the exhibition period and included the following comments:

- disagreement with dealing with items by exception (moved in a block) as per non-mandatory clauses 13.1-13.7.
- clarity sought on the application of s.660 of the Act with regard to penalty units, as mentioned in mandatory clauses 14.14, 15.23, 15.29.
- commented on the definition of "appropriate force" as mentioned in mandatory clauses 14.14, 15.23, 15.29.
- support for mandatory clause 15.20 which requires that members of the public attending a meeting of Council must remain silent unless invited by the Chair to speak.
- Support for publication of Council Meeting, Public Forum and Public Access dates for the year ahead, requested better communications where dates are changed.

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**FCS25/072 POLICY REVIEW - CODE OF MEETING PRACTICE**

**S012-T00025**

- Suggested longer notice period for Council Meetings and earlier availability of agenda papers
- Support for prohibition of councillor briefing sessions
- Proposed longer period for rescission motions relating to development applications
- Proposed exclusion of non-mandatory clauses 17.12-17.14 related to rescission motions
- Request for Hansard-style transcripts in meeting minutes

Copies of both submissions have been provided to councillors.

It is also noted that a third submission was received after the submission period was closed. A copy of this submission has also been provided to councillors.

**CONCLUSION**

The draft Code of Meeting Practice was publicly exhibited for 42 days from 29 October 2025 to 9 December 2025. Two submissions were received during the exhibition period. This report recommends that Council adopt the updated Code of Meeting Practice as exhibited.

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**FCS25/080 AUDIT RISK AND IMPROVEMENT COMMITTEE - UPDATED  
INTERNAL AUDIT CHARTER** S004-T00048

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments: 1. Internal Audit Charter - updated December 2025 [Download](#)

Community Goal: 5 We are an engaged community 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: 5.2.2.7 Facilitate the Audit, Risk and Improvement Committee in line with guidelines issued by the Office of Local Government

### **EXECUTIVE SUMMARY**

The Audit Risk and Improvement Committee (ARIC) is an advisory committee to Council. The NSW Office of Local Government (OLG) has issued comprehensive Guidelines for Risk Management and Internal Audit for Local Government in NSW (the Guidelines) which outline the purpose of the ARIC, the Statutory Framework, the role of the governing body, the role of the general manager, and the role, composition and criteria for membership of the ARIC.

The Guidelines state that a council's internal audit function can be established as an internal in-house function or outsourced to an external provider. Council resolved to adopt its current Internal Audit Charter on 30 April 2024, which included that Council is to contract an external third party provider to undertake its internal audit activities. Centium provided this service for Council from July 2022 until their contract concluded on 30 June 2025.

The General Manager in consultation with ARIC has proposed that Council will establish an in-house internal audit function moving forwards. The financial impact is expected to be neutral to Council's adopted Operational Plan.

The Internal Audit Charter has been updated to reflect this change from an external internal audit function to an in-house internal audit function. No other changes have been made. Public re-exhibition is not required. The Internal Audit Charter remains consistent with the provisions of the Guidelines and OLG Model Charter.

### **RECOMMENDATION**

THAT Council adopt the updated ARIC Internal Audit Charter, noting the only change is to establish an in-house internal audit function to conduct internal audits, replacing the outsourced external provider.

### **CONCLUSION**

Council has updated its Internal Audit Charter to reflect the establishment of an in-house internal audit function. Previously the internal audit function was outsourced to an external provider. The Internal Audit Charter has been updated to reflect this change and will be updated on the website.



## Internal audit charter

Eurobodalla Shire Council (Council) has established the internal audit function as a key component of the Council's governance and assurance framework, in compliance with the Departmental Chief Executive's *Guidelines for risk management and internal audit for local government in NSW*. This charter provides the framework for the conduct of the internal audit function in the Eurobodalla Shire Council and has been approved by the governing body taking into account the advice of the Eurobodalla Shire Council's Audit, Risk and Improvement Committee.

### Purpose of internal audit

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve Eurobodalla Shire Council's operations. It helps Eurobodalla Shire Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes<sup>1</sup>.

Internal audit provides an independent and objective review and advisory service to provide advice to the governing body, General Manager and Audit, Risk and Improvement Committee about the Eurobodalla Shire Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists Eurobodalla Shire Council to improve its business performance.

### Independence

Eurobodalla Shire Council's internal audit function is to be independent of the Eurobodalla Shire Council so it can provide an unbiased assessment of the Council's operations and risk and control activities.

The internal audit function reports functionally to the Eurobodalla Shire Council's audit, risk and improvement committee on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the General Manager to facilitate day-to-day operations. Internal audit activities are not subject to direction by the Eurobodalla Shire Council and the Eurobodalla Shire Council's management has no role in the exercise of the Council's internal audit activities.

The audit, risk and improvement committee is responsible for communicating any internal audit issues or information to the governing body. Should the governing body require additional information, a request for the information may be made to the chair by resolution. The chair is only required to provide the information requested by the governing body where the chair is satisfied that it is reasonably necessary for the governing

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<sup>1</sup> As defined by the International Standards for the Professional Practice of Internal Auditing (2017)

body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the committee.

The General Manager must consult with the chairperson of the Eurobodalla Shire Council's audit, risk and improvement committee before appointing or making decisions affecting the employment of the head of internal audit.

Where the chairperson of the council's audit, risk and improvement committee has any concerns about the treatment of the head of internal audit, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the governing body.

The head of internal audit is to confirm at least annually to the audit, risk and improvement committee the independence of internal audit activities from the council.

## Authority

Eurobodalla Shire Council authorises the internal audit function to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the Director of Finance and Corporate Services considers necessary for the internal audit function to undertake its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The head of internal audit and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

All internal audit documentation is to remain the property of Eurobodalla Shire Council, including where internal audit services are performed by an external third-party provider.

Information and documents pertaining to the internal audit function are not to be made publicly available. The internal audit function may only release Eurobodalla Shire Council information to external parties that are assisting the internal audit function to undertake its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

## Role

The internal audit function is to support the Eurobodalla Shire Council's audit, risk and improvement committee to review and provide independent advice to the Eurobodalla Shire Council in accordance with section 428A of the *Local Government Act 1993*. This includes conducting internal audits of Eurobodalla Shire Council and monitoring the implementation of corrective actions.

The internal audit function is to also play an active role in:

- developing and maintaining a culture of accountability and integrity
- facilitating the integration of risk management into day-to-day business activities and processes, and
- promoting a culture of high ethical standards.

The internal audit function has no direct authority or responsibility for the activities it reviews. The internal audit function has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in Eurobodalla Shire Council functions or activities (except in carrying out its own functions).

## Internal Audit function and structure

### Leadership

Eurobodalla Shire Council's internal audit function is to be led by a member of Eurobodalla Shire Council's staff with sufficient skills, knowledge and experience to ensure it fulfils its role and responsibilities to the Eurobodalla Shire Council and the audit, risk and improvement committee. The head of the internal audit function must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the head of the internal audit function include:

- managing the day-to-day activities of the internal audit function
- managing the Eurobodalla Shire Council's internal audit budget
- supporting the operation of the Eurobodalla Shire Council's audit, risk and improvement committee
- approving internal audit project plans, conducting or supervising audits and assessments and providing independent advice to the audit, risk and improvement committee
- monitoring the Eurobodalla Shire Council's implementation of corrective actions that arise from the findings of audits
- implementing the audit, risk and improvement committee's annual work plan and four-year strategic work plan
- ensuring the Eurobodalla Shire Council internal audit activities comply with the *Guidelines for risk management and internal audit for local government in NSW*, and
- contract management and oversight of supplementary external providers (where appropriate).

Council's Director of Finance and Corporate Services is also directly responsible for the risk management and governance functions of council. As a safeguard to the independence of the internal audit function of council the General Manager will be the designated head of the Council's internal function for any internal reviews of areas related to risk management and governance functions of the council.

### In-house Internal Auditor

Eurobodalla Shire Council is to establish an in-house internal audit function for the purposes of undertaking its internal audit activities.

In-house internal auditors must conduct internal audit activities in accordance with the International Professional Practices Framework.

Internal audit should be performed by professionals with an appropriate level of understanding of the council's culture, systems and processes to provide assurance that the internal controls in place are sufficient to mitigate risk, that governance processes are adequate, and that organisational goals and objectives are met.

In-house internal auditors should therefore possess the following skills, knowledge and experience to effectively carry out their role:

→ the skills, knowledge and experience necessary to conduct internal audit activities in the council – for example:

- accounting
- finance
- economics
- governance
- management
- law

- taxation
- fraud and corruption
- IT

→ effective interpersonal and communication skills to ensure they can engage with council staff effectively and collaboratively  
→ honesty, integrity and due diligence, and  
→ appropriate qualifications and professional certifications

The Internal Auditor will have direct access to the General Manager and the chairperson of the council's audit, risk and improvement committee.

The head of the internal audit function must consult with the Audit, Risk and Improvement committee and General Manager regarding the appropriateness of the skills, knowledge and experience of any in-house internal auditor before they are engaged by the Eurobodalla Shire Council.

## Performing internal audit activities

The work of the internal audit function is to be thoroughly planned and executed. The Eurobodalla Shire Council's audit, risk and improvement committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee must also develop an annual work plan to guide the work of the internal audit function over the forward year.

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and [current Australian risk management standard ISO 31000].

The head of the internal audit function is to provide the findings and recommendations of internal audits to the audit, risk and improvement committee at the end of each audit. Each report is to include a response from the relevant senior manager.

The head of the internal audit function is to establish an ongoing monitoring system to follow up Eurobodalla Shire Council's progress in implementing corrective actions.

The General Manager, in consultation with the audit, risk and improvement committee, is to develop and maintain policies and procedures to guide the operation of the Eurobodalla Shire Council.

The head of the internal audit function is to ensure that the audit, risk and improvement committee is advised at each of the committee's meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

## Conduct

Internal audit personnel must comply with the Eurobodalla Shire Council code of conduct. Complaints about breaches of Eurobodalla Shire Council's code of conduct by internal audit personnel are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The General Manager must consult with the Eurobodalla Shire Council's audit, risk and improvement committee before any disciplinary action is taken against the Director of Finance and Corporate Services in response to a breach of the Eurobodalla Shire Council's code of conduct.

Internal auditors must also comply with the Code of Ethics for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

## **Administrative arrangements**

### **Audit, risk and improvement committee meetings**

The head of the internal audit function will attend audit, risk and improvement committee meetings as an independent non-voting observer. The head of the internal audit function can be excluded from meetings by the committee at any time.

The head of the internal audit function must meet separately with the Audit, Risk and Improvement Committee at least once per year.

The head of the internal audit function can meet with the chair of the Audit, Risk and Improvement Committee at any time, as necessary, between committee meetings.

### **External audit**

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

### **Dispute resolution**

The internal audit function should maintain an effective working relationship with the Eurobodalla Shire Council and the audit, risk and improvement committee and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the internal audit function and the Eurobodalla Shire Council, the dispute is to be resolved by the General Manager and/or the audit, risk and improvement committee. Disputes between the internal audit function and the audit, risk and improvement committee are to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive in writing.

### **Review arrangements**

The Eurobodalla Shire Council's Audit, Risk and Improvement Committee must review the performance of the internal audit function each year and report its findings to the governing body. A strategic review of the performance of the internal audit function must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit and reported to the governing body.

This charter is to be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

## Further information

For further information on Eurobodalla Shire Council's internal audit activities, contact Stephanie Speedy on [stephanie.speedy@esc.nsw.gov.au](mailto:stephanie.speedy@esc.nsw.gov.au) or by phone 02 4474 7376.

Reviewed by the Head of the Internal Audit Function.

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2 December 2025

Reviewed by the Chair of the Eurobodalla Shire Council Audit, Risk and Improvement Committee

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3 December 2025

Reviewed by General Manager

.....

3 December 2025

Reviewed by Eurobodalla Shire Council in accordance with a resolution of the governing body

16 December 2025

Resolution Number

## Schedule 1 – internal audit function responsibilities

### Audit

#### Internal audit

- Conduct internal audits as directed by the Eurobodalla Shire Council's audit, risk and improvement committee.
- Implement the Eurobodalla Shire Council's annual and four-year strategic internal audit work plans.
- Monitor the implementation by the Eurobodalla Shire Council of corrective actions.
- Assist the Eurobodalla Shire Council to develop and maintain a culture of accountability and integrity.
- Facilitate the integration of risk management into day-to-day business activities and processes.
- Promote a culture of high ethical standards.

#### External audit

- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Review all external plans and reports in respect of planned or completed audits and monitor the Eurobodalla Shire Council's implementation of audit recommendations.
- Provide advice on action taken on significant issues raised in relevant external audit reports and better practice guides.

### Risk

#### Risk management

Review and advise:

- if the Eurobodalla Shire Council's has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the Eurobodalla Shire Council's risk management framework is adequate and effective for identifying and managing the risks the Eurobodalla Shire Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the Eurobodalla Shire Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the Eurobodalla Shire Council risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the Eurobodalla Shire Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the Eurobodalla Shire Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the Eurobodalla Shire Council risk management approach impacts on the Eurobodalla Shire Council's insurance arrangements

- of the effectiveness of the Eurobodalla Shire Council management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

### **Internal controls**

Review and advise:

- whether the Eurobodalla Shire Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the Eurobodalla Shire Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the Eurobodalla Shire Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

### **Compliance**

Review and advise of the adequacy and effectiveness of the Eurobodalla Shire Council's compliance framework, including:

- if the Eurobodalla Shire Council has appropriately considered legal and compliance risks as part of the Eurobodalla Shire Council's risk management framework
- how the Eurobodalla Shire Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

### **Fraud and corruption**

Review and advise of the adequacy and effectiveness of the [Eurobodalla Shire Council's](#) fraud and corruption prevention framework and activities, including whether the [Eurobodalla Shire Council](#) has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

### **Financial management**

Review and advise:

- if the Eurobodalla Shire Council is complying with accounting standards and external accountability requirements
- of the appropriateness of the Eurobodalla Shire Council accounting policies and disclosures
- of the implications for the Eurobodalla Shire Council of the findings of external audits and performance audits and the Eurobodalla Shire Council responses and implementation of recommendations
- whether the Eurobodalla Shire Council financial statement preparation procedures and timelines are sound
- the accuracy of the Eurobodalla Shire Council's annual financial statements prior to external audit, including:
  - management compliance/representations
  - significant accounting and reporting issues

- the methods used by the Eurobodalla Shire Council to account for significant or unusual transactions and areas of significant estimates or judgements
- appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the Eurobodalla Shire Council's report is consistent with signed financial statements
- if the Eurobodalla Shire Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
  - appropriate authorisation and approval of payments and transactions
  - adequate segregation of duties
  - timely reconciliation of accounts and balances
  - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the Eurobodalla Shire Council are adequate
- if the Eurobodalla Shire Council's grants and tied funding policies and procedures are sound.

### **Governance**

Review and advise of the adequacy of the Eurobodalla Shire Council governance framework, including the Eurobodalla Shire Council:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge.

## Improvement

### Strategic planning

Review and advise:

- of the adequacy and effectiveness of the Eurobodalla Shire Council integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the Eurobodalla Shire Council is successfully implementing and achieving its IP&R objectives and strategies.

### Service reviews and business improvement

Review and advise:

- if the [Eurobodalla Shire Council](#) has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how the [Eurobodalla Shire Council](#) can improve its service delivery and the [Eurobodalla Shire Council](#) performance of its business and functions generally

### Performance data and measurement

Review and advise:

- if the [Eurobodalla Shire Council](#) has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the [Eurobodalla Shire Council](#) uses are effective, and
- of the adequacy of performance data collection and reporting.

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**FCS25/081 AUDIT RISK AND IMPROVEMENT COMMITTEE 2024-25 ANNUAL REPORT** **S004-T00048**

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

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

#### **EXECUTIVE SUMMARY**

This report is the Audit, Risk and Improvement Committee's (ARIC) Chair annual report for the 2024-25 financial year for Council to receive and note.

Under the NSW Premier and Cabinet Internal Audit Guidelines it is recommended that, at least annually the ARIC report to Council on its oversight role of the internal audit function.

This report is being presented to Council to advise on the activities and matters that the ARIC reviewed during the 2024-25 financial year.

#### **RECOMMENDATION**

THAT the ARIC 2024-25 Annual Report be received and noted.

#### **AUDIT RISK AND IMPROVEMENT COMMITTEE 2024-25 ANNUAL REPORT**

The following is the ARIC annual report for the 2025-25 financial year, as provided by the Chair Mr Grant Doran.

The *Local Government Act 1993* and the *Local Government (General) Regulations 2021* require NSW councils to have an ARIC. Since 2008, the ARIC has played a pivotal role in the governance framework, providing Council with independent oversight and monitoring of Council's audit processes, including the internal control activities.

The objective of the Committee is to provide independent assurance and assistance to Council on risk management, control, governance and external accountability responsibilities and provide information to Council for the purpose of improving the performance of its functions.

The Committee must keep under review the following aspects of the Council's operations:

- Compliance
- Risk management
- Fraud control
- Financial management
- Governance
- Implementation of the strategic plan, delivery program and strategies
- Service reviews

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**FCS25/081 AUDIT RISK AND IMPROVEMENT COMMITTEE 2024-25 ANNUAL REPORT** S004-T00048

- Collection of performance measurement data by the Council
- Any other matters prescribed by the regulations.

On 1 July 2024 the ARIC transitioned to the new Office of Local Government (OLG) Guidelines.

Under the ARIC Terms of Reference adopted by Council at the April 2024 Ordinary Meeting, the Committee will comprise of four independent members, including an independent Chair.

Appointment of the Chair was resolved by Council at the August 2024 Ordinary Meeting, and appointment of two independent members was resolved by Council at the October 2024 Ordinary Meeting.

At the April 2025 Ordinary Meeting, Council resolved to appoint a councillor as a non-voting member of ARIC. The Terms of Reference were updated to reflect this resolution.

The current composition of the Committee is as follows:

**Independent Members:**

- Grant Doran (Chair)
- Jodi Keast
- Nick Derera

**Councillors:**

- Councillor Sharon Winslade (Councillor Phil Constable as alternate)

During 2024-2025 financial year, the Committee met on three occasions.

- 27 November 2024
- 2 April 2025
- 11 June 2025

During 2024-2025, the Council continued to utilise the services of Centium (website: [Minimising Organisational Risk | Management Consulting | Centium](#)) for the provision of internal audit and risk management services.

The Committee considered a range of issues during the 2024-2025 financial year including:

**Audit:**

- The Audit Engagement Plan and the audit of Financial Statements for year ended 30 June 2024.
- Review of proposed internal audit plan 2024-2028.
- Updates on the Workplace Health and Safety internal audit action items.
- Updates on the Asbestos Management internal audit action items.
- Updates on the Cyber Security internal audit action items.
- Updates on the Developer Contributions audit with the final report delivered after 30 June 2025.

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**FCS25/081 AUDIT RISK AND IMPROVEMENT COMMITTEE 2024-25 ANNUAL REPORT**      **S004-T00048**

**Risk**

- Updates on the implementation of the Enterprise Risk Management framework.
- Updates on the Bay Pavilions to monitor performance, risk management and lessons learnt.
- Updates on the Southern Storage Dam.
- Recommendations on project, procurement and contract management processes.

**Improvements**

- Closer monitoring of previous audit outcomes and progress towards addressing recommendations.
- Providing governance recommendations across various operational areas.

**CONCLUSION**

That the ARIC 2024-25 Annual Report provided by the ARIC Chair, Mr Grant Doran, as detailed above, be received and noted.

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**FCS25/082 AUDIT RISK AND IMPROVEMENT COMMITTEE - MEETING** **S004-T00048**  
**MINUTES 22 OCTOBER 2025**

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments: 1. ARIC Minutes 22 October 2025 [Download](#)

Community Goal: 5 We are an engaged community 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: 5.2.2.7 Facilitate the Audit, Risk and Improvement Committee in line with guidelines issued by the Office of Local Government

### **EXECUTIVE SUMMARY**

The Audit Risk and Improvement Committee (ARIC) is an advisory committee to Council. The NSW Office of Local Government (OLG) has issued comprehensive Guidelines for Risk Management and Internal Audit for Local Government in NSW which outline the purpose of the ARIC, the Statutory Framework, the role of the governing body, the role of the general manager, and the role, composition and criteria for membership of the ARIC.

A requirement of the OLG Guidelines is that ARIC meeting minutes be present at a subsequent Ordinary Meeting of Council. As such, the minutes of the meeting held 22 October 2025 are presented to this Ordinary Meeting of Council by way of this report.

This report provides a summary of the meeting with a copy of the minutes attached for Council to receive and note.

### **RECOMMENDATION**

THAT Council receive and note the minutes of the ARIC meeting held on 22 October 2025.

### **CONSIDERATIONS**

The key items covered at the meeting included:

- Status update on open internal audit findings.
- Risk framework update – Draft Risk Policy update and Draft Enterprise Risk Management Framework.
- Internal audit function.
- Draft Contract Management policy.
- Draft Procurement Policy.

### **CONCLUSION**

This report summarises Council's ARIC meeting held on 22 October 2025, with minutes attached separately for Council to receive and note.



# Minutes

**Audit Risk and Improvement Committee**

**22 October 2025**

**MINUTES OF THE  
AUDIT RISK AND IMPROVEMENT COMMITTEE  
HELD IN THE COMMITTEE ROOM, COUNCIL'S ADMINISTRATION BUILDING  
ON WEDNESDAY 22 OCTOBER 2025  
COMMENCING AT 11:00AM**

**PRESENT:** Grant Doran – Independent Member (in the Chair)  
Nick Derera – Independent Member  
Jodi Keast – Independent Member  
Councillor Sharon Winslade  
Susan Leahy – External Auditor, Centium (via audio visual link)

**Staff:** Mark Ferguson, General Manager  
Stephanie Speedy, Director Finance and Corporate Services  
Scott Westbury, Corporate Manager, Governance and Risk  
Jacqueline Sullivan, Chief Financial Officer  
Cindy Edwards, Minute Secretary

**1. WELCOME AND ACKNOWLEDGEMENT OF COUNTRY, APOLOGIES**

The Chair welcomed everyone to the meeting and acknowledged the Traditional Owners.

The Chair sought approval from Committee to use Ai transcript platform 'Firefly' - for the purpose of meeting minutes only. No objections were received, the process for recording meetings was noted by Council's Governance and Risk Corporate Manager.

**2. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**

NIL

**3. CONFIRMATION OF MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE OF 11 JUNE 2025**

THAT the minutes of the Audit Risk and Improvement Committee Meeting held on 11 June 2025 be confirmed.

The Committee resolved to approve the minutes of the meeting held on 11 June 2025.

**4. EXTERNAL AUDIT UPDATE – *Jason Gilbert, Crowe***

*Nil*

**5. INTERNAL AUDIT UPDATE – *Susan Leahy, Centium***

The Committee was briefed by Susan Leahy on the developer contributions audit. Susan stated Council has good systems in place, including peer review processes and TechnologyOne is being used effectively. Susan stated that three high risk recommendations in the report are being implemented, including updating reporting requirements to increase transparency. The development of templates and publishing of registers on required websites are identified items still in progress.

The Committee was advised Council does not have assigned resources for the specific management of developer contributions, however contributions are managed in accordance with legislation.

**RECOMMENDATION:**

THAT the information in the report on Internal Audit Recommendations and other open action items be received and noted.

The Committee received and noted the update.

Susan Leahy left meeting at 11.35am

**6. COUNCIL UPDATES**

**a) Open Action Items**

Council's Corporate Manager Governance and Risk confirmed there were no further updates to the Internal Audit items. Updates on audit findings are to be presented to the Committee as a standing item in a register format, with open meeting actions tabled separately.

The Committee requested improved visibility and tracking of outstanding audit findings for every Committee meeting including the status, due date and risk ratings for each finding. The Committee used the asbestos management audit findings as an example where the risks could escalate if findings are not being actively resolved.

The Chair noted the following actions as **closed**:

- A separate online meeting will be convened between the Chair and Centium to discuss the completion of the current contract.
- At the next ordinary ARIC meeting in October, the General Manager will present Council's plan for future internal audit resourcing – with consideration to potentially bring the internal audit function in-house.
- Director Finance and Corporate Services, Stephanie Speedy to provide the year end finance team checklist to ARIC hub.

**Open Actions:**

1. Open audit actions register to be included as a standing item on all future ARIC meetings
2. Open actions from previous ARIC meetings to be tabled as a standing item with concise and detailed audit register findings presented to enhance transparency and oversight.
3. The TechnologyOne Upgrade Contract Variation Council report and confidential attachment be placed on the ARIC hub
4. An update on the finance strategy be presented at the Committee's December meeting
5. Following the appointment of an in-house Internal Auditor, the Committee will revisit the audit plan for the upcoming year and reassess priorities
6. List of Council's current open contractual disputes be provided to the Committee as an update at each ARIC meeting.

**RECOMMENDATION:**

THAT the information on open action items be received and noted.

The Committee received and noted the update.

**b) General Manager Update**

The General Manager provided an update on the service review for the Bay Pavilions and advised a report will be presented to the Ordinary Meeting of Council on 26 November 2025. Contractor services form part of the review, GM advised current management contract expires 30 June 2026.

The General Manager highlighted:

- current considerations regarding the workers compensation and psychosocial injury program focusing on improving culture and early safety intervention; and
- the water storage facility contract management matters.

The previous financial performance review of the Bay Pavilions was presented to Council in August 2023, the detailed report is available on [Council's website](#).

The Committee received and noted the General Manager's update.

**c) Finance status update**

The Committee received and noted a report from Council's Chief Financial Officer. The Committee discussed the introduction of monthly financial reporting to increase financial performance awareness. This is to be considered further by the Chief Financial Officer.

**RECOMMENDATION**

THAT the information in the report on Finance Status Update be received and noted.

The Committee received and noted the update.

**Financial Statements / management comments**

The Chair noted that Council's Financial Statements are presented in a prescribed format with limited opportunity for management commentary. Context was provided by management in a PowerPoint presentation at the Extraordinary ARIC meeting on 10 September 2025.

**d) Governance update - meetings, key decisions, outcomes**

Corporate Manager, Governance and Risk gave an overview of key items, including advising the Committee Council's IPR document suite had been endorsed and the Code of Meeting Practice will be presented again to the Ordinary Meeting of Council on 28 October 2025, seeking endorsement for the document to be placed on public exhibition for 42 days.

**RECOMMENDATION**

THAT the information in the report on Council update - meetings, key decisions, outcomes be received and noted.

The Committee received and noted the Governance update.

**7. RISK MANAGEMENT UPDATE - DRAFT RISK POLICY UPDATE AND DRAFT ENTERPRISE RISK MANAGEMENT FRAMEWORK**

**a) Enterprise Risk Management Framework**

The Committee was advised that the risk software package will be rolled out organisationally in 2026 and the framework has been changed to align with feedback received from ARIC at the April 2025 meeting.

**Action:**

- The following pages of the framework are recommended to be reviewed:  
Page 24. Item 2.1.4.1 - reword sentence.  
Page 43. Item 6.4.4 - Operational (not ARIC). Reword.  
Page 44. Insurance - visibility to ARIC. Report to be provided to ARIC.

Page 49. Responsibilities - GM delegation to be added.

**Action:**

- Draft timelines for risk framework implementation to be provided to ARIC as a standing ARIC agenda item moving forward.
- After the framework is finalised and adopted by Council resolution, a final version of the framework is to be provided to ARIC.
- Establish Enterprise Risk Management standing agenda items and reporting for future ARIC meetings.

**RECOMMENDATION**

THAT the attached draft Risk Policy and Enterprise Risk Management Framework be received and noted by ARIC.

The Committee received and noted the update.

**8 IMPROVEMENT AND SUSTAINABILITY**

**Internal Audit Function**

The Committee discussed the proposal to transition to an internal audit function from an outsourced model. The proposal offers closer collaboration with operational teams and proactive follow-up of audit findings, contrasting a 'set and forget' external audit approach.

Consideration to be given to reporting lines. Discussion held on inhouse function verses external provider. Further consideration to be given on timing and cross over 'gap' of function in recruitment. The Committee stressed the importance of minimising any gap in audit coverage due to recruitment delays.

**Action:**

- Internal audit program, further clarity around roles and timeframes on recruitment to be provided at December 2025 meeting.

**Draft contract management policy**

The committee noted this was a draft policy. Updating of document will continue and will consider the feedback received from ARIC. The key Committee feedback was the incorporation of lessons learnt from other contract's performance through closeout reports. The Committee also recommended including detailed role definitions and decision thresholds to clarify responsibilities across contract stages.

**Action:**

- The Contract Management Policy will be updated to incorporate feedback received and will be represented to a future meeting of ARIC.

**Draft Procurement Policy**

The committee noted this was a draft policy. Updating of document will continue and will consider the feedback received from ARIC. The Committee emphasised embedding measurement and evaluation processes to transition from reactive to proactive contract and procurement management.

**Action:**

- The draft Procurement Policy will be updated to incorporate feedback received and will be represented to a future meeting of ARIC.

**2024/25 Delivery Program performance**

Received and noted performance is 93% on track.

**Action:**

- Corporate Manager Governance and Risk to email ARIC last page of report.

**General Business**

**Action:**

- Annual ARIC Chair report to be updated in readiness for tabling at Council Meeting.
- 2026 ARIC meeting dates to be finalised.
- A briefing will be provided to ARIC on Council's insurance program at a future meeting.

**Meeting closed: 13.17pm**

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**FCS25/083 INVESTMENTS MADE AS AT 30 NOVEMBER 2025**

**S011-T00006,  
S012-T00025**

Responsible Officer: Stephanie Speedy - Director Finance and Corporate Services

Attachments: Nil

Community Goal: 5 We are an engaged community progressive leadership.

Community Strategy: 5.3. Well managed and governed resources systems and processes

Delivery Program Link: 5.3.1 Demonstrate future focussed corporate and financial management that is ethical, sustainable, transparent and accountable

Operational Plan Link: 5.3.1.1 Provide strategic financial management and services guided by the Finance Strategy

## **EXECUTIVE SUMMARY**

The purpose of this report is to:

- Certify that Council's investments in financial instruments have been made in accordance with legislation and policy requirements.
- Provide information and details of investments.
- Raise other matters relevant to investing.

## **RECOMMENDATION**

THAT the certification of investments as of 30 November 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**

As at 30 November 2025, the portfolio is compliant with Council's Investment Policy adopted by Council on 23 September 2025 (Minute 25/148). A summary of holdings by risk category is summarised below in Table 1.

**Table 1 – Policy Risk Categories**

<b>S&amp;P Long Term Category</b>	<b>Current Holdings</b>	<b>Maximum Holdings</b>
NSW Treasury Corporation (TCorp)	0%	100%
AAA to A	66.44%	100%
A-	27.46%	40%
BBB+ to BBB	6.10%	30%
BBB- & Below	0%	5%

**FCS25/083 INVESTMENTS MADE AS AT 30 NOVEMBER 2025**

**S011-T00006,  
S012-T00025**

Investment holdings summary

Table 2 provides a summary of cash and investment balances as at 30 November 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.

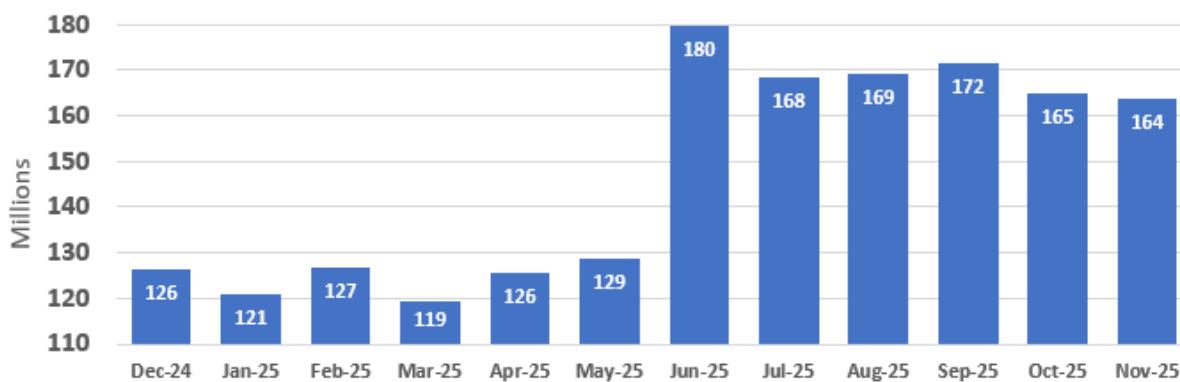
**Table 2 – Investment holdings by category**

Category	(\\$)	% of Portfolio
Term Deposits – Green*	15,000,000	9.61%
Term Deposits – Fossil Fuel Free Institutions	50,000,000	32.05%
Term Deposits	91,030,000	58.34%
<b>Total Investments</b>	<b>156,030,000</b>	
At Call Deposit	4,770,734	
Cash at Bank (Operating Account)	3,068,013	
<b>Total Cash Accounts</b>	<b>7,838,747</b>	
<b>Total Cash and Investments</b>	<b>163,868,747</b>	

\*Green term deposits certified by the Climate Bonds Standard.

Cash and investments decreased by \$1 million in November 2025. The decrease was primarily due to capital expenditure in the Water, Sewer and Waste funds, offset by the collection of the 2<sup>nd</sup> rates instalment.

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



Performance

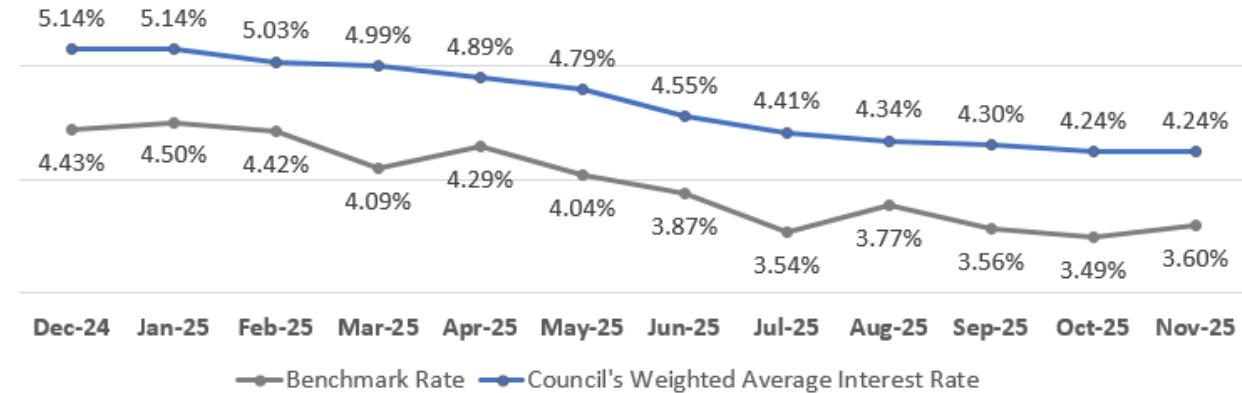
The weighted average monthly return on Council's investments for November 2025 is 4.24%, surpassing the Council policy benchmark of 3.60% (AusBond Bank Bill Index 1 month annualised). Graph 2 compares Council's weighted average return to the benchmark rate over a 12-month period.

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**FCS25/083 INVESTMENTS MADE AS AT 30 NOVEMBER 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.

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**IR25/019 UPDATE ON NAROOMA RECYCLED WATER FEASIBILITY  
STUDY**

**S029-T00004**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: Nil

Community Goal: 4. Our community has reliable and safe infrastructure networks and community facilities.

Community Strategy: 4.3 Service community with resilient water, waste, sewage, and stormwater infrastructure.

Delivery Program Link: 4.3.2 Provide safe, reliable and sustainable water and sewer services, guided by the Integrated Water Cycle Management Strategy

Operational Plan Link: 4.3.2.5 Provide treated effluent for reuse in the community

#### **EXECUTIVE SUMMARY**

This report provides an update on the resolution of Council of 17 December 2024 to conduct a preliminary feasibility study into using recycled water from Kianga sewage treatment plant for Narooma ovals and golf course.

#### **RECOMMENDATION**

THAT Council notes the information provided in response to the resolution of Council (Minute 24/171) to conduct a preliminary feasibility study into using recycled water from the Kianga sewage treatment plant for Narooma ovals and golf course.

#### **BACKGROUND**

At the Ordinary Meeting of Council held 17 December 2024 it was resolved (Minute 24/171):

*“THAT Council conduct a preliminary feasibility study into using recycled water from Kianga sewage treatment plant for Narooma ovals and golf course and report back to Council.”*

In response, Council has updated the 2014 Eurobodalla Effluent Management Options Report for the reuse of effluent from Kianga sewage treatment plant at the Narooma Golf Course to provide a current costing for the proposal.

#### **CONSIDERATIONS**

Council has updated the 2014 Eurobodalla Effluent Management Options Report (Report Number WS130014) for the reuse of effluent from Kianga sewage treatment plant (STP) at the Narooma Golf Course.

The Narooma golf course has an 18-hectare irrigated area and uses approximately 80 ML of water annually, but experiences storage shortfalls during dry weather, leading to irrigation restrictions.

The proposed scheme involves supplying treated effluent from Kianga STP to the golf course via a 6.2 km rising main. Additional potential reuse sites, including caravan parks, Club Narooma, sports ovals, and local schools, would require higher-quality treatment (membrane filtration), storage, and irrigation infrastructure, are not included in costs below.

Infrastructure requirements include:

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**IR25/019 UPDATE ON NAROOMA RECYCLED WATER FEASIBILITY STUDY**

**S029-T00004**

- 200 KL balancing storage with transfer pumps
- Duty/standby pressure filters
- Validated ultraviolet (UV) disinfection system and chlorination unit and building
- 6.2 km 140mm rising main including crossing of Wagonga Inlet (potential \$1 million) cost saving if the existing pipe can be reused)
- Electrical upgrades (new switchboard, circuit breaker, main cable, PLC/SCADA integration, necessary instrumentation, and building services)

Cost estimate:

- Total Capital Cost: \$ 10.7 million
- Potential \$1 million saving if the pipe can be pulled through the existing pipe under Wagonga Inlet (directional drilling may be required)
- Cost for additional treatment requirements of other potential sites not included (estimated \$1 million)
- Costs for operations (power and chemicals) and ongoing maintenance and depreciation have at this stage not been estimated.

**Policy**

Council is guided in managing Council's recycled water systems by the Recycled Water policy ([Council policies and codes | Eurobodalla Council](#)).

**Environmental**

Council operates six sewage treatment plants, most providing recycled water for on-site operations, dust suppression and/or offsite irrigation of recreation facilities.

Recycled water is sewage or stormwater that is treated and reused for non-drinking purposes.

In line with NSW Health Department guidelines, all recycled water goes through a treatment process to ensure it meets Australian standards. When treated effectively, sewage and stormwater can be recycled for uses such as sporting ground irrigation.

In Eurobodalla:

- recycled water is used to irrigate Riverside Park in Moruya and the golf clubs at Moruya, Catalina, and Tuross
- recycled water is used at sewage treatment plants to wash down equipment
- sludge, a by-product of treated sewage, is managed on-site or removed by licensed biosolids operator.

**Financial**

The proposed scheme to supply treated effluent from Kianga STP to the golf course via a 6.2 km rising main is estimated to have a total capital cost of \$ 10.7 million and is not included within Council's current adopted Delivery Program 2025-29 and Operational Plan.

Annual operating (chemical and energy), maintenance and depreciation costs have not at this stage been estimated.

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**IR25/019 UPDATE ON NAROOMA RECYCLED WATER FEASIBILITY STUDY**      **S029-T00004**

Golf Courses (Catalina, Moruya and Tuross Heads) which are already supplied with recycled water do not pay for the connection or volume used. As such, it would not be equitable to charge Narooma Golf Course for the supply of recycled water. Therefore, there would not be any costs to offset the capital cost nor operations and maintenance costs of the scheme.

**CONCLUSION**

This report provides information in response to the resolution of Council (Minute 24/171) to conduct a preliminary feasibility study into using recycled water from Kianga sewage treatment plant for Narooma ovals and golf course.

Given the high capital costs, likely significantly high operational, maintenance and depreciation costs, without a revenue income, it is recommended to not pursue this initiative at this time.

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**IR25/020 MORUYA EMERGENCY SERVICES PRECINCT & SALE PART LOT 10 S023-T00001**  
**DP1293843, PRINCES HIGHWAY MORUYA**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - Sale Part Lot 10 DP1293843 Princes Highway Moruya  
2. Confidential - Draft Concept Masterplan

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

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

#### **EXECUTIVE SUMMARY**

The purpose of this report is for councillors to note the agreement with SES and RFS to deliver the emergency services facilities within the Eurobodalla Regional Collocated Emergency Services Precinct and to seek Council approval for the sale of operational Council land being part of 2868 Princes Highway Moruya (Lot 10 DP1293843) to NSW Fire and Rescue.

The Eurobodalla Regional Collocated Emergency Services Precinct in Moruya will eventually include facilities for the State Emergency Services (SES), the Rural Fire Service (RFS), Fire and Rescue NSW and Marine Rescue. It will also include an Emergency Operations Centre (EOC) that Council can use.

At the Ordinary Meeting of Council on 11 October 2022 the purchase of the land for the Eurobodalla Regional Collocated Emergency Services Precinct was approved and that report provided details of the land and of the emergency facilities to be housed in the precinct.

Council is obliged to provide land, own and maintain the RFS and SES facilities but only build the SES facilities. The land and facilities for NSW Fire and Rescue, Ambulance and Police are all provided by the NSW Government. As a result of these arrangements, NSW Fire and Rescue have requested to purchase part 2868 Princes Highway Moruya.

Council acquired Lot 10 DP 1293843, being 5.68 hectares, on 5 July 2024 and proposes to now subdivide and sell approximately 5,000sqm of the property to NSW Fire and Rescue which forms part of the precinct.

#### **RECOMMENDATION**

THAT:

1. Council notes the agreement between Council, the State Emergency Services and the NSW Rural Fire Service and that the general manager will conclude negotiations and sign the agreement.
2. Council approves the subdivision and sale of part Lot 10 DP 1293843 to Fire and Rescue NSW.
3. The general manager be given delegated authority to finalise negotiations for this sale of Part Lot 10 DP 1293843, 2868 Princes Highway Moruya to NSW Fire and Rescue and undertake all actions necessary for the subdivision and sale of the land.

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**IR25/020 MORUYA EMERGENCY SERVICES PRECINCT & SALE PART LOT 10  
DP1293843, PRINCES HIGHWAY MORUYA**

**S023-T00001**

## **BACKGROUND**

Council has advocated for a centralised regional collocated emergency services facility, including an Emergency Operations Centre at Moruya, for over a decade. Following the Black Summer Bushfires, the Royal Inquiry recommended that emergency services such as the State Emergency Services and Rural Fire Service be collocated at facilities across the State.

The Eurobodalla Regional Collocated Emergency Services Precinct in Moruya will eventually include facilities for the State Emergency Services (SES), the Rural Fire Service (RFS), Fire and Rescue NSW and Marine Rescue. It will also include an Emergency Operations Centre (EOC) that Council can use.

At the Ordinary Meeting of Council on 11 October 2022 the purchase of the land for the Eurobodalla Regional Collocated Emergency Services Precinct was approved and that report provided details of the land and of the emergency facilities to be housed in the precinct.

- [Agenda of Ordinary Meeting - Tuesday, 11 October 2022](#)
- [Minutes of Ordinary Meeting - Tuesday, 11 October 2022](#)

Further, in the Council report of 11 October 2022 the following was stated:

- *Work with the NSW Fire and Rescue and State Emergency Services has now reached agreement that the collocated site will also incorporate these agencies when funding becomes available to allow the current facilities to be relocated. As part of this move, each of the agencies has indicated a preference for moving professional staff to the regional centre in Moruya. These agencies will therefore build facilities capable of providing for the Moruya stations as well as appropriate office space.*
- *The Deputy Commissioner from each agency have therefore been directly engaged in the site selection process for the new regional emergency services precinct and have provided full support for the property new site. Ultimately that proportion of the site applicable to NSW Fire and Rescue would be funded and owned by the NSW Government.*

Council has been updated on both the Moruya and Surf Beach emergency service precincts previously, including:

- At the Ordinary Meeting of Council on 26 October 2021 a report was presented on the rebuilding of the State Emergency Services (SES) Batemans Bay facility, at the Surf Beach Collocated Emergency Services Precinct.

Link: Council meeting page 29: [Agenda of Ordinary Meeting - 26 00 2021](#); Minute GMR21/059 page 12: [Minutes of Ordinary Meeting - 26 00 2021](#)

- Confidential briefing on the acquisition of land for the Eurobodalla Regional Collocated Emergency Services Precinct in Moruya on 8 August 2023.
- At the Ordinary Meeting of Council on 19 March 2024 a report was presented regarding Collocated Emergency Services Precincts – Moruya and Surf Beach.

Link: Council meeting on page 12: [Agenda of Ordinary Meeting - Tuesday, 19 March 2024](#); Minute IR24/002 page 8: [Minutes of Ordinary Meeting - Tuesday, 19 March 2024](#)

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**IR25/020 MORUYA EMERGENCY SERVICES PRECINCT & SALE PART LOT 10 S023-T00001**  
**DP1293843, PRINCES HIGHWAY MORUYA**

- Confidential briefing on the status of the Eurobodalla Regional Collocated Emergency Services Precinct in Moruya on 14 October 2025.

Council pays an annual contribution for the services provided by the NSW RFS, NSW SES and NSW Fire and Rescue via the Emergency Services levy.

The *Rural Fires Act 1979* and the *State Emergency and Rescue Management Act 1989* and associated arrangements require Council to provide the land for emergency service facilities for the NSW Rural Fire Service (RFS) and the NSW State Emergency Services (SES) respectively. This is only for the provision of District facilities, but not Regional facilities.

Council is obliged to build and maintain the SES facilities but only maintain the RFS facilities.

An agreement has been developed which adequately identifies the roles and responsibilities of all parties involved in the delivery of the Emergency Services Precinct, including liabilities. Concerning the planning, design and construction of the on-site facilities for the RFS and SES, Council's obligations are minimal, and Council is not liable for any project-based risks such as scope, not achieving timeframes nor delivering the facilities within budget. The general manager will conclude these negotiations and sign the agreement under delegation.

The land and facilities for NSW Fire and Rescue, Ambulance and Police are all provided by the NSW Government.

As a result of these arrangements, NSW Fire and Rescue have requested to purchase part 2868 Princes Highway Moruya (10/1293843) which has an area of approximately 5,000sqm, for their operations. The exact size and position of the land to be purchased by NSW Fire and Rescue may change slightly as the negotiations on the site are finalised.

A draft concept of the masterplan has been provided as confidential attachment 2.

### **Considerations**

The subject land will not be advertised on the open market as NSW Fire and Rescue will form part of the new facility that is planned to provide emergency services facilities within the Eurobodalla Regional Collocated Emergency Services Precinct together with the following agencies:

- i) NSW Rural Fire Service (RFS)
- ii) NSW State Emergency Service (SES)
- iii) Marine Rescue.

Council has conducted negotiations with NSW Fire and Rescue in accordance with the ICAC probity principles.

### **Legal**

The agreement is based on the Surf Beach agreement which was originally drafted by Council's external lawyers and then negotiated with the other parties before being approved by the acting general manager.

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**IR25/020 MORUYA EMERGENCY SERVICES PRECINCT & SALE PART LOT 10 S023-T00001**  
**DP1293843, PRINCES HIGHWAY MORUYA**

The most significant difference is that it novates Council's responsibilities with regards to the Federal grant to the State Emergency Service as well as locks in \$0.9m of funding from the RFS for the Princes Highway roundabout.

The land proposed to be sold is classified as operational land and as such there is no impediment to its sale but a Council resolution is required to approve the sale.

#### **Policy**

All actions in respect of the sale of this land will be in accordance with Council's *Land Acquisition and Disposal Policy*. In particular, the policy notes land can be disposed of directly to a government authority for the purpose of infrastructure provision.

In addition, due to the direct negotiation, a summary of the transaction will be provided to Council's Audit, Risk and Improvement Committee.

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

#### **Asset**

The *Rural Fires Act 1979* and the *State Emergency and Rescue Management Act 1989* and associated arrangements require Council to own (including depreciate) and maintain the facilities for both the RFS and SES respectively.

An occupancy agreement for the ongoing arrangements will be negotiated with the SES and the current Service Level Agreement that Council has with the RFS will cover their facilities.

#### [Rural Fires Act 1997](#)

#### [State Emergency and Rescue Management Act 1989](#)

#### **Financial**

Following extensive advocacy work, on 25 January 2022 the former Minister for Emergency Services and Resilience, and Minister for Flood Recovery, the Hon Stephanie Cooke MP announced \$15 million in NSW Government funding for the RFS to construct a new collocated facility in Moruya.

Shortly after the above announcement and prior to the Bega by-election, the Prime Minister, Anthony Albanese and the then Labor state opposition leader, Chris Minns, committed an additional \$10 million (\$5M each) for a collocated precinct, including the relocation of the Moruya SES Unit, should NSW Labor be elected at the next NSW state election.

The majority (\$20 million) of these funds was allocated to the NSW RFS, whilst the \$5 million from the Commonwealth was committed to Council, for which Council has a funding deed in place.

Council's financial exposure to the ongoing ownership of the facilities is in the order of \$0.7 million in annual depreciation costs and an estimated \$0.3 million in maintenance costs. These costs are as yet not budgeted.

A valuation report from a registered valuer has been obtained for the sale of the land and this has been used to determine an acceptable price for the sale of the land in accordance with the Council's *Land Management -Acquisition, Disposal and Leasing/Licensing Policy*.

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**IR25/020 MORUYA EMERGENCY SERVICES PRECINCT & SALE PART LOT 10** **S023-T00001**  
**DP1293843, PRINCES HIGHWAY MORUYA**

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

#### **Community and Stakeholder Engagement**

Council's Engagement Planning Tool and relevant legislation have been used to guide the best approach to engagement on this matter. There is no legal requirement to advise the community through public notice, or to seek feedback through public exhibition of land dealings concerning operational land.

#### **CONCLUSION**

The agreement adequately identifies the roles and responsibilities of all parties involved in the delivery of the Emergency Services Precinct, including liabilities. Concerning the planning, design and construction of the on-site facilities for the RFS and SES, Council's obligations are minimal, and Council is not liable for any project-based risks such as scope, not achieving timeframes nor delivering the facilities within budget.

Council's responsibilities regarding the Federal grant for the SES facilities are effectively novated to the SES.

Council acquired land in Moruya for the Eurobodalla Regional Collocated Emergency Services Precinct.

NSW Fire and Rescue has requested to purchase part 2868 Princes Highway Moruya (Lot 10 DP 1293843), an area of approximately 5,000sqm, which forms part of the Eurobodalla Regional Collocated Emergency Services Precinct.

It is considered reasonable and appropriate that the subdivision and sale of Part Lot 10 DP 1293843 to NSW Fire and Rescue be approved.

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**IR25/021 REQUEST FOR TENDER (RFT) NO. 2009692 - MORUYA SEWER SERVICING WORKS** S029-T00004

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - Request for Tender No. 2009692 - Moruya Sewer Servicing Works

Community Goal: 4. Our community has reliable and safe infrastructure networks and community facilities.

Community Strategy: 4.3 Service community with resilient water, waste, sewage, and stormwater infrastructure.

Delivery Program Link: 4.3.2 Provide safe, reliable and sustainable water and sewer services, guided by the Integrated Water Cycle Management Strategy

Operational Plan Link: 4.3.2.3 Deliver programmed capital works (build and renewals) for the sewerage network

### **EXECUTIVE SUMMARY**

Council is undertaking works to provide water and sewerage services to the expanding Moruya catchment area. The new and upgraded infrastructure will service the new Moruya hospital, new emergency services precinct, TAFE and future developments.

Request for Tender (RFT) No. 2009692 – Moruya Sewer Servicing Works was managed by NSW Public Works Authority, and consists of construction of new sewerage infrastructure and upgrade of existing water and sewerage infrastructure. The works will complete previous works that were commenced under Contract #10064451, however, were terminated pursuant to clause 73.6 of the GC21 General Conditions of Contract, for Contractor's Default.

The works include:

- Construction of new SPS MO22
- Construction of SPS MO22 Rising Main
- Horizontal Directional Drilling (SPS MO22 Rising Main)
- Water trunk and reticulation mains connections
- Existing Sewer Pump Station (SPS) MO05 Augmentation.

The tender was advertised from 16 September 2025 with a closing date of 4 November 2025 via the NSW Government etendering website: (<https://tenders.nsw.gov.au> ).

Offers were received from three tenderers and assessed in accordance with the Tender Evaluation Plan.

This report outlines the evaluation of offers submitted in response to RFT No. 2009692 and recommends the preferred tenderer.

### **RECOMMENDATION**

THAT Council:

1. Approves the entering into a contractual arrangement with the preferred tenderer for the construction of works to provide water and sewerage services to Moruya, subject to the

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**IR25/021 REQUEST FOR TENDER (RFT) NO. 2009692 - MORUYA SEWER SERVICING WORKS**

**S029-T00004**

terms specified in Request for Tender No. 2009692 – Moruya Sewer Servicing Works unless otherwise varied in accordance with this report.

2. Approves the commitments associated with these contractual arrangements and specifically the contract values as noted in the Confidential Attachment to this report.
3. Approves bringing forward the required funds from the second year of the sewage capital program, as noted in the Confidential Attachment to this report.

#### **BACKGROUND**

The Moruya Sewer Servicing Works and Tuross Sewerage Pump Station 1 (TU01) Upgrade projects were originally awarded to the same contractor, namely Quay Civil Pty Ltd, through an open tender process. These discrete projects were scheduled for completion by October 2025 and April 2025, respectively.

On 29 April 2025, the Contractor entered administration, leaving the Sewer Servicing Works approximately 40% complete and the TU01 upgrades 85% complete. To mitigate risk, a Project Manager was engaged to finalise the TU01 upgrades, which are now nearing completion before school summer holidays commence.

Council has continued to address the complex issues surrounding the Moruya Sewer Servicing Works, including coordination with key stakeholders and interactions with other Council projects. Emergency and low-value works have been delivered through RFQ processes, while major cost and high-risk works have been retendered through an RFT process.

RFT No. 2009692 for the Moruya Sewer Servicing Works was advertised from 16 September 2025 with a closing date of 4 November 2025 via the NSW Government etendering website: (<https://tenders.nsw.gov.au> ). NSW Public Works managed the procurement process.

Two offers were received and assessed in accordance with the Tender Evaluation Plan.

A summary of the evaluation including each tenderer's scoring against the evaluation criteria is provided at the Confidential Attachment to this report.

#### **CONSIDERATIONS**

##### **Legal**

RFT No. 2009692 – Moruya Sewer Servicing Works was advertised in accordance with clause 167 of the Local Government (General) Regulation 2021 and Local Government Act 1993.

The tender was advertised through the NSW Government etendering website: (<https://tenders.nsw.gov.au> ).

Before tender assessment was undertaken a formal Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee (TEC). Declarations of Confidentiality and Conflicts of Interest Forms were completed and signed by the TEC.

The offer submitted by the preferred tenderer has been assessed as the most advantageous tender which represents best value for money for Council due to the company's demonstrated experience, quality of workmanship, and satisfactory price in comparison to the pre-tender estimate.

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**IR25/021 REQUEST FOR TENDER (RFT) NO. 2009692 - MORUYA SEWER  
SERVICING WORKS** S029-T00004

**Policy**

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2021 and the Local Government Act 1993.

**Environmental**

The works are required to provide water and sewerage services to the expanding Moruya catchment area. The new and upgraded infrastructure will service the new Moruya hospital, new emergency services precinct, TAFE and future developments.

**Economic Development Employment Potential**

A well maintained, functioning and reliable sewerage system is vital in supporting economic growth and future development potential.

**Financial**

The amount tendered by the preferred tenderer cannot be accommodated within the existing project budget, so will require funds to be brought forward from the second year of the sewage capital program.

The works are necessary to increase capacity within the sewerage system to service new developments in the catchment including the Moruya hospital and emergency services precinct.

The project will finish works associated with Contract #10064451 which was terminated earlier this year after the Contractor went into administration.

**Community and Stakeholder Engagement**

The community will be informed of the tender outcome(s) via Council's contract register found in Council's 'Public Access to Information' web link.

**CONCLUSION**

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the preferred tenderer has been assessed, through an extensive evaluation as representing best value for money.

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**IR25/022 REQUEST FOR TENDER (RFT) NO. 2425-182 - SEWER  
REHABILITATION AND MAINTENANCE PROGRAM 2025-2029** S029-T00011

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - RFT No. 2425-182 Sewer Rehabilitation and Maintenance Program 2025-2029

Community Goal: 4. Our community has reliable and safe infrastructure networks and community facilities.

Community Strategy: 4.3 Service community with resilient water, waste, sewage, and stormwater infrastructure.

Delivery Program Link: 4.3.2 Provide safe, reliable and sustainable water and sewer services, guided by the Integrated Water Cycle Management Strategy

Operational Plan Link: 4.3.2.3 Deliver programmed capital works (build and renewals) for the sewerage network

## **EXECUTIVE SUMMARY**

Council sought tenders for the sewer rehabilitation and maintenance program for the 2025-2029 financial years. The purpose of the program is to enable routine and emergency maintenance works on Council's sewer and stormwater infrastructure to meet operational and maintenance objectives of Council's Operational Plan and Delivery Program.

Request for Tender (RFT) No. 2425-182 for the Sewer Rehabilitation and Maintenance Program 2025-2029 calls for provision of sewer rehabilitation and maintenance services including:

Part A: Sewer Relining

Part B: Sewer & Stormwater CCTV Inspection & Report

Part C: Sewer & Stormwater Asset Pressure Cleaning

Part D: Manhole Refurbishment

RFT No. 2425-182 was advertised in March 2025 with a closing date of 9 April 2025.

The contract is for a 4 year period (initial 2 year contract with the option for another 2 years) from early 2025 through to 30 June 2029.

Offers were received from eight (8) tenderers and assessed in accordance with the Tender Evaluation Plan and Council's Procurement Policy.

This report outlines the evaluation of offers submitted in response to RFT No. 2425-182 and recommends the preferred tenderers.

## **RECOMMENDATION**

THAT Council:

1. Approves the entering into contractual arrangements with the preferred tenderers for the sewer rehabilitation and maintenance program subject to the terms specified in Request for Tender No. 2425-182 for the Sewer Rehabilitation and Maintenance Program 2025-2029 unless otherwise varied in accordance with this report.

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**IR25/022 REQUEST FOR TENDER (RFT) NO. 2425-182 - SEWER  
REHABILITATION AND MAINTENANCE PROGRAM 2025-2029**

**S029-T00011**

2. Approves the commitments associated with these contractual arrangements and specifically the tendered values as noted in the Confidential Attachment to this report.

### **BACKGROUND**

Council sought tenders for four (4) elements (Parts A-D, E Not used) that together comprise Council's sewer rehabilitation and maintenance program. The purpose of the program is to enable routine and emergency maintenance works on Council's sewer and stormwater infrastructure to meet operational and maintenance objectives of Council's Operational Plan and Delivery Program.

RFT No. 2425-182 for the sewer rehabilitation and maintenance program for 2025-2029 calls for provision of sewer rehabilitation and maintenance services including:

- Part A: Sewer Relining
- Part B: Sewer & Stormwater CCTV Inspection & Report
- Part C: Sewer & Stormwater Asset Pressure Cleaning
- Part D: Manhole Refurbishment

RFT No. 2425-182 was advertised in March 2025 with a closing date of 9 April 2025. The contract is for a 4 year period (initial 2 year contract with the option for another 2 years) from early 2025 to 30 June 2029.

A total of eight (8) Tenderers submitted a Schedule of Rates for one (1) or more Parts of the four (4) Tender Parts.

Offers were assessed in accordance with the Tender Evaluation Plan.

A summary of the evaluation including each tenderer's scoring against the evaluation criteria is provided at the Confidential Attachment to this report.

### **CONSIDERATIONS**

#### **Legal**

RFT No. 2425-182 - Sewer Rehabilitation and Maintenance Program 2025-2029 was advertised in accordance with clause 167 of the Local Government (General) Regulation 2021 and Local Government Act 1993.

Before tender assessment was undertaken a formal Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee (TEC). Declarations of Confidentiality and Conflicts of Interest Forms were completed and signed by the TEC.

The offers submitted by the preferred tenderers have been assessed as the most advantageous tender which represents best value for money for Council due to the company's demonstrated experience, quality of workmanship, and satisfactory price in comparison to the pre-tender estimate.

#### **Policy**

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering,

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**IR25/022 REQUEST FOR TENDER (RFT) NO. 2425-182 - SEWER  
REHABILITATION AND MAINTENANCE PROGRAM 2025-2029** S029-T00011

the Local Government Procurement Guidelines, Local Government (General) Regulation 2021 and the Local Government Act 1993.

**Environmental**

The Sewer Rehabilitation and Maintenance Program will improve the reliability and efficiency of the sewerage system within the Shire, reducing the risk of spills to the environment.

**Asset**

This program will identify and rehabilitate assets within the sewer and stormwater networks that require replacement or rehabilitation. By undertaking routine preventative maintenance across the network, which increases the life of the assets, Council avoids the compounding maintenance burden that an ageing unmaintained network presents into the future.

**Economic Development Employment Potential**

A well maintained, functioning and reliable sewerage system is vital in supporting economic growth and future development potential.

**Financial**

The approved budget for all Parts, which together form the Scope of Works under this Contract, is in the order of \$1.5 million per annum. Therefore, there are sufficient funds to cover Council's contractual commitments, noting that Council is not obliged to request minimum amounts of work from the contractors.

The project is predominantly funded from the Water and Sewerage operational budgets, while the comparatively small portion of stormwater network works are funded from the stormwater renewal budget. As permitted under the Contract, the Scope of Works will be issued based on operational budgets, not the assessed tender amount, which is based on assumed works for the purpose of tender assessment.

**Community and Stakeholder Engagement**

The community will be informed of the tender outcome(s) via Council's contract register found in Council's 'Public Access to Information' web link.

**CONCLUSION**

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the preferred tenderers have been assessed, through an extensive evaluation as representing best value for money.

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**IR25/023 LOCAL TRANSPORT FORUM NO.4 FOR 2025-26**

**S030-T00018**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Local Transport Forum No. 4 for 2025-26 - Minutes and attachments

Community Goal: 4. Our community has reliable and safe infrastructure networks and community facilities.

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

Delivery Program Link: 4.1.1 Advocate for and provide improved, accessible and resilient transport services and infrastructure

Operational Plan Link: 4.1.1.2 Coordinate the Local Traffic Committee

#### **EXECUTIVE SUMMARY**

The Local Transport Forum 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 Transport Forum No. 4 held 13 November 2025 are as follows:

#### **RECOMMENDATION:**

THAT Council:

1. Approves the following acts for determination from Local Transport Forum No. 4 for 2025-26:

**• 2026.RT.010 Peter Crescent, Batehaven, No Parking**

That Council plan 5490-A6-1 to install 'No Parking' signage at Peter Crescent, Batehaven, be approved.

**• 2026.RT.011 Yowani Road, Rosedale, No Stopping**

That Council plan 2155-C-01 to install 'No Stopping' signage at Yowani Road, Rosedale, be approved.

**• 2026.RT.012 Broulee Subdivision**

That plan 3647-5MD-33 to install signs and lines for the Broulee subdivision, Broulee, be approved.

**• 2026.RT.013 Long Beach Subdivision**

That plan ISC0051-20-C220 to install signs and lines for the Long Beach subdivision, Long Beach, be approved.

2. Notes the following items which were endorsed for approval by the Local Transport Forum:

Nothing noted.

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**IR25/023 LOCAL TRANSPORT FORUM NO.4 FOR 2025-26**

**S030-T00018**

The Eurobodalla Local Transport Forum Meeting No 4 for 2025-26 was held on 13 November 2025.

The meeting was attended by Councillor Sharon Winslade (Chair), Daniel Weekes (ESC Traffic Coordinator), Katherine Buttsworth (ESC Road Safety Officer), James Thompson (ESC Transport and Stormwater Engineer), Kelly-Ann Marshall (ESC Surveillance Officer), Brad Ross (Transport for NSW), Emma Phillips (Transport for NSW), Lisa Miller (Member for Bega Representative), Senior Constable Travis Turner (NSW Police), Michael Millikin (ESC Maintenance Coordinator), Tarna Smith (ESC Acting Infrastructure Support Coordinator) and Sheree Ward (ESC Infrastructure Support Officer).

**APOLOGIES**

Councillor Amber Schutz, Thomas Franzen (ESC Division Manager, Technical Services), Scott McNairn (ESC Events Coordinator), Geoff Armstrong (ESC Design Coordinator), Chief Inspector John Sheehan (NSW Police), Senior Sgt Scott Britt (NSW Police), Senior Sgt Angus Duncombe (NSW Police) and Donna Binns (Transport for NSW).

**CONCLUSION**

The minutes of the Eurobodalla Local Transport Forum Meeting No. 4 for 2025-26 are attached to this report and provide further background for the recommendations.

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**CAR25/017 BAY PAVILIONS SERVICE REVIEW OUTCOMES**

**S0026-T00023**

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

Attachments: 1. Under Separate Cover - Morrison Low - Review of Management Models for Bay Pavilions, Narooma and Moruya Aquatic Centre - August 25

Community Goal: 5 We are an engaged community progressive leadership.

Community Strategy: 5.3. Well managed and governed resources systems and processes

Delivery Program Link: 5.3.3 Be an agile organisation that champions continuous improvement through the delivery of a planned program of service reviews

Operational Plan Link: 5.3.3.1 Commence service review of Bay Pavilions

**EXECUTIVE SUMMARY**

The purpose of this report is to present the recommendations of the Bay Pavilions Service Review (The Review) to Council.

The Bay Pavilions was chosen for review as the facility has a significant financial, service delivery and reputational impact on Council and the community.

The Review has enabled Council to holistically address multiple actions from both the Bay Pavilions Sustainability Plan, service review workstream areas and associated outcomes.

Given the current management contract is nearing the end of its term, the Review has also provided a timely opportunity to review the management model and associated tenders/contracts prior to any new tendering process.

A project plan for the Bay Pavilions Service Review was developed and endorsed in July 2025, with 10 workstreams established, meeting regularly to address key components of the Review, as part of a 'whole of Council' approach.

The Review included document reviews, budgets, financial reports, contractor reports and performance data; financial analysis; independent benchmarking and comparative analysis of management models, proposed financials and service delivery options; workstream and sub-group meetings, discussion and analysis.

The Review included an assessment of performance to date, with service delivery statistics, financial performance and improvement data included within this report.

The information, analysis and outcomes identified within each workstream were reviewed and considered individually, and in relation to each other, with the aim of improving the efficiency, effectiveness and financial performance of the Bay Pavilions.

The review has resulted in clear recommendations for a new management model, in-house theatre and meeting room service delivery, the development of tender and contract documents that incorporate the findings of the Review, including commercial opportunities and energy savings, and a more advantageous contract model.

A key outcome of the service review is the proposed solar panel implementation plan, as assessed under workstream 8 (Energy savings). With full implementation this will result in a reduction of up to \$240,000 per year.

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**CAR25/017 BAY PAVILIONS SERVICE REVIEW OUTCOMES**

**S0026-T00023**

The Review findings and recommendations are incorporated into this report.

**RECOMMENDATION**

THAT:

1. Council endorse a one year extension of a modified version of the current contract with Aligned Leisure, from 1 July 2026 to 30 June 2027, for the management of the Bay Pavilions, Moruya and Narooma pools, with:
  - a) the theatre and meeting rooms removed from the contract;
  - b) responsibility for planned and minor maintenance added to the contract;
  - c) the management fee for 2026-2027 set at the 2025-2026 fee plus CPI;
  - d) the General Manager delegated to finalise the contract extension and associated documentation, including agreed performance indicators and profit share agreement for the 2026-2027 year.
2. Council endorse a Council /contractor management model for the Bay Pavilions, with theatre and meeting room components run in-house by Council from 1 July 2026, and aquatic, gym and café components tendered in 2026 for a 1 July 2027 contract commencement date.
3. Council endorse the development of tender and contract documents for contracts to commence from 1 July 2027, including:
  - a) Bay Pavilions aquatic and fitness (gym) facilities;
  - b) Moruya and Narooma swimming centres;
  - c) Food and beverage services at the Bay Pavilions, including the café;
  - d) That the contracts or agreements include responsibility for operational costs and revenues, with final configuration/inclusions determined during tender development. Council remains responsible for asset renewal and capital works.
4. Council endorse a solar panel installation plan for its aquatic facilities.

**BACKGROUND**

The Bay Pavilions is the premier recreational, cultural and community facility in the Eurobodalla shire, with 250,000+ people visiting and enjoying the amenities each year, a 5 star safety accreditation rating, high customer satisfaction ratings and most recently, improvements in financial and service delivery performance.

As a result of the management tender process, concluded in July 2021, Aligned Leisure were appointed to manage the Bay Pavilions under a fee for service contract for three (3) years, with the option for up to two twelve-month contract extensions. The 2025-2026 financial year represents the first twelve-month extension, endorsed by Council in December 2024.

While the Bay Pavilions has proven to be a success, the pre-construction operating estimates, as reported to Council, significantly underestimated the cost of running the facility. This has resulted in the Bay Pavilions being perceived as a financial burden by the community, overshadowing the positive aspects of the services offered and popularity of the facility.

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**CAR25/017 BAY PAVILIONS SERVICE REVIEW OUTCOMES**

**S0026-T00023**

This requires a re-examination. For example, the net cost per visit at the Bay Pavilions, at \$8.40, is lower than the cost per visit at Narooma pool, at \$12.27 and Moruya swimming pool at \$10.57 per visit (excluding depreciation and overheads).

Considering this further, Council runs a range of services that operate at a net 'cost' to the community, including the Eurobodalla Regional Botanic Gardens at \$864,057, 40+ Sporting fields and amenities (including Showground and Coastal headland Walking Trail) at \$652,432 and Tourism promotion services at \$618,367. All figures are based on 2024-2025 (Financial Statements).

A number of reviews have been undertaken of the Bay Pavilions between 2023 and 2025, including:

- Bay Pavilions Financial Performance Review – KPMG, 2023
- Risk report and Risk Register – InConsult, 2023
- Energy Audit – GHD, 2023

The Bay Pavilions Sustainability Plan 2024 includes 25 actions, based on the findings of the external reviews and Council input. To date, 16 of these actions (64%) have been completed or are in the process of being completed.

**Bay Pavilions Service Review**

Council endorsed the Operational Plan 2025-2026 in June 2025, including action 5.3.3.1 *Commence review of Bay Pavilions*. As a result, the Review commenced in July 2025.

To support the Review and provide a 'whole of Council' response, a Project Management Plan was developed and endorsed in July 2025, with a Working Group and 10 workstreams in place.

The project working group workstreams included:

1. Governance and Leadership
2. Project management
3. Communications
4. Management models and financial modelling
5. Tenders and contracts
6. Assessing internal costs
7. In-house service model
8. Energy savings
9. Commercial opportunities
10. Water treatment improvements

Between July and October 2025 the working group held 10 meetings, as well as additional sub-group meetings, with the work undertaken by this team incorporated into this report and recommendations.

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**CAR25/017 BAY PAVILIONS SERVICE REVIEW OUTCOMES**

**S0026-T00023**

**CONSIDERATIONS**

**Current operations and improving performance**

The Bay Pavilions provides aquatic (lap, leisure and warm water pools), gym/fitness, café, gallery space, meeting rooms, theatre, as well as outdoor recreational spaces and waterslides, with Aligned Leisure contracted to manage all aspects of service delivery.

Aligned Leisure provides a monthly report, detailing financial results, membership analysis, program results (aquatic classes, learn to swim etc.), theatre and arts, marketing and promotions, WHS, Closures and cancellations and Customer feedback.

Monthly meetings are held, with Council staff (contract management and finance) meeting with the contractor team.

During the 2024-2025 financial year:

- A total of 283,106 people visited the facility
- 13,926 people attended the theatre, with 52 shows/events provided
- Avg facility membership of 1399
- Swimming lessons 7803
- Fitness passport (pool) 7824
- Fitness passport (gym) 11,046
- Casual aquatics 90,329
- Multi-pass aquatics 5965
- Casual gym 6488

In addition to improving the performance of the contract and associated service delivery and financial outcomes, Council has focused on a range of actions to establish and 'bed in' the new facility, including:

- Finalisation of the extended defects liability period – now completed
- All legacy construction defects completed
- Programmed maintenance agreements in place
- Fire compliance issues addressed and fire certification received
- Facilities Management Information system now operational – used by Council and contractor, with 500+ minor maintenance issues addressed in the last financial year
- Energy efficiency measures implemented and solar energy production being monitored
- Software in place to monitor energy consumption by areas
- Favourable energy and cleaning contracts in place

Improvements in the cleaning and electricity costs, with a significant reduction between the 2023-2024 and 2024-2025 financial years, are detailed in Table 1 and 2.

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**CAR25/017 BAY PAVILIONS SERVICE REVIEW OUTCOMES**

**S0026-T00023**

**Table 1. Cleaning costs**

Cleaning	2023-2024	2024-2025	Saving
	\$472,169	\$328,800	\$143,369

**Table 2. Electricity costs**

Electricity	2023-2024	2024-2025	Saving
	\$824,489	\$691,003	\$133,486

By contrast, with the cessation of the defects liability period and wear and tear from normal operations, planned and minor maintenance costs have increased, reflecting the dynamic nature and complexity of facility operations. This is indicated in Table 3.

**Table 3. Maintenance costs**

Maintenance	2023-2024	2024-2025	Increase
	\$234,691	\$496,504	\$261,813

For the 2025-2026 financial year a budget has been agreed with Aligned Leisure, as well as additional KPIs and profit share options, addressing financial performance, visitation, activation, safety and programming.

#### **Project Working Group and Workstreams**

The Working Group and workstreams considered information and outcomes individually and in relation to each other, as part of a holistic review of the Bay Pavilions.

#### **Workstreams 1-3 Governance and leadership; Project management; Communications**

Workstreams 1-3 concerns governance, project management and communications. The Project Management Plan outlines the governance structure, roles and responsibilities, scope and communications.

#### **Workstream 4 Management models and financial modelling**

As a result of a Request for Quote (RFQ) in February 2025, Morrison Low were engaged to independently assess management models, management scope, service offerings for inclusion, as well as benchmarking in relation to similar local governments. Council varied the RFQ in July to include an analysis of the financial benefit of different models against a range of scenarios. The aim of this process was to ascertain if/when it was more appropriate to run a component/s in-house or via outsourcing.

Detailed analysis was undertaken, with eleven (11) models assessed, scored and considered, as well as a benchmarking exercise against the service offerings of six (6) other councils.

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**CAR25/017 BAY PAVILIONS SERVICE REVIEW OUTCOMES**

**S0026-T00023**

**Workstream 5 Tenders and contracts**

The Morrison Low report recommends separate management treatments for the four activity areas, being:

- a) The Bay Pavilions aquatics and fitness (gym) facilities
- b) The Bay Pavilions theatre and associated arts and community rooms
- c) Food and beverage services for the Bay Pavilions including the café
- d) The Moruya and Narooma swimming pools

Further, the report recommends an in-house theatre, arts and meeting rooms service model, and that Council consider Request for Tenders (RFT) for:

- a) Bay Pavilions aquatic and fitness (gym) facilities
- b) the Moruya and Narooma swimming pools combined
- c) food and beverage services for the Bay Pavilions including the café

As part of this workstream, staff then undertook a RFQ in September 2025, for a consultant to develop tender and contract documents, and then manage the tender process. The review panel has completed this assessment, with the process ready to commence, pending a decision by Council.

Workstream 5 also included an investigation of the costs of separating utility costs and separate operation of facility areas. The team sourced a software program that can identify and separate costs, without the need for separate metering. The software has been installed. The following tables show the costs per area for the 2024-2025 period.

**Table 4. Electricity costs by area 2024-2025**

<b>Whole Facility</b>	<b>kW/used 24/25</b>	<b>%</b>	<b>\$ based on 28.35c kW/h (avg)</b>
Gym	133,649	5.48%	\$ 37,889.49
Pool	1,846,834	75.70%	\$ 523,577.44
Theatre	115,951	4.75%	\$ 32,872.11
Bar	20,968	0.86%	\$ 5,944.43
Kitchen	62,977	2.58%	\$ 17,853.98
Foyer	34,871	1.43%	\$ 9,885.93
Air Handling/ Heat Pumps/ Controls	188,402	7.72%	\$ 53,411.97
External Lighting	35,941	1.47%	\$ 10,189.18
	<b>2,439,593</b>	<b>100%</b>	<b>\$ 691,624.52</b>

*\* Note these are average costs and may vary slightly from the actual billing costs*

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**CAR25/017 BAY PAVILIONS SERVICE REVIEW OUTCOMES**

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**Workstream 6 Assessing internal costs**

Under this workstream, depreciation components were assessed. This process identified that some assets were incorrectly classified as depreciable (e.g. Earthworks). This has resulted in a reduction of \$170,000 from the depreciation cost, which will be adjusted from 2026-2027 onward.

Further assessment of internal costs will be assessed as part of forward budget processes.

**Workstream 7 In-house service model**

The Morrison Low report recommends the direct delivery of the Theatre and associated arts and community rooms by Council.

Morrison Low identified that Council possesses the capability and capacity to operate an arts facility and currently operates a regional gallery and community arts programs.

As a result, consideration of an in-house model for theatre/meeting room service delivery was incorporated into the service review.

The in-house model includes a set of assumptions and a three year budget, as well as a risk assessment and summary transition plan.

The in-house budget has been developed using actual costs provided by the current contractor, as well as financial information provided by other theatres, run by Councils.

**Workstream 8 Energy savings**

The focus of the workstream has been on quantifying the savings to date, identifying a method of separating electricity costs by area and assessing the data, as well as assessing the viability and cost benefit of additional solar panels.

Quotes for solar panels, and an associated solar plan for the roof and carpark, have been sought. The following table outlines the estimated capital cost of installation and solar offset.

**Table 5. Bay Pavilions Solar Plan**

<b>Stage</b>	<b>Items</b>	<b>Current power use</b>	<b>Capacity KW</b>	<b>Cost</b>	<b>Annual Return</b>
<b>Stage 1</b>	<b>Existing position</b>	<b>\$ 691,000.00</b>	<b>100</b>	<b>0</b>	<b>\$ 30,000.00</b>
<b>Stage 2</b>	<b>Additional solar panels on the roof</b>		<b>500</b>	<b>\$ 900,000.00</b>	<b>\$ 150,000.00</b>
<b>Stage 3</b>	<b>Carpark solar (60 car parks)</b>		<b>300</b>	<b>\$ 600,000.00</b>	<b>\$ 90,000.00</b>
<b>Total</b>	<b>Additional savings with Stage 2 &amp; 3</b>		<b>800</b>	<b>\$ 1,500,000.00</b>	<b>\$ 240,000.00</b>

*Please note: figures based on November 2025 quotes*

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**CAR25/017 BAY PAVILIONS SERVICE REVIEW OUTCOMES**

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Solar panels have decreased in price since the GHD report was completed in 2023, making this a much more viable option for the Bay Pavilions.

Further work is also being undertaken to assess electricity costs and solar panel installation at Moruya and Narooma swimming facilities.

**Workstream 9 Commercial opportunities**

Commercial opportunities were explored. The assessment included actions that could be taken now, as well as short, medium and long term actions for consideration. Some of the short term recommendations have already been implemented.

Key outcomes of this process include:

- Gym efficiencies
- Café operation
- Theatre, theatre rooms, community rooms and bar
- Solar panels, including car charging stations
- Commercial options for some spaces/rooms
- Other revenue raising ideas

Recommendations from this workstream will be included in the tender/contract preparation process.

**Workstream 10 Water treatment improvement**

Under this workstream, Council's water team were provided with a range of information, including:

- Bay Pavilions Pool Operations Manual
- Commercial Swimming pool and spa inspection reports for different pool/zones
- Lab results for the swimming pools

Staff visited the site and reviewed the plant room, operations and processes.

Based on this, no further actions were recommended by the workstream team.

**Recommended Approach**

One year extension of the current contract

The proposed timeline for developing new tender and contract documents, as well as conducting a tender process, can not reasonably be achieved prior to 30 June 2026.

Therefore, this report recommends a further one year extension of current contract, in line with contract provisions.

A one year extension will mitigate risk and benefit Council and the community, enabling:

- Time to thoroughly consider and incorporate findings of the Review process into tender/contract documents, including commercial opportunities (profit share, KPIs, leasing/not leasing), electricity/solar panels (included in tender/not included - and why)

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**CAR25/017 BAY PAVILIONS SERVICE REVIEW OUTCOMES**

**S0026-T00023**

- Time to really focus on the implementation and set up of an in-house theatre/ meeting room service prior to 1 July 2026
- Appropriate legal notification to the current contractor, as per the contract
- The ability to assess tender submissions and provide realistic and reasonable transition timeframes for the preferred contractor from 1 July 2027
- Continuity of service for the community, with KPIs and performance targets incorporated into the contract whilst the in-house model and tender process are actioned.

Council/contractor management model

As a result of the Morrison Low review and benchmarking process, a Council/contractor management model is recommended, with Council running the theatre and meeting room components in-house, with aquatic, gym and café services contracted out.

A key finding of the industry case studies of similar councils in the region indicates that the majority of theatre/entertainment spaces are operated in-house.

As part of the rationale for this, Morrison Low has stated that Council has the capacity and capability to operate an arts facility, recognizing that it will be important to operate on a commercial basis. Further, the preferred options analysis conducted by Morrison Low scores this option at 6.8 (highest score), with a 'likely benefit' rating applied.

A detailed in-house model has been developed as part of the service review, with a 3 year budget and sample programming, which demonstrates the viability of an in-house model.

The Council/contractor model enables specialisation, rather than one contractor trying to run a variety of very different services under a single contract.

The separation of energy costs, achieved as part of the service review, is a practical development that also supports the Council/contractor model.

Tender and contract development

Morrison Low recommends three separate tender offerings:

- Bay Pavilions aquatic and gym
- Moruya and Narooma swimming centres
- Café and food and beverage services

The suite of services to be tendered represent a common tender grouping.

The tender and contract documents will consider and incorporate the findings of the Review, maximising financial and service performance opportunities. If endorsed, the tender development process will be largely conducted in the first half of 2026, with the aim of completing the process by October 2026 and appointing a preferred tenderer. Once appointed, a transition plan will be enacted, with the preferred tenderer commencing service delivery seamlessly from 1 July 2027.

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**CAR25/017 BAY PAVILIONS SERVICE REVIEW OUTCOMES**

**S0026-T00023**

The recommended contract will include responsibility for operational costs and revenues to be vested with the contractor (pending final configuration and inclusions), with Council responsible for asset renewal and capital works only.

**Legal**

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

*The Council may, by notice in writing to the Contractor, issues at least sixty (60) days prior to the expiry of the current Term, elect to extend the Term by up to two (2) further periods of twelve (12) months each, on the terms and conditions of this Agreement (including with respect to price).*

The proposed extension of the current contract, representing a second twelve month extension, is in line with this contract provision.

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

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

Council has received written in-principle support from Aligned Leisure for the proposal to extend the contract for an additional year, with modifications. If the recommendation included in this report is endorsed, Council will finalise negotiations, including KPIs and an incentive structure, in line with 2024-2025 inclusions. A formal written agreement with Aligned Leisure would then be prepared and signed.

**Social Impact**

The Bay Pavilions has had a positive social impact, with 250,000+ visitors to the facility annually, significant participation in learn to swim and aquatic classes, a range of arts and cultural activities and increasing use of meeting rooms for community based programs.

**Financial**

Proposed management fee for an additional contract year

The proposed contract management fee for an additional year is based on the current contract term, with the management fee set at the 2025-2026 figure plus CPI (for Bay Pavilions, Moruya and Narooma pools combined). This fee is in the existing forward budget for the three facilities.

Consultant fees

Council conducted a RFQ for a consultancy to conduct an independent assessment of management models and benchmarking. Morrison Low were appointed, at a cost of \$34,357. In July Council varied the RFQ to include financial modelling at an additional cost of \$24,638, for a total cost of \$58,995 (excluding GST).

Identified savings

The Review has resulted in some identified savings as part of the solar plan, proposed for implementation from 2026-2027, with up to \$240,000 achievable (less depreciation and

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**CAR25/017 BAY PAVILIONS SERVICE REVIEW OUTCOMES**

**S0026-T00023**

financial costs). Further work is being undertaken in relation to the Moruya and Narooma swimming centres, with potential further savings possible.

**Community and Stakeholder Engagement**

We will inform the community by providing information on Council's website.

**CONCLUSION**

The Bay Pavilions was chosen for review as the facility has a significant financial, service delivery and reputational impact on Council and the community.

The Review has enabled Council to holistically address multiple actions from both the Bay Pavilions Sustainability Plan, service review workstream areas and associated outcomes.

The Review included 10 workstreams and a project working group that met regularly from July to October 2025.

The Review included document reviews, budgets, financial reports, contractor reports and performance data; financial analysis; independent benchmarking and comparative analysis of management models, proposed financials and service delivery options; workstream and sub-group meetings, discussion and analysis.

The Review included an assessment of performance to date, with service delivery statistics and financial performance and improvement data.

The review has resulted in clear recommendations for a new management model, in-house theatre and meeting room service delivery, the development of tender and contract documents that incorporate the findings of the Review, including commercial opportunities and energy savings, and a more advantageous contract model.

The information, analysis and outcomes identified within each workstream were reviewed and considered individually, and in relation to each other as part of the service review, with the resulting recommendations aimed at improving the efficiency, effectiveness and financial performance of the Bay Pavilions.

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## 17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

## **EUROBODALLA SHIRE COUNCIL**

### **ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST**

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

##### **ETHICAL DECISION MAKING**

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

##### **CONFLICT OF INTEREST**

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

##### **THE TEST FOR CONFLICT OF INTEREST**

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

##### **IDENTIFYING PROBLEMS**

**1st** Do I have private interests affected by a matter I am officially involved in?

**2nd** Is my official role one of influence or perceived influence over the matter?

**3rd** Do my private interests conflict with my official role?

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

#### **AGENCY ADVICE**

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

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

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 (e.g. 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.