



# AGENDA

## Ordinary Meeting of Council

**21 November 2023**

### **Statement of Ethical Obligations**

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



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

**ON TUESDAY 21 NOVEMBER 2023**

**COMMENCING AT 12.30PM**

**AGENDA**

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

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**  
Nil
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 17 October 2023
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
- 6. PUBLIC FORUM**
- 7. MAYORAL REPORTS**  
Nil
- 8. NOTICES OF MOTION**  
Nil
- 9. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
- 10. PETITIONS**  
Nil

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**WARWICK WINN  
GENERAL MANAGER**

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**GMR23/032 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

**S026-T00010**

Responsible Officer: Warwick Winn - General Manager  
Attachments: Nil  
Community Goal: 3 Our region of vibrant places and spaces  
Community Strategy: 3.2 Support diversified industry and thriving businesses  
Delivery Program Link: 3.2.5 Encourage a variety of quality events to drive economic development as guided by the Events Strategy  
Operational Plan Link: 3.2.5.3 Facilitate and promote a sustainable events calendar

**EXECUTIVE SUMMARY**

Council has been approached by the event organiser, Sculpture for Clyde Inc, for financial and in-kind support for the 2024 Sculpture for Clyde event.

Sculpture for Clyde Inc is seeking \$20,000 in financial support for the 2024 Sculpture for Clyde event. Council supported the 2023 event with a \$20,000 cash sponsorship.

The event was a success for the Eurobodalla, with data showing more than 16,000 people attended the event, 86% of whom were visiting from outside the shire.

**RECOMMENDATION**

THAT Council approve the funding request of \$20,000 for the 2024 Sculpture for Clyde event and waive venue hire fees associated with the event for 2024.

**BACKGROUND**

The Sculpture for Clyde event is 10-day exhibition of sculptures presented by local business 'Sculpture for Clyde Inc'. The event is free for the public to attend. Artists from around the country and overseas submit sculptures for the exhibition, vying for a prize this year of \$100,000. Most sculptures are available for sale at the event. The winning sculpture from previous years has been acquired by Council for the Batemans Bay Sculpture Walk, a lasting legacy of this event.

Sculpture for Clyde was first held on the Batemans Bay waterfront in 2017. The event was moved to Willinga Park in the Shoalhaven for subsequent years, with the organiser returning the event to Batemans Bay for the 2023 event, held from 27 May to 4 June.

The exhibition is held on the Clyde River foreshore and adjacent to the Batemans Bay Sculpture Walk.

Council has previously supported the Sculpture for Clyde event. Agenda item PSR23/008 at the Ordinary Meeting of Council of Tuesday 28 February 2023 approved \$20,000 of funding support.

The 2023 Sculpture for Clyde event was a resounding success with a post event report by Localis indicating an impressive 16,310 estimated attendance, with 86% coming from outside the Eurobodalla Shire.

Beyond the economic uplift, the return of the festival to Batemans Bay saw it become a cultural touchstone for the community, showcasing art and fostering social connections among residents. Importantly, the event concluded without any reported incidents, enhancing its

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**GMR23/032 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

**S026-  
T00010**

reputation as a well-managed celebration that enriches the local community in myriad ways. The event supports Eurobodalla's reputation as a burgeoning hub for artistic excellence. Council's sponsorship of the event was well-acknowledged by organisers in all promotions, providing residents and visitors with a positive impression of Council's support for events.

**CONSIDERATIONS**

Sculpture for Clyde Inc. requested assistance in February 2023 to finance relocation of the event from the Shoalhaven to the Clyde River foreshore, Batemans Bay for the 2023 event.

The event organiser submitted budget projections to the Council, underscoring the essential nature of the funding for the successful execution of the event.

Notably the event organiser has increased the acquisition prize value for 2024 to \$100,000, and promotions have already commenced. Sculpture for Clyde embodies goals of Council's Events Strategy by creating unique, high-quality experiences that draw visitors and benefit locals alike. Additionally, the acquisitive prize, added annually to the Batemans Bay sculpture walk, provides a valuable legacy to the shire.

By offering a cultural and artistic experience over multiple days, the event provides flexibility in booking and encourages visitors to stay longer and spend more in Eurobodalla.

Council's support for Sculpture for Clyde and the acknowledged status as a significant regional event provides credibility and certainty for other funders and potential sponsors. In particular, due to changes in NSW Government funding opportunities, which have recently been consolidated, Council's support for the event will provide a greater chance of success for available funding opportunities.

Council's sponsorship of the 2023 event was well acknowledged by event organisers through printed collateral, digital and social media, and media coverage.

**Policy**

The Sculpture for Clyde 2024 event aligns with the current Eurobodalla Tourism Events Strategy by serving as a major attraction that not only boosts tourism but also enriches the cultural fabric of the area. By attracting visitors from outside the shire, the Sculpture for Clyde event amplifies Batemans Bay's reputation as a holiday destination.

The event aligns well with Council's adopted Batemans Bay Waterfront Master Plan (BBWMP) objective of activating the waterfront and making it a destination for both residents and visitors.

Art installations become focal points that enrich the local lifestyle, encouraging both healthy living and community engagement, identified as shared drivers for change in the BBWMP.

The Sculpture for Clyde event aligns with several priorities outlined in the Eurobodalla Public Art Strategy.

**Environmental**

The venue on the Batemans Bay foreshore is not only scenically appropriate but well-sized for the scale of the event, offering ample space for the various sculptures and installations while still allowing for comfortable visitor flow.

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The Sculpture for Clyde event has the advantage of being spread out over a 10-day period, This extended timeframe allows for a more manageable and incremental approach to waste collection and amenities, reducing the burden on local infrastructure and ensuring services are not strained.

The event will benefit from Council's Rapid Response Team, which will be deployed for the 2024 event. Having this specialised team on hand enhances the event's waste management strategy, allowing for swift and efficient handling of any waste or cleaning related issues.

**Social Impact**

The Batemans Bay Waterfront Master Plan and Activation Strategy emphasises the transformation of the waterfront into a vibrant hub that serves both residents and visitors. One of the strategy's key goals is to create a waterfront that acts as a magnet for community activities and tourism.

As a significant cultural event in the Batemans Bay area, Sculpture for Clyde not only brings in a diverse audience but also activates the waterfront, aligning perfectly with the Master Plan's vision of revitalising the area and keeping it bustling with activity during a traditionally quiet time of the year for visitors.

The social benefits of the event also align closely with the Eurobodalla Public Art Strategy. Specifically, Priority Actions M3 and M10 encourage the extension of public art into natural environments and the promotion of contemporary art practices.

The event provides a unique platform for artists while fostering community cohesion. According to Priority Action O14, cultural initiatives like this can significantly enhance the community's well-being, while offering rich opportunities for partnerships that benefit the cultural landscape of the region.

Council's sponsorship of the 2023 event was well acknowledged by event organisers, providing residents and visitors with a positive impression of Council's support for events.

**Economic Development Employment Potential**

The Sculpture for Clyde event presents economic development and employment opportunities for Batemans Bay and the broader Eurobodalla region through increased visitation, noting Localis data indicates 86% of the 16,300 visitors were from outside the shire.

By attracting a diverse range of visitors the event could stimulate consumer spending in retail, hospitality, and accommodation sectors, thereby boosting local business revenues.

Local accommodation providers and hospitality businesses reported being at capacity during the 2023 event.

**Financial**

Financial assistance to Sculpture for Clyde 2024 event has not been included in Council's published 2023-24 budget. Funds will be sourced from within the existing events operational budget.

Providing funding for the event will include a \$20,000 financial contribution as well as a waiver of venue fees of \$8,074.00.

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**Community and Stakeholder Engagement**

Developed through comprehensive community stakeholder engagement using a variety of methods such as meetings, workshops, and surveys, the Batemans Bay Waterfront Master Plan and Activation Strategy effectively captures the needs and aspirations of local residents and businesses, serving as a community-centred framework for the future development of Batemans Bay's waterfront.

In line with this, the Sculpture for Clyde event stands as a prime example of how these community needs can be met. As a major attraction that enriches the area's artistic and environmental landscape, the event not only activates the Batemans Bay waterfront but also directly addresses the community's expressed needs and aspirations.

Through its various sculpture displays and opportunities for community involvement, the event significantly contributes to achieving the goals set out in the Master Plan, and goals within Council's Events Strategy, which is due for renewal in the coming 12 months.

As an event sponsor, Council will promote the Sculpture for Clyde event through its media channels in the lead-up to and during the event.

**CONCLUSION**

The Sculpture for Clyde event presents a multifaceted opportunity for Batemans Bay and the broader Eurobodalla Shire.

Economically, the event will boost local businesses at a traditionally quieter time of the year and create employment opportunities. Socially, it offers a platform for cultural engagement and community connections for Eurobodalla residents and visitors.

Given these benefits and the increased costs associated with delivering a major event, it is recommended that the Council approve the funding request of \$20,000 for the 2024 Sculpture for Clyde event and waive venue hire fees associated with the event for 2024. Funds have been identified within existing operational budgets.

This financial support would secure the event's future, contributing to the social, cultural, and economic vitality of the region.



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**PSR23/041 PLANNING PROPOSAL TO RECLASSIFY COMMUNITY LAND TO  
OPERATIONAL LAND- AMENDMENT 19**

**S017-  
T00008**

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

Attachments:

1. Under Separate Cover - Amended Planning Proposal 19 -  
Reclassification of Council land
2. Under Separate Cover - Submissions Summary Report
3. Under Separate Cover - Bushfire Assessment (Banyandah Street)
4. Under Separate Cover - Bushfire Assessment (Village Road)
5. Under Separate Cover - Flora and Fauna Assessment
6. Under Separate Cover - Public Hearing Report
7. Under Separate Cover - Confidential - Submissions
8. Under Separate Cover - Confidential - Objections received prior to  
public exhibition

Community Goal: 3 Our region of vibrant places and spaces

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

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

Operational Plan Link: 3.1.1.3 Conduct ongoing reviews and update planning controls

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council endorsement of the Planning Proposal to amend  
the *Eurobodalla Local Environmental Plan 2012*.

Planning Proposal 19 proposes amendments to the *Eurobodalla Local Environmental Plan 2012*  
(Eurobodalla LEP 2012) involving the reclassification of community land to operational land. For  
some items, the Planning Proposal also proposes changes to zoning, minimum lot size and  
height of buildings, and where part of a lot is to be reclassified, changes to the Part Lot  
Reclassification Map are proposed. This report also seeks approval to sell part or all of 10 of the  
lots being reclassified.

A total of 126 submissions were received during public exhibition of the Planning Proposal from  
8 March to 5 April 2023. Two late submissions were also received. All submissions are attached  
for Council's consideration. Issues raised in submissions have been addressed in a Submissions  
Report (attached) and summarised in Table 1.

A public hearing was held on Thursday 4 May 2023. Approximately 40 people attended, with  
27 registered to speak. A public hearing report (attached) was prepared by Mr Garret Barry,  
the independent planning consultant who chaired the hearing and this was made available on  
Council's website in August 2023.

Bushfire and flora and fauna assessments were completed as requested by agency submissions.  
These assessments (attached) were made available on [Council's website](#) in September 2023.

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Only minor changes were made to the Planning Proposal. Changes are administrative and do not change the intent of the Planning Proposal as exhibited. The amended Planning Proposal is attached.

The NSW Minister for Planning is the Local Plan Making Authority for this Planning Proposal. Where Council supports proceeding (with all or part of the Planning Proposal), the decision will be forwarded to the NSW Government for final consideration and to make the changes to the Eurobodalla LEP 2012.

If the NSW Government makes the changes to the Eurobodalla LEP 2012, this report also seeks approval to proceed with the sale of land that would be reclassified by this planning proposal (except for item 10 that is not proposed to be sold).

**RECOMMENDATION**

THAT:

1. Council acknowledges all submissions to the Planning Proposal have been considered.
2. Council endorses the attached Planning Proposal to amend the *Eurobodalla Local Environmental Plan 2012*.
3. Council notifies the NSW Department of Planning and Environment of the outcome and request the amendments are made to the Eurobodalla LEP 2012.
4. If the NSW Department of Planning and Environment makes amendments to the Eurobodalla LEP 2012 to reclassify land to operational, Council proceed with the sale of the following land:
  - (a) Item 1, Part of Lot 1110 DP236653 (35-37 Illabunda Drive, Malua Bay)
  - (b) Item 2, Lot 84 in DP 259212, Village Road and Banyandah Street, South Durras
  - (c) Item 3, Part of Lot 32 DP 618340, 4 Bimbular Street, Dalmeny
  - (d) Item 4, Part of Lot 2 DP 570760 and Part of Lot 4 DP 572585, Beach Road, Batehaven
  - (e) Item 5, Part of Lot 2 DP1014254, George Bass Drive, Batehaven
  - (f) Item 6, Lot 170 DP 569136, Fauna Ave, Long Beach
  - (g) Item 7, Part of Lot 109 DP 244150, Catalina Drive, Catalina
  - (h) Item 8, Part of Lot 2 DP 1260850, Ridge Street, Catalina
  - (i) Item 9, Lot 5 DP520413 and Part of Lot C DP 327917, Beach Road, Batehaven
  - (j) Item 11, Part of Lot 74 DP 776541, 9 Moir Place, Broulee

**BACKGROUND**

Reclassification of community land to operational land requires a Planning Proposal to amend the *Eurobodalla Local Environmental Plan 2012* (LEP 2012). To sell land reclassified, a Council resolution is specifically required to approve this. The Planning Proposal includes eleven (11) sites proposed to be reclassified from community to operational land made up of:

- seven (7) small sites that adjacent property owners wish to purchase.

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OPERATIONAL LAND- AMENDMENT 19**

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- three (3) sites are recommended to be reclassified and sold in accordance with Council's Recreation and Open Space Strategy because they are considered surplus to public need.
- one (1) site relating to land with existing Council telecommunications infrastructure on a public reserve. Reclassification would recognise and facilitate the existing operational use of a portion of land with existing infrastructure. This site is not proposed to be sold.

The Planning Proposal was endorsed by Council on 23 August 2022 to seek Gateway Determination from the NSW Government and undertake public exhibition and consultation with relevant agencies.

A Gateway Determination was received on 22 December 2022, requiring Council to amend the Planning Proposal to address Ministerial Direction 4.4 Remediation of Contaminated Land and then to publicly exhibit the Planning Proposal for a period of 20 days and consult with the following agencies and organisations:

- Department of Planning and Environment, (DPE) Biodiversity and Conservation Division
- NSW Rural Fire Service
- Telstra

The Planning Proposal was amended as required, public exhibition took place from 8 March to 5 April 2023 and the above organisations were consulted.

## **CONSIDERATIONS**

### Submission Issues and Responses

A total of 126 submissions were received during public exhibition of the Planning Proposal from 8 March to 5 April 2023. Two late submissions were also received. All submissions are attached for Council's consideration. Issues raised in submissions have been addressed in a Submissions Report (attached). This has been summarised in Table 1. There were no submissions related to:

- Item 4 Beach Road, Batehaven
- Item 5 George Bass Drive, Batehaven
- Item 8 Ridge Street, Catalina
- Item 9 Beach Road, Batehaven

Five objections to Item 1 Illabunda Drive, Malua Bay, and one objection to Item 11 Moir Place, Broulee were also received between September 2022 and February 2023. These were received from the same people or groups that made submissions during the public exhibition period and raise the same issues. They are also attached for Council consideration.

**PSR23/041 PLANNING PROPOSAL TO RECLASSIFY COMMUNITY LAND TO  
OPERATIONAL LAND- AMENDMENT 19**

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**Table 1: Summary of key issues raised in submissions to the Planning Proposal and response**

<b>Context</b>	<b>Key issues raised</b>	<b>Response</b>
<b>General</b>	Opposition to the sale of community land	The <i>Local Government Act 1993</i> provides for councils to propose the reclassification of community land for sale.
<b>General</b>	The land is not surplus to community needs	Council adopted the Recreation and Open Space Strategy in 2018. This identified land that was surplus to public need. The Planning Proposal is enacting that conclusion.
<b>General</b>	Doubt about the economic benefits of the proposal	Council will obtain fair market price for the lands.
<b>General</b>	Lack of consultation	<p>Council has followed the requirements of the relevant legislation and Council's <a href="#">Community Engagement Strategy</a> in relation to the preparation and community consultation of a planning proposal. This included public exhibition of the planning proposal for 28 days and a public hearing.</p> <p>Council also implemented a wide-ranging community engagement process in 2016 to inform the Recreation and Open Space Strategy (ROSS), including community workshops; general sporting and recreational group surveys; school visits; school principal surveys; and discussions with relevant Council committees and divisions. Over 400 individuals and 20 sporting and community groups provided information and feedback in this way.</p> <p>The Strategy was placed on public exhibition from 27 September to 24 October 2017. At the Council Meeting on 24 October 2017 Council extended the exhibition period for a further 21 days to maximise the opportunity for community input. The exhibition period closed on 14 November 2017 with 173 public and 16 internal submissions being received. To further understand and report accurately on the submissions and enquiries received, staff conducted a further eleven community meetings with sporting organisations; Chambers of Commerce; community groups; and local school staff between November 2017 and January 2018. Council received further items of correspondence relating to the Strategy outside of the exhibition period. All submissions and related correspondence, including those received</p>

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Context	Key issues raised	Response
		<p>after 14 November 2017, were acknowledged and the writers informed of the Council meeting date and processes.</p>
<p><b>Item 1 – Illabunda Drive, Malua Bay (48 Submissions)</b></p>	<p>Loss of green space, environmental impact and impact on coastal amenity, character, and views.</p>	<p>The proposed reclassification for sale of the land is consistent with the recommendations of Council’s Recreation and Open Space Strategy 2018. The social impacts of the proposal are minor. The proposed reclassification is only for part of the block and does not include the area of the land containing bushland and a watercourse, which will remain as community land and be conserved as such.</p> <p>The Planning Proposal also acknowledged that future residential development on the site is likely to have some impact on existing coastal views from the adjacent property to the west and that assessment of such impacts will be undertaken at the development application stage. It is acknowledged that the future development of the land will change its appearance as compared to open space, however this does not mean that the overall character of the place will be changed significantly.</p>
<p><b>Item 2 – Village Road, South Durras (51 Submissions including 1 in support)</b></p>	<p>Loss of habitat and wildlife corridor, loss of pedestrian connection, impact of development on adjoining land and bushfire risk, character of place would be impacted.</p>	<p>The proposed reclassification for sale of the land is consistent with the recommendations of Council’s Recreation and Open Space Strategy 2018.</p> <p>There are sufficient alternative and direct pedestrian connection options available to residents.</p> <p>A flora and fauna assessment found environmental impacts that would result from potential future development facilitated by the Planning Proposal, are acceptable. Developments by future landowners will require more detailed environmental assessment in accordance with relevant legislation including the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Biodiversity Conservation Act 2016</i>.</p> <p>It is acknowledged that the future development of the land will change its appearance as compared to open space, however this does not mean that the overall character of the place will be changed significantly. The proposed minimum lot size and maximum building heights for the land are the same as for surrounding residential land in South Durras. The impact of any proposed development on the</p>

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Context	Key issues raised	Response
		<p>character of the place will be assessed at the development application stage.</p> <p>A Bushfire Protection Assessment of the land was provided to Council on 28 August 2023. The report concluded that development of the land can comply with <i>Planning for Bushfire Protection 2019</i>.</p>
<p><b>Item 3 – Bimbular Street, Dalmeny (2 Submissions)</b></p>	<p>Limits future use of recreation facility.</p>	<p>The area proposed for reclassification is very small and unlikely to limit future use options and will not affect use of or access through this area.</p>
<p><b>Item 4, Beach Road, Batehaven (0 Submissions)</b></p>	<p>n/a</p>	<p>n/a</p>
<p><b>Item 5, George Bass Drive, Batehaven (0 Submissions)</b></p>	<p>n/a</p>	<p>n/a</p>
<p><b>Item 6 – Fauna Avenue, Long Beach (18 Submissions)</b></p>	<p>Loss of habitat and wildlife corridor, precedence Refers to Pretty Bay reserve as a substitute for the social and community amenity of the Fauna Ave reserve.</p>	<p>The area proposed for reclassification and sale is small, mostly cleared and at the edge of the reserve. The proposal will not have a significant impact on the wildlife corridor. The proposal makes a relatively small change to the size of the C2 zoned area, reducing it by only 3.7%. There are no other similar small lots in the reserve. It is therefore considered that the proposal does not set a precedent for further requests.</p> <p>The reference to Pretty Bay is an error and has been updated in the Planning Proposal.</p>
<p><b>Item 7 – Catalina Drive, Catalina (2 Submissions)</b></p>	<p>Object to development of the reserve</p>	<p>Only a small part of the reserve (0.27%) is proposed to be reclassified. The purpose of the reclassification is to rectify a driveway encroachment. No development of this small area is proposed.</p>
<p><b>Item 8 – Ridge Street, Catalina (0 Submissions)</b></p>	<p>n/a</p>	<p>n/a</p>
<p><b>Item 9 –</b></p>	<p>n/a</p>	<p>n/a</p>

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<b>Context</b>	<b>Key issues raised</b>	<b>Response</b>
<b>Beach Road, Batehaven (0 Submissions)</b>		
<b>Item 10 – Blairs Road, Long Beach (2 Submissions)</b>	Object to further development and fencing of reserve, notify community of sale of land in the future	There is no proposal for further development of this site or for fencing. Council has no plans to sell this land if reclassified to operational land. Council would need resolve to sell operational land at a future Council meeting.
<b>Item 11 – Moir Place, Broulee (5 Submissions)</b>	Loss of habitat and wildlife corridor, retention of pathway Refers to retaining the existing vegetation along the northern boundary of the property as community land and zoned C2 – Environmental Conservation.	The proposed reclassification for sale of part of the land is consistent with the recommendations of Council’s Recreation and Open Space Strategy. A 6m pathway approximately in the centre of the block will be retained as community land providing sufficient room for community access. The remaining portions could only be sold to adjoining landowners. A flora and fauna assessment found environmental impacts that would result from potential future development facilitated by the Planning Proposal, are acceptable. Developments by future landowners will require more detailed environmental assessment in accordance with relevant legislation including the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Biodiversity Conservation Act 2016</i> . The Planning Proposal incorrectly referred to retaining vegetation along the northern boundary and the Planning Proposal has been updated accordingly.
<b>NSW Rural Fire Service</b>	A bushfire assessment should be undertaken for Item 2	Completed and concluded that dwellings can be achieved on the site.
<b>NSW Department of Planning and Environment –</b>	Flora and fauna assessments should be undertaken for Items 2 and 11.	A flora and fauna assessment found environmental impacts that would result from potential future development facilitated by the Planning Proposal, are acceptable. Developments by future landowners will require more detailed environmental assessment in accordance with relevant legislation including the

**PSR23/041 PLANNING PROPOSAL TO RECLASSIFY COMMUNITY LAND TO  
OPERATIONAL LAND- AMENDMENT 19**

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Context	Key issues raised	Response
<b>Biodiversity and Conservation Division</b>		<i>Environmental Planning and Assessment Act 1979 and the Biodiversity Conservation Act 2016.</i>
<b>Telstra</b>	No submission received.	n/a

A public hearing was held on Thursday 4 May 2023. Approximately 40 people attended, with 27 registered to speak. A public hearing report was prepared by Mr Garret Barry, the independent planning consultant who chaired the hearing, and made available on Council's website in August 2023. The recommendations in the public hearing report are summarised in Table 2.

The public hearing report recommends not proceeding with reclassification of Items 6 (Lot 170 DP 569136, Fauna Ave, Long Beach) and Item 11 (Part of Lot 74 DP 776541, 9 Moir Place, Broulee). The *Local Government Act 1993* provides for councils to propose the reclassification of community land for sale via a planning proposal process. This report recommends proceeding with the planning proposal as exhibited because there is potential for income if sold to adjoining landholders at market price and:

- Regarding item 6 (Lot 170 DP 569136, Fauna Ave, Long Beach):
  - The site 3.7% of the reserve overall.
  - Reclassification and sale will not adversely reduce public access to open space.
  - The site has minimal biodiversity value.
  - The site is a mown area already managed by adjoining owners.
- Regarding item 11 (Part of Lot 74 DP 776541, 9 Moir Place, Broulee):
  - The Recreation and Open Space Strategy identified the land as surplus to community needs.
  - The subject land contains remnant vegetation including large eucalyptus trees and gardens already managed by adjoining owners.
  - A flora and fauna assessment found the vegetation is in a highly modified state, very susceptible to edge effects due to the small area and encumbered with an infrastructure sewer pipe constraint.
  - Pedestrian connectivity in the centre of the land that will remain community land and provide future pedestrian access.
  - There is a potentially positive long-term outcome if future adjoining owners would like to increase their land area for private open space.



**PSR23/041 PLANNING PROPOSAL TO RECLASSIFY COMMUNITY LAND TO  
OPERATIONAL LAND- AMENDMENT 19**

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**Table 2: Recommendations made by the independent planner in the public hearing report**

<b>Item</b>	<b>Recommendation by independent planner</b>
Item 1, Part of Lot 1110 DP236653 (35-37 Illabunda Drive, Malua Bay)	Reclassification supported if Council considers the view impact acceptable.
Item 2, Lot 84 in DP 259212, Village Road and Banyandah Street, South Durras	Reclassification supported if the biodiversity impacts of clearing most of the lot are acceptable.
Item 3, Part of Lot 32 DP 618340, 4 Bimbular Street, Dalmeny	No representation made, and therefore no recommendation made.
Item 4, Part of Lot 2 DP 570760 and Part of Lot 4 DP 572585, Beach Road, Batehaven	Reclassification supported.
Item 5, Part of Lot 2 DP1014254, George Bass Drive, Batehaven	No representation made, and therefore no recommendation made.
Item 6, Lot 170 DP 569136, Fauna Ave, Long Beach	While the site raises few issues, reclassification is not strongly justified. Recommended the land remain community land and is not reclassified.
Item 7, Part of Lot 109 DP 244150, Catalina Drive, Catalina	Reclassification supported if Council considers the encroachment justified.
Item 8, Part of Lot 2 DP 1260850, Ridge Street, Catalina	No representation made, and therefore no recommendation made.
Item 9, Lot 5 DP520413 and Part of Lot C DP 327917, Beach Road, Batehaven	No representation made, and therefore no recommendation made.
Item 10, Lot 56 DP 84895, Blairs Road, Long Beach	No representation made, and therefore no recommendation made.
Item 11, Part of Lot 74 DP 776541, 9 Moir Place, Broulee	Reclassification is not strongly justified. Recommended the land remain community land and is not reclassified.

**Legal**

The Planning Proposal has been developed in accordance with the Department of Planning and Environment's guidelines for preparing planning proposals.

A Gateway Determination was received by Council on 22 December 2022. The Planning Proposal was amended, and public exhibition and consultation took place as required by the Gateway Determination.

In accordance with the requirements of Section 29 of the *Local Government Act 1993*, a public hearing is required to be held into a Council's proposal to reclassify community land as operational land. A public hearing was held on Thursday 4 May 2023.

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**PSR23/041 PLANNING PROPOSAL TO RECLASSIFY COMMUNITY LAND TO  
OPERATIONAL LAND- AMENDMENT 19**

**S017-  
T00008**

**Policy**

The Planning Proposal is consistent with Eurobodalla Council's adopted Recreation and Open Space Strategy 2018.

**Environmental**

Where required, flora and fauna assessments have been undertaken to address the environmental impact of the proposed reclassifications. The assessment found environmental impacts that would result from potential future development facilitated by the Planning Proposal area acceptable. Developments by future landowners will require more detailed environmental assessment in accordance with relevant legislation including the *Environmental Planning and Assessment Act 1979* and the *Biodiversity Conservation Act 2016*.

**Asset**

The proposed reclassification and sale of lands would result in a reduction in the number of land assets owned and managed by Council and associated land management eg., bushfire management.

**Social Impact**

The proposed reclassification and sale of lands will have some social impacts, through loss of open space and recreational opportunities. However, the extent of the impact is considered minor and will be offset by improvements in other recreational assets across the Shire. Further the Recreation and Open Space Strategy 2018 identified the following areas of open space as surplus to public need:

- Item 1, Part of Lot 1110 DP236653 (35-37 Illabunda Drive, Malua Bay)
- Item 2, Lot 84 in DP 259212, Village Road and Banyandah Street, South Durras
- Item 11, Part of Lot 74 DP 776541, 9 Moir Place, Broulee

**Economic Development Employment Potential**

The proposed reclassification and sale of lands will have potential positive economic impacts through the possible construction of new residential development.

**Financial**

The proposed reclassifications and sale of lands would have a minor positive impact on Council's maintenance budget and provide additional funds to reduce Council's financial liabilities.

**Community and Stakeholder Engagement**

Community and stakeholder engagement was in accordance with Council's adopted [Community Engagement Strategy](#), Section 29 of the *Local Government Act 1993*, Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the NSW Government's Gateway Determination.

Public exhibition of the Planning Proposal was from 8 March to 5 April 2023. A public hearing was held on Thursday 4 May 2023.

Notification about the public exhibition and public hearing for this Planning Proposal included:

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**PSR23/041 PLANNING PROPOSAL TO RECLASSIFY COMMUNITY LAND TO  
OPERATIONAL LAND- AMENDMENT 19**

**S017-  
T00008**

- Information on Council's website and the Planning Portal
- Letters to landholders adjoining the land proposed to be reclassified (this includes landholders immediately across the road)
- Emails to community associations in the vicinity of sites eg, Broulee Mossy Point Community Association
- Emails to previously interested stakeholders, including everyone who contacted Council when the report was considered and endorsed at a Council meeting on 23 August 2023
- Emails to landholders who requested to purchase sites from Council
- Notification in the Bay Post-Moruya Examiner and Narooma News
- Emails to DPE Biodiversity and Conservation Division, NSW Rural Fire Service and Telstra.

**CONCLUSION**

The amended Planning Proposal is attached. No substantive changes to the Planning Proposal were made in response to the issues raised in submissions, public hearing or technical studies. Changes are administrative and do not change the intent of the Planning Proposal as exhibited.

Potential impacts to the environment and/or community are considered acceptable, and sale of lands at market price can lead to an income for Council that can be reinvested in projects that benefit the wider community.

The NSW Minister for Planning is the Local Plan Making Authority for this Planning Proposal. It is recommended that Council endorse the final Planning Proposal (attached) and forward the decision to the NSW Government to make the final decision about whether to amend the Eurobodalla LEP 2012.

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**PSR23/042 CONGO ROAD NORTH**

**S028-T00001**

- Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
- Attachments:
1. Under Separate Cover - Confidential - Supportive Submissions
  2. Under Separate Cover - Confidential - Objecting submissions
  3. Under Separate Cover - Confidential - Other submissions
  4. Under Separate Cover - Confidential - Legal Advice on Redefinition
  5. Confidential - Legal Advice on Submission
  6. Confidential - Letter from Dept of Mining, Exploration and Geoscience
  7. Under Separate Cover - Survey Plan P-FY20232074
- Community Goal: 4 Our connected community through reliable and safe infrastructure networks
- Community Strategy: 4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla
- Delivery Program Link: 4.1.1 Plan for an integrated and active local transport network, guided by the NSW Government's Future Transport 2056 Strategy
- Operational Plan Link: 4.1.1.1 Plan for a safe, efficient and integrated transport network that meets current and future needs

**EXECUTIVE SUMMARY**

The purpose of this report is to allow Council to consider submissions received on this matter and decide whether to approve the survey plan No. P-FY20232074 dated 9 August 2023, either with or without alteration, pursuant to section 21 of the Roads Act 1993.

**RECOMMENDATION**

THAT:

1. Council notes it has considered all submissions that have been duly made with respect to the proposed boundaries identified in survey plan No. P-FY20232074
2. Council approves survey plan No. P-FY20232074 without alteration and lodges the survey plan with the Registrar General for registration.
3. Council delegates authority to the General Manager to execute all necessary documentation to give effect to this resolution.

**BACKGROUND**

Congo Road North, in part, runs through private property (Lot 197 DP752151) as indicated in the plan attached to this report. Council and the landowner have been corresponding about various matters relating to the road for over 25 years.

A section of road running through private property was closed to the public in late 2021 following concerns raised by the landowner about the risks of injury to members of the public and the potential liability resting with the landowner.

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**PSR23/042 CONGO ROAD NORTH**

**S028-T00001**

At the Council meeting on 23 May 2023, it was resolved that Council:

- 1. Applies to Crown Lands to transfer the undefined Crown Road that dissects Lot 197 DP752151 to Council so that Council becomes the Roads Authority.*
- 2. After the undefined Crown Road has been transferred to Council, commence the process to identify the boundaries of the public road over the formed "track in use" in accordance with sections 18-21 of the Roads Act 1993 (including causing surveys to be carried out to identify the boundaries of the public road and publishing notice of the proposed boundaries).*
- 3. Receive a further report on the matter following public notification of the proposed boundaries to enable the Council to consider any submissions received as required by section 20 of the Roads Act 1993 and to make a decision under section 21 of the Roads Act 1993 whether to approve the survey plan, either with or without alteration.*

In accordance with the above resolution:

- (1) The undefined Crown Road was transferred to Council under section 152I of the *Roads Act 1993*.
- (2) A survey to identify the boundaries of the public road has been undertaken and is attached to this report; and
- (3) Public notice of the proposed boundaries was undertaken between 13 September 2023 and 12 October 2023 in accordance with section 19 of the *Roads Act 1993*.

Council received 83 submissions in total during the public notification period. Seventy two were supportive submissions and two submissions objecting were received. Nine other submissions were received which were not categorically for or against the proposed boundaries.

The purpose of this report is to allow Council to consider the submissions received about the proposed boundaries and decide whether to approve the survey plan No. P-FY20232074, either with or without alteration.

### **CONSIDERATIONS**

Council has been attempting to resolve this issue in consultation with the landowner and the community for over 25 years without success. A range of alternative options, including different locations for the road, have been considered however environmental, financial and operational issues have led to the proposed alternatives not considered viable.

### **Legal**

The option to define the boundaries of the public road is available under Sections 18-21 of the Roads Act 1993 with the process being:

- 1. A roads authority may cause a survey to be carried out to identify the boundaries of a public road if those boundaries have not been previously properly identified or if the survey marks used to identify those boundaries cannot be properly located or ascertained.*
- 2. On completing the survey, the roads authority must cause notice of the proposed boundaries to be published in a local newspaper and also served on the owner of each parcel of land affected by the proposed boundaries. Section 19 of the Roads Act 1993 prescribes the requirements for the form of the public notice.*

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**PSR23/042 CONGO ROAD NORTH**

**S028-T00001**

3. *Any person may make submissions to the roads authority about the proposed boundaries indicated by the survey plan*
4. *The roads authority must consider any submissions duly made*
5. *After considering the submissions, the roads authority may approve the survey plan, either with or without alteration*
6. *If approved, the roads authority must lodge the survey plan with the Registrar-General for registration*
7. *On registration, the boundaries identified by the survey plan become the boundaries of the public road.*
8. *No compensation is payable to any person with respect to any loss or damage arising from the operation of section 21 of the Roads Act 1993.*

Pursuant to section 21, Council is now required to consider any submissions that have been duly made about the proposed boundaries and decide whether to approve the survey plan, either with or without alteration.

A copy of legal advice Council has received about identifying the boundaries of the public road under sections 18 – 21 of the Roads Act 1993 is attached as a confidential attachment to this report.

Council has engaged with Land Registry Services (LRS) to confirm that it is open to Council to identify and register the boundaries of the public road under sections 18-21 of the Roads Act 1993 in the manner proposed.

**Environmental**

If the survey plan of the road is registered as proposed, Council will need to remove the previously identified 9 trees prior to the public being able to use the road. This has been identified in a risk assessment previously carried out in accordance with Austroads guidelines to address the safety and liability issues identified before the access to the road was closed by the landowner. Prior to the removal of any trees, Council staff will carry out an updated risk assessment and, subject to the requirements of Council's policies and the relevant provisions of the *Roads Act 1993*, carry out an environmental assessment if required by the *Environmental Planning and Assessment Act 1979*.

**Asset**

Council would need to undertake physical works on the land before the road could be used by the public. This would include removing barriers, the previously identified nine trees and grading the road.

After this, the next step would be upgrading the road to a standard unsealed road quality, with proper drainage and a resheet of gravel. This would be conducted as part of Council's ongoing works program.

To upgrade the road to a sealed road standard would be subject to future funding considerations.

As outlined above, prior to carrying out any tree works, Council staff will carry out an updated risk assessment and, subject to the requirements of Council's policies and the relevant

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**PSR23/042 CONGO ROAD NORTH**

**S028-T00001**

provisions of the *Roads Act 1993*, carry out an environmental assessment if required by the *Environmental Planning and Assessment Act 1979*.

**Social Impact**

In consideration of all matters including all submissions received, proceeding as recommended is anticipated to have a positive social impact for Congo residents who have expressed their desire to have public access to the road reinstated for a range of reasons. The inability to use the road has caused distress to residents, for example, when a recent catastrophic Fire Danger rating was declared.

**Financial**

This solution is proposed to be the most financially efficient to restore access to Congo from the north.

It is noted that Crown Lands funded half of the survey costs.

Other costs associated with progressing with the registration can be met within existing budgets.

If the survey of the road is registered as proposed it is estimated that a budget of \$50,000 would be required in order to remove the trees, grade and make good the road prior to allowing the public to use the road.

**Community and Stakeholder Engagement**

Council has kept the owners of Lot 197 DP752151, the Congo Community Association and members of the Congo Community updated on progress on this matter.

Section 19 of the *Roads Act 1993* required public notification of the proposed boundaries to occur and for Council to notify the affected landowners.

Public notice of the proposed boundaries, including notification in a local newspaper and on Council's website and notice to the owner of each parcel of the land affected by the proposed boundaries, was undertaken between 13 September 2023 and 12 October 2023 in accordance with section 19 of the *Roads Act 1993*.

Council received 83 submissions in total during the public notification period. *Submissions which may be duplicates are included*. All submissions were provided to Councillors on 27 October 2023 and are provided with this report as confidential attachments.

In Summary:

*Supportive Submissions*

72 submissions supported the proposal and go to matters which include:

- General support for the proposed boundaries.
- Safety (bushfire and road related).
- Other social benefits of re-establishing access to Congo from the north

Many submissions raised the need for northern access to be re-established quickly because of the risk of the current bushfire season.

**PSR23/042 CONGO ROAD NORTH**

**S028-T00001**

Council notes the benefits identified in submissions but clarifies that in the event that the proposed boundaries are endorsed by Council, further activities are required before the road can be used by the public. Such activities will not be completed within the current calendar year.

*Other submissions*

9 submissions were received which were not categorically for or against the proposed boundaries. The principle issues raised in these submissions and Council's comments are shown in the table below:

<b>Submission</b>	<b>Council comments</b>
The speed limit should be reduced when public use of the road is reinstated to improve safety	Speed zones are set by Transport for NSW. If the survey plan is registered, Council will consult with TfNSW as required. Any changes to the speed limit would have to be approved by this agency. Council will review existing signage and upgrade signage as required to manage safety including speed advisory signs as required.
Trees or vegetation should not be removed. Council should explore alternative options.	A risk assessment was carried out in accordance with Austroads guidelines. Council staff carefully considered the existing vegetation with regard to the alignment, with a view to minimising the environmental impact. Every effort was made to minimise the number of trees requiring removal, in particular large mature trees. The road works and tree removal outlined is considered the minimum works required to reduce the road user risk to an appropriate level. By doing so the overall impact on the environment through the removal of trees has been minimized. Whilst it is not expected that there will have been a significant change, if the survey plan is registered, Council staff will carry out an updated risk assessment and, subject to the requirements of Council's policies and the relevant provisions of the <i>Roads Act 1993</i> , carry out an environmental assessment if required by the <i>Environmental Planning and Assessment Act 1979</i> .

*Objecting submissions*

Two submissions objected to the proposal.

One objection raised concerns about the removal of nine trees, the impact on wildlife and extra costs for Council, submitting that one access road was sufficient.



**PSR23/042 CONGO ROAD NORTH**

**S028-T00001**

As outlined above:

- prior to the removal of any trees or carrying out any works, Council staff will carry out any environmental assessment required by the *Environmental Planning and Assessment Act 1979* and Council policies
- it is estimated that a budget of \$50,000 would be required in order to remove the trees and carry out the necessary road works. This work would be carried out in accordance with Council's Asset Management Policy and using existing budgets.

The other objection was received from the legal representative of the owner of Lot 197 DP752151.

The submission received on behalf of the landowner raised 5 main concerns. A summary of the issues raised by the submission and Council's comments is outlined below:

Landowner submission	Council comments
The relevant provisions of the <i>Roads Act 1993</i> (Roads Act) are not available in the circumstances and the proposal is unlawful.	Council may rely on the relevant provisions of the Roads Act where the boundaries of a public road have not previously been properly identified or if the survey marks used to identify the boundaries cannot be located or ascertained. NSW Crown Lands has advised that it is open to Council to rely on sections 18-21 of the Roads Act to redefine the boundaries of the road reserve.
The proposal would sterilise a valuable sand resource.	Council has received correspondence, dated 1 September 2023, from the Department of Regional NSW, Mining, Exploration and Geoscience. A copy of this letter is attached as a <b>confidential attachment</b> .
The proposal does not meet Land Registry Services published guidelines.	The proposed redefinition satisfies the LRS Guidelines.
Council has failed to adequately consult with the landowner	Council has served notice on the landowner as required by section 19 of the Roads Act. There is no requirement for Council to otherwise consult with the relevant landowner.  Prior to notifying the proposed boundaries, Council has corresponded and met with the landowner and his legal representative. It is Council's view that extensive discussions have been had regarding the matter.
Council has failed to consider and advertise the implications of providing boundary fencing	Council has advised the landowner that it does not propose to fence the boundary of the redefined road.

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**PSR23/042 CONGO ROAD NORTH**

**S028-T00001**

A copy of legal advice Council has received about the landowner's submission is attached as a **confidential attachment** to this report.

**CONCLUSION**

Pursuant to section 21 of the Roads Act 1993, after considering any submissions that have been duly made with respect to the proposed boundaries, Council may approve the survey plan, either with or without alteration.

The following options are available to Council:

Option 1:

Council approves the survey plan without alteration and lodges the survey with the Registrar General for registration.

Option 2:

Council approves the survey plan with some alterations and lodges the survey plan as amended with the Registrar General for registration.

Option 3:

Council does not approve the survey plan at this time.

If approved and registered, the boundaries identified by the survey plan become the boundaries of the public road.

For the reasons outlined above, this report recommends that Council proceed with Option 1.

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**PSR23/043 MOGO ARTISANS COMMUNITY FACILITY**

**LAND ID 16304**

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

Attachments: 1. Confidential - Objection correspondence

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.2 Manage leases and licences

**EXECUTIVE SUMMARY**

The purpose of this report is to note progress on this matter and to approve the making of an application to the Minister to seek their endorsement of the proposed leases.

On 25 July 2023 Council resolved (Minute 23/88) the following:

*THAT:*

1. *Council as Crown land manager approve leases over part Lot 7300 DP 1134456 at Mogo for 20 years to community groups including Eurobodalla Woodcraft Guild, Moruya Antique Tractor and Machinery Association, Batemans Bay Lapidary Club and Classic and Vintage Motor Club of Eurobodalla including the following conditions:*
  - (a) *the provision of \$20 million public liability insurance*
  - (b) *Rental to be Crown Land Minimum for any community groups, currently \$574.00 per annum.*
2. *The General Manager be delegated to carry out all necessary actions to enter into leases within Lot 7300 DP 1134456.*

Community groups are working with Council to develop a community space as part of action 1.26 from the Mogo-Village-Place-Activation-Plan 'Investigate a multi-function cultural/community space on the corner of Tomakin Road and Princes Highway'.

Most recently a consultant has been engaged by Council to develop a Master Plan for the site to assist the groups with their development application and a workshop with the groups was held on 24 October 2023.

Even though there is an adopted and publicly exhibited Mogo Village Activation Plan which endorses such a community facility, there is as yet, no Plan of Management for the site.

Minister's consent will be required to enact the leases due to:

- The length of the leases (20 years)
- No Plan of Management for the area
- An unresolved objection.

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**PSR23/043 MOGO ARTISANS COMMUNITY FACILITY**

**LAND ID 16304**

**RECOMMENDATION**

THAT

1. Council continue to assist community groups to develop a community space on the corner of Tomakin Road and Princes Highway
2. Council make an application to the Minister to seek the Minister's endorsement to enter into the leases

**BACKGROUND**

On 25 July 2023 Council resolved (Minute 23/88) to enter into a lease for community groups for the development of a cultural community space.

Community groups are working with Council to develop such a space as part of action 1.26 from the Mogo-Village-Place-Activation-Plan 'Investigate a multi-function cultural/community space on the corner of Tomakin Road and Princes Highway'.

The groups currently interested in achieving a lease of part of the space are:

- Eurobodalla Woodcraft Guild
- Moruya Antique Tractor and Machinery Association (Matama)
- Batemans Bay Lapidary Club, and the
- Classic and Vintage Motor Club of Eurobodalla.

The subject property proposed for leasing to the groups is Lot 7300 DP1134456 being Crown land under Council management. The initial report on this matter noted thirty-two supportive submissions received together with one objecting submission concerning traffic impacts.

The community groups remain passionate about the project and wish to proceed as quickly as possible.

Discussions with the community groups have continued and to assist them in developing a proposal which links to the Activation plan for this high-profile site, Council's Recreation team has engaged a consultant to Master Plan the site to assist them in the submission of their development application. A workshop was held with the groups on 24 October 2023.

In recent discussions, Matama have indicated that they may use the site in partnership with Eurobodalla Food Kitchen via a sub-lease.

Even though there is an adopted and publicly exhibited Mogo Village Activation Plan which endorses such a community facility, there is as yet no Plan of Management for the site and this will not be completed in time for this project.

In addition, during the public notification period for the lease an objecting submission was received about the potential impact on traffic volumes of the development. Staff continue to be in correspondence with the objector but have been unable to resolve the objection to the objector's satisfaction. Council's view is that while traffic impacts are a matter to be assessed in any development application, the impact of this development should not have a material impact on traffic in the area. A copy of the objection and subsequent correspondence is attached as a confidential attachment to this report.

Because of the length of the leases (20 years), that there is no Plan of Management and that there is an unresolved objection, Minister's consent will be needed to enact the leases.

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**PSR23/043 MOGO ARTISANS COMMUNITY FACILITY**

**LAND ID 16304**

**CONSIDERATIONS**

**Legal**

S377 (s) of the *Local Government Act 1993* means that the making of an application to a Minister can only be done by Council resolution.

Lot 7330 DP1134456 is a Crown Reserve under the management of Council as Crown Land Manager.

The Crown Land Management Act 2016 commenced on 1 July 2018 and with this came the requirement for plans of management. The introduction of this legislation authorised Councils to manage certain dedicated or reserved Crown Land as if it were public land. As a result, a Plan of Management is now required for all Crown land for which Council is the appointed land manager. A Crown Land Manager (CLM) is responsible for the care, control and management of appointed Crown Reserves on behalf of the people of NSW. CLMs oversee the appointed reserves, buildings, assets and infrastructure, along with administering the Crown leases and licences for these locations.

Development approval would be required and this is the responsibility of the lessees.

The term of the leases to the community groups is 20 years and it is proposed that the leases commence when development consent is granted.

**Policy**

The lease will be created in accordance with Council's Land Management- Acquisition, Disposal and Leasing/Licensing Policy (Land Policy).

[Land-Management-Acquisition-Disposal-and-Leasing-Licensing-Policy-final-for-adoption.pdf \(nsw.gov.au\)](https://www.nsw.gov.au/land-management-acquisition-disposal-and-leasing-licensing-policy-final-for-adoption.pdf)

**Environmental**

Normal environmental assessments will be required as part of the development applications submitted by the groups.

**Asset**

Council will not own the assets but will achieve beneficial community facilities. Development approval will be required.

**Social Impact**

Community groups and the general community will benefit from this cultural community space.

**Financial**

Rental for the land for any community groups is to be the Crown Land minimum, currently \$574 per annum. No costs associated with the development applications are proposed to be borne by Council but Council has funded the masterplan consultant.

**Community and Stakeholder Engagement**

Council is in ongoing communication with the community groups involved.

Public notification for the proposed leases was undertaken from 9 May to 5 June 2023. Whilst 32 supportive submissions were received, one objection was also received.

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**PSR23/043 MOGO ARTISANS COMMUNITY FACILITY**

**LAND ID 16304**

**CONCLUSION**

Council continue to support this initiative and seek Minister's consent to enter into the leases.

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**PSR23/044 DRAFT ONSITE SEWAGE MANAGEMENT SYSTEM CODE OF  
PRACTICE - ON EXHIBITION**

**S029-  
T00012**

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

Attachments: 1. Draft OSSM Code of Practice

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

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

Delivery Program Link: 1.2.2 Maintain healthy waterways and catchments by finalising and implementing estuary management plans and monitoring impacts

Operational Plan Link: 1.2.2.4 Deliver the Onsite Sewage Management System inspection program

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement to place the draft Onsite Sewage Management Code of Practice (COP) review on public exhibition for a period of 28 days.

Council is required to regulate Onsite Sewage Management (OSSM) Systems, including issuing approvals, and undertaking inspections and performance monitoring in accordance with the revised Regulations under the *Local Government Act 1993*. The program actively commenced in Eurobodalla Shire in 1999.

The Onsite Sewage Management COP was initially adopted by Council on 27 July 1999, with reviews in 2003, 2008, 2013 and 2018, and is currently due for review. This review was placed on hold pending the Office of Local Government review of the *Environment & Health Protection Guidelines: Onsite Wastewater Management (Silver Book)*. The Silver Book is a primary reference document for Council's OSSM Code of Practice.

The aim of the COP is to ensure that onsite sewage management systems meet best practice environmental and health performance standards and provide a sustainable option for wastewater management. Eurobodalla Shire has an overall compliance of 95% of systems and delivers an approval and inspection process that meets these aims.

Overall, the proposed changes to the COP are minor and the proposed additions will improve compliance rates, enhance the approval process and ultimately be of benefit to users of onsite sewage management systems.

### **RECOMMENDATION**

THAT

1. The draft Onsite Sewage Management Code of Practice be placed on public exhibition for a period of 28 days.
2. A further report be presented to Council to consider any submissions that may be received during the exhibition period.

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**PSR23/044 DRAFT ONSITE SEWAGE MANAGEMENT SYSTEM CODE OF  
PRACTICE - ON EXHIBITION**

**S029-  
T00012**

**BACKGROUND**

Council is required to regulate Onsite Sewage Management (OSSM) Systems, including issuing approvals, and undertaking inspections and performance monitoring in accordance with the revised Regulations under the *Local Government Act 1993*. The program actively commenced in Eurobodalla Shire in 1999.

The current COP was adopted on 13 November 2018 following a comprehensive review, which included the formation of a working group and a customer survey.

The draft Code of Practice has been developed in consultation with wastewater practitioners and in accordance with industry best practice. Overall, the COP remains the same with the addition of three new requirements performance criteria and one amendment to an existing performance criteria.

**CONSIDERATIONS**

The review has considered many of the technical requirements associated with the installation of OSSM and specifics related to Regulation requirements.

The draft COP was put on hold pending release of the draft Environment and Health Protection Guidelines: *Onsite Wastewater Management (Silver Book)* by the Office of Local Government. This is one of the primary reference documents for wastewater management and it is important that Council's COP reflects equal performance standards.

The draft Silver Book has been carefully considered by Council's Environmental Health Officers in conjunction with the draft Code of Practice. The review of the draft Silver Book did not result in further changes to the draft Code of Practice and has highlighted that the draft COP is in keeping with the latest developments in wastewater management and represents best practice environmental and health performance standards.

Overall there are four proposed changes, amendment of an existing performance criteria and three new performance criteria to draft COP:

Amendments to performance criteria (P3 ((f) and (g)) – Table 2.3.1 page 5

• *Inclusion of additional conditions for effluent pump-out systems*

Conditions for effluent pump-out systems have been revised by increasing the size for pump out lines to 75mm to better align with the fittings on the pump-out trucks.

This has been considered in consultation with pump-out operators. Increasing the pipe size will reduce friction loss and allow greater efficiency for effluent to be pumped out, particularly where the collection well is located >20m from the kerb.

An additional condition has been included that septic tanks and collection wells with trafficable lids (e.g buried under driveway) must have an easily accessible inspection opening and dipstick.

New performance criteria (P7) – Table 2.3.1 page 7

• *Inclusion of performance criteria for additional dwellings on the same land*



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**PSR23/044 DRAFT ONSITE SEWAGE MANAGEMENT SYSTEM CODE OF  
PRACTICE - ON EXHIBITION**

**S029-  
T00012**

The inclusion of performance criteria and acceptable solutions for additional dwellings aims to clarify requirements for OSSM design loadings and treatment systems where detached additions are proposed on the same land.

Water NSW guidelines for OSSM design loadings have been increasingly misinterpreted by applying loading for additional bedrooms only. When the proposal is for a detached addition that is fully self-contained, design loadings for a dwelling shall be applied.

New performance criteria (P8) – Table 2.3.1 page 7

- *Inclusion of performance criteria for moveable dwellings / caravans which are exempt*

Council has seen an increasing number of these types of dwellings installed on land without approval pursuant to the exempt provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*. To meet the exempt provisions, the building must be maintained in a safe and healthy condition.

The inclusion of performance criteria and acceptable solutions for moveable dwellings or caravans that do not require approval, aims to clarify requirements for OSSM. Wastewater disposal from these dwellings requires approval under s68 of the *Local Government Act 1993*.

New performance criteria (P12) – Table 2.3.1 page 8

- *Inclusion of performance criteria where toilets with a macerating pump are proposed*

This criteria clarifies the requirements for a sewage ejection pump station with the appropriate NSW Health accreditation where sewage needs to be pumped.

In addition to the four changes above, other minor formatting and re-wording of the Code of Practice has been undertaken.

**Legal**

Council is required to process approvals and undertake inspections of OSSM in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*. The Department of Local Government Circular to councils 98/27 (issued 1 April 1998) outlines councils' requirements for the monitoring of OSSM.

**Policy**

The draft OSSM Code of Practice was developed through consultation with industry professionals.

It is considered that the proposed four changes will improve compliance rates, enhance the approval process and ultimately be of benefit to users of onsite sewage management systems.

**Environmental**

Due to the sensitive environmental nature of much of Eurobodalla Shire, particularly in relation to waterways, including fisheries, the oyster industry and recreational use, monitoring of OSSM is important to mitigate potential environmental impacts from OSSM.

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**PSR23/044 DRAFT ONSITE SEWAGE MANAGEMENT SYSTEM CODE OF  
PRACTICE - ON EXHIBITION**

**S029-  
T00012**

**Social Impact**

There are potential health risks for users and those in the vicinity of OSSM. Council is obligated to demonstrate that it has met its duty of care in avoiding public health concerns associated with the operation of OSSM.

**Economic Development Employment Potential**

The OSSM program helps ensure waterways in Eurobodalla remain in a healthy condition promoting tourism and protecting the multi-million dollar oyster industry.

**Financial**

The OSSM program aims to be cost neutral with costs recovered through inspection fees. During 2023-24, the fee for a primary inspection is \$147. Where a formal re-inspection is required, a fee of \$191 is charged. These fees are identified in Eurobodalla Shire Council's fees and charges (2023-24).

Inspection frequency is based on a risk rating (Low, Medium or High) that has been assessed based on a number of factors including the type of system, proximity to waterways, soil types etc. There are certain circumstances where there is an opportunity for landowners to apply to downgrade the risk rating so inspections are required less frequently.

**Community and Stakeholder Engagement**

We have collaborated with practitioners and consultants associated with the approvals and installation of onsite sewage management systems in developing the draft OSSM Code of Practice.

Invitations were sent to a broad range of stakeholders, including: qualified plumbers and drainers; service technicians; engineers; designers and consultants; and NSW Government agencies to participate in the review process and the proposed changes to the draft Code of Practice.

We will consult with the community by seeking feedback through a 28-day public exhibition period where the draft OSSM Code of Practice will be advertised via a public notice in local news outlets, on Council's website, and at the Batemans Bay, Moruya and Narooma libraries, and the Moruya customer service centre.

**CONCLUSION**

The review of the Onsite Sewage Management System Code of Practice has been undertaken in consultation with local wastewater consultants. Overall, the proposed changes to the Code of Practice are minimal.

It is considered that the four proposed changes will improve compliance rates, improve the approval process, and ultimately be of benefit to users of onsite sewage management systems.



## CODE OF PRACTICE

Code name	On-Site Sewage Management
Responsible manager(s)	Divisional Manager, Environmental Services
Contact officer(s)	Divisional Manager, Environmental Services
Directorate	Planning and Sustainability
Approval date	
Community Strategic Plan Outcome	1.1 Move together for a sustainable future 1.2 Value, protect, and enhance our natural environment
Delivery Program link	1.2.2 Maintain healthy waterways and catchments by finalising and implementing estuary management plans and monitoring impacts
Operational Plan link	1.2.2.4 Deliver the On-Site Sewage Management System inspection program

### Summary

The purpose of this Code of Practice (Code) is to ensure that On-Site Sewage Management (OSSM) systems meet best practice environmental and health performance standards and provide a sustainable option for wastewater management.

Eurobodalla Shire Council developed an OSSM Plan in 1998 and implemented it in 1999. The aim of this Code of Practice is to offer guidance in preparing applications to Council, clarify what is required and how to apply the various related documents, and to describe how systems will continue to be monitored once installed.

This Code covers the following:

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## 1 INTRODUCTION

### 1.1 Purpose

The purpose of this Code of Practice is to ensure that On-Site Sewage Management (OSSM) systems meet best practice environmental and health performance standards and provide a sustainable option for wastewater management.

The aim of this Code is to offer guidance in preparing applications to Council, clarify what is required and how to apply the various related documents, and to describe how systems will continue to be monitored once installed.

### 1.2 Land to which this code applies

This Code of Practice applies to all land within the Eurobodalla Shire Council Local Government Area (LGA) with the exception of National Parks, as outlined in the Department of Local Government Circular 99/59.

### 1.3 Objectives

The objectives of this Code are to provide a framework to:

- Ensure transparency, consistency and fairness in the manner in which Council deals with OSSM
- Assess and regulate the design, installation and operation of OSSM systems in the Eurobodalla Local Government Area
- Protect and enhance public health and the environment from potential OSSM impacts
- Promote awareness of requirements with respect to OSSM.

### 1.4 Relationship to Legislation/ Policy/ Plan

This Code should be read in conjunction with the latest available editions or revisions of the following:

#### 1.4.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*



#### 1.4.2 Standards and Guidelines

- AS/NZS 1546:1-3 On-site domestic wastewater treatment units
- AS/NZS 1547 On-Site domestic wastewater management
- AS/NZS 3500 Plumbing and drainage
- Designing and Installing On-site Wastewater Systems, A WaterNSW Current Recommended Practice, WaterNSW
- Environment and Health Protection Guidelines: On-site sewage management for single households (the 'Silver Book'); NSW Department of Local Government
- Healthy Estuaries for Healthy Oysters Guidelines; NSW Department of Primary Industries
- Neutral or Beneficial Effect on Water Quality Assessment Guideline (NorBE), WaterNSW
- NSW Health Advisory Note 5, Servicing of Single Domestic Sewage Management Facilities (SMF)
- Plumbing Code of Australia
- Water Sensitive Design Guide for Rural Residential Subdivisions, A WaterNSW Current Recommended Practice, Water NSW
- Liquid Trade Waste Management Guidelines, NSW Department of Planning, Industry and Environment

#### 1.5 Version

- This Code came into force on XXXXXXXXX
- This Code replaces the Eurobodalla Shire Council On-Site Sewage Management Code of Practice November 2018

## 2 CODE DETAILS

### 2.1 Systems covered by this Code of Practice

- All OSSM systems and disposal unless the system is required to be licensed under the Protection of the Environment Operations Act 1997 Schedule 1
- Effluent pump-out systems
- Domestic greywater treatment and reuse systems
- Greywater disposal systems.

### 2.2 Applications and approvals

#### 2.2.1 Exemptions

- Council approval for a system is not required if the system is exempt under the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.
- Council must be notified prior to the installation of an exempt system or if the exempt system meets the criteria for exemption of a greywater diversion device in reticulated sewer areas under clause 75(A)(2) of the *Local Government (General) Regulation 2021*.
- Exempt systems may still be included in Council's OSSM System Inspection Program.



### 2.2.2 Applications

Any system of sewage management which is not exempt must not be installed or operated in the Eurobodalla Shire Council Local Government Area unless:

- An application in accordance with s68 of the *Local Government Act 1993* is made to Council on the appropriate form accompanied by required supporting material and the appropriate fees, and
- Approval has been given in writing by the owner for Council to enter the property for the means of undertaking inspections, and
- Council approval has been granted in writing to install and operate the system of sewage management and conditions of the approval have been met.

### 2.2.3 Application fees and charges

Details of application fees are available from Council’s publication – Fees and Charges.

## 2.3 Performance standards

### 2.3.1 Performance criteria and acceptable solutions

The following performance standards apply for the design, installation and construction methods for all applications to install/alter and operate an OSSM system.

Performance criteria	Acceptable solutions																		
<b>P1</b> Proposed system complies with clause 41 of the <i>Local Government (General) Regulation 2021</i>	<b>A1</b> a) The system has NSW Health Accreditation or b) Is exempt under the Regulation and NSW Health Advisory Note 1 and c) Is approved by NSW Fair Trading as an alternative solution.																		
<b>P2</b> The development is consistent with the requirements of any ESC instrument on title under <i>Part 6, Division 4 of the Conveyancing Act 1919</i>	<b>A2</b> a) Effluent management area is identified on the title and is consistent with the proposal or b) Where the Instrument is to Council’s benefit, that an equal or superior solution is presented.																		
<b>P3</b> Proposal is for an effluent pump-out system  <b>NOTE:</b> <i>Development relying on pump-out systems is not a viable option in the long term. Pump-out systems are not sustainable and are often the worst performing systems due to misuse, poor practices and prohibitive operation costs. They may be</i>	<b>A3</b> a) Area is proposed to be connected to reticulated sewer in the near future b) Existing lot cannot support full on-site effluent disposal and c) Partial onsite wastewater disposal has been considered and d) Collection well(s) to be fitted with an alarm and e) Collection wells sized as per the table below: <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th colspan="3" style="background-color: #cccccc;">Collection well size (litres)</th> </tr> <tr> <th style="background-color: #cccccc;">Number of bedrooms</th> <th style="background-color: #cccccc;">Tank water</th> <th style="background-color: #cccccc;">Reticulated / bore water</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>10,000</td> <td>16,000</td> </tr> <tr> <td>4</td> <td>14,000</td> <td>21,000</td> </tr> <tr> <td>5</td> <td>16,000</td> <td>24,000</td> </tr> <tr> <td>6</td> <td>18,000</td> <td>26,000</td> </tr> </tbody> </table> f) Pump-out line (including gooseneck) is 75mm wide and booster pumps must have a 75mm outlet.	Collection well size (litres)			Number of bedrooms	Tank water	Reticulated / bore water	3	10,000	16,000	4	14,000	21,000	5	16,000	24,000	6	18,000	26,000
Collection well size (litres)																			
Number of bedrooms	Tank water	Reticulated / bore water																	
3	10,000	16,000																	
4	14,000	21,000																	
5	16,000	24,000																	
6	18,000	26,000																	



Performance criteria	Acceptable solutions
<p><i>considered on a case-by-case basis where acceptable solutions in A3 are demonstrated.</i></p>	<p>g) Where trafficable lids are proposed, the septic tank must have an inspection opening easily accessible and collection wells must have an inspection opening or dipstick easily accessible.</p> <p>h) Development where an increase in the intensity of occupancy is proposed (eg. single to dual occupancy) shall not rely solely on an effluent pump-out system.</p>
<p><b>P4</b> The proposal is for a subdivision</p>	<p><b>A4</b></p> <p>a) Assessment is undertaken in accordance with Appendix C in AS/NZS 1547:2012, and</p> <p>b) Minimum wastewater design loadings of 1200L/d (reticulated/bore water supply) or 800L/d (tank water) are to be used for calculating effluent management areas for each proposed lot.</p> <p>c) All proposed subdivision developments must demonstrate a sustainable on-site sewage management option for each proposed lot. This should include at least two disposal methods or nominate an area of 1600m<sup>2</sup>.</p> <p>d) On constrained sites, an effluent management envelope may be required to be defined on the plan of subdivision and if necessary, a restriction covenant placed on the Title for the lot. The aim is to ensure that each proposed lot has a suitable and adequate area for on-site effluent management for the site and soil conditions and to make future owners aware of the requirements for effluent disposal.</p>
<p><b>P5</b> Site and Soil Assessment has been undertaken</p>	<p><b>A5</b></p> <p>a) Assessment has been undertaken in accordance with Section 2 of <i>'Designing and Installing On-site Wastewater Systems'</i> (WaterNSW, 2023) and/or AS/NZS 1547:2012.</p> <p>b) Proposed method of effluent disposal is designed in accordance with AS/NZS 1547:2012 with appropriate design loading rate (DLR) or design irrigation rate (DIR) used according to the soil description as per either Table L1, M1 or N1 of AS/NZS 1547:2012.</p> <p>c) Hydraulic balances for effluent irrigation (surface/subsurface) should be calculated as per Appendix 6 of the 'Silver Book' using design irrigation rate data for the soil from Table M1 of AS/NZS 1547:2012.</p> <p>d) Trench and bed dimensions are determined using AS1547:2012 L4.2.</p> <p>e) Water balance is calculated in accordance with local median rainfall and evaporation records where available or using the data in Table 1 below.</p>
<p><b>P6</b> Design daily loadings are appropriate for the development</p>	<p><b>A6</b></p> <p>a) Design wastewater loading is calculated as per Table 2.8 of the <i>'Designing and Installing On-site Wastewater Systems'</i> (WaterNSW, 2023), below:</p>



Performance criteria	Acceptable solutions																	
	<table border="1" data-bbox="579 461 1414 804"> <thead> <tr> <th data-bbox="579 461 858 555">Design Wastewater loading for each potential bedroom</th> <th data-bbox="858 461 1137 555">Reticulated/bore Water</th> <th data-bbox="1137 461 1414 555">Tank Water</th> </tr> </thead> <tbody> <tr> <td data-bbox="579 555 858 629">1-2 potential bedrooms</td> <td data-bbox="858 555 1137 629">600 L/d</td> <td data-bbox="1137 555 1414 629">400 L/d</td> </tr> <tr> <td data-bbox="579 629 858 663">3 potential bedrooms</td> <td data-bbox="858 629 1137 663">900 L/d</td> <td data-bbox="1137 629 1414 663">600 L/d</td> </tr> <tr> <td data-bbox="579 663 858 696">4 potential bedrooms</td> <td data-bbox="858 663 1137 696">1200 L/d</td> <td data-bbox="1137 663 1414 696">800 L/d</td> </tr> <tr> <td data-bbox="579 696 858 804">More than 4 potential bedrooms</td> <td data-bbox="858 696 1137 804">1200 L/d plus 150 L/d for each additional bedroom</td> <td data-bbox="1137 696 1414 804">800 L/d plus 100 L/d for each additional bedroom</td> </tr> </tbody> </table> <p data-bbox="579 813 1414 981">                     b) Ancillary structures – refer to A9                      c) Separation of waste streams – greywater loading should be taken as 65% of the total loading                      d) A potential bedroom is that defined in the <i>‘Neutral or Beneficial Effect on Water Quality Assessment Guideline’</i> (WaterNSW, 2022).                 </p>			Design Wastewater loading for each potential bedroom	Reticulated/bore Water	Tank Water	1-2 potential bedrooms	600 L/d	400 L/d	3 potential bedrooms	900 L/d	600 L/d	4 potential bedrooms	1200 L/d	800 L/d	More than 4 potential bedrooms	1200 L/d plus 150 L/d for each additional bedroom	800 L/d plus 100 L/d for each additional bedroom
Design Wastewater loading for each potential bedroom	Reticulated/bore Water	Tank Water																
1-2 potential bedrooms	600 L/d	400 L/d																
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4 potential bedrooms	1200 L/d	800 L/d																
More than 4 potential bedrooms	1200 L/d plus 150 L/d for each additional bedroom	800 L/d plus 100 L/d for each additional bedroom																
<p><b>P7</b> Proposal is for an additional dwelling on the same land</p>	<p><b>A7</b></p> <p>a) Where the dwelling is fully self-contained, each dwelling shall have the design loading calculations applied separately as per Table 2.5 of the <i>‘Designing and Installing On-site Wastewater Systems’</i> (WaterNSW,2023).</p> <p>b) A single treatment system may be used where the total design loading of the dwellings is less than the accredited maximum daily loading for the system.</p> <p>c) A reserve area is identified for each dwelling.</p>																	
<p><b>P8</b> The building is a moveable dwelling or caravan which does not require approval under s77 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i></p>	<p><b>A8</b></p> <p>a) To meet the exemption, the building must be maintained in a safe and healthy condition. Wastewater disposal from the building requires approval under s68 of the <i>Local Government Act 1993</i>.</p> <p>b) Where the building is fully self-contained, each dwelling shall have the design loading calculations applied separately as per Table 2.5 of the <i>‘Designing and Installing On-site Wastewater Systems’</i> (WaterNSW,2023).</p> <p>c) Where the building is unserviced or partially serviced, it shall be considered the same as an additional bedroom(s) ancillary to the dwelling.</p> <p>d) A single treatment system may be used where the total design loading of the buildings is less than the certified maximum daily loading for the system.</p>																	
<p><b>P9</b> Proposal addresses all wastewater generated on the site</p>	<p><b>A9</b></p> <p>a) Loadings from non-habitable serviced ancillary structures shall be calculated using Table H2 from AS/NZS 1547:2012.</p>																	





Performance criteria	Acceptable solutions
<p><b>P10</b> Proposed disposal method is appropriate for the slope.</p>	<p><b>A10</b></p> <ul style="list-style-type: none"> <li>a) Is less than maximum slope requirements as outlined in Table K1 of AS/NZS 1547:2012 and</li> <li>b) Design includes methods of preventing surface water flow onto effluent management areas and</li> <li>c) Subsurface irrigation DIR is reduced with increasing slope in accordance with Table M2 of AS/NZS 1547:2012.</li> </ul>
<p><b>P11</b> Buffer distances are appropriate to the development.</p>	<p><b>A11</b></p> <ul style="list-style-type: none"> <li>a) Buffers meet those outlined in Table 2.8 of the <i>'Designing and Installing On-site Wastewater Systems'</i> (WaterNSW,2023) and</li> <li>b) Buffers apply to entire effluent management area and</li> <li>c) Additional buffers to site specific factors may be applied (such as to significant vegetation)</li> <li>d) Variations to buffers with assessment using Tables R1 &amp; R2 of AS/NZS 1547:2012 may be considered.</li> </ul>
<p><b>P12</b> Macerating toilets</p>	<p><b>A12</b></p> <ul style="list-style-type: none"> <li>a) Macerating toilets are not supported. Sewage ejection stations with appropriate accreditation will be considered where sewage must be pumped.</li> </ul>
<p><b>P13</b> The nominated system requires regular servicing</p>	<p><b>A13</b></p> <ul style="list-style-type: none"> <li>a) An appropriately manufacturer-certified and qualified service technician is available in the area for servicing and repairs and</li> <li>b) All servicing and maintenance of the system, and any associated costs is the owner's responsibility and</li> <li>c) Owners must be provided with adequate information on the operation and maintenance of the system.</li> </ul>



Performance criteria	Acceptable solutions															
<p><b>P14</b> Where surface, shallow sub-surface or LPED disposal is nominated, nutrients are contained on-site and within buffers</p>	<p><b>A14</b></p> <p>a) The nitrogen and phosphorus nutrient loading areas should be sized as per Appendix 6 ‘Silver Book.’</p> <p>b) The design area for surface and subsurface effluent irrigation (i.e. the area where the irrigation system is installed) can be based on hydraulic loading with a dedicated nutrient uptake area downslope or around the effluent management area for a flat site. The dedicated nutrient uptake area is the difference in area between the nutrient load area (the larger of the nitrogen or phosphorus balance) and hydraulic load area.</p> <p>c) Where wastewater nutrient concentrations are not specified in the NSW Health Certificate of Accreditation for the system, then the design parameters as shown below shall be used:</p> <table border="1" data-bbox="576 882 1415 1122"> <thead> <tr> <th>Parameter</th> <th>Septic Tank Effluent</th> <th>Greywater Effluent</th> <th>AWTS Effluent</th> <th>Critical Loading Rate of Nutrient</th> </tr> </thead> <tbody> <tr> <td>Total Nitrogen</td> <td>55mg/L</td> <td>15mg/L</td> <td>30mg/L</td> <td>25mg/m<sup>2</sup>/d</td> </tr> <tr> <td>Total Phosphorus</td> <td>12mg/L</td> <td>10mg/L</td> <td>12mg/L</td> <td>2.8mg/m<sup>2</sup>/d</td> </tr> </tbody> </table>	Parameter	Septic Tank Effluent	Greywater Effluent	AWTS Effluent	Critical Loading Rate of Nutrient	Total Nitrogen	55mg/L	15mg/L	30mg/L	25mg/m <sup>2</sup> /d	Total Phosphorus	12mg/L	10mg/L	12mg/L	2.8mg/m <sup>2</sup> /d
Parameter	Septic Tank Effluent	Greywater Effluent	AWTS Effluent	Critical Loading Rate of Nutrient												
Total Nitrogen	55mg/L	15mg/L	30mg/L	25mg/m <sup>2</sup> /d												
Total Phosphorus	12mg/L	10mg/L	12mg/L	2.8mg/m <sup>2</sup> /d												
<p><b>P15</b> Risk Rating assessment has been undertaken</p>	<p><b>A15</b> The risk rating is determined on the potential of the system’s impact to public health and the environment in accordance with the OSSM Risk Assessment matrix (Appendix 4).</p>															
<p><b>P16</b> Proposal includes separate grey water treatment/disposal</p>	<p><b>A16</b></p> <p>a) Approval under s68 of the <i>Local Government Act 1993</i> is required unless the property is exempt</p> <p>b) To be exempt the property <b>must be connected to sewer</b> and a <i>greywater diversion device</i> is installed in accordance with clause 75A (2) of the <i>Local Government (General) Regulation 2021</i></p> <p>c) All applications must include a full site and soil assessment as per P5 above.</p> <p><i>Note: Council accepts applications for greywater diversion, however this is not considered a method of treatment and cannot be used to reduce the hydraulic load used to calculate the size of the required effluent disposal system.</i></p>															



Performance criteria	Acceptable solutions
<b>P17</b> Proposal is for a Pit Toilet	<b>A17</b> a) The location of the pit toilet must meet all required buffers outlined in Appendix 3 and b) The soil category must be in the range of 4 (clay loams) to 6 (medium to heavy clays) below 500mm from top level of the pit and c) The groundwater level must be in excess of 1.5m below the base of the pit and d) Occupation of the site not to exceed 60 days in any 12 month period and e) Construction should be in accordance with the World Health Organisation specifications for simple pit latrines, ventilated improved pit (VIP) or Reed’s odourless earth closet (ROEC) and f) Details of the separate disposal of other wastewater on the site (such as kitchen, laundry and bathroom) to be provided and g) Property is to be owner-occupied only and h) Changes of property ownership requires a new application.
<b>P18</b> Proposal is for a system located in the catchment of a priority oyster aquaculture area (POAA)	<b>A18</b> a) The application will be referred to the relevant NSW State Authority for review. b) Variations to buffer distances for surface and ground waters are unlikely to be considered. c) A minimum level of secondary treatment is required.
<b>P19</b> Proposal includes liquid trade waste	<b>A19</b> a) The Liquid Trade Waste component will be assessed in accordance with the NSW DPIE Liquid Trade Waste Management Guidelines

### 2.3.2 Variations

Where acceptable solutions in 2.3.1 are not adopted the proponent must submit an alternate solution prepared by a suitably qualified and experienced person for assessment by Council. Any variation must demonstrate an equal or superior outcome to performance standards in section 2.3.1 of this document and s44 of the *Local Government (General) Regulation 2021*.



**Table 1: Precipitation, Evaporation and Crop Factor**

Month	Days per Month	Daily Pan Evaporation (mm)	Median Rainfall (mm/month)	Crop Factor
January	31	6.3	75.3	0.8
February	28	5.7	66.7	0.8
March	31	4.7	70.7	0.8
April	30	4	54.9	0.8
May	31	3.1	55.8	0.7
June	30	2.9	47.8	0.6
July	31	3	34.3	0.6
August	31	4.1	27.9	0.6
September	30	4.9	44.3	0.7
October	31	5.7	57.7	0.8
November	30	6.1	63	0.8
December	31	6.7	58.5	0.8

## 2.4 On-Site Sewage Management (OSSM) System Inspection Program

### 2.4.1 Inspection process

Council is required by the Department of Local Government and NSW state legislation to implement and maintain an OSSM system inspection program. Council must be given unimpeded access at all reasonable times to inspect OSSM systems. Property owners with OSSM systems rated as “low” risk (inspected every five years) will be notified in writing prior to the inspection. Prior notification will not be provided for “high” and “medium” risk systems unless requested. Failure to provide access for inspections could result in a re-inspection fee and/or revocation of the approval to operate.

### 2.4.2 Fees and charges

Details of inspection fees are available from Council’s publication – Fees and Charges. Special Inspection Fees may be charged for inspections such as those outside of the regular cycle at the owner’s request, where a Notice of Entry is required to be issued, or where a re-inspection of an unsatisfactory system is required.

### 2.4.3 Risk rating

New sites shall be given a risk rating in accordance with the OSSM Risk Assessment Matrix (Appendix 4) at the time of approval and existing sites at the time of the first inspection. The risk rating shall determine the frequency of inspections which are:

- High – inspected annually
- Medium – inspected every two years
- Low – inspected every five years.

#### 2.4.3.1 Downgrade of risk rating

Property owners with OSSM systems rated as high and medium risk who have demonstrated a high level of care and maintenance of their system may apply to Council to have their risk rating downgraded if they meet the following criteria:

- a) No defects have been identified for the last three inspections (high risk) or two inspections (medium risk).



- b) The property has remained in the same ownership during the above inspections.
- c) The property is owner-occupied (not tenanted or holiday rented).
- d) All inspection fees have been paid in full.
- e) If the system is an effluent pump-out system, there must be a documented history of regular pump-outs consistent with the system's approval to operate.

For applications to downgrade an OSSM system to low risk, an assessment may also be undertaken in accordance with the risk assessment matrix in Appendix 4. Consideration will be given to the level of risk to public health and the environment when assessing the application.

If the risk rating is downgraded, it may remain at the lower risk level if the following criteria are met:

- a) No defects are identified at any subsequent inspection
- b) The property remains in the same ownership
- c) The property remains owner/occupied (not tenanted or holiday rented).
- d) The system is being operated in accordance with its approval to operate.

Properties can only downgrade by the one level from their original risk assessment.

#### **2.4.3.2 Upgrade of risk rating**

Property owners with OSSM systems that are observed to be poorly performing and/or that pose a risk to public health and/or the environment may have their risk rating upgraded if the following criteria are met:

- a) Compliance action has been required pertaining to the operating performance of the OSSM or
- b) Defects have been identified for the last two inspections or
- c) Where the likelihood or severity of potential impact to public health or the environment is high.

An assessment will be undertaken in accordance with the risk assessment matrix in Appendix 4 to determine the risk rating of the system.

#### **2.4.4 Regular servicing and Council inspection of Aerated Wastewater Treatment Systems**

Aerated wastewater treatment systems (AWTS) undergo two levels of attention:

- a) Regular *servicing* by an accredited AWTS service technician:  
This is required as part of the NSW Health Accreditation of the system, and enables the system to be used in NSW. Servicing is generally carried out on a three-monthly basis depending on the accreditation. The owner is required to enter into an annual service contract with an accredited technician registered with Council in accordance with NSW Health Advisory Note 5.
- b) Council *inspection* is required by the Department of Local Government and is undertaken as part of Council's OSSM System Inspection Program on a regular basis determined by the risk assessment rating.



A well serviced and maintained AWTS will assist in qualifying for a downgrade for high and medium risk systems (see section 2.4.3.1).

#### **2.4.5 Requirements for Aerated Wastewater Treatment System service technicians**

In February 2018, NSW Health introduced new requirements for service technicians to be accredited by the manufacturer of the system (See NSW Health Advisory Note 5).

A list of accredited service technicians registered with Council is available upon request from Council.

#### **2.4.6 Auditing process**

Systems which are required by NSW Health to undergo regular servicing must meet performance criteria. These criteria are outlined in the system's NSW Health Accreditation Certificate.

Council may undertake auditing programs from time to time to ensure that the servicing standard of the systems meet the required performance criteria.

### **3 RESPONSIBILITIES**

#### **3.1 Staff**

Under supervision and as delegated, applicable Council staff will be responsible for ensuring that this Code is implemented appropriately within their work area, after they have received relevant training to do so.

#### **3.2 Requests and Concerns**

Requests and concerns received from the community regarding this Code will be recorded and handled in accordance with Council's Customer Service Policy. They will be used to help determine follow up actions and to analyse the history of requests and concerns.

#### **3.3 Complaints**

Complaints received regarding this Code will be lodged with Council and handled in accordance with Council's Complaints Policy.

#### **3.4 Consultation**

Any necessary consultation will occur when and if required with key stakeholders and may include the community, legislative bodies, other relevant legislation, and industry guidelines. Public submissions will be considered during the exhibition period. Consultation with industry professionals in the local area and consideration of community submissions has occurred in the development of this Code.

### **4 MONITORING AND REVIEW**

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



**5 ACKNOWLEDGEMENTS**

Eurobodalla Shire Council acknowledges the assistance in the development of this Code of Practice given by Division of Local Government, NSW Health, Water NSW, participants in Council’s consultation with industry professionals and the community submissions.

**6 SUPPORTING DOCUMENTS**

The following documents support this Code of Practice:

Name	Link
Approvals Process Flow Chart	Appendix 1
Guidelines for Horizontal and Vertical Setback Distances (from AS/NZS 1547:2012)	Appendix 2
Table 2.8 Buffer Distances (from ‘Designing and Installing On-site Waste water Systems’ (WaterNSW,2023))	Appendix 3
OSSM System Risk Assessment Matrix	Appendix 4

**7 GOVERNANCE**

*Related legislation and policies*

Name	Link
<u>Local Government Act 1993</u>	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030">https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030</a>
<u>Local Government (General) Regulation 2021</u>	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460">https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460</a>
<u>Environmental Planning and Assessment Act 1979</u>	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203">https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203</a>
<u>Environmental Planning and Assessment Regulation 2021</u>	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0759">https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0759</a>

*Related external references*

Name	Link
Division of Local Government	<a href="https://www.olg.nsw.gov.au/">https://www.olg.nsw.gov.au/</a>
AS/NZS 1546:1-3 On-site domestic wastewater treatment units	<a href="https://infostore.saiglobal.com/en-au/search/standard/?searchTerm=AS/NZS%201546&amp;sortKey=&amp;productFamily=STANDARD&amp;recordPerPage=10&amp;activeTab=Standards&amp;publicationStatus=Current&amp;q=AS%2FNZS%201546">https://infostore.saiglobal.com/en-au/search/standard/?searchTerm=AS/NZS%201546&amp;sortKey=&amp;productFamily=STANDARD&amp;recordPerPage=10&amp;activeTab=Standards&amp;publicationStatus=Current&amp;q=AS%2FNZS%201546</a>
AS/NZS 1547:2012 On-Site domestic wastewater management	<a href="https://infostore.saiglobal.com/en-au/standards/as-nzs-1547-2012-117631 saig as as 267605/">https://infostore.saiglobal.com/en-au/standards/as-nzs-1547-2012-117631 saig as as 267605/</a>
AS/NZS 3500 Plumbing and drainage	<a href="https://infostore.saiglobal.com/en-au/standards/as-nzs-3500-set-parts-0-4-2021-101196 saig as as 2977569/">https://infostore.saiglobal.com/en-au/standards/as-nzs-3500-set-parts-0-4-2021-101196 saig as as 2977569/</a>
Designing and Installing On-site Wastewater Systems, A current Recommended Practice, WaterNSW 2023P	<a href="https://www.waternsw.com.au/_data/assets/pdf_file/0003/58251/Designing-and-Installing-On-Site-Wastewater-Systems.pdf">https://www.waternsw.com.au/_data/assets/pdf_file/0003/58251/Designing-and-Installing-On-Site-Wastewater-Systems.pdf</a>



Environment & Health Protection Guidelines: On-site sewage management for single households (the 'Silver Book'), NSW Department of Local Government, 1998	<a href="https://www.olg.nsw.gov.au/wp-content/uploads/Onsite-sewage-management-guide.pdf">https://www.olg.nsw.gov.au/wp-content/uploads/Onsite-sewage-management-guide.pdf</a>
Healthy Estuaries for Healthy Oysters Guidelines, NSW Department of Primary Industries, 2023	<a href="https://www.nsw.gov.au/healthy-estuaries-for-healthy-oysters-guidelines">Healthy Estuaries for Healthy Oysters - Guidelines for development near waterways (nsw.gov.au)</a>
Neutral or Beneficial Effect on Water Quality Assessment Guideline (NorBE), WaterNSW, 2022	<a href="https://www.watnsw.com.au/data/assets/pdf_file/0007/219247/NorBE-Assessment-Guideline-2022.pdf">https://www.watnsw.com.au/data/assets/pdf_file/0007/219247/NorBE-Assessment-Guideline-2022.pdf</a>
NSW Health Servicing of Single Domestic Sewage Management Facilities Advisory Note 5.	<a href="http://www.health.nsw.gov.au/environment/domesticwastewater/Documents/adnote5.pdf">http://www.health.nsw.gov.au/environment/domesticwastewater/Documents/adnote5.pdf</a>
Water Sensitive Design Guide for Rural Residential Subdivisions, A WaterNSW Current Recommended Practice, WaterNSW 2023	<a href="https://www.watnsw.com.au/data/assets/pdf_file/0003/56478/Water-Sensitive-Design-Guide-for-Rural-Residential-Subdivisions.pdf">https://www.watnsw.com.au/data/assets/pdf_file/0003/56478/Water-Sensitive-Design-Guide-for-Rural-Residential-Subdivisions.pdf</a>

*Change history*

Version	Approval date	Approved by	Min No	File No	Change
1	20 Feb 2010	Internal	NA	NA	Code commenced
2	24 Sep 2013	Council	13/289	E13.7095	Reviewed and updated. Ref report O13/75 Council meeting 24/09/2013
3	11 Dec 2013	Internal	N/A	N/A	Reviewed and updated
4	13 Nov 2018	Council	18/333	E98.2467	Reviewed and updated. Ref report PSR18 Council meeting 13/11/2018
5	TBA	Internal	N/A	N/A	Reviewed and updated

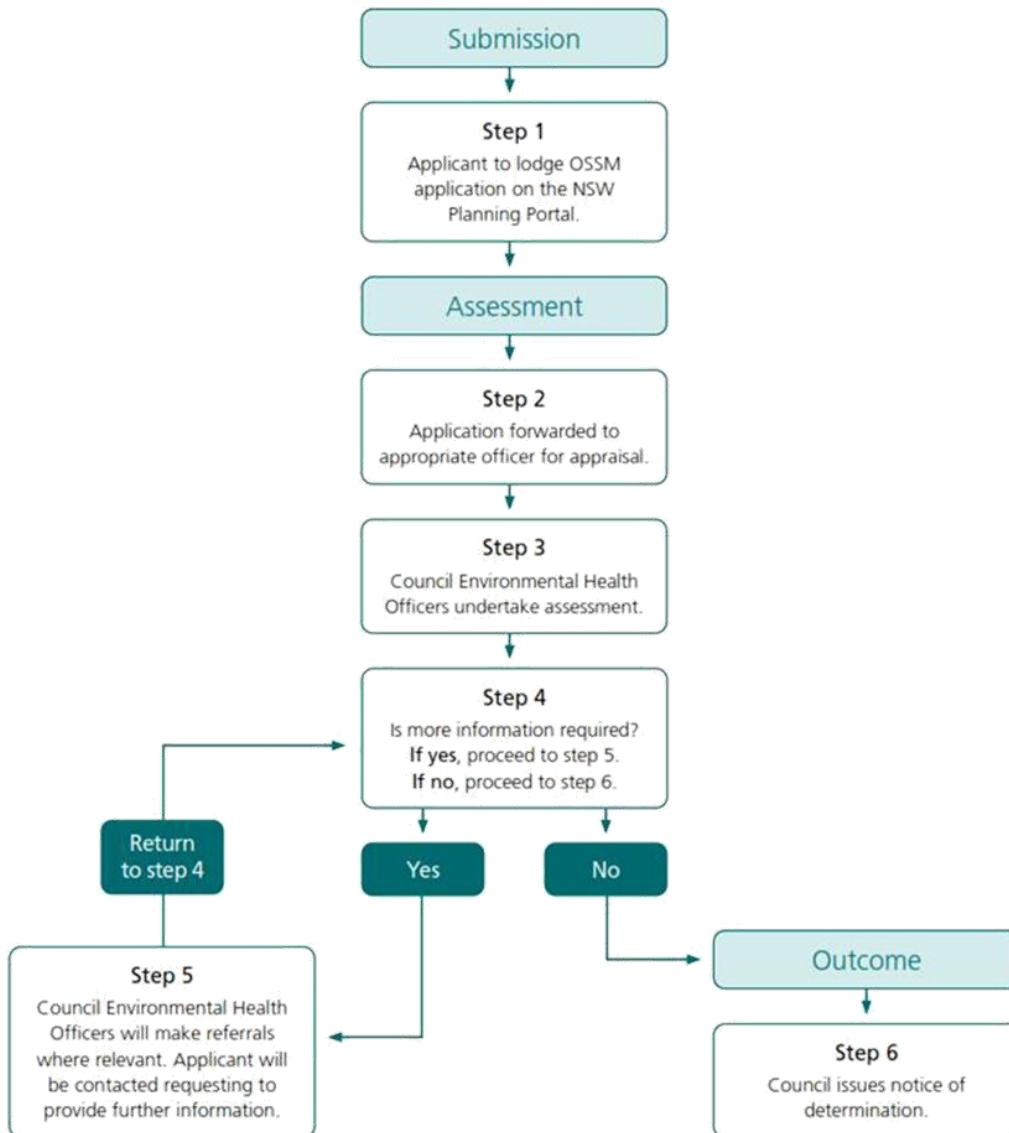
*Internal use*

Responsible officer	Divisional Manager, Environmental Services		Approved by	Council	
Min no	18/333	Report no	PSR18/088	Effective date	13 Nov 2018
File No	E98.2467	Review date	Nov 2023	Pages	20





**Appendix 1. Approvals Process Flow Chart**





**Appendix 2. Table R1 – Guidelines for Horizontal and Vertical Setback Distances (from AS/NZS 1547:2012)**

Site feature	Setback distance range (m) (See Note 1)	Site constraint items of specific concern (from Table R2) (see Note 1)
<b>Horizontal setback distance (m)</b>		
Property boundary	1.5 – 50 (see Note 2)	A, D, J
Buildings/houses	2.0 - > 6 (see Note 3)	A, D, J
Surface water (see Note 4)	15 - 100	A, B, D, E, F, G, J
Bore, well (see Notes 5 and 6)	15 – 50	A, C, H, J
Recreational areas (Children’s play areas, swimming pools and so on) (see Note 7)	3 – 15 (see Notes 8 and 9)	A, E, J
In-ground water tank	4 – 15 (see Note 10)	A, E, J
Retaining wall and Embankments, escarpments, cuttings (see Note 11)	3.0 m or 45° angle from toe to wall (whichever is greatest)	D, G, H
<b>Vertical setback distance (m)</b>		
Groundwater (see Notes 5, 6 and 12)	0.6 - > 1.5	A, C, F, H, I, J
Hardpan or bedrock	0.5 - ≥ 1.5	A, C, J
NOTES:		
1. The overall setback distance should be commensurate with the level of risk to public health and the environment. For example, the maximum setback distance should be adopted where site/system features are on the high end of the constraint scale. The setback distance should be based on an evaluation of the constraint items and corresponding sensitive features in Table R2 and how these interact to provide a pathway or barrier for wastewater movement.		
2. Subject to local regulatory rules and design by a suitably qualified and experienced person, the separation of a drip line system from an upslope boundary, for slopes greater than 5%, may be reduced to 0.5 m.		



**TABLE R1**  
**GUIDELINES FOR HORIZONTAL AND VERTICAL SETBACK DISTANCES**  
(to be used in conjunction with Table R2) (continued)

<p>3. Setback distances of less than 3 m from houses are appropriate only where a drip irrigation land application system is being used with low design irrigation rates, where shallow subsurface systems are being used with equivalent low areal loading rates, where the risk of reducing the bearing capacity of the foundation or damaging the structure is low, or where an effective barrier (designed by a suitably qualified and experienced person) can be installed. This may require consent from the regulatory authority.</p> <p>4. Setback distance from surface water is defined as the areal edge of the land application system to the edge of the water. Where land application areas are planned in a water supply catchment, advice on adequate buffer distances should be sought from the relevant water authority and a hydrogeologist. Surface water, in this case, refers to any fresh water or geothermal water in a river, lake, stream, or wetland that may be permanently or intermittently flowing. Surface water also includes water in the coastal marine area and water in man-made drains, channels, and dams unless these are to specifically divert surface water away from the land application area. Surface water excludes any water in a pipe or tank.</p> <p>5. Highly permeable stony soils and gravel aquifers potentially allow microorganisms to be readily transported up to hundreds of metres down the gradient of an on-site system (see R3, Table 1 in Pang et al. 2005). Maximum setback distances are recommended where site constraints are identified at a high scale for items A, C, and H. For reading and guidance on setback distances in highly permeable soils and coarse-grained aquifers see R3. As microbial removal is not linear with distance, data extrapolation of experiments should not be relied upon unless the data has been verified in the field. Advice on adequate buffer distances should be sought from the relevant water authority and a hydrogeologist.</p> <p>6. Setback distances from water supply bores should be reviewed on a case-by-case basis. Distance can depend on many factors including soil type, rainfall, depth and casing of bore, direction of groundwater flow, type of microorganisms, existing quality of receiving waters, and resource value of waters.</p> <p>7. Where effluent is applied to the surface by covered drip or spray irrigation, the maximum value is recommended.</p> <p>8. In the case of subsurface application of primary treated effluent by LPED irrigation, the upper value is recommended.</p> <p>9. In the case of subsurface spray, the setback distances are based on a spray plume with a diameter not exceeding 2 m or a plume height not exceeding 0.5 m above finished surface level. The potential for aerosols being carried by the wind also needs to be taken into account.</p> <p>10. It is recommended that land application of primary treated effluent be down gradient of in-ground water tanks.</p> <p>11. When determining minimum distances from retaining walls, embankments, or cut slopes, the type of land application system, soil types and soil layering should also be taken into account to avoid wastewater collecting in the subsoil drains or seepage through cuts and embankments. Where these situations occur setback clearances may need to be increased. In areas where slope stability is of concern, advice from a suitably qualified and experienced person may be required.</p> <p>12. Groundwater setback distance (depth) assumes unsaturated flow and is defined as the vertical distance from the base of the land application systems to the highest seasonal water table level. To minimise potential for adverse impacts on groundwater quality, minimum setback distances should ensure unsaturated, aerobic conditions in the soil. These minimum depths will vary depending on the scale of site constraints identified in Table R2. Where groundwater setback is insufficient, the ground level can be raised by importing suitable topsoil and improving effluent treatment. The regulatory authority should make the final decision in the instance. (See also the guidance on soil depth and groundwater clearance in Tables K1 and K2.)</p>
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**Appendix 3.** Buffer distances (from Table 2.8 ‘Designing and Installing On-site Wastewater Systems’ (Water NSW 2023))

Feature	Level effluent treatment	Effluent application method	Buffer distance (minimum)	Achievable?		
				Yes	No	NA
Buildings (e.g., farm shed/outbuilding /detached garage), retaining walls	Primary	Subsoil	2m downslope and where flat, or 6m upslope of the feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface and surface irrigation	2-6m (<3m only for drip irrigation on low rate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inhabited dwelling		Surface irrigation	15m up or downslope of the feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Premise boundaries, paths and walkways, recreation areas	Primary	Subsoil	3m downslope and where flat, or 6m upslope of the feature; 15m to recreation areas if by LPED irrigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface irrigation	3m downslope and where flat, or 4m upslope of the feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Surface irrigation	15m upslope or downslope of feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In ground potable water tanks, in ground swimming pools	Primary	Subsoil	15m and downslope from water tank or pool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface and surface irrigation	4m – should not be located upslope of feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Watercourses, lakes and the full supply level for all water supply reservoirs	Primary	Subsoil	100m from the high water level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface and surface irrigation	100m from the high water level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bore or well used for domestic <sup>^</sup> consumption	Primary	Subsoil	100m	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface and surface irrigation	100m	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drainage depressions, farm dams and roadside drainage and lot scale stormwater quality improvement devices	Primary	Subsoil	40m from the high water level	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Secondary (disinfected)	Subsurface and surface irrigation	40m from the high water level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>^</sup>If within 100 metres of a bore or well licenced for domestic consumption, a draw-down analysis is required using an appropriate methodology. For example, Cromer, Gardner and Beavers, (2001) Domestic consumption is taken to mean for drinking, watering of edible plants, etc.



**Appendix 4.** OSSM System Risk Assessment Matrix

RISK ASSESSMENT FACTORS	LEVEL OF RISK			COMMENTS
	HIGH	MEDIUM	LOW	
Land area	<5000m <sup>2</sup> OR No reserve area identified 25	5000m <sup>2</sup> -2 ha 10	>2 ha 0	
Distance from waterbodies	<40 m to drainage depression/dam/intermittent watercourse OR < 100 m to permanent waters 20	40-100 m to drainage depression/dam/intermittent watercourse OR 100-200m from permanent watercourse 10	>100m to drainage depression/dam/intermittent watercourse OR >200m from permanent watercourse 0	
Soil type	Category 1, 5 and 6 25	Category 4 10	Category 2 and 3 0	
Potential occupancy of dwelling (no. bedrooms)	>4 bedrooms OR 3 bedrooms + serviced shed or studio 20	3-4 bedrooms 10	< 3 bedrooms 0	
Slope / landform	Steep >20% 20	Undulating/ slope 10%-20% 10	Flat – up to 10% 0	
Nearest bore	<100m with draw down analysis resulting in a required setback distance <50 m 15	<100m with draw down analysis resulting in a required setback distance >50 m 5	>100m 0	
Proximity to human activity (house/recreational lawn, etc)	<6m 15	6-20m 10	20m+ 0	
System type appropriate for site (giving consideration to any risk mitigation measures implemented – e.g. high level alarms on collection wells) <i>Note: Effluent pump-out systems considered high risk regardless of mitigation measures due to misuse / poor management</i>	20	10	0	
Pump used to convey effluent upslope to effluent management area	Primary treated effluent with no high level alarm on holding tank 15	Primary treated effluent with high level alarm on holding tank OR Secondary treated effluent 10	Effluent not pumped upslope 0	
Other Considerations (e.g. major constraints, variations to Council's OSSM CoP, special designs)				
<b>TOTAL SCORE</b>				
<b>OVERALL RISK RATING</b>	>80 = HIGH RISK	20-80 = MEDIUM RISK	<20 = LOW RISK	

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**FCS23/035 ANNUAL REPORT 2022-23**

**S004-T00016**

- Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services
- Attachments: 1. Under Separate Cover - Annual Report 2022-23  
2. Under Separate Cover - Appendix 1 - Financial statements for year ended 30 June 2023
- Community Goal: 5 Our engaged community with progressive leadership
- Community Strategy: 5.2 Proactive, responsive and strategic leadership
- Delivery Program Link: 5.2.2 Implement effective governance and long-term planning
- Operational Plan Link: 5.2.2.2 Review and prepare Council's plans and reports under the Integrated Planning and Reporting Framework

**EXECUTIVE SUMMARY**

The Annual Report 2022-23 is an informing tool for Council stakeholders. It is prepared in accordance with the Local Government Act 1993, Local Government (General) Regulation 2021, the Office of Local Government's Integrated Planning and Reporting Guidelines and other legislation.

The report is presented in seven parts:

1. Welcome
2. Our Eurobodalla
3. Our Performance Summary
4. Our Governance
5. Our Organisation
6. Detailed Performance Report
7. Local Government requirements

The financial statements for the year ended 30 June 2023 are an appendix to the annual report.

The Annual Report 2022-23 reports 90% of Council's Operational Plan 2022-23 actions as completed or on track, with 10% being withdrawn or considered off track. Commentary is provided against all actions, including explanations for withdrawn or off-track actions.

**RECOMMENDATION**

THAT:

1. Council receive and note the Annual Report 2022-23.
2. A copy of the Annual Report 2022-23 be placed on Council's website and a copy forwarded to the Minister of Local Government.

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**FCS23/035 ANNUAL REPORT 2022-23**

**S004-T00016**

**BACKGROUND**

The Annual Report 2022-23 is an informing tool for Council stakeholders. It provides the reader with insight into Council's efforts and achievements, governance and structures, and presents financial and operational performance information for the year 1 July 2022 to 30 June 2023. The year's activities were guided by the Community Strategic Plan (Our Eurobodalla 2042) and Council's Delivery Program 2022-26.

The annual report is prepared in accordance with the Local Government Act 1993, Local Government (General) Regulation 2021, the Office of Local Government's Integrated Planning and Reporting Framework and Guidelines and other legislation.

**CONSIDERATIONS**

There is no standard format for an annual report under the Integrated Planning and Reporting framework or guidelines. To assist the reader, Council's Annual Report is presented in seven parts:

1. Welcome – a message from the mayor and general manager.
2. Our Eurobodalla – provides an overview of Eurobodalla including geographic information, demographic data, and considerations of yesterday, today and tomorrow.
3. Our Performance Summary - includes a summary of efforts to deliver the 2022-23 Operational Plan, a summary of financial performance, Council's achievements and awards, and highlights ways we have celebrated our community this year.
4. Our Governance - outlines how Council is governed and advised, who our Councillors are, the major decisions made and how the community collaborated with Council during the year.
5. Our Organisation – explains how the Council organisation is structured, and it's people.
6. Detailed Performance Report - provides a detailed performance report on the status of actions and measures committed in the Operational Plan 2022-23.
7. Local Government requirements - gives additional and detailed supporting information as well as addressing statutory requirements.

The financial statements for the year ended 30 June 2023 are an appendix to Council's Annual Report.

The 2022-23 Operational Plan contained 265 actions across all of Council's services. These actions contributed to the activities contained in the Delivery Program 2022-26 and the aspirations of the Community Strategic Plan (Our Eurobodalla 2042). The Annual Report 2022-23 reports 90% of Council's Operational Plan 2022-23 actions as completed or on track, with 10% being withdrawn or considered off track.

**Legal**

The Annual Report 2022-23 complies with the *Local Government Act 1993*, *Local Government (General) Regulations 2005* and other statutory reporting requirements including the

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**FCS23/035 ANNUAL REPORT 2022-23**

**S004-T00016**

*Environmental Planning and Assessment Act 1979, NSW Carers (Recognition) Act 2010, Rural Fires Act 1997 and NSW Disability Inclusion Act 2014.*

**Financial**

Council's audited financial statements for year ended 30 June 2023 are Appendix 1 to the report.

**CONCLUSION**

The Annual Report 2022-23 complies with the legislative requirements and provides the reader an overview of Council and its performance for the year ended 30 June 2023.



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**FCS23/036 PRESENTATION OF ANNUAL FINANCIAL STATEMENTS FOR YEAR  
ENDED 30 JUNE 2023**

**S011-  
T00002**

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

Attachments: 1. Under Separate Cover - Audited Financial Statements for year ending 30 June 2023

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

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

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

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council's audited Financial Statements for the year ended 30 June 2023, as required by the *Local Government Act 1993*.

### **RECOMMENDATION**

THAT Council's audited Financial Statements for the year ended 30 June 2023 be received.

### **BACKGROUND**

Council's draft Financial Statements were referred to audit following Council resolution at the meeting held 19 September 2023. The audit was undertaken by Crowe Australasia, on behalf of the Audit Office of NSW.

The audit was completed on 31 October 2023, with the Audit Office of NSW issuing an unqualified audit opinion. In accordance with Section 417 of the *Local Government Act 1993* Council's Audited Financial Statements were submitted to the Office of Local Government (OLG) on 31 October 2023.

As required under Section 418 of the *Local Government Act 1993*, after receiving the independent auditor's reports, the Financial Statements were placed on Council's website on 3 November 2023.

Section 420 of the *Local Government Act 1993* requires that any public submissions received on the Financial Statements be in writing within seven days after this Council meeting. Submissions must be referred to Council's Auditor and Council may take any action it considers appropriate with respect to any submissions received.

The financial statements were circulated to the Audit Risk and Improvement Committee (ARIC) on 19 September 2023. The auditors briefed the Financial Statements to Council on 14 November 2023 and are due to present to ARIC on 22 November 2023.

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**FCS23/036 PRESENTATION OF ANNUAL FINANCIAL STATEMENTS FOR YEAR  
ENDED 30 JUNE 2023**

**S011-  
T00002**

**CONSIDERATIONS**

**Policy**

The principal accounting policies used in the preparation of Council's Financial Statements are disclosed in the statements. These policies have been consistently applied to all years presented, unless otherwise stated.

**Financial**

Council's consolidated operating result for the year ended 30 June 2023 was a surplus of \$2.63 million (\$3.10 million in 2022). This was a favorable result when compared with the original budget of \$1.23 million deficit.

Council's cash and investments increased by \$15.22 million to \$184.16 million. The majority of this related to proceeds for loans for the sewer fund. Unrestricted cash decreased by \$3.33 million to \$6.39 million.

Council achieved five out of six of the local government sector benchmarks for performance measures, set by the OLG. The own source operating revenue ratio was below the benchmark of 60% at 55.33% (56.14% in 2022). Detailed commentary on the performance measures or ratios can be found on page 74 of the Financial Statements.

More detailed commentary on budget variations can be found on page 31 of the Financial Statements and further commentary in the report on the conduct of the audit starts on page 79.

**Community and Stakeholder Engagement**

The audited Financial Statements were made available to the public on 3 November 2023 on Council's website, at Council's three libraries and at the main administration centre in Moruya. Public submissions on the audited Financial Statements closes 28 November 2023.

**CONCLUSION**

The Annual Financial Statements including the Independent Auditor's Reports for year ending 30 June 2023 have been submitted to the Office of Local Government and are now formally presented.

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**FCS23/037 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 30  
SEPTEMBER 2023**

**S011-  
T00003**

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

Attachments: 1. Quarterly Budget Review Statement for period ending 30 September 2023  
2. Under Separate Cover - General Manager's performance plan 2023-24

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

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

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

### **EXECUTIVE SUMMARY**

The Quarterly Budget Review Statement (QBRs) reports on Council's performance against the Operational Plan for the quarter ending 30 September 2023. The QBRs acts a barometer of Council's financial health during the year. It also discloses Council's forecasted financial position for the year end to assist with informed, transparent, decision making.

Council's original budget for 2023-24, on a consolidated basis was an:

- operating result, before capital revenue, of (\$6.85 million) deficit
- operating result, after capital revenue, of \$75.93 million surplus
- decrease (usage) of \$27.18 million in unrestricted funds.

The proposed revised budget for the quarter ending 30 September 2023 is an:

- operating result, before capital revenue, of (\$5.28 million) deficit
- operating result, after capital revenue, of \$90.05 million surplus
- decrease (usage) of \$29.09 million in unrestricted funds.

Council remains concerned with the impact of decisions on cash and operating deficits in the current year with trends of ongoing operating deficits that may be unsustainable in the longer term.

### **RECOMMENDATION**

THAT:

1. The Quarterly Budget Review Statement (including attachments) for the quarter ended 30 September 2023 be received and noted.
2. The revised budget be adopted based on the proposed adjustments as presented.

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**FCS23/037 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 30  
SEPTEMBER 2023**

**S011-  
T00003**

**BACKGROUND**

Council reviews its performance and financial results against the adopted Operational Plan quarterly. It also authorises adjustments to the budget, and highlights variations from its original budget.

It should be noted that the results referred to in this report are unaudited.

**The attachments to this report are as follows:**

**Financial reports (Attachment 1)**

These reports provide information on Council's performance against its financial objectives contained in the Operational Plan, presented for the consolidated entity.

Financial reports include:

- a) Consolidated fund flow statement – this report shows the impact of operating, financing and investing activities on Council's unrestricted working capital.
- b) Consolidated income statement – provides sources of income and expenditure, including depreciation, by Council service.
- c) Consolidated capital program statement – provides capital expenditure information for each program area and associated services.
- d) Projected funds balance statement – provides information on the movements in both unrestricted and restricted fund accounts.
- e) Budget amendment listing report – provides details of proposed significant adjustments to budgets.
- f) Special Rate Variation (SRV) capital program – provides capital expenditure information for each of the projects in the SRV program of works.

**Consultancy, Legals and Contractors Report (Attachment 2)**

This attachment provides information on major contracts entered into, legal fees incurred and consultancy costs for the September quarter.

**Key Financial Indicators (Attachment 3)**

This attachment provides information about key financial indicators designed to assist in monitoring Council's financial sustainability. The indicators are for the consolidated entity.

**Mayoral and Councillor Expenses (Attachment 4)**

Provides information about Mayoral and Councillor expenditure.

**The Bay Pavilions Income Statement (Attachment 5)**

Provides income and expenditure, including depreciation for the Bay Pavilions.

**General Manager Performance Plan (Attachment 6)**

Details the 2023-24 Performance Plan for the General Manager.

**FCS23/037 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 30  
SEPTEMBER 2023**

**S011-  
T00003**

**CONSIDERATIONS**

**Consolidated Fund flow Statement (Attachment 1(a)):**

Council requires sufficient funds to pay for its debts as and when they fall due. The Fund Flow Statement shows the change in Council's freely available funds or working capital.

It includes all transactions that impact on Council's funds i.e. income and expenses from its operating activities, capital program and borrowing activities. It also includes the transfer into or use of restricted funds for capital or non-recurrent projects. Depreciation is not included as it does not represent a cash flow.

The net fund flow shows the amount of unrestricted funds that will be used to deliver the agreed Operational Plan outcomes for the 2023-24 year. The consolidated original budget forecasted a \$27.18 million decrease in unrestricted funds. Adjustments to the budget in this QBRS result in a projected decrease to unrestricted funds of \$29.09 million.

*Table 1.1 Net Increase (decrease) in unrestricted funds, per fund, \$'000*

Fund	2023-24 Original Budget	Proposed Carry Overs	Proposed Adjustments	2023-24 Proposed Revised Budget
Water	(19,918)	(280)	(5)	(20,204)
Sewer	(9,257)	(118)	429	(8,946)
Waste	3,100	(1,259)	615	2,455
Environment	128	(111)	72	88
General	(1,232)	(4,044)	2,793	(2,483)
<b>Consolidated</b>	<b>(27,181)</b>	<b>(5,811)</b>	<b>3,904</b>	<b>(29,088)</b>

**Consolidated Income Statement (Attachment 1(b)):**

The Consolidated Income Statement shows the types of income, and expenditure per council service areas. This result can indicate whether Council is able to raise sufficient revenue to cover the operational cost (including depreciation) of delivering services to the community before considering its capital revenue.

The result is impacted by the timing of project funding, where funds are received in a different year to the expenditure taking place.

The revised operating result is a deficit of \$5.28 million before capital revenue.

*Table 1.2 Net Surplus/ (deficit) before capital revenue, \$'000*

Fund	2023-24 Original Budget	Proposed Carry Overs	Proposed Adjustments	2023-24 Proposed Revised Budget
Water	1,772	-	735	2,507
Sewer	264	-	(61)	203
Waste	1,980	(174)	962	2,768
Environment	42	(367)	125	(200)

**FCS23/037 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 30  
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General	(10,912)	(1,649)	2,004	(10,557)
<b>Consolidated</b>	<b>(6,854)</b>	<b>(2,190)</b>	<b>3,766</b>	<b>(5,278)</b>

**Carry Overs (Operating)**

The proposed revised budget for 2023-24 includes carry overs or projects from the previous financial year which were uncompleted at year end. The inclusion of the carry over projects in the 2023-24 budget will result in a \$2.19 million adjustment to the net operating result at year end.

Signification adjustments include:

- \$0.57 million various Environmental Management projects.
- \$0.51 million for various Strategic Planning projects.
- \$0.25 million for Community Care projects.

**Adjustments (Operating)**

The proposed QBRS adjustments result in a \$3.77 million improvement from the original operating deficit of \$6.85 million, resulting in a year end estimated operating deficit of \$5.28 million.

Significant favorable adjustments this quarter relate primarily to general fund and include:

- \$2.15 million increase to financial assistance grant based on 100% prepayment.
- \$2.06 million increase in investment income.
- \$0.23 million reduction in software licences and internet costs.
- \$0.2 million increase in profit from MR51 road contract works.

Significant unfavourable adjustments this quarter relate primarily to general fund and include:

- \$0.47 million increased depreciation due to developer gifted assets commissioned in 2023.
- \$0.43 million reduced revenues at the campgrounds.

**Adjustments (Capital)**

The proposed QBRS adjustments result in a \$14.12 million improvement from the original operating result after capital of \$75.93 million, resulting in a year end estimated operating surplus of \$90.05 million.

*Table 1.3 Net Surplus/(deficit) after capital grants and contributions \$'000*

Fund	2023-24 Original Budget	Proposed Carry Overs	Proposed Adjustments	2023-24 Proposed Revised Budget
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**FCS23/037 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 30  
SEPTEMBER 2023**

**S011-  
T00003**

Water	48,882	-	735	49,617
Sewer	7,064	-	(61)	7,003
General	19,980	5,429	8,020	33,429
<b>Consolidated</b>	<b>75,926</b>	<b>5,429</b>	<b>8,694</b>	<b>90,049</b>

**Consolidated Capital Program Statement (Attachment 1(c)):**

**Capital Program**

The original capital expenditure budget for 2023-24 was \$147.81 million. The proposed revised capital expenditure budget, incorporating QBRS adjustments, is \$168.43 million.

*Table 1.4 Capital Program per fund, \$'000*

Fund	2023-24 Original Budget	Proposed Carry Overs	Proposed Adjustments	2023-24 Proposed Revised Budget
Water	68,607	331	500	69,438
Sewer	27,943	4,397	(3,500)	28,840
General	51,262	17,122	1,768	70,152
<b>Consolidated</b>	<b>147,811</b>	<b>21,850</b>	<b>(1,232)</b>	<b>168,430</b>

Carry over projects from 2022-23 included in the 2023-24 revised budget total \$21.85 million and include:

- \$4.40 million for the Bay sewerage treatment plant upgrade.
- \$3.69 million for plant and fleet replacements.
- \$2.73 million for various recreation projects.
- \$2.41 million for various road transport projects.
- \$1.42 for the Mogo adventure trial project.
- \$1.07 million for the shellfish hatchery.
- \$1.00 million for South Batemans Bay stormwater upgrade.
- \$0.99 million for Surf Beach waste management facility enabling works.
- \$0.94 million for the Coastal Headlands Walk.
- \$0.86 million for the Surf Beach emergency services precinct.
- \$0.77 million for the Wagonga Inlet Living Shoreline.

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**FCS23/037 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 30  
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**S011-  
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Adjustments made during the September quarter reduce the capital budget by \$1.2 million and include:

- \$2.80 million disaster recovery works.
- \$1.50 million Wagonga Inlet crossing works.
- (\$0.25 million) Moruya Airport development.
- (\$0.50 million) water mains renewals.
- (\$0.50 million) Deep Creek Dam spillway project.
- (\$0.50 million) Tuross effluent reuse scheme.
- (\$3.00 million) Tomakin sewerage treatment plant augmentation

**Special Rate Variation (SRV) – progress update (Attachment 1 (f)):**

2023-24 is the eighth year of the SRV program and over \$9.37 million of infrastructure works for the year are underway. \$1.59 million of SRV designated funds are being utilised for these works.

As at 30 September 2023, approximately 11% (\$0.99 million) of the programmed SRV works for this year have been expensed (per attachment 1(f)).

*Attachment 1 (f)* reports the detailed progress of the capital program showing individual project budgets and expenses with updates as at 30 September 2023.

**The Bay Pavilions Income Statement (Attachment 5)**

The original 2023-24 budget forecasted a \$4.91 million operating deficit for The Bay Pavilions. The September QBRS includes adjustments for depreciation. As a result of these adjustments, the forecast operating deficit is now \$5.06 million.

**General Manager 2023-24 Performance Plan (Attachment 6)**

The 2023-24 Performance Plan of the General Manager, Mr Warwick Winn, has been attached. This will form the foundation of works to be undertaken in 2024.



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**FCS23/037 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 30  
SEPTEMBER 2023**

**S011-  
T00003**

**Legal**

This review is based on the Quarterly Budget Review Statement Guidelines issued December 2010, pursuant to the provisions of the *Local Government Act 1993* relating to integrated planning.

**Policy**

The accounting policies being used are based on those detailed in the financial statements for the year ended 30 June 2023.

“Adjustments” in the Fund Flow Statement are changes in the funding requirements where “funds” are net current assets (working capital) excluding both internal and externally restricted funds.

**CONCLUSION**

*The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:*

As the Responsible Accounting Officer, it is my opinion the September Quarterly Budget Review for Eurobodalla Shire Council indicates that Council’s projected financial position, as at 30 June 2024, will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The September Quarterly Budget Review Statement projects an operating deficit for Council in the current year. Like many councils across NSW, Eurobodalla is facing financial challenges due to the limited ability to increase revenue, continued increases in CPI, wages and operating costs. This means services delivered by Council, to the community, are becoming more expensive.

Council is developing a Finance Strategy to mitigate these challenges that is scheduled to be presented at the ordinary Council Meeting 19 December 2023.

**FCS23/044 INVESTMENTS MADE AS AT 31 OCTOBER 2023**

**S011-T00006,S012-  
T00025**

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

**EXECUTIVE SUMMARY**

The purpose of this report is to:

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

**RECOMMENDATION**

THAT the certification of investments as at 31 October 2023, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

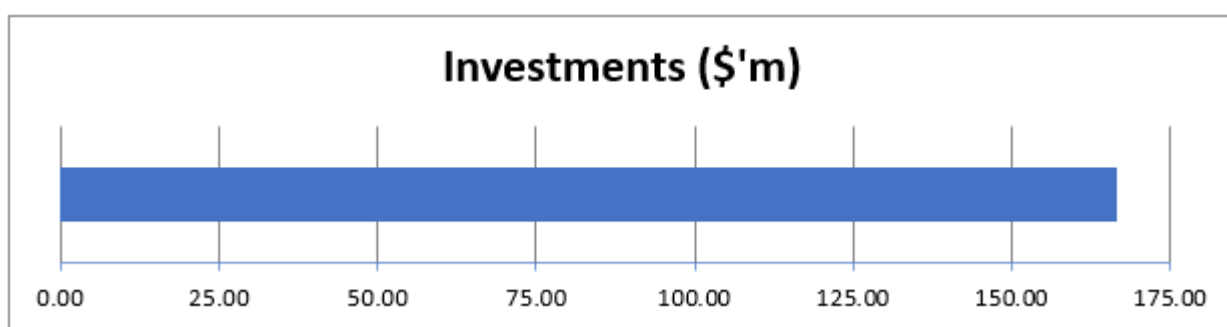
**CONSIDERATIONS**

**Policy**

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

**Financial**

Council investing overall



**FCS23/044 INVESTMENTS MADE AS AT 31 OCTOBER 2023**

**S011-T00006,S012-T00025**

Council has \$166.60M (100%) invested in bank deposits. The bank deposits are held in banks rated A or greater, or covered by the AAA rated Government guarantee, except for \$40.5M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments decreased by \$3m in October 2023 due to normal variations in timing of cash flows.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 24.31% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.05% of the portfolio.

There are \$60.0M (36.01%) of funds invested in institutions which either have no direct financing exposure to projects in the fossil fuel sector or no longer directly finance projects in the fossil fuel sector but still have some exposure from historical funding.

The weighted average return for all investments for the month is 5.23%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (4.45%).

Summary investment information

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

<b>CATEGORY</b>	<b>(\$)</b>
At call deposit	12,332,999
Term deposits	152,520,000
Term deposits Government guaranteed	1,750,000
	<b>166,602,999</b>
<i>Weighted average interest %:</i>	5.23%
<i>Average 90 day BBSW + 0.25%</i>	4.45%

Policy and liquidity risk

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

<b>Policy risk</b>	<b>Low liquidity risk %</b>	<b>Total % of investments</b>	<b>Policy risk % (max holdings)</b>
<b>Remote risk</b>	1.05	1.05	100.00
<b>Near risk free</b>	74.64	754.64	100.00
<b>Some limited risk</b>	24.31	24.31	30.00

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**FCS23/044 INVESTMENTS MADE AS AT 31 OCTOBER 2023**

**S011-T00006,S012-  
T00025**

<b>(BBB+)</b>			
<b>Grand total</b>	<b>100.00</b>	<b>100.00</b>	

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2023 is 2.94:1. Council therefore has approximately \$2.94 of current assets for each \$1 of current liabilities.

**CONCLUSION**

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

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**IR23/023 REQUEST FOR TENDER NO. 2324-040 BRIDGE UPGRADE - DESIGN  
AND CONSTRUCTION**

**S030-  
T00019**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - RFT 2324-040 Bridge Upgrade Design and Construction

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

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

Delivery Program Link: 4.1.3 Provide safe and reliable local and urban roads, guided by the asset management plan

Operational Plan Link: 4.1.3.2 Deliver the annual capital works program for the local and urban road network

### **EXECUTIVE SUMMARY**

A requirement exists for the design and construction of two bridges and one bridge/culvert, at Old Mill Road Turlinjah, Veitch Street Mogo, and Nelligen Creek Road Nelligen. The works will strengthen the resilience of the roads to bushfires and floods and improve functionality for the community.

The work will be funded under Australian and NSW Government programs including Fixing Country Bridges Round 2A, Disaster Recovery Funding Arrangements, Natural Disaster Recovery Grant, and a Council contribution from the Bridge Renewals Program.

Request for Tender (RFT) No. 2324-040 Bridge Upgrade - Design and Construction, includes requirements for designing and constructing two bridges and one bridge/culvert to all relevant standards including all demolition, construction, approach upgrades, and site remediation required.

This report outlines the evaluation of offers submitted in response to RFT No. 2324-040 and provides a recommendation for the preferred tenderer.

### **RECOMMENDATION**

THAT Council:

1. Enters into a contractual arrangement with the preferred tenderer for bridge upgrades, including design and construction, subject to the terms specified in Request for Tender No. 2324-040 unless otherwise varied in accordance with this report.
2. Agrees that variations may be made in accordance with the relevant provisions of the contract, provided that the total value of variations does not exceed 10% of the approved tender price.
3. Delegates authority to the General Manager to take such actions necessary to give effect to this resolution.

### **BACKGROUND**

Eurobodalla Shire has experienced bushfires and a number of floods from the Black Summer fires in 2019/20 onwards. Council has been undertaking a program of restoring or upgrading

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**IR23/023 REQUEST FOR TENDER NO. 2324-040 BRIDGE UPGRADE - DESIGN  
AND CONSTRUCTION**

**S030-  
T00019**

bridge, culvert and causeway assets to assist communities maintain access and manoeuvrability in response to these events. The work will be funded under Australian and NSW Government programs including Fixing Country Bridges Round 2A, Disaster Recovery Funding Arrangements, Natural Disaster Recovery Grant, and a Council contribution from the Bridge Renewals Program.

Maps of the project locations and descriptions are shown below.

**Old Mill Road Bridge**

The bridge is located 4.0 km along Old Mill Road from the intersection with the Princes Highway. Located on an unmaintained road, the bridge is a 6m long single-span, single-lane timber bridge, crossing over a small creek. A concrete structure is proposed to replace the bridge to reduce future risk from bushfires.

The project will be funded with a \$528,000 grant under the NSW Government's Fixing Country Bridges Program Round 2A.

**Veitch St Culvert**

Located approximately 100m north of Church Street, Mogo, the culvert allows Veitch Street to cross Mogo Creek. The current crossing consists of five galvanised iron corrugated pipes which are showing significant signs of deterioration.

An integrated bridge structure that incorporates pedestrian paths to allow for safe, separated movement of both vehicles and pedestrians is proposed to replace the current culvert.

The project will be funded with a \$300,000 grant under the Australian Government's Natural Disaster Relief and Recovery Arrangements program and a Council contribution of \$430,000 in the 2022/23 financial year and \$649,042 in the 2023/24 financial year from the Bridge Renewals program.

**Nelligen Creek Road Culvert**

The site of the existing causeway and proposed culvert is located 1.7km along Nelligen Creek Road, approximately 7km west of Nelligen. The road provides access for local residents and access to the Nelligen Creek Firetrail.

The project will be funded with \$530,485 in grants under the Australian Government's Natural Disaster Relief and Recovery Arrangements program.

**Tendering**

RFT No. 2324-040 Bridge Upgrade - Design and Construction was open for submissions from 4 September 2023 with a closing date of 25 September 2023. Upon close of submissions, two (2) tenders were received from the following tenderers:

- HD Civil P/L Bergalia, NSW
- South Coast Civil P/L Turlinjah, NSW.

A summary of the evaluation including each tenderer's scoring against the evaluation criteria is provided in the Confidential Attachment to this report.

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**IR23/023 REQUEST FOR TENDER NO. 2324-040 BRIDGE UPGRADE - DESIGN  
AND CONSTRUCTION**

**S030-  
T00019**

**CONSIDERATIONS**

**Legal**

RFT No. 2324-040 Bridge Upgrade - Design and Construction was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993. The tender was advertised on Council's Tenderlink web portal: ([www.tenderlink.com/eurobodalla](http://www.tenderlink.com/eurobodalla))

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB). Prior to the closure of the RFT, it was identified that most of the members of the TEB were not available and so a new TEB was formed. Declarations of Confidentiality and Interest Forms were completed and signed by the TEB.

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council.

**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.

**Asset**

The reconstruction of the three crossings will assist Council in delivering its objectives under the Eurobodalla Asset Management Strategy.

**Social Impact**

The reconstructions will improve long-term connectivity and reduction in isolation during significant natural disaster events by improving flood immunity and resilience to bushfire and flood.

**Economic Development Employment Potential**

The construction of the assets using contractors increases economic opportunity for the local workforce. Both submitting contractors are based in Eurobodalla, have or are undertaking works currently in the Shire and will allow for ongoing employment of current staff.

**Financial**

The project delivery is funded by a combination of three grant programs as well as Council contributions. Ongoing maintenance will be accommodated within Council's maintenance budget.

**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.

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**IR23/023 REQUEST FOR TENDER NO. 2324-040 BRIDGE UPGRADE - DESIGN  
AND CONSTRUCTION**

**S030-  
T00019**

**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.

The preferred tenderer as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the requirement.



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**IR23/024 REQUEST FOR TENDER NO. 10051201 - NELLIGEN WATER  
RETICULATION AND PRESSURE SEWERAGE SYSTEMS**

**S032-T00008;  
S029-T00004**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - RFT No. 10051201 Nelligen Water Reticulation and Pressure Sewerage Systems

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

Community Strategy: 1.4 Work together in the management and use of our valuable resources

Delivery Program Link: 1.4.1 Provide safe, reliable and sustainable water and sewer services, guided by the Integrated Water Cycle Management Strategy

Operational Plan Link: 1.4.1.3 Deliver programmed capital works (build and renewals) for the sewerage network

### **EXECUTIVE SUMMARY**

Council has committed to provide water supply and sewerage services to the village of Nelligen. RFT No. 10051201 – Nelligen Water Reticulation and Pressure Sewerage Systems includes the construction of water reticulation and pressure sewerage systems in the Nelligen village.

The water reticulation and pressure sewerage systems will connect to other water and sewer infrastructure currently being constructed under separate contracts. Construction of this infrastructure is essential to complete the Nelligen Water Supply and Sewerage Scheme, which will provide water supply and sewerage services to the village of Nelligen.

Council engaged Public Works Advisory (PWA) to advertise RFT No. 10051201 on Council's behalf.

This report outlines the evaluation of offers submitted in response to RFT No. 10051201 and provides a recommendation for the preferred tenderer.

### **RECOMMENDATION**

THAT Council:

1. Enters into a contractual arrangement with the preferred tenderer for the construction of the water reticulation and pressure sewerage systems, subject to the terms specified in Request for Tender No. 10051201 - Nelligen Water Reticulation and Pressure Sewerage Systems unless otherwise varied in accordance with this report.
2. Agrees that variations may be made in accordance with the relevant provisions of the contract, provided that the total value of variations does not exceed 10% of the approved tender price.
3. Delegates authority to the General Manager to take such actions necessary to give effect to this resolution.

### **BACKGROUND**

Council's Integrated Water Cycle Management Strategy (IWCMS) 2016 identified the existing on-site sewage management systems in Nelligen as having a high risk for public and

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**IR23/024 REQUEST FOR TENDER NO. 10051201 - NELLIGEN WATER  
RETICULATION AND PRESSURE SEWERAGE SYSTEMS**

**S032-T00008;  
S029-T00004**

environmental health. Council pursued funding for the project and was subsequently successful in obtaining a grant of \$3.5 million through the NSW State Government Safe and Secure Water Program to complete the design and construction of the Nelligen Water Supply and Sewerage Scheme.

The project is being constructed under four contracts packaged as follows:

- Contract #10049881 - Nelligen Water Reservoirs
- Contract #10049901 - Nelligen Pumping Stations and Transfer Mains
- RFT No. 10051201 - Nelligen Water Reticulation and Pressure Sewerage Systems
- Contract Package 04 – Nelligen Power Supply Upgrades.

RFT No. 10051201 includes the construction of a water reticulation and pressure sewerage system. Construction of this infrastructure is essential to provide water supply and sewerage services to the village of Nelligen.

RFT No. 10051201 was advertised on 31 August 2023 with a closing date of 10 October 2023. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 7 September 2023.

- Ledonne Constructions Pty Ltd
- Quay Civil Pty Ltd
- Utilstra Pty Ltd.

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**

Request for Tender (RFT) No. 10051201 – Nelligen Water Reticulation and Pressure Sewerage Systems was advertised in accordance with clause 167 of the Local Government (General) Regulation 2021 and Local Government Act 1993.

The tender was advertised in local newspapers and through the NSW Government tendering 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.

### **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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**IR23/024 REQUEST FOR TENDER NO. 10051201 - NELLIGEN WATER  
RETICULATION AND PRESSURE SEWERAGE SYSTEMS**

**S032-T00008;  
S029-T00004**

the Local Government Procurement Guidelines, Local Government (General) Regulation 2021 and the Local Government Act 1993.

**Environmental**

The works are required to minimise the impact that existing on-site sewage management systems in Nelligen are having on the environment. The infrastructure has been designed to cater for current and future service levels.

**Social Impact**

Provision of water supply and sewerage services will improve the quality and reliability of drinking water for residents and visitors of Nelligen. The provision of a reticulated town water supply will include regular hydrants within the streets to assist with firefighting activities.

**Financial**

A grant of \$3.5 million was provided through the NSW State Government Safe and Secure Water Program for the design and construction of the Nelligen Water Supply and Sewerage Scheme.

The amount tendered by the preferred tenderer can be accommodated within the existing project budget, funded by the sewer and water fund capital budget and sewer and water fund reserves.

**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.

The preferred tenderer as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the construction of the Nelligen water reticulation and pressure sewerage systems.

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**IR23/025 LOCAL TRAFFIC COMMITTEE NO. 4 FOR 2023-24**

**S030-T00018**

- Responsible Officer: Graham Attenborough - Director Infrastructure Services
- Attachments: 1. LTC No. 4 Minutes  
2. Perry Street 5490-C-01-Paper  
3. Clive Court Set A Sheet 3  
4. Glasshouse Rocks Road 5490 -C-01 Sheet 01
- Community Goal: 4 Our connected community through reliable and safe infrastructure networks
- Community Strategy: 4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla
- Delivery Program Link: 4.1.1 Plan for an integrated and active local transport network, guided by the NSW Government's Future Transport 2056 Strategy
- Operational Plan Link: 4.1.1.3 Coordinate the Local Traffic Committee

**EXECUTIVE SUMMARY**

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

Recommendations arising from the Local Traffic Committee meeting No. 4 held 12 October 2023, are as follows:

**RECOMMENDATION**

THAT Council approves:

1. The following acts for determination from Local Traffic Committee No. 4:
  - 2024.RT.006 - Council Plan 5490 Set B Sheet 01 No Stopping Zone on Glasshouse Rocks Rock, Narooma be approved.
  - 2024.RT.008 - Council Plan 5490 Set C Sheet 01 detailing 1P timed parking 8:30am-6pm Mon-Fri, 8:30am-12:30pm Sat, and Loading Zone, Perry Street Carpark, Batemans Bay be approved.
  - 2024.RT.001 - Council Plan A, Sheet 03 detailing Tuross Head Clive Court Toilet and Main Beach Access Accessible Carparking, Tuross Head be approved.
2. The following Special Events and Informal Items:
  - 2024.SE.004 - Traffic Management Plan – Remembrance Day Ceremony, 11 November 2023, Batemans Bay
  - 2024.SE.005 - Special Event Application – Beach to Bridge, 4 February 2024, Batemans Bay
  - 2024.SE.006 - Special Event Application – Batemans Bay Triathlon, 3 February 2024, Tomakin
  - 2024.IN.002 - Local Traffic Committee Meeting Dates for 2024

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**IR23/025 LOCAL TRAFFIC COMMITTEE NO. 4 FOR 2023-24**

**S030-T00018**

- 2024.IN.003 - Funding Offer - ACT Road Safety Fund Grants Program (\$15,000 ex GST).

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 4 for 2023-24 was held on 12 October 2023. The meeting was attended by Councillor Amber Schutz (Chair), Senior Sgt Scott Britt (NSW Police), Kristy Campbell (Transport for NSW), Kate McDougall (Traffic Officer), James Thomson (Acting Division Manager Technical Services), Sheree Ward (Infrastructure Support Officer) and Karen Shea (representative for Michael Holland MP).

**CONCLUSION**

The minutes of the Eurobodalla Local Traffic Committee meeting No. 4 are attached to this report and provide background detail for each of the recommendations.



**LOCAL TRAFFIC COMMITTEE  
MINUTES**

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<b>Meeting No:</b> 4-23/24	<b>File No</b> E16.0002
<b>Date:</b> Thursday 12 October 2023	<b>Time:</b> 9:30am
<b>Location:</b> Eurobodalla Shire Council – Glass Meeting Room and Online	

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**A report summarising these minutes will be presented at Council meeting for the 21<sup>st</sup> November 2023.**

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 4 for 2023-24 was held on 12 October 2023. The meeting was attended by Councillor Amber Schutz (Chair), Senior Sgt Scott Britt (NSW Police), Kristy Campbell (Transport for NSW), Kate McDougall (Traffic Officer), James Thomson (Acting Division Manager Technical Services), Sheree Ward (Infrastructure Support Officer) and Karen Shea (representative for Michael Holland MP).

**APOLOGIES**

Nil

**DEPUTATIONS**

Nil

**MINUTES OF PREVIOUS MEETING**

The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 for 2023-24 held on 7 September were confirmed and accepted.

**OUTSTANDING ITEMS FROM PREVIOUS MEETING**

Nil

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

**5.1 2024.RT.006 Signage – Glasshouse Rocks Road, Narooma**

**RECOMMENDATION**

That Council Plan 5490 Set B Sheet 01 Stopping on Glasshouse Rocks Road, Narooma be approved.

**BACKGROUND**

The Strata Manager for Parklands Narooma, met up with Councillor David Grace at a 'meet council' event held in Narooma on Wednesday 26 July, 2023

Several items were mentioned including the exit to Glasshouse Rocks Road from Access Road from Parklands. It was reported that vehicles were parking close to the intersection obstructing the view of oncoming vehicles. Council's Traffic Coordinator inspected the intersection and found that parked cars could obstruct the view of vehicles exiting the access road.

It was determined that No Stopping signage will be installed 15 metres on the south eastern side of Glasshouse Rocks Road and 20 metres on the north western side of Glasshouse Rocks Road from the intersection of the access road to Parklands.

This would allow more sight distance for vehicles exiting the access road from Parklands.



**LOCAL TRAFFIC COMMITTEE  
MINUTES**

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<b>Meeting No:</b> 4-23/24	<b>File No</b> E16.0002
<b>Date:</b> Thursday 12 October 2023	<b>Time:</b> 9:30am
<b>Location:</b> Eurobodalla Shire Council – Glass Meeting Room and Online	

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**5.2 2024.RT.008 Signage, timed parking – Perry Street carpark, Batemans Bay**

**Recommendation**

That Council Plan 5490 Set C Sheet 01 detailing 1P timed parking 8:30am-6pm Mon-Fri, 8:30am-12:30pm Sat, and Loading Zone, Perry Street Carpark, Batemans Bay be approved.

**BACKGROUND**

It had raised with Council by Sergeant Angus Duncombe that there appeared to be missing signage in the parking area of Perry Street carpark, Batemans Bay. There were two formed driveways in the carpark, one marked out as a Loading Zone and one within a time parking zone. Council's Traffic Coordinator contacted the agent of the building to determine how the second driveway is used. At times the driveway is used as two unmarked parking spaces. Information provided indicated the driveway was used by garbage service company to gain access to garbage bins held behind locked doors adjacent to the driveway. There had also been reported conflict between vehicles using the driveway space and adjacent car spaces.

The driveway will be signed Loading Zone, allowing for parking of garbage services and other vehicles that require ability to load and unload at this location. Adjustments will be made to install end 1P time parking zone signs and provide a Loading Zone at the driveway.

**5.3 2024.RT.001 Line marking – Tuross Head main carport – Clive Street**

**RECOMMENDATION**

That Council Plan A, Sheet 03 detailing Tuross Head Clive Court Toilet and Main Beach Access Accessible Carparking, Tuross Head be approved.

**BACKGROUND**

Council had been approached by Tuross Head Progress Association to provide nose to kerb line marking in the upgraded carpark at Clive Court. At peak holiday times, especially on hot summer days, beach goer vehicles have been parking lengthways across several parking spots to take advantage of the shade from the surrounding trees.

Accessible car parking spaces are currently marked; however it is proposed that additional line marked parking spaces be installed to take advantage of the parking area. Council currently does not have funding to proceed with the sealing required and line marking, however, the plans have been prepared and are available when funding becomes available.



**LOCAL TRAFFIC COMMITTEE  
MINUTES**

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<b>Meeting No:</b> 4-23/24	<b>File No</b> E16.0002
<b>Date:</b> Thursday 12 October 2023	<b>Time:</b> 9:30am
<b>Location:</b> Eurobodalla Shire Council – Glass Meeting Room and Online	

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**ITEM 6 - INFORMAL ITEMS FOR DISCUSSION**

**6.1 Local Traffic Committee Meeting Dates for 2024**

**RECOMMENDATION**

That the following meeting dates be adopted for the Local Traffic Committee for the remainder of 2023/2024 and first half of 2024/2025

Meeting No.	Date
6-23/24	Thursday 8 February 2024
7-23/24	Thursday 14 March 2024
8-23/24	Thursday 11 April 2024
9-23/24	Thursday 9 May 2024
10-23/24	Thursday 13 June 2024
1-24/25	Thursday 11 July 2024
2-24/25	Thursday 8 August 2024
3-24/25	Thursday 12 September 2024
4-24/25	Thursday 10 October 2024
5-24/25	Thursday 14 November 2024
6-24/25	Thursday 12 December 2024

**2<sup>ND</sup> THURSDAY OF EVERY MONTH**

**BACKGROUND**

Dates need to be determined for the monthly meetings of the Local Traffic Committee for 2024/2025.

This year for the convenience of Committee members, it is proposed to conduct the meetings of the Eurobodalla Local Traffic Committee on the second Thursday of each month.

**Conclusion**

Dates for meetings of the Eurobodalla Local Traffic Committee need to be set for remainder of 20223/2024 and first half of 2024/2025. It is proposed to conduct these meetings on the second Thursday of each month.





**LOCAL TRAFFIC COMMITTEE  
MINUTES**

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<b>Meeting No:</b> 4-23/24	<b>File No</b> E16.0002
<b>Date:</b> Thursday 12 October 2023	<b>Time:</b> 9:30am
<b>Location:</b> Eurobodalla Shire Council – Glass Meeting Room and Online	

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**6.2 Traffic Management Plan – Remembrance Day Ceremony Batemans Bay**

**RECOMMENDATION**

That the Batemans Bay RSL Sub-Branch Remembrance Day Ceremony to be conducted on Clyde Street in Batemans Bay on 11 November 2023 based on *Remembrance Day 2023 Honour Shore Event Traffic Control Plan CO 23*.

**BACKGROUND**

The 2023 Remembrance Day Ceremony will be conducted in the morning of 11 November by the Batemans Bay RSL Sub-Branch.

A section of Clyde Street Batemans Bay east of the bridge will be closed between 10:30am and 11:30am.

Traffic Control Plan CO 23 details the road closure. This TMP will be circulated to committee members prior to the meeting.

**CONCLUSION**

A Remembrance Day Ceremony will be held on Clyde Street Batemans Bay on 11 November 2023 with a road closure from 10:30am and 11:30am.

The Traffic Control Plan for the closure of Clyde Street will assist to allow this ceremony to take place with minimum risk to the participants.

Traffic Control Plan CO 23 detailing the traffic management will be circulated to committee members prior to the meeting via email.

**6.3 Funding Offer - ACT Road Safety Fund Grants Program**

**Recommendation**

That the action of staff in accepting the offer of funding for \$15,000 ex GST ACT Road Safety Fund Grants Program be endorsed.

**Background**

The ACT Road Safety Fund Grants Program offers grants for a range of activities including road safety programs and rehabilitation services, road safety education and public awareness campaigns, research, road safety audits and feasibility studies into road design and construction. Grant rounds are run annually, generally opening for applications in April/May. Eurobodalla Shire Council is coordinator of the Kings Highway Road Safety Partnership. A partnership between ESC, Queanbeyan Palerang Regional Council, ACT Government, NSW Government, Australian Federal Police and NSW Police, originally established to keep ACT drivers safe on the Kings Highway, ESC annually applies for the ACT Road Safety Fund Grant to help conduct road safety behavioural programs on the Kings Highway.



**LOCAL TRAFFIC COMMITTEE  
MINUTES**

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<b>Meeting No:</b> 4-23/24	<b>File No</b> E16.0002
<b>Date:</b> Thursday 12 October 2023	<b>Time:</b> 9:30am
<b>Location:</b> Eurobodalla Shire Council – Glass Meeting Room and Online	

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**Conclusion**

The partnership program activities designed to enhance road safety, raise awareness, and reduce road trauma on the Kings Highway. It is recommended that Council formally accept the grant funding offered by ACT Road Safety Fund Grants Program.

**FUNDING WAS ACCEPTED**

**RECOMMENDATION**

**6.4 Special Event Application – Beach to Bridge 2024, Batemans Bay**

**RECOMMENDATION**

That the Traffic Management and Control Plans for the Beach to Bridge, to be conducted along foreshore at Batemans Bay on Sunday 4 February 2024 be approved.

**BACKGROUND**

Council has received a special event application with associated traffic management documents for the Beach to Bridge to be on Batemans Bay foreshore, on Sunday 4 February 2024. The event will require altered traffic arrangements.

The “Beach to Bridge” running festival is a one-day event, consisting of 4 run distances.

- 21.1km Run
- 10km Run
- 5km Run
- 2km Run

Start and finish will be located at the Batemans Bay Foreshore. Utilising the footpath runners will start and head over the bridge to a turn point on Wharf Rd, returning to another turn point along Beach Rd at Corrigans Beach Reserve.

Traffic Control measures included in this document is a result of consultation undertaken by Elite Energy, Eurobodalla Shire Council, NSW Police & TfNSW (if required).

The following road closures (emergency and official vehicles exempt and resident vehicles allowed when safe to do so) are **requested from Sunday 4th February 2024** for the running event:

1. Wharf Rd turning lane from the Princes Hwy from 7:45am to 1.30pm approx.
2. Batemans Bay Marina Carpark, Catlin Ave & Hanging Rock Place will be controlled access when its safe from runners
3. All runners will utilise the footpath

**CONCLUSION**

The Beach to Bridge event will be held on Sunday 4th February 2024, at Batemans Bay Foreshore.

**A DETOUR NEEDS TO BE ADDED TO ACCESS WHARF ROAD, VIA PENINSULA DRIVE**



**LOCAL TRAFFIC COMMITTEE  
MINUTES**

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<b>Meeting No:</b> 4-23/24	<b>File No</b> E16.0002
<b>Date:</b> Thursday 12 October 2023	<b>Time:</b> 9:30am
<b>Location:</b> Eurobodalla Shire Council – Glass Meeting Room and Online	

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**6.5 Special Event Application – Batemans Bay Triathlon, based in Tomakin**

**RECOMMENDATION**

That the Traffic Management and Control Plans for the Batemans Bay Triathlon, to be conducted along George Bass Drive and North Head Drive and within Tomakin Village on Saturday 3 February 2024 be approved.

**BACKGROUND**

Council has received a special event application with associated traffic management documents for the Batemans Bay Triathlon to be conducted on George Bass Drive and North Head Drive, between Tomakin and Moruya and on local roads within Tomakin Village, on Saturday 3 February 2024. The event will be based at Tomakin Sports and Social Club.

The 'Batemans Bay Triathlon Festival' triathlon festival is a one day event, consisting of 4 triathlon distances:

- Super Sprint – 300m Swim, 10km Bike and 2km Run
- Sprint – 600m Swim, 20km Bike and 5km Run
- Standard – 1.5km Swim, 40km Bike and 10km Run
- Ultimate – 2km Swim, 60km Bike and 20km Run

The transition and finish line will be located on the grassed area behind Tomakin Sports and Social Club. The bike course takes athletes along Sunpatch Parade, George Bass Drive to North Head Drive and through Tomakin Village. The run course takes athletes along Sunpatch Parade towards Barlings Beach Caravan Park and return. The swim course is in the Tomaga River.

The following road closures are requested on Saturday 3 February 2024:

1. George Bass Drive, controlled access (emergency and official vehicles exempt with resident vehicles and adjoining business patrons allowed when safe to do so), from Sunpatch Pde Tomakin to Broulee Road from 9.30am to 2.00pm
2. George Bass Drive and North Head Drive, road closed – controlled access (emergency and official vehicles exempt with resident and airport patrons allowed when safe to do so), from Broulee Road, Broulee to a turnaround point 700m east of Princes Hwy Moruya from 9.30am to 2.00pm

This event was held this year (2023) on the same route, adjusted from previous years where the IGA and traffic problems at Train Street had occurred.



**LOCAL TRAFFIC COMMITTEE  
MINUTES**

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<b>Meeting No:</b> 4-23/24	<b>File No</b> E16.0002
<b>Date:</b> Thursday 12 October 2023	<b>Time:</b> 9:30am
<b>Location:</b> Eurobodalla Shire Council – Glass Meeting Room and Online	

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**CONCLUSION**

The Batemans Bay Triathlon to be held on Saturday 3 February 2024 is proposed to be conducted on George Bass Drive, North Head Drive and within Tomakin Village. It will be based at the Tomakin Sports and Social Club.

**TEM 7 - GENERAL BUSINESS**

**7.1** Speed zone Church Street Moruya

**BACKGROUND**

Council had reviewed correspondence from Mourya Chamber of Commerce requesting additional speed zone notice on Church St between the newly installed wombat crossing and the traffic lights at the corner of Church and Vulcan Streets, Moruya. It had been observed that vehicles had been increasing speed to reach the traffic lights before they turn red. The Chamber have requested additional speed zone linemarking, to remind drivers of the speed limit.

Council had spoken with Transport for NSW and received advice on 14 September that additional 30km/hr line marking is approved.

**APPROVED**

**ITEM 8 - Development Applications**

**NIL**

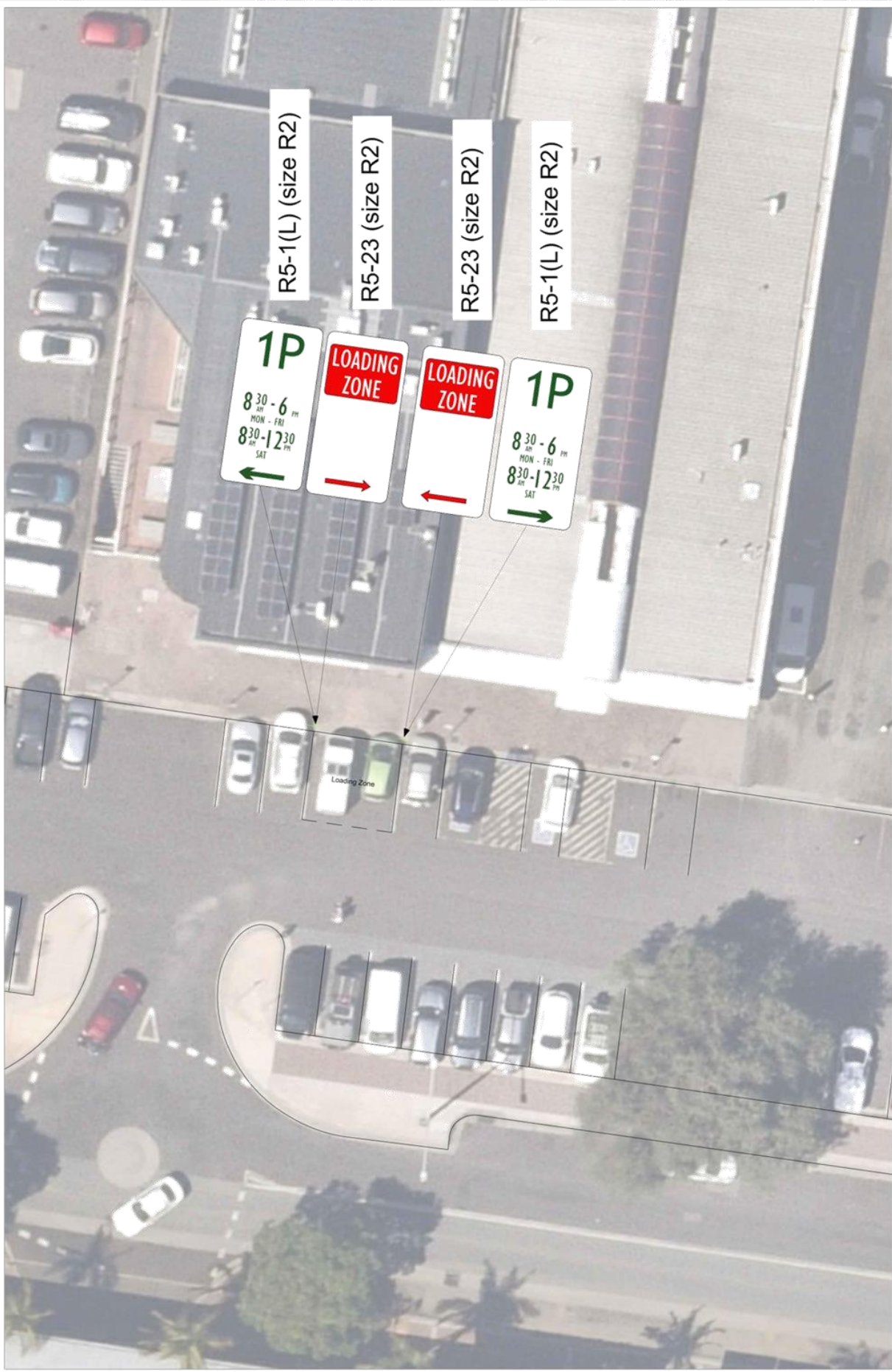
**ITEM 9 - NEXT MEETING – 2 November 2023**

**General business**

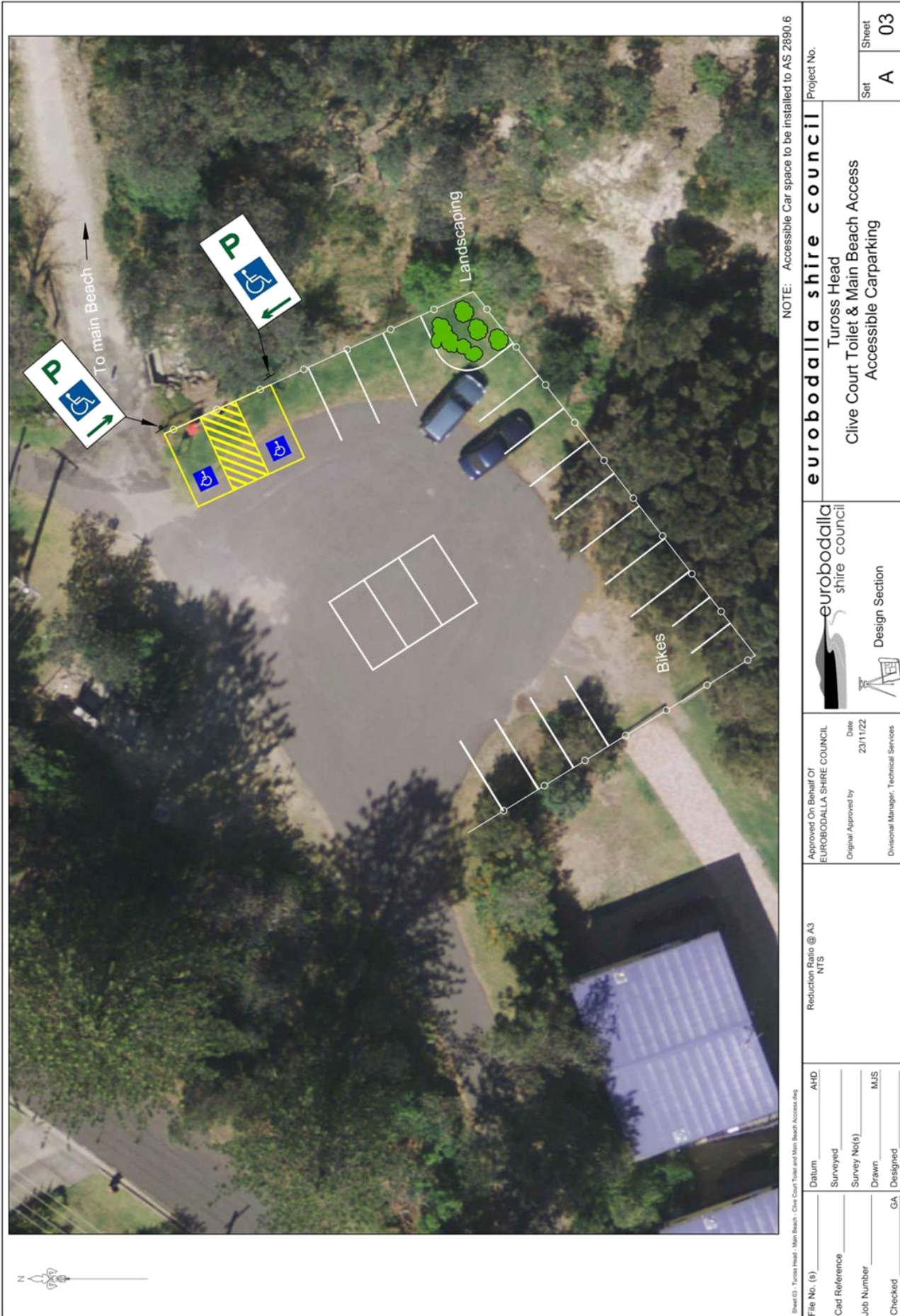
Scott Britt asked to be provided a copy of the Tomakin Community Association submission for review regarding parking issues. Amber asked for suggestions and or possible solutions from Scott.

Currently the Congo Road northern access proposal end is on out on display for public exhibition on Council's website.


No meeting in December, Next LTC meeting will be held 2 November 2023.



Project No. <b>5490</b>	Sheet <b>C 01</b>
Batemans Bay Perry St Installation of Loading Zone Area and Signs	
eurobodalla shire council	
By / Appr / Date	
Amendment Details	<b>DRAFT 26/10/23</b> Development Approval NOT Required
Reviewed	Thomas Francis Divisional Manager Date: DDMMYYYY
Checked	Geoff Armstrong Design Coordinator Date: DDMMYYYY
Reduction Scale @ 1:100	0 1 10
Drawn: NED_GRAM (GR23/025)	Checked: BM
Job Number: C	Job Reference: BM



Sheet 03 - Turross Head - Main Beach - Clive Court Toilet and Main Beach Access Area  
 NOTE: Accessible Car space to be installed to AS 2890.6

File No. (s)	Datum	AHD	Reduction Ratio @ A3 NTS	Approved On Behalf Of EUROBODALLA SHIRE COUNCIL Original Approved by Date 23/11/22 Divisional Manager, Technical Services	 eurobodalla shire council Design Section	eurobodalla shire council Turross Head Clive Court Toilet & Main Beach Access Accessible Carparking	Set	Sheet
Car Reference	Surveyed						A	03
Job Number	Survey No(s)	MJS						
Checked	Drawn	GA	Designed					



Project No. <b>5490</b>	Sheet <b>B</b>	Sheet <b>01</b>
Narooma Glasshouse Rocks Rd No Stopping Sign Placement		
eurobodalla shire council		
By	Approved	Date
A Amendment Details <b>DRAFT 23/10/23</b> Development Approval NOT Required		
Reviewed	Thomas Francis Director Manager Traffic Services Date: 20/10/23	
Checked	Geoff Armstrong Group Coordinator Traffic Services Date: 20/10/23	
Drawn AND - (GDH) (GDH2023)	Revision Ratio @ 1:250 1 10 20	
Job No.	Job Number	Job Reference
Surveyed	Designed	Drawn

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**CAR23/017 HEAT HAVENS**

**S003-T00022**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: Nil  
Community Goal: 2 Our community that welcomes, celebrates, and supports everyone  
Community Strategy: 2.2 Encourage community spirit and enable healthy lifestyles  
Delivery Program Link: 2.2.2 Provide and manage quality community facilities to meet the needs of the current and future communities  
Operational Plan Link: 2.2.2.1 Maintain and manage community halls

**EXECUTIVE SUMMARY**

On 15 August 2023 the following Notice of Motion (NOM) was put to Council and endorsed:

*THAT a report be prepared for consideration by Council at its 21 November 2023 meeting on the need and suitability of council public facilities, including public halls, to be used as heat havens. The report is to provide discussion on options, costs, possible funding sources, and what facilities could be reasonably made available as heat havens for the future.*

In responding to the NOM, consideration and analysis has been undertaken in relation to the need and suitability of Council facilities as Heat Havens, the prevalence of heatwaves and hot days, heatwave emergencies and the level of hazard heat poses in our community.

Further, the report examines the existing provision of Heat Havens and 'cool places' in our shire, the cost and possible funding sources for capital and operational components, and the facilities and options it would be reasonable to make available within this framework.

Councillors received a briefing on 12 September regarding emergency management and the role of combat agencies, inclusive of a discussion on Heat Havens, and a briefing regarding the Heat Haven NOM report findings on 14 November. Additionally, a similar briefing was provided to the Eurobodalla Climate Change Advisory Committee on the 9 November 2023.

**RECOMMENDATION**

THAT Council:

1. Consider the establishment of a protocol to extend the opening hours at existing services on very hot days, including libraries and swimming pools.
2. Promotes Health NSW Beat the Heat website and resources when heatwaves are forecast.
3. Not establish designated Heat Havens or associated Heat Haven services at Council halls and facilities.

**CONSIDERATIONS**

**Heat as a Hazard**

Heat as a hazard is generally focused on heatwave conditions and/or heat in association with bushfires. In some instances, it also concerns heat impacts within a particular context, rather than the temperature itself, such as unseasonal weather conditions.



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**CAR23/017 HEAT HAVENS**

**S003-T00022**

**Heatwaves**

In preparing this report it has become apparent that heatwaves are defined differently, depending on the agency and the circumstances.

The Bureau of Meteorology (BOM) defines heatwaves as “three days of high maximum and minimum temperatures, that are unusual for that location.” (State Heatwave Subplan, page 20).

The [www.myclimateview.com.au](http://www.myclimateview.com.au) website (developed by Australian Dept. Agriculture, Fisheries and Forestry, BOM and CSIRO) defines heatwaves as 3 consecutive days of 35 degrees+.

The BOM and State Heatwave Subplan (latest iteration endorsed in June 2023) identify three heatwave levels of intensity:

- Low intensity heatwave – the bulk of heatwaves, with most people expected to have adequate capacity to cope with this level of heat.
- Severe Heatwave – less frequent. Will be challenging for vulnerable people.
- Extreme heatwave – rare. Will impact normally reliable infrastructure, such as power and transport, and are a risk to anyone who does not take precautions.

**Heatwave and Australia**

It is clear from the information, articles and links included in the NOM report and provided elsewhere, that there may be climate impacts going forward for Australia, with an increase in the number of hot days and heatwaves.

In identifying the need for Heat Havens in our community, we should examine available climate data and information specific to Eurobodalla, rather than more general information.

The question is - are hot days and heatwaves frequent and severe enough in the Eurobodalla, particularly in the next 5-10 years, to require Council halls to be upgraded and for Council to provide a new Heat Haven service on designated heatwave/very hot days?

**Identifying the need for Heat Havens**

Hot days can impact our community. The extent of heatwaves and heatwaves as a hazard within the Eurobodalla context, noting that emergency management remains the jurisdiction on the NSW Government, not Council, should inform any decision to allocate capital and operational resources.

NSW Government and emergency agencies, including Reconstruction NSW, consulted in the preparation of this report, have not indicated that heat is a priority hazard in their planning for Eurobodalla.

The Resilience Blueprint (Decision Guide and local strategy guidance – ESC, CRJO) identifies eight natural hazards affecting Eurobodalla, including heatwave. However, it identifies the primary hazards for Eurobodalla going forward as being greater exposure and frequency of storm and flood (page 17). This is based on Eurobodalla specific climate modelling undertaken by Risk Frontiers as part of the project.

**CAR23/017 HEAT HAVENS**

**S003-T00022**

The document includes analysis of historical data for the region, identifying flood, storm, hail and bushfire as having the greatest impact on people and property over the past 120 years, with flood having the most significant impact overall (pages 15 and 16).

**The risk/impact of heatwaves and hot days**

The Resilience Blueprint modelling does not predict the number of heatwaves Eurobodalla will experience. However, the following is an excerpt relating to Hot Days, defined in the report as days per year with temperatures greater than 35 degrees Celsius (page 17).

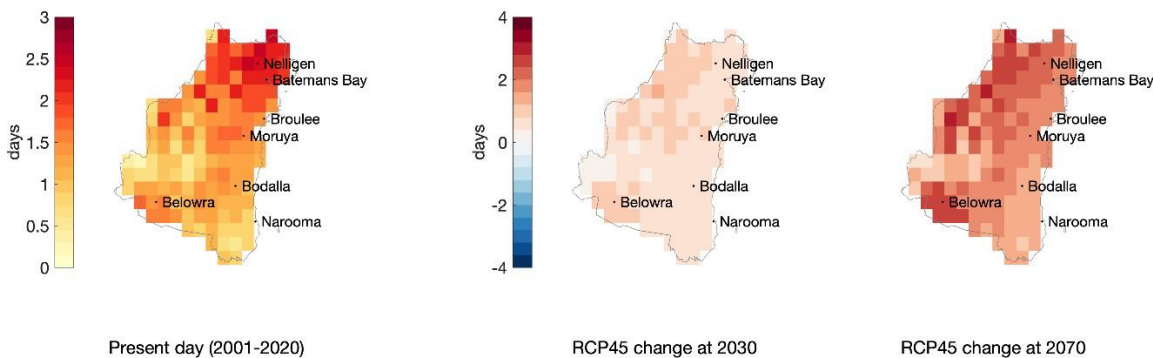
Climate hazard	Year 2010	Year 2070
Hot days	1.4	3.2 (137%)

The projected increase (137%) is high. However, it is coming off a very low base in 2010, with fewer than 2 days per year predicted by 2030 and 3.2 days by 2070 in Eurobodalla.

The CRJO document also graphs the impact of hot days for Eurobodalla (page 17), with the report indicating that the issue of increasingly hot days will have a more significant impact in the long term (2070), rather than short term (2030), as illustrated in Table 1.

**Table 1**

**Annual count of days with maximum temperature > 35°C**



The [www.myclimateview.com.au](http://www.myclimateview.com.au) website provides climate data, including future projections (eg. rainfall, temperature, humidity impacts) for specific locations. The site was recommended for use by the BOM, after specific enquiries regarding Eurobodalla were made as part of this report preparation.

This site has definitions of various heat conditions - heatwaves, heat stress, maximum daily temperatures. In one search parameter it defines heatwaves as 3 or more consecutive days when the maximum temperature is greater than or equal to 34 degrees Celsius and the minimum temperature is greater than or equal to 22 degrees Celsius between 1 January and 31 December.

A search of towns within Eurobodalla on the site map in relation to heatwaves, using a high emissions scenario parameter for a full year, has a projected outcome of zero for the period 2016-2065 (under that definition).

**CAR23/017 HEAT HAVENS**

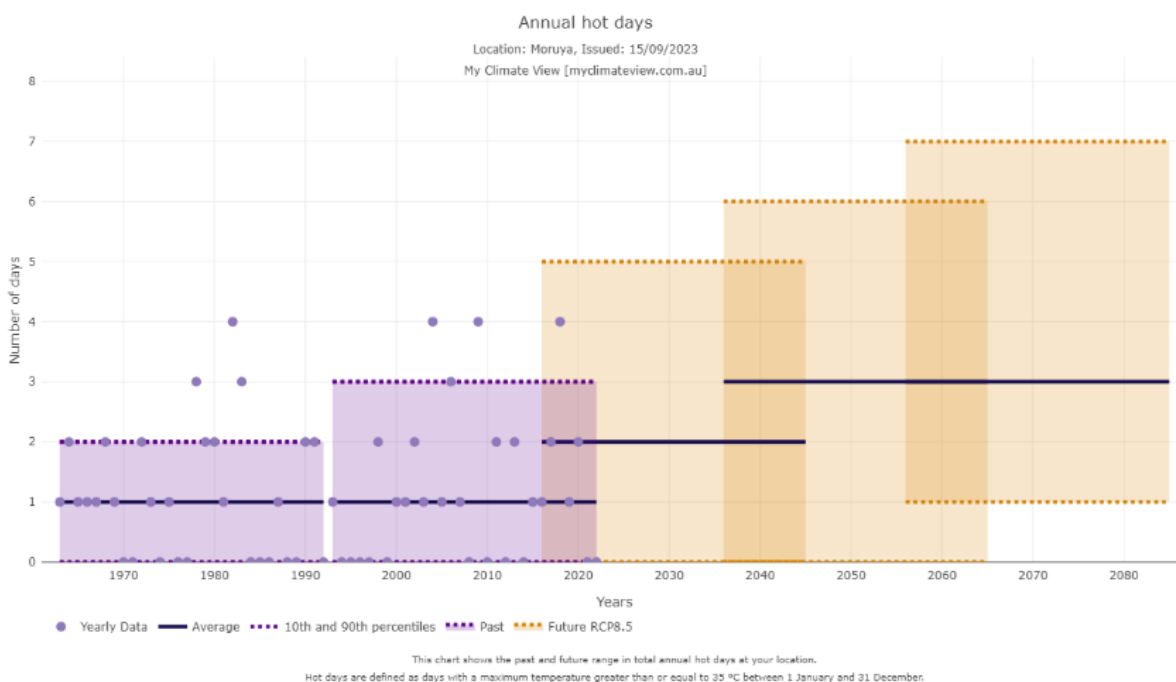
**S003-T00022**

**Hot days**

A further search of the [www.myclimateview.com.au](http://www.myclimateview.com.au) site in relation to hot days, defined on the site in this instance as a maximum daytime temperature greater than 35 degrees Celsius between 1 January and 31 December, indicates an average of 2 days per year (2016- 2045 period) and 3 days per year (2036-2065 period) is predicted, as Table 2 indicates:

**Table 2**

Table 2 My Climate View, high Emissions Scenario : Moruya : Annual Hot Days



The data suggests an increase in the number of hot days, escalating in the coming decades. However, the data does not suggest a significant increase in the short term.

**Heatwave emergency**

The BOM may identify a heatwave, but it is important to note that few heatwaves are declared a heatwave emergency. Such a declaration is decided by state agencies and emergency services, with advice from the BOM, NSW Health and other lead agencies.

In the event of a heatwave emergency being declared, the State Emergency Operations Controller (SEOC) will activate the plan and be responsible for the response to the heatwave emergency.

The activation may be for the whole state or for part, depending on which areas are affected by extreme heat or a heatwave event.

NSW Health arranges for public health information to be disseminated. At a state level, Emergency Services, Functional Areas and other agencies are responsible for providing regular reports to the SEOC, assist in distribution of information and assist as requested by the SEOC.

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**CAR23/017 HEAT HAVENS**

**S003-T00022**

At a local level, the Local Emergency Operations Controller (LEOCON Senior NSW Police Officer) is responsible for maintaining awareness of conditions and needs, as well as considering the opening of an Emergency Operations Centre (EOC) if additional resources are required.

The subplan includes clear emergency management roles and responsibilities.

Under 4.3 of the Subplan it states that, during a heatwave emergency, community resilience will be supported by agencies via community information strategies and the provision of 'cool places', such as libraries, community halls and shopping centres.

However, the plan does not include designated Heat Havens as a component of state planning and there is no indication that if facilities were identified as Heat Havens by Council, or the local community, that they would be included in the emergency response.

**Heatwaves and hot days early in the season**

Heatwaves can also be declared by the BOM when weather is unseasonal, even if the most common BOM heatwave definition (35+ more 3 consecutive days or more) is not experienced.

For example, Eurobodalla experienced several very hot days during September 2023. On 18 September the BOM's Heatwave warning site described the weather as, "maximum temperatures reaching the low to mid 30s with overnight minimum temperatures in the mid to high teens. These temperatures are around 10 to 15 degrees above average and persist for an unusually prolonged period for this time of year."

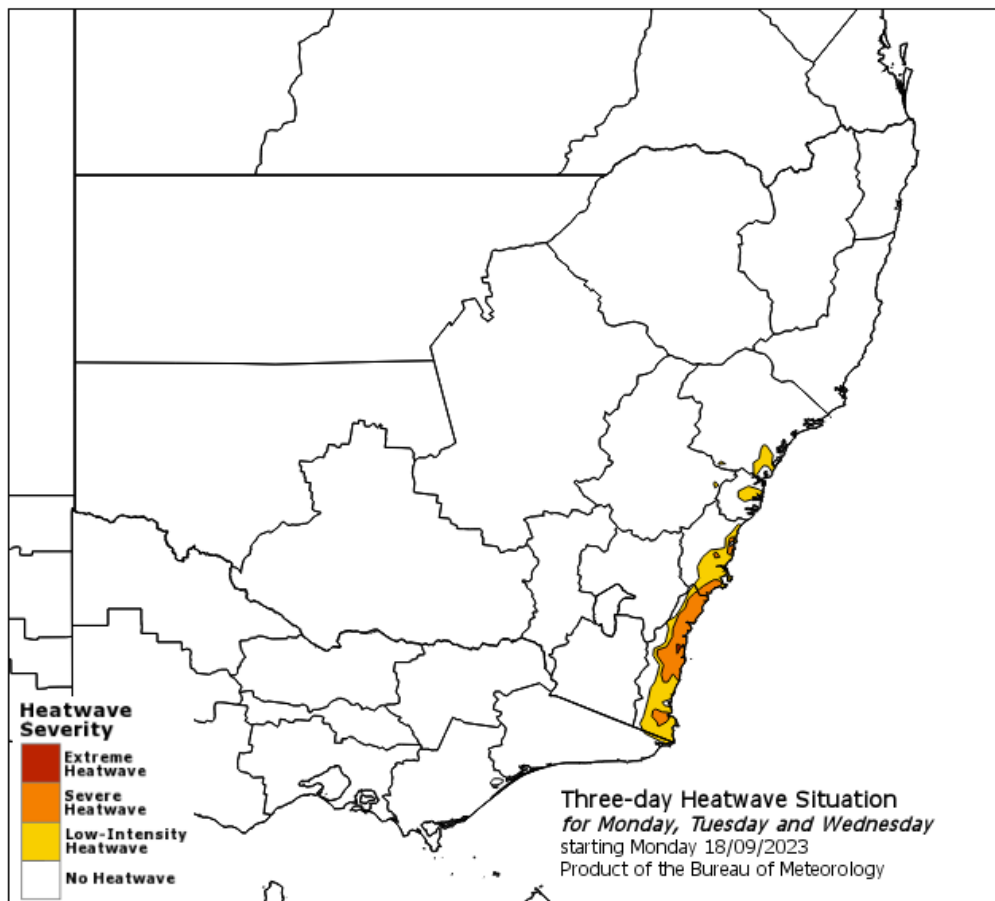
The temperatures were extreme for the time of year. They did not fit the 35 degree celsius and above days normally used to define a heatwave even though a heatwave was declared. The issue on this occasion was the disparity between average temperatures for September and the high temperatures experienced (around 10-15 degrees hotter). The impact was more significant, occurring early in the season before people had acclimatised to the summer season.

**CAR23/017 HEAT HAVENS**

**S003-T00022**

The BOM mapped this, as indicated in **Table 3**.

Heatwave Situation for 3 days starting Monday 18th September 2023



During this heatwave, Low intensity and Severe heatwave conditions were experienced, as defined by the BOM, with the seasonal anomaly factored in.

A heatwave emergency was not declared. NSW Health provided information and resources, including a heatwave preparation checklist, on the NSW Health website and publicised in the media.

Existing facilities, such as libraries, the Bay Pavilions and Narooma pool, cinemas and shopping centres were available to the community, with normal opening hours in place.

Due to a Catastrophic fire danger rating, the majority of south coast schools closed on Tuesday 19 September as determined by the NSW Department of Education, along with after school care services, as per guidelines.

Council was not asked to provide any additional services by state agencies, such as extended opening hours for libraries or the opening of additional facilities or halls for community use as Heat Havens.

NSW Health were contacted after the event to ascertain the health impact of the severe/extreme heatwave. They advised that both hospitals had a cluster of heat related illnesses including near fainting, fainting and dehydration mostly reported in vulnerable age brackets, the elderly and children. There were also a few individual cases of people who have

**CAR23/017 HEAT HAVENS**

**S003-T00022**

outside labourer jobs having similar presentations exhibiting symptoms of heat stroke. All cases were mild and received appropriate care.

**Existing Heat Havens (cool places)**

The State Heatwave Subplan does not describe Heat Havens. However, it defines “cool places” as being publicly accessible airconditioned spaces such as libraries, community halls and shopping centres (page 9).

Under this definition, the Eurobodalla community already has access to Heat Havens, including 19 community-based facilities; 3 libraries, 2 cinemas, 3 swimming pools and 11 local recreation/service clubs across the shire, with opening hours ranging from early morning to late evening and weekends. NSW Health also promotes people staying in their own homes as a viable option. Table 4 highlights existing facilities, their location and opening hours.

**Table 4**

Facility	Suburb	Opening hours
Batemans Bay Library	Batemans Bay	Mon-Fri 10am - 5pm, Saturday 9:30am to 12pm, Closed Sunday and Public Holidays
Bay Pavilion	Batemans Bay	Mon - Fri 6am - 9pm, Sat-Sun 7am-7pm, Public holidays 8am-7pm
Batemans Bay Soldiers Club	Batemans Bay	Mon - Fri 10am - 11pm, Sat 10am-12am, Public holidays (except Good Friday)
Bay Cinema	Batemans Bay	Daily sessions
Club Catalina	Catalina	Mon-Wed 9am - 11am Thurs -Sat 9am - 12am Sun 8am - 11pm
Club Malua	Malua Bay	Mon-Wed 9am - 11pm Thurs -Sat 10am - 12am Sun 10am - 11pm
Tomakin Sports Club	Tomakin	Mon - Tues 10am - 10pm, Wed - Thurs - 110am - 11pm, Fri - Sat 10am - 12am, Sunday 10am - 10pm
Moruya Library	Moruya	Mon-Fri 10am - 5pm, Sat- Sun 10am to 4pm, Closed Public Holidays
Moruya Pool (Summer Extended Hrs)	Moruya	Mon-Tues & Thurs 6am - 7pm, Wed 6am - 6pm, Fri 6am - 4pm, Sat 8am - 4pm, Sun 10am -4pm
Moruya Golf Club	Moruya	Opens 9am daily
Moruya Bowling Club	Moruya	Mon-Tues 10am - 10pm, Wed 10am-11pm, Fri - Sat 10am-12pm Sun 10am-10pm
Club Tuross	Tuross	Mon- Tues 12pm-10pm, Wed - Sun 10am-10pm
Bodalla Bowling Club	Bodalla	Mon-Fri 12pm - close Sat-Sun 11am-close
Club Dalmeny	Dalmeny	Mon-Tues 11am-7pm, Wed 11am-9pm, Thurs 11am - 10pm, Fri-Sat 11am-10pm
Club Narooma	Narooma	Mon-Wed 10am-10am, Thurs 10am - 11pm Fri-Sat 10am-11:30pm, Sun 10am-10pm
Narooma Golf Club	Narooma	Mon-Wed 10am-10pm, Thurs 10am-11pm, Fri-Sat 10am-12am, Sun 10am-10pm
Narooma Library	Narooma	Mon-Fri 10am - 5pm Sat 9:30 - 12pm Sun closed
Narooma Pool	Narooma	Mon-Wed 6am-7pm, Thurs 6am-6pm, Fri 6am-4pm, Sat 8am-4pm, Sun 10am-4pm
Narooma Kinema	Narooma	Daily Sessions

**CAR23/017 HEAT HAVENS**

**S003-T00022**

The 19 existing community-based facilities are well distributed across the shire, as Table 5 highlights:

**Table 5**



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**CAR23/017 HEAT HAVENS**

**S003-T00022**

**Benefit of using existing facilities and staffed services**

The benefit of existing facilities as cool places includes:

- People staying in their own home and putting time into preparing cool rooms, ice packs, appropriate medication, food and plenty of drinks etc is supported by NSW Health's 'Beat the Heat' advice.
- Existing facilities and clubs are already open and operating, so no significant additional costs or risks to consider.
- Existing services are established, well-known and familiar (Eg. Public libraries, shopping centres). They are supported by appropriately qualified and vetted staff (eg Working with Children Check clearance), with well understood policies, procedures, service parameters and expectations, of both staff and the community, in place.
- Existing facilities have established staffing and teams, ensuring certainty of service delivery, compared to staff that might be required for occasional/sporadic Heat Haven service provision.
- Existing cool places are accessible, with adequate parking, seating, accessible toilets, refreshments (eg club restaurants, swimming pool canteens), passive surveillance, activities and spaces to suit a range of needs.
- There is already transport available to/from many recreation/service clubs.

**Private and community-based provision of Heat Havens by third parties**

The Southcoast Health and Sustainability Alliance (SHASA) has prepared a Heatwave and Bushfire Haven Strategy and pursued several successful grants to upgrade private and community-based facilities in the community, including a preschool, church buildings and a CWA Hall, as Heat Havens.

Council is supportive of general improvements to community-based facilities, particularly upgrades that improve resilience, environmental outcomes and cost effectiveness. This is evident in the support provided for previous grant applications. However, while the upgrades have been beneficial, it is unclear how upgraded community-based facilities might operate as Heat Havens.

In order to understand this, Council wrote to several organisations who have received funding and upgrades, asking if the facility will be made available to the general community as a Heat Haven, and if so, under what circumstances?

Two organisations responded. The first advised that the facility would retain its primary function. Further, there was still a lot of discussion within the organisation about how/if they might make the facility available, manage risks and staff/operate a Heat Haven type service. While no final decision had been made, in this case the facility is unlikely to be open to the general community. Rather, they might assist individuals and families that attend the service or are directly associated with the organisation.



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**CAR23/017 HEAT HAVENS**

**S003-T00022**

In addition, there is currently no link between this facility and emergency management planning or operations. This was discussed and Council advised that it could facilitate such a link through its Local Emergency Management Officer if the service wishes to pursue this option at any point in the future.

The second organisation advised that they are opening the church hall as a Heat Haven, with protocols for doing so currently under development. They will notify Council further once the finer details are in place. Again, Council will endeavour to facilitate a link between this organisation and emergency management planning if they wish to pursue this option.

At this stage, no further information has been received from community-based facilities/organisations on how and if they plan to operate as a Heat Haven, or under what circumstances.

Public monies (via grants) have been utilised to support upgrades as Heat Havens. As such, clarity must be sought on what role these grant funded facilities will play during a dedicated emergency.

**Council halls and community facilities**

Council has a range of halls and sporting facilities for community use. A search of Council's website provides details of availability/partial availability, amenities and equipment (eg AC, kitchen, accessible toilet, projector) for each venue and existing bookings and classes/activities at different sites. Each facility is different, in size, range of amenities and purpose, with venues distributed across the shire.

While some Council facilities might be suitable for use as a Heat Haven, with suitable amenities in place, some sites would require a capital outlay. Council would need to consider actual need and the operational cost of running a Heat haven, not just the provision of a venue.

**Providing additional Heat Havens**

Providing additional Heat Havens would require significantly more than a capital outlay.

Providing designated facilities as Heat Havens, in locations where no existing service operates, such as a community hall, is about providing a new service, requiring staff, refreshments and possibly transport, all operating with clear policies and procedures in place.

The provision of a Heat Haven service would require parameters, in relation to what is offered, where and under what circumstances, and the level of care and support provided at the facility.

Unlike an evacuation centre (designated, paid for and operated by the state government at various locations during a declared emergency eg. bushfire or flood), where the assumption is that community members will go to a specific facility as a last, temporary option, the provision of a Heat Haven service, possibly operating for several days in multiple Council facilities, and paid for by the Eurobodalla community, would operate outside of emergency management arrangements and may, in fact, simply duplicate some of the benefits of existing 'cool places'.

Given the infrequent and unpredictable nature of heatwaves and hot days, the provision of a staffed Heat Haven service would need to be managed using existing Council personnel, trained and remunerated to provide an agreed additional service, as required, at specific locations.

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**CAR23/017 HEAT HAVENS**

**S003-T00022**

**Estimated Heat Haven service costs**

The following scenario provides indicative costs and service assumptions to provide a low risk, quality Heat Haven service:

1. A Council community hall (eg Bodalla Hall) is designated as a Heat Haven.
2. The designation of the Hall as a Heat Haven assumes that no existing booking is in place on the heatwave/hot day and the facility is available.
3. The Heat Haven service operates from 8am to 6pm when a heatwave is declared by the BOM.
4. Council has paid for a capital outlay of \$120K to upgrade Bodalla Hall as a Heat Haven, including air conditioning, HEPA filters, LED lighting and a water tank.
5. Service provision assumes that the majority of people requiring the Heat Haven have some level of vulnerability (health, financial, personal circumstances), with limited resources. Therefore, in this scenario Council would need to factor in refreshments, seating, activities, resources and, in some cases, transport.
6. Given the sporadic and unpredictable nature of heatwaves, existing staff would need to be utilised, so overtime would be factored into cost estimates for possible weekend events.
7. In line with existing, comparable service provision, total staff costs would range from up to \$1,100 per day on weekdays to a maximum of \$2,100 per day on weekends, with 2 staff at each location at all times. This range includes 2 staff for 10 hours plus oncosts, and factors in weekend loading and overtime for weekends. It also assumes staff availability.
8. Staff rostered would need to have a first aid certificate and WWWC and Police check clearances, given the potential health issues/risks of community members and the fact that children may be present.
9. Staff availability on weekdays may impact existing work requirements. For example, OOSH staff, customer service staff still need to provide services as part of BAU.
10. Refreshments would need to be provided, including tea/coffee, water, morning tea, lunch and afternoon tea to ensure people are hydrated. Assuming 50 people @ \$20 per head (factoring in dietary requirements), this equates to \$1,000 per day.
11. If transport was to be provided via Council's Community Transport service, individuals would need to be registered with the service prior to transport being provided. If we assume up to 50 people using the Heat Haven, we could also assume approx. 15 requiring transport. CT costs are based on kilometres travelled, which could be from \$600 - \$1,000, depending on which CT vehicles are required to meet individual access needs, where required vehicles are housed (starting point) and the location of people requiring transport.

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**CAR23/017 HEAT HAVENS**

**S003-T00022**

12. Activities, seating and ancillary equipment and resources, including activities and resources for children, first aid kit and hydration supplements would need to be provided. Assuming an upcoming event, this would require Facilities staff to do a site visit prior to the heatwave day/s, delivering equipment, seating, resources etc, as required, and then collecting after the event.

**Further issues to be considered include:**

- A risk assessment of the facility prior to the event would be required. A risk assessment of individuals requiring access to the Heat Haven might also be required if the person has complex needs (eg. health, behavioural).
- Managing numbers. The provision of a Heat Haven might result in few people attending (but costs still incurred) or significant numbers attending, with a range of inherent risks and issues arising, for example managing and prioritising support.
- Managing potential antisocial behaviour. This would require the development of policies and procedures to ensure risks are mitigated.
- Managing expectations and service parameters. For example:
- Would a Heat Haven be provided close to an existing 'cool place' such as a club or library?
- How many Heat Havens might Council run during an event and why?
- How would the service be promoted?
- Would some community members be a priority, and if so, how does Council communicate this and manage this on the day?

**Financial**

Funding the capital improvement of Council facilities to provide a Heat Haven could be funded from Council funds or via grants, as appropriate.

However, operating a Council run Heat Haven would need to be funded from Council's budget as a new expense, as there are rarely (if ever) grants available for operational programs and services. As such, Council would be required to allocate a budget for this purpose, having agreed on the trigger point/s for activation, the number of Heat Havens to be provided and where, as well as an annual budget.

**CONCLUSION**

In responding to the NOM, this report has considered the need for Heat Havens, including heat as a hazard and the level of risk posed, as well as existing 'cool places' across the shire. In addition, the cost and assumptions inherent in the provision of a quality Heat Haven service has been articulated, as well as funding sources.

Given the infrequent, sporadic nature of heatwaves/significantly hot days generally in the shire, the number of existing 'cool places' that already provide a Heat Haven to the community, and the costs and issues involved in providing a low risk, quality Heat Haven service, the provision of Council run Heat Havens as a service is not recommended.

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**CAR23/018 EUROBODALLA YOUTH EMPLOYMENT STRATEGY**

**S003-T00044**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: Nil  
Community Goal: 3 Our region of vibrant places and spaces  
Community Strategy: 3.2 Support diversified industry and thriving businesses  
Delivery Program Link: 3.2.1 Collaborate with other service providers for business to invest, diversify and grow guided by the Economic Development Strategy  
Operational Plan Link: 3.2.1.4 Promote work opportunities and provide career and training support through the Job Shop and Employment Projects

**EXECUTIVE SUMMARY**

This report provides Council with background information regarding grant funds offered to Council to support youth aged 15 - 24 and unemployed people in Eurobodalla to access free supports from the 'Job Shop' to assist them into skills training and employment outcomes.

A total of \$330,000.00 over two years has been offered via the New South Wales Government, through the Department of Education and Training, for the implementation of the Eurobodalla Youth Employment Strategy program.

**RECOMMENDATION**

THAT Council accept the \$330,000 offered under the Eurobodalla Youth Employment Strategy program.

**BACKGROUND**

The Eurobodalla Youth Employment Strategy program builds on Council's existing strong relationships with key stakeholders, including the NSW Department of Education, employers and youth support programs and agencies, to develop and implement strategies aimed at increasing the engagement and participation rates of young people aged 15 to 24 in skills-based training programs and employment outcomes across the Eurobodalla region.

**CONSIDERATIONS**

By providing intensive, accessible, personalized face to face supports and programs to individuals and their families through an established program, the Eurobodalla Youth Employment Strategy program will:

- encourage young people and jobseekers to consider local career and upskilling opportunities, which will decrease unemployed and underemployed numbers, thus increasing individual and family incomes and social and economic participation.
- enable the application of individual supports tailored to jobseekers which will provide opportunity for connection with service providers, employers, and training providers.
- support a focus on career pathway planning, strength-based resume writing, accessible access to work ready documents and flexible individual service supports, will improve engagement of young people into skills training and employment.

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**CAR23/018 EUROBODALLA YOUTH EMPLOYMENT STRATEGY**

**S003-T00044**

- using a strength-based approach will simultaneously build self-esteem and provide improved opportunities for employment outcomes, leading to ongoing self-development and meaningful connection and linkages to services and employers.
- deliver free training and skills development programs linked to job or volunteer opportunities, allowing young people and jobseekers to engage in local education and training services.

A project plan has been developed in collaboration with relevant stakeholders including education, employment and youth service providers delivering a strategic direction for Council's Employment Projects service, aligned with Council's Community Strategic Plan, Economic Development Strategy, Operational Plan, Youth Action Plan and the objectives outlined in the Department of Education's funding deed (2023-2025).

**Social Impact**

The need for an ongoing, face to face employment program that is free of eligibility constraints is demonstrated by the high unemployment rate (10.2% Eurobodalla, 4.6% NSW) and the 32.3% partially or fully disengaged rate of young people aged 15-24 (12.5% higher than NSW).

Potentially due to the change of Workforce Australia services, Council's current Employment Projects service saw a 260% increase in one-on-one client supports from July to September 2022, evidencing the ongoing need and practical benefit of the program.

**Economic Development Employment Potential**

The economic development potential realised through the previous funding for the Eurobodalla Youth Employment Strategy program (September 2020 to August 2023) included:

- delivery of 99 employment/education-based programs. Of these programs, 48 achieved a minimum of 70% employment outcomes.
- 534 youth client registrations to access program training and employment supports/services
- direct assistance provided to 396 young people and 296 mature aged job seekers
- assisted 724 people into skills development training
- promoted over 11,000 job vacancies in Eurobodalla
- supported 356 employers to recruit new staff
- achieved employed outcomes for 325 individual job seekers

The new funding will build on these positive economic outcomes.

**Financial**

The funding offered covers all costs associated with the delivery of the program as outlined in the funding deed over two years.

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**CAR23/018 EUROBODALLA YOUTH EMPLOYMENT STRATEGY**

**S003-T00044**

**Community and Stakeholder Engagement**

The Eurobodalla Youth Employment Strategy program conducts monthly stakeholder meetings to disseminate youth employment initiatives and hear from youth service providers about the needs of young people they are supporting. This informs the program design and delivery.

There are currently 45 individuals in the E-YES stakeholder advisory group, from a diverse range of organisations, including:

- all five local high schools
- Enterprise Plus
- Empowered Women Co.
- Family Place
- Illawarra Workplace Learning
- Local Jobs Program
- Workforce Australia and DES providers
- Tec Exec and NBN Hub
- Registered training organisations such as TAFE NSW, Fusion Walan Miya and South Coast Community College
- Regional Youth
- RIEP and Skills Broker
- PCYC
- Karrilika.

Since September 2020 there have been 337 attendees over 24 E-YES meetings.

**CONCLUSION**

The Eurobodalla Youth Employment Strategy program has a reputation for exceeding service delivery requirements, evidenced in recurrent funding, this being the fourth occasion of funding offered by the state government to Council.

This recent funding will assist Council to continue to provide place-based training and employment support to the Eurobodalla community, reducing unemployment and contributing to a vibrant economic and social life for our community.

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**CAR23/019 STRONG RESILIENT COMMUNITY FUNDING**

**S003-T00044**

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

Attachments: Nil

Community Goal: 3 Our region of vibrant places and spaces

Community Strategy: 3.2 Support diversified industry and thriving businesses

Delivery Program Link: 3.2.1 Collaborate with other service providers for business to invest, diversify and grow guided by the Economic Development Strategy

Operational Plan Link: 3.2.1.4 Promote work opportunities and provide career and training support through the Job Shop and Employment Projects

**EXECUTIVE SUMMARY**

This report provides Council with background information regarding grant funds offered to Council to support youth aged 12-18 and unemployed people in Eurobodalla to access free supports from the 'Job Shop'.

A total of \$360,000.00 over two years has been offered via the Australian Government's Strong and Resilient Community – Community Support program.

**RECOMMENDATION**

THAT Council accept the \$360,000.00 offered under the Strong and Resilient Community – Community Support program.

**BACKGROUND**

The *Job Shop* program has considered the changing needs of the community, focusing on sustainable, flexible and face to face supports to assist future clients as they move through their career/training pathways as a foundation for applying for these funds.

**CONSIDERATIONS**

Disengagement and isolation will be addressed through a collaborative service approach, drawing on resources and expertise from a range of organisations, forming a circle of support around the client and creating a person-centred, community-wide support program.

The funding for the Job Shop will support individual jobseekers, as well as families, to:

- apply for jobs using Job Shop IT assets such as computers, programs, printers and the internet.
- express their career interests and have programs developed around those aspirations.
- access career coaching supports that lead to direct employment and training outcomes.
- have direct access to an e-portfolio to store resumes, licences and certificates.
- access intergenerational family supports that aim to encourage parents and children to work, or change careers, simultaneously.

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**CAR23/019 STRONG RESILIENT COMMUNITY FUNDING**

**S003-  
T00044**

**Deliverables**

This project will address our communities consistently high unemployment rates by tackling each identified barrier through a targeted response rather than a generalist approach.

Considering the significant changing needs of our community over the last two years, the proposed Job Shop programs will provide the following innovative employment ready supports:

1. **Circle of support:** a circle of education, employment and wellbeing professionals will provide a scaffolding of unique supports around individual jobseekers creating the necessary touch points to access relevant services and assistance. The circle will flexibly adapt to respond to the changing needs of the jobseeker, resulting in greater potential for success.
2. **Job Bubble:** a free workspace for jobseekers and youth clients to access all the necessary equipment needed to apply for jobs and become job ready, including access to their circle of support network.
3. **Inclusive hiring** a business development program will be implemented to support practices around inclusive hiring (ie, willingness to hire people with disabilities, seniors or those returning to the workforce, mental health barriers or those that may need additional supports/mentoring). A region-specific career pathway plan will be designed that will capture transferable skills, strength-based work skills and future goals pertinent to local opportunities. Workforce development supports will be offered to employers to revise and redevelop job roles that fit jobseeker strengths.
4. **Career Futures:** jobseeker training and employment interests will be identified and inform program delivery, ensuring community needs are met and training is being conducted based on both industry and jobseeker needs/interests supported by industry specific advisory groups.
5. **Jobseeker briefcase:** a portfolio will be created for jobseekers to optionally use that will store resumes, cards, licences, and certificates. This will provide access and ownership of documents for jobseekers building independent engagement mobility in the job application process.
6. **Intergenerational Family Supports:** providing innovative, co-supports to parents returning to work or changing careers, in tandem with supporting their children that may be entering the workforce for the first time. This shared experience will create connection and provide job seeker skills for the whole family, so they can continue to support each other.

**Social Impact**

Eurobodalla shire's need for an ongoing, face to face employment program that is free of eligibility constraints is demonstrated by the high unemployment rate (10.2% Eurobodalla, 4.6%



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**CAR23/019 STRONG RESILIENT COMMUNITY FUNDING**

**S003-  
T00044**

NSW) and the 32.3% partially or fully disengaged rate of young people aged 15-24 (12.5% higher than NSW).

Potentially due to the change of Workforce Australia services, Council's current Employment Projects service saw a 260% increase in one-on-one client supports from July to September 2022, evidencing the ongoing need and practical benefit of the program.

**Financial**

The funding offered covers all costs associated with the delivery of the program as outlined in the funding deed over two years.

**Community and Stakeholder Engagement**

Eurobodalla Council's Employment Projects program has been operational since 2018 and has used the following consultation methods to adjust program delivery as required:

- direct feedback from five career advisors at all local high schools, all of which have engaged in the program since its inception
- direct experiences with individual clients and families, especially taking into account post bushfire and COVID supports
- feedback from monthly Eurobodalla Employment Stakeholder meetings, with 40 local employment services as members, who have offered advice, documented in meeting minutes
- statistics and reports from the Census, Council's Community Strategic Plans, Youth Actions Plans, Disability Action Plans, Eurobodalla Mental Health Forum (2021) and Aboriginal Action Plan.
- direct feedback from businesses about jobseeker engagement and quality of job seeker applications
- consultation with program partners such as Eurobodalla Stepping Stones, Fusion Training, Skills Broker, Regional Industry and Education Partnerships program and the Training NSW Training Advisor
- discussions and feedback from Council's Youth Committee (30 school student members) and Workers with Youth Network (over 200 members) who have provided advice on youth mental health and service gaps.

**CONCLUSION**

The program has a great reputation, evidenced by continued funding based on outcomes and evolving methodologies. The program was previously funded via state government and is now attracting Australian government funding as well.

This will assist the Job Shop to continue to provide tailored support to both job seekers and businesses alike to progress towards our community's vision of being a thriving, responsible and proud community who enjoy a vibrant economic and social life.

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**CAR23/020 COUNCIL'S COMMUNITY GRANTS PROGRAM 2024**

**S003-T00050; S003-T00045; S003-T00051**

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

Attachments: 1. Confidential - Community Grants Program 2024 - confidential attachment

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

Community Strategy: 2.2 Encourage community spirit and enable healthy lifestyles

Delivery Program Link: 2.2.1 Strengthen community spirit through community development initiatives

Operational Plan Link: 2.2.1.2 Coordinate the community grants program including Healthy Communities, Seniors Week and Youth Grants

**EXECUTIVE SUMMARY**

Each year, Council awards Healthy Communities, Seniors Week and Youth Development grants to community groups, not for profit organisations and youth services to build relationships, community connections, and to improve health, wellbeing and participation.

The total grants pool for 2024 is \$19,290 made up of a combined \$13,753 for Healthy Communities and Seniors Week, and \$5,537 for Youth Development.

The 2024 round for these grants opened on 1 September 2023 and closed 15 October 2023.

40 applications were received, including 7 Youth, 8 Seniors and 25 Healthy Communities.

All applications were assessed as meeting the requirements. To ensure equitable allocation and enable as many projects as possible to be financially supported, three (3) Healthy Community grant applications are recommended to be funded under the Youth grant program, two (2) Healthy communities grant applications are not recommended for funding, with reasons provided in the confidential attachment, and two (2) Healthy Communities grant applications are recommended for a reduced amount.

**RECOMMENDATION**

THAT Council allocate grant funding for a total of \$19,297 to 38 of the 40 eligible applications received, as per the confidential attachment.

**BACKGROUND**

Healthy Communities, Seniors Week and Youth Development grants are awarded annually to eligible community groups, not for profit organisations and youth services to build relationships and community connections, to improve health, wellbeing and participation.

Grants are generally to the value of \$500 however council reserves the right to allocate more or less funding to any application.

The 2024 round for these grants opened on 1 September 2023 and closed 15 October 2023.

Applications were submitted through the Smarty Grants online portal.

40 applications were received, including 7 Youth, 8 Seniors and 25 Healthy Communities.

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**CAR23/020 COUNCIL'S COMMUNITY GRANTS PROGRAM 2024**

**S003-T00050; S003-T00045; S003-T00051**

The Healthy Communities, Seniors Week and Youth Development grants were promoted extensively to community and recreational groups, volunteer organisations, schools and incorporated and non-incorporated groups in Eurobodalla, resulting in an increase in the total number of applications received for the Healthy Communities and Seniors Week grants this year. However, only two applications were received for Youth Development grants, down from nine in the previous year.

**CONSIDERATIONS**

**Grant Guidelines**

To be eligible to apply for one of Council's Community Grants a group must:

- be not for profit and either incorporated or able to prove that they are a bona fide Eurobodalla based community group or service
- contribute some financial support or volunteer labour to the activity
- show adequate insurance coverage for the activity
- not have any outstanding debts owed to Council
- the funding must be used for the project described on the application form and take place in the Eurobodalla Shire in 2024. Funds are not transferable to another organisation or project.

**Legal**

Applicants must provide evidence of adequate insurance coverage for the activity being funded prior to funding being allocated.

**Social Impact**

Groups must use the grants to achieve one or more of the following outcomes in the local community, with certain outcomes pertaining to the specific grant categories:

- make a positive contribution to the community
- encourage people in Eurobodalla to be healthy and active
- celebrate cultural diversity and inclusion
- provide opportunities for volunteering and/or social interaction
- improve access to information, a service, or a facility
- improve community safety
- improve access and/or encourage people with disability to participate
- teach or develop new skills
- celebrates older people and their contribution to the community
- creates intergenerational opportunities for social interaction
- encourages lifelong learning
- promotes and celebrates the cultural diversity of older people in our community

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**CAR23/020 COUNCIL'S COMMUNITY GRANTS PROGRAM 2024**

**S003-T00050; S003-T00045; S003-T00051**

- raises community awareness of the benefits of positive and active ageing
- encourages people in the wider community to be socially engaged with young people
- provides an opportunity for young people to be engaged in an educational, cultural or personal growth and development activity
- builds the capacity of young people through leadership and training opportunities
- develops employment and training pathway opportunities for young people to work
- supports young people's mental health and wellbeing
- builds and celebrates the resilience of young people
- promotes inclusivity of people from diverse backgrounds.

**Financial**

The total grants pool for 2024 is \$19,290 made up of a combined \$13,753 for Healthy Communities and Seniors Week, and \$5,537 for Youth Development.

The review panel has recommended that 38 of the 40 eligible applications be allocated grant funding for a total of \$19,297.

**Community and Stakeholder Engagement**

The Healthy Communities, Seniors Week and Youth Development grants were promoted extensively. A range of media applications were applied including Council's website and Facebook account, flyers, community notice boards (hard and electronic), Council community network groups, and internal emails to Council staff.

Council's Community Development Officer attended several volunteer and community group meetings to promote the opportunity and assist organisations with the application process.

All previous grantees from the past three years were emailed on numerous occasions.

**CONCLUSION**

Eurobodalla Council's annual community grants for Healthy Communities, Seniors Week and Youth Development support local not for profit community groups, organisations and youth services to increase their capacity to promote health and wellbeing, increase community participation in a range of activities and to support community development. Community grants support Council to realise the vision of a Eurobodalla that is inclusive, resilient, collaborative and thriving.

This year's grant allocation will support 38 diverse community groups to implement community lead initiatives in response to identified community development and wellbeing needs.

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## DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

### AGENCY ADVICE

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

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

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

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

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

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