



AGENDA

Ordinary Meeting of Council

11 October 2022

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 11 OCTOBER 2022

COMMENCING AT 12.30PM

AGENDA

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

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**
Nil
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
 - 4.1 Ordinary Meeting held on 13 September 2022
 - 4.2 Extraordinary Meeting held on 19 September 2022
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**
Nil
- 7. NOTICES OF MOTION**
Nil
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil
- 9. PETITIONS**
Nil

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KATHY ARTHUR
ACTING GENERAL MANAGER

GMR22/097 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022 - REFERRAL TO AUDIT S011-T00002

Responsible Officer: Stephanie Speedy – Acting Chief Financial Officer

Attachments: Nil

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.3 Work together to achieve our collective vision

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

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

EXECUTIVE SUMMARY

The purpose of this report is to bring the draft Annual Financial Statements for the year ended 30 June 2022 to Council to consider referral to Audit which is being undertaken by the NSW Audit Office. The referral to audit is a statutory requirement. The draft Statements are currently with our Auditor, the NSW Audit Office. The audit is in its closing stages with the Audit Office review and sign off still to occur. Council has not been advised of any significant issues being identified during the audit.

RECOMMENDATION

THAT:

1. The Draft Annual Financial Statements for the year ended 30 June 2022 be referred to audit.
2. The statement by Councillors and Management be made pursuant to section 413(2)(c) of the *Local Government Act 1993* (as amended) and signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer.
3. The audited Financial Statements, together with the Auditor's report and financial commentary, be presented to the public at the Council meeting to be held on 22 November 2022.

BACKGROUND

The Local Government Act 1993 (as amended) requires Council to prepare financial statements for each year and refer them for audit as soon as practicable after the end of that year.

A council's financial statements must include:

- (a) A General Purpose Financial Statement;
- (b) Any other matter prescribed by the regulations, and
- (c) A statement in the approved form by the Council as to its opinion on the General Purpose Financial Statement.

The Annual Financial Statement Approval and Audit Process is largely governed by the requirements of *the Local Government Act 1993* (as amended) having regard to the timing of Council meetings.

**GMR22/097 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE
2022 - REFERRAL TO AUDIT**

**S011-
T00002**

The timeline for the process is as follows:

11 October 2022	Council resolves to refer Financial Statements to Audit
31 October 2022	Advertises financial statements for public exhibition
22 November 2022	Presentation of Financial Statements to the Ordinary Council meeting by Audit Office.

CONSIDERATIONS

Section 413 of the *Local Government Act 1993* (as amended) requires the Council to form an opinion as to whether Council's Annual Financial Statements have been drawn up in accordance with the *Local Government Act 1993* and associated Codes and Australian Accounting Standards as prescribed by the Regulations. The statements have been reviewed by Council's Auditors and are presented to Council for an opinion to be formed. Subsequent to these Statements being signed, Council's Auditor will present its Audit Report to the Council Meeting on 22 November 2022.

Following the signing of opinions and receiving the Auditor's Report, a copy of the Audited Financial Statements will be submitted to the Office of Local Government in accordance with Section 417(5) of the *Local Government Act 1993* (as amended).

The Council must give public notice of the date of the meeting at which the Audited Financial Statements and Auditor's Report will be presented. An advertisement will be included in Council's Noticeboard which is made available on Council's website on Monday 31 October 2022.

Section 420 of the *Local Government Act 1993* provides that any person may make submissions to Council with respect to the Financial Statements and/or the Auditor's reports and those submissions must be made in writing and lodged with the Council within seven days of the public meeting. Any submissions received are to be provided to Councilors and the Auditor for consideration.

Legal requirements include:

- Adherence to the Local Government Code of Accounting Practice and Financial Reporting (which is based on generally accepted accounting practice).
- Annual Financial Statements must be referred to audit as soon as practicable after the end of the financial year.
- Audited statements must be lodged with the Office of Local Government (OLG) by 31 October 2022.
- Seven days public notice of the 'presentation' of audited financial statements is required.

Policy

The principal accounting policies used in the preparation of these consolidated financial statements are disclosed in No. 1 of the draft statements. These policies have been consistently applied to all the years presented, unless otherwise stated.

**GMR22/097 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE
2022 - REFERRAL TO AUDIT**

**S011-
T00002**

Financial

The Annual Financial Statements are required to be prepared in accordance with the *Local Government Act 1993* (as amended), the Local Government Code of Accounting Practice and Financial Reporting and the Australian Accounting Standards. Council has professionally qualified staff to ensure compliance with the reporting requirements.

No matters or occurrence have come to attention that would materially affect the Financial Statements or disclosures therein, or which are likely to materially affect the future results or operations of the Council. Additionally, staff have not been advised by the external Auditor of any significant issues that need separate or additional disclosure during the audit process.

Following lodgment, the audited Financial Statements will be distributed to the Audit, Risk and Improvement Committee and Councillors, prior to the Auditor presentation at the Council Meeting to be held on 22 November 2022.

Community and Stakeholder Engagement

The audited Financial Statements will be presented to the Council meeting to be held on the 22 November 2022. The statements will be an attachment to the public agenda for this meeting and made available seven days prior to the meeting on Council's website, at Council's three libraries and at the main administration building in Moruya. Submissions may be made to Council for a minimum of seven days after they are presented to the public as per the *Local Government Act 1993* (as amended), s418(2). Submissions will close 29 November 2022. The external auditor will be available to present the audited financial statements via a pre-recorded video.

CONCLUSION

The Annual Financial Statements have been drafted and can now be endorsed and referred to audit, and if so endorsed, the statements can be signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer.

**GMR22/098 DISCLOSURE OF PECUNIARY INTEREST AND OTHER MATTERS
RETURNS**

**S012-T00031,
S021-T00004**

Responsible Officer: Kathy Arthur - Acting General Manager

Attachments: Nil

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.2 Proactive, responsive and strategic leadership

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

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

EXECUTIVE SUMMARY

In accordance with part 4, clause 4.21 of the *Model Code of Conduct*, councillors and designated persons who hold that position on 30 June in each year are required to lodge a "Disclosures by Councillors and Designated Persons Return" with their general managers by 30 September each year.

Accordingly, the Disclosure of Pecuniary Interest and Other Matters returns for Councillors and designated staff for 2021-22 are tabled.

RECOMMENDATION

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

BACKGROUND

The lodgement date for Disclosure of Pecuniary Interest and Other Matters returns covering 1 July 2021 to 30 June 2022 was 30 September 2022.

Notice was provided to designated staff on 22 August 2022 and Councillors on 15 August 2022, with reminders sent on 9 September 2022.

CONSIDERATIONS

Legal

The lodgement of Pecuniary Interest and Other Matters return is required to comply with part 4, clause 4.21 of the *Model Code of Conduct*.

CONCLUSION

The register of returns by Councillors and designated staff for their disclosures of pecuniary interests and other matters is now tabled in accordance with part 4, clause 4.21 of the *Model Code of Conduct*.

GMR22/099 POLICY ADOPTION - JULY REVIEW

S004-T00060

Responsible Officer: Kathy Arthur - Acting General Manager

Attachments: 1. Under Separate Cover - Policy Adoption - July Review - to be provided

Outcome: 9 Innovative and Proactive Leadership

Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.4 Review Council policies

EXECUTIVE SUMMARY

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993* (LGA).

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The following policies have been reviewed and placed on public exhibition from 27 July 2022 to 23 August 2022. During this time, no submissions were received.

- Privacy and Information Protection
- Financial Hardship (formally named Rates and Debtors Hardship Policy)
- Debt Recovery
- Records Management
- Recreational Horse-Riding on Beaches
- Recycled Water
- Related Party Disclosures Policy
- Road and Pathway Opening
- Road Naming
- Rural School Bus Routes and Bus Stops

GMR22/099 POLICY ADOPTION - JULY REVIEW

S004-T00060

RECOMMENDATION

THAT the following policies be adopted.

- Privacy and Information Protection
- Financial Hardship (formally named Rates and Debtors Hardship Policy)
- Debt Recovery
- Records Management
- Recreational Horse-Riding on Beaches
- Recycled Water
- Related Party Disclosures Policy
- Road and Pathway Opening
- Road Naming
- Rural School Bus Routes and Bus Stops

BACKGROUND

Privacy and Information Protection

Eurobodalla Shire Council respects the privacy of residents and ratepayers, workers, volunteers, contractors, councillors, and all that do business with Council. While encouraging transparency, Council is committed to accountability in managing the various types of information that it collects and holds, including personal and health information.

As a NSW public sector agency Council is bound by the *Privacy and Personal Information Protection Act 1998 (PPIP Act)* and the *Health Records and Information Privacy Act 2002 (HRIP Act)*, and as a council it is bound by the *Privacy Code of Practice for Local Government (2019) (Privacy Code)*. This policy supports efficient and timely Council decision-making to meet its statutory obligations regarding privacy and information protection. It intends to assure confidence that personal or health information held by Council is dealt with in accordance with relevant legislation.

Financial Hardship (formally named Rates and Debtors Hardship Policy)

This policy applies to Eurobodalla Shire Council and its ratepayers. It provides a framework for responding to applications from property owners/ratepayers experiencing genuine hardship for assistance with the payment of the rates and charges, in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Debt Recovery

The purpose of this policy is to ensure ethical, effective and efficient debt recovery, including rates, charges and other debts.

Council pursues commercial debt recovery procedures in order to minimise the impact of outstanding debts on Council's financial position.

Debt recovery procedures of Council and any agent employed by Council must meet the highest ethical and professional standards, such as the Debt Collection Guideline for collectors and

GMR22/099 POLICY ADOPTION - JULY REVIEW

S004-T00060

creditors, developed jointly by the Australian Competition and Consumer Commission (ACCC) and Australian Securities and Investments Commission (ASIC), in 2010.

Records Management

Eurobodalla Shire Council's Records Management Policy provides records and information management guidance to deliver effective records and information management which in turn supports and facilitates good business across all operating environments.

The policy also ensures that Eurobodalla Shire Council records management meets legislative requirements in relation to capture, control, use, maintenance, disposal, sentencing and archiving.

Recreational Horse-Riding on Beaches

Horse-riding is a popular recreation and sporting activity, and appreciation and enjoyment of coastal areas on horseback is a quality experience for horse-riders. All recreational activities, including horse-riding, can generate impacts on the environment and must therefore be managed in accordance with legislative requirements and the objectives for which certain lands are allocated.

Eurobodalla Shire Council's policy was formulated to regulate the use of beaches by recreational horse-riders as a result of community and tourism engagement, coupled with environmental constraints. The policy addresses effects on the environment from horse-riding, particularly coastal beach zones, and defines areas where horse-riding on beaches is permitted.

Recycled Water

This policy was developed to detail the requirements for managing Council's recycled water systems.

Council operates five sewage treatment plants, each of which provides recycled water for on-site operations, dust suppression and/or irrigation of recreation facilities.

Related Party Disclosures Policy

The purpose of the policy is to ensure that the existence of certain related party relationships and associated related party transactions, necessary for the users to understand the potential effects on the Financial Statements, are properly identified.

They should be recorded in Council's systems, and summarily disclosed in Council's General Purpose Financial Statements in compliance with *Australian Accounting Standards Board AASB 124 Related Party Disclosures July 2015 (AASB 124)*, the *Privacy and Personal Information Protection Act 1998 (PPIPA)* and the *Government Information (Public Access) Act 2009 (GIPA Act)*.

Road and Pathway Opening

This Policy provides a standard procedure for the management of any works and activities undertaken under the *Roads Act 1993* affecting Council's road reserves. These works or activities must provide construction to suitable standards, minimise Council's risk exposure and limit damage to Council's assets, including minimising the risk of reducing the life of those assets.

This Policy is designed to specifically address the process of controlling works and activities on Council road reserves and to provide a system for ensuring that Council's and the community's interests are protected as far as possible.

GMR22/099 POLICY ADOPTION - JULY REVIEW

S004-T00060

Road Naming

As the Roads Authority, Council is empowered to name public roads under Section 162 of the *Roads Act 1993*. Council is also required to maintain a register that identifies roads by a given name and number.

The Roads Naming policy provides guidance for developers, the community and Council when allocating new road names or re-naming existing roads.

The policy ensures that appropriate naming and renaming of roads for which Council is the Roads Authority is undertaken in compliance with the Geographical Names Board of NSW (GNB).

Rural School Bus Routes and Bus Stops

Eurobodalla Shire Council's policy was developed to provide Council with the means to consistently and objectively assess requests for rural school bus routes and bus stops.

Council is defined as a Roads Authority under the *Roads Act 1993*. This policy assists Council with the location, design and operation of school bus routes and bus stops in rural areas. It will provide a risk orientated approach to the approval and provision of road related infrastructure associated with rural school bus services (bus routes, bus stops and bus bays).

CONSIDERATIONS

The draft policies have been reviewed and minor formatting and changes to links in the governance section of the policies were undertaken as a result of Council resolution 22/66.

Community Engagement

The draft policies were placed on public exhibition for a period of no less than 28 days commencing on Wednesday 27 July 2022 to 23 August 2022.

During this time, no submissions were received.

CONCLUSION

The draft policies were placed on public exhibition for 28 day and no submissions were received. They are now presented to Council for adoption.

GMR22/100 POLICY ADOPTION - AUGUST REVIEW

S004-T00060

Responsible Officer: Kathy Arthur - Acting General Manager

Attachments: 1. Under Separate Cover - Policy Adoption - August Review - to be provided

Outcome: 9 Innovative and Proactive Leadership

Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.4 Review Council policies

EXECUTIVE SUMMARY

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993* (LGA).

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The following policies have been reviewed and placed on public exhibition from 24 August 2022 to 21 September 2022. During this time, no submissions were received.

- Public Art
- Sporting and Recreational Facilities Seasonal Hire
- Art Acquisition Policy
- Records Management Policy
- Waste Minimisation
- Stormwater Disposal - Urban Land
- Water And Sewer Construction By Private Contractor

RECOMMENDATION

THAT the following policies be adopted.

- Public Art
- Sporting and Recreational Facilities Seasonal Hire
- Art Acquisition Policy
- Records Management Policy
- Waste Minimisation
- Stormwater Disposal - Urban Land
- Water And Sewer Construction By Private Contractor

GMR22/100 POLICY ADOPTION - AUGUST REVIEW

S004-T00060

BACKGROUND

Public Art Policy

The purpose of this Policy is to encourage, promote, guide, facilitate and assist with the planning, development, implementation and care of public art in Eurobodalla.

Information in the Public Art policy has been updated to reflect the adoption of the Public Art Strategy and includes reference to resilience and recovery. Additional information has been included that refers to installation of artworks and reference to the Public Art Advisory Committee.

Sporting and Recreational Facilities Seasonal Hire

The purpose of the Sporting and Recreational Facilities Seasonal Hire policy is to provide a clear framework for users of Council's sporting facilities, guiding the allocation of facilities by clearly identifying allow the users of Council's sporting facilities to better understand the process guiding the allocation of facilities by clearly identifying:

- Council's requirements from clubs and users;
- responsibilities of the user groups;
- responsibilities of Council; and
- by providing a framework that is equitable and easily administered.

Art Acquisition Policy

The purpose of this Policy is to set out a framework and guideline for Council's acquisition of artwork in any media for display or instalment in any of Council's facilities. It will guide and facilitate the development and maintenance of an art collection of excellence and significance to Eurobodalla Shire.

Records Management Policy

Eurobodalla Shire Council's Records Management Policy provides records and information management guidance to deliver effective records and information management which in turn supports and facilitates good business across all operating environments.

Waste Minimisation

Eurobodalla Shire Council's policy was developed to actively promote waste minimisation as opposed to disposal. It encourages the continuation of working with the community, regional groups and the NSW Environmental Protection Authority to ensure all opportunities for recycling and resource recovery are identified and implemented.

Stormwater Disposal - Urban Land

This policy establishes Council's position in regard to stormwater disposal on urban land. It provides for orderly disposal and management of stormwater from development and assists in reducing the incidence of inundation of development from uncontrolled stormwater disposal.

Water And Sewer Construction By Private Contractor

This policy was developed to outline the arrangements necessary to guide water and sewer works undertaken by private contractors.

GMR22/100 POLICY ADOPTION - AUGUST REVIEW

S004-T00060

Section 68 of the *Local Government Act 1993* requires that water supply and sewerage work may only be carried out with the prior approval of Council.

Private contractors may undertake water and sewer works other than work on Council's live water and sewer assets in accordance with this and related policies.

CONSIDERATIONS

The draft policies have been reviewed and minor formatting and changes to links in the governance section of the policies were undertaken as a result of Council resolution 22/66.

Community Engagement

The draft policies were placed on public exhibition for a period of no less than 28 days commencing on Wednesday 24 August 2022 to 21 September 2022.

During this time, no submissions were received.

CONCLUSION

The draft policies were placed on public exhibition for 28 day and no submissions were received. They are now presented to Council for adoption.

**GMR22/101 ATTENDANCE AT THE 2022 NATIONAL LOCAL ROADS AND
TRANSPORT CONGRESS**

**S012-T00025,
S004-T00019**

Responsible Officer: Kathy Arthur - Acting General Manager

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

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

Operational Plan Link: 5.2.1.4 Provide professional development opportunities for Councillors

EXECUTIVE SUMMARY

This report seeks a nomination from Councillors to attend the 2022 National Local Roads and Transport Congress from 2-3 November 2022.

At its meeting on 8 February 2022, three Councillors were nominated to attend the 2022 National Local Roads and Transport Congress. Due to a change in circumstances the Mayor is now able to attend.

The 2022 National Local Roads and Transport Congress is to be held in Hobart, Tasmania. This event will focus on how local government can help address Australia's transport productivity challenges and the road safety crisis on our local roads, while building sustainable and resilient infrastructure.

The Congress will also examine national heavy vehicle access reforms in the pipeline and the opportunities and challenges they will present for councils. With increased EV adoption also on the national agenda, delegates will hear about what councils can do to help prepare and transition to a lower emissions future.

The 2022 Congress is a critical opportunity to engage with and work through these issues with national experts and local councils from across the country.

Under the *Councillor's Professional Development, Expenses and Facilities* Policy, Councillors are entitled to an annual amount of \$3,500 per year to attend conferences and seminars.

RECOMMENDATION

THAT Mayor Hatcher attend the 2022 National Local Roads and Transport Congress in Hobart, Tasmania from 2-3 November 2022

CONSIDERATIONS

Policy

Council's Councillor Professional Development, Expenses and Facilities Policy provides that attendance of Councillors at each conference will normally be limited to two. The principle of having one councillor attend will be considered as 'best practice' for attending seminars and conferences. This may be varied from time to time by resolution of Council.

Councillors attending training, seminars and conferences are to provide a detailed report to Council on the outcome and issues. Where there are a number of Councillors attending the

**GMR22/101 ATTENDANCE AT THE 2022 NATIONAL LOCAL ROADS AND
TRANSPORT CONGRESS**

**S012-T00025,
S004-T00019**

same conference, a joint report is acceptable. Councillors not meeting these criteria without reasonable explanation may not receive priority or opportunities for future events.

Financial

Councillors are allocated the annual sum of \$3,500 annually to attend conferences and/or seminars. Additional expenses associated with conferences and seminars, such as travel and accommodation, are covered in line with section 2.0 to 2.4 of the Councillor Professional Development, Expenses and Facilities Policy.

CONCLUSION

It is considered appropriate that Councillors attend conferences throughout the year to enable them to be both knowledgeable and up-to-date on particular issues to ensure that they can perform the duties and represent the residents to the best of their ability.

PSR22/040 DRAFT OPEN COAST COASTAL MANAGEMENT PLAN

**S017-T00013,
S014-T00007**

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

Attachments: 1. Under Separate Cover - Draft Open Coast CMP

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

Community Strategy: 1.3 Respond to our changing climate and natural hazards

Delivery Program Link: 1.3.2 Manage coastal hazards by implementing coastal and management studies and projects

Operational Plan Link: 1.3.2.1 Finalise and seek certification of the Eurobodalla Coastal Management Plan

EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement to publicly exhibit the Eurobodalla Open Coast Coastal Management Program (the draft Open Coast CMP) is completed and ready to be placed on public exhibition for 28 days. Public exhibition would be in accordance with Council's adopted Community Engagement Framework and Public Participation Plan and the NSW Government's Coastal Management Manual. The draft Open Coast CMP and appendices are attached under a separate cover.

The draft Open Coast CMP identifies risks, issues and opportunities for the long-term management of the Eurobodalla coastline from South Durras to Wallaga Lake. It identifies a range of actions (including infrastructure works), emergency response strategies and land-use planning outcomes to allow Council to manage this area in a strategic and integrated manner, consistent with the *Coastal Management Act 2016* (CM Act) and Coastal Management Manual.

This is the final step in a four-year comprehensive engagement process which has included a co-designed engagement process with Aboriginal elders and knowledge holders, as well as, individual landholders, government agencies, emergency services, and community association representatives. Engagement methodologies included - constant dialogue with impacted landowners, working groups, drop-in sessions, Council's Coastal and Environment Management Advisory Committee (CEMAC) meetings and a co-designed engagement process with Aboriginal communities.

Once adopted by Council, the Open Coast CMP needs to be submitted to the Minister for Local Government for certification. Council can then access 2:1 funding allocated under the NSW Coastal and Estuary Management Grant Program to carry out the actions identified in a CMP. An adopted and certified CMP contributes to Action 3.1.1 of Council's Delivery Program to manage coastal use and hazards and will guide Council activities in these areas.

All feedback provided to Council during public exhibition of the draft Open Coast CMP would be considered and addressed in a revised draft where appropriate. A report will be presented to Council following exhibition for councillors determination.

PSR22/040 DRAFT OPEN COAST COASTAL MANAGEMENT PLAN

**S017-T00013,
S014-T00007**

RECOMMENDATION

THAT

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

BACKGROUND

NSW Coastal Councils are required to prepare a Coastal Management Program (CMP) under Part 13 of the *Coastal Management Act 2016* (CM Act) to secure financial support from the NSW Government. A CMP must be prepared in accordance with the NSW Government's Coastal Management Manual and aims to support the objectives of the *Marine Estate Management Act 2014*.

A CMP sets out the long-term strategy for the coordinated management of the coast, with a focus on achieving the objectives of the CM Act. Preparation of a CMP follows a five-stage process, as outlined in the Coastal Management Manual (figure 1).

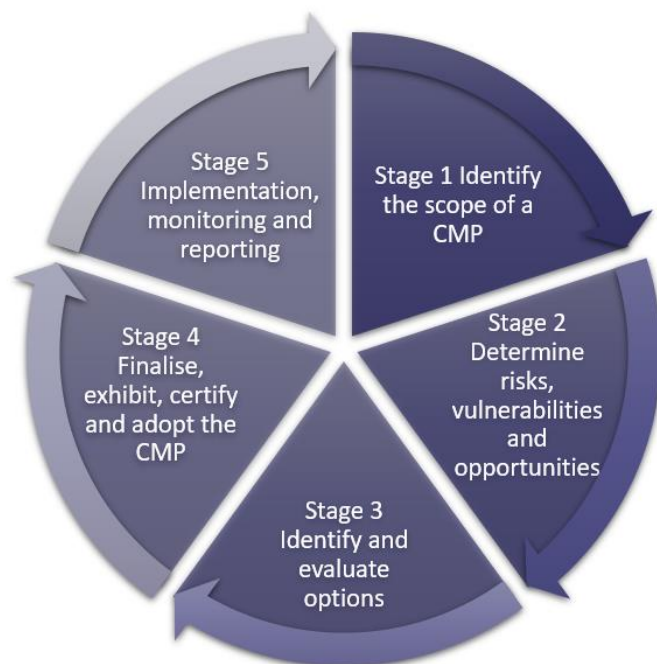


Figure 1. A diagram of the five-stage coastal management process, as outlined in the Coastal Management Manual.

The Open Coast CMP project has foundations in the Batemans Bay Coastal Hazards Study 2010. Changes to the scope to include the entire Eurobodalla coastline (figure 2), calls from the community for additional engagement and studies, and coastal management reforms resulted in delays to the project.

In response to community groups' concerns around insufficient understanding and data on erosion processes in the Clyde River mouth, the CMP includes an examination of sediment

PSR22/040 DRAFT OPEN COAST COASTAL MANAGEMENT PLAN

**S017-T00013,
S014-T00007**

transport within the mouth of the Clyde. The sediment transport model considers over a century of historical records and studies of processes within the bay (refer to Appendix B attached under separate cover which includes a report for Stage 2 of the CMP process). This sediment model has helped to inform management actions in the Northern Batemans Bay area, including the construction of a berm and flood levy at Surfside, as well as rock wall and protection works at Surfside and Wharf Road and Long Beach.

A NSW Government taskforce was established in 2019 to oversee preparation of the Open Coast CMP. The taskforce provided the recommendation that preparation and certification of this draft Open Coast CMP was the best process through which coastal protection works for the Batemans Bay area could be examined and comprehensively consulted upon with both community and NSW Government agencies.

In 2019, Council received a \$250,000 grant from the NSW Government to finalise the Open Coast CMP. Council appointed coastal management and engagement specialists Rhelm & Baird, through a competitive tender process to prepare the Eurobodalla Open Coast CMP in early 2021. The coastal management process recommenced from Stage 1 but all work and engagement undertaken since 2010 has been considered and built upon in developing the draft Open Coast CMP. An additional grant for \$20,000 was approved in late 2021 for targeted, culturally appropriate consultation with Aboriginal community stakeholders.

PSR22/040 DRAFT OPEN COAST COASTAL MANAGEMENT PLAN

S017-T00013,
S014-T00007



Figure E-2 Study Area

Figure 2. A map of the study area for the draft Open Coast CMP

PSR22/040 DRAFT OPEN COAST COASTAL MANAGEMENT PLAN

**S017-T00013,
S014-T00007**

CONSIDERATIONS

The primary objectives of the draft Open Coast CMP are to protect and enhance coastal environmental values, including natural character, cultural heritage, access and amenity, ecosystem integrity and resilience to coastal hazards.

The draft Open Coast CMP is attached under separate cover and includes:

- The Coastal Management Program which presents:
 - A snapshot of issues
 - Actions to be implemented by Council and other public authorities
 - Changes to planning controls
 - Business plan
 - Monitoring, evaluation and reporting program
- Maps of study area, actions, sediment compartments, coastal management areas, coastal vulnerability areas
- Appendix A: Community and Stakeholder Engagement Plan
- Appendix B: Stage 2 Scoping Study and vulnerability assessment (coastal hazard mapping)
- Appendix C: Long List of Options and Feasibility Assessment
- Appendix D: Option Viability Assessment
- Appendix E: Option Summary Sheets
- Appendix F: Option Detailed Costs
- Appendix G: Draft Coastal Hazard Code
- Appendix H: Coastal Zone Emergency Action Subplan

The Stage 2 Scoping Study (Appendix B) conveys the coastal hazard risk at all locations in Eurobodalla. An examination of sediment transport within the Clyde River mouth is included in Appendix B and provides supporting rationale to some of the actions in the business plan.

The business plan outlines 72 coastal planning and management actions that have been developed and prioritised based on the assessed risk of the threats to the study area, as well as the timing, responsibility, and financial details of each activity.

Actions in the draft Open Coast CMP are based on consideration of legal, technical, and engineering feasibility, economic viability and the acceptability of actions to the community and

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stakeholders. This is detailed in appendices C, D, E and F of the draft Open Coast CMP – attached under separate cover.

The draft actions have been grouped according to the key threat addressed, although many actions address multiple threats such as protecting assets while supporting economic development. These actions can be further broken down into the following key threat categories:

- 6 actions that address coastal development threats (e.g. dune revegetation and weed management)
- 35 actions that address coastal hazard threats (e.g. Caseys and Long Beach rock wall, Surfside berm)
- 9 actions that address recreational activity threats (e.g. improving parking and beach access at McKenzies beach)
- 16 actions that address engagement and governance threats (e.g. improved signage, investigate citizen science opportunities)
- 1 action that addresses an opportunity rather than a threat (the opportunity to rename the rehabilitated beach at Wharf Road, Surfside via the Geographical Names Board of NSW in consultation with First Nations stakeholders)
- 5 actions that relate to the monitoring and evaluation of the CMP implementation (e.g. actions to guide implementation).

In addition to the 72 actions, the draft Open Coast CMP proposes to replace Council's existing Interim Coastal Hazard Adaptation Code 2017, with the draft Coastal Hazard Code (Appendix G). It provides advice on how development must consider and address coastal threats such as inundation and erosion.

The draft Open Coast CMP includes maps of Eurobodalla's Coastal Vulnerability Areas (CVAs). Following certification of the CMP, Council would undertake a planning proposal process to amend the *State Environmental Planning Policy (Resilience and Hazards) 2021* to include Eurobodalla's Coastal Vulnerability Area Map. Under *State Environmental Planning Policy (Resilience and Hazards) 2021* development on land within the mapped coastal vulnerability area must design for the projected coastal hazards, not detrimentally alter coastal process, reduce public amenity or access and manage safety risks.

The draft Coastal Hazard Code and Coastal Vulnerability Areas are being exhibited with the draft Open Coast CMP.

The draft Open Coast CMP will provide the broader community with certainty about how the Eurobodalla coastline will be managed in the future. Community and residential associations across the Eurobodalla have provided significant input to the list of management actions in the draft Open Coast CMP and have shown a desire to be able to work alongside Council and volunteer organisations in the delivery of some environmental actions such as dune care and revegetation.

A summary of key draft actions for each area of Eurobodalla (divided into All, North, Central and South) is outlined in table 2. Engineering or 'hard' solutions are focused on the northern

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section of the Local Government Area due to the erosion and inundation risk, which lessens significantly to the southern sections of the LGA.

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Table 2. Summary of actions across the North, Central and South of Eurobodalla

Area	Key issues and actions	Example actions
North (South Durras to Surfside)	<ul style="list-style-type: none"> • Coastal erosion and inundation • Resilience and beach amenity 	<ul style="list-style-type: none"> • Investigate and design the raising of Northcove Road, Maloneys Beach • Coastal protection works at Long Beach e.g. low crested rock revetment and sandbags • Construct a berm to protect low-lying residential precinct of Surfside • Beach nourishment to increase beach volume at Surfside that aligns with dredging of the Clyde River undertaken by the NSW Government.
Central (Batemans Bay CBD to Broulee)	<ul style="list-style-type: none"> • Resilience to coastal hazards • Environmental management, beach amenity and access 	<ul style="list-style-type: none"> • Upgrade existing coastal protection works (rock wall) at Caseys Beach • Upgrade Batemans Bay CBD seawall to protect significant historic investment in Batemans Bay's CBD and that aligns with current and future investment as part of implementing the Batemans Bay Waterfront Masterplan and Activation Strategy. • Prepare frontal dune management plans for beach reserves • Improving access to McKenzies Beach parking area
South (Moruya to Wallaga Lake)	<ul style="list-style-type: none"> • Cultural heritage recognition and protection • Environmental protection 	<ul style="list-style-type: none"> • Protecting midden sites • Investigate opportunities to incorporate Aboriginal culture into land management (e.g. cultural burnings) • Revegetation and weed control on coastal headlands

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Area	Key issues and actions	Example actions
All locations	<ul style="list-style-type: none"> • Cultural heritage recognition and protection • Environmental management policy and planning • Resilience to coastal hazards 	<ul style="list-style-type: none"> • Support local Aboriginal communities manage cultural heritage from coastal threats • Review and update Council's Intermittently Closed/Open Lakes and Lagoons (ICOLL) Entrance Policy • Replacing the Interim Coastal Hazard Adaptation Code with the draft Coastal Hazards Code in Appendix G of the draft Open Coast CMP. • Undertake shorebird management

The draft Open Coast CMP includes a Coastal Zone Emergency Action Subplan (CZEAS) that amongst other emergency actions identifies the process for Aboriginal Communities to organise the protection or relocation of sites or items of cultural significance impacted by coastal hazards (see Appendix H). This process is complex and slow due to legislative requirements and overlapping government responsibilities. An adopted and certified Open Coast CMP would facilitate this process more efficiently and increase the capacity for Aboriginal communities to retain and enhance their long history of living in and caring for Eurobodalla. The draft Open Coast CMP includes actions that aim to promote and enhance cultural storytelling and economic opportunities for Aboriginal people in Eurobodalla.

If adopted, actions that Council is responsible for implementing, including the Monitoring, Evaluation and Reporting program, will be included in future Eurobodalla Shire Council Community Strategic Plans, Delivery Program and Operational Plan. Under the *Coastal Management Act 2016*, there is an expectation that all NSW Government agencies do the same through their own delivery plans. Where Government agencies have primary or secondary responsibility, a formal letter of support from that agency will be sought after the draft Open Coast CMP has been finalised post-exhibition.

The current NSW Government committed \$5 million to implement actions in the certified CMP along the North Batemans Bay waterfront. The \$5 million has been allocated to the following actions in the draft Open Coast CMP business plan:

- Protection of Wharf Road and remediation of adjoining land for public use and access (action CH1_Ka Phase 1 and 2).
- Protection of Surfside from coastal inundation (action CH4_D Phase 1).
- Protection of Bay Road, Long Beach from beach erosion (action CH1_D Phase 1 and Phase 2). This action will also receive contribution of funds from Council and the NSW Coastal and Estuary Grants.

Community and stakeholder engagement in this project has been long term, extensive and comprehensive to ensure that all those who value the coast and could be impacted by change were involved, heard and part of the solutions.

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Table 1 outlines this engagement with a comprehensive report attached under separate cover in Appendix A. This table covers the outcomes of community consultation undertaken before and up to 2021 including:

- community use surveys
- community workshops held across Eurobodalla
- targeted workshops with owners of properties at risk from coastal hazards
- a business breakfast in Batemans Bay
- multiple community mail outs
- meetings with community groups and
- extensive media and web promotion of the project.

Table 1: Summary of engagement through 2021 -2022 on the draft Open Coast CMP

Engagement	Description	When
Council's website	Inform the community about the project and develop a stakeholder list to receive project updates. Public with access to project newsletters, project updates, and public exhibition information. About 100 people signed up to the stakeholder list.	February 2021 onwards
Three Councillor briefings	Inform Councillors about the CMP throughout the project	June 2020, September 2020 and February 2022
Five (5) Agency Taskforce Briefings	Update on project and issues raised by agencies at each stage of the CMP	February 2021-onwards
Two (2) Coastal and Environmental Advisory Committee (CEMAC) Briefings	Updates on the project through Stage 1 and 2 of the CMP. Issues were raised by attendees and addressed before proceeding with Stage 3. CEMAC includes representatives from agencies, community and adjoining councils.	March and July 2021
Six (6) Meetings with Traditional Owners	Aboriginal Community knowledge holders and Local Aboriginal Land Council representatives attended 5 sessions on Country and 1 was at Tomakin Sports and Recreation Club. Approximately 20 people attended in total. The engagement method was informed by a co-design workshop with Aboriginal community leaders from across the Eurobodalla.	March 2021 to June 2022
Media Releases and social media	Three media releases related to this Open Coast CMP. Three posts on Council's Facebook Page and Instagram. Included a call for Expressions of Interest to working groups using a short video.	Ongoing

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Engagement	Description	When
Two CMP Newsletters	Those stakeholders signed up to updates were sent CMP newsletters about the progress of the CMP. Community groups and resident associations were sent an email with information about how to sign up and this has been advertised through media release and the CEMAC.	September and December 2021
Community Workshops	A total of 33 community and business representatives from across Eurobodalla attended workshops. Through these workshops community gained a better understanding of coastal hazards now and into the future. Community also suggested actions to consider implementing through the CMP.	5 workshops in August 2021 and 4 workshops in 25-27 July 2022
CEMAC Workshop	CEMAC members briefed on the nature of coastal hazards in Eurobodalla and feedback being received from other engagement. CEMAC suggested actions that have been considered in the CMP.	September 2021
Local Aboriginal Land Council (LALC) Meetings	All LALCs were invited to be briefed about coastal hazards risk. Initially scheduled for November 2021, the sessions were completed online in February 2022 due to Covid-19 restrictions. About four attendees in total suggested actions that have been considered in the CMP.	February 2022
Traditional Owners meetings on Country	Evolve Communities, facilitated a co-design workshop in March 2022. Knowledge holders and community leaders from across Eurobodalla were invited to co-design the engagement approach Stage 3 and 4 of the CMP. Key outcomes included: <ul style="list-style-type: none"> • Make it interesting • Coordinate engagement across projects • Engage outside of LALCs too • Engage early and often 	March 2022
Meetings on Country & Eat, Meet, Yarn sessions	Meetings on country to discuss CMP actions. These took the form of a combination of site visits with knowledge holders and "Eat Meet Yarn" barbecues with the wider Aboriginal community. Attendees had their say in a safe, comfortable format. Along with other suggested actions, site specific protection of Aboriginal Heritage and opportunities to better involve Traditional Owners in coastal management were raised and have been considered in the draft Open Coast CMP.	April 2022 – June 2022

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Engagement	Description	When
Agency Review of Draft CMP	Online meetings with agencies to discuss specific actions requiring agency support.	June – July 2022

Legal

Council is responsible for implementation of actions in an adopted Open Coast CMP. Actions would be included in the Eurobodalla Shire Council Community Strategic Plan, Delivery Program and Operational Plan.

The draft Open Coast CMP includes maps of Eurobodalla's Coastal Vulnerability Areas (CVAs). Following certification of the CMP, Council would undertake a planning proposal process to amend the State Environmental Planning Policy (Resilience and Hazards) 2021 to include Eurobodalla's Coastal Vulnerability Area Map.

Environmental

The draft Open Coast CMP aims to protect and enhance Eurobodalla's natural coastal environmental. Stakeholder engagement highlighted values including retaining natural character, scenic value, biological diversity and ecosystem integrity and resilience. The draft Open Coast CMP focusses on environmental outcomes across all of the major coastal hazards and threats, including that coastal protection works have positive environmental outcomes such as beach and dune nourishment, revegetation and rehabilitation of the coastal zone.

Social Impact

An adopted Open Coast CMP will provide the community with certainty about how the coastline will be managed in the future and that the coastal zone will be protected and enhanced into the future. This ensures not only environmental health outcomes but also economic and placemaking benefits, such as building resilience, improving the quality and function of emergency and infrastructure services and ensuring access to the natural environment that is highly valued by locals and visitors.

Financial

The draft Open Coast CMP includes a business plan outlining the funding strategy for implementing the CMP. This includes the cost of proposed actions, proposed cost-sharing arrangements, and other potential funding mechanisms.

Delivery of the draft Open Coast CMP is estimated to cost approximately \$46.6 Million in capital and operational expenses over the 10-year implementation period. A certified CMP will enable Council to have access to up to 2:1 funding allocated under the NSW Government's Coastal Management Program Fund. This funding is only available for projects identified in a certified CMP and Council would need to source funding to contribute a third of the cost of implementation (~\$13.3M).

Community and Stakeholder Engagement

The draft Open Coast CMP is ready for public exhibition for at least 28 days. This is the final step in a comprehensive engagement process which has included our Aboriginal communities,

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individual landholders, government agencies, emergency services, and community association representatives.

During the public exhibition period:

- The draft Open Coast CMP will be able to be viewed on Council's website or at the Moruya administration building.
- The community will be advised of the public exhibition period and how to make a submission via a media release and social media.
- A CMP newsletter will be emailed to stakeholders signed up for updates.

The Eurobodalla community will be able to attend drop-in sessions with staff and consultants that have prepared the draft Open Coast CMP.

CONCLUSION

The Eurobodalla Open Coast Coastal Management Program (the draft Open Coast CMP, attached under separate cover) is completed and is ready to be placed on public exhibition for 28 days. Public exhibition would be in accordance with Council's adopted Community Engagement Framework and Public Participation Plan and the Coastal Management Manual.

All feedback provided to Council during public exhibition of the draft Open Coast CMP would be considered and addressed in a revised draft where appropriate. A report will be presented to Council following exhibition for councillors determination.

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

Attachments: 1. Under Separate Cover - Draft Estuaries CMP

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: 1.2.2.1 Finalise the Wagonga, Mummaga and Moruya Estuary Coastal Management Plans

EXECUTIVE SUMMARY

The draft Moruya River, Mummaga Lake and Wagonga Inlet Estuarine Coastal Management Program (the draft Estuaries CMP) has been revised to incorporate feedback received during public exhibition and is ready for Council to consider for adoption. The draft Estuaries CMP is attached.

The draft Estuaries CMP identifies risks, issues and opportunities for the long-term management of these three high-value waterways in a strategic and integrated manner, consistent with the *Coastal Management Act 2016* (CM Act) and the NSW Government's Coastal Management Manual (the CM Manual).

At the Ordinary Meeting of Council on 21 October 2021, Council resolved to publicly exhibit the draft Estuaries CMP from 5 November 2021 to 5 January 2022 (a period of 56 days). This was intended to allow community more time to make submissions during the holiday period.

Twenty-two community submissions were received during the exhibition period and one submission after exhibition had ended.

The key changes made to address submissions in the revised draft Estuaries CMP include:

- Action Wa8 has been changed to examine opportunities to collaborate with the Boats Afloat organisation to restore the Ringlands Jetty rather than remove it.
- Acknowledgement feedback from this exhibition that relates to the Dalmeny Land Release Area Development Control Plan (DCP).
- DPI Fisheries proposed installation of litter baskets (action EM6) however subsequently removed funding support. As such the action was removed from this draft Estuaries CMP.
- Clarification of the intent of Action Mu5 to discuss saltmarsh management along Attunga St, Dalmeny to reduce impacts from mowing, but that it would not reduce access by residents.

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A certified Estuaries CMP will enable Council to have access to up to 2:1 funding allocated under the NSW Government's Coastal Management Program Fund. This funding is only available for projects identified in a certified CMP.

RECOMMENDATION

THAT Council:

1. Adopt the draft Moruya River, Mummaga Lake and Wagonga Inlet Estuarine Coastal Management Program
2. Forward the adopted Moruya River, Mummaga Lake and Wagonga Inlet Estuarine Coastal Management Program to the NSW Minister for Local Government for certification

BACKGROUND

All coastal councils are required to prepare a Coastal Management Program (CMP) under Part 13 of the *Coastal Management Act 2016* (CM Act) to secure financial support from the NSW Government to deliver actions. A CMP must be prepared in accordance with the CM Manual and aims to support the objectives of the *Marine Estate Management Act 2014*.

A CMP sets out the long-term strategy for the coordinated management of the coast, with a focus on achieving the objectives of the CM Act. Preparation of a CMP follows a five-stage process, as outlined in the CM Manual (figure 1). Stage 4 of the process includes public exhibition, Council adoption and certification by the NSW Government. Stage 5 is the implementation of the certified CMP.

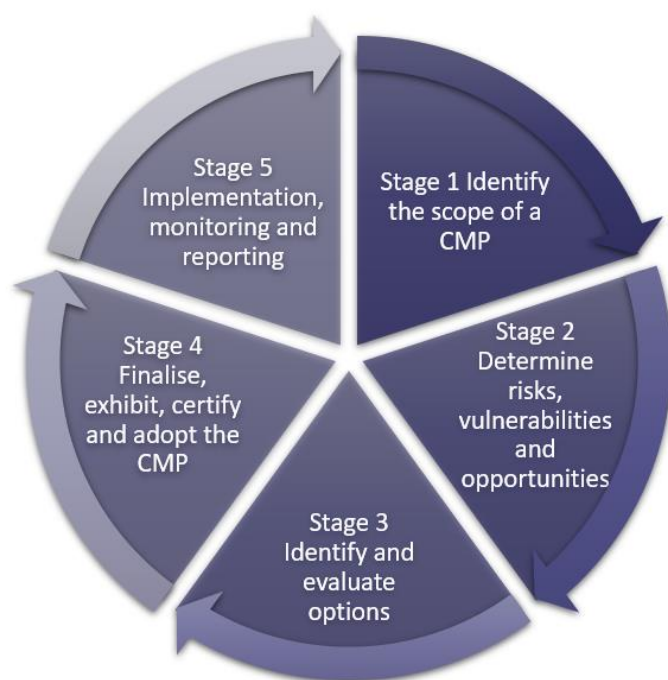


Figure 1. A diagram of the five-stage coastal management process, as outlined in the Coastal Management Manual.

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Council entered into a funding agreement with the NSW Government, who provided 1:1 funding of \$34,920 for the preparation of a CMP for Moruya River, Mummaga Lake and Wagonga Inlet. Council contributed the other \$34,920. The locations of these estuaries are shown in figure 2. Following an open tender process in 2018, Council engaged coastal management specialists, Salients, to prepare the draft Estuaries CMP.

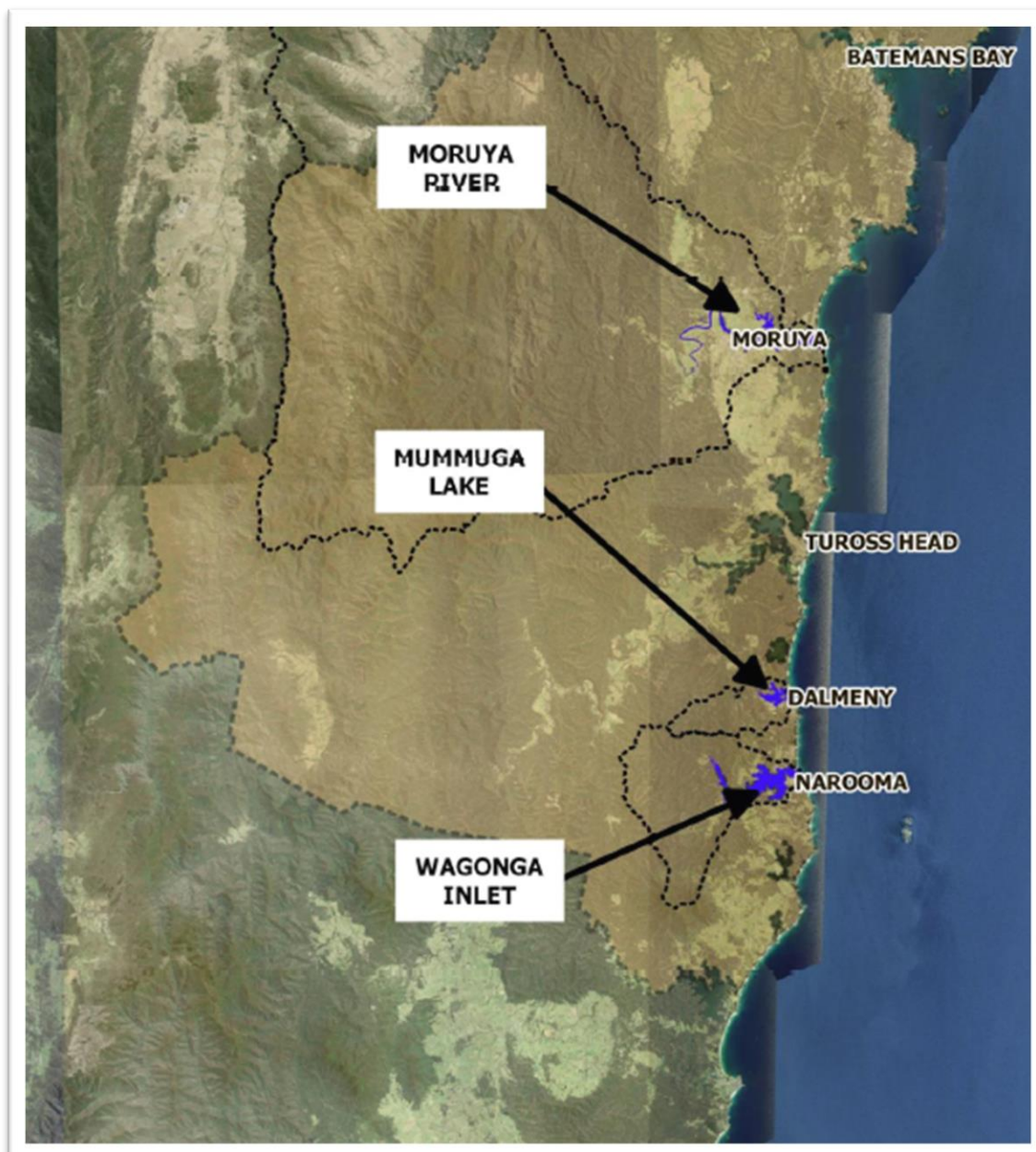


Figure 2. A map of the study area for the draft Moruya River, Mummaga Lake and Wagonga Inlet estuaries CMP

A primary objective of the draft Estuaries CMP is to protect and enhance coastal environmental values, including natural character, scenic value, biological diversity and ecosystem integrity and resilience.

The draft Estuaries CMP includes a scoping study, vulnerability assessment and a robust suite of actions for the coordinated management of the three estuaries, to be undertaken by Council

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and relevant NSW Government agencies. The draft Estuaries CMP aims to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety. A key emphasis of the draft Estuaries CMP is on environmental outcomes, including management of high-value biodiversity areas, water quality and foreshore management.

CONSIDERATIONS

The draft Estuaries CMP is attached and includes:

- The draft Estuaries Coastal Management Program which includes:
 - A snapshot of issues across each estuary and how they are addressed in this draft Estuaries CMP
 - A Business plan outlining actions to be implemented by Council and other public authorities
 - A Monitoring, evaluation and reporting program
- Appendix A: Scoping Study
- Appendix B: Stage 2 assessment
- Appendix C: Consultation Summary
- Appendix D: Option Risk Assessment
- Appendix E: management options assessment
- Appendix F: Review of funding options and statutory responsibilities

There are 32 actions in the draft Estuaries CMP. These actions can be further broken down into the following key threat categories:

- 6 actions that address coastal development threats and inform planning (e.g mapping of the Coastal Vulnerability Area for each estuary).
- 18 that inform environmental outcomes (e.g revegetation works)
- 3 that address cultural heritage risks (e.g protecting midden sites through formalised access).
- 3 actions that provide coastal protection value (e.g bank stability and rock revetment works at Moruya and Wagonga)

Over the 56 days of public exhibition, 22 community submissions were received. An additional submission was received several weeks after the exhibition which was also considered. It is noted that most submissions were related to the Dalmeny Land Release Area (LRA), and its potential impacts upon the Mummaga Lake Catchment. The exhibition period coincided with the commencement of work on the Master Plan for Dalmeny LRA in December 2021.

There is nothing in the draft Estuaries CMP that would prohibit the development of the land release area. The development of the LRA must comply with Council's Soil and Water Management Code as part of managing potential threats to waterways. Council also assesses developments against the requirements of the *Marine Estate Management Act 2014* (Mummaga Lake is a part of the Batemans Marine Park) and the *Resilience and Hazards State Environmental Planning Policy 2021*. In response to submissions the final ECMP contains a recommendation for Dalmeny LRA Development Control Plan to include controls to manage potential impacts of development on Mummaga Lake.

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The draft Estuaries CMP includes an action to monitor the water quality of Mummaga Lake, however this is a requirement regardless of whether the LRA is developed or not.

Table 1: Summary of submissions and how they have been addressed in the revised draft Estuaries CMP.

Summary of issue raised in submissions	How addressed in revised draft Estuaries CMP
<p>Impacts of the Dalmeny Land Release Area on Mummaga Lake - 12 submissions.</p> <p>Requests that adoption of the draft Estuaries CMP is delayed allowing for assessments of potential impacts of development of the Dalmeny LRA e.g. nutrient loads and once the results of these assessments are known, that Council reconsider the suitability of the Dalmeny Land Release Area for clearing and development.</p> <p>Response</p> <p>Development of the Dalmeny LRA will require controls to manage any potential impacts to the lake. This will be a requirement of the development regardless of the adoption of this CMP and does not rely upon a CMP for Mummaga Lake to be completed.</p>	<p>The revised draft Estuaries CMP includes recommendations for the Dalmeny Land Release Area DCP to include controls around runoff and stormwater to ANZECC standard.</p>
<p>Failure to include Mummaga Lake in the draft Estuaries CMP (2 submissions)</p>	<p>No change required.</p> <p>Mummaga Lake is one of the three (3) Estuaries in the scope of the Estuaries CMP.</p>
<p>Population Growth (2 submissions)</p> <p>Latest population growth in Dalmeny does not match the forecasted population growth in the document.</p> <p>Response:</p> <p>The revised draft acknowledges that development of the Dalmeny Land Release Area will increase the number of residents living in Dalmeny. The rate that this occurs will depend on many factors including the approvals times, rate of construction, housing prices, development costs, interest rates. The expected population growth in Dalmeny over the next 10 years is based on information provided by Forecast id. The proposed Development Control Plan and masterplan will also influence staging and timing.</p>	<p>No change required.</p>
<p>Timing of Exhibition (1 submission)</p> <p>The draft Estuaries CMP was exhibited during the holiday period (5 November 2021 until 5 January 2022). During this time, community may have been elsewhere engaged with family, holidays, etc. Council should re-exhibit the CMP due to the timing.</p>	<p>No change required.</p> <p>The holiday period was factored into the (exceptional) length of public exhibition (56 days instead of the required 28 days).</p>

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Summary of issue raised in submissions	How addressed in revised draft Estuaries CMP
<p>Ringland Jetty (2 Submissions) Community boating group Boats Afloat, supported by other community members, requested a change to Action Wa8 to remove demolition of a derelict jetty in the Ringlands area. They would prefer to see the jetty restored.</p> <p>Response: Boats Afloat offered to undertake restoration if Council would be willing to enter an MOU for the jetty to be passed into their care and responsibility. If there is a failure to restore and maintain the jetty occurs, demolition would be the next course of action.</p>	<p>Action Wa8 has been changed to examine opportunities to collaborate with the Boats Afloat organisation to restore the Ringlands Jetty.</p>
<p>Estuaries Steering Committee Concern that the establishment of Estuaries Steering Committee in the draft Estuaries CMP overlaps with Council's Coastal and Environment Management Advisory Committee (CEMAC) and there is no community representation proposed.</p> <p>Response: These are two separate committees each with different functions and responsibilities.</p> <p>1. The publicly attended Committee established to discuss Coastal Management; this is the Coastal & Environment Management Advisory Committee (CEMAC). This committee has 11 community representatives.</p> <p>Council's CEMAC serves to facilitate engagement across community, Council and government agencies.</p> <p>2. The proposed Estuaries Steering Committee is an implementation committee of government agencies. The purpose of the proposed Estuaries steering committee, is to monitor, report on and determine prioritisation of the actions of the CMP across the parties responsible for financing and delivering actions in the CMP. Community will be kept informed (including through the CEMAC). However, it is not a strategic committee requiring broader stakeholder input as the committee will be acting on the recommendations of the plan.</p>	<p>No change required.</p>

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Summary of issue raised in submissions	How addressed in revised draft Estuaries CMP
<p>Land acquisition: Acquiring land adjacent to Wagonga inlet for purpose of rehabilitation of saltmarsh / landward expansion would be a desirable outcome</p>	<p>No change required. This intent aligns with ongoing work undertaken at Punkally creek, which has included a campaign of several years led by NSW Local Land Services. Action Wa3 in the draft CMP will continue this work, with LLS providing the funding and undertaking the work.</p>
<p>Installation of litter baskets (action EM6) should be given high priority given their efficacy at reducing waste (1 Submission).</p>	<p>Removed. DPI Fisheries proposed this however has subsequently removed funding support. As such the action was removed from this draft Estuaries CMP.</p>
<p>No mention of Mill Bay area sand flats (1 Submission).</p> <p>Response: This wetland was not seen as an area requiring management because wetland and seagrasses are in good health. DPI Marine Parks usually have the authority over this area, but Council may have a role in compliance if the wetland is impacted unlawfully (e.g. illegal horse riding).</p>	<p>No change required.</p>
<p>Council needs to have allocated staff to securing grants and working with landowners to secure grants (1 submission)</p> <p>Response: Council has a fulltime grant coordinator to seek grants for Council works. Where appropriate this can be in collaboration with landholders.</p>	<p>No change required.</p>

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Summary of issue raised in submissions	How addressed in revised draft Estuaries CMP
<p>Saltmarsh mowing and compliance (two submissions)</p> <p>Action Mu5 outlines a requirement to discuss saltmarsh management along Attunga St, Dalmeny. A small number of residents in the area have historically mown the saltmarsh, which is an offence under the <i>Marine Estate Management Act 2014</i>.</p> <p>Response:</p> <p>Council have met onsite and resolved the issue through clarification of intentions and a site inspection.</p> <p>The intention of action Mu5 is for illegal clearing of saltmarsh to be reduced, not for access to be restricted. This was clarified at a meeting with adjacent residents on 21 March 2022, where access points were examined.</p> <p>Residents were pleased with the clarity on the action intent and offered to spread that information with other interested residents.</p>	<p>A small wording change in the draft Estuaries CMP clarifies the intent of action Mu5.</p>

Legal

All coastal councils are required to prepare a Coastal Management Program (CMP) under Part 13 of the *Coastal Management Act 2016* (CM Act) to secure financial support from the NSW State Government. The draft Estuaries CMP has been prepared in accordance with the NSW Government's Coastal Management Manual (CM Manual). A comprehensive checklist of requirements has been undertaken by the Department of Planning and Environment, which has found that all requirements for certification have been met.

Policy

Council is responsible for implementing actions in an adopted Estuaries CMP, including the Monitoring, Evaluation and Reporting (MER) program. These actions would be included in the Eurobodalla Shire Council Community Strategic Plan, Delivery Program and Operational Plans over the next 5 years.

An estuary advisory committee comprised of relevant State Government agencies and chaired by Council will be established for the monitoring, evaluation and implementation of actions in an adopted Estuaries CMP.

Environmental

A primary objective of the draft Estuaries CMP is to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience. The draft Estuaries CMP is heavily focused on environmental outcomes. Of the 32 actions within the business plan for the draft Estuaries CMP, eighteen (18) are oriented towards environmental outcomes.

Social Impact

An adopted Estuaries CMP will provide the community with certainty about how the estuaries will be managed in the future. This ensure estuary health and resilience and the resulting

**PSR22/041 DRAFT MORUYA RIVER, MUMMAGA LAKE, WAGONGA INLET
ESTUARINE COASTAL MANAGEMENT PROGRAM**

**S017-T00013,
S014-T00007**

ecosystem services this provides, and access to the natural environment that is highly valued by locals and visitors.

Financial

A certified Estuaries CMP will enable Council to have access to up to 2:1 funding allocated under the NSW Government's Coastal Management Program Fund. This funding is only available for projects identified in a certified CMP.

Community and Stakeholder Engagement

The engagement process undertaken to inform the draft Estuaries included:

- Updates about the project made available on Council's website
- Late 2018: first round of engagement - early community engagement including:
 - Three community workshop/drop-in sessions in Narooma and Moruya
 - A NSW Government agency stakeholder meeting held in Narooma
- 2019: using the Round 1 feedback to prepare the stage 1 scoping study for the draft Estuaries CMP
- 2020: completing stage 2 and 3 of the coastal management process by undertaking meetings at various locations across the study area to discuss risks and management opportunities with:
 - Two Local Aboriginal Land Councils (Wagonga and Cobowra)
 - Two meetings with knowledge holders from the area on Country
 - Council's Aboriginal Advisory Committee
 - Residents
 - NSW Government agencies including DPI Fisheries, Batemans Marine Park, Local Land Services and National Parks & Wildlife Service
 - A Wagonga oyster farmer on site

Stage 3 also included a values and use survey advertised through Council's social media channels and a Landcare newsletter. Over 100 responses to the survey were received which resulted in an expanded list of proposed actions in the draft Estuaries CMP.

- 2022: the NSW Government reviewed the draft Estuaries CMP against the requirements of the *CM Act* and *CM Manual*. This included a review by Crown Lands, Local Land Services, National Parks and Wildlife Service, Batemans Marine Park and Department of Primary Industries – Fisheries. Changes requested by the agencies were considerable in nature and related largely to wording for actions and responsibilities. These agencies are currently preparing letters of support for the draft Estuaries CMP which will be submitted for certification alongside the adopted Estuaries CMP.

The final step was a public exhibition period from 5 November 2021 to 5 January 2022 (a period of 56 days). This was intended to allow community more time to make submissions during the holiday period. Twenty-two community submissions were received during the exhibition period and one submission after exhibition had ended. All submissions were considered and amendments made the draft Estuaries CMP where appropriate.

CONCLUSION

The draft Moruya River, Mummaga Lake and Wagonga Inlet Estuarine Coastal Management Program (the draft Estuaries CMP) has been revised to incorporate minor changes as a result of

PSR22/041	DRAFT MORUYA RIVER, MUMMAGA LAKE, WAGONGA INLET	S017-T00013,
	ESTUARINE COASTAL MANAGEMENT PROGRAM	S014-T00007

feedback received during public exhibition. The draft Estuaries CMP is now ready for Council to consider for adoption.

PSR22/042 LEASE - EUROBODALLA REGIONAL BOTANIC GARDEN

S023-T00015

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: 1. Confidential - Lease - Eurobodalla Regional Botanic Garden
Community Goal: 3 Our region of vibrant places and spaces
Community Strategy: 3.4 Celebrate our unique region through inclusive places and spaces
Delivery Program Link: 3.4.4 Provide a Regional Botanic Garden of Excellence
Operational Plan Link: 3.4.4.1 Enhance visitor experience via events, education programs and facilities

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to grant a lease for the café within the Eurobodalla Regional Botanic Garden (ERBG).

The café within the ERBG has been operating since August 2006. At the expiry of the most recent licence in October 2021, the café was listed for rental with a real estate agent, however no tenant was found. Council has since negotiated an arrangement with a local business owner to operate the café.

Although not required by the *Local Government Act 1993* and Council's Community Engagement Framework, the intention to grant a lease for the café at the ERBG was publicly notified for 28 days. No submissions were received.

It is recommended that Council grant a five-year lease and renewals to the business owner to operate the café within the ERBG.

RECOMMENDATION

THAT

1. Council grant a five-year lease to a business owner to operate the café within the Eurobodalla Regional Botanic Garden with conditions including the following:
 - (a) Application of provisions of the Retail Leases Act 1994
 - (b) Trading days must be consistent with the opening hours of the ERBG
 - (c) A lease term of 5 years with options
2. The General Manager be given delegated authority to negotiate further leases to operate the café within the Eurobodalla Regional Botanic Garden.

BACKGROUND

The café within the ERBG has been operating since August 2006. At the expiry of the most recent licence in October 2021, the café was listed for rental with a real estate agent for a period of six months. No tenant was found during this public listing period.

Council later received an enquiry from an experienced local business owner interested in the café. Council has since negotiated an arrangement with this business owner to operate the café.

PSR22/042 LEASE - EUROBODALLA REGIONAL BOTANIC GARDEN

S023-T00015

The previous licence expired in October 2021. The business owner is currently operating the café within the ERBG and has requested a lease over the premises. To support the business owner, her future investment into the business and provide surety of tenure, it is proposed that a lease be granted.

The café is set within the main ERBG building and is a great asset to the ERBG.

Although not required by the *Local Government Act 1993* and Council's Community Engagement Framework, the intention to grant a lease for the café at the ERBG was publicly notified for 28 days. No submissions were received.

CONSIDERATIONS

Trading since the new operator has been in place has been strong.

Conditions for the lease will be generally in-line with the previous licence but with a number of differences including:

- Application of provisions of the Retail Leases Act 1994
- Trading days must be consistent with the opening hours of the ERBG
- To only sell food so as not to duplicate any products sold at the ERBG shop
- A longer lease term of five (5) years with options
- The lessee may obtain a liquor licence
- Signage must be approved by Council
- The lessee will have the right to terminate the lease within the first three months.

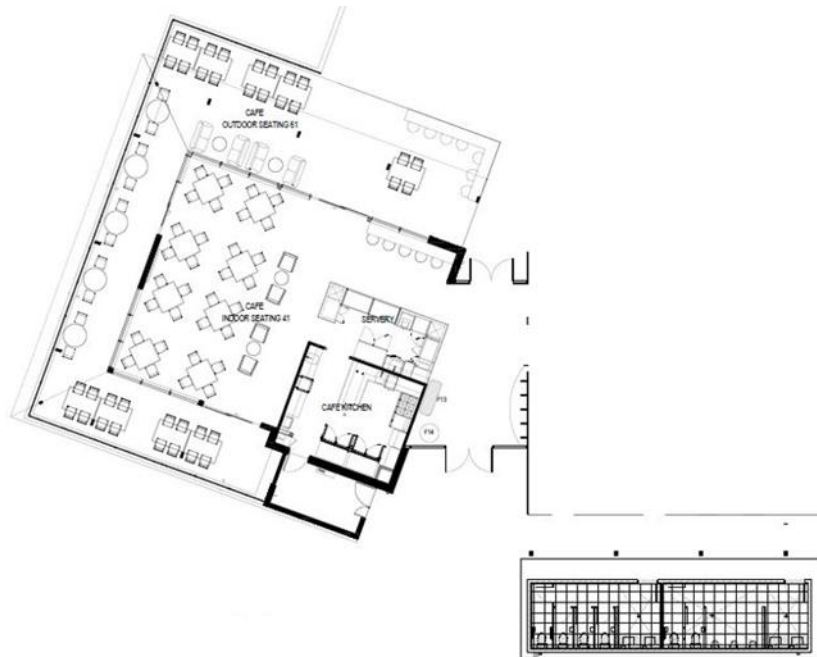
An open process listing the interest to operate a café at ERBG was conducted with a Real Estate Agent, however no tenant was found and in accordance with ICAC Direct Dealing Guidelines 'when a competitive process has failed to produce an advantageous or satisfactory offer and the agency does not expect a repeat of the process to produce a better result. In such circumstances, the agency may choose to negotiate directly with the 'least unsatisfactory' of the available proponents, OR another proponent that has expressed a genuine interest'.

[Direct NEGOTIATIONS - GUIDELINES FOR MANAGING RISKS.](#)

PSR22/042 LEASE - EUROBODALLA REGIONAL BOTANIC GARDEN

S023-T00015

The proposed lease area is shown in the sketch below.



**includes shared use of pictured amenities block*



Eurobodalla Regional Botanic Garden
Deep Creek Dam Road, Batemans Bay NSW

PSR22/042 LEASE - EUROBODALLA REGIONAL BOTANIC GARDEN

S023-T00015

The ERBG is occupied under an Occupation Permit with the Forestry Corporation of NSW.

Consent will be required from the Forestry Corporation to formally lease the café.

The Retail Leases Act 1994 (The Act) applies in this case. The Act provides additional protection to lessees and regulates provisions in relation to rent reviews, outgoings, lease assignments, notice requirements at end of lease and commencement of leases.

<https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1994-046>.

Policy

Activity 3.4.4 of the Delivery Program – Operational Plan (DPOP) is to provide a regional botanic garden of excellence.

Asset

The café rental will contribute to the maintenance of the asset.

Social Impact

The operation of the café improves and adds to the amenities and visitation of the ERBG.

Economic Development Employment Potential

The Garden are an important local tourist attraction and the café is a key part of its facilities.

Financial

Financial information is contained in the confidential attachment.

Community and Stakeholder Engagement

Although not required by the *Local Government Act 1993* and Council's Community Engagement Framework, the intention to grant a lease for the café at the ERBG was publicly notified for 28 days. No submissions were received.

CONCLUSION

The café within the ERBG has been operating since August 2006. Council has since negotiated an arrangement with an experienced business owner to operate the café following an unsuccessful public listing with a real estate agent.

The business owner is currently operating the café within the ERBG and has requested a lease in order to operate the café within the Eurobodalla Regional Botanic Garden.

It is recommended that Council grant a lease with a maximum term of five years with a five-year option.

**PSR22/043 LEASE RENEWALS FOR TELECOMMUNICATIONS FACILITY,
MALUA BAY**

**S023-T00016/
LI: 27651**

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

Attachments: 1. Confidential - Telecommunications - Malua Bay

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 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 seek approval to renew leases for telecommunication facilities at Malua Bay.

Telstra Corporation Limited (currently Amplitel Pty Ltd) and Optus Telecommunications (the 'Carriers') hold leases for telecommunication facilities within Lot 11 DP 850712 Reservoir Road, Malua Bay. This site is Council-owned operational land.

The current leases expire on 4 December 2022. The Carriers wish to renew the leases for four consecutive five-year periods and continue occupation of the site adjacent to Council's water reservoir at Reservoir Road, Malua Bay.

This report recommends renewal of the leases to the existing Carriers on the basis that agreement can be reached on an annual rental in-line with our market valuation and recent agreed rentals. The lease renewals will include conditions generally in line with the existing leases but with a reduced rental.

RECOMMENDATION

THAT

1. Council grant lease renewals to telecommunication carriers to operate telecommunications facilities within Lot 11 DP 850712 at Malua Bay in accordance with the following conditions:
 - (a) Rental be determined with regard to the market valuation and as outlined in the Confidential Attachment to this report.
 - (b) The provisions for \$20 million public liability insurance
 - (c) Conditions generally be in line with similar leases.

BACKGROUND

Council first approved the Telstra telecommunications facility at Malua Bay in November 2002. Following consent, Telstra was granted a five-year lease within this Council property commencing 5 November 2002. The telecommunications facility has been operating at this site since that time. Optus was granted a lease in February 2005 to co-locate at the site with Telstra.

**PSR22/043 LEASE RENEWALS FOR TELECOMMUNICATIONS FACILITY,
MALUA BAY**

**S023-T00016/
LI: 27651**

Council received notification of the Carriers' preference to renew the leases and continue occupation of the site. Council has invited proposals from the Carriers as to the proposed terms of lease renewals. The current leases expire on 4 December 2022.

Council has approximately 16 leases for telecommunication facilities on Council land. Council has consistently received requests from telecommunication carriers to reduce the rental for these sites when the leases are due for renewal. Financial negotiations regarding this site will commence following receipt of a proposal setting out the Carriers' proposed renewal terms.

The telecommunications carriers are in a strong negotiating position as they have extensive rights and powers under the *Telecommunications Act 1997*. Council has obtained a valuation from a registered valuer and commissioned an independent report on Council's telecommunications lease holdings to inform our negotiating position.

CONSIDERATIONS

In accordance with the provisions of the *Local Government Act 1993 (LGA)* all Council owned properties, except roads, must be classified as either 'operational land' or 'community land'.

The property at Malua Bay accommodates a water reservoir and is classified as operational land.

The lease area is shown in the sketch below.



Lot 11 DP 850712 Reservoir Road, Malua Bay

Legal

Lot 11 DP 850712 is classified as operational land therefore there is no legal impediment to granting leases for this facility.

Telecommunications carriers have broad powers and immunities under the *Telecommunications Act 1997 (Act)*. In particular their rights under Schedule 3 of the Act can be

**PSR22/043 LEASE RENEWALS FOR TELECOMMUNICATIONS FACILITY,
MALUA BAY**

**S023-T00016/
LI: 27651**

invoked to allow them to stay in possession of a property after a lease has ended.

https://www.legislation.gov.au/Details/C2022C00038/Html/Volume_3#_Toc93589592

Policy

Objective 9.2 of the Delivery Program – Operational Plan (DPOP), is to manage land under Council control of achieving a return for the community.

Asset

Mobile telecommunications are an essential asset in this area.

Social Impact

Continued network coverage in the area will benefit the community by maintaining access to telephone and internet services.

Economic Development Employment Potential

Consistent and reliable access to telecommunications, supports business and community connections in the area.

Financial

The rental for current telecommunications leases varies throughout our Shire.

Council has consistently received requests from telecommunications carriers to reduce the rental for these sites when the leases are due for renewal. Financial negotiations regarding this site are continuing.

The rental will be negotiated considering the market valuation determined by a registered valuer and the independent report on telecommunication facilities – see attached confidential attachment regarding current negotiations.

Community and Stakeholder Engagement

Council's Community Engagement Framework and relevant legislation have been used to guide the best approach to engagement on this matter. There is no legal requirement to advise the community through public notice or to seek feedback through public exhibition for land dealings within operational land. Given this is an existing facility and no complaints have been received, the engagement method will be to 'inform'.

CONCLUSION

Telecommunication carriers have leased the area for a telecommunication facility at Malua Bay since 2002. The facilities are of great benefit to local businesses and the general community.

It is recommended that Council grant lease renewals to the Carriers.

PSR22/044 LAND ACQUISITION FOR ROAD WIDENING - TOMAKIN ROAD

**LAND IDS
20121, 20132**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: 1. Confidential - Land Acquisition -Tomakin Rd
Community Goal: 5 Our engaged community with progressive leadership
Community Strategy: 5.3 Work together to achieve our collective vision
Delivery Program Link: 5.3.2 Manage land under Council control
Operational Plan Link: 5.3.2.1 Undertake strategic management of Council's operational land portfolio

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the acquisition of land for road purposes at Tomakin Road.

Tomakin Road is being upgraded over a three-year period to deliver road safety improvements over the entire route. This project is funded by the NSW Government (\$3m total over three years). Council will also be undertaking some pavement rehabilitation this financial year.

The project requires the acquisition of land for road purposes, including private land and Forestry land, being part Mogo State Forest No. 549.

All survey and legal costs associated with the acquisition will be borne by Council.

The landowners' details are shown in the confidential attachment.

RECOMMENDATION

THAT

1. Application be made to the Minister for Local Government and Governor to acquire by compulsory process Lot 2 DP 1286986 for road purposes.
2. All actions necessary be taken for the acquisition Lot 1 DP 1286462, Lot 1 DP 1286986 and Lot 2 DP 1286986 for road purposes in accordance with Council's *Land Acquisition and Disposal Policy*.
3. If the acquisition of Lot 1 DP 1286462 and Lot 1 DP 1286986 cannot be negotiated by agreement, Council make application to the Minister for Local Government and the Governor to acquire the land for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the Roads Act 1993.
4. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
5. All costs associated with the proposed land acquisitions including landowner's reasonable costs be borne by Council.
6. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation.

PSR22/044 LAND ACQUISITION FOR ROAD WIDENING - TOMAKIN ROAD

**LAND IDS
20121, 20132**

BACKGROUND

Tomakin Road is being upgraded over a three-year period to deliver road safety improvements.

Acquisition by compulsory process is required when acquiring land from a State Authority, in this case being Forestry Corporation NSW ('Forestry'). With the consent of the State authority, Council will apply to the Minister for Local Government and the Governor to acquire Lot 2 DP 1286986 (part Mogo State Forest No. 549) by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. A written agreement was obtained with Forestry Corporation NSW to allow the works currently in progress to be undertaken.

Acquisition of private property, Lot 1 DP 1286462 (part Lot 190 DP 864715) and Lot 1 DP 1286986 (part Lot 2 DP 631773), will be in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. Discussions on the proposed acquisition of Lot 1 DP 1286986 and Lot 1 DP 1286986 are continuing with the landowners.

This road safety project requires the acquisition of approximately 1,829 square metres of land in total for road widening.

CONSIDERATIONS

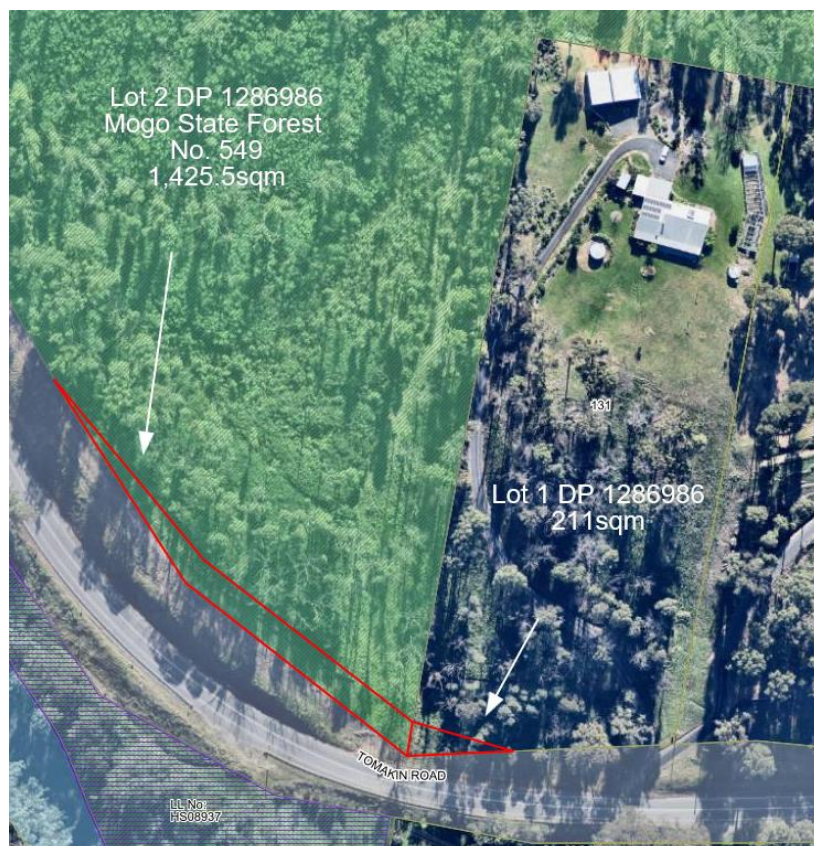
The acquisition area is shown in the sketches below:



Lot 1 DP 1286462, part 345 Tomakin Road, Woodlands

PSR22/044 LAND ACQUISITION FOR ROAD WIDENING - TOMAKIN ROAD

**LAND IDS
20121, 20132**



Lot 1 and 2 DP 1286986 – being part 131 Tomakin Road & part Mogo State Forest

Legal

Plans of the land to be acquired for road purposes have been lodged at New South Wales Land Registry Services and, upon acquisition, the parts acquired for the road purposes will be dedicated as public road.

Council will seek to complete the acquisition of the privately-owned land, being Lot 1 DP 1286462 and Lot 1 DP 1286986, by agreement. If acquisition by agreement is not achieved, it may need to proceed by compulsory process. Acquisition, whether by agreement or compulsory acquisition, will be in accordance with the provisions of *the Land Acquisition (Just Terms Compensation) Act 1991*.

In the case of the Forestry land, the compulsory acquisition process requires application to be made to the Minister for Local Government and the Governor to acquire Lot 2 DP 1286986 (being part Mogo State Forest No.549) in accordance with Section 177(1) of the *Roads Act 1993*. Once consent is granted, the acquisition of the land for public road purposes will be finalised in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* (LAJTC Act).

[Roads Act 1993 s177](#)
[LAJTC Act 1991.](#)

PSR22/044 LAND ACQUISITION FOR ROAD WIDENING - TOMAKIN ROAD

**LAND IDS
20121, 20132**

Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests, to ensure a valid acquisition.

Policy

The acquisition of land for road purposes will proceed in accordance with the Council's *Land Acquisition and Disposal Policy*

[Land-Acquisition-and-Disposal-Policy.](#)

Financial

Compensation for the private land will be determined following valuations by registered valuers and as discussed in the confidential attachment. Compensation for the acquisition of Forestry land has been agreed as set out in the confidential attachment.

Together with compensation, Council will be responsible for costs associated with the acquisition, including survey and legal fees, and the landowners' reasonable legal costs.

Following on from Council's advocacy work, a \$3,000,000 grant was announced for Tomakin Road under the Transport for NSW 'NSW Road Safety Program' with \$1,000,000 in funding to be received in the financial years of 2020/21, 2021/22 and 2022/23. Some of these works have already been completed and stage two is now in progress. Part of this funding is for acquisition of land, which will be included in the finalisation of this project.

In addition, Council will also be rehabilitating a section of pavement in conjunction with stage 3 of the works during 2022-23. Council will be contributing \$360,000 to cover these pavement upgrades.

Community and Stakeholder Engagement

Forestry has been consulted and has consented to the proposed acquisition of part Mogo State Forest, being Lot 2 DP 1286986, for road purposes.

The landowners are aware of the proposed acquisition of Lot 1 DP 1286986 and Lot 1 DP 1286986 and discussions are continuing.

CONCLUSION

The proposed Road Safety Upgrades and Pavement Rehabilitation – Tomakin Road Project requires the acquisition of approximately 1,829 square metres in total for road widening.

This report recommends Council approve of the acquisition of land for road purposes at Tomakin Road.

**PSR22/045 LAND ACQUISITION FOR ROAD WIDENING - THE RIVER
ROAD, NELLIGEN**

**LAND IDS 18284,
18275, 18283**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: 1. Confidential - Land Acquisition - The River Rd
Community Goal: 5 Our engaged community with progressive leadership
Community Strategy: 5.3 Work together to achieve our collective vision
Delivery Program Link: 5.3.2 Manage land under Council control
Operational Plan Link: 5.3.2.1 Undertake strategic management of Council's operational land portfolio

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the acquisition of land or road widening at The River Road, Nelligen.

The River road will be reconstructed and sealed over a number of years to the standard required for a rural residential road. The proposed upgrading works are described in the Eurobodalla Local Infrastructure Contributions Plan 2022. The first stages of this work are proposed to be undertaken in 2022-23.

The project requires the acquisition of approximately 5,412 square metres of land in total from Lots 27, 29 and 30 DP 755969 for road realignment and drainage construction.

All survey and legal costs associated with the acquisition will be borne by Council.

The landowners' details are set out in the Confidential attachment.

RECOMMENDATION

THAT

1. All actions necessary be taken for the acquisition of part Lots 27, 29 and 30 DP 755969 for road purposes in accordance with Council's *Land Acquisition and Disposal Policy*.
2. If the acquisition of part Lots 27, 29 and 30 DP 755969 cannot be negotiated by agreement, Council make application to the Minister for Local Government and Governor to acquire by compulsory process part Lots 27, 29 and 30 DP 755969 for road purposes in accordance with Council's power under Section 177(1) of the *Roads Act 1993*.
3. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
4. All costs associated with the proposed land acquisitions including landowner's reasonable costs be borne by Council.
5. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation

BACKGROUND

The River Road will be reconstructed and sealed over a number of years and land acquisition is required.

**PSR22/045 LAND ACQUISITION FOR ROAD WIDENING - THE RIVER ROAD,
NELLIGEN**

**LAND IDS
18284,
18275,
18283**

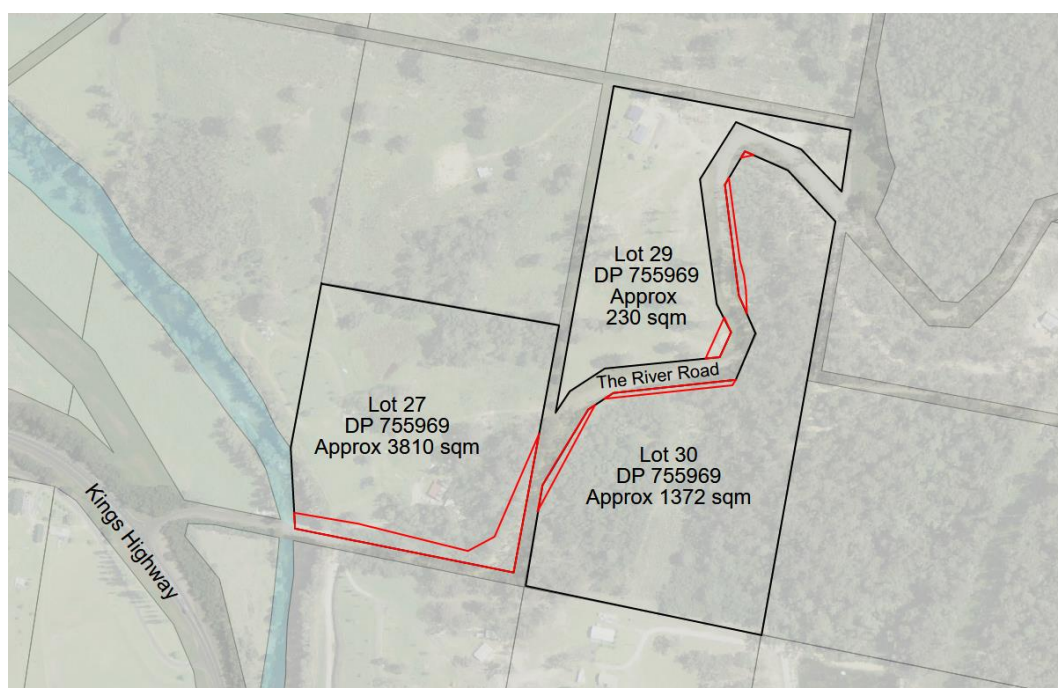
Acquisition of private property, being part Lots 27, 29 and 30 DP 755969 will be in accordance with the provisions of *the Land Acquisition (Just Terms Compensation) Act 1991*. Council is discussing the works and acquisition with the landowners.

The existing physical road does not wholly sit within the existing road reserve and acquisition of land is required to address this anomaly and for the road upgrading works. Upon completion the road will be within the boundaries of the legal road reserve.

The project requires the acquisition of approximately 5,412 square metres in total from Lots 27, 29 and 30 DP 755969 for road widening.

CONSIDERATIONS

The acquisition areas are shown in the sketch below:



Lots 27, 29 and 30 DP 755969 – The River Road, Nelligen

Legal

A plan of subdivision will be prepared and lodged at NSW Land Registry Services and the parts required for road purposes will be dedicated as public road.

Council will seek to acquire the land by agreement. If acquisition by agreement is not achieved, it may need to proceed by compulsory process. Acquisition, whether by agreement or compulsory acquisition, will be in accordance with the provisions of *the Land Acquisition (Just Terms Compensation) Act 1991*. [LAJTC Act 1991](#).

PSR22/045	LAND ACQUISITION FOR ROAD WIDENING - THE RIVER ROAD, NELLIGEN	LAND IDS 18284, 18275, 18283
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Policy

The acquisition of land for road purposes will proceed in accordance with the Council's *Land Acquisition and Disposal Policy*. [Land-Acquisition-and-Disposal-Policy](#).

Financial

Compensation for the land will be determined following valuations by registered valuers.

Together with compensation, Council will be responsible for costs associated with the acquisition, including survey and legal fees, and the landowners' reasonable legal costs.

Funds are available as part of the Delivery Program/Operational Plan (Transport/Rural Roads Reconstruction) for the 2022-23 financial year to enable completion of the first stage of the project including land acquisition costs.

Community and Stakeholder Engagement

Council is discussing the works and acquisition with the landowners of Lots 27, 29 and 30 DP 755969.

CONCLUSION

The proposed road upgrade and drainage construction along The River Road requires the acquisition of approximately 5,412 square metres in total from Lots 27, 29 and 30 DP 755969 for road purposes.

The report recommends Council approve the acquisition of part Lots 27, 29 and 30 DP 755969 for road purposes.

PSR22/046 ALCOHOL RESTRICTED ZONES

S024-T00014

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

Attachments: 1. Alcohol Free Zones
2. Alcohol Restricted Reserves

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.1 Work in partnership to ensure safety at home and within the community

Delivery Program Link: 1.1.2 Deliver legislated health protection and regulatory programs

Operational Plan Link: 1.1.2.3 Monitor, inspect and respond to issues in relation to public safety

EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement for public consultation and liaison with the Police, managers/secretaries of registered clubs and licensed premises in or adjacent to the affected areas and Local Aboriginal Lands Councils, seeking feedback within 30 days regarding the expiration of alcohol free zones and their proposed renewal.

Prior to cessation of these zones, in accordance with Ministerial Guidelines, a review of the affected areas must be undertaken. This entails public consultation and liaison with the Police, managers/secretaries of registered clubs and licensed premises in or adjacent to the affected areas and Local Aboriginal Lands Councils, seeking feedback within 30 days regarding the zones and their renewal.

Under Section 644 of the *Local Government Act 1993* (Act), alcohol free zones apply to public road related (eg roads, footpaths, carparks) areas. Once these zones are established, the consumption of alcohol is prohibited in these locations for a period of four years, 24 hours a day.

This report recommends endorsement to undertake consultation with the community, Local Aboriginal Lands Councils, liquor licensees/secretaries of registered clubs in the immediate area of the zone and the Police in regard to the implementation and renewal of alcohol restricted zones in the Eurobodalla Shire.

RECOMMENDATION

THAT:

1. In accordance with Section 644 of the *Local Government Act 1993*, Council endorse consultation with the community, Local Aboriginal Lands Councils, liquor licensees/secretaries of registered clubs in the immediate area of the zone and the Police in regard to the implementation and renewal of alcohol restricted zones and reserves within Eurobodalla Shire.
2. Following receipt of submissions, a report be prepared for Council seeking determination for the implementation and renewal of alcohol restricted zones and reserves within Eurobodalla Shire.

PSR22/046 ALCOHOL RESTRICTED ZONES

S024-T00014

BACKGROUND

The implementation of alcohol restrictions in Eurobodalla, enables the Police to enforce appropriate action, if required, for community safety and welfare.

Under Section 644 of the Act, once an alcohol free zone is established it remains in place 24 hours a day for a four year term. Council's alcohol free zones are due to expire on 6 December 2022, therefore a review of zones is required. This review entails public exhibition and liaison with the Police, managers/secretaries of registered clubs, owners/managers of licensed premises and Local Aboriginal Lands Councils within or adjacent to the affected areas, seeking feedback as to the zones and their renewal. Attachment 1 lists the locations of the existing alcohol free zones.

Eurobodalla also has alcohol restrictions on a number of public reserves across our Shire. In this respect Council is guided by requests from the Police to establish these restrictions based on Crime Statistics associated with antisocial behaviour in the area. Restrictions on reserves may range from 24/7 to between the hours of 8pm until 8am, depending on incidences and severity of antisocial behaviour. Attachment 2 lists the existing restricted reserves and the exemptions in those areas of restrictions.

CONSIDERATIONS

Legal

In accordance with Section 644 of the *Local Government Act 1993* (Act), an alcohol free zone may only be established to include a public road, footpath or public carpark. Once established, the restrictions apply for a period of four years, 24 hours a day.

Prior to the four-year term expiring, a council must decide whether to renew or cease or modify continuation of the alcohol free zones. Public consultation must be undertaken whereby a council must advertise the proposal in the local media seeking feedback within 30 days from the date of publication. A council must also send a copy of the proposal to Local Aboriginal Lands Councils; liquor licensees/secretaries of registered clubs adjacent and adjoin the proposed zones and the Police, inviting them to make a submission within 30 days from date of the letter.

Alcohol restricted reserves however, fall under Section 632 of the Act and they do not have an expiry date, the hours of restriction of alcohol consumption is at the discretion of Council and there is no legal requirement to publicly advertise imposition of restrictions.

Asset

The established alcohol free zones in Eurobodalla are already signposted however the date of commencement and cessation would need to change on the sign. It is Council's practice to change the dates of the four-year term by way of a sticker which indicates the timeframe to which the restrictions apply.

Social Impact

The implementation of alcohol restrictions in Eurobodalla, enables the Police to enforce appropriate action if required, for community safety and welfare.

PSR22/046 ALCOHOL RESTRICTED ZONES

S024-T00014

Financial

The associated costs to Council relate to new signage, update existing signs and resources to implement same.

The established alcohol free zones in Eurobodalla are already signposted however the date of commencement and cessation would need to change on the sign. It is Council's practice to change the dates of the four-year term by way of a sticker which indicates the timeframe to which the restrictions apply.

Community and Stakeholder Engagement

In accordance with Section 644 of the *Local Government Act 1993*, a council must undertake public consultation which involves advertising a notice of the proposals in the local newspaper seeking comment within 30 days from the date of publication.

A copy of the proposal must also be provided to the Local Aboriginal Lands Councils, liquor licensees/secretaries of registered clubs in the immediate area of the zones and also the Police, inviting representations or objections within 30 days from the date of the letter.

CONCLUSION

In accordance with Section 644 of the *Local Government Act 1993*, it is recommended that Council support public exhibition of the proposed alcohol free zones within Eurobodalla Shire and to invite representations from the Police, liquor licensees/secretaries of registered clubs adjoining or adjacent to the proposed areas, and the Local Aboriginal Lands Council.

A further report will be presented to Council following the exhibition period. This report will address any submissions and will contain a recommendation for re-adoption of the alcohol zones within Eurobodalla.

	LOCATION	SUBURB
Zone	Clyde St nth of Vesper St, west of the Bridge and fronting Clyde River between Coinda Retirement Units & property owned by the NSW Fisheries Dept	Batemans Bay
Zone	Clyde St nth of Vesper St west of the bridge & fronting Clyde river between property owned by the NSW Fisheries Dept and the Lions Park	Batemans Bay
Zone	Clyde Street from North Street to Bridge including carpark	Batemans Bay
Zone	Orient Street from Museum Place to North St	Batemans Bay
Zone	Museum Place	Batemans Bay
Zone	Flora Crescent	Batemans Bay
Zone	Vesper, Perry, North Sts & Beach Rd, Batemans Bay surrounding Batemans Bay Village Centre - this area be extended to include the carpark along Perry Street	Batemans Bay
Zone	Perry Street Carpark	Batemans Bay
Zone	Heath Street from Grant Street to the Broulee Surf Club reserve and Grant Street from the intersection of Heath Street, Coronation Drive Broulee	Broulee
Reserve	Bounded by Lyttle St, Heath St, the Broulee Surf Club and the Broulee Caravan Park - Skate Park to now include the Broulee Surf Club carpark	Broulee
Zone	Kuppa Avenue Malua Bay from GB Drive/Beach Road east to the beach reserve.	Malua Bay
Zone	Evans St from Panorama Pde in the south then north to Albert Street	Moruya
Zone	Albert Street from the intersection of Evans St to the west then to Otton St to the east	Moruya
Zone	Northen end of Ford St on Public Wharf	Moruya
Zone	Princes Hwy from Toose St to Campbell St	Moruya
Zone	Shore Street from Vulcan St to Ford St	Moruya
Zone	Queen Street from Ford St to Page St	Moruya
Zone	Laneway to west side of Woolworths	Moruya
Zone	Church Street from Page Street to Ford Street	Moruya
Zone	Public carpark between Shore, Church and Queen Streets incl Woolworths carpark	Moruya
Zone	Princes Hwy from Narooma Bridge to Clark St	Narooma
Zone	Carpark area adjacent to the Narooma Cinema	Narooma
Zone	Willcock Avenue and Princes Highway fronting Narooma Plaza	Narooma
Zone	Princes Hwy from Narooma Bridge to Clark St	Narooma
Zone	Carpark area adjacent to the Narooma Cinema	Narooma
Zone	Willcock Avenue and Princes Highway fronting Narooma Plaza	Narooma
Zone	Evans Rd fronting the Tuross Shops to the West	Tuross Hd
Zone	Tuross Boulevarde backing onto the tuross Shops to the east	Tuross Hd

TYPE	LOCATION	SUBURB	DATE OF COMMENCEMENT/EXPIRY
Reserve	Walkway under the bridge zone/reserve	Batemans Bay	
Restricted Reserve	Foreshore Park along Clyde St	Batemans Bay	Restrictions from 8pm until 8am
Restricted Reserve	Lyons Park (PIN 15154)	Batemans Bay	Restrictions from 8pm until 8am
Reserve	Town park (in front of Innes Boatshed)	Batemans Bay	Full restrictions apply
Reserve	Murra Murra Mia Walkway from Innes' Boatshed to Beach road inclusive of public wharves and jetties	Batemans Bay	Full restrictions apply
Reserve	Crown Reserve PIN 26093 (laneway between Orient St ad Mujrra Murra Mia Walkway)	Batemans Bay	Full restrictions apply
Reserve	Watergardens	Batemans Bay	Full restrictions apply
Reserve	Skatepark - Hanging Rock	Batemans Bay	Full restrictions apply
Reserve	Area surrounding Batemans Bay Community Centre and Historical Museum	Batemans Bay	Full restrictions apply
Reserve	Albert Ryan Park Beach Road	Batemans Bay	Full restrictions apply
Exempt	Area outside of Star Fish Deli	Batemans Bay	Exempt
Restricted Reserve	Candlagan Creek carpark and reserve (north of bridge)	Broulee	Restrictions from 8pm until 8am
Restricted Reserve	Foreshore reserve from Candlagan Creek to Broulee Surf Club	Broulee	Restrictions from 8pm until 8am
Restricted Reserve	Foreshore area at the eastern end of Massy St	Broulee	Restrictions from 8pm until 8am
Reserve	Bounded by Lyttle St, Heath St, the Broulee Surf Club and the Broulee Caravan Park - Skate Park to now include the Broulee Surf Club carpark	Broulee	Full restrictions apply
Exempt	Broulee Surf Club	Broulee	Exempt
Reserve	Broulee Surf Club Carpark	Broulee	Full restrictions apply
Reserve	Council Road No: 4723 colloqually known as Broulee Surf Club Rd	Broulee	Full restrictions apply
Reserve	Rotary Park	Caseys Beach	Full restrictions apply
Restricted Reserve	Corrigans Beach Reserve	Corrigans Beach	Restrictions from 8pm until 8am.
Reserve	Rotary Park,	Dalmeny	Full restrictions apply
Reserve	Apex Park, Dalmeny	Dalmeny	Full restrictions apply
Restricted Reserve	Dalmeny Park, Mort Ave	Dalmeny	Restrictions from 8pm until 8am.
Restricted Reserve	George Noble Park, Noble Parade, Dalmeny	Dalmeny	Restrictions from 8pm until 8am
Restricted Reserve	Denhams Beach carpark PIN 13108	Denhams Beach	Restrictions from 8pm until 8am
Restricted Reserve	Denhams Beach Headland PIN 13092	Denhams Beach	Restrictions from 8pm until 8am
Reserve	Lilli Pilli Reserve	Lilli Pilli	Full restrictions apply

Restricted Reserve	Square Head, Long Beach	Long Beach	Restrictions from 8pm until 8am
Restricted Reserve	Maloneys Beach reserve	Maloneys Beach	Restrictions from 8pm until 8am
Exempt	Malua Bay Surf Life Saving Club	Malua Bay	Exempt
Restricted Reserve	Between HWM & adjacent public roads & carpark at Malua Bay between Kappa Ave & King Street	Malua Bay	Restrictions from 8pm until 8am
Reserve	Moruya Skatepark	Moruya	
Restricted Reserve	South Head Surf Club Reserve	Moruya	Restrictions from 8pm until 8am
Restricted Reserve	Yarragee Reserve	Moruya	Restrictions from 8pm until 8am
Reserve	Russ Martin Park	Moruya	Full restrictions apply
Reserve	Apex Park, Dalmeny	Moruya	Full restrictions apply
Reserve	Bordered by Jeffrey Place and Evans Street	Moruya	Full restrictions apply
Reserve	The park situated on North Head Drive, Moruya adjacent to the boatshed	Moruya	Full restrictions apply
Reserve	Mossy Point Headland	Mossy Point	Full restrictions apply
Reserve	Area surrounding the Narooma Surf Lifesaving Club extend restrictions along roadway until the intersection with Ballingalla Rd	Narooma	Full restrictions apply
Reserve	Skate Park	Narooma	Full restrictions apply
Reserve	From the bridge at Narooma on the princes Hwy to Bay Street, including cycleway, wharf and new playground park on Bluewater Drive	Narooma	Full restrictions apply
Restricted Reserve	Quota Park, Riverside Drive	Narooma	Restrictions apply 8pm until 8am
Restricted Reserve	Rotary park	Narooma	Restrictions apply 8pm until 8am
Restricted Reserve	The Foreshore north east of Easts Holiday Park, Narooma - Ken Rose Park	Narooma	Restrictions apply 8pm until 8am
Restricted Reserve	Grassed reserves from the southern side of Narooma skatepark to the northern end of Quota Park, inclusive of the skatepark	Narooma	Restrictions apply 8pm until 8am
Restricted Reserve	Thompson Park - War Memorial, Bowen St, Narooma	Narooma	Restrictions apply 8pm until 8am
Restricted Reserve	Edwin Street Memorial Park, between Bluewater Drive and Wharf St, Narooma	Narooma	Restrictions apply 8pm until 8am
Restricted Reserve	NATA Oval, Bluewater Drive	Narooma	Restrictions apply 8pm until 8am
Restricted Reserve	Park on Bluewater Drive PIN 16965	Narooma	Restrictions apply 8pm until 8am
Restricted Reserve	Park on Bluewater Drive opposite Wharf area PIN 27428	Narooma	Restrictions apply 8pm until 8am
Restricted Reserve	Bill Robin Park southern side of Willcocks Ave (Balingalla Ave) opposite to the entry road to the Narooma Surf Club	Narooma	Restrictions apply 8pm until 8am
Reserve	Korners Park and park to the west of Batemans Bay Bridge	North Batemans Bay	
Restricted Reserve	Apex Park, Centenary Drive	North Narooma	Restrictions apply 8pm until 8am
Restricted Reserve	Reserve adjacent to EcoPoint Murramarang Resort	South Durras	Restrictions apply 8pm until 8am
Restricted Reserve	Carpark on headland	South Durras	Restrictions apply 8pm until 8am

Reserve	Surf Beach Carpark and surrounding areas	Surf Beach	Full restrictions apply
Restricted Reserve	James Buckley Park	Tomakin	Restrictions apply from 8pm until 8am
Reserve	Park bordering on Tuross Shops to the north	Tuross Hd	Full restrictions apply
Restricted Reserve	Memorial Gardens	Tuross Head	Restrictions apply 8pm until 8am
Restricted Reserve	Plantation Point South/One Tree Point	Tuross Head	Restrictions apply 8pm until 8am
Restricted Reserve	One Tree Point	Tuross Head	Restrictions apply 8pm until 8am
Restricted Reserve	Kyla Park Oval	Tuross Head	Restrictions apply 8pm until 8am
Exempt	Kyla Park Hall or Ancillary structures	Tuross Head	Exempt
Reserve	Wimbie Beach	Wimbie Beach	Full restrictions apply

**IR22/025 EUROBODALLA REGIONAL COLLOCATED EMERGENCY SERVICES
PRECINCT, MORUYA**

**S008-
T00023**

Responsible Officer: Tony Swallow - Acting Director Infrastructure Services

Attachments: 1. Confidential - Site plan - Eurobodalla Regional Collocated ES Precinct

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

Community Strategy: 2.4 Foster a safe community

Delivery Program Link: 2.4.4 Work with agencies and emergency services to support
coordinated emergency management and improved resilience

Operational Plan Link: 2.4.4.4 Work with the NSW Government to deliver the Eurobodalla
Regional Integrated Emergency Services Precinct

EXECUTIVE SUMMARY

This report provides an overview of:

- i) the site selection for the proposed new Eurobodalla Regional Collocated Emergency Services Precinct in South Moruya
- ii) the next steps to secure the preferred site to allow this critical regional project to proceed.

Councillors have been briefed previously during the process, excluding the specifics of the nominated sites, with a further briefing provided on 4 October 2022. Specifically, Councillors were asked if we could commit to acquiring the site, including funding the purchase of the site if alternate funding was unable to be accessed through Government funding.

To confirm the site selection and commitment to acquire the site requires a resolution of Council.

This report therefore seeks endorsement of the preferred site and instructing Public Works Advisory to proceed with the acquisition.

RECOMMENDATION

THAT:

1. Council approve the acquisition of the land identified in the Confidential Attachment for the Eurobodalla Regional Collocated Emergency Services Precinct, and if necessary by compulsory process, in accordance with all relevant legislation including the *Local Government Act 1993* and the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. Council engage Public Works Advisory to acquire the land on Council's behalf
3. Council formally request Public Works Advisory to seek approval from the Minister Administering the *Public Works and Procurement Act 1912*, currently the Minister for Regional New South Wales and the Executive Council, to declare the Eurobodalla Regional Collocated Emergency Services Precinct as an "Authorised Work" pursuant to the *Public Works and Procurement Act 1912* and seek the Minister's approval to acquire the land identified in the confidential attachment using the power of acquisition confirmed within the *Public Works and Procurement Act 1912* for the purpose of the Eurobodalla Regional Collocated Emergency Services Precinct.

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4. If necessary, Council seek the approval of the Minister for Local Government and the Governor to the compulsory acquisition of the land identified in the Confidential Attachment.
5. The General Manager be authorised to finalise negotiations and take all necessary action to finalise the acquisition in accordance with the confidential attachment and provisions of the *Land Acquisition (Just Terms Compensation) Act*.
6. Council enters into a binding agreement with Public Works confirming the roles and responsibilities of each party with respect to reimbursement of costs associated with the acquisition of the land by Public Works as outlined in the confidential attachment.
7. All reasonable survey, legal and valuation costs associated with the land acquisitions be borne by Council.
8. Public notice be given of Council's intention to resolve that the land when acquired becomes operational land and that:
 - (a) A period of 28 days is given for members of the public to make submissions in relation to the proposed operational land and;
 - (b) A further report be presented following the acquisition to classify the land.
9. Consent be given to affix the Common Seal of Council to the applicable documentation.

BACKGROUND

The emergency services facilities in Eurobodalla and particularly in Moruya are inadequate and do not fulfill the minimum service requirements for the agencies, our community or the region.

For almost a decade, Council has advocated for a new regional collocated facility to be provided centrally in Moruya inclusive of a new purpose-built Emergency Operations Centre (EOC). A copy of the fact sheet on the proposed facility is attached to this report.

As well as providing state of the art emergency management facilities for our region, this facility will house large numbers of permanent NSW Government employees, providing a large economic flow-on benefit to Eurobodalla.

The State Emergency and Rescue Management Act 1989 and associated arrangements require Council to provide the land for emergency service facilities for the Rural Fire Service and the State Emergency Services. The NSW Government often provides the funding to construct the facilities upon the land.

The land and facilities for NSW Fire and Rescue, Ambulance and Police are all provided by the NSW Government.

Council pays an annual contribution for the services provided by the RFS, SES and NSW Fire and Rescue.

During the Black Summer bushfires, the Emergency Operation Centre (EOC) was run from the Moruya RSL Hall, pulled together from four plastic boxes and then built upon as the event proceeded. This facility was far from ideal and physically located separately from the Rural Fire Service Incident Management Centre. This added to the challenges of strong communication between the EOC team and the Incident Management team. This was overcome by regular daily trips between the two facilities multiple times per day.

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Following extensive advocacy work, on 25 January 2022 the Minister for Emergency Services and Resilience, and Minister for Flood Recovery, the Hon Stephanie Cooke MP announced \$15 million in NSW Government funding to construct a new collocated facility for the Rural Fire Service and Emergency Operations Centre in Moruya. These funds are being directly managed by the NSW Rural Fire Service under the oversight of the Deputy Commissioner of the Rural Fire Service with regular reporting required to the RFS Commissioner and Minister.

This first phase of the facility will house:

- i) Rural Fire Service State planning office
- ii) Rural Fire Service State fire mitigation crews
- iii) Rural Fire Service regional office
- iv) Rural Fire Service Far South Coast Fire Control Centre
- v) Moruya Rural Fire Service Station
- vi) Eurobodalla Emergency Operations Centre.

Work with the NSW Fire and Rescue and State Emergency Services has now reached agreement that the collocated site will also incorporate these agencies when funding becomes available to allow the current facilities to be relocated. As part of this move, each of the agencies has indicated a preference for moving professional staff to the regional centre in Moruya. These agencies will therefore build facilities capable of providing for the Moruya stations as well as appropriate office space.

The Deputy Commissioners from each agency have therefore been directly engaged in the site selection process for the new regional emergency services precinct and have provided full support for the proposed new site. Ultimately that proportion of the site applicable to NSW Fire and Rescue would be funded and owned by the NSW Government.

Council also engaged with NSW Ambulance about the preferred location of their facility to assess interest in being part of the collocated precinct. The Deputy Commissioner of NSW Ambulance has written to Council advising their preferred site will be on the land set aside for the new Eurobodalla Regional Hospital.

All of these proposals will ultimately establish well planned and appropriate emergency services facilities for these agencies and our community for decades to come including overcoming the following challenges:

- i) Lack of an appropriate facility for the Eurobodalla Emergency Operations Centre, including during training and emergency management exercises
- ii) Release of the Moruya RSL hall for other uses during emergencies, including as an evacuation centre during major flood events
- iii) Replacement of the current inadequate facilities for the Rural Fire Service and Incident Management Team with state-of-the-art facilities as well as consolidating all RFS activities in Moruya
- iv) Replacement of the inadequate flood prone facilities for the Moruya Fire and Rescue Station in Church Street Moruya with appropriate station, training and office facilities
- v) Allowing the SES shed to be moved off Council's Moruya depot site returning valuable operational land for Council's own purposes
- vi) Securing full-time Government funded emergency service positions in Moruya

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- vii) Provision of adequate capacity to facilitate the growth required to support the future Eurobodalla community.

CONSIDERATIONS

To assist with the site selection investigations, Council successfully secured \$200,000 in grant funding under the Black Summer Bushfire Recovery Grants Program. This was reported to Council at the ordinary meeting of 28 June 2022 (GMR22/069) where it was resolved that:

“3. Council endorse the actions taken to accept the \$200,000 in grant funds offered under the Black Summer Bushfire Recovery Grants Program for the Regional Co-located Emergency Services Precinct.”

NSW Public Works Advisory (PWA) were subsequently engaged to undertake the analysis of sites in Moruya working closely with Council, the NSW Rural Fire Service, State Emergency Services and NSW Fire and Rescue through the respective Deputy Commissioners for each agency.

PWA undertook a confidential assessment a total of nine (9) potential sites. The findings of this investigation were presented to the relevant agencies with the preferred site unanimously supported. The details of the selected site are provided as a confidential attachment to this report.

To allow acquisition to proceed including commencing direct contact with the current landowner, it is necessary for Council to resolve to engage NSW Public Works Advisory to acquire the land on Council's behalf. This will require Council to enter into an agreement with PWA to fund the cost of acquisition and have ownership transferred to Council. This agreement will need to include NSW Fire and Rescue as a benefitting party with the NSW Government funding that proportion required to meet their needs, and to have that component of the land transferred into the ownership of the NSW Government.

PWA have undertaken an initial valuation for the land required for the selected site, the details of which are outlined in the confidential attachment.

The RFS has already indicated the construction of the access road and services to the site will be funded from the \$15 million in funding available for the precinct.

Council continues to explore grant funding opportunities for completion of the entire collocated precinct.

Council has also received the following election commitments:

- i) An additional \$5 million from Federal Labor towards the regional precinct if elected. We have already reached out to our local Member for Gilmore Fiona Phillips MP to request access to this funding and to be permitted to utilise part of this funding for the land acquisition. Council has now received a confirming request for this funding and the necessary documents have been returned to the Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts. We are now awaiting confirmation of the funding.
- ii) An additional \$5 million from State Labor towards the regional precinct if elected in the March 2023 State election.

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The RFS has already engaged PWA to undertake the masterplanning, design, approvals and project delivery of the new facility in Moruya.

Legal

It is proposed to authorise PWA to undertake the land acquisition under the Public Works and Procurement Act 1912 and the wording of the recommendations reflect the necessary legal processes.

PWA will negotiate the acquisition under the Land Acquisition (Just Terms Compensation) Act 1991 through direct negotiation with the value as determined by appropriate valuation. An initial independent valuation has been undertaken by Walsh and Monaghan Valuers, a summary of which is included in the confidential attachment.

PWA will follow the processes under the Public Works and Procurement Act 1912 and only proceed to compulsory acquisition should this be deemed necessary to finalise the matter under appropriate terms.

A legal instrument will need to be signed authorising PWA to undertake this process with a commitment that Council will fund acquisition of the site as outlined in this report.

Appropriate recommendations covering these items have been included in this report.

Social Impact

Given the extensive bushfire, flooding, coastal and other risks in Eurobodalla, having access to appropriate and modern emergency management facilities is essential.

The provision of the proposed Eurobodalla Regional Collocated Emergency Services Precinct places the Eurobodalla region at the forefront of emergency management in regional Australia.

Economic Development Employment Potential

The significant investment through the provision of the new emergency services precinct will have flow-on employment benefits during and post construction through the ongoing maintenance of the facilities.

The ongoing economic benefits include the location of up to one hundred full time jobs in Moruya.

Financial

An initial valuation of the land has been undertaken by an independent valuer is included in the confidential attachment to the report. This figure will be firmed up during the full detailed valuation and land acquisition negotiation processes as per the Act.

The acquisition will proceed to finalisation unless the terms outlined in the confidential attachment are exceeded in which case a separate report will be provided back to Council.

Council should ensure the existing RFS Fire Control Building is demolished, thereby removing the ongoing costs of this facility to partially offset the ongoing depreciation costs of the new facility. This would also permit this land to be freed up for recreational purposes as part of the Gundry

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oval complex. The existing RFS building is unsuitable for alternate uses due to the complexity of the building, differential levels and the many challenges with accessibility.

CONCLUSION

A confidential site selection assessment for the proposed Eurobodalla Collocated Emergency Services Precinct has been undertaken by PWA on behalf of Council and the relevant emergency services agencies.

The RFS, SES and NSW Fire and Rescue have all agreed to the selected site.

Council now needs to instruct PWA to proceed with the proposed acquisition of the selected site and to prepare appropriate agreements for Council to fund the land upon which the RFS, SES and EOC components will be sited. The NSW Fire and Rescue component will similarly be listed in the agreement to be funded by, and become owned by, the NSW Government.

This report contains appropriate recommendations for Council to consider facilitating the purchase of the selected site for the proposed new Eurobodalla Regional Emergency Services Precinct in Moruya.

IR22/026 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2022-23

S030-T00018

Responsible Officer: Tony Swallow - Acting Director Infrastructure Services
Attachments: Nil
Outcome: 7 Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network
Operational Plan Link: 7.1.2.4 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report. The main issues covered at the Eurobodalla Local Traffic Committee meeting, held 8 September 2022, are as follows:

- Signage and line marking – No Stopping Zone in Campbell and Foreman Streets, Moruya
- Signage – 2 Hour Parking Church Street, Moruya
- Signage – No Stopping Church Street, Moruya.

RECOMMENDATION

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 2 for 2022-23 be received and noted.
2. Plan 5156-BQ-00 Sheet 30 detailing the signage and yellow No Stopping line marking associated with the No Stopping zone at the intersection of Campbell Street and Foreman Street Moruya, be approved.
3. Plan 5156-BQ-00 sheet 28 detailing the signage associated with two (2) hour parking in Church Street, Moruya, be approved.
4. Plan 5156-BQ-00 sheet 29 detailing the signage associated with No Stopping zone in Church Street, Moruya, be approved.

IR22/026 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2022-23

S030-T00018

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 2 for 2022-23 was held on 8 September 2022. The meeting was attended by Councillor Amber Schutz (Chair), Sara Kerkham (representative for Michael Holland MP), Acting Sergeant Kieren Bryant NSW Police), Emma Pietruska (Transport for NSW), Kate McDougall (Road Safety Officer) Daniel Weekes (Maintenance Planning Officer), Mark Musgrove (Maintenance Planning Officer) and Thomas Franzen (Transport and Stormwater Engineer).

APOLOGIES

Dave Hunter (Traffic Coordinator)

DEPUTATIONS

Nil.

MINUTES OF PREVIOUS MEETING

The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 for 2022-23 held on 7 July 2022 were confirmed and accepted.

OUTSTANDING ITEMS FROM PREVIOUS MEETING

Nil

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION

2023.RT.005 Signage and line marking – No Stopping Zone in Campbell and Foreman Streets, Moruya

It has been brought to Council's attention that cars parking in Foreman Street, Moruya, opposite a kerb side blister are inhibiting access along the road.

Foreman Street is in a 50 km/h speed zone. The average traffic count is less than 150 vehicles per day.

When driving in a southerly direction along Foreman Street there is no access for motorists to the Campbell Street intersection. Access is restricted via a kerb side blister and signage denoting 'no entry' for traffic safety reasons. This arrangement has been in place for some time and has proven to be effective.

Some motorists when entering Foreman Street in a northerly direction from Campbell Street, are parking within the vicinity of the kerb side blister narrowing or obstructing access along Foreman Street.

The 'No Stopping' signage around this intersection will be modified to prevent parking near this kerb side blister.

A new 'No Stopping' sign will be installed on the western side of Foreman Street. The existing 'No Stopping' on the eastern side of Foreman Street will be moved closer to the Campbell Street intersection.

The existing 'No Stopping' sign located in Campbell Street, will be moved 12.5m closer to the Foreman Street intersection. This will increase parking for an extra two vehicles in Campbell Street.

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Plan 5156-BQ-00 Sheet 30 detailing the signage associated with the No Stopping zone at the intersection of Campbell Street and Foreman Street, Moruya was reviewed by the Committee.

LTC Recommendation:

That Plan 5156-BQ-00 Sheet 30 detailing the signage associated with the No Stopping zone at the intersection of Campbell Street and Foreman Street Moruya, be approved.

2023.RT.006 Signage – 2 Hour Parking Church St, Moruya

On 22 February 2022 Council accepted a \$280,000 grant from Transport for NSW to undertake the implementation of the high pedestrian activity scheme within Moruya CBD.

Council undertook extensive engagement with businesses and the community prior to proceeding with implementation of the pedestrian safety improvements, with works completed in August 2022. Feedback on the new scheme has been positive, particularly in relation to the improved accessibility and safety for pedestrians.

One issue that has been raised is the No Parking Drop Off Pickup 2 Minute zone in Church Street. This has been discussed with nearby businesses and it has been determined that this is no longer required. It has therefore been proposed to convert this back to Two Hour Parking, consistent with the remainder of the street.

Plan 5156-BQ-00 sheet 28 detailing the signage associated with two (2) hour parking in Church Street was reviewed by the Committee.

Recommendation:

That Plan 5156-BQ-00 sheet 28 detailing the signage associated with two (2) hour parking in Church Street, Moruya, be approved.

2023.RT.007 Signage – No Stopping Church St, Moruya

A further review of the parking in Church Street it has been determined that the eastbound No Stopping sign near Ford Street could be moved further east closer to the Ford Street. This would allow the sign to be repositioned to be 16 metres back from the Ford Street kerb line, restoring additional Two Hour Parking in this area, consistent with the remainder of the on-street parking in Church Street.

Plan 5156-BQ-00 sheet 29 detailing the signage associated with No Stopping zone in Church Street, Moruya was reviewed by the Committee.

Recommendation:

That Plan 5156-BQ-00 sheet 29 detailing the signage associated with No Stopping zone in Church Street, Moruya, be approved.

INFORMAL ITEMS FOR DISCUSSION

2023.SE.002 Special event application – Clarkes Gambit cycling event, Nelligen

A Traffic Management Plan and Event Operations Plan have been received for the Clarkes Gambit cycling event, to be conducted in the Nelligen area on Saturday and Sunday 29-30 October 2022

IR22/026 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2022-23

S030-T00018

Clarkes Gambit is a cycling event that will be held on predominately gravel roads in the Nelligen area. The event will be held over two days, beginning at 8am both days, starting at the Steampacket Hotel, Nelligen.

It is estimated that there will be 100 participants.

The event will feature a two day overnight social ride as well as an elite two day gravel stage race.

Riders will be organised at the Steampacket Hotel starting marshalling area and released in waves (see 3. below) to avoid congestion on the Kings Highway. There will be no traffic controllers at this event.

On the first day riders will leave the Steampacket Hotel and head west on the Kings Highway for approximately 1.2km. The riders will then traverse gravel roads for approximately 80km before returning onto the Kings Highway from Old Nelligen Road and travel west for 1.5km back to the Steampacket Hotel.

On the second day riders will traverse 100 metres each way of the Kings Highway to Reid Street from the Steampacket Hotel when leaving and returning from the day's ride.

Communications will be maintained by riders via mobile phones, UHF radios and GPS tracking devices. Every rider must have an EPIRB or at a minimum share one between two riders.

The Traffic Management and Event Operations Plans documents were reviewed by the Committee.

The Traffic Coordinator and the representative from TFNSW also reviewed the Traffic Management Plan and Event Operations Plan, prior to the Committee meeting.

The outcome of this first review was that the Traffic Management Plan and Event Operations Plan be amended to include:

1. Prior to the event taking place the event proponent must contact the Nelligan Bridge Project Manager to ensure the area is safe for cyclists to proceed through the worksite and the event fits in with traffic management.
2. Event organiser apply for a Road Occupancy Licence as event warning signage will need to be installed on the Highway.
3. Releasing 40 riders at a time is likely to create a peloton type cluster, this should be reduced to 20 riders.
4. Additional event warning signs be installed on the gravel roads at strategic locations.
5. A media release is recommended as there will be some disruption to Kings Highway traffic along with weekend traffic on affected gravel roads.

Recommendation:

That the Traffic Management Plan and Event Operations Plan (with amendments 1 to 5 outlined in the minutes) for the Clarkes Gambit cycling event, to be conducted in the Nelligen area on Saturday and Sunday 29-30 October 2022 be approved.

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GENERAL BUSINESS

Nil

NEXT MEETING

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 6 October 2022 in Council's Glass Meeting Room and via MS Teams, commencing at 9.30am.

IR22/027 REPLACEMENT OF TIMBER BRIDGES - SUCCESSFUL GRANTS

S014-T000019

Responsible Officer: Tony Swallow - Acting Director Infrastructure Services

Attachments: Nil

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

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

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

Operational Plan Link: 4.1.3.1 Build and renew the local and urban network

EXECUTIVE SUMMARY

This report outlines the successful grant applications to undertake the replacement of two (2) additional timber bridges including:

- i) Old Mill Road bridge, Old Mill Road Turlinjah - \$528,000 under the NSW Government Fixing Country Bridges Program Round 2
- ii) Silo Farm bridge, Comerang Forest Road, Bodalla – an additional \$900,000 under the Australian Government's Bridges Renewal Program.

Council has been actively pursuing the replacement of timber bridges to improve the resilience and load carrying capacity of our local transport network whilst reducing the risk to the community. The successful replacement of timber bridges lost in the bushfires, floods and as a result of previous grant applications, has already been reported to Council.

These two (2) additional grant successes will allow Old Mill bridge and Silo Farm bridge replacements to proceed across 2022 and 2023.

The grant for Silo Farm bridge adds to the previous grant success under Round 1 of the Fixing Country Bridges program, increasing the grants available for this bridge to a total of \$3,197,750. These funds are sufficient to allow the new bridge to be built a higher level which will provide significantly better access to rural farms during times of flood in the Tuross River.

Both new grants have been accepted and this report seeks endorsement by Council of the actions taken to accept the grants.

RECOMMENDATION

THAT:

1. Council endorse the acceptance of \$528,000 grant funding under the NSW Government Fixing Country Bridges Program Round 2 for the replacement of Old Mill Road bridge.
2. Council endorse the acceptance of the additional \$900,000 grant funding under the Australian Government's Bridges Renewal Program for the replacement of Silo Farm Bridge.

IR22/027 REPLACEMENT OF TIMBER BRIDGES - SUCCESSFUL GRANTS

**S014-
T000019**

BACKGROUND

Council had eighteen (18) timber bridges damaged or destroyed in the bushfires and one more damaged during the July 2020 floods. Eighteen (18) of these nineteen (19) timber structures have since been replaced, with seventeen (17) of those replaced in concrete. One bridge was repaired. These works were substantially funded under the Natural Disaster Relief and Recovery Arrangements.

Council also replaced Codys bridge on Larrys Mountain Road, Moruya with a concrete bridge using grants under the Australian Government's Local Roads and Community Infrastructure Program during 2021.

Council was also successful in securing grant funding to replace a further eight (8) timber bridges under the NSW Government Fixing Country Bridge Program Round 1 and these works are progressing. One of those bridges, Silo Farm bridge required additional funding to lift the new bridge to a higher level and Council sought an additional grant of \$900,000 under the Australian Government's Bridge Renewal Program.

Council also applied for grant funding to replace Old Mill Road Bridge on Old Mill Road Turlinjah under Fixing Country Roads Round 2 along with a further five (5) timber bridges.

CONSIDERATIONS

Council has been successful in securing the following grants:

- i) Old Mill Road bridge, Old Mill Road Turlinjah - \$528,000 under the NSW Government Fixing Country Bridges Program Round 2
- ii) Silo Farm bridge, Comerang Forest Road, Bodalla – an additional \$900,000 under the Australian Government's Bridges Renewal Program.

These two additional grant successes will allow Old Mill bridge and Silo Farm bridge replacements to proceed across 2022 and 2023.

The grant for Silo Farm bridge adds to the previous grant success under Round 1 of the Fixing Country Bridges program, increasing the grants available for this bridge to a total of \$3,197,750. These funds are sufficient to allow the new bridge to be built a higher level which will provide significantly better access to rural farms during times of flood in the Tuross River.

Both of the new grants have been accepted and this report to Council seeks endorsement of the actions taken to accept the grants.

Environmental

The successful contractor will need to prepare a Construction Environmental Management Plan (CEMP) so that Council can apply for the necessary permits and the works will be monitored to ensure conformance.

Asset

The new concrete bridges will replace existing timber bridges. The new bridges will provide a significant improvement in resilience to bushfires and floods as well as improvements in road safety and load carrying capacity. This will reduce the existing risk of damage or failure of the timber bridges and ensure more efficient transport options are available to rural landholders.

IR22/027 REPLACEMENT OF TIMBER BRIDGES - SUCCESSFUL GRANTS

**S014-
T000019**

The projects include full bridge replacement with new concrete bridges designed for a minimum 100 year life.

Social Impact

The new more resilient bridges mean that the risk of disconnection of these communities during future natural disasters is greatly reduced.

The higher load carrying capacity also removes any concerns about carting appropriate machinery into this area to enable response during bushfires and other disasters.

Economic Development Employment Potential

The provision of an upgraded bridge with higher load carrying capacity will facilitate improved transport efficiency.

The injection of grant funding into the Eurobodalla community brings local employment and flow-on benefits to the economy during construction.

Financial

There is no matching contribution required from Council.

The replacement of the existing bridges also assists Council meet its obligations to renew existing community and transport infrastructure. The use of grant funding in this way reduces the reliance on ratepayer funds. This also assists Council to meet our obligations to ensure our infrastructure renewal expenditure meets the requirements set by the Office of Local Government (known as the Infrastructure Renewal Ratio).

The ongoing maintenance of the new bridges and associated roadworks is funded through existing maintenance budgets.

Community and Stakeholder Engagement

Prior to works commencing residents will be advised by letter of the project timeframe and nature of the works. A project page will be established on Council's website to inform the wider community about the project, and a media release will be circulated.

CONCLUSION

Council has been successful in securing additional grant funding for the replacement of two timber bridges. These grants have been accepted.

This report seeks endorsement of the actions taken to accept the grants.

CAR22/016 ABORIGINAL ADVISORY COMMITTEE RECOMMENDATIONS

S003-T00035

Responsible Officer: Kim Bush - Acting Director Community, Arts and Recreation Services

Attachments: Nil

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

Community Strategy: 2.1 Acknowledge our beginnings, embrace our diversity

Delivery Program Link: 2.1.1 Acknowledge and involve the traditional custodians of Eurobodalla and deliver the outcomes of the Aboriginal Action Plan

Operational Plan Link: 2.1.1.1 Coordinate the Aboriginal Advisory Committee and associated projects

EXECUTIVE SUMMARY

At the Aboriginal Advisory Committee (AAC) meeting on 30 May 2022 information on the development of the Biodiversity Strategy was presented and discussed. Discussion was broad and opened up a number of questions and issues, with much information touched on without time for further exploration or detail during that initial meeting.

The committee decided it would reconvene in June to discuss the issues and questions raised in greater detail.

The aim of the process was to prepare a submission to the Biodiversity Strategy, with a copy of the submission to be forwarded to Council to be received and noted.

RECOMMENDATION

THAT Council receive and note the report.

BACKGROUND

The May meeting involved a highly positive and engaging session on the development of the Biodiversity Strategy noting the feedback of the AAC as high value to the planning process.

Information on the development of the strategy was provided including milestones and plans for consultation and delivery, along with key questions to provide feedback on. These questions were used as the basis for discussion at the subsequent gathering of the committee in June.

- What areas, plants and animals are important to Yuin people and need better protection?
- How can we utilise traditional ecological knowledge and land management practices to inform the strategy and improve biodiversity outcomes in Eurobodalla?
- How can Council support and work with Yuin people to care for Country?
- Can you think of any project opportunities that would support shared biodiversity and Yuin cultural values?

An extraordinary advisory committee meeting was requested by the AAC and attended on 17 June 2022, where committee members discussed issues more thoroughly with further time for the information to be considered.

CAR22/016 ABORIGINAL ADVISORY COMMITTEE RECOMMENDATIONS

S003-T00035

The report to Council is provided to support the committee to have their issues shared with Council and noted.

CONSIDERATIONS

It is important to note that the following information represents the perception and ideas of current advisory committee members, based on their thoughts and experience of activities going on across the landscape of agencies and groups who all participate in biodiversity care.

Council staff who are responsible for a range of services across the organisation have not yet had occasion to address some of the issues with the committee, provide updates, clarity or to assuage any concerns raised. This will occur as part of the submission assessment process.

There are also plans in place for Council subject matter experts to attend future advisory committee meetings, to provide details of activities and actions in place that may not be highly visible or known about by sections of the community, but are already addressing some of the issues raised.

Aboriginal Advisory Committee general feedback

Comments and perceptions at the AAC meeting in May included reference to a lack of confidence in information being rightfully considered in the past or even incorporated into plans when Aboriginal people attend forums or workshops held by the range of government and non-government organisations to provide feedback or ideas that they feel strongly about – particularly around caring for country. This workshop was seen as an opportunity to highlight the committee's feedback and share information with Council.

The workshop started off with discussions in relation to the shire being positioned in the tourism market as 'nature coast' and whether there are further opportunities to deepen that message and way-of-life with further application of natural and traditional means of managing the land and nature. The group felt that there was much to be gained in terms of cultural tourism if it is underpinned by caring for country practices that could become 'business as usual' for the shire and the way we care for country around here.

Many issues came out of the discussions and whilst there will be some suggestions that are outside of the scope of the Biodiversity Strategy, the issues outlined in the submission are connected and are of value to the organisation more broadly in terms of opportunities to build trust, better relationships, and cultural understanding. The views are those of the committee and are offered, unfettered, to be considered as part of the process of consultation for the development of the strategy.

Aboriginal Advisory Committee submission information

The following information has been included in a submission to the Biodiversity Strategy consultation process and addresses the questions that were provided at the AAC meeting in May 2022.

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How can Council support and work with Yuin people to care for Country?

Language

One of the initial points for consideration in the plan was the use of language. This not only refers to inclusion of the local traditional language of dhurga but ensuring workshops, drafts and eventually the adopted plan uses easy to understand language to promote engagement with the actions and process by all in the community. Many residents, and importantly the Aboriginal community, may not fully understand what 'biodiversity' refers to which may lead to reduced engagement in the development or implementation of the plan.

Some of the submission feedback included opportunities for the plan to:

- Acknowledge language dhurga in the strategy document, ie, names of plants, animals
- Keep language simple throughout the document to increase engagement with and understanding of the plan
- Propose calling the Biodiversity Strategy 'Caring for Country' (gnumbudhaa-bagan)
- Use language in signs such as crossings, corridors, interpretation etc as an actions
- Include employment of Aboriginal people to help care for country as an action.

Other suggestions included in the submission

- Reinforcing the tourism 'brand' in our land management practices
- Consider how are community members / businesses reinforcing this as well as Council.
- Get on the 'forward foot' rather than being reactive in relation to chemical use and traditional land management – this will result in better brand message for the benefit of tourism, culture and health
- Advocate for a Bluewater sewer levy to upgrade systems to world class and methods to reduce treatment plant overflows
- Include more public rubbish bins and waste programs
- Encourage the development of trusting partnerships and encourage more networking around traditional practices and issues
- Promote the improvement of respectful relationships which are developed through listening and working together
- Encourage everyone to take responsibility
- Consider implementing 'Working on Country' signs where staff or crews are undertaking activity
- Offer walks at Botanic Gardens where knowledge holders can barter service for use of space
- Stickers/images on ESC cars with 'Yuin Country' and local designs and/or caring for country messages

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- Advocate to farmers to consider alternatives to what chemicals are being put into land and improve land use practices
- Concern around hard surface runoff going into waterways and need to manage that better across the shire
- Use of mandatory retention basins when building and to reduce hard surface run-off
- Continue to encourage the use of water tanks for residential use.

Participants expressed that a degree of healing and respect could be gained via conciliatory movements towards embracing 'Caring for Country'.

How can we utilise traditional ecological knowledge and land management practices to inform the strategy and improve biodiversity outcomes in the Eurobodalla?

Cultural/traditional burning and slashing

Some of the submission feedback included opportunities for the plan to:

- Look at the Potato Point Road project for management of roadsides and non-chemical weed management
- Learn lessons from how Big Rock was managed. A cultural burn was conducted around Big Rock prior to the fires of 19/20. This mitigated fires from running into the Bodalla estate area.
- Trial methods that help traditional modes of bush regeneration
- Clearing/burning needs to be connected and organised at the same time eg apply structure to the burn process. Burning off by some RFS crews need real thought and planning rather than ticking boxes.
- Promote information and understanding of traditional seasonal cycles/seasons.

Training/Education included in the submission

Discussions included the benefits of opportunities for services and organisations to receive educative opportunities on what traditional plants are used for and building understanding around the traditional value of various species.

Some of the submission feedback included opportunities for the plan to:

- What are the differences between what non-Aboriginal people see as weeds versus what Aboriginal people use for medicine, forest regeneration/health or food
- Include this education for the local Eco Crews with consideration of developing more crews with Aboriginal people
- Focus heavily on eradication of the introduced weeds. Examples given were the native rhubarb program by NPWS and the lantana eradication program

CAR22/016 ABORIGINAL ADVISORY COMMITTEE RECOMMENDATIONS

S003-T00035

- Improve general understanding of country 'type' (which may need to be mapped out), eg, spotted gum country, ironbark country, pink wood country, clay country, fore dune, river bush etc and focus on returning these back to original condition
- Medicine/sustenance – some medicine areas have been overtaken by Spotted Gum
- Educate RFS on traditional practices eg, cool burns to maintain 'forest types'
- Get into schools to share knowledge
- Train weed officers on what to avoid
- Use QR Codes with site specific info /education messages.

What areas, plants and animals are important to Yuin people and need better protection?

Some of the submission feedback included opportunities for the plan to note and/or action:

- Swift Parrot is in decline
- Noticeable decline of shellfish on shorelines and rocks
- Pippie numbers have been impacted by the black-market harvesting
- Bingie sea snails and Bimbla's (Sydney cockle) at Long Beach are also noticeably less abundant.
- Wallaga lake has silted and choked up and change of flows resulting in a reduction in the health of the oysters.
- Deeper consideration needs to be had on control of feral animals – perhaps a bounty?

Aboriginal people pay respect to totem animals or plants as a way of helping to protect or care for species.

The participants indicated that each person has 7 totems – these being for categories such as nation, tribe, clan, ceremonial, gender, individual and plant. For example, the Yuin nation totem is the black duck, Moruya's is the black swan, Bodalla's is the pelican.

Absolutely all native plants play important roles in providing either sustenance, medicine, or resource.

Participants indicated that Plumwood Farm at the top of Clyde Mountain is a very good model of a traditional garden.

Plants such as the waratah for example are known to impede fire. Black Wattle create issues of discord in terms of whether they are seen as a help or hinderance in the environment and have a bad name for fuelling bush fires.

For the Aboriginal community Black wattle is important as it provides:

- Medicine: Seeds used for blood pressure and anxiety
- Fishing line
- Food for black cockatoo

CAR22/016 ABORIGINAL ADVISORY COMMITTEE RECOMMENDATIONS

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- Flowers for fishing – remove oxygen from water to stun fish
- Witchety grubs
- Enrichment and stability for the soil
- Pushes nitrates into soil
- Boomerang and bullroarers are made from wattle
- Bendethra wattle – endemic to the shire.

Other particular species of concern that were mentioned included:

- She Oaks – may die before epicormic growth got out
- The trees that threw out epicormic growth may still perish
- Fungi becoming rare. In particular, the Currypunk/shelf/bracket fungi are hard to find. This fungi is the smouldering material used for smoking ceremonies
- Native raspberry
- Warragul greens
- Sarsaparilla used for rope, basket making, blood purifier tonic and food source
- Plants that only grow on Gulaga
- Warty Zieria
- Native cherry tree
- Mothering trees > large significant trees that protect and helps younger trees.

Medicine plants

- Need identification, however there is a reticence to share information on medicinal properties of plants as it may be misused by non-Aboriginal people
- Encourage more nurseries for bushfoods.

Other suggestions included in the submission

- Include actions to stop spraying native bushfood areas
- Advocate for altered speed limits to reduce fauna loss.

Can you think of any project opportunities that would support shared biodiversity and Yuin cultural values?

- An audit of where the native bushfoods are and where Aboriginal people are accessing known food sources that are being sprayed

CAR22/016 ABORIGINAL ADVISORY COMMITTEE RECOMMENDATIONS

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- Trial pilot projects that champion traditional and chemical free approaches to land management
- Map out the totems for areas, regions and clans in the Eurobodalla to reinforce focus on important species
- Development of a south coast or Eurobodalla seasonal calendar
- Developing traditional training programs for work with RFS brigades, Eco crews, Council and others
- Mapping forest type areas in the shire with a view to determining complementary restoration/maintenance processes and other key considerations for their sustained health
- Identifying potential areas for road speed consideration to reduce fauna loss
- Use dhurga language in a range of signage and other information to promote shared care
- Establish and advocate for long-term partnerships and projects with land managers (government and non-government) to reduce hard surface runoff from unsealed roads across the shire
- Consider applying messages of caring for country on council vehicles, work crew signs and other opportunities
- A Bodalla participant offered space (The Bodalla stables) for a caring for country centre for training, to access services, advice, loan cat and fox traps, meeting place for like-minded community groups. A large caring for country mural would be permitted on the structure.

Environmental

There is much to be gained by working more closely with our Aboriginal community to improve the environment and biodiversity. Embracing caring for country knowledge and practices could be one of the greatest opportunities for Council to develop not only improved relationships and trust with the Aboriginal community but reinforce our shire's 'branding' as the nature coast and manage the land in more sustainable ways.

Social Impact

Connection to country is fundamental to the lives of Aboriginal people. Healing the land will also help heal the people. Many traditional custodians are still practicing cultural ways whether via creative expression in visual arts, music, dance or language, food collection, bush medicine and land management, as examples.

Closing the Gap has potential to be addressed via engaging with country via valuing traditional practices and listening to Aboriginal knowledge. Embracing these opportunities can result in better community outcomes for all and value add tourism and economic development opportunities.

CAR22/016 ABORIGINAL ADVISORY COMMITTEE RECOMMENDATIONS

S003-T00035

Community and Stakeholder Engagement

We have consulted with the Aboriginal community by seeking feedback through several meetings of the Aboriginal Advisory Committee to record and develop a submission to the Biodiversity Strategy consultation process.

CONCLUSION

The AAC has reconvened in 2022 and met on Monday 30 May for the first meeting. A separate extraordinary meeting was requested by committee members for the purpose of discussing the issues in detail and preparing a submission to the Biodiversity Strategy consultation process.

The committee are appreciative of the opportunity to have their perspectives heard by Council and look to build on good relationships through knowledge exchange and time and energy being put into consultation processes.

The committee are looking forward to further discussions on the development of the plan and working with Council to improve environmental, social and cultural values once all submissions have been reviewed and the draft plan is brought to Council and the community.

CAR22/017 CHILDREN'S SERVICES FEES AND CHARGES

S003-T00030

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: 2.3 Provide rich learning opportunities and experiences
Delivery Program Link: 2.3.3 Develop and provide early education services and programs that promote learning and development
Operational Plan Link: 2.3.3.2 Provide Out Of School Hours and Vacation care

EXECUTIVE SUMMARY

This report seeks to provide information to Council on the Children's Services amended fee that has been on exhibition for 28 days.

The fee is an increase on the current Electronic Administration Fee that is charged to Council every week for each Family Day Care Educator. Council recoups the cost from the Educators as a full fee recovery activity for access to the *Harmony* data base and payment program.

Council are being asked to adopt the fee to enable the 22/23 Fees and Charges document to be updated.

RECOMMENDATION

THAT the Children's Services Electronic Administration Fee of \$5.00 per week be adopted and Council's fees and charges 2022-23 be updated to reflect the new fee.

BACKGROUND

Council's Children's Services has been providing childcare services across the Eurobodalla for over 30 years via After School Care and Vacation Care and Family Day Care to enable local families to work and study.

Council's Children's Services coordinates all enrolments and payments for all services delivered, including Family Day Care.

Currently, Council subscribes to the *Harmony* database provider to enable all Child Care Subsidies (CCS) and client payments to be accounted for. The *Harmony* database connects family enrolments to providers and to the CCS amounts via federal Centrelink to support calculations of the correct billing amounts for payment.

Harmony charges Council a fee per week for each Family Day Care Educator. The current fee published in Council's Fees and Charges document is \$4.70 per week for electronic administration. The service has been notified that this has now been raised to \$5.00 per week.

On the 9 August 2022, Council resolved to exhibit the fee for 28 days to enable any feedback from the community.

No feedback was received in relation to the fee during the exhibition period, therefore the recommendation is put to Council to adopt the fee.

CAR22/017 CHILDREN'S SERVICES FEES AND CHARGES

S003-T00030

CONSIDERATIONS

Financial

The new amount for the Children's Services Electronic Administration Fee will change from \$4.70 to \$5.00 and will need to be amended in the current council Fees and Charges document.

Community and Stakeholder Engagement

Council resolved on 9 August to place notice of the amended fee on public exhibition for a period of 28 days. Copies of this notice were available for viewing on Council's website.

CONCLUSION

Children's Services continue to provide a range of education and care services for our community and given that there have been no responses to the amendment the fee should be adopted to enable full cost recovery of the charge.

CAR22/018 POLICY ADOPTION - PROPERTY LAND USE BY COMMUNITY ORGANISATIONS

S004-T00014

Responsible Officer: Kim Bush - Acting Director Community, Arts and Recreation Services

Attachments: 1. Policy Adoption - Property Land Use by Community Organisations Attachment

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

Council's policies are reviewed within the first 12 months of a new Council term for the reasons set out under the following sections of the *Local Government Act 1993* (LGA).

- Section 223 (1)(e) Role of governing body – 'to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council'.
- Section 232 (1)(f) The role of a councillor – 'to uphold and represent accurately the policies and decisions of the governing body'.

The policy Property – Use by Community Organisations was reviewed and updated to provide greater clarity of the roles and responsibilities of Council and community organisations/groups in determining use of public land, and of the considerations necessary in making this determination. The draft policy was retitled Public Land Use by Community Organisations to better reflect the intent of the policy.

The draft Public Land Use by Community Organisations Policy was placed on public exhibition from 25 August 2022 to 21 September 2022. During this time no submissions were received. This report recommends adoption of the Public Land Use by Community Organisations policy.

RECOMMENDATION

THAT the Public Land Use by Community Organisations policy be adopted.

BACKGROUND

Council receives regular requests by community groups and organisations to use public land to conduct their activities or to develop infrastructure and improvements to achieve their objectives. This includes construction of sheds or sport or recreation infrastructure, installation of signage, the holding of events, etc.

Public land is managed by Council in accordance with Chapter 6, Part 2, Division 2 of the Act. On 1 July 2018, the Crown Land Management Act 2016 came into force, specifying that Crown land managed by Council was also to be managed as if it were public land (Div 3.4), and placing additional obligations on Council as Crown land manager in regard to managing native title issues (Div 8.3).

**CAR22/018 POLICY ADOPTION - PROPERTY LAND USE BY COMMUNITY
ORGANISATIONS**

**S004
T00014**

This policy has been reviewed and updated to provide greater clarity of the roles and responsibilities of Council and community organisations/groups in determining use of public land, and of the considerations necessary in making this determination.

CONSIDERATIONS

Legal

The draft Public Land Use by Community Organisations Policy provides clarity of Council's obligations to comply with all appropriate legislation related to use of public land.

Community and Stakeholder Engagement

The draft Public Land Use by Community Organisations Policy was reviewed and was placed on public exhibition from 25 August 2022 to 21 September 2022. Copies were available for viewing on Council's website.

No submissions were received during the exhibition period.

CONCLUSION

The Public Land Use by Community Organisations policy was placed on exhibition for 28 days, and no submissions were received. The draft policy is presented to Council for adoption.



Policy

Policy name	Public Land Use by Community Organisations
Responsible manager(s)	Director Community, Arts and Recreation Services
Contact officer(s)	Divisional Manager Recreation Services Divisional Manager, Property and Commercial Services
Directorate	Community, Arts and Recreation Services
Approval date	
Outcome area	5. Engaged community with progressive leadership
Strategy	5.3 Work together to achieve our collective vision
Delivery Program	5.3.2 Manage land under Council control
Operational Plan	5.3.2.2 Manage leases and licences

Purpose

Many community organisations or groups rely on the use of public land (either Council-owned or Crown land under Council's management) to conduct their activities or to develop infrastructure and improvements to achieve their objectives.

This policy aims to establish a consistent and fair framework to deal with requests for the use of public land by a diverse range of community organisations and groups.

Policy aims:

- promote an integrated framework for dealing with requests by community organisations or groups for the use, or allocation, of public land;
- ensure consistency and fairness in the manner in which Council deals with such requests;
- ensure compliance with legislative requirements under the Local Government Act 1993 and the Crown Land Management Act 2016;
- promote awareness of the requirements of these Acts with respect to the use of public land by community organisations or groups;
- make Council's policies and requirements for such use readily accessible and understandable to the public;
- ensure that the proposed use is safe, provides community benefit, is appropriate to the land identified, and does not unduly impact on the environmental, cultural and social values of the site.



Policy

Policy details

1	Application <p>This policy applies to all requests by community organisations or groups for the use and or allocation of public land owned or managed by Eurobodalla Shire Council.</p>
2	Legislation <p>Eurobodalla Shire Council will comply with the Local Government Act 1993 and the Crown Land Management Act 2016 and any regulations made thereunder.</p>
3	Considerations <p>Council will take the following matters into consideration when it receives a request from a community organisation for the use or allocation of public land. Generally these steps will be undertaken in the order set out below.</p>
3.1	Community organisation/group profile <p>The community organisation is to provide Council with the necessary documentation to identify and demonstrate the need for the proposal and its ability to undertake the effective management of the property and/or related assets, including:</p> <ul style="list-style-type: none"> a) organisation/group official status b) membership numbers including multi year trends c) organisational objectives, ideally supported by a strategic plan d) financial capacity/insurances e) description of proposal f) evidence of need and/or community support for the proposal and community benefit g) proposed parcel of public land.
3.2	Land assessment <p>Council will make an assessment as to the appropriate use of the subject land having regard to:</p> <ul style="list-style-type: none"> a) current and future zoning, land classification and categorisation that may apply b) the provisions of any existing Plan of Management, site plans or adopted strategies, including existing support for the proposal or any restrictions c) existing uses of the site and individuals or groups affected by the proposal d) alternative uses of the land, including short and long term revenue earning potential e) necessary assessments/approvals, eg. environmental, cultural, Native Title. <p>Possible alternative sites may be identified and evaluated for their suitability for the proposed use.</p>



Policy

3.3	Proposal assessment Council will make an assessment as to the appropriate use of the subject land having regard to: <ul style="list-style-type: none"> a) existing activities that may be duplicated by the proposal b) infrastructure requirements and ongoing financial impacts and obligations, eg. construction, maintenance, depreciation c) whether the proposal can be achieved through existing means or other functions, such casual hire or use of alternative facilities d) community benefit, including inclusion, access, and fairness in a Shirewide context.
3.4	Formal arrangements Council will make an assessment as to the appropriate formal arrangement for the proposal having regard to: <ul style="list-style-type: none"> a) whether public or private land ownership is most suitable in supporting the proposed activity b) most suitable formal arrangement for property use terms and conditions, such as lease, licence, or seasonal hire. Fees will apply for formal arrangements in accordance with a Council resolution or Council's annually adopted fees and charges.
4	Council Approval Council approval is required for all uses of community land by community organisations, including necessary processes for establishment of formal arrangements.

Implementation

Requirements		Responsibility
1	Guidelines Community groups/organisations may be requested to refer to the Community Proposals Guide and complete a Community Proposal application to enable the implementation of this policy.	Council Officers
	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
2	Concerns Public concerns communicated to Council regarding this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. They will be used to analyse the history of concerns and determine follow up actions.	Council Officers
3	Consultation Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.	As required



Policy

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that council manages the use of public land under this policy.

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

Note: The next general local government election is expected to be held in September 2024.

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

Performance indicator	Data source(s)
Concerns registered	Council records
Customer Feedback Survey Responses	Surveys
Internal or external review	Audit

Governance

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

Related legislation and policies

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Crown Land Management Act 2016	http://classic.austlii.edu.au/au/legis/nsw/consol_act/clma2016199/
Guidelines Community Proposals	www.esc.nsw.gov.au
Policies Sporting and Recreational Facilities Seasonal Hire Events Land Investment	www.esc.nsw.gov.au
Codes of Practice Licencing of Council-controlled public reserves and associated Buildings Sporting and Recreational facilities seasonal hire	www.esc.nsw.gov.au

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Crown Lands in NSW	https://www.industry.nsw.gov.au/lands



Policy

Change history

Version	Approval date	Approved by	Minute	File	Change
1	17 Dec 1991	Council	.	.	Policy commenced.
2	2006	Council	867	06.0365	Policy reviewed and updated.
3	10 Sep 2013	Council	13/272	E06.0365 E13.7095	Reviewed and updated.
4	8 Aug 2017	Council	17/259	E06.0365 E16.0297	Reviewed and updated - report GMR17/021.
5		Council	TBA	S004- T00014	Reviewed and updated.

Internal use

Responsible manager		Director Community, Arts and Recreation Services		Approved by	Council
Min no	TBA	Report no		Effective date	TBA
File No	S004-T00060	Review date	23 Aug 2022	Pages	5

CAR22/019 TECH SAVVY SENIORS FUNDING

S003 T00017

Responsible Officer: Kim Bush - Acting Director Community, Arts and Recreation Services

Attachments: Nil

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

Community Strategy: 2.3 Provide rich learning opportunities and experiences

Delivery Program Link: 2.3.2 Provide quality library services, programs and resources, as identified in the Eurobodalla Library Strategic Plan

Operational Plan Link: 2.3.2.5 Deliver programs that improve skill in financial and health literacies, living sustainably and general wellbeing

EXECUTIVE SUMMARY

This report will provide Council with background information in relation to the acceptance of external funding offered to Council to support the Library Service's ongoing technology and digital literacy training programs.

A total of \$4,048 (including GST) has been offered to Council from Telstra via the NSW State Library for the continuation of the existing 'Tech Savvy Seniors' training program. This funding is for training to be delivered prior to 30 June 2023.

This grant funding directly supports the building of digital literacy skills for members of our local community aged 50 and over.

This report will request acceptance of this funding offer.

RECOMMENDATION

THAT Council accept a total of \$4,048.00 including GST from Telstra via the NSW State Library for the continuation of the existing 'Tech Savvy Seniors' training program.

BACKGROUND

'Tech Savvy Seniors' is a partnership between the NSW Government and Telstra, providing free or low-cost technology training to seniors through NSW public libraries and community colleges. The program aims to help seniors with little or no digital experience develop skills and confidence in using technology for socialising, accessing services or conducting personal business. Training is fun and hands-on, and includes basic introductory courses on using computers, tablets, smart phones, the internet, email and social media. Training is offered in public libraries free of charge.

Our Libraries play an important role in assisting the seniors in our community to build the digital knowledge and skills needed to meet the challenges of an increasingly digital future. Lifelong learning and the ability to acquire new skills and literacies is essential in an era of change and ongoing technological developments.

The service has received several rounds of this funding which has enabled the library to deliver technology training sessions across the three libraries, with over 500 seniors attending to gain new skills. This funding will support a further 12 months of tech training for seniors.

This \$4,048 grant funding will allow our libraries to deliver 16 training sessions to over 128 Eurobodalla seniors.

CAR22/019 TECH SAVVY SENIORS FUNDING

S003 T00017

CONSIDERATIONS

Social Impact

This training is provided free of charge to community members over 50 years old via the libraries across the shire. This will continue to assist our aging population to develop digital literacy to enable them to keep up with technology and benefit from the broader access to communications and information available at their fingertips. This improves social connections and provides more options for wellbeing support and service links.

Financial

Council library services will have an additional \$4048.00 gained by external sources to support important programs for our community.

CONCLUSION

Provision of the tech support programs have been well received by the community with Council being able to consistently attract and acquit funds to support digital literacy for seniors. The continued funding will provide more seniors with digital skills via our libraries across the shire to actively participate in an increasingly technological world.

DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

CONTACT	PHONE	EMAIL	WEBSITE
Eurobodalla Shire Council Public Officer	4474-1000	council@esc.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Local Government Department	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	8286 1000 Toll Free 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.