

EUROBODALLA SHIRE COUNCIL

PUBLIC FORUM

Ordinary Meeting of Council on 19 November 2024

Please refer to the minutes of the [Council Meeting](#) for outcomes of the agenda items.

Name	Subject/Comments	Presentation Provided	Hybrid
Michael Stavroulakis	GMR24/019 Vehicular Access to Maloneys Beach Reserve Public Consultation	Attached	In person
Harry Watson Smith - Batemans Bay Boaters Association	GMR24/019 Vehicular Access to Maloneys Beach Reserve Public Consultation	Attached	In person
Neil Gow	GMR24/019 Vehicular Access to Maloneys Beach Reserve Public Consultation, FCS24/047 – Presentation of Annual Financial Statements for year ended 30 June 2024, FCS24/050 – Policy Review – Code of Meeting Practice, FCS24/051 – Council Submission to the Office of Local Government on the draft new framework for councillor conduct and meeting practices	Attached	In person
Geoff Davis	GMR24/019 Vehicular Access to Maloneys Beach Reserve Public Consultation	Attached	In person
John Klapsis	GMR24/019 Vehicular Access to Maloneys Beach Reserve Public Consultation	Attached	In person
Trish Hellier	GMR24/019 Vehicular Access to Maloneys Beach Reserve Public Consultation FCS24/050 – Policy Review – Code of Meeting Practice	Attached	In person
Rosie Toth	PSR24/018 Draft Eurobodalla Housing Strategy	Attached	In person
Frank Ross on behalf of South Coast Health and Sustainability Alliance (SHASA)	PSR24/018 Draft Eurobodalla Housing Strategy – expand on his submission and incorporate comments from SHASA.	Not provided	In person
Brett Stevenson, A Better Eurobodalla	PSR24/018 Draft Eurobodalla Housing Strategy	Attached	In Person
Louise Webb	PSR24/020 New Animal Shelter Design and Construction	Attached	In person
Peter Cormick	PSR24/020 New Animal Shelter Design and Construction FCS24/050 – Policy Review – Code of Meeting Practice	Attached	In person

Name	Subject/Comments	Presentation Provided	Hybrid
	FCS24/051 – Council Submission to the Office of Local Government on the draft new framework for councillor conduct and meeting practices IR24/020 - Maintenance of unsealed roads		
Joan Armstrong	PSR24/021 DA0518/24 - 3 Kings Highway, Batemans Bay Variation to Building Height greater than 10% (ELEP)	Attached	In person
Bernie O’Neill A Better Eurobodalla	FCS24/050 – Policy Review – Code of Meeting Practice FCS24/051 – Council Submission to the Office of Local Government on the draft new framework for councillor conduct and meeting practices	Attached	In person
Jim Bright	FCS24/050 – Policy Review – Code of Meeting Practice FCS24/051 – Council Submission to the Office of Local Government on the draft new framework for councillor conduct and meeting practices	Attached	In person

Mayor Councillors and council staff

Thank you for the opportunity to present on this important community issue.

1) First I wanted to talk about how the consultation results were presented in the report

If being an owner or resident was to provide any additional weighting, it should have been made clear in the letter and we would have provided this information. Many owner responses have fallen into the “unknown” category, skewing the results. It has put more importance on this rather than even providing a total, where the total shows an overwhelming majority of 78% supporting the removal of the blocks.

Total: 254 responses

- 198 (78%) responses were in favor of the removal
- 46 (18%) against
- 10 (4%) Neither for or against

Identified Owner/Occupier (74)

- For 42 (57%)
- Against 26 (35%)
- Other 6 (8%)

Identified Owner/ Non occupier (48)

- For 40 (83%)
- Against 8 (17%)
- Other 0

Identified Occupier (10)

- For 9 (90%)
- Against 1 (10%)
- Other 0

Unknown (122)

- For 107 (88%)
- Against 11 (9%)
- Other 4 (3%)

The 916 signature petition was presented to council earlier this year in March. This petition was taken to residents of Maloneys Beach, Long Beach, and the wider Batemans Bay community through the local noticeboards.

2) Next I wanted to discuss the easement access provided to NPWS and the authority to close the council track

The following 3 pieces of information detail both of these.

To date, both NPWS and ESC have refused to provide us with any of this information, and were obtained through NSW parliament.

1. PSR21/056 EASEMENT FOR RIGHT OF ACCESS - MALONEYS BEACH, from the council meeting on the 26th October 2021, where a motion was passed to grant an easement to NPWS, with legal costs attributed to NPWS. This easement agreement has no mention of closing the council track.

Link to the meeting agenda:

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0011/206678/Agenda-Public.pdf

2. NPWS advised the NSW Parliament, they used the easement negotiation to barter additional works to close the council track as **“non-monetary compensation for the creation of an easement over the council land”**,

NSW parliament link:

<https://www.parliament.nsw.gov.au/lc/papers/Pages/ganda-tracking-details.aspx?pk=100516>

3. An email thread (*see appendix 1*) from 13th Sept 2022 - 5th Oct 2022, between ESC, NPWS, and OTHERS, which details the "approval" and scope of works from ESC allowing NPWS to close the council track.

From this, it's clear to me that NPWS have misled the public, claiming works were carried out on council land as **"non-monetary compensation for the creation of an easement"**, yet the evidence shows the only requirement of ESC at the time was that the NPWS pay the legal costs.

I can only assume council were equally misled by NPWS, by passing this motion in October 2021, and then in September 2022 having NPWS expand their scope of works, negotiating directly with council staff, to undertake works to close the track, without any knowledge or approval of the elected ESC officials of the time, in effect without due process, and so bypassing the consultation of the community.

The motion passed by council also states ***"Compensation payable by NPWS for the RoA will be determined following a valuation by a registered valuer."***

This raises the following questions:

- Was this valuation ever done?
- Was the value of the easement a peppercorn or \$1M.
- Has NPWS paid any compensation to ESC for this easement?
- How was VFM ever established?

By adding to the scope the closure of the track as "***non-monetary compensation***" to the deal in 2022, this raises further questions:

- Was the amenity loss to the community measured?
- Was the financial advantage obtained by the NPWS fair and reasonable?

I hope that in the process of restoring Maloneys beach to what it was, ESC would be able to get some funding through the form of the compensation mentioned.

("Compensation payable by NPWS for the RoA will be determined following a valuation by a registered valuer.")

3) Next I want to talk about the effect the NPWS works had on the track

The following is a rough timeline of NPWS activities in the area, using some posts and photos from social media. (see *appendix 2*)

- October 2021: test digging started
- Feb 2022: Construction had commenced.
- June 2022: Maloneys used as a staging area, with temp fencing in place, 1 ton gravel bags onsite
- Oct 2022: - CONTRACTOR site opening ceremony at Maloney Beach
- Nov 2022: CONTRACTOR heavy civil machinery working on the new car park
- Dec 2022: Stairs completed
- Feb 2023: Walk open to the public
(<https://www.beagleweekly.com.au/post/south-coast-s-murramarang-national-park-opens>)

Below in appendix 3, are a series of satellite images showing the condition of the track over the years.

In all the years prior to NPWS doing works in the area, between 2005 and 2021, it is very clear that the track was in a very well maintained, usable state.

Yes there were some ruts which held some water during the wetter periods, but generally it dried out very well.

In 2021, there are 2 images, one from January, where the track is dry, and one from March, where it can be seen holding some water in 2 areas, but the track was relatively of the same formation as previous years.

By October 2022, it can be seen that a second set of tracks start forming, on NPWS side of the reserve. By this time, NPWS works are well underway, with workers trucks and heavy machines in use in the area, and from this point on, the condition of the track continues to deteriorate.

To me, the evidence clearly shows the council track to be in a relatively good, usable state, prior to NPWS coming in and completely destroying it.

At this point, council should have told NPWS to return this perfectly good amenity to its original state.

Instead, on the 5th Oct 2022, NPWS negotiated with ESC staff (see *appendix 1*) to do the following, without the knowledge of the councillors at the time:

1. block the track by relocating telegraph poles.
2. fill the low points.
3. spray seed the track

NPWS went beyond this scope.

Months after the track was initially closed with the approved telegraph poles, the telegraph poles were replaced with timber bollards. These timber bollards have since been replaced by ESC with the infamous sandstone blocks.

NPWS also removed and regraded the entire tracks surface, with the ground level now much lower than the original track, which is clearly evident in its current state.

NPWS had no authority to do this, even admitting to requiring an AHIP (Aboriginal Heritage Impact Permit) assessment to do this work.

They have told us the former council track was never assessed.

4) Lastly I want to comment on some points in the GMs report in the agenda

I'm a little disappointed with the report to be honest.

There is so much emphasis on the restrictions, not allowing this to happen, yet this access has been successfully in place for well over 50 years until last year, with no emphasis of any positive outcomes, of which there are so many.

4a) The report talks about risk level, usage, maintenance, and flooding

The logic the report has used relating to risk is, the risk level reverts back to what it was prior to the closure:

“it is important to understand that removing the sandstone blocks would simply restore the level of risk that was applicable prior to their installation.”

The report also continually refers to increased usage, maintenance costs. Using the same logic, the usage and maintenance would revert to what it was prior to the closure.

The report states track maintenance was stopped in 2008.

“Maintenance of the access track was discontinued with the removal of the boat ramp in 2008.”

Since 2008 though, the track was still in use, by the public, cultural fishers, and ESC trucks to empty bins at the BBQ shelter. These bins were removed last year as trucks had no way of accessing.

This statement does prove however, that no maintenance was required from council between 2008 -2023, and this is what it would return to if re-instated.

With the same logic, this area has never previously flooded, so returning it to its former state, it shouldn't flood.

Councils own coastal studies do not highlight any significant risk in this area.

It should also be noted that NPWS did work in this area to improve water flow, so the likelihood is even less than what it was.

Any additional usage and maintenance should be attributed to NPWS Coast walk, not to reopening a track that has been established for well over 50 years.

Much like what has happened with the existing toilet block in the ESC reserve.

We never had a single issue with these toilets, until the NPWS project.

The increased usage of the toilets has caused blockages, and are continually in a disgusting, unusable state due to the influx of visitors.

NPWS should have allocated funds to cater for the infrastructure and maintenance requirements of this increased usage.

4c) The report also talks about the track being located in the stormwater swale

This statement is incorrect.

The stormwater swale ran parallel to the track.

In conclusion, for all the above reasons, I strongly urge council to return this amenity back to the ratepayers and community by removing the sandstone blocks.

Appendix 1) Email thread between ESC, NPWS and others, with names redacted.

This is email provided in appendix 1, with names redacted. It would be appropriate for council staff to provide this to councillors in its full and original format.

From: ESC
Sent: Wednesday, 5 October 2022 6:57 PM
To: NPWS
Cc: ESC/OTHERS
Subject: Re: Maloney's Gateway development

Thanks NPWS

Yes proceed as discussed with ESC.

We have already advised OTHERS as they were keen to have this area tidied up. Appreciate the help from NPWS.

ESC

Sent from my iPhone

On 5 Oct 2022, at 5:23 pm, NPWS wrote:

Hi ESC

NPWS has engaged XX Civil to deliver the precinct works within the Maloneys Beach section of Murramarang National Park. Yesterday we meet on site and we discussed ESC email (below).

XX Civil advised they can:

1. Block the vehicle track on the Council land by relocating the three wooden telegraph poles presently abutting the shelter. There is already an extended line of telegraph poles at the entrance of the Council's vehicle track and the Council's toilet - hence the relocated poles will not look out of place.
2. Fill the low points presently holding water within the vehicle track on Council land using some of the soil to be removed from the parking site within the national park. This would aid the growth of grass; generally make the area present better; and remove trip hazards that may present when the vehicle road eventually dries. XX Civil cannot grade the track without an AHIP and therefore cannot ensure the water does not pool again during heavy rainfall events.
3. Spray seed the closed track.

XX Civil will have the required plant on site to complete the works within the national park; therefore the cost will be nominal and can be covered by NPWS in this instance.

Can you please let me know if the Council would like to take up this offer.

Regards
NPWS

From: ESC
Sent: Tuesday, 13 September 2022 8:07 AM
To: NPWS
Cc: ESC
Subject: RE: Maloney's Gateway development

Hi NPWS,

ESC and I recently met with OTHERS about various issues and were wanting to get an update on your plans for the Maloneys Beach Precinct.

In particular, we are interested in what you are proposing for the existing track south of the proposed carpark.

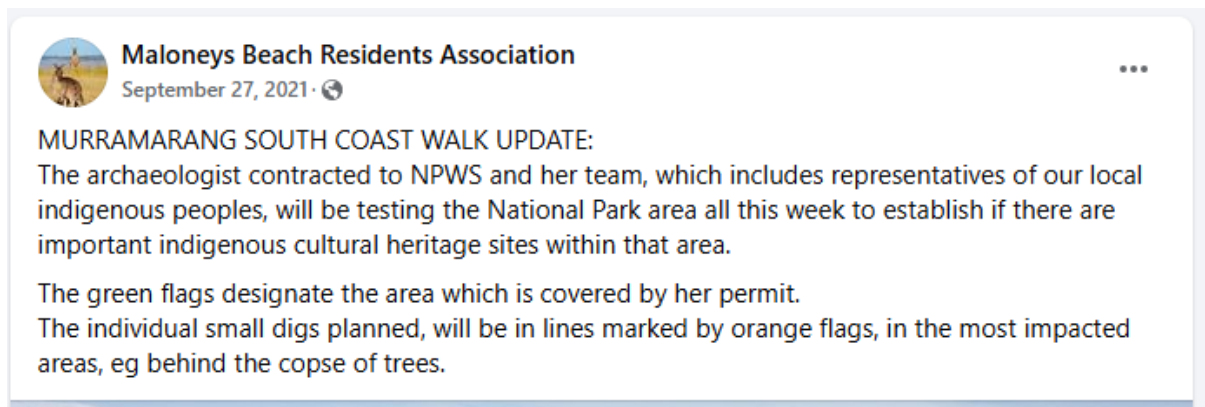
Upon inspection, our preference would be for this to be closed and to leave as a footway access only.

It would be good to discuss this with you further.

Regards,
ESC

Appendix 2) Photos of timeline of some of NPWS works

- October 2021: test digging started

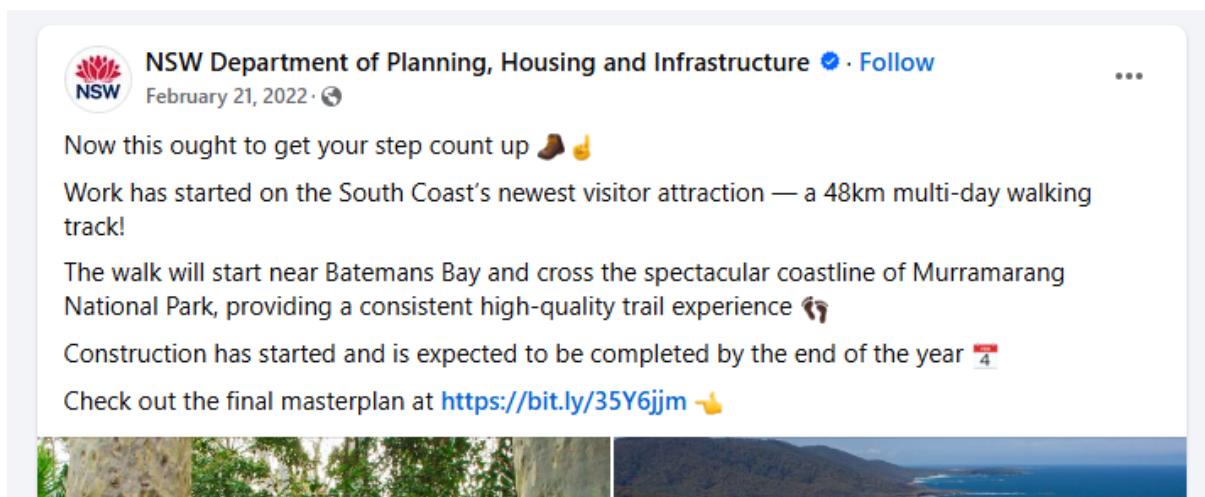


Maloneys Beach Residents Association
September 27, 2021 · 🌐

MURRAMARANG SOUTH COAST WALK UPDATE:
The archaeologist contracted to NPWS and her team, which includes representatives of our local indigenous peoples, will be testing the National Park area all this week to establish if there are important indigenous cultural heritage sites within that area.

The green flags designate the area which is covered by her permit.
The individual small digs planned, will be in lines marked by orange flags, in the most impacted areas, eg behind the copse of trees.

- Feb 2022: Construction had commenced



NSW Department of Planning, Housing and Infrastructure · Follow
February 21, 2022 · 🌐


Now this ought to get your step count up 🥾👉

Work has started on the South Coast's newest visitor attraction — a 48km multi-day walking track!


The walk will start near Batemans Bay and cross the spectacular coastline of Murramarang National Park, providing a consistent high-quality trail experience 🥾

Construction has started and is expected to be completed by the end of the year 📅 4

Check out the final masterplan at <https://bit.ly/35Y6jjm> 👉



- June 2022: Maloneys used as a staging area, with wing temp fencing in place, 1 ton gravel bags onsite

 **Friends of Durras** · Follow
June 8, 2022 · 🌐

Advice from the Ulladulla NPWS Office.

I wish to provide advance notice that Touchdown Helicopters will be conducting aerial operations within Murramarang National Park between 21 June 2022 and 24 June 2022 (subject weather conditions).


The staging area for this operation will be located within the Maloneys Beach section of Murramarang National Park (see below). This site was deemed the safest option for this sling loading operation.

During this operation, Touchdown Helicopters will transport rocks required by Dirt Art to construct sections of the Murramarang South Coast Walk.


The operation will require some temporary area closures to ensure public safety:

The staging area will also be closed in the days prior to the helicopter lift to allow the safe storage of materials. The staging area and part of the Acheron Trail will be closed during the helicopter operations. Small sections of the walking track route between Maloneys Beach and Wasp Head will be closed momentarily when the helicopter is operating nearby.

Residents are welcome to view the helicopter lifts at Maloneys Beach. The boundaries of the staging area will be clearly defined to allow safe viewing.

 **Maloneys Beach Residents Association**
June 23, 2022 · 🌐

AREA OF NATIONAL PARK FENCED OFF:
A section of the Murramarang National Park grassland at the far eastern end of Maloneys Beach has been fenced off and rocks delivered ready for the helicopter activity next week.
(Photos courtesy of Stephen Ranck)



 **Maloneys Beach Residents Association**
September 27, 2022 · 🌐

MURRAMARANG SOUTH COAST WALK:
Maloneys Beach is now to be the end point of the walk which will start officially at Pretty Beach. Not the other way round.
Hopefully, this will help with the preference of a majority of residents who responded to accept that the project is a given but desiring a minimal impact on Maloneys Beach as a beautiful, natural place of interest not an over-developed entrance. The preference of the majority of MB respondents was for the potential of an ad... [See more](#)




- 
Oct 2022: - CONTRACTOR site opening ceremony at Maloney Beach
 October 31, 2022 · 🌐

Opening up our new site down on the south coast. Traditional smoking ceremony performed by Uncle Rodo who gave us knowledge and wisdom welcoming our mob on country and blessing our site.



- Nov 2022: CONTRACTOR heavy civil machinery on site working on the new car park**



 November 3, 2022 · 🌐


 Civil team making use of the sun working on country down in the bay.

No time to soak in that beautiful view tho, the team are working at hard pace getting the car park done.



- Dec 2022: Stairs completed**

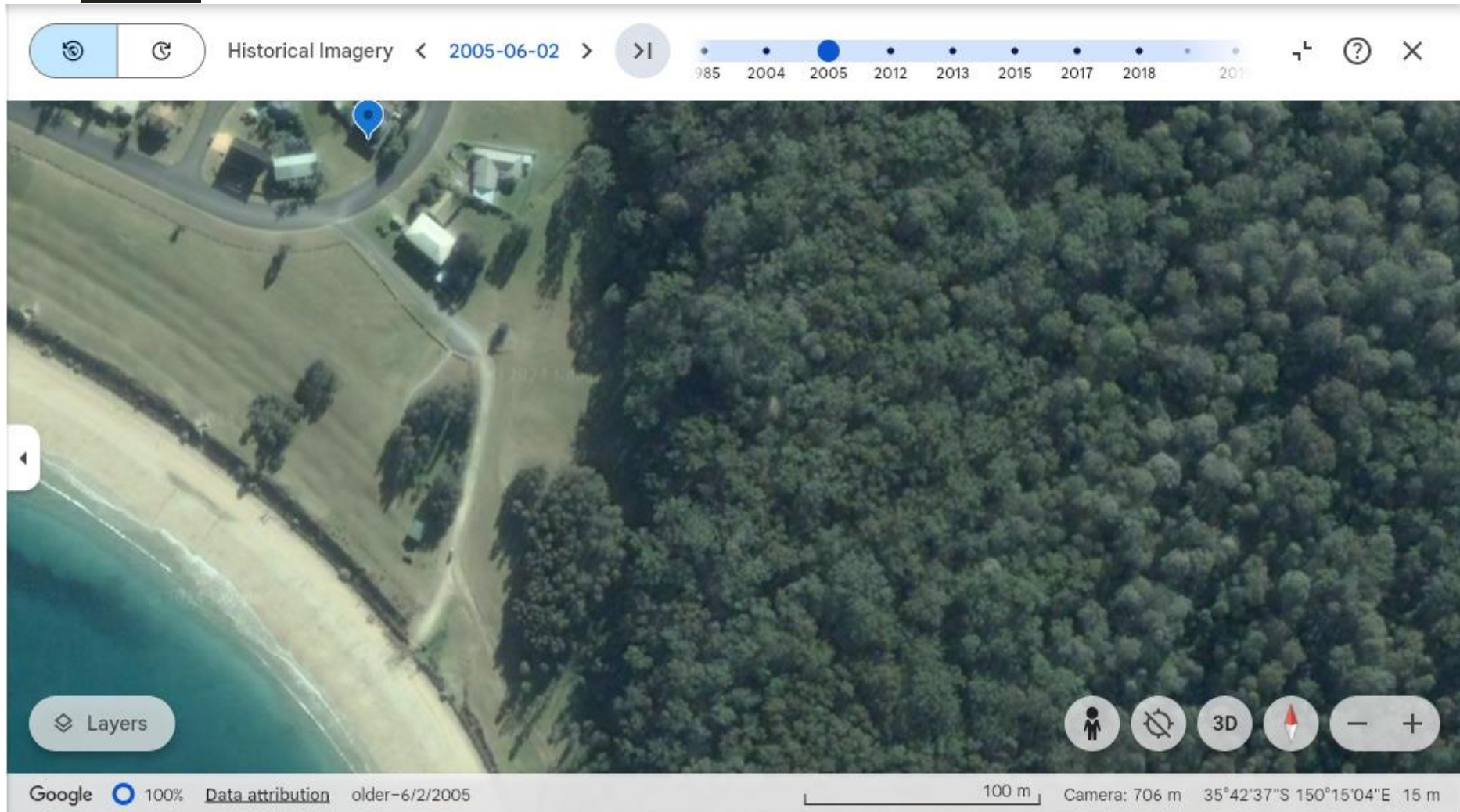

Maloneys Beach Residents Association
 December 9, 2022 · 🌐

MURRAMARANG WALK:

The steps for 'easy' access to Acheron Ridge are finished. Hmm. Those less able may like to continue using the old path, entrance at 67 Maloneys Drive.

Appendix 3) Google earth satellite images:


- 2/06/2005:



• **03/04/2012:**

Historical Imagery < 2012-04-03 > >|

1985 2004 2005 2012 2013 2015 2017 2018 2019



Layers

Google 100% [Data attribution](#) older-4/3/2012


100 m Camera: 706 m 35°42'37"S 150°15'04"E 15 m

Navigation icons: Layers, Street View, 3D, Compass, Zoom In (+), Zoom Out (-)

• 20/08/2013:

Historical Imagery < 2013-08-20 > >|

985 2004 2005 2012 2013 2015 2017 2018 2019



Layers

Google 100% [Data attribution](#) older-8/20/2013


100 m Camera: 706 m 35°42'35"S 150°15'11"E 40 m

The image shows a Google Earth interface for historical satellite imagery. At the top, there's a navigation bar with a 'Historical Imagery' label, a date selector set to '2013-08-20', and a timeline of years from 1985 to 2019. The year 2013 is highlighted with a blue dot. Below the navigation bar is a large aerial satellite image of a coastal area. The image shows a sandy beach on the left, a body of water, a road, several buildings, and a large, dense forest on the right. At the bottom of the image, there are various controls: a 'Layers' button on the left, and icons for 'Person', 'No Pin', '3D', 'Compass', and zoom in/out on the right. At the very bottom, there's a status bar with the Google logo, a 100% zoom level, a 'Data attribution' link, the text 'older-8/20/2013', a scale bar for 100 meters, and camera/altitude information: 'Camera: 706 m 35°42'35"S 150°15'11"E 40 m'.

• 24/11/2015:

Historical Imagery < 2015-11-24 > >|

985 2004 2005 2012 2013 2015 2017 2018 2019



Layers

Google 100% [Data attribution](#) older-11/24/2015

100 m Camera: 706 m 35°42'37"S 150°15'04"E 15 m

The image shows a Google Earth interface with a historical satellite view from November 24, 2015. The main view is an aerial photograph of a coastal region. On the left, there is a sandy beach bordering a body of water. A road curves along the top left, with several buildings and a parking area. A dirt path or road leads from the road area towards a large, dense forest that occupies the right half of the image. The interface includes a top navigation bar with a 'Historical Imagery' section, a date selector set to '2015-11-24', and a timeline of years from 1985 to 2019. A bottom toolbar contains icons for layers, street view, 3D, compass, and zoom controls. The bottom status bar shows the Google logo, zoom level (100%), a data attribution link, the file name 'older-11/24/2015', a 100m scale bar, camera altitude (706 m), and coordinates (35°42'37"S 150°15'04"E) with a 15m vertical offset.

• **24/09/2017:**

Historical Imagery < 2017-09-24 > >|

2015 2017 2018 2019 2021 2022 2023 2024

Layers

Google 100% [Data attribution](#) older-9/24/2017

100 m Camera: 706 m 35°42'37"S 150°15'04"E 15 m


Navigation icons: Street View, Disabled, 3D, Compass, Zoom In (+), Zoom Out (-)

• **28/08/2018:**

Historical Imagery < 2018-08-28 > >|

2015 2017 2018 2019 2021 2022 2023 2024

Collapse



Layers

Google 100% [Data attribution](#) older-8/28/2018

100 m Camera: 706 m 35°42'37"S 150°15'04"E 15 m

The image shows a satellite view of a coastal region. On the left, there is a sandy beach and a rocky shoreline meeting the ocean. To the right of the beach is a large, dense forest. In the upper left, there are several buildings and a paved area, possibly a parking lot or a small town. The interface includes a top navigation bar with a date selector set to 2018-08-28, a timeline of years from 2015 to 2024, and various control icons like zoom, pan, and layers. A 'Collapse' button is visible in the top right corner of the image area.

• **02/09/2018:**

Historical Imagery < 2018-09-02 > >|

2017 2018 2019 2021 2022 2023 2024

Layers

Google 100% [Data attribution](#) older-12/31/1985

100 m Camera: 706 m 35°42'37"S 150°15'04"E 15 m

Navigation icons: Layers, Street View, 3D, Compass, Zoom in (+), Zoom out (-)

• **14/09/2019:**

Historical Imagery < 2019-09-14 > >|

2015 2017 2018 2019 2021 2022 2023 2024

Layers

Google 100% [Data attribution](#) older-9/14/2019


100 m Camera: 706 m 35°42'36"S 150°15'15"E 30 m

The screenshot displays the Google Earth interface for historical imagery. At the top, the 'Historical Imagery' panel is active, showing a date selector for '2019-09-14'. A timeline below the date selector shows years from 2015 to 2024, with 2019 highlighted. The main map area shows an aerial view of a coastal region. On the left, there is a green body of water with a sandy beach. A road curves along the coast, with several buildings and a large forested area to the right. The interface includes various navigation and control icons: a 'Layers' button, a 'Person' icon, a '3D' icon, a compass, and zoom in/out buttons. At the bottom, the Google logo, zoom level (100%), 'Data attribution' link, and 'older-9/14/2019' text are visible. A scale bar indicates 100 meters, and the camera height is 706 meters. The coordinates are 35°42'36"S 150°15'15"E and the elevation is 30 meters.

• 21/01/2021:

Historical Imagery < 2021-01-21 > >|

2015 2017 2018 2019 2021 2022 2023 2024



Layers

100% [Data attribution](#) older-3/14/2021

100 m Camera: 706 m 35°42'37"S 150°15'04"E 15 m

Navigation icons: Layers, Street View, 3D, Compass, Zoom in/out

• 14/03/2021:

Historical Imagery < 2021-03-14 > >|

2015 2017 2018 2019 2021 2022 2023 2024

Layers


100% [Data attribution](#) older-10/13/2022

100 m Camera: 706 m 35°42'37"S 150°15'04"E 15 m

• 13/10/2022:

Historical Imagery < 2022-10-13 > >|

2015 2017 2018 2019 2021 2022 2023 2024



Layers

Google 100% [Data attribution](#) older-10/13/2022

100 m Camera: 706 m 35°42'37"S 150°15'04"E 15 m


The image shows a Google Earth interface with a historical satellite view. The main view is an aerial photograph of a coastal region. On the left, there is a sandy beach meeting the ocean. A narrow strip of land with a few buildings and a road runs along the coast. To the right of this strip is a large body of turquoise water, possibly a lagoon or bay, with some small islands or rocks. Further to the right is a vast, dense forest of dark green trees. The interface includes a top navigation bar with a 'Historical Imagery' section, a date selector set to '2022-10-13', and a timeline showing years from 2015 to 2024. The year 2022 is highlighted with a blue dot. Below the main view, there are control buttons for 'Layers', a person icon, a compass, '3D', a red location pin, and zoom in/out buttons. At the bottom, there is a status bar with the Google logo, a 100% zoom level, a 'Data attribution' link, the text 'older-10/13/2022', a 100m scale bar, and camera data: 'Camera: 706 m 35°42'37"S 150°15'04"E 15 m'.

• 26/04/2023:

Historical Imagery < 2023-04-26 > >|

2015 2017 2018 2019 2021 2022 2023 2024

View newer imagery



Layers

Google 100% [Data attribution](#) older-6/28/2024


100 m Camera: 706 m 35°42'37"S 150°15'04"E 15 m

The image shows a Google Earth interface with a satellite view of a coastal region. The top navigation bar includes a 'Historical Imagery' section with a date selector set to '2023-04-26'. A timeline below the date selector shows years from 2015 to 2024, with 2023 highlighted. A 'View newer imagery' button is positioned above the main map area. The map itself displays a coastline with a sandy beach on the left, a green field in the middle, and a dense forest on the right. The bottom of the interface features a 'Layers' button, a scale bar for 100 meters, camera information (706 m), and coordinates (35°42'37"S 150°15'04"E 15 m).

• 28/06/2024:

Historical Imagery < 2024-06-28 > >|

2015 2017 2018 2019 2021 2022 2023 2024



Layers

Google 100% [Data attribution](#) older-6/28/2024

100 m Camera: 706 m 35°42'37"S 150°15'08"E 34 m

GMR24/019 Vehicular Access To Maloneys Beach Reserve

Good afternoon. My name is Harry Watson Smith from the Batemans Bay Boaters Association. Many of you know me from my advocacy work for boaters and fishers, particularly regarding boat ramps and floating pontoons adjacent to the CBD.

Some Council members here today, supported removing the Coopers Island public road gate in the early 2020s. That gate blocked access to our traditional fishing grounds and boat launching areas.

Today, we face a similar challenge.

I am here to address a specific concern: access from the water to the land at the eastern corner of Maloneys Beach.

Yes, coming ashore from our boats.

1. The Importance of the Chain Bay Landing Area

The recent installed sandstone blocks have severely restricted access to an area we've used for over 50 years. This landing point plays a crucial role in our boating community. Boaters of all types – from cruising yachts to kayaks – rely on this Chain Bay landing area to:

- shelter from the prevailing northeast wind,
- resupply their vessels,
- take breaks during extended trips,
- meet family and friends,
- and access essential facilities.

2. Challenges Created by Recent Restrictions

The challenges are significant. Boaters are now forced to carry supplies and equipment long distances from the beach to the car park and back. This particularly affects older crew members and solo sailors covering the greater distance. It also makes it difficult for crews to gather in sight of their tender or vessel – safety issue.

These restrictions also deter visiting vessels from stopping here, a loss to our local economy.

3. Economic Contributions of the Boating Community

When boaters visit, we actively support local businesses.

- We purchase supplies from local shops,
- buy fuel and equipment,
- seek out local businesses for vital spares,
- spend money on meals and coffee, and
- contribute to maritime tourism.

4. Why Other Facilities Aren't a Viable Alternatives

You might wonder what are the alternatives?: Why not use the CBD pontoons, marina, or Hanging Rock facility?

The answer is simple – the Clyde River bar does not have sufficient depth for even a medium draft vessels to cross, even at high spring tides. Due to past inadequate dredging, we are restricted to staying on the sea side of the bar.

With Corrigans Beach silted up, Chain Bay and Maloneys Beach remain our only viable access area.

5. Misconceptions About Decommissioning and Noise Complaints

Assertions that Maloneys Beach boat ramp was decommissioned in 2008 are not supported by any records. Its existence has been consistently acknowledged in numerous estuary and maritime studies and reports, as well as, until recently, in maritime boating maps.

To put my concerns into perspective, consider the following:

In 2022, there were 2.5 million registered boat licenses nationally - that's one in ten Australians who captain a boat, excluding family members and those not requiring licenses. NSW alone boasts over half a million licenses, with 20,000 new ones issued annually.

The fastest-growing sector is non-powered watercraft, such as kayaks and sailing boats.

According to the 2005 Clyde River Estuary Committee report, (I was a member) only one formal complaint regarding Personal Water Craft (jet ski) in the Maloneys Beach area was lodged in the five years prior. The primary concern noted was the noise generated by jetskis at Corrigans Beach.

The Batemans Bay Sailing Club hosts annually a highly successful national off-the-beach sailing regatta at this location during the ANZAC holiday period. This event draws hundreds of sailing boats, families, and produces significant flow of money into the local economy. It is worth noting that no one here is proposing the installation of barriers to hinder this event.

The recent 14-day survey failed to directly contact all affected registered boat owners and ratepayers. Nevertheless, despite the limited consultation, 67 respondents raised boating-related concerns, demonstrating a substantial community interest.

As for concerns about antisocial behaviour, existing maritime and local laws already address these issues, with wide-ranging limitations, restricted areas and heavy penalties in place.

This should *not be a factor* in any decision regarding access.

6. Scientific Data on Storm Events and Beach Changes

I have examined published scientific data for storm events from 2000 to this year, and found that the surge or swell impact on the Maloneys Beach is quite small. The beach actually experiences less storm impact than Long Beach or Surf Side. This is because the beach is behind the Acheron Reef, which absorbs the impact of storm swells due to the closeness of the reef rocks. While the beach does change, this is simply natural equilibrium of nature over time.

Please note, that one of the Council sponsored consultants recommendation in their report to investigate the building of a format boat ramp at this location but Council seems to have no appetite to follow this recommendation.

7. Urging Council to Restore Traditional Beach Access

I strongly urge Councillors to restore the traditional beach access we've used for years.

This issue goes *beyond mere convenience* – it's about

- maintaining and enhancing our maritime community's accessibility,
- establishing the Bay as a premier boating destination, and
- supporting local businesses.

Thank you. Have you any questions?

Harry Watson Smith

Public forum speech Neil Gow ESC meeting 19th November 2024

Good afternoon, Walawanni, Mayor, Councillors, Staff and public both present in the chamber and on line, I welcome the opportunity to speak on two matters of concern in a very full agenda.

Congratulations to all councillors on your recent election and I wish you well for your term of office in this important role representing the Eurobodalla community.

Vehicular access to Maloney's Beach

This is a legacy issue from the recent election, during which I voiced my opposition to the proposal to open the now closed area to vehicular access and boat launching. I continue to urge all Councillors to please maintain the status quo at Maloney's Beach and not support the removal of the three sandstone blocks on the northern side of the reserve for the following reasons:

1. The General Manager's response highlights many issues arising from a decision to remove the blocks and they include regulatory and insurance requirements, initial and on going costs, legal and policy considerations and social and environmental impacts all of which weigh against restored vehicular access.
2. The consultation process was not satisfactory because of the inconsistency between the wording of the motion 24/009 passed by Council on 29 October i.e. "...removing the sandstone blocks to reinstate access to the former track that was used to access Council's decommissioned informal boat ramp at the east of Maloney's beach": and the consultation letter of 29 October stating "The idea would be to let motorists drive on the reserve to get closer to the beach". Also 67 respondents advocated restored boat and PWC (jet ski) launching access at Maloney's Beach, which was not the question posed either in the motion or the ESC consultation letter. If these responses are subtracted from the total figures supporting access, only 51.5% of respondents supported that course of action. The consultation process was further corrupted by the posting of the consultation letter on social media on the day of its release with comments urging a wide response from all parties, not just those who own and/or reside in the Maloney's Beach area. Possibly this action produced the 122 unidentified responses of a total of 254!
3. The visual and practical amenity of the now integrated area between the National Parks facilities at the Murramarang Coast walk track head and those of ESC on the Crown Reserve (i.e. toilet, shelter shed and BBQ) would be seriously impacted by vehicular traffic dividing the area in two and would impede direct access from the National Park carpark to the council amenities.
4. The practical implications of opening the area with the dimensions of a 6m wide track in a stormwater drain, steep banks making parking alongside the track impractical if not impossible, and inadequate space for turning are also serious deterrent to removing the blocks.
5. The inevitable deterioration of the surface of the storm water drain if subject to vehicular access area will require on going maintenance at an, as yet, unspecified cost.
6. The potential impact on visitors undertaking the Murramarang Coastal walk, which is an asset attracting considerable numbers of visitors to Eurobodalla Shire, should also be considered. Personal feedback is that they are very pleased with the appearance of the track head facilities and the restored area at Maloney's beach

Therefore, please do not support the removal of the sandstone blocks and maintain the sensible position adopted by the prior council earlier in 2024.

OLG discussion paper Councillor Conduct and Meeting Practices

I strongly support the suggestion made on page 18 that the public be accorded access to councillor briefing meetings in the same manner in which they have access to council meetings (apart from those sensitive personal or commercial in confidence sections which are considered in closed session). Such a development would contribute significantly to the achievement of the fifth goal of the ESC Community Strategic Plan i.e. Our Engaged Community with Progressive Leadership which states “our leaders act fairly, listen to, and represent our community. They are accountable and transparent in their decision making process.”

The current Community Engagement Strategy (September 2022) of ESC also advocates wide community consultation about all substantial matters. Public access to councillor briefings is a natural extension of this strategy.

As a candidate in the recent ESC local government elections, I was often at a distinct disadvantage compared to those candidates who had previously been councillors, as they had been briefed on council matters prior to Council meetings, but that information was not publicly available. Neither, of course, can there be any media coverage of these briefings to inform residents and ratepayers without such access being in the public domain.

If all ratepayers and residents are to be accorded the same level of information as councillors they would be in a better position to respond to the council agenda and assess the responses of the councillors, who are of course, their representatives. Also public access to councillor briefing sessions would often obviate the need for ratepayers to make individual enquiries to council, and thus avoid staff time in responding to these requests.

I would ask that you reject the section of the draft ESC submission on this matter which argues against public access to councillor briefing meetings, often on specious grounds, and instead support public access to councillor briefing meetings in the same manner in which the public can attend ordinary and other council meetings.

Neil Gow Longbeach NSW

Certain issues associated with the NPWS in-kind
contractors closing our beach access road at
Maloney's Beach

Presentation to ESC 19th November 2024

Good afternoon. Mayor Hatcher, Councillors and council staff.

Thank you for providing me the opportunity to present this very important chronicle of key decision points in regard to Parks closing our beach access road at Maloney's Beach. Parks contractors funded by the so-called Walks project, closed our road.

Everything I mention today is a matter of fact and is supported by a clear and concise documented audit trail of artefacts.

For some context, the Walks project, and the basis for securing State funds, were defined within their Draft Masterplan and associated artefacts. In our discovery process, with Parks, and the relevant Minister all have consistently and robustly defended their position that they never planned, nor needed our road closed to achieve their project objectives. Their codified and public disclosure was always based on the notion they would use natural barriers to stop vehicular access crossing from council property to Parks land.

History now shows their intent was to use the funding resource of state monies to close our beach access as their public plan was demonstrably unachievable as presented to the public

We always believed this was a Trojan horse project. The GM's report, that attaches the agenda, confirms a barrier line of bollards will be required by Parks across the whole of the what is the eastern boundary of council property. This has been required by Parks from day one and was omitted in the public disclosure process least their need to close our road was discovered.

Parks heralds the fact they had over 100 responses to their public consultation. All these responses are now confirmed to have been based on a false premise!!

The profound negative public amenity impact should have been disclosed and the explicit authority of council to close access should have been clarified from day one.

Like many in the local community I examined the Parks proposal in detail and had no comment as the plan had no impact on our local amenity. In a leap of faith, I actually trusted the plan would be implemented as presented and approved by government.

In mid-2023 I rocked up to the waterfront with grandchildren in tow to launch our small Zodiac, as I have been doing for 22 years. Alas I was denied access.

I made representation to our local member who dutifully staffed a representation to the relevant Minister seeking detail on Parks role in closing our road. The subsequent MINREP response dated August 2023 made no mention of Parks contractors closing access. I was offered the gratuitous advice I could use the non-existent boat ramp at Long Beach.

Come the new year I was advised that Parks closed our road. I immediately followed up with the contact officer.

How did you obtain authority to undertake works on council land without apparent planning approval?

The ESC requested NPWS to undertake the works that occurred on the council managed land.

No reference of how this request was formalised was offered. This process completely blurs accountability and duty of care obligations. Especially hurtful in regard to emergency egress as was required during the 2019 bushfires.

In undertaking the additional scope of works was the cost of these works included in the original scope provided by Government and who was the legal delegate to authorise these additional works?

The additional works were **not funded by the grant that NPWS received from the NSW Government to construct the Murramarang South Coast Walk. NPWS allocated internal funds that covered the cost of the additional work.**

Let me repeat NPWS allocated internal funds that covered the cost of the additional work.

That's interesting, so maintenance funding was used to execute capital works! Two different purchase orders were used, one for work on Parks land and one for work on council land?

A disingenuous position.

The Director of Parks on 14 February gets involved and confirms.

The works were carried out by in-kind Parks contractors.

A unique contract model to avoid disclosing the actual funding source. Now if the funding source is directly associated with the Walks project it requires the same in principle public disclosure as the rest of the project!!

In April following presentation of our 900+ signature petition to council a meeting was organised to discuss the issues associated with Parks closing our road. Two ESC officials were in attendance along with the project director from Parks.

The important questions from our point of view were who paid and who approved?

The council officials were not able to answer either question! The Parks representative confirmed he thought he had an email from council requesting road closure.

Following the meeting neither council nor Parks could find the subject authority email!

Mid this year the NSW Parliament released the so-called Parks authority to close our road.

Quote from council dated 13th September 2022

We are interested in what you are proposing for the existing track south of the proposed carpark. Upon inspection, our preference would be for this to be closed and to leave as a footway access only.

Quote from Parks 5th October 2022.

The contractor will have the required plant on site to complete the works within the national park; therefore, the cost will be nominal and can be covered by NPWS in this instance.

Quote from council dated 5th October 2022.

Yes, proceed as discussed with YYY. We have already advised ZZZ as they were keen to have this area tidied up. Appreciate the help from NPWS.

Months later Parks confirmed Walks funding was used albeit as a non-monetary consideration for an easement they received from council.

Nothing in their public disclosure Master planning documents suggested an easement might be required.

And the game of ping pong starts!!

Parks confirm, council undertook separate consultation with local community regarding the access track on Council land.

No evidence was provided!

Parks consistently maintain they had no obligation to consult because council 'asked' them to close our road. Parks confirmed they conducted no consultation.

A follow up question was pursued in the NSW Parliament?

What appropriation was used by Parks in closing off the existing track located south of the carpark on council land as part of the Murramarang South Coast Walk project at Maloney's Beach?

Who is responsible for this consultation?

The works were carried out by the National Parks and Wildlife Service (NPWS) as non-monetary compensation for the creation of an easement over the council land to access the Maloneys Beach precinct.

Never answering the question what appropriation was used nor who was responsible for consultation.

To date Parks refuse to provide any details about this non-monetary easement. No details on when. No details on the value of the compensation. No

details on how they would establish a reasonable value for the public amenity loss they were about to inflict on the local community.

Recent discovery confirms at the 26th October 2021 Council Meeting the council agreed to an easement from Hibiscus to the now established Parks carpark. A perfectly sensible thing to do. The only requirements were for Parks to pay the legal costs of the easement paper work.

Absolutely no mention the easement value would be available into the future to pay for Parks contractors to close our road. What was the assessed value of this easement?

Notwithstanding the dollar value, if any, it should not have been held for some future application associated with the walks project, it should have been returned to general revenue. The decision to close access should have been transparent with funds allocated following the normal scrutiny of public disclosure.

In summary the shifting of responsibilities by Parks to obscure their true project intent has been calculated, deliberate and blurs accountability with the ratepayers paying the price.

The amount of personal energy we as a group have expended to get to the facts from a faceless bureaucracy is a burden that citizens should not be required to carry.

I urge councillors to approve the removal of the sandstone blocks and let the local community heal.

Geoff Davis

FIEAust CPEng MCEE Grad Dip SS

Board Commissioner (rtd) NTPWS

Thank you, councillors, staff, and the mayor, for providing me the opportunity to present to you today. Furthermore, thank you for your past and present contributions to the community.

Thank you for facilitating the community consultation and feedback relating to the beach access at Maloneys Beach. I'd like to discuss this matter in detail today.

Firstly, for transparency, I'd like to disclose my current committee position with the Maloneys Beach Residents Association. I accept the committee has agreed to maintain isolated and natural with respect to the beach access matter. Today, I represent myself my family as ratepayers of our property at Maloneys Beach, starting from 28th July 1988, totalling 36 years.

Unfortunately, I want to begin by expressing my disappointment with the GM's report as presented in the agenda. A few aspects of the report seem misleading, and I believe it's essential to clarify these points.

The GM's report has a strong focus on restrictions and reasons to deny beach access, along with a lack of support for the removal of the sandstone blocks, which may give the impression that this change is a recent consideration or a new community request. However, as most of us know, this beach access has been an amenity available to the community for over 50 years. As presented by the facts, the majority of the community is requesting the reinstatement of an existing amenity. Again, this is not a request for a new amenity or asset.

Within the report, there is a significant omission of positive aspects. The report neglects to address the potential benefits of reinstating beach access, such as enhancing social connections, supporting elderly residents, improving family interactions, and promoting physical and mental well-being through outdoor activities and recreation—elements that have shaped the community and contributed to its unique identity. Furthermore, the report overlooks the division caused by the closure, an impact that is both difficult to ignore and challenging to quantify. Understandably, this has led to frustration within the community.

Regarding the consultation process, it seems there is a misrepresentation in the way responses were documented and presented within the GM report. The council's initial community feedback invitation and consultation did not request any details of residential status, nor did it require addresses. Consequently, the responses from my own family, as homeowners in Maloneys Beach, did not include this information because it was never requested. Therefore, I'm perplexed and confused as to why distinctions based on residential status are being highlighted in the report's breakdown; these metrics were not part of the consultation specifics. Once again, this highlights the lack of detail implemented in this situation, resulting in where we are today. If a distinction between homeowners and non-homeowners were to impact the results, it should have been clearly specified within the consultation invitation and announcement delivered to the community. The format utilized to present the results of the consultation, combined with the negative comments within the GM's report, could potentially be interpreted as biased and indicative of an intent to misrepresent. In my opinion, questions need to be asked as to why the consultation details have been presented in this manner, contrary to the consultation invitation presented to the community.

Furthermore, a relevant summary of the consultation results is notably absent from the report, which again can skew interpretation. For clarity, here is the relevant summary and breakdown based on the data calculations from the consultation results: a total of 254 responses, with a dominant result of 198 favouring the removal of the sandstone blocks. This compelling result shows 78% in favour, 18% against, and 4% neutral. These results, supported by a community petition with over 900 signatures submitted to ESC earlier this year, along with a social media group of 400 members should be raising genuine conversations within this room about how the amenity can be swiftly reinstated, rather than focusing on why it shouldn't be or can't be reinstated.

Moving forward, I would like to highlight some relevant details within the GM's report. There are multiple comments relating to vehicles driving and accessing the beach, along with access to national parks and marine parks managed land and waterways. As per the consultation, the feedback is purely relating to the "removal of the sandstone blocks," providing access closer to the beach.

Within the GM's report, comments from NPWS confirm their agreement to install a line of bollards at their own expense along the council land boundary. However, it is concerning that NSW Parks failed to disclose that, according to the original approved coastal walk master plan dated August 2020, the boundary between the ESC and NPWS

was to be secured with natural barriers, as identified in the master plan. Unfortunately, these barriers were not installed during the project rollout. This project adjustment is one of many related to the project that have not been completed in accordance with the scope of work outlined in the approved NPWS project master plan. It appears the need for boundary barriers was conveniently removed when NPWS concluded to amend the approved scope of works to the effect of closing off the entire area, including beach access across both parks and council lands. Additionally, comments from the Marine Parks Authority confirm no objection to decisions relating to the reserve infrastructure, including vehicle access adjustments.

Maintenance costs, if any, can be accurately forecasted based on historical data tracked by the council, which reflects the previous expenditures required to maintain and uphold this pre-existing amenity. Regarding concerns about illegal camping, littering, and both regulated and unregulated recreational and social activities, I fully support the authorities in enforcing necessary penalties to preserve the area's integrity and ensure environmental sustainability.

The information presented highlights the community's concerns and favourable feedback regarding access, emphasizing the need to address access issues while respecting both environmental and community needs. This perspective is supported by a significant number of ratepayers, residents, and visitors who eagerly await a resolution.

In conclusion, my experience, along with many others connected to this matter, highlights the significant personal sacrifices we have made—financially, emotionally, personally, and professionally—due to the negligence of decision-makers in adhering to essential protocols, governance, and due diligence. These failures have resulted in adverse consequences for this sensitive project that has profoundly impacted our community.

Good afternoon Mayor, Councillors, Staff, Gallery and those comfortable zooming from home my name is Patricia Hellier from Batemans Bay

GMR24/019 I have read in detail the General Managers report on this item and I base my statement on this report. I am quite familiar how submissions are recorded and reported on the Agenda. I am very familiar with Maloney's Beach and I have sympathy for those **genuine fisher people**.

In reading this report I understand there are **Legal Implications** to removing the 3 sandstone block.

I note in the **Legal summary** it states Maloneys Beach, below the mean high-water mark, forms part of the Batemans Marine Park. In general, a person must not use a vehicle in a marine park, except for the purpose of launching or retrieving a boat or similar, from a designated boat launching facility. In the reading of detail on this issue I believe **there is not** a designated boat launching facility at Maloneys Beach.

The submissions have shown that some house holds provided **multiple responses** and many submissions indicated a desire to **access the beach by vehicle** for the purpose of **launching a vessel**.

I note in response from **NPWS** , should the ESC reopen the vehicle track then NPWS must installed bollards on their land at their costs.

I also note **Marine Parks** responded stating should council determine access, Council alone will have to monitor any potential compliance, governance, social amenity or safety issues. MP's asks for **details of a contact to be provided. Councillors ask yourselves has Council the resources to construct and maintain a vehicle track and monitor Maloney Beach for illegal launching of vessels?**

I note that on **2 occasions the bollards were illegally removed** and Council had to replace them with the **sandstone blocks**. Councillors my concerns are if the blocks were removed what is the **Legal implications for ALL the ratepayers of this shire should there be any harm suffered by a person because any illegal action, will it cost the ratepayers of this shire?**

My 2nd Item -

FCS24/050 POLICY REVIEW – CODE OF MEETING PRACTICE

Councillors we live in a society where we are continually dictated to and in this review we are being told we MUST – Councillor I have an analogy for you to think about as I read my presentation – there are some in the community who would like the General Manager add a MUST to this COMP that being – Councillors MUST reply to ALL emails –

The executive statement states **Council Policies are reviewed within the first 12 months of a new Council term**. Councillors, the COMP was adopted in **July 2023 and previous to that we work shopped the COMP**. I question what is the haste, we have 5 new Councillors and this is only the 2nd meeting for this term of Councillors. I firmly believe there is plenty of time for the COMP to be thoroughly reviewed by this group of Councillors.

I am extremely disappointed in relation to the manner in which this COMP has been presented. In previous years the COMP was highlighted in different colours **Mandatory was in Black and Non Mandatory was in Red and the new points in another colour**. I firmly believe this would benefit the Councillors especially to identify **Mandatory and Non Mandatory**.

In an email I have received from Mr Scott Westbury he stated that **Item 7 is the only Mandatory item in these amendments.**

AMENDMENTS – I do not agree with POINT 2. I do not believe that a presenter **MUST** state if they are **FOR or AGAINST** an item, as depending on what the item is, **I MAY** have an alternative option to put to Councillors which might be a combination of **for and against.**

POINT 3 – I do not believe that presenters MUST provide a written statement to Council by 12.00 noon the business day prior to the Council meeting.

POINT 5 – I do not believe that presenter for Public Access MUST provide a written statement 12noon the business day prior to the meeting.

POINT 8. A Councillor participating in Audio-visual Link I firmly believe the face of the Councillor should be seen on the screen at all times and that there should be an undertaking that no one else is present in the room during the Audio Link. I have watched the Live Streaming of another Council and when a Councillor requested to appear on Audio Link the Chairperson read a statement and the Councillor had to agree to the conditions prior to being accepted to access the Audio Link.

POINT 9. Rescinding or altering Council decisions – I do not agree changing the 3 months to 1 month, as it may take up to 3 months to see if a resolution is workable.

POINT 11. I do not believe that petitions containing less than 500 signatures be treated as general correspondence as Councillors may never know that a petition existed– this disadvantages smaller populated areas such as South Durras, Congo etc .

Thank You
Patricia Hellier
19/11/24

Response to the Draft Housing Strategy 2024-2041

I am focussing on **Housing Affordability**

1. Introduction:

I acknowledge the work done by ESC in this strategy. Stakeholder meetings concluded the current situation disproportionately affects the most vulnerable and lowest income earners and the difficulty faced by those in the long-term rental market.

The Draft recognizes that housing should be affordable, stable and supportive of aspirations and well-being. However, the summary of actions (**see Fig 6.1**) consists mostly of motherhood statements that lack detail. Furthermore, the Draft states 'The affordability problem needs national and state-based solutions with Council working around the edges of the problem.' How can this vague idea, 'working around the edges' address our specific housing needs in a convincing manner?

Last Friday, the NSW Government announced that local councils will be bypassed for development and rezoning approvals for major residential housing projects in rural areas worth \$30 million+. Their website states, 'Proposals will be selected through an EOI process with established criteria ... and with a flexible approach to planning controls, including any incremental zoning changes.'

Local Government NSW has called this a "Christmas gift for developers." Without detail as to what the criteria are, many concerns arise regarding habitat, bushfire and flood protection, Indigenous sites, sustainable and affordable typology, amongst a range of yardsticks that make a community liveable.

Due to take effect early 2025, the onus will be on all local councils to provide more specific information than this Draft delivers within the 'short, sharp consultation process with stakeholders' that the NSW Government plans. This is alarming, and the chilling irony is the approval process will probably take just as long in considering the above factors, unless there are short cuts taken.

Local councils have a better idea than the NSW Government what their community needs and the mix of housing required. Specifics will be crucial.

2. Housing Affordability

The Draft states that the key is to focus on apartments and multi-unit housing. It says that the Strategy provides incentives for the building of more affordable housing for low income and homeless communities in the form of a contribution scheme that requires a percentage of affordable housing as part of a housing development. But it goes on to say that Council cannot provide the necessary funding. So, what exactly is the incentive?

The conclusion in the Draft is there are no simple solutions to the crisis in the affordable rental and home ownership market. However, I believe there is one area in which The Eurobodalla Council can influence the supply of affordable and stable housing. This being their rules governing **Caravan Sites and Campgrounds**.

P21 states 'Caravan sites and campgrounds provide some tourism buildings and long-term community housing. The Eurobodalla is well-equipped with caravan parks, camping grounds and opportunities for RV/campervan stations. While off-season, there is some short-term availability in campsites for low-income or displaced people, we must provide more long-term legal solutions.'

Part of this statement is misleading. Most parks only provide a very small percentage of their cabins for long-term tenancy, most of which pre-date the current Council rules. There used to be provision for more stable, long-term, permanent residency in caravan parks in Eurobodalla. Currently, in most parks, on purchasing a cabin you must also pay a yearly rental for the site but only occupy it for 180 days per annum. So, what do you do for the other 6 months? Logically, you must move elsewhere, fill it with furniture, duplicating the process and cost. You also must leave the site for 2 or 3 individual days in each 180 day period.

This places needless stress on often already traumatised people who may have lost their job; are in low-paid work and can't afford other accommodation; have

experienced a marriage break-up; lost their home to bushfire or flood; are aged pensioners needing to move to more appropriate housing.

It is even harder if you own a caravan and are looking for stable accommodation. One case I know of is a 75-year-old man, who suffers from PTSD, depression and anxiety, as well as limited mobility, who has had to move 7 times in 8 months.

There are different rules for different parks – generally 1 month max - and different lengths of time governing how soon you can return. He experienced a marriage break-up earlier in the year and is waiting for his home to sell. Currently the market is sluggish. Also, when the house sells, with him only receiving half, it is unlikely he will be able to afford permanent housing.

Building affordable homes takes time (DA approval, the build), but changes to the rules to allow/require caravan parks to offer permanent residency for a 'reasonable' percentage of their sites could be done much faster. I know of one CP in Eurobodalla whose owners have been trying for years to have the previous policy reinstated. There should be enough data existing already that show holidaymakers' occupancy rates to help determine the number of potential permanent sites that could be made available in each park.

My final point on housing affordability is **climate-readiness**. It is not clear in the Draft how emissions reductions, carbon-positive buildings and sustainable housing, resilient to climate shocks, will be achieved. Ensuring that all new housing is built to maximum energy efficiency, that it takes advantage of renewable energy and local energy generation and storage, will be needed to buffer residents from excessive energy costs while reducing emissions.

ABE Presentation on PSR24/018 Draft Housing Strategy.

Good afternoon. Thank you for the opportunity to address Council regarding PSR24/018 Draft Housing Strategy, and congratulations to new and returning Councillors.

I am presenting as Co-Convenor of A Better Eurobodalla (ABE), a community forum dedicated to having open and inclusive government in our region. ABE has applied our principles of good governance to the draft Housing Strategy, and urges Councillors to reject the recommendation to endorse the draft document at today's meeting.

The draft Eurobodalla Housing Strategy (EHS) is intended to fulfil Council's obligations under the 2018 NSW Local Housing Strategy Guidelines, which assist councils in developing their Local Housing Strategies, and provide a detailed outline and template of how to undertake this process. Unfortunately, the draft EHS has largely ignored these guidelines, with many key elements either missing or briefly glossed over.

For example, the NSW Local Housing Guidelines specifically state that the strategic purpose of a housing strategy is *"to present council's response for how the housing components of District and Regional Plans will be delivered locally. Where housing targets (including affordable housing targets) are part of Regional or District Plans, these should be addressed in the Local Housing Strategy"* This strategic purpose is missing from the draft EHS, which also fails to properly address 3 key housing objectives included in the draft South East & Regional Tablelands Plan. These are :

Objective 17 - Plan for a supply of housing in appropriate locations;

Objective 18 - Plan for more affordable, low-cost and social housing; and

Objective 19 - Improve the quality, resilience and sustainability of housing.

In terms of these objectives, the draft EHS provides a partial response to Objective 17, avoids or pays lip service to Objective 18, and totally ignores Objective 19. It therefore fails to fulfil its key strategic purpose.

The omission of Objective 19 is particularly notable, given that ESC's own Local Strategic Planning Statement (LSPS) includes the strategic priority to *"Promote sustainable living"* (with specific mention of sustainable building principles), and the draft EHS also fails to mention Council's Climate Change Action Plan, which includes multiple recommendations and initiatives directly relevant to this objective. Sustainable building design and construction are key elements of an integrated approach to housing in general, and affordable housing in particular, as they dramatically reduce the recurrent running costs of housing.

Other notable disparities from the NSW Local Housing Guidelines include :

- failure to include an implementation and delivery plan as required in the Guidelines, which state : *The LHS should include an implementation and delivery plan that will identify when and how housing will be delivered over the life of the LHS, what type of housing will be delivered, where it will be located and the mechanism for delivering it.*
- lack of a specific monitoring and reporting process which can be used to evaluate the effectiveness of the strategy, thereby failing to fulfil Step 4 of the Guidelines.
- the EHS objectives fail to include the amount and type of housing required to address particular needs, including affordable housing, adaptable housing, seniors and people with a disability, local workers and students, even though these categories are specifically required by the Guidelines.

It is striking that people with a disability, seniors, local workers and students are not mentioned at all in the EHS – they have been totally ignored. Furthermore, in terms of affordability, it is noteworthy that all 3 LGAs adjoining Eurobodalla already have Affordable Housing Strategies, with Bega Valley Shire commissioning an Affordable Housing Implementation Group (including community members) which has met regularly since 2022. In contrast, Eurobodalla Shire cannot bring itself to use the word ‘affordable’ as an adjective describing its own housing strategy, which essentially proposes that Council cannot do anything to improve housing affordability. Why this disparity? What unique characteristic sets Eurobodalla Shire apart from its neighbours when it comes to affordable housing strategies? No clear explanation is given in the draft EHS.

The draft EHS also reflects a flawed approach to the 2 information sources used in its compilation, which are a Local Housing Strategy Background Report by Judith Stubbs & Associates and a Eurobodalla Housing Supply Audit by Gyde Consulting.

The Local Housing Background Report is of excellent quality, with plenty of useful information and ideas for policies and actions (e.g. the appointment of a dedicated Housing Officer to Council), yet most of these suggestions have been ignored or downplayed in the draft EHS without any concrete reasoning or explanation. This omission constitutes a major deficiency in the draft EHS.

In contrast, the Eurobodalla Housing Supply Audit exhibits significant deficiencies which are reflected in the draft EHS. The Audit is a GIS-driven desktop assessment containing contradictory information on the number of dwellings approved per year (28/year in the Executive Summary compared to 310/year in Section 2.3), and is also contradictory in its application of conservation criteria. For example, Table 3 on Page 12 states that E2/C2 conservation areas are “non-mitigable” (and hence cannot be developed), yet

Table 8 on page 42 indicates that part of the Broulee site listed for development includes land zoned C2, and is scheduled to be available for development from 2029.

The Audit Report also implicitly assumes that significant environmental constraints (including bushfire and flooding hazards) can somehow be “mitigated” with the passage of 5 or more years of time (see table 3 on page 12). This is an unsustainable assumption, which flies in the face of lived experience in the recent Lismore and western Sydney floods, as well as the catastrophic 2019-20 Black Summer Bushfires.

In summary, the draft EHS fails to provide a coherent and logically structured plan to respond to pressing current needs. It relies extensively on a housing audit with unrealistic/unsustainable assumptions embedded in its core methodology, while ignoring many practical suggestions in an excellent Background Report. In addition, it fails to meet key requirements of the NSW Housing Strategy Guidelines, ignores people with a disability, seniors, local workers and students, and does not provide monitoring and review tools to allow evaluation of the strategy’s effectiveness.

In its present state, the draft EHS cannot be considered an adequate basis for planning future housing activities in the Eurobodalla. It needs to be significantly reworked to bring it up to standard, and then put on exhibition for genuine community consideration and feedback.

Thank you

Dr Brett Stevenson
Co-Convenor
A Better Eurobodalla
18/11/24

PUBLIC FORUM

COUNCIL MEETING 19 NOVEMBER 2024

PSR24/020 NEW ANIMAL SHELTER DESIGN AND CONSTRUCTION

Congratulations to all councillors on your election/re-election to Council, and thank you for the opportunity to speak to you today.

Those of you who were here in 2019 – I think that is Councillors Mayne, Pollock and Constable – may remember my speaking to you about the issue of the inadequacies of the current animal shelter, and also that Council agreed unanimously at that time to receive a report as soon as possible on needed improvements.

Unfortunately, events were overtaken by first, the fires, and then COVID. In the end, some minor improvements were made, but none which substantially bettered the life of the animals being housed there. I am, therefore, very happy to be here today to support the recommendations in the report before Council regarding preparation and submission of a Development Application for the construction of a new shelter.

As you would be aware, Councils have a range of responsibilities under the *NSW Companion Animals Act 1998* which necessitate the running of a shelter for animals which come into their care for a variety of reasons.

Last financial year, Council rangers managed 172 animals in the local shelter, which is about average for NSW councils, according to data from the Office of Local Government. During the years I spent volunteering with the RSPCA Eurobodalla Branch, I had many visits to the pound and many dealings with the rangers. Their work with animals is important, and I would like to take this opportunity to thank them for the efforts they make on behalf of the dogs and cats in their care.

However, there is no denying that the facilities where these animals are housed – 35 years old, and built when we as a society knew less about the physical and psychological needs of companion animals – are well and truly passed their use-by date.

Last year, a New South Wales Parliamentary inquiry was established to look into all aspects of NSW pounds, and its report has recently been published. Its findings included the view that:

many pound facilities in New South Wales are sub-standard and not fit for purpose, and fail to meet community expectations for animal welfare.

Recommendation 15 of the report was:

That the NSW Government develop an enforceable Code of Practice containing standards for construction, and the care and housing of companion animals, in New South Wales pounds, including, but not limited to:

- *minimum space requirements for animals*
- *quarantine and isolation areas*
- *minimum size for exercise areas for animals, as well as minimum requirements (including time) for exercise*
- *housing design that ensures animals' health, welfare, physiological, psychological, behavioural, and social needs are met*
- *appropriate heating, cooling, air quality, ventilation, lighting, and noise control*
- *separation of dogs and cats in pound facilities, so they cannot see, hear or smell each other, and consideration of other species if the pound is not limited to cats and dogs*
- *other requirements including access to veterinary care, appropriate first aid facilities, food storage, waste removal, hot and cold running water, vaccinations, and desexing.*

Given this, I am sure you would agree that the design of Eurobodalla's new facility should take these recommendations into account, since the current Code of Practice covering council pounds dates from 1996.

My own inquiries indicate that many councils around the state have acted already on the issue of the standard of their animal shelters, with new facilities having been built or under construction in Griffith, Orange, Shoalhaven, Wagga, Albury, Bathurst, Dubbo, Gunnedah, Inverell, Armidale, Goulburn and Dubbo.

Many of these facilities utilise volunteers for animal grooming, training, exercising, ground maintenance, general assistance and foster caring. Eurobodalla has a vibrant volunteer community across the arts, social support, environment, transport and mentoring, and I would encourage this approach for our new animal shelter. The more interaction with humans for animals in care, the better their chances of being adopted.

As to the design of the facility, I would like to see the opportunity for public input around this aspect. This shelter needs to be a place that is not only appropriate for good animal welfare but also welcoming to the broader community. Councils are increasingly being relied on to take responsibility for rehoming many of the animals that come into their care, so a pleasing atmosphere for potential adopters is essential.

A public consultation period and perhaps some meetings of interested people and organisations for providing input into the design of the new shelter would not only give the community a sense of pride and ownership, but also help encourage volunteers, as well as to spread the message about its being the place to start looking for a new pet, with lots of information available about being a responsible pet owner.

I would like to thank General Manager Warwick Winn for his commitment to this project, a much-needed improvement to our shire.

I urge councillors to support the recommendations in the report and I look forward to a brighter future for needy animals in our shire.

Thank you for your time today.

PUBLIC FORUM 19 NOVEMBER 2024 - Peter Cormick

ITEMS:

- PSR24/020 NEW ANIMAL SHELTER DESIGN AND CONSTRUCTION
 - FCS24/050 POLICY REVIEW – CODE OF MEETING PRACTICE
 - FCS24/051 COUNCIL SUBMISSION TO THE OFFICE OF LOCAL GOVERNMENT ON TH DRAFT NEW FRAMWORK FOR COUNCILLOR CONDUCT AND MEETING PRACTICES
 - IR24/020 MAINTENANCE OF UNSEALED ROADS
-

ANIMAL SHELTER (page 36 of the agenda)

- I am very pleased to see this long-overdue matter brought before councillors, and thank whoever is responsible for doing so.
 - The report certainly points in the right direction but is exceedingly tentative, with very little detail. There are no details available to the public on
 - The design of the shelter, except for a postage stamp sized indicative plan
 - Or on how and with whom the shelter has or will be designed. Has the essential advice from animal welfare experts and veterinarians been sought and incorporated into the planning?
 - Or on how the estimated cost was arrived at
 - etc
 - The report refers to a Dept of Primary Industries Code of Practice which sets out standards for “animal boarding establishments” including council pounds, implying that the new pound will meet those standards. HOWEVER, that Code of Practice is almost 30 years out of date. And, concerningly, the report makes no reference to the highly pertinent NSW Parliamentary Report titled *Pounds in New South Wales*, which sets out present day standards, made public just 4 weeks ago.
 - Of greatest concern is the evasive language on the quantum and timing of the funding of the project. As written, the report indicates a grant application being made *after* council’s own budgetary allocation is in place, whatever that might be! A grant application should have already been made!
-

THE CODE OF MEETING PRACTICE (page 91 of the agenda)

- I oppose the recommendation in the strongest terms and implore councillors to NOT endorse the draft amended CMP.

- The report is presented to council under the “Community Goal ... [of] **progressive** leadership”!
 - But many of the proposed amendments are most certainly not progressive; they are **regressive**. They seek to wind back hard-won improvements to the CMP: most significantly, the removal of the requirement to provide a written version of a presentation. It is nonsense to claim that a written version provides council with the opportunity to answer questions raised by a presenter. My own experience is that questions by a presenter are NOT answered by council nor are concerns commented upon.
 - The report advises that the CMP “has been reviewed and several amendments are proposed”. *Why* has it been reviewed in the way that it has been? Who initiated the review? And the number of proposed amendments is certainly not “several”; they are many, including at least one which appears to be in breach of the LGA.
 - To propose to treat a petition of, say, 490 signatories, as “general correspondence”, reveals a great deal about the attitude of those who proposed this appalling amendment.
 - The apparent and quite unnecessary urgency of this review of the CMP raises questions. And to seek to place this draft on public exhibition almost entirely over the Christmas/New Year period raises further questions.
 - Councillors have been asked to “endorse” the draft amended CMP for public exhibition. To do so, would be to agree to its contents; to agree to step back, to regress.
-

COUNCIL SUBMISSION TO THE OLG ON THE DRAFT NEW FRAMEWORK FOR COUNCILLOR CONDUCT AND MEETING PRACTICES (page 95 of the agenda)

- I agree with much of that is contained in council’s response to the OLG, except on the issue of most concern to council staff, being OLG’s proposal to make briefing sessions open to the public – which I wholeheartedly endorse – and on the exclusive focus on councillor misconduct, leaving the important matter of staff misconduct unattended.
- The OLG has stated that:

To promote transparency and address the corruption risks identified by the Independent Commission Against Corruption (ICAC) that can arise from a lack of transparency, it is proposed that councils will no longer be permitted to hold pre-meeting briefing sessions in the absence of the public. Who could argue with that?!
- It is no answer, as repeatedly referred to in the report, to object to this proposal on the ground of it being “unworkable”. What does that mean, exactly? If there is nothing to hide from the public, how on earth can it be said to be unworkable?

- One can only wonder why the OLG issued the discussion paper on 5 September, just a week or so before the council elections. In any event, the community was listed first in the list of stakeholders, yet, as far as I have seen, council has at no time brought the discussion paper to the community's attention, until now, about 10 weeks after it was first released. Very poor form. And I wonder when it was first brought to the attention of our councillors – possibly with little time to provide considered input.
-

MAINTENANCE OF UNSEALED ROADS (page 118 of the agenda)

While it is very good to see that Araluen Road will continue be graded twice a year, even if not for the whole length, it remains very disappointing that the earlier frequency of four times a year, for the entire length, has been abandoned.

Submission to council : DA0518/24

lot 3DP865527 Specialised premises , 3 Kings

Highway

Batemans Bay, NSW 2536.

Joan Armstrong

Addressing :South Coast Environmental Consulting Report /Flora and Fauna.

1. Introduction:

1.3. Potential direct and indirect impacts /indirect impacts on flora and fauna anticipated from the proposal.

(a) Some noise and light disturbance from resident use which may alter behaviour of nocturnal fauna

(b) Increased potential for soil erosion and hydrological changes.

(c) Microclimate changes to areas of retained vegetation arising from clearing of the native vegetation.

(d) Possible weed invasion into native vegetation adjoining the disturbed area.

1.7 Planning and legislation.

Legislation:

Eurobodalla Local Environmental Plan 2012.

Clause 6.6 Biodiversity.

Objective to maintain terrestrial and aquatic biodiversity including

(a) protecting native fauna and flora.

(b) protecting the ecological processes necessary for their continued existence.

(c) encouraging the recovery of native fauna and flora and their habitats.

(d) maximising connectivity and minimising fragmentation of habitat.

Response from South Coast Environmental Consulting : The entirety of Lot DP 865527 is mapped as extent native vegetation but no Endangered Ecological Community or Biocorridor. An EEC was confirmed on site but isn't part of the site for this assessment.

Comment: the nearby EEC needs to be visited to determine if the proposed construction will affect it.

2.2. Field Survey Limitations.

States : Surveys are subject to constraints ,time allocated ,methods used and timing.

Several surveys techniques were not undertaken given the limited

opportunity for fieldwork,the nature of the proposal and the habitats

within the subject land. Only a single nocturnal survey was undertaken.

2.3. Flora survey methodology.

Between October 2021 and Feb 2022 field surveys were conducted which took a

'Total of 8 persons hours'

Comment: This has to be deemed insufficient time to cover all the seasons of the

year.

2.4 Fauna survey methodology.

Conducted on 16th and 17th January 2022.

Stag watching was commenced at dusk and only went for one hour, spotlighting

Included.

One hour each night was spent using an Anabat scout device to target

Microchiroptera bats in area to be cleared.

The riparian area on the subject site isn't to be developed so these surveys were limited to 20mins.

Four trees containing hollows were identified.

A 30 minute day (diurnal) bird survey was carried out.

Nocturnal spotlighting was conducted both nights for 1.5 hours , a total of 8 person hours.

Comment - these hours barely touch the time needed to accurately assess the area.

It is stated in in Field Survey limitations . That only one nocturnal survey

was done.

Nesting time starts in August through to the end of January.

It is estimated by Zoologists that spotted gum forest habitat on the south east coast produces approximately 1,5 million fledglings each season.

(Reference : Michael Guppy,AnthonyOvers, Sarah Guppy.

Australian

Zoologist)

3. Results.

3.1 Flora results:

For the subject site no Endangered Ecological Communities have been mapped.

Field surveys have confirmed that the modelled mapping is incorrect.

There are

three vegetation communities present on the boarder.

Spotted Gum forrest occupies the standing forrest.

3.2 Fauna results .

Four living hollow-bearing trees occur on site and are required to be cleared for

the proposed development.(list available in survey).

Another 120 trees exist on site on site in the proposed development footprint

will be cleared. Another approximately 50 trees exist on site in the proposed APZ

area and will be cleared. There are approximately 120 young trees which were not

mapped ^{which} ~~will~~ will also be cleared.

One threatened bat species was recorded .

A BioNet Wildlife Atlas search identified 70 threatened fauna species that could

occur at the site.

Comment:

Hollow bearing trees provide roosting and breeding habitat for threatened

Cockatoo, parrot and forest owls. The list available from this proposal.

The Tawny Frogmouth living in this area produced 2 fledglings prior to the

2019/20 fires.

Whilst there is no standing water during dry periods when it rains the

Frogs inhabit the area and they can be heard at all hours of the night.

The amount of time spent doing this survey during the given hours does

not touch the sides of what goes on in this area on an annual basis.

In conclusion,

I would like to suggest that council visit the entire Flora and Fauna assessment provided by South Coast Environmental Consulting and perhaps a more comprehensive study done of the area for the proposed development.

I have lived in this area since 1989 and have seen two major bushfires come close to burning a large majority of the bush in this area of the Bay.

The 1994 fire which at the time was classed as the worst on record at the time had the area up to Lincoln Downs on the Princes Highway evacuated .

This was surpassed by the 2019/20 fire that came within half a kilometre of this area.

Post fire the remaining forest nearby became a haven for all the fauna that survived from surrounding areas. It took many weeks for the remaining fauna to return.

Between both these fires a DA was given approval to build a car yard and semi industrial area on this lot and the land was cleared. Small boxes were place in trees across the road at the then Country Comfort now known as the Bay Waters.

Unfortunately these were never used due to the location being lighting and constant human movement.

There is currently a larger one in place directly opposite the proposed development.

If this DA goes ahead in its current form and the hollow bearing trees are to be removed one council came up with a solution of how to make it better for the fauna instead of installing sterile boxes so maybe this council could consider doing the same. Photo attached.

I am not against any proposal that might benefit the Bay but this area is a

haven for many of our native fauna.

Perhaps ^{if} ~~is~~ the size of this development is reduced and the forest area retained it *would* continue to be a haven particularly in extreme circumstances.





Box directly opposite the proposed development

**Presentation by A Better Eurobodalla to public forum
at Eurobodalla Shire Council 19 November 2024
on FCS24/050 Policy Review - Code of Meeting Practice and
FCS24/051 Council Submission to the Office of Local Government on
the draft new framework for councillor conduct and meeting practices.**

Thank you for the opportunity to present to Council and I congratulate the new and returning councillors. Today I am presenting as Co-convenor of A Better Eurobodalla, a community forum dedicated to achieving open, accountable and responsive government in our Eurobodalla region.

The agenda papers I am commenting on are:

**FCS24/050 Policy Review - Code of Meeting Practice and
FCS24/051 Council Submission to the Office of Local Government on
the draft new framework for councillor conduct and meeting practices.**

To deal first with the **Policy Review - Code of Meeting Practice**. It is pleasing to see Council thinking about how best to conduct its meetings. It is worth noting that the current code of meeting practice was only adopted in July 2023 and was the subject of considerable community interest and engagement.

I am commenting only on one recommendation that I believe to be contrary to public interest and that has been canvassed and commented on at length previously.

First:

3. Clause 3.4 change from “Approved speakers at the public forum are encouraged to provide a written copy of their address to the Council by 12.00pm the business day prior to the meeting” to “Approved speakers at the public forum must provide a written copy of their address to the Council by 12.00pm the business day prior to the meeting”.

And

5. Clause 3.28 as per point 3 above, for public access sessions, replace “encouraged to provide” with “must”. Appendix B also amended to replace “are encouraged to” with “must”.

These proposed changes take us back to the arrangements that existed under the unlamented reign of the previous General Manager and the Council before last. They were changed for good reasons. I take no issue with the other recommendation that community members indicate whether they support a recommendation or not.

But to the replace the word ‘encourage’ with ‘must’ as it relates to advance copies of presentations to Public Access or Public Forums is a significant issue.

A Better Eurobodalla and, I believe, the majority of speakers at Public Forum and Public Access take the task of preparing and presenting to our elected representatives very seriously. We research and prepare our arguments responding to agenda papers and issues that we are only made aware of when the agenda becomes available on the Wednesday before a council meeting. A midday Monday deadline gives us essentially 4 and ½ days to research and write a paper.

We all have other lives and responsibilities. Many of us are employed, or active in the community in a voluntary capacity or are carers, or are managing major health issues. That extra 24 hours until 12:30 Tuesday allows for better considered and developed presentations to Council. Sure, if our presentations are ready let’s give them to you early but to prescribe this is onerous.

The other serious concern is that providing an early written presentation allows for Councillors to potentially be briefed on the content of the presentation before the meeting and before they have had the chance to hear and question the presenter. I can hear the objections to that now – ‘this doesn’t happen’. To that I say that we know that in the past it has happened and while we hope that is not the current practice, best practice is to avoid that possibility.

Now to comment on **Council Submission to the Office of Local Government on the draft new framework for councillor conduct and meeting practices**

The Office of Local Government have put forward a considered and thoughtful paper. I support the logic and hence quote for the paper:

Strong and thriving communities need effective local government. No other level of government is as close to the issues and people.

How councillors act and how appropriately and transparently decisions are made at meetings is critical in demonstrating to the community that their elected representatives understand the consequences of their decisions, and then make the best possible decisions they can for their community as a whole.

Unfortunately, the existing councillor conduct framework is not delivering on the need for transparency or the necessary degree of respect in the community for the role that councillors have.

Closed council briefing sessions are being used to make decisions away from the public view.

Communities and councillors report that council decision making is not transparent – with decisions being seen as made behind closed doors, information not being provided or withheld, too much use of closed to the public briefings or councils going into closed sessions for no adequate rationale.

The arguments previously put forward for not opening briefing sessions to the public range from:

- This is not needed because no decisions are made at briefing sessions, to
- Councillors would be embarrassed to ask uninformed questions of council staff if members of the public would witness this.
- And from today's agenda paper the premise put forward is that *'For such detailed briefings to be made open to the public, would be*

unworkable’ but without a cogent supporting argument for this position.

- Again, from the agenda paper: *For a councillor to be able to contribute, make informed decisions and participate in integrated planning and reporting, regular, detailed briefings from Council staff are essential. Briefings give staff the opportunity to provide detailed information and presentations to councillors and answer complex questions, enabling informed decision making and debate to take place during Council meetings.*

A good argument,

- but then the statement: *c) Council is unsure how councillors would be able to digest and understand information in a Council meeting where they are required to make a decision, without having been briefed beforehand.*

There is no suggestion from OLG that briefing cannot take place, simply that the public would be entitled to attend such briefings. There should be no impact on statutory timelines, or the quality of briefing material provided to councillors. If there are genuine matters, where commercial in confidence or legal confidentiality is required then clearly such provisions as currently apply to these matters would continue. I say this mindful of the overuse of confidentiality provisions that has occurred in the past.

- Also from the paper: *f) There is also a concern that open public briefings could lead to the voices of the loudest being heard, which may not in fact be representative of the community. Would the public be able to ask questions, or speak?*

The public can simply be observers of a briefing, as they are for most of each council meetings, excluding Public Forum. Hence no problem of ‘the voices of the loudest’ dominating.

The agenda paper seems to put forward the argument that either briefing sessions are closed to the public or they don’t happen. The OLG paper does not suggest this. Open and transparent information sharing

and decision making are two of the hallmarks of good governance. Contrary to the agenda paper, there is no suggestion by OLG that briefings take place during a Council meeting. Briefings can happen in the timeframe that now exists.

Also contrary to the agenda paper, there should be only a positive impact on councillors' capacity to discuss matters with their constituents prior to decision making taking place in the Council meeting. An informed community is an educated community.

The issue of mayors being able to have private briefing sessions will be a choice for our mayor. He may choose to do so but then normal briefings would continue for other councillors, just with members of the public being able to attend.

Thank you

Bernie O'Neil
Co-convenor
A Better Eurobodalla
18 November 2024

Public Forum Presentation by Jim Bright
19 November 2024
Agenda Items FCS24/050 & FCS24/051

My name is Jim Bright. I'm a resident of Narooma.

I'm here to speak on two agenda items – the proposed draft 'Code of Meeting Practice' and the proposed submission to the Office of Local Government regarding its discussion paper on a new framework for councillor conduct and meeting practices.

Firstly – to the draft 'Code of Meeting Practice' – in particular, the proposed change number 3 (on page 92).

This proposed change is that Public Forum presenters **must**, in future, provide a written copy of their presentations to the Council by 12 noon on the day prior to a meeting. Currently, our meeting code makes it optional for a presenter to submit a copy in advance of the meeting.

The history of this matter is that, before 2019, there had been no requirement by this Council for presenters to provide an advance copy. Then, in 2019, despite a deal of community opposition, our meeting code was amended to make it compulsory for presenters to do so. However, in 2022, the new councillors who had been elected in December 2021 voted to remove this requirement from our code. Less than 18 months ago, in 2023, there was another attempt to have this requirement re-inserted into the meeting code – but it was again rejected by the councillors and the community.

Remarkably, given the controversial history of this issue, the staff report, that is before you today, provides you and the community with absolutely no explanation for why those decisions by councillors in 2022 and 2023 should now be reversed.

And I also hasten to point out, that it's not as though we are somehow seriously out of step with some accepted norm.

A few years ago, when I surveyed the Public Forum arrangements in our four surrounding councils (ie Bega Valley, Shoalhaven, Snowy-Monaro and Queanbeyan-Palarang), the result was that none of them imposed this particular obligation on their citizens. And, if we take a look at the Office of Local Government's model meeting code, the fact is that such an arrangement is **not contained** either in the 'mandatory' **or** even the 'non mandatory' sections of OLG's code.

If council staff believe that, despite these facts, it would be in the public interest for this change to be made to our Council's code, then let them make the case to you and to the community between now and when you will finalise the new code next February.

There is **no** information before you at the moment that explains or justifies the inclusion of this requirement in the draft code that you have been asked to endorse today.

The agenda item on the proposed submission on the OLG discussion paper.

The Staff Report asks you to oppose OLG's proposal that all councillor briefing sessions should, in future, be opened to the public.

At the moment, OLG's model meeting code contains (in its 'non-mandatory' section) an option for a council to decide to exclude the public from its councillor briefing sessions. (Of no great surprise to the council-watchers in our shire, this option was enthusiastically embraced by earlier regimes.)

OLG believes that this option should no longer be available to councils and makes a strong case for this change in its discussion paper.

The reality of government decision-making is that the effectiveness of such processes is crucially dependent upon the quality and comprehensiveness of the information that is made available to our elected decision-makers. In this modern world of rapid social, economic, technical and legal changes, it is impossible for any individual councillor to be personally across the range of information needed to make properly informed decisions. It is therefore essential that all reasonable available steps are taken to provide them with a system that provides that information.

Of course, the public servants, who are paid for by the local community, are a key element in the provision of information to our elected councillors – but, in this complex world, it is not feasible to be able to rely only on that resource to enable you to satisfy the obligation placed upon you under the LG Act to make well informed decisions.

One way to do that is to enable community members to observe, first hand, the content, nature and quality of the information that council staff provide to you in the lead up to council meetings – and for those community members to be able subsequently to bring any inadequacies or errors to your attention.

I can appreciate that some councillors and council staff might not feel comfortable with such an arrangement but, on balance, it is essential, in the community's interest for this to occur.

Thank you for your attention.