



AGENDA

Ordinary Meeting of Council

25 March 2025

Statement of Ethical Obligations

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

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

ON TUESDAY 25 MARCH 2025

COMMENCING AT 12:30 PM

AGENDA

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

- 1. WELCOME**
 - 2. ACKNOWLEDGEMENT OF COUNTRY**
 - 3. APOLOGIES**
Nil
 - 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
4.1 Ordinary Meeting held on 25 February 2025
 - 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
 - 6. PUBLIC FORUM**
 - 7. MAYORAL REPORTS**
Nil
 - 8. NOTICES OF MOTION**
Nil
 - 9. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil
 - 10. PETITIONS**
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11. GENERAL MANAGER'S REPORTS

Nil

12. PLANNING AND ENVIRONMENT REPORTS

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Nil

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18. CONFIDENTIAL MATTERS

CON25/003 Review of Community Care Services

Item CON25/003 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**STEPHANIE SPEEDY
ACTING GENERAL MANAGER**

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PET25/002 DALMENY LAND RELEASE AREA DRAFT MASTER PLAN

S012-T00029

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: Nil

Council has received a petition from residents of Dalmeny, objecting to the development of land within the Dalmeny Land Release Area.

MOTION

THAT Council receive and note the petition.

BACKGROUND

Petition specifically states:

To the Mayor and Councillors of Eurobodalla Shire

We, the undersigned, do not support the Draft Master Plan for the Dalmeny Land Release Area because of the serious constraints of the land, risk from natural disasters, impact to the environment, limitations of local services and lack of affordable housing provision.

We strongly urge ESC Councillors to:

1. Meet with the Dalmeny Community.
2. Visit the proposed development site.
3. Address the major concerns of residents, to ensure bushfire and traffic safety, flood prevention and protection of Mummaga Lake and the local environment.
4. Identify local infrastructure needs, adequacy of local services and potential ongoing costs to ESC.
5. Obtain additional information, through consultation, studies or assessments, in order to address the major concerns of residents.

GENERAL MANAGER'S RESPONSE

The petition was received on 3 December 2024. A response to the petition is provided in this Council Meeting Agenda, Report reference PSR25/007.

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**PSR25/005 ENDORSE THE DRAFT BATEMANS BAY MASTER PLAN FOR
COMMUNITY AND STAKEHOLDER CONSULTATION**

**OP0034-S001;
OP0034-S006**

- Responsible Officer: Gary Bruce - Director of Planning and Environment
- Attachments: 1. Under Separate Cover - Draft Batemans Bay Master Plan
- Community Goal: 3 Our region of vibrant places and spaces
- Community Strategy: 3.1 Balance development between the needs of people, place and productivity
- Delivery Program Link: 3.1.1 Review, prepare and deliver planning instruments that support sustainable social, environmental and economic outcomes as guided by our Local Strategic Planning Statements
- Operational Plan Link: 3.1.1.1 Finalise a masterplan for Batemans Bay CBD that identifies options for more housing

EXECUTIVE SUMMARY

This report recommends that Council endorse the draft Batemans Bay Master Plan for public exhibition for a minimum of 42 days commencing on the 14 April 2025.

The draft Master Plan aims to stimulate economic development, consider infrastructure requirements, provide housing diversity and affordable housing options, enhance community well-being and respond to climate change impacts. These objectives will help guide the way to a vibrant, sustainable, resilient community which is well-prepared for future growth and development.

RECOMMENDATION

THAT Council:

1. Endorse the draft Batemans Bay Master Plan for public exhibition for a minimum period of 42 days commencing on 14 April 2025.
2. Following the exhibition period for the draft Batemans Bay Master Plan (plan), a report be presented to the Ordinary Meeting of Council for consideration of submissions and for endorsement of the final master plan.

BACKGROUND

The draft Batemans Bay Master Plan (plan) has been developed to address the future growth and development of Batemans Bay. The plan outlines strategies to ensure the town's infrastructure caters for the current and future growth, adapts to climate risks and natural hazards, protects the natural environment and promotes economic development.

The Master Plan was informed by preliminary community engagement and consultation to reflect the aspirations and needs of the local community. It is also recognised that a more thorough community engagement process is needed to seek a diverse range of views and to balance them against the expectations of future residents and landowners.

**PSR25/005 ENDORSE THE DRAFT BATEMANS BAY MASTER PLAN FOR
COMMUNITY AND STAKEHOLDER CONSULTATION**

**OP0034-S001;
OP0034-S006**

CONSIDERATIONS

Comprehensive Strategy for Batemans Bay

Objective:

The plan is a comprehensive strategy designed to guide the future development of Batemans Bay. It addresses key issues such as climate change resilience, housing diversity, economic growth, and improved infrastructure. The endorsement of this plan will ensure that Batemans Bay evolves into a vibrant, sustainable and inclusive community.

Development Process:

The plan has been developed internally but has drawn on external input from consultants specialising in architecture, movement and placemaking, and development economics. Council will exhibit the consultants reports during the consultation period.

Key Policy Areas

1. Redefining Spatial Arrangement:

- The plan will redefine the spatial arrangement of the town's functions, developing four distinct localities with associated uses:
 - **Tourism Quarter:** A mixed-use area facilitating living, working, playing, visiting, shopping, and entertainment.
 - **Residential Quarter:** Offers a wider range of living options for an aging population, tourism and conferencing facilities, and localised retail opportunities.
 - **Commercial Quarter:** The commercial quarter needs reinforcement; it will be redefined to facilitate significant floorplate commercial activities and mixed use residential accommodation.
 - **Industrial Quarter:** Will find new opportunities to expand and redevelop.

2. Movement and Transportation:

- The plan proposes Council revisit the movement of people and vehicles to create quieter areas, develop more pedestrian and bike-focused facilities, and transform some roads into public spaces, tree-lined boulevards, and shared spaces.

3. Increasing Residential Density:

- The plan focuses on increasing residential density through two combined options:
 - **Smaller Lot Sizes:** More townhouses and terrace accommodations.
 - **Additional Height:** Introducing height in selected locations within the tourism quarter and adjusting maximum height provisions in some residential areas.

4. Creating Enjoyable Spaces:

- Enhancing open spaces, increasing tree canopy, and incorporating aesthetic considerations into development outcomes to create enjoyable spaces. Examples

**PSR25/005 ENDORSE THE DRAFT BATEMANS BAY MASTER PLAN FOR
COMMUNITY AND STAKEHOLDER CONSULTATION**

**OP0034-S001;
OP0034-S006**

include changes to Perry Street and the Water Gardens to create new alternative spaces.

5. Environmentally Sensitive Infrastructure Management:

- Managing infrastructure in an environmentally sensitive way is a fundamental driver, including:
 - **Stormwater Management:** Addressing underdeveloped stormwater facilities and improving water management across all localities.
 - **Other Infrastructure:** Reconfiguring car parking, bus routes, waste management facilities, public toilets, and open space infrastructure, including play and recreation areas.

Key Benefits of the Master Plan

1. Climate Change Resilience
 - The plan includes measures to protect residents against climate change and sea level rise, ensuring long-term liveability and safety for the community.
2. Housing Diversity and Affordability
 - The plan provides options for elderly residents to downsize thus addressing the needs of our aging population.
 - The plan aims to introduce a broader range of housing formats, catering to diverse demographics and improving affordability.
3. Economic Growth and Night-Time Economy
 - The plan provides for activation and vitality in the town centre to stimulate economic growth and the town's economy.
 - Encouraging diverse housing formats and redevelopment of existing ones will attract new residents and businesses, boosting the local economy.
4. Improved Infrastructure and Traffic Management
 - The plan addresses internal traffic congestion and promotes alternative modes of transport, reducing the reliance on vehicles within the town.
 - Enhancements to streetscapes and public places will improve accessibility, particularly for pedestrians.
 - Existing stormwater infrastructure needs to be upgraded to meet current needs and to deal with climate variability.
5. Community Engagement and Quality of Life
 - Extensive community input will ensure that the plan reflects the aspirations of present and the future community.
 - The plan aims to develop a sense of community by creating a town where people want to visit, stay and live.

**PSR25/005 ENDORSE THE DRAFT BATEMANS BAY MASTER PLAN FOR
COMMUNITY AND STAKEHOLDER CONSULTATION**

**OP0034-S001;
OP0034-S006**

Legal

The public exhibition of the draft Master Plan follows the *Environmental Planning and Assessment Act 1979*, which requires community consultation for significant planning documents.

Policy

The draft Master Plan aligns with the strategic goals outlined in the Eurobodalla Local Environmental Plan and other relevant Council policies. It supports the vision of creating a sustainable and resilient community.

The plan will commit the community and Council to a long-term implementation process.

Endorsing the Batemans Bay Town Master Plan will deliver significant benefits to the community, including enhanced climate resilience, housing diversity, economic growth, and improved infrastructure. This plan is a crucial step towards building a vibrant, sustainable and inclusive future for Batemans Bay.

Environmental

The draft Master Plan includes measures to protect and enhance the natural environment of Batemans Bay. It addresses climate change adaptation, biodiversity conservation and sustainable land use practices.

Asset

Implementing the Master Plan will impact Council assets, including infrastructure upgrades and maintenance. The plan outlines the need for investment in infrastructure, public spaces and community facilities to support the town's growth. Council infrastructure renewal including adapting to climate change is a significant driver of the plan.

Social Impact

The draft Master Plan aims to improve the quality of life for residents by enhancing public spaces, promoting active transport and ensuring access to essential services whilst preserving the character of Batemans Bay.

The plan will provide a broader range of business opportunities and housing options for young families, aging populations and workforce accommodation in proximity to urban services.

Economic Development Employment Potential

The draft Master Plan identifies opportunities for economic growth including residential, tourism and commercial development.

It aims to create jobs and attract investment to the area, contributing to the overall economic prosperity of Batemans Bay.

Financial

Implementing the draft Master Plan will require financial investment from Council. Funding sources may include grants, developer contributions and Council's budget allocations.

**PSR25/005 ENDORSE THE DRAFT BATEMANS BAY MASTER PLAN FOR
COMMUNITY AND STAKEHOLDER CONSULTATION**

**OP0034-S001;
OP0034-S006**

Infrastructure upgrades are needed to ensure the town can service the future residents and protect it from the impacts of climate change.

Community and Stakeholder Engagement

We will inform the community through our website, online news, Council newsletters, and social media pages. At Council's Administration Office and Batemans Bay, Moruya and Narooma libraries will display copies of printed material.

We will also hold meetings, including focus groups, community workshops, kerbside meetings and market stalls.

The draft Master Plan will be placed on public exhibition from 14 April 2025 for a period of 42 days excluding public holidays. Council will invite comments from residents, community interest groups and interested parties. Council will monitor social media, capturing comments as part of the consultation process.

CONCLUSION

The endorsement of the draft Batemans Bay Master Plan for public exhibition is a crucial step in ensuring the sustainable development of Batemans Bay.

The plan encourages the community to be ambitious and consider the future Batemans Bay. The plan will address key infrastructure, environmental and economic growth issues.

By endorsing the plan for public exhibition, Council will provide an opportunity for community input and ensure that the final Master Plan is comprehensive and inclusive.

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PSR25/006 COUNCIL ADVISORY COMMITTEES - AMALGAMATION OF THE COASTAL AND ENVIRONMENT MANAGEMENT ADVISORY COMMITTEE, AND THE CLIMATE CHANGE ADVISORY COMMITTEE S012-T00025

Responsible Officer: Gary Bruce - Director of Planning and Environment
Attachments: 1. draft Terms of Reference - Climate and Environment Advisory Committee
Community Goal: 5 Our engaged community with progressive leadership
Community Strategy: 5.2 Proactive, responsive and strategic leadership
Delivery Program Link: 5.2.2 Implement effective governance and long-term planning
Operational Plan Link: 5.2.2.1 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement for the amalgamation of two advisory committees, namely the Coastal and Environment Management Advisory Committee (CEMAC) and the Climate Change Advisory Committee (CCAC).

Following the completion of the Open Coast and Estuarine Coastal Management Programs (CMPs), the CEMAC and CCAC advisory committees more closely align and have parallel actions and focus in terms of:

- Biodiversity
- Natural hazards and resilience planning
- Climate change adaptation

Both committees would be seeking members with similar expertise or experience in any of climate change mitigation and adaptation, biodiversity and ecosystem management, flood and coastal management (natural hazards) or other themes from the Climate Action Plan.

Management of both these committees lies within the Strategic Planning Division and the same staff would be required to manage them.

In this regard it is recommended that the CEMAC and CCAC committees be amalgamated to form a single cohesive committee - the Climate and Environment Advisory Committee.

RECOMMENDATION

THAT:

1. Council endorses the amalgamation of the Coastal and Environment Management Advisory Committee and the Climate Change Advisory Committee to form a single advisory committee termed the Climate and Environment Advisory Committee.
2. Council endorses the updated Terms of Reference for the Climate and Environment Advisory Committee.
3. The previous nominations of Clr Winslade and Clr Turner be accepted for representation on the Climate and Environment Advisory Committee.

**PSR25/006 COUNCIL ADVISORY COMMITTEES - AMALGAMATION OF
CLIMATE CHANGE ADVISORY COMMITTEE AND COASTAL AND
ENVIRONMENT MANAGEMENT ADVISORY COMMITTEE**

S012-T00025

BACKGROUND

The primary objective of the Climate Change Advisory Committee is to advise and assist Council and the community in the delivery of actions from the Climate Action Plan (CAP) inclusive of built environment, ecosystems, biodiversity and natural hazards.

The CAP covers 10 themes including those covered by the CEMAC and those which are priority for upcoming planning reviews and management.

The primary objective of the Coastal and Environment Management Advisory Committee is provide advice to Council on matters of environmental management including coastal, floodplain and biodiversity.

At the Ordinary Meeting of Council on 17 December 2024, a report (FCS24/061) was presented to Council which included:

- the adoption of the Terms of Reference for Council's advisory committees
- appointment of delegates/chairs for the advisory committees and
- to advertise for community representatives for these advisory committees.

Following this report, an internal review was undertaken on the actions arising from the CEMAC and CCAC, particularly as the Open Coast and Estuarine CMPs had been completed and no longer was a primary focus of the CEMAC. Duplication between the committees was evident in terms of focus and actions arising and it was suggested that these committees be amalgamated.

Should these committees remain as single entities, both would be seeking members with similar expertise or experience in any of climate change mitigation and adaptation, biodiversity and ecosystem management, flood and coastal management (natural hazards) or other themes from the CAP.

Further the management of these committees would rest with the Strategic Planning Division and the same staff would be required to manage both committees.

CONSIDERATIONS

Membership of the advisory committees generally comprises councillors, as appointed by Council, plus external stakeholders, agencies and community representatives with relevant expertise, to provide advice to Council on a range of issues. The number of representatives to an advisory committee is determined by their respective Terms of Reference. The period of representation is generally for the term of the elected Council.

In accordance with the report to the Ordinary Meeting of Council on 17 December 2024 (FCS24/061 – Council Advisory and External Committees; Minute No: 24/187), Councillor Turner was nominated Chair of the CCAC with Councillor Winslade as alternative. In terms of Chair of the CEMAC, Councillor Winslade was nominated with Councillor Turner as the alternative.

**PSR25/006 COUNCIL ADVISORY COMMITTEES - AMALGAMATION OF
CLIMATE CHANGE ADVISORY COMMITTEE AND COASTAL AND
ENVIRONMENT MANAGEMENT ADVISORY COMMITTEE**

S012-T00025

In accordance with the draft Terms of Reference for the Climate and Environment Advisory Committee (attached), it is proposed that the Committee will convene every quarter. It is also proposed that the two nominated Councillors sit on the Committee and that Clr Winslade and Clr Turner alternate the role of Chair.

Community and Stakeholder Engagement

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

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

CONCLUSION

It is proposed to amalgamate the Coastal and Environment Management Advisory Committee and Climate Change Advisory Committee as their functions closely align and contain similar actions.

The Open Coast and Estuarine Coastal Management Programs, which were formerly a large criterion of the CEMAC, have now been completed. Therefore, the remaining actions arising from the CEMAC committee could easily be absorbed into one committee with the CCAP. These actions include but are not limited to:

- Biodiversity
- Natural hazards and resilience planning
- Climate change adaptation

Amalgamation is beneficial in terms of representation to a combined committee as both committees would be seeking members with similar expertise or experience.

The management of the two committees fell within the auspices of the Strategic Planning Division and by combining the committees, would reduce Council resources and duplication of work.

It is therefore recommended that the CEMAC and CCAC be amalgamated to form a single cohesive committee, the Climate and Environment Advisory Committee.

Climate and Environment Advisory Committee

TERMS OF REFERENCE

Date: 13.3.2025

PSR25/006 COUNCIL ADVISORY COMMITTEES - AMALGAMATION OF THE COASTAL
AND ENVIRONMENT MANAGEMENT ADVISORY COMMITTEE, AND THE CLIMATE
CHANGE ADVISORY COMMITTEE

ATTACHMENT 1 DRAFT TERMS OF REFERENCE - CLIMATE AND ENVIRONMENT
ADVISORY COMMITTEE

Purpose of the Climate and Environment Advisory Committee

The committee will inform and provide advice to Council on environmental planning and management matters including but not limited to coastal hazards, climate change, floodplain risk and biodiversity matters.

In addition, the Committee will assist and provide input to Council on effective implementation of the Climate Action Plan, Coastal and Floodplain Management Programs and other environmental plans, in partnership with the community.

Where a legislative requirement exists, the Committee will provide input to Council's land use planning documents as an advisory committee.

Delegations of Committee

The Advisory Committee cannot require Council to adopt a policy, position or recommendation approved by the Advisory Committee.

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager, as provided in the Local Government Act 1993.

Neither the Advisory Committee nor any of its members can direct any Council staff member in their duties.

Objectives

To provide sound advice to Council on matters of environmental management including but not limited to climate change mitigation and adaptation, coastal planning, biodiversity, urban greening initiatives, water-sensitive urban design and floodplain risk management

As per the Floodplain Development Manual 2023, the Committee will provide technical and community advice on matters related to Council's floodplain risk management projects.

Group members will:

- provide a communication linkage between Council and the community
- provide specialist advice and/or specialist contacts
- advise on how to work with, and overcome, barriers to implementation
- advise and assist with advocating to the NSW and Australian Governments
- assist with funding opportunities and grant applications.

Composition (who is to attend)

The Committee shall consist of the following voting representatives:

- Two councillors,
- A chair/ or alternating chairs consisting of one or both Councillors
- Eight community members, representative of groups with interest and knowledge related to climate change; coastal; floodplain; environmental and biodiversity management. These members are to be selected by Council from nominations

PSR25/006 COUNCIL ADVISORY COMMITTEES - AMALGAMATION OF THE COASTAL
AND ENVIRONMENT MANAGEMENT ADVISORY COMMITTEE, AND THE CLIMATE
CHANGE ADVISORY COMMITTEE

ATTACHMENT 1 DRAFT TERMS OF REFERENCE - CLIMATE AND ENVIRONMENT
ADVISORY COMMITTEE

The Committee may also choose to have the following participants as required but they will not have voting rights:

- a) Council staff
- b) Representatives from other councils if required
- c) State or Australian agency representatives as required.

Contact Officer

The Council's Natural Resource and Sustainability Coordinator or other member of the Strategic Planning Division

Variation to Terms of Reference

The Terms of Reference may be added to, repealed, or amended by Resolution of the Council in consultation with the group.

Governance

The Committee will meet up to four times a year and no less than twice, with dates to be confirmed by the Chair.

Meetings will be held at Council's Administrative Centre on Vulcan Street Moruya (unless otherwise advised), with accommodations made to allow for a hybrid / online arrangement where in-person attendance is not possible.

See also Council's [Guidelines for Meeting Practice – Advisory Committees](#)

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**PSR25/007 RESPONSE TO A PETITION ABOUT THE DALMENY LAND
RELEASE AREA DRAFT MASTER PLAN**

**S012-T00029;
S012-T00027;
S017-T00033;
OP0026-S007**

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 1. Under Separate Cover - Confidential - Petition

Community Goal: 3 Our region of vibrant places and spaces

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

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

Operational Plan Link: 3.1.1.3 Finalise the Dalmeny Land Release Development Control Plan

EXECUTIVE SUMMARY

This report addresses a petition submitted by residents of Dalmeny, objecting to the development of land within the Dalmeny Land Release Area (LRA).

The petition highlights concern regarding the constraints of the land, risks from natural disasters, environmental impacts, limitations of local services, and lack of affordable housing.

This report outlines the actions taken by the Eurobodalla Shire Council in response to these concerns and recommends future steps.

RECOMMENDATION

THAT Council:

1. Acknowledge the concerns raised by the residents of Dalmeny and the actions taken to address these concerns.
2. Continue to engage with the Dalmeny community and inform them of any progress regarding the draft master plan.
3. Prioritise the allocation of resources to progress the development of the master plan when they become available.

BACKGROUND

A petition has been submitted to Council objecting to the development of a Master Plan for the Dalmeny Land Release Area. The petition cites several concerns, including:

- Serious constraints of the land
- Risks from natural disasters
- Environmental impacts
- Limitations of local services
- Lack of affordable housing

The petition urges the Eurobodalla Shire Council to:

1. Meet with the Dalmeny community.

PSR25/007	RESPONSE TO A PETITION ABOUT THE DALMENY LAND RELEASE AREA DRAFT MASTER PLAN	S012-T00029; S012-T00027; S017-T00033; OP0026-S007
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2. Conduct a site visit to the proposed development area.
3. Address the major concerns of residents, focusing on bushfire and traffic safety, flood prevention, and protection of Mummaga Lake and the local environment.
4. Identify local infrastructure needs, assess the adequacy of local services, and evaluate potential costs to the Council.
5. Obtain additional information through consultations, studies, or assessments to address the major concerns of residents.

CONSIDERATIONS

This part of the report considers the issues raised by the petition and provides a response.

Meet with the Dalmeny community

Ongoing community consultation via telephone calls and written correspondence have been held with concerned Dalmeny residents throughout the process. In all instances, residents were encouraged to share their thoughts and help Council to ensure that there would be quality developments suitable for this area.

A Dalmeny Land Release Area (LRA) information page was available on Council's website and shareholders who signed up, were provided with updates about the project inclusive of engagement opportunities.

The first community drop-in session, which attracted considerable interest, was in July 2021. A site visit/walkthrough was conducted on 10 December 2021 giving the residents an opportunity to show Council staff and the consultants, what was important to them.

Two workshops were also held with the community in December 2021 at staggered times to allow for those residents who worked.

Residents were also invited to complete feedback forms to Council which were used to prepared draft concepts and then be presented back to the community for further input. In this respect, residents were emailed on April 2022 advising them that the feedback received in December 2021 and January 2022 was available for perusal on Council's website.

A further community workshop was held on 15 February 2024, at which residents were invited to have their input and if they were unable to attend, they were advised of the contact details where they could seek advice.

When the reports pertaining to the Dalmeny Land Release Area were presented to the Council meetings, the community were notified of this and were invited to register to speak at this forum.

In July 2024, residents were advised that Eurobodalla Shire Council had altered the approach to finalising the Dalmeny Land Release Area Master Plan and DCP namely that the developers would lead the project and prepare the draft masterplan and draft development control plan.

PSR25/007 RESPONSE TO A PETITION ABOUT THE DALMENY LAND RELEASE AREA DRAFT MASTER PLAN **S012-T00029;
S012-T00027;
S017-T00033;
OP0026-S007**

Conduct a site visit

A site visit/ walk through the site was conducted in December 2021 with members of the community, Council staff and consultants.

Addressing Major Concerns

As part of the master planning process, Council engaged qualified consultants to provide technical studies in relation to bushfire risk, stormwater, biodiversity and traffic. These technical studies have informed the preparation of the masterplan.

Infrastructure Needs

Throughout this process Council has worked with its own staff with expertise in water and sewage along with the consultants to ensure that the masterplan has considered servicing needs, and more importantly, identified who will be providing the services and when .

Additional Information

Should the preparation of the masterplan identify gaps in information, a decision will need to be made as to whether it is relevant to the masterplan process or can be dealt with at the development application (DA) stage. If it is determined to be relevant to the masterplan, then this information will need to be sought.

Legal

The Dalmeny LRA has been identified for future urban uses for a number of years. It was identified in the 2006 Eurobodalla Settlement Strategy as an urban expansion zone and was zoned R2 low density residential in accordance with the Eurobodalla Local Environmental Plan (LEP) 2012.

A further requirement of the 2012 LEP, clause 6.2 requires that a number of matters are considered and assessed as part of the preparation of any masterplan/ Development Control Plan.

Policy

The proposed masterplan aligns with the Eurobodalla Local Environmental Plan and the broader strategic goals of the Council. Preparing a Development Control Plan (DCP) is a requirement under the Eurobodalla LEP, and the land cannot be developed without this being in place.

Environmental

The development of the Dalmeny Land Release Area does raise the potential for ecological and biodiversity impacts including the potential disruption of local habitats, risks to endangered species, and impacts on Mummaga Lake's ecosystem.

The purpose of a masterplan and the associated technical studies is to understand these impacts and how best to avoid or mitigate these impacts. The draft masterplan presented to the public some time ago avoided up to 50% of the land area as a non-developable area and also sought to retain key water courses.

PSR25/007	RESPONSE TO A PETITION ABOUT THE DALMENY LAND RELEASE AREA DRAFT MASTER PLAN	S012-T00029; S012-T00027; S017-T00033; OP0026-S007
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Asset

The development of the Dalmeny Land Release Area will require the provision of new infrastructure and public places, along with additional demand and maintenance requirements on the existing infrastructure.

The purpose of the masterplan is to highlight what these additional needs are and who should be providing them. The masterplan can identify who is responsible for providing infrastructure, i.e. Council, the developers or another funding mechanism such as voluntary planning agreements.

Social Impact

The proposed development has raised concerns about losing community character, increased traffic, and noise during construction. The Council has engaged with the community to address these issues and ensure that any future development contributes in a positive manner to the social fabric of Dalmeny.

Economic Development Employment Potential

The development has the potential to contribute to the local economy by providing new housing and creating job opportunities. However, there are concerns about the lack of affordable housing and the impact on existing property prices. Council is working to balance economic growth with the community's needs.

Community and Stakeholder Engagement

This report has highlighted the extensive engagement undertaken with the community.

The current stage of masterplan preparation is to finalise the masterplan and Development Control Plan requirements.

Once this is done, a report will be prepared to Council to endorse exhibition of the masterplan/DCP. This will be the formal exhibition of the documents as required the *Environmental Planning and Assessment Act*.

The community will have the opportunity to express their opinion during this consultation period and at the Council meetings.

CONCLUSION

The Eurobodalla Shire Council acknowledges the concerns raised by the residents of Dalmeny regarding the Master Plan process for the Dalmeny Land Release Area. Council has taken significant steps to address these concerns through community meetings, site visits, and thorough assessments of the proposed development area.

While Council recognises the constraints of the land, the risks from natural hazards, environmental impacts, limitations of local services, and the lack of affordable housing, Council remains committed to preparing a draft master plan. Due to current resource limitations, the progression of the master plan has been left with the landowners to progress.

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**FCS25/018 REVIEW OF COUNCIL DECISION - PROPOSED LICENCE FOR
FOOD TRUCK, NAROOMA**

LAND ID 34247

Responsible Officer: Scott Westbury- Acting Director of Finance and Corporate Services

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.2 Manage land under Council control

Operational Plan Link: 5.3.2.2 Manage leases and licences

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council on 17 December 2024, Council considered report FCS24/055 Proposed Licence for Food Truck, Narooma. The applicant operates a tourism business from the former Visitor Centre building and the food truck proposed was to be an extension of that business to cater for tourists. Council voted not to approve the licence.

In January 2025, the applicant seeking the licence asked Council to review its decision under s100 of the *Local Government Act 1993*. The applicant's request was provided to councillors on 24 January 2025. Under clause (5) (b) of s100, the original determination was made by Council and therefore the review must be made by Council.

This report is to enable Council to undertake that review.

RECOMMENDATION

THAT:

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

**FCS25/018 REVIEW OF COUNCIL DECISION - PROPOSED LICENCE FOR
FOOD TRUCK, NAROOMA**

LAND ID 34247

4. The General Manager be given delegated authority to approve further licences for one year at a time.

BACKGROUND

At the Ordinary Meeting of Council on 17 December 2024, Council considered report FCS24/055 Proposed Licence for Food Truck, Narooma. The applicant operates a tourism business from the former Visitor Centre building and the food truck proposed was to be an extension of that business to cater for tourists. Council voted not to approve the licence.

Public Notification of the proposed licence was required under s47a of the *Local Government Act 1993*. Under Council's adopted *Land Management Acquisition, Disposal and Leasing/Licensing Policy*, where unresolved adverse submissions are received, a report to Council will be made to consider approving the lease or licence. [Land-Management-Acquisition-Disposal-and-Leasing-Licensing-Policy-final-for-adoption.pdf](#)

The report FCS24/055 and minutes are available on Council's website:

- [2024 Council Agendas and Minutes](#)

In January 2025, the proponent seeking the licence asked Council to review its decision under s100 of the *Local Government Act 1993*. The proponent's request was provided to councillors on 24 January 2025.

CONSIDERATIONS

Legal

The land is Crown reserve under Council management. In accordance with 47 & 47A of the *Local Government Act 1993*, the licence proposal was publicly notified from 10 September to 10 October 2024. [Local Government Act 1993 No 30 - NSW Legislation](#)

S100 of the *Local Government Act 1993* says that as Council made the decision, Council must be the one undertaking the review. This review is being conducted in line with that legislation. In full, s100 states:

- (1) *An applicant may request the council to review a determination of the applicant's application.*
- (2) *The request for a review must be made within 28 days after the date of the determination.*
- (3) *An approved fee must, if required by the council, be paid in connection with a request for a review.*
- (4) *The council may review the determination and, as a consequence of its review, may confirm or change the determination.*
- (4A) *The decision whether or not to review the determination must not be made by the person who made the determination, unless that person was the council, but is to be made by a person who is qualified under subsection (5) to make the review.*
- (5) *If the council reviews the determination, the review must be made by—*

**FCS25/018 REVIEW OF COUNCIL DECISION - PROPOSED LICENCE FOR
FOOD TRUCK, NAROOMA**

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- (a) *if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or*
- (b) *if the determination was made by the council—the council.*
- (6) *The council must give notice of the result of the review to the applicant as soon as practicable after the review.*
- (7) *The date of review must be endorsed on the notice.*
- (8) *If, as a consequence of a review, the council changes a determination, the changed determination replaces the earlier determination as from the date of the review.*
- (9) *A determination on a review may not be further reviewed under this section*

Community and Stakeholder Engagement

The request from the applicant for a s100 review included a number of points. Staff comments on the points raised by the applicant in the request for a review are set out below:

Item raised	Staff comment
The applicant indicated the need for a review because legislation was complex and Councillors needed a fuller briefing before the meeting	Councillors were provided with a briefing on the matter on 10 December 2024. In addition, the report was publicly available on Council’s website before the meeting so the applicant and other members of the public had the opportunity to raise any matter they considered was not adequately covered.
The legislation	The request notes some relevant legislation but in addition there are s47 and s47A of the <i>Local Government Act</i> which outline the need for public notification and importantly the need for Council to consider any submissions.
The Plan of Management (POM)	The request makes the point that the POM supports the issuing of the licence. The fact a licence is consistent with the POM was acknowledged in the report but does not override the need to consider submissions as above. Narooma-Sport-and-Leisure-Precinct-Plan-of-Management-2020.pdf
The Street Activities Code of Practice	The request states that this Code was given undue prominence in the report. Whilst not directly relevant to this proposal, it is the nearest applicable code Council has for such matters and was considered relevant guidance for councillors in their consideration of submissions. Street-Activities-Code-of-Practice.pdf
The carparking issue	This was raised in submissions so councillors needed to consider it. The weight or priority to be accorded to relevant matters is a matter of discretion for Council. There is no mandated parking requirement for this proposal.

**FCS25/018 REVIEW OF COUNCIL DECISION - PROPOSED LICENCE FOR
FOOD TRUCK, NAROOMA**

LAND ID 34247

Item raised	Staff comment
Competition issues	This was raised in submissions so councillors needed to consider it. The weight or priority to be accorded to relevant matters is a matter of discretion for Council. Were this a planning matter, competition would not be a relevant consideration.
Possible loss of 'green space'	The licence area was 24 square metres for the food truck which the applicant states is just '5% of the unused space'. But in addition to the licenced area, the applicant would have provided tables and chairs for the general public and customers of the food truck which would occupy a larger area

CONCLUSION

The report FCS24/055 noted Council could approve a licence and this recommendation has not changed.

In accordance with s100 of the *Local Government Act 1993*, the applicant has requested that Council review their decision made at the Ordinary Meeting of Council on 17 December 2024.

This report seeks Council to resolve the outcome of the review.

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FCS25/019 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 DECEMBER 2024 S011-T00003

Responsible Officer: Scott Westbury – Acting Director of Finance and Corporate Services

Attachments: 1. Under Separate Cover - Quarterly Budget Review Statement - December 2024

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

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

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

EXECUTIVE SUMMARY

The Quarterly Budget Review Statement (QBR) is re-presented for Council's consideration following its deferral at the Ordinary Meeting of Council on 25 February 2025.

The (QBR) reports on Council's performance against the Operational Plan for the quarter ending 31 December 2024. The QBR acts as a barometer of Council's financial health during the year. It also discloses Council's forecasted financial position for the year end to assist with informed and transparent decision making.

Council's original budget for 2024-25, on a consolidated basis was an:

- operating result, before capital revenue, of (\$2.82 million) deficit
- operating result, after capital revenue, of \$54.70 million surplus
- increase of \$1.96 million in unrestricted funds

The proposed revised annual budget is an:

- operating result, before capital revenue, of (\$3.24 million) deficit
- operating result, after capital revenue, of \$49.63 million surplus
- decrease (usage) of \$7.18 million in unrestricted funds

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

Loan financing of \$40 million is required to fund increased costs associated with the Southern Water Supply Storage project.

RECOMMENDATION

THAT:

1. The Quarterly Budget Review Statement (including attachments) for the quarter ended 31 December 2024 be received and noted.
2. The revised budget be adopted based on the proposed adjustments as presented.

FCS25/019 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 DECEMBER 2024 S011-T00003

3. A new loan to finance completion of the Southern Water Supply Storage project be raised to the value of \$40,000,000 in accordance with Council's Borrowing policy.
4. Delegation of the authority to the General Manager to negotiate the loan terms.
5. Authorisation for the Mayor and General Manager to execute the loan agreement on behalf of the Council.

BACKGROUND

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

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

The attachments to this report are as follows:

Financial reports (Attachment 1)

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

Financial reports include:

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

Consultancy, Legals and Contractors Report (Attachment 2)

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

Key Financial Indicators (Attachment 3)

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

Mayoral and Councillor Expenses (Attachment 4)

Provides information about Mayoral and Councillor expenditure.

FCS25/019 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 DECEMBER 2024 S011-T00003

The Bay Pavilions Income Statement (Attachment 5)

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

CONSIDERATIONS

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

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

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

The consolidated original budget forecasted a \$1.96 million increase in unrestricted funds. Adjustments to the December budget review result in a projected decrease to unrestricted funds of \$7.18 million.

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

Fund	2024-25 Original Budget	Previous Reviews	December Review	2024-25 Proposed Revised Budget
Water	(2,586)	(5,109)	(170)	(7,864)
Sewer	3,371	(6,613)	507	(2,735)
Waste	(884)	(119)	3,242	2,239
Environment	172	(181)	(6)	(16)
General	1,884	(557)	(133)	1,194
Consolidated	1,957	(12,578)	3,440	(7,181)

Consolidated Income Statement (Attachment 1(b)):

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

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

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

Fund	2024-25 Original Budget	Previous Reviews	December Review	2024-25 Proposed Revised Budget
Water	2,422	(118)	0	2,303
Sewer	1,824	(60)	507	2,271
Waste	1,208	(284)	441	1,365
Environment	57	(363)	77	(229)

FCS25/019 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 DECEMBER 2024 S011-T00003

Fund	2024-25 Original Budget	Previous Reviews	December Review	2024-25 Proposed Revised Budget
General	(8,327)	(220)	(399)	(8,946)
Consolidated	(2,817)	(1,045)	626	(3,236)

Operating deficits in the General Fund continue to have a significant impact on the consolidated operating deficit.

Adjustments (Operating)

The proposed adjustments result in a \$0.42 million deterioration from the original operating result before capital of \$2.82 million, to a projected year end estimated operating deficit of \$3.24 million.

Notable adjustments proposed for this quarter include:

- \$1.30 million increased investment interest income due to term deposit rates.
- (\$0.43 million) new positions in staff structure.
- (\$0.16 million) reduced Development Services income to reflect downward trend of applications.
- (\$0.08 million) other minor adjustments.

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

Fund	2024-25 Original Budget	Previous Reviews	December Review	2024-25 Proposed Revised Budget
Water	39,576	(350)	(10,265)	28,961
Sewer	4,148	2,133	507	6,787
Waste	2,545	(284)	(896)	1,365
Environment	57	(363)	77	(229)
General	8,373	4,650	(279)	12,744
Consolidated	54,699	5,786	(10,857)	49,628

Adjustments (Capital)

The proposed adjustments result in a \$5.07 million deterioration from the original operating result after capital of \$54.70 million, to a projected year end estimated operating surplus of \$49.63 million.

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

The original capital expenditure budget for 2024-25 was \$104.66 million. The proposed revised capital expenditure budget, incorporating adjustments, is \$142.56 million.

FCS25/019 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 DECEMBER 2024 S011-T00003

Table 1.4 Capital program per fund, \$'000

Fund	2024-25 Original Budget	Previous Reviews	December Review	2024-25 Proposed Revised Budget
Water	36,760	10,649	15,794	63,202
Sewer	16,967	7,804		24,771
Waste	8,181	570	(5,635)	3,116
Environment		669		669
General	42,755	7,908	141	50,804
Consolidated	104,663	27,599	10,300	142,562

Project timelines for capital works have been reviewed and adjustments proposed for the current year are as follows.

- \$15.79 million increased Southern Water Supply Storage costs.
- (\$5.64 million) revised timing of Surf Beach and Brou Lake Waste Management Facility works.
- (\$0.14 million) other minor adjustments.

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

2024-25 is the ninth year of the SRV program and over \$8.38 million of infrastructure works for the year are underway. \$2.44 million of SRV designated funds are being utilised for these works.

As at 31 December 2024, approximately 45% (\$3.77 million) of the programmed SRV works for this year have been expensed (per attachment 1(f)).

Attachment 1 (f) reports the detailed progress of the capital program showing individual project budgets and expenses with updates as at 31 December 2024.

The Bay Pavilions Income Statement (Attachment 5)

The December review of the 2024-25 budget forecasts a \$6.21 million operating deficit for The Bay Pavilions. There are no adjustments for this quarter.

Legal

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

Policy

The accounting policies being used are based on those detailed in the financial statements for the year ended 30 June 2024.

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

FCS25/019 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 DECEMBER 2024 S011-T00003

CONCLUSION

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

As the Responsible Accounting Officer, it is my opinion the December Quarterly Budget Review for Eurobodalla Shire Council indicates that Council's projected financial position, as at 30 June 2025, will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The December Quarterly Budget Review Statement indicates a forecasted operating deficit for Council in the current year, which continues to demonstrate that Council is struggling to contain operating expenditure within operating revenue.

Council endorsed a Finance Strategy at the ordinary Council Meeting 19 December 2023 aimed at achieving and maintaining the financial resilience of Council.

Several actions have already been undertaken towards progressing this goal including:

- A council wide 'reset' of the budget occurred in late 2023. This identified savings in operational and recurrent capital costs, by carefully considering modifications to service levels.
- Ongoing review of the capital works program to ensure that Council funds are appropriately directed towards projects that align with the strategic goals of Council and set realistic and achievable expectations with the Community.
- Endorsement of a Grants Strategy which formalises Council's strategic approach to determine to suitability, application and administration of grants.
- No new loan borrowings proposed in any forecasts for the general fund.

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FCS25/020 CASH RESERVES POLICY

S011-T00006

Responsible Officer: Scott Westbury – Acting Director of Finance and Corporate Services

Attachments: 1. Cash Reserves Policy

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

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

Operational Plan Link: 5.3.1.1 - Provide sound and strategic financial management and reporting guided by the Finance Strategy

EXECUTIVE SUMMARY

A reserves policy has been developed to formally document the intended purpose and calculation methods for Council's cash reserves. The policy outlines the agreed direction with respect to the extent for which reserves are required for the strategic purposes of the Council. The policy further aims to mitigate any risk of the misuse of Council's cash reserves.

RECOMMENDATION

THAT Council endorse the attached cash reserves policy.

BACKGROUND

A key action in Council's Finance Strategy, endorsed in December 2023, is to review existing internal and external cash reserves. A review of the current cash reserves has been undertaken and the recommended approach to formalising the use, purpose and calculation of Council's cash reserves is to adopt a cash reserves policy.

Managing, setting aside, and utilisation of Council's external and internal cash reserves is a major aspect of Council's financial management and operations. Mismanagement of these reserves can lead to detrimental financial implications, as has been the experience of other NSW councils recently.

Cash reserves are amounts of money set aside for specific purposes to be spent in later years. In general, these funds do not have separate bank accounts of their own but are accounted for separately in Council's financial system and represent Council's cash and investments on hand as at a reporting date.

External cash reserves include cash that is only available for a specific use by Council due to a restriction placed by legislation or a third-party contractual agreement, both of which would override this policy. For consistency, these reserves are included in this policy, the policy should always be read in conjunction with the referenced legislation or contractual arrangements.

Internal cash reserves have historically included a mix of strategic cash restrictions with a clear purpose, for example the Employee Leave Entitlement reserve and less strategic pools of notional departmental savings. Over time these non-strategic pools have increased because of the absence of any clear purpose and despite savings adding to the pool, corresponding losses have not reduced the pool. Accounting for and utilisation of these types of cash reserves is time-consuming and problematic, as the intended purpose and calculation of these reserves is

FCS25/020 CASH RESERVES POLICY

S011-T00006

not well documented and uniformly understood. This policy aims to remove any ambiguity around the intended purpose and calculation of these internally restricted reserves.

CONSIDERATIONS

Legal

This policy ensures Eurobodalla Shire Council's compliance with:

- Local Government Act 1993 (NSW)
- Local Government (General) Regulation 2005
- Crown Land Management Act 2016
- Rating and Revenue Raising Manual 2007
- Environmental Planning and Assessment Act 1979
- Water Management Act 2000

The adoption of this policy would override any previous resolutions relating to the stated purpose or calculation of internal reserves, including any organisational policies relating to internal reserves.

Asset

Several internal reserves have been established to ensure adequate cash funding is available to meet renewal needs of existing infrastructure assets or remediation obligations for assets nearing end of life.

Financial

The development and adoption of a cash reserves policy was identified as an action in Council's Finance Strategy. Maintaining a pool of unrestricted cash as a mechanism to address the risk of any unplanned events is important in ensuring Council's financial resilience.

Community and Stakeholder Engagement

Council's Audit Risk and Improvement Committee reviewed the draft cash reserves policy at the 15 May 2024 meeting.

In accordance with Council's Community Engagement Strategy, following endorsement, the cash reserves policy will be publicly available on Council's website.



POLICY

Policy name	Cash Reserves Policy
Responsible manager(s)	Chief Financial Officer
Contact officer(s)	Chief Financial Officer
Directorate	Finance and Corporate Services
Approval date	
Community Strategic Plan Objective	5.3 Work together to achieve our collective vision
Delivery Program/ Operational Plan	5.3.1.2 Prepare and commence implementation of future finance strategy.

Purpose

Eurobodalla Shire Council's policy is designed to ensure that Council's cash reserves (reserves) are established and managed in accordance with legislation and best practice.

The policy aims to:

- Assist decision-makers to exercise discretionary powers in relation to utilisation of cash reserves.
- Promote an integrated framework for the governance of cash reserves.
- Ensure transparency, consistency, and fairness in the way Council uses cash reserves.
- Ensure compliance with legislative requirements under the *Local Government Act 1993*
- Promote awareness of the requirements of the Act with respect to utilisation of externally restricted cash reserve.
- Take such steps as are appropriate to ensure that the purpose and calculation of Council's internal reserves are clearly outlined.
- Make council's policies and requirements for cash reserves readily accessible and understandable to the public.

Policy criteria

1	Application This policy applies to all Council cash and investments of Eurobodalla Shire Council.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with: <i>Local Government Act 1993 (NSW)</i> <i>Local Government (General) Regulation 2021</i> <i>Crown Land Management Act 2016</i> <i>Rating and Revenue Raising Manual 2007</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Water Management Act 2000</i>
3	External reserves
3.1	<u>Specific purpose unexpended loans</u> The balance of this reserve (or reserves) represents the remaining balance of specific purpose loans unexpended. It does not represent the value of the debt liability but rather the amount of cash still required to fund the project/s for which the loan funding was drawn down.

FCS25/020 CASH RESERVES POLICY

ATTACHMENT 1 CASH RESERVES POLICY



3.2	<p><u>Developer contributions</u></p> <p>The balance of this reserve (or reserves) represents the pool of developer contributions paid, less any expenditure incurred in accordance with Council’s Developer Contributions plans. The balance held in this reserve at the balance date equates to the total reported in Council’s annual financial statements Note G4 – Statement of Developer Contributions.</p>
3.3	<p><u>Specific purpose unexpended grants</u></p> <p>The balance of this reserve represents the total amount of grants and contributions received by Council on the condition that they be spent in a specified manner or in a future period but are not yet spent in accordance with those conditions. The balance held in this reserve at the balance date equates to the total reported in Council’s annual financial statements Note B2-4 Unspent grants and contributions.</p>
3.4	<p><u>Water</u></p> <p>The balance of this reserve represents the cash assets held by the water fund. The use of this reserve is restricted to water services. The balance held in this reserve at the balance date equates to the total reported in the statement of financial position for the water fund in the special purpose financial statements less water developer contributions.</p>
3.5	<p><u>Sewer</u></p> <p>The balance of this reserve represents the cash assets held by the sewer fund. The use of this reserve is restricted to water services. The balance held in this reserve at the balance date equates to the total reported in the statement of financial position for the water fund in the special purpose financial statements less sewer developer contributions.</p>
3.6	<p><u>Stormwater management</u></p> <p>The balance of this reserve represents the net of cash received from the annual stormwater levy, less any expenditure related to the provision of stormwater management services related projects. The use of this reserve is restricted to stormwater management. (<i>Local Government Act Section 496A</i>)</p>
3.7	<p><u>Domestic waste management</u></p> <p>The balance of this reserve represents the net of cash received from the annual domestic waste levy less any expenditure related to the provision of domestic waste services. The use of this reserve is restricted to domestic waste management (<i>Local Government Act 1993 Section 496</i>)</p>
3.8	<p><u>Crown Land</u></p> <p>The balance of this reserve represents the net of cash received from proceeds of operations on crown reserves (e.g., Leases, easements, sales, or licences) less any expenditure related to operating the crown reserves. Cash may be pooled across multiple crown reserves within the local government area. The use of this reserve is restricted to use on Crown land as outlined in the <i>Crown Land Management Act 2016 Section 3.16 (3)</i></p>
3.9	<p><u>Special rates variation</u></p> <p>The purpose of this reserve is to fund expenditure identified in Council’s application for a special rate variation in 2015-16. A copy of the IPART’s (Independent Pricing and Regulatory Tribunal) determination can be found on their website. Calculations for transfers to/from this reserve are also outlined in the determination.</p>
3.10	<p><u>Other (External)</u></p>

FCS25/020 CASH RESERVES POLICY

ATTACHMENT 1 CASH RESERVES POLICY



	The balance of this reserve represents the total amount of minor donations or contributions received by Council on the condition they be spent in a specified manner or in a future period, but which are not yet spent in accordance with those conditions.
4	Internal reserves
4.1	<p><u>Employees leave entitlement</u></p> <p>The purpose of this reserve is to ensure that adequate funds are available for anticipated short to medium term employee leave entitlement expenses. The annual calculation of the balance is 35% of the Council’s accrued employee leave entitlement provision for annual leave, long service leave and other leave as at Council’s annual reporting date.</p>
4.2	<p><u>Financial assistance grant</u></p> <p>The purpose of this reserve is to ensure that prepayments of the federal government’s financial assistance grant are restricted for use in the year to which they relate. Should the prepayment not be made in any year no cash is restricted. The annual calculation of the balance is the prepayment portion of the financial assistance grant in any given financial year.</p>
4.3	<p><u>Gravel pits</u></p> <p>The purpose of this reserve is to fund future gravel pit projects and capital expenditure including the remediation of sites. The annual calculation of transfers to/from this reserve is the net of cash received from the operations of gravel pits (sale of stock) less any cash outflows related to operating the gravel pits (extraction, administration, remediation, capital expenditure).</p>
4.4	<p><u>Elections</u></p> <p>The purpose of this reserve is to fund future elections and associated corporate reporting and engagement. In general, elections fall every four years. The annual calculation of transfers to/from this reserve is one quarter of estimated costs associated with future elections, less costs associated with current and future elections.</p>
4.5	<p><u>Waste management</u></p> <p>The purpose of this reserve is to fund future waste facility projects and capital expenditure including the remediation of landfill sites. The annual calculation of transfers to/from this reserve is the net of cash received from non-domestic waste services less any expenditure related to non-domestic waste services.</p>
4.6	<p><u>Plant and vehicle replacement</u></p> <p>The purpose of this reserve is to fund future plant operations primarily the annual plant replacement program. The annual calculation of transfers to/from this reserve is the net of cash received from plant operations including sales of assets less any cash outflows related to the plant operations including purchases of assets.</p>
4.7	<p><u>Real estate disposal</u></p> <p>The purpose of this reserve is to fund future land purchases and strategies to support Council’s strategic needs. The annual calculation of transfers to/from this reserve is the net proceeds from any sales of Council land assets less any purchases of Council land.</p>
4.8	<p><u>Asset renewal</u></p> <p>The purpose of this reserve is to ensure that adequate funds are available for the renewal of existing infrastructure assets. The annual calculation of the transfers to/from this reserve is based on the annual shortfall in asset renewals to meet the</p>

FCS25/020 CASH RESERVES POLICY

ATTACHMENT 1 CASH RESERVES POLICY



	<p>target benchmark of 100% renewal ratio, provided the unrestricted cash balance does not fall below \$10 million.</p> <p>Asset renewal reserve balance = Annual infrastructure assets depreciation – Annual infrastructure asset renewal budget.</p>
4.9	<p><u>Other Internal Reserves</u> From time to time there may be a requirement to internally restrict cash that does not fit into one of the above categories. The balance of this reserve should not exceed \$3 million.</p>
5	<p><u>Unrestricted Cash</u> Levels of unrestricted cash should be targeted between \$5 million and \$10 million. Should the balance fall below \$5 million, reductions should be made initially to the asset renewal reserve and then the plant and vehicle replacement reserve.</p>
6	<p>Interest Interest income earned through investments is applied to the following reserves unless required under other legislation or contract:</p> <ul style="list-style-type: none"> • Developer Contributions • Water • Sewer • Domestic Waste • Waste Management • Crown Land <p>Total interest income is apportioned to the reserves based on the opening cash balance as a percentage of total cash. The calculated interest income is added to the balance of the reserve.</p>
7	<p>Principle This policy replaces any existing policy or resolution in relation to Council’s internal reserves. The balances of Council’s internal reserves may be subject to changes as required by Council Resolution in accordance with the underlying principles contained within this policy.</p>

Implementation

Requirements		Responsibility
8	<p>Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council Officers
9	<p>Concerns Concerns received regarding this policy will be recorded on council’s customer service request (CSR) or records system and handled in accordance with Council’s Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.</p>	Council Officers
10	<p>Complaints</p>	Public Officer

FCS25/020 CASH RESERVES POLICY

ATTACHMENT 1 CASH RESERVES POLICY



	Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with Council’s Complaints Policy.	
11	Consultation Any other consultation deemed necessary may occur when and if required with key stakeholders and may include legislative bodies, other relevant legislation, and industry guidelines.	As applicable

Review

This policy may also be reviewed and updated as necessary when legislation requires it; or Council’s functions, structure or activities change; or when technological advances or new systems change the way that Council manages its cash reserves.

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

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

Governance

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

Related legislation and policies

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Local Government (General) Regulation 2021	www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2021328/
Crown Land Management Act 2016	https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol_act/clma2016199/
Environmental Planning and Assessment Act 1979	www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/
Water Management Act 2000	https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol_act/wma2000166/

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Crown Lands	www.crownland.nsw.gov.au

Definitions

Word/Term	Definition
Cash	Assets that can be immediately converted into cash includes cash, term deposits and investments
Internal reserves	Cash that is restricted by resolution or policy of Council, to fund future obligations or initiatives.

FCS25/020 CASH RESERVES POLICY

ATTACHMENT 1 CASH RESERVES POLICY



External reserves	Cash that is restricted for a specific purpose due a restriction placed by legislation or a third-party contractual agreement.
Unrestricted Cash	Cash that is not allocated to an internal or external reserve is considered unrestricted.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	date	Council			Policy commenced

Internal use

Responsible officer		General Manager	Approved by	Council	
Min no	TBA	Report no	TBA	Effective date	TBA
File No	E13.7095	Review date	Sep 2016	Pages	6

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FCS25/021 INVESTMENTS MADE AS AT 28 FEBRUARY 2025

**S011-T00006,
S012-T00025**

Responsible Officer: Scott Westbury – Acting Director of Finance and Corporate Services

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

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

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

EXECUTIVE SUMMARY

The purpose of this report is to:

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

RECOMMENDATION

THAT the certification of investments as of 28 February 2025, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2021*, be received.

CONSIDERATIONS

Policy

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

Council's Investment Policy further limits the amount of investment in one institution based on these risk categories. On 28 February 2025, 46.47% of the total investment portfolio is invested with National Australia Bank (NAB) which exceeds the 40% maximum percentage allowed to be invested in a single A-rated institution. This threshold has been inadvertently exceeded due to a change in the overall size of Council's total investment portfolio between October 2024 and February 2025. Council's investment strategy has not changed and remains in line with the aims of Council's Investment Policy. As cash reserves are replenished in the future, Council staff will continue to manage diversification back to accord with the diversification threshold outlined in Council's policy.

FCS25/021 INVESTMENTS MADE AS AT 28 FEBRUARY 2025

**S011-T00006,
S012-T00025**

As of 28 February 2025, the portfolio is compliant with Council’s Investment Policy adopted by Council on 9 August 2022 (Minute 22/190) but for the diversification threshold as outlined above. A summary of holdings by risk category is summarised below in Table 1.

Table 1 – Policy Risk Categories

S&P Long Term Category	S&P Short Term Category	Policy Risk Category	Current Holdings	Maximum Holdings
AAA (Government Guaranteed Deposits)	A-1+	Remote Risk	1.45%	100%
AAA to AA	A-1+	Near Risk Free	59.12%	100%
A	A-1 to A-2	Near Risk Free	39.43%	40%
BBB+	A-2	Some Limited Risk	0.00%	30%

Financial

Investment holdings summary

Table 2 provides a summary of cash and investment balances as of 28 February 2025. Fossil fuel free refers to institutions that have no exposure or no longer directly finance projects in the fossil fuel industry but still have some exposure from historical funding.

Table 2 – Investment holdings by category

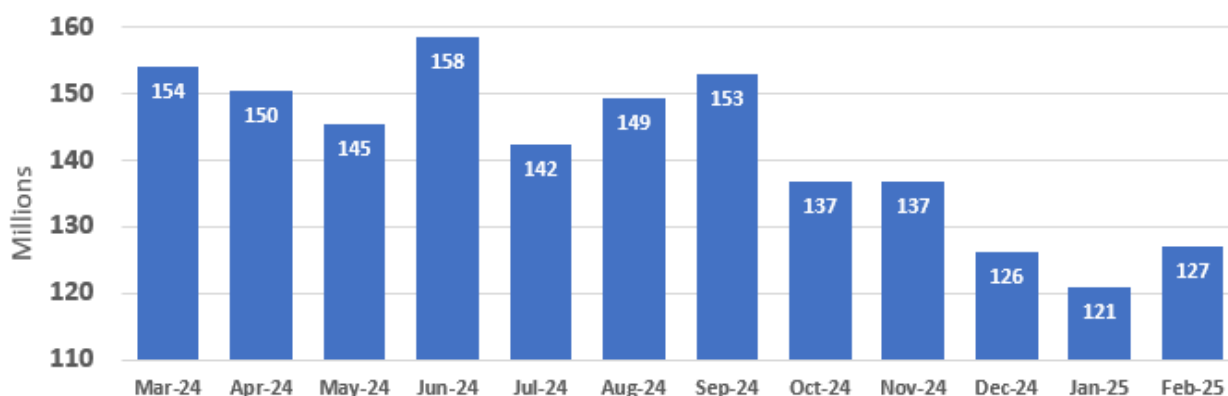
Category	(\$)	% of Portfolio
At Call Deposit	9,548,964	7.92%
Term Deposits – Government Guaranteed	1,750,000	1.45%
Term Deposits – Fossil Fuel Free Institutions	39,000,000	32.34%
Term Deposits	70,280,000	58.29%
Total Investments	120,568,964	
Cash at Bank (Operating Account)	6,263,068	
Total Cash and Investments	126,842,033	

FCS25/021 INVESTMENTS MADE AS AT 28 FEBRUARY 2025

**S011-T00006,
S012-T00025**

Cash and investments increased by \$5.8m in February 2025, primarily due to the collection of the third rates instalment. Graph 1 displays Council’s cash and investments balance over a 12-month period.

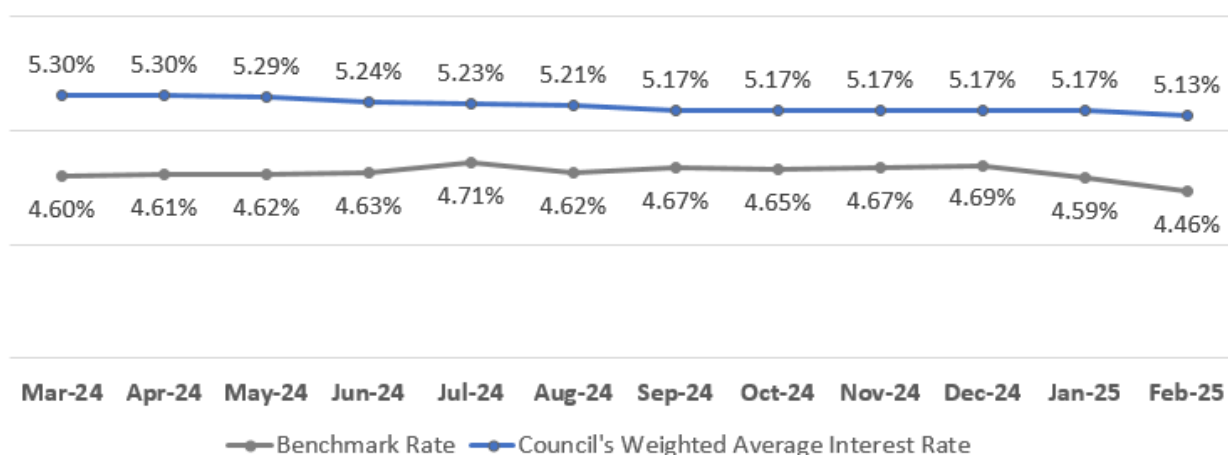
Graph 1 – Total Cash and Investment Balances (12 months)



Performance

The weighted average monthly return on Council’s investments for February 2025 is 5.13%, surpassing the Council policy benchmark of 4.46%, calculated using the bank bill swap rate (BBSW) 3-month average plus 0.25%. Graph 2 compares Council’s weighted average return to the benchmark rate over a 12-month period.

Graph 2 – Investment performance over 12 months



CONCLUSION

Pursuant to provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2021*, I hereby certify that these investments have been made in accordance with the *Local Government Act 1993* and related regulations. Certification is made that Council’s investments in financial instruments have been made in accordance with legislation, however, have temporarily contravened Council’s investment policy regarding the maximum percentage of investment allowed with a single A-rated institution. The total investment in National Australian Bank represents 46.47% of Council's investment portfolio. For the month of February this exceeds the current threshold of 40% due to a change in the overall size of Council’s total investment portfolio from October 2024 to February 2025.

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FCS25/022 POLICY REVIEW - CODE OF MEETING PRACTICE

S012-T00025

Responsible Officer: Scott Westbury – Acting Director of Finance and Corporate Services
Attachments: 1. Under Separate Cover - Code Of Meeting Practice - exhibition copy
December 2024
Community Goal: 5 Our engaged community with progressive leadership
Community Strategy: 5.2 Proactive, responsive and strategic leadership
Delivery Program Link: 5.2.2 Implement effective governance and long-term planning
Operational Plan Link: 5.2.2.1 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

Council's current Code of Meeting Practice (the Code) was adopted in July 2023.

Under section 360 of the *Local Government Act (1993)* (the Act), a council must adopt a Code of Meeting Practice not later than 12 months after an ordinary election of councillors.

As such, the Code has been reviewed and updated, incorporating several amendments, in addition to correction of a number of referencing errors and updates. The draft updated Code meets the requirements of the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) as prescribed under s360 of the Act and the *Local Government (General) Regulation 2021* (the Regulations).

At the Ordinary Meeting of Council on 17 December 2024, the draft updated Code of Meeting Practice was endorsed by Council to be placed on public exhibition for 42 days from 28 January to 10 March 2025, with submissions closing 10 March 2025.

No submissions were received during the exhibition period.

RECOMMENDATION

THAT:

1. Council note that the draft Code of Meeting Practice was placed on public exhibition for 42 days from 28 January to 10 March 2025 and that no submissions were received.
2. Council adopt the draft updated Code of Meeting Practice

CONSIDERATIONS

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

The Code of Meeting Practice has been reviewed and the proposed amendments include:

1. Clause 2.2 (2), Timing of Ordinary Meetings, changes from third to fourth Tuesday of each month, unless otherwise resolved.
2. Clause 3.25, Public Access, changes from "usually on the first Tuesday of each month", to "usually on the second Tuesday of each month, unless otherwise resolved".

FCS25/022 POLICY REVIEW - CODE OF MEETING PRACTICE

S012-T00025

3. Update clause 4.2 to include the sentence: “The Chair must be physically present in the Council Chamber except in emergency circumstances.”
4. Clause 4.3 change from “If a councillor is anywhere in the room where the Council meeting is being held, they are considered to be present for the purposes of voting. This means that if they are in the room but do not raise their hand to vote on an issue, then their vote is taken as against the Motion” to “If a councillor is present at a meeting of Council but fails to vote on a motion put to the meeting, their vote is taken as against the motion.” Practice notes 1. And 2. which define the Chamber, have been removed as no longer necessary. This brings the Code in line with the mandatory provisions of the OLG Model Code, clause 11.5.
5. Update clauses 4.23,4.24, requiring General Manager approval for councillor participation via audio-visual link. Replaces this with “written notification to the Corporate Manager – Governance and Risk”. Remaining requirements remain unchanged.
6. Clause 16.11, Rescinding or altering Council decisions, change requirement for rescission motions relating to development applications to be submitted to the General Manager no later than 12.00pm on the following business day after the meeting at which the resolution was adopted. Previous requirement was 5.00pm.

Minor edits include:

- Updated references to the *Local Government Act 1993* and *Local Government (General) Regulation 2021*.
- Corrections to referencing and/or numbering errors.

Legal

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under s360 of the Act and s232 of the *Local Government (General) Regulation 2021* (the Regulations).

The Code of Meeting Practice includes mandatory clauses that reflect the Act and the Regulations. Additional clauses do not contradict the Model Code.

Policy

Under s361 of the Act, Council is required to exhibit the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft Code of Meeting Practice.

CONCLUSION

The draft Code of Meeting Practice was publicly exhibited for 42 days from 28 January 2025 to 10 March 2025. No submissions were received. This report recommends that Council adopt the updated Code of Meeting Practice.

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IR25/003 MALONEYS BEACH RESERVE ACCESS

S028-T00001

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Under Separate Cover - Attachment A - Option 1
2. Under Separate Cover - Attachment B - Option 2

Community Goal: 3 Our region of vibrant places and spaces

Community Strategy: 3.4 Celebrate our unique region through inclusive places and spaces

Delivery Program Link: 3.4.1 Plan and deliver functional and inclusive public spaces

Operational Plan Link: 3.4.1.2 Work with key stakeholders to develop and implement recreation and open space plans and projects

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council held 19 November 2024, Council resolved to receive a report at the earliest convenience with a view to provide access to Maloneys Beach to the immediate west of the existing toilet block.

This report presents three options for providing access to Maloneys Beach reserve, each with different implications for vehicular and pedestrian access, budget, and environmental impact. The options are:

1. **Option 1:** Provide vehicular and pedestrian access to the west of the existing toilet block, with an estimated cost of \$225,000. This option includes constructing a 3.0m wide bitumen sealed access track and extending the existing concrete footpath.
2. **Option 2:** Provide improved accessible pedestrian access only, with an estimated cost of \$105,000. This option focuses on extending the concrete footpath to improve pedestrian access.
3. **Option 3:** Maintain the current access provisions and restrictions without any further work.

This report outlines the relevant issues and background and other implications to be considered and seeks Council endorsement for one of the options as well as approval of a budget allocation if Options 1 or 2 are to be progressed further.

This report does not consider the removal of the sandstone blocks in order that vehicle access is provided to the former track (and therefore the beach) as that Motion was defeated at the Ordinary Meeting of Council held 19 November 2024.

RECOMMENDATION

THAT Council APPROVES:

1. Vehicular and pedestrian access to the immediate west of the existing toilet block at Maloneys Beach Reserve as per Attachment A and that a budget of \$225,000 is allocated in the 2025/26 Financial Year for this; OR
2. Improved accessible pedestrian access only at Maloneys Beach Reserve as per Attachment B and that a budget of \$105,000 is allocated in the 2025/26 Financial Year for this; OR

IR25/003 MALONEYS BEACH RESERVE ACCESS

S028-T00001

3. To keep the current access provisions and restrictions in place.

BACKGROUND

At the Ordinary Meeting of Council held 29 October 2024, Council resolved to:

1. Consult the community for a period of 14 days regarding their views around removing the sandstone blocks to reinstate access to the former track that was used to access Council's decommissioned informal boat ramp at the eastern end of Maloneys Beach.
2. Receive and consider the community feedback along with a staff report at the November Council Meeting.

At the Ordinary Meeting of Council held Tuesday 19 November 2024 a report was presented outlining the results of the public consultation in relation to vehicular access to Maloneys Beach (GMR24/019).

A Motion from Councillor Shutz to remove the sandstone blocks to allow vehicular access to the eastern end of Maloneys Beach was defeated.

Councillor Pollock OAM raised a Motion to receive a report at the earliest convenience with a view to provide access to Maloneys Beach to the immediate west of the existing toilet block.

The Motion from Councillor Pollock OAM (24/152) was carried unanimously at the Council meeting of 19 November 2024 and this report is provided in response to the Motion.

Comments during the Council meeting and subsequent briefings made it clear that the Motion did not involve providing vehicular access to Maloneys Beach and therefore not providing for the launching of boats or jet skis.

CONSIDERATIONS

Three options have been investigated for providing access to Maloneys Beach to the immediate west of the existing toilet block. These include:

Option 1 – Provide vehicular and pedestrian access

This option involves the construction of a nominal 3.0m wide bitumen sealed access track to the west of the existing toilet block with a turning area at the end combined with the extension of the existing 1.5m wide concrete footpath to provide improved pedestrian access to the beach. The vehicular access track is proposed to be of similar style and construction to the existing access track from Hibiscus Close to the Murramarang National Park.

A concept design illustrating this option is shown as Attachment A.

This option proposes to enable vehicular access into a section of the Maloneys Beach Reserve (Lot 245 DP569875) and Crown Reserve (Lot 7301 DP1143292) and will allow motorists to drive up to the existing picnic shelter and BBQ facilities as well as being able to get closer access to the beach to drop off and pick up passengers and equipment. This option does not attempt to facilitate unauthorised vehicular access onto the sand within the Batemans Marine Park consistent with the *Marine Estate Management (Management Rules) Regulation 1999*.

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The option will provide improved accessibility for all pedestrians by extending the existing concrete footpath from the existing toilet block to connect to the existing BBQ and picnic shelter, as well as the provision of a length of concrete footpath from the end of the proposed sealed access road to the beach within the Crown Reserve. The proposed concrete footpath will complement other existing pedestrian accesses that already provide access to Maloneys Beach to the east and west of the beach and increase the range and locations of public beach access provided.

Timber barricades and/or bollards to be installed as required and Council's restricted activity multi signs will be installed to ensure existing vehicular access restrictions are maintained to the remainder of Council's Maloneys Beach Reserve to the west of the proposed access track.

The cost of this option is \$225,000, allowing for further detailed design, investigation, approvals and construction during 2025/26.

Option 2 – Provide improved accessible pedestrian access only

There is an existing 1.5m wide concrete footpath that currently provides pedestrian access from the parking area within Council's Maloneys Beach Reserve to the toilet block. This option proposes to extend the concrete pathway from the toilet block to the beach within the Crown Reserve, via the BBQ and picnic shelter.

A concept design illustrating this option is shown as Attachment B.

This option will provide improved accessibility for all pedestrians and will provide additional options for people with various disabilities, physical impairments, parents with prams or strollers and wheelchair users to access the reserve and get closer to the beach.

The extended concrete footpath will complement other existing pedestrian accesses that already provide access to Maloneys Beach to the east and west of the beach and increase the range and locations of public beach access provided.

The cost of this option is \$105,000, allowing for further detailed design, investigation, approvals and construction during 2025/26.

Option 3 – Keep current access provisions and restrictions in place

This option maintains the existing scenario by keeping the current access provisions and restrictions in place and not undertaking any further work.

The Maloneys Beach Reserve (Lot 245 DP569875) currently separates Maloneys Beach from the public roads of Northcove Road, Maloneys Drive and Hibiscus Close. The only vehicular access currently permitted within the reserve is via the access track that connects Hibiscus Close to the Murramarang National Park Carpark along with authorised vehicles only being allowed through locked gates off Maloneys Drive and from within the Murramarang National Park.

A formal concrete accessible pathway is currently provided to the eastern end of Maloneys Beach from the carpark within the Murramarang National Park. This pathway is owned and maintained by National Parks and Wildlife Service (NPWS). Other informal pedestrian beach access tracks are also provided to Maloneys Beach through Council's Maloneys Beach Reserve at the central and western ends of the beach.

Council will continue to monitor and review the suitability of existing signage and physical barriers currently in place and adjust as required as ongoing operational matters.

IR25/003 MALONEYS BEACH RESERVE ACCESS

S028-T00001

Legal

Maloneys Beach Reserve (Lot 245 DP569875) is owned by Council and is classified as Community Land. The *Local Government Act 1993* requires Council to have a Plan of Management (PoM) for land classified as Community Land, governing its use and management.

The Maloneys Beach Reserve is covered by Council's PoM for Developed Reserves and Facilities 1999. Within the PoM the main categorisation for the Maloneys Reserve is 'park'. Under the s36G of the *Local Government Act* the core objectives for management of community land categorised as park are:

- a) To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- b) To promote for passive recreational activities or pastimes and for the casual playing of games, and
- c) To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

Council will need to be satisfied that the changes proposed in the preferred option are consistent with the core objectives for the community land and the PoM.

Council is also the appointed manager for the Crown foreshore Reserve for Public Recreation at Lot 7301 DP1143292. As appointed Crown Land Manager, Council has deemed Landowner consent for any development under the *Environmental Planning and Assessment Act 1979 (EP&A Act)* where it is consistent with the reserve purpose.

The works proposed in Options 1 and 2 will be required to be assessed under Part 5 of the EP&A Act. Pursuant to Division 12 Section 2.73 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, development for the purpose of roads and pedestrian pathways can be carried out by or on behalf of a public authority without consent on land owned or controlled by the public authority.

Maloneys Beach, below the mean high-water mark, forms part of the Batemans Marine Park. The Batemans Marine Park is managed by the NSW Department of Primary Industries – Fisheries (Marine Parks) and is covered by the *Marine Estate Management (Management Rules) Regulation 1999*. 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. None of the options investigated propose to provide unrestricted vehicular access to the Batemans Marine Park.

Policy

Council's Developed Reserves and Facilities Plan of Management (1999) (PoM) applies to Council owned Lot 245 DP569875, covering Maloneys Beach Reserve.

The existing picnic tables, BBQ, shed and fencing at Maloneys Beach Reserve are specifically listed in the PoM. The toilets are also covered in the PoM as proposed embellishments, developments and changes and Council records show these were constructed in 1999. The existing access track, parking area and concrete footpath are not specifically identified in the PoM, however, may be considered as existing uses or minor embellishment of the assets that are identified.

IR25/003 MALONEYS BEACH RESERVE ACCESS

S028-T00001

Further, any extension to these assets proposed in Options 1 and 2 may also be considered as minor embellishments not requiring a new PoM to be prepared, provided they are contained in the Council owned Lot 245 DP569875.

If Options 1 or 2 were to encroach on the adjoining Crown Reserve 72057, Council has received advice from Crown Lands advising that Council may construct an access track on the Crown Reserve which is consistent and complimentary to the reserve purpose.

Environmental

Both Option 1 and Option 2 will require further environmental assessment and approvals.

This will include assessment under Part 5 of the EP&A Act and will require a Review of Environmental Factors (REF) to be prepared by Council as both the public authority proponent and the determining authority. The REF will consider all relevant legislation and factors and assess the likely impact of the proposal on the environment as well as outlining the required measures and safeguards that will need to be implemented to ameliorate the identified potential impacts.

Preliminary investigations have identified that the main issue to be addressed will be in relation to protecting Aboriginal heritage. Initial due diligence assessments and a search of the Aboriginal Heritage Information Management System (AHIMS) have determined that, based on recent information from nearby studies, further investigation and impact assessment will be required in relation to Aboriginal heritage for both Options 1 and 2. Neither option can be considered routine maintenance work on existing disturbed land. If Council resolves to proceed with either option an archaeological consultant with expertise in locating and identifying Aboriginal objects will need to be engaged.

Based on initial findings it is likely that an Aboriginal Cultural Heritage Assessment Report (ACHAR) will be required to be prepared by a suitably qualified consultant and an Aboriginal Heritage Impact Permit (AHIP) obtained. It is also likely that further studies, field investigation and test excavation along with monitoring during works will be required.

Option 1 with the larger footprint of works will have the highest potential environmental impact, where Option 2 with the smaller footprint is comparatively less. Council will work to reduce its footprint and avoid harm as far as possible as part of the design.

Council will also need to consider Native Title as part of the works in the Crown Reserve within the REF.

It is expected that the environmental permits and approvals would take between 6 to 12 months to obtain.

Depending on what is discovered as part of the more detailed environmental investigations there may need to be changes made to the concept designs shown in Attachments A and B.

There are no additional environmental considerations for Option 3.

Asset

Both Options 1 and 2 will create new road and/or pathway assets that will need to be maintained by Council.

IR25/003 MALONEYS BEACH RESERVE ACCESS

S028-T00001

For Option 1, it is recommended that the access track be sealed with a bitumen surface as this would only require marginal additional upfront costs compared to an unsealed track, but given its distance away from the rest of the unsealed road network it would be more practical and efficient to maintain in this location and would result in improved environmental outcomes, increased performance and level of service.

The sealed access track will be designed to accommodate light vehicles and the occasional maintenance/service truck.

There are no additional asset considerations for Option 3.

Social Impact

Option 1 enables motorists to drive up to the existing picnic shelter and BBQ facilities as well as being able to get closer access to the beach to drop off and pick up passengers and equipment. This improvement could enhance the amenity and use of the reserve for various community members.

The construction of the vehicular track in Option 1 could present a physical impediment to pedestrian movement between the existing toilet block and picnic shelter and the rest of the Maloneys Beach Reserve to the west. This may not be valued by all members of the community who currently use this space for passive recreational activities and playing of games. The construction of the vehicular track and the required timber barricades will marginally reduce the size of the reserve available for other activities.

Options 1 and Options 2 will both improve the accessibility for all pedestrians and will provide additional options for people with various disabilities, physical impairments, parents with prams or strollers and wheelchair users to access the reserve and get closer to the beach.

There will be no change to the current scenario with Option 3.

Economic Development Employment Potential

N/A

Financial

Option 1 - Provide vehicular and pedestrian access

The total cost for this option is estimated at \$225,000. This includes a significant allowance for the required studies, approvals, permits and other environmental items.

This option will have the highest ongoing lifecycle costs considering maintenance, renewal and depreciation. The actual yearly maintenance cost will depend on many factors, but a reasonable assumption based on other similar assets would be less than \$2000 per year. The pavement structure will be designed with an expected asset life of 50 years and the pavement surface with an expected asset life of 15 years. The concrete footpath will be designed with an expected asset life of 100 years. Allowance will need to be made for these to be renewed as required into the future.

A budget allocation will need to be provided for this project in the 2025/26 financial year.

IR25/003 MALONEYS BEACH RESERVE ACCESS

S028-T00001

Option 2 – Provide improved accessible pedestrian access only

The total cost for this option is estimated at \$105,000. A significant proportion of these costs is associated with the required studies, approvals, permits and other environmental items, however these are not as high as what would be required for Option 1.

The ongoing lifecycle costs for Option 2 are considered marginal (less than \$500 per year). The concrete footpath will be designed with an asset life of 100 years.

A budget allocation will need to be provided for this project in the 2025/26 financial year.

Option 3 – Keep current access provisions and restrictions in place

No additional costs required.

Community and Stakeholder Engagement

At the Ordinary Meeting of Council held 29 October 2024 a Notice of Motion (NOM) was tabled regarding provision of vehicle access to the Maloneys Beach reserve, whereby it was resolved that Council:

1. Consult the community for a period of 14 days regarding their views around 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 Maloneys Beach.
2. Receive and consider the community feedback along with a staff report at the November Council Meeting.

Council commenced the community consultation period on Tuesday 29 October 2024 by hand delivering letters to all dwellings in Maloneys Beach (approx. 271), posting letters to 141 property owners with a postal address outside of Maloneys Beach, emailing all members of the community who have contacted Council about the issue, and the residents' associations of Maloneys Beach and Long Beach. A copy of the NOM was provided with the letter. Public consultation was open from 29 October to 12 November 2024, and feedback could be received by phone, email and hard copy letter.

Council also invited and received submissions from NSW Government stakeholders including NSW Crown Lands, National Parks and Wildlife Service and Batemans Marine Park.

Upon close of the public consultation period, 254 submissions were received, and these were provided in full to Councillors.

A report summarising the feedback from the community was presented at the Ordinary Meeting of Council held 19 November 2024.

Feedback from the community after the Motion was passed at the Meeting of Council held 19 November 2024 is that the improved access as provided for by this report will not satisfy those members of the community who want vehicular access to the beach, including the launching of boats and jet skis, nor is their community support for a road to the immediate west of the toilet block.

CONCLUSION

This report has outlined two options for providing improved access at Maloneys Beach Reserve, plus the option of doing nothing.

IR25/003 MALONEYS BEACH RESERVE ACCESS

S028-T00001

Option 1 offers the most comprehensive access improvements for both motorists and pedestrians but comes with the highest cost and potential environmental impacts.

Option 2 provides a more modest improvement focused on pedestrian access with lower costs and potential environmental impact.

Option 3 maintains the status quo with no additional costs or changes.

Council is advised to consider the implications of each option, including budgetary constraints, environmental sensitivities and impacts, and community feedback, to make an informed decision on the best course of action for Maloneys Beach Reserve.

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IR25/004 LOCAL TRAFFIC COMMITTEE NO.4 FOR 2024-25

S030-T00018

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Under separate cover - LTC No. 4 for 2024-25 Minutes and attachments

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

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

Delivery Program Link: 4.1.1 Plan for an integrated and active local transport network, guided by the NSW Government's Future Transport 2056 Strategy

Operational Plan Link: 4.1.1.3 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

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

Recommendations arising from the Local Traffic Committee Meeting No. 4 held 13 February 2025 are as follows:

RECOMMENDATION

THAT Council:

1. Approves the following acts for determination from Local Traffic Committee No. 4:

- **2025.RT.012 Melaleuca Crescent, Catalina**

That Council Plan 5490-M-01 for signage at Melaleuca Crescent, Catalina Bus Zone Installation area, be approved.

2. Notes the following Informal Items:

- **2025.SE.006 - Adrenalin Quest Adventure Race – based within northern Eurobodalla including Tomakin, Mogo and Batehaven** held Friday 21 February 2025 to Sunday 23 February 2025.
- **2025.SE.005 - Summer Salt 2025 – (formally known as Red Hot Summer Tour)** based Batemans Bay held 15 March 2025
- **2025.SE.007 - Variety 4WD Adventure based Malua Bay** held 2 March 2025 and 23 March 2025.
- **2025.SE.008 - ANZAC Day, Batemans Bay, Narooma, Moruya, Nelligen** held in all locations on Friday 25 April 2025.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 4 for 2024-25 was held on 13 February 2025. The meeting was attended by Thomas Franzen (ESC Divisional

IR25/004 LOCAL TRAFFIC COMMITTEE NO.4 FOR 2024-25

S030-T00018

Manager, Technical Services) James Thompson (ESC Transport and Stormwater Engineer), Katherine Buttsworth (ESC Road Safety Officer), Daniel Weekes (Maintenance Planning Officer, Works), Donna Bins (Transport for NSW), Brad Ross (Transport for NSW), Chief Inspector John Sheehan (NSW Police), Senior Sgt Scott Britt (NSW Police), Sheree Ward (ESC Infrastructure Support Officer).

APOLOGIES

Kelly-Ann Marshall (ESC Surveillance Officer – Maintenance).

ACCEPTED

A motion to move James Thompson as “the Chair” for this meeting 13 February 2025.

CONCLUSION

The minutes of the Eurobodalla Local Traffic Committee Meeting No. 4 for 2024-25 are attached to this report and provide further background for the recommendation.

17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

RECOMMENDATION

THAT pursuant to Section 10A of the *Local Government Act, 1993* the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

CON25/003 Review of Community Care Services

Item CON25/003 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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