



# AGENDA

## Ordinary Meeting of Council

**25 February 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 FEBRUARY 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 17 December 2024
- 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**  
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- 8. NOTICES OF MOTION**  
Nil
- 9. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
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**WARWICK WINN  
GENERAL MANAGER**

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MR25/001 TUROSS BEACH CLEAN-UP INITIATIVE AND COLLABORATION WITH THE PROGRESS  
ASSOCIATION AND RURAL FIRE SERVICE (RFS)

File Ref: S002-T00013

Attachments: Nil

**EXECUTIVE SUMMARY**

A number of Tuross Head residents have raised concerns about driftwood debris on Tuross main beach, requesting Council clean up and remove this buildup.

The debris occurs naturally when driftwood washes down the Tuross River from high in the catchment and deposits on the beach, leaving the sand and often the surf strewn with driftwood. At the moment, the high tide area of the beach is covered with woody debris and barely usable.

Council staff have responded to requests to remove the driftwood in line with Council's established position, which is that Council does not as a matter of course remove debris from Eurobodalla beaches. This is because it generally clears through natural cycles, and because any clearing requires state government environmental approval and permits.

Some larger pieces of driftwood that have been made into structures can and have been dismantled by Council under the Civil Liability Act to uphold public safety. However, the dismantled driftwood has not been removed from the beach because Council has no authority to do so.

Staff acknowledge that debris accumulates intermittently at Tuross Head main beach, as well as Moruya's Shelley beach, Broulee Beach and the north bank of the Clyde River in Batemans Bay, depending on storms and significant rain events.

Several 'one-off' Council cleanups of Tuross main beach have occurred over the past ten years. No debris has been removed by Council from any of the other locations.

The most recent Council cleanup at Tuross main beach occurred in August 2022 at a cost of around \$10,000. Within three months of that cleanup, large storms resulted in even more debris on the beach.

I acknowledge the community's concerns about the state of main beach, and as Mayor propose another one-off clear up, and for discussions to take place with state agencies that could allow community members to undertake regular cleanups to keep the beach useable.

**RECOMMENDATION**

THAT:

1. Council approve funds for a one-off clean up of Tuross Head main beach and removal of the driftwood debris
2. Council seek the relevant environmental permits from the NSW Government as soon as possible to allow the clean up to take place
3. Council initiate discussions with relevant state agencies that could allow smaller, community-led cleanups under approved conditions without the need to seek formal permits.

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**MR25/001 TUROSS BEACH CLEAN-UP INITIATIVE AND COLLABORATION WITH THE PROGRESS ASSOCIATION AND RURAL FIRE SERVICE (RFS) S002-T00013**

**General Manager's response**

Council staff have consistently applied the position regarding beach cleanups as informed by the relevant NSW government agencies.

However, if Council is so minded to fund another one-off clean up (similar to August 2022 and others prior) then the monies will be found, bearing in mind our tight financial situation.

Staff are currently seeking advice regarding the required permits from NSW Marine Parks, noting approvals can take up to three months.

They are also sourcing quotes from contractors for the cleanup and removal of the driftwood debris at both main beach and the smaller ancillary beach area, with a separate cost for each.

Discussions can be initiated with the relevant state agencies to ascertain if smaller-scale, community-led cleanups are a possibility, and I am supportive of this approach.

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**PET25/001 DRIFTWOOD ON ONE TREE BEACH SOUTH IN TUROSS HEAD**

S002-T00013; S012-T00029

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

Attachments: Nil

Council has received a petition from the Members of the Tuross Head community, concerned by the accumulation of driftwood on Main Beach, and the potential safety risk it may pose.

**MOTION**

THAT Council receive and note the petition.

**BACKGROUND**

Petition specifically states:

To the Mayor and Councillors of Eurobodalla Shire Council

This Petition of: The Members of Tuross Beach community

Draws to the attention of the Council:

This petition, submitted by Caitlin Gordon, a concerned resident and representative of the broader community, including residents, local businesses and visitors, urgently brings to the Councils attention the deteriorating condition of One Tree Beach South in Tuross Head (**One Tree Beach**).

The shoreline of One Tree Beach has been severely impacted by driftwood and other debris as a result of the 2019/2020 bushfires and repeated flooding (most recently, the flooding events of November and December 2023). Whilst driftwood and debris on other beaches in the area has moved naturally, the unique positioning of One Tree Beach has meant that the amount of driftwood has remained constant over several years, notwithstanding concerted efforts by some residents to move the debris, as well as rainfall and large tides.

The accumulation of driftwood and debris on One Tree Beach is not only an eyesore, but it also presents significant safety hazards, restricts accessibility, damages public perception and faith in the Council, impacts local businesses, undermines tourism, and jeopardises the long-term upkeep of a vital community asset. Signatories to this petition consider that urgent and meaningful action is essential to address these concerns and restore the beach to its former state of safety and vitality.

The salient issues related to the accumulation of driftwood and debris on One Tree Beach include:

1. **Safety and Liability:** One Tree Beach has been designated by the Council as one of eight patrolled beaches in the Shire, and the only patrolled beach in Tuross Head. It is promoted by the Council on its website as a family friendly beach, and the Council has provided facilities for families and individuals with disabilities. However, the accumulation of driftwood and debris has created significant safety hazards for beachgoers, particularly

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**PET25/001 DRIFTWOOD ON ONE TREE BEACH SOUTH IN TUROSS HEAD**

**S002-T00013;  
S012-T00029**

children, creating a risk of injury. Some of these safety risks include (but are not limited to):

- a. Large and unstable structures made from driftwood have been, and continue to be built on the beach, posing a risk of collapse onto children playing inside them. Correspondence issued by the Council indicates that it is aware of the safety issues these structures pose, such that Council resources are expended to dismantle the structures. However, as the driftwood is not removed after the structures are dismantled, they continue to be constructed. **Attached** to this petition are photos evidencing this issue.
- b. The driftwood creates tripping hazards and blocks accessways, meaning that the beach is no longer accessible or usable for the elderly or the disabled members of our community. This is also evident in the **attached** photographs.

2. **Lifeguards:** Lifeguards, who are contracted to patrol One Tree Beach as a Council initiative, are required to clear an area daily so that they are able to bring their necessary safety equipment onto the beach. They are also required to warn beachgoers of the hazards of the hazards that driftwood and large floating logs pose. This distracts from the key purpose of lifeguards on the beach, which is to patrol the beach and respond to any water-based incidents.

Moreover, the state of the beach has driven many beachgoers to instead attend other unpatrolled beaches. This undermines the purpose of the Council funding lifeguards at all, given that beachgoers do not get the protection of a patrolled beach, and those lifeguards are left watching an empty beach.

**Attached** are photographs which show the excessive amount of driftwood surrounding the lifeguards, who were patrolling an empty beach.

3. **Beach usability:** The driftwood and debris covers the majority of the shoreline, as evident in the **attached** photographs. As a consequence, there is simply no room for beachgoers to place their towels or umbrellas, save for a few areas which have been cleared by individuals. This has meant that the beach is left desolate for much of the year.

In December 2023, a collective of concerned members of the community attended the beach to try and clear some of the debris so that the beach could be used during the summer period. However, as the community is not permitted to remove the debris from the beach, the best option available to the community was to move the debris further up the beach. Following this clean-up effort, the beach was filled with beachgoers for the first time in some years.

However, rainfall shortly after this resulted in the stockpiled driftwood being pushed back down the beach, again rendering it largely unusable and unable to house the load of summer beachgoers.

4. **Community and Visitor Feedback:** Both locals and visitors (including the signatories of this petition) have expressed significant dissatisfaction with the poor state of the beach. As a small, coastal community, Tuross Head (and the Shire more broadly) relies on the positive feedback of visitors, who bring vital business to the local economy. The poor

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**PET25/001 DRIFTWOOD ON ONE TREE BEACH SOUTH IN TUROSS HEAD**

**S002-T00013;  
S012-T00029**

condition of One Tree Beach has already impacted this reputation, as well as the reputation of the Council itself, with many wondering why Council intervention has not occurred, given that beaches are biggest natural asset for coastal communities. Some visitors have indicated that they would not return to Tuross Head, after being left severely disappointed with the state of the beach.

5. **Fire Hazards:** The accumulation of driftwood presents a significant fire risk, and some individuals have already lit fires on the beach. With such a large amount of flammable material piled in a small area, there is foreseeable and significant fire risk that ought to be addressed.
6. **Environmental Concerns:** It is acknowledged that some driftwood plays a role in coastal ecosystems. However, excessive buildup, which has been largely caused by significant events (such as the 2019/2020 bushfires) as well as human-led land clearing events, can harm the natural beauty and function of the beach, and effect the natural movement of the sand, flora and fauna.
7. **Council perception:** Many members of the Tuross Head community have lost faith that the Council understand how to manage, maintain and improve the local area that it administers, as well as make decisions which are in the best interest of the Shire. Specifically:
  - a. **Beach facilities:** As noted above, the Council has expended resources to provide the following facilities and services at One Tree Beach (inter alia):
    - i. Lifeguards over the peak summer period;
    - ii. Lifesaving equipment;
    - iii. Toilets (including cleaning and maintenance);
    - iv. Beach showers;
    - v. Carparking;
    - vi. Mobility mat;
    - vii. Beach wheelchair;
    - viii. Rubbish bins;
    - ix. Rangers to patrol for dogs (which the Council does not permit on the Beach); and
    - x. Services to dismantle driftwood structures.

It appears that whilst the Council is willing to expend resources to provide services and facilities adjacent to beach use, the Council has been unwilling to expend resources to ensure that beach is actually safe and useable.

- b. **Engagement with local complaints:** Many members of the Tuross Head community have raised direct complaints with the Council about the state of One Tree Beach and the need for Council intervention. In response to these numerous concerns, the

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**PET25/001 DRIFTWOOD ON ONE TREE BEACH SOUTH IN TUROSS HEAD**

**S002-T00013;  
S012-T00029**

Council has issued brief, generic and duplicative letters which fail to meaningfully engage with the issues that are being raised with it.

The approach of the Council to outwardly appear to dismiss the complaints without any apparent action, engagement, collaboration or discussion gives the perception that the Council is unwilling to respond to or meaningfully engage with community concerns, notwithstanding their impact or significance.

For brevity, the above issues have been summarised and reflect a snapshot of the concerns felt by the community in relation to this issue. Further information and submission (including specific examples and accounts) in support of this petition can be provided if required.

The signatories to this petition urge the Council to take immediate action to restore One Tree Beach to a safe, accessible and welcoming place for both ratepayers and visitors. It is acknowledged that this will require permits to be obtained from the NSW Government. Additionally, the signatories to this petition consider that steps should be taken to implement a long-term management plan for the beach, which may involve collaboration with the Tuross Head community, to ensure that One Tree Beach does not revert to its current state of driftwood and debris.

**GENERAL MANAGER'S RESPONSE**

The petition was received on 6 February 2025.

Debris at Tuross main beach, as well as other locations, including Moruya's Shelley beach, Broulee Beach and the North bank of the Clyde river in Batemans Bay, accumulates intermittently, depending on storms and significant rain events. No debris has been removed by Council from any of the other locations. However, several cleanups of Tuross main beach have occurred over the past ten years.

The most recent cleanup at Tuross main beach occurred in August 2022, at a cost of over \$10,000. However, within three months of that cleanup we had a weather event with even more debris being deposited on the beach.

The beach area is Crown Land. As such, before undertaking a cleanup Council would need to apply to the state government for a permit, as well as liaising with a range of government departments. This process typically takes several months.

Council has responded to all enquiries received recently, in writing. In addition, due to risk concerns, Council staff have dismantled the driftwood structures at the site this week, but not removed the driftwood from the beach, as we currently have no permit to do so.

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**PSR25/001 TENDER EXPANSION AT SURF BEACH WASTE MANAGEMENT FACILITY**

**S031-T00016**

- Responsible Officer: Gary Bruce - Director of Planning and Environment
- Attachments: 1. Under Separate Cover - Confidential - Surf Beach Waste Management Facility - Landfill Cell & Liner System Modification Contract No. 2324-248
- Community Goal: 1 Our sustainable shire celebrates our natural environment and outdoor lifestyles
- Community Strategy: 1.1 Move together for a sustainable future
- Delivery Program Link: 1.1.3 Facilitate waste management services guided by the strategy and asset management plan
- Operational Plan Link: 1.1.3.1 Build, renew, operate and maintain waste landfill sites and transfer stations

**EXECUTIVE SUMMARY**

Council is undertaking modification works to the Landfill Cell & Liner System in an existing un-commissioned landfill cell at the Surf Beach Waste Management Facility. This report outlines the evaluation of offers submitted in response to Surf Beach Waste Management Facility – Landfill Cell & Liner System Modification (Contract No. 2324-248).

Surf Beach Waste Management Facility – Landfill Cell & Liner System Modification (Contract No. 2324-248) was advertised from 27 August 2024 with a closing date of 11 October 2024. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan.

- Civil & Civic Pty Ltd
- Cleary Bros Pty Ltd
- JBG Civil Pty Ltd

The purpose of this report is to advise Council of the tenders received and to make recommendation for the award of the Landfill Cell & Liner System Modification tender to the preferred contractor. A confidential attachment is included for Councillors' information only pursuant to Section 10A(2) of the Local Government Act 1993.

**RECOMMENDATION**

THAT:

1. Council accepts the selection of the preferred tenderer recommended in the confidential attachment in response to Contract No. 2324-248 Surf Beach Waste Management Facility – Landfill Cell & Liner System Modification.
2. Council accordingly approves entering a contractual arrangement with the preferred tenderer, subject to the terms specified in Contract No. 2324-248; and
3. Council delegate to the General Manager the function of finalising and entering the contract with the successful tenderer in accordance with documents forming Contract No.

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**PSR25/001 TENDER EXPANSION AT SURF BEACH WASTE MANAGEMENT FACILITY**

**S031-T00016**

2324-248 Surf Beach Waste Management Facility – Landfill Cell & Liner System Modification.

**BACKGROUND**

Council sought tenders under Contract No. 2324-248 - Surf Beach Waste Management Facility – Landfill Cell & Liner System Modification for.

- construction works associated with an existing, but not commissioned landfill cell (Stage 2 phase 1)
- the expansion of the organics waste processing area,
- and upgrades to leachate and stormwater management at the site.

The upgrade of this infrastructure will deliver additional landfill capacity lost following the black summer bushfires and improve disaster resilience with the expansion of the organics area.

The construction of the Stage 2 landfill cell was completed in 2018 and was due to be commissioned at the completion of the Stage 1 landfill. The landfill cell was damaged in the Black Summer bushfires of 2019/2020. Council deferred commissioning of the new landfill cell subject to repairs to the liner system. In addition, several other design modifications were identified that were considered necessary to ensure effective leachate management at the new cell. The bushfires adversely impacted available ‘void’ capacity at the site, and Council needs to have necessary works undertaken to make Stage 2 landfill cell operational. The landfill cell has not been used for waste disposal to date.

In December 2021, Council received grant funding from the Environment Protection Authority’s (EPA) Bushfire Recovery Program for Council landfills, (part of the NSW Government’s Disaster Recovery Funding arrangements) to assist Council in replacing lost landfill capacity due to accepting bushfire waste. Three projects were earmarked for Surf Beach Waste Management Facility including, preparation of a disaster resilience master plan, expansion of the organics area, and enabling works to the existing landfill cell (stage 2) with an allocation of \$6,782,538 in grant funds.

Council engaged NSW Public Works Authority (PWA) to manage the procurement process. Contract No. 2324-248 was advertised on the Local Government Procurement Professional Services Panel (Vendor Panel) from 27 August 2024 with a closing date of 11 October 2024. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan.

- Civil & Civic Pty Ltd
- Cleary Bros Pty Ltd
- JBG Civil Pty Ltd

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

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**PSR25/001 TENDER EXPANSION AT SURF BEACH WASTE MANAGEMENT FACILITY**

**S031-T00016**

**Legal**

Contract No. 2324-248 - Surf Beach Waste Management Facility – Landfill Cell Liner System Modification was advertised in accordance with clause 167 of the Local Government (General) Regulation 2021 and Local Government Act 1993. The tender was advertised through the NSW Local Government Procurement website [VendorPanel - NSW Local Government Approved Contractor Panel](#).

Before tender assessment was undertaken a formal Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee (TEC). Declarations of Confidentiality and Conflicts of Interest Forms were completed and signed by the TEC.

The offer submitted by the preferred tenderer has been assessed as representing best value for money due to the company's demonstrated experience, quality of workmanship, and satisfactory price in comparison to the pre-tender estimate. This report includes a Confidential Attachment which details the preferred tenderer/s and assessment criteria.

**Policy**

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2021 and the Local Government Act 1993.

**Environmental**

The upgrade works will mitigate risk to the environment ensuring waste operations are undertaken in accordance with Council's Environment Protection License requirements.

**Asset**

The proposed works will result in the expansion of a Council managed asset.

**Social Impact**

The projects will enhance the effective and efficient management of waste operations and maximise the lifespan of the Surf Beach Waste Management Facility to meet the current and long-term needs of the community and improve disaster resilience and recovery.

**Financial**

Council received \$6.78 million in 2022 under the Bushfire Recovery Program for Council landfills to support these projects. The original deadline of 31 June 2023 was extended to 31 May 2025 due to project delays. Council's contribution is \$4.1 million, but this may increase if not acquitted by 31 May 2025. This will be financed from Council's waste fund reserves.

**Community and Stakeholder Engagement**

The community will be informed of the tender outcome(s) via Council's contract register found in Council's 'Public Access to Information' web link.



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**PSR25/001 TENDER EXPANSION AT SURF BEACH WASTE MANAGEMENT  
FACILITY**

**S031-T00016**

**CONCLUSION**

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the preferred tender has been assessed, through an extensive evaluation process as representing best value for money.

The preferred tenderer, as identified in the Confidential Attachment, is therefore recommended for the award of the contract for the Surf Beach Waste Management Facility – Landfill Cell & Liner System Modification construction works.

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**PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 TO 74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS BAY DA0178/24**

Responsible Officer:	Gary Bruce - Director of Planning and Environment
Attachments:	<ol style="list-style-type: none"><li>1. Under Separate Cover - Attachment 1 - Plans</li><li>2. Under Separate Cover - Attachment 2 - Conditions of consent</li><li>3. Attachment 3 - Water NSW Response</li><li>4. Attachment 4 - Essential Energy Response</li><li>5. Attachment 5 - TfNSW Response</li><li>6. Attachment 6 - DPI Fisheries Response</li></ol>
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:	3.1.2 Provide receptive and responsive development assessment services
Operational Plan Link:	3.1.2.1 Assess and determine development applications
Applicant:	Galaxy Homes (Aust) Pty. Limited
Land:	68 to 74B Beach Road and 1 to 5 Golf Links Parade, Batemans Bay Lot 1 DP 571500; Lot 79 DP 31086; Lots 13 to 18 DP 18421
Area:	5,440m <sup>2</sup>
Setbacks:	Front – Consistent with predominant character Side – As required by the apartment design guidelines 6m from habitable rooms and balconies to the boundary
Height	Maximum Building Height under ELEP 15m Proposed Height Building A 20.9m (37.6% variation) and Building B 17.85m (19% variation)
Zone:	R3 Medium Density Residential
Current Use:	Dwelling houses and vacant land
Proposed Use:	Residential Flat Building
Description:	Demolition of existing structures and the construction of a residential flat building (containing 52 Units)
Permitted in Zone:	Yes – Permitted with development consent
DA Registered:	9 October 2023
Reason to Council:	>10% variation to Height of Buildings Standard and Variation to Council's Policy 'Build in the Vicinity of Sewer Mains'
Recommendation:	Approval subject to conditions

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**PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 TO 74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS BAY DA0178/24**

**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's determination of Development Application (DA) DA0178/24 for the demolition of existing structures and the construction of a residential flat building (containing 52 Units) at 68 to 74B Beach Road and 1 to 5 Golf Links Drive, Batemans Bay.

The DA seeks a variation to the *Eurobodalla Local Environmental Plan 2012* (ELEP) Clause 4.3 Height of Buildings. The ELEP defines the maximum height of buildings as 15m, measured from existing ground level. The proposal requests a variation to the development standard, with the tallest part of the building being 20.9m (or a 37.6% variation) associated with the upper level of Building A.

The *Guide to Varying Development Standards, November 2023* requires that all developments with a variation greater than 10% be determined by the elected Council.

The application also seeks to vary Council's Policy 'Building in the vicinity of sewer mains' as the proposal seeks to construct the building over a Council sewer main which traverses the centre of the site.

The proposed development has been assessed against the requirements of the *Environmental Planning and Assessment Act 1979* (EPA Act), relevant State Environmental Planning Policies (SEPPs), *Eurobodalla Local Environmental Plan 2012* (ELEP), the Batemans Bay Regional Centre Development Control Plan (DCP) and is considered compliant with the requirements.

The DA was notified in line with the Community Engagement Framework and Participation Plan. During the notification, six (6) submissions were received.

The application was referred to Council's Engineering Officers, Water and Sewer officers, Transport for NSW, Essential Energy, DPI Fisheries and Water NSW and satisfactory responses were received.

**RECOMMENDATION**

THAT Development Application DA0178/24 for the Demolition of existing structures and the construction of a residential flat building (containing 52 Units) at 68 to 74B Beach Road and 1 to 5 Golf Links Drive, Batemans Bay, be approved subject to the conditions provided in the attachment to this report.

**BACKGROUND**

Council received a DA for demolition works and construction of a residential flat building, originally comprising 62 residential apartments split across two buildings (Building A and Building B) with associated onsite car parking on 9 October 2023 described as follows:

- Demolition of 3 dwellings and 4 detached outbuildings;
- Removal of 15 trees;
- Construction of a residential flat building, containing:
  - Up to 7 levels.

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**PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 TO 74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS BAY**

- 131 car parking spaces
- 62 residential apartments; and
- Swimming pool.

The site comprises of eight (8) allotments with a combined area of 5,440m<sup>2</sup> and a frontage of 73.195m to Beach Road and a secondary frontage of 45.74m to Golf Links Drive. The site currently comprises of existing dwelling houses and outbuildings. The area is undergoing transition with a number of new residential flat building developments occurring along Beach Road and the surrounding streets. The immediate surrounding development is a mix of single dwelling houses and commercial development.

It should be noted that demolition of the existing dwellings facing Beach Road were approved under separate development applications in 2021/2022 and demolition of these buildings can be undertaken under these separate consents.



**Figure 1- Site location and context**

Council requested additional information in December 2023 and asked the applicant to address building height, building over sewer, visual impact assessment response to the public submissions, waste management, vehicle access and traffic matters.

A revised proposal was received by Council in May 2024 which reduced the proposed development from 62 to 52 apartments and reduced building heights.

PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 TO 74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS BAY DA0178/24



Figure 2 – Photomontage of development (as amended) viewed from Beach Road.

Whilst the amended plans resolved most of the issues raised by Council, the response did not address Council's concerns about building over the sewer main and Council wrote to the applicant again in June and September 2024 to request further information from the applicant to address this issue.

Following ongoing negotiations with Council's Infrastructure Directorate, it was requested that the applicant prepare and provide to Council a detailed catchment analysis and determine the viability of diverting the sewer main and connection to a new purpose-built sewer pump station. The applicant has provided a cost breakdown of the above options, prepared by a suitably qualified civil engineer.

## **POLICY**

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and the following relevant legislation, planning instruments and policies.

The proposed development has been assessed against the requirements of the *Environmental Planning & Assessment Act*, relevant State Environmental Planning Policies (SEPPs), *Eurobodalla Local Environmental Plan 2012 (ELEP)*, *Development Control Plan (DCP)*, codes and policies and is considered compliant with the requirements.

### *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 2 Vegetation in non-rural areas only applies to clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. Approval is required for removal of native vegetation associated with this proposal and this has been adequately addressed within the application, with no significant impacts of biodiversity or significant habitat associated with the development.

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**PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 DA0178/24  
TO 74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS  
BAY**

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

Chapter 2 – Coastal Management

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

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

Chapter 4 – Remediation of Land

This Chapter aims to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment. Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and whether it will be suitable in its contaminated state or can be made suitable through remediation of the site.

The subject land has been used for residential purposes for an extended period and there is no evidence of contaminating land uses associated with the site history. The application is accompanied by a Phase 1 Contamination Assessment carried out by a suitably qualified consultant which details the historic land use and includes the results of soil samples taken from 17 boreholes across the site. The report concludes that the site is suitable for the proposed land use. Conditions will be applied that deal with any unexpected finds and removal of any contaminated building material (such as asbestos) associated with the demolition of the dwellings.

As such, the development satisfies the requirements of Clause 4.6 of the SEPP and the land is suitable for the intended use.

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

The site is located with frontage to a regionally classified road (Beach Road) and therefore Clause 2.119 applies. Council must be satisfied that where practicable and safe, vehicular access to the land is provided by a road other than the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development and that the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The development satisfies Clause 2.119 as access is provided from Golf Links Parade, not Beach Road. Council is satisfied the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development. The application was referred to TfNSW for comment and they not raised issue with the application. A Traffic Report was submitted with

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the application, prepared by consultants, Varga Traffic and Transport, which advised the trip generation would not impact upon the operation of the Beach Road.

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

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 -BASIX of the SEPP applies as the proposal consists of residential development. The application is accompanied by a BASIX Certificate which demonstrates the proposal will meet the sustainability requirements of the SEPP. A condition is recommended that all BASIX requirements are implemented as part of the development.

State Environmental Planning Policy (Housing) 2021

Chapter 4 – Design of Residential Apartment Development applies to the development and in accordance with the EP&A Regulations 2021 the application is accompanied by a Design Verification Statement prepared by a qualified designer demonstrating the proposal is consistent with the Design Quality Principles outlined in Schedule 9 of the SEPP and the Apartment Design Guidelines (ADG).

Council staff have undertaken a detailed assessment of the development against the design criteria and ADG and are satisfied the proposal demonstrates a high level of amenity for the development, with measures taken to mitigate impacts upon the adjoining lands and not inhibit the future development of adjoining properties. Notably, a high level of solar access is achieved for the development and the apartments are suitably sized including north facing balconies and communal open space areas, generous building separation which in most cases exceeds the 6m requirement.

Overall, the proposal is considered a high quality residential apartment development that will offer further housing choice for the area.

Eurobodalla Local Environmental Plan 2012 (ELEP)

Clause 2.3 - Zone objectives and Land Use table

The site is zoned R3 Medium Density Residential. The objectives of the R3 zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage tourist and visitor accommodation in areas of demand subject to controls to ensure the adequate protection of a permanent residential housing supply and amenity.*
- *To encourage walking, cycling and the use of public transport.*



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The proposal is consistent with the objectives of the zone. The proposal will contribute to the housing choice of the area in providing for the following apartment mix:

- 2 x 1 bedroom
- 15 x 2 bedroom
- 34 x 3 bedroom
- 1 x 4 bedroom
- Of the above, 12 units are 'adaptable units' in accordance with AS4299 - Adaptable Housing.

The proposal is within walking distance to the Batemans Bay town centre and represents the envisaged style of residential apartment development to contribute to housing choice for the area.

Clause 4.3 – Height of Buildings

Clause 4.3 Height of Buildings sets a maximum height of 15m, measured from existing ground level. The development seeks the following variations to the development standard:

**Building A** – 20.6m (20m to the upper level of the roof and 20.6m to the lift overrun) This equates to a 37.6% variation to the lift overrun and 33% to roof form.

**Building B** – 17.85m (17.15m to upper level of roof and 17.85m to the lift overrun). This equates to a 19% variation to the lift overrun and 14% to roof form.

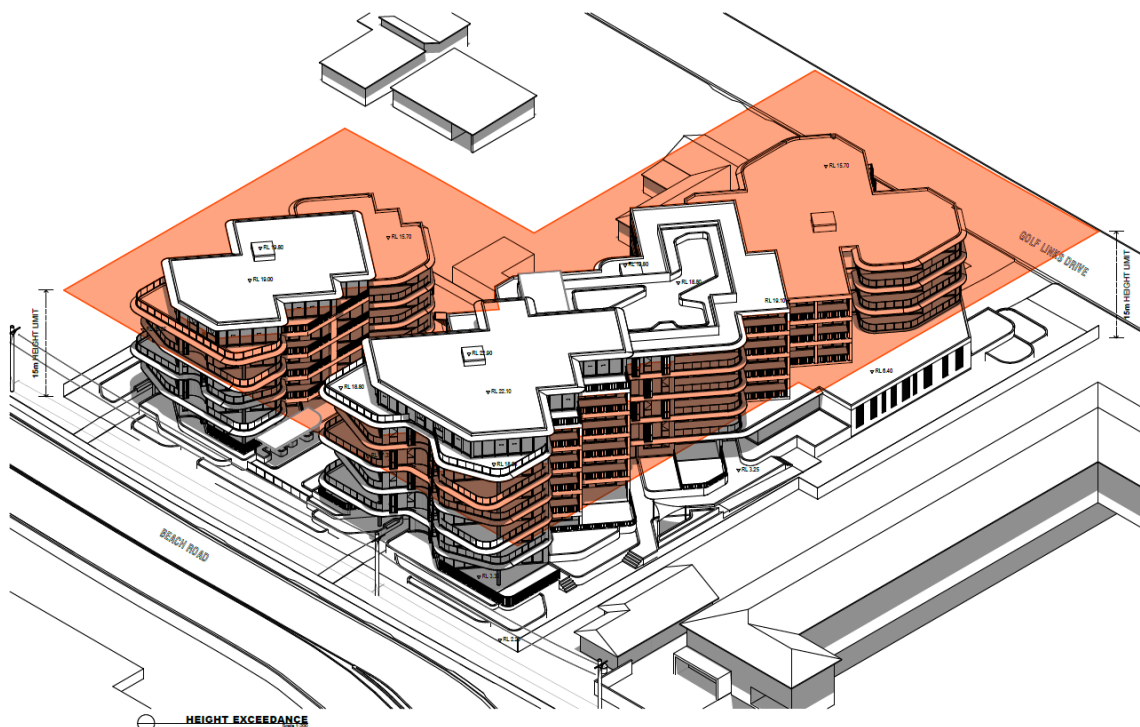


Figure 4 – Diagram showing 15m height plane across the site. Building A right, Building B left.

Clause 4.6 – Exceptions to Development Standards

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The objective of Clause 4.6 is to provide a degree of flexibility in applying certain development standards to particular development and to achieve a better outcome for development by allowing flexibility in particular circumstances. Clause 4.6 enables consent to be granted for development even though the development would contravene a development standard. In accordance with sub-clause 3, development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the contravention of the development standard.

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

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

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

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

Detailed information has been provided in the form of photomontages, desired future character analysis, a visual impact assessment (including views) and detailed shadow diagrams to document how the objectives have been met. The written request outlines how the objectives are achieved, and Council staff are satisfied with the information provided.

The written request then details the relevant environmental planning grounds, with the following ground raised:

- *The emerging desired future character of the locality has been established through recent Council approvals which have established a 5 and 6 storey height for buildings.*
- *The proposed built form of 6 transitioning to 4 storeys is therefore compatible with the desired future character of the locality.*
- *The development is appropriately sited on the land and massed to address the setback controls and objectives and manage overlooking impacts.*

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- *The flood affectation is noted to contribute to the majority of the variation of the fifth storey. The sixth storey for two penthouse units provides an architectural statement similar to Ohana and will marry into the character of the area.*
- *The flood planning level of 3.06m AHD requires that the habitable floor spaces of the building are built to this level. This means that the habitable level ranges from 570mm to 1460mm above the ground surface level on Beach Road and 990mm on Golf Links Drive. This means that the variation can be attributed to compliance with the flood planning level, particularly for the level 4 variation.*
- *The provision of a rooftop communal open space area on Level 4 of Block A results in a variation to the balustrade. The communal open space is a desirable outcome consistent with the provisions of the Apartment Design Guide.*
- *The development exhibits a high quality architectural and built form outcome that will contribute positively to the diversity of development along Beach Road.*

The above matters are not general propositions, rather, site specific environmental planning grounds that relate to the site and proposal. Council agrees with the above matters and considers the below the key environmental planning grounds:

**a) Compatibility with context** - The proposal is consistent with the maximum building height of nearby developments on Beach Road, notably the 'Ohana' Development on the corner of Beach Road and Herarde Street, which is up to six (6) stories facing Beach Road. The applicant has provided a visual impact assessment which includes photomontages from several key vantage points which demonstrate the proposal will be contextually appropriate. The proposal is compliant with the building height presenting to Golf Links Drive and the dwelling at 7 Golf Links Drive, in recognition of the context of this street.



*Figure 5– Photomontage consisting of 'Ohana' development located on the right and proposal to the left, as viewed from Batemans Bay Bridge.*

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**b) Generous Building Separation for an improved urban outcome** - The consolidation of eight (8) allotments has afforded the development generous building separation to the adjoining properties which exceeds the requirements of the ADG and Council's DCP. This includes the ability to split the development into two separate taller buildings facing Beach Road which is considered a better outcome than a single, continuous four storey building facing the length of the Beach Road frontage.

**c) Overshadowing has been minimised** - The proposal reduces the height of the building centrally towards the site and at the southern portion of Building B to minimise solar impacts on the adjoining lands. The shadow diagrams document that there will be minimal shadow impact on the existing dwelling upon 7 Golf Links Drive when compared to development that complies with the height standard. The existing dwelling on 7 Golf Links Drive will maintain approximately 3 hours of solar access to the year yard, on the shortest day of the year. The additional building height has been placed in the northern portion of the site to minimise both visual and solar impacts to the adjoining lands.

**d) The land is flood affected** – The site is flood prone land and requires the ground floor level to be raised to achieve a flood planning level. This causes further departure from the height standard, and this is recognised as an environmental planning ground.

Council can be satisfied that the application has demonstrated that 'compliance is unreasonable and unnecessary in the circumstances' and that 'sufficient environmental planning grounds' have been identified within the written request to allow the variation to the development standard.

#### Clause 5.10 Heritage conservation

The site is not located on land or within proximity of any listed heritage items or heritage conservation area listed in Schedule 5 of the ELEP 2012.

The clause requires Council to consider aboriginal heritage prior to granting consent. The site is in proximity to a number of known Aboriginal items and places given the location on the coastline and sandy soils. The applicant has provided a Due Diligence Assessment prepared by a suitably qualified heritage consultant. The report indicates that there is likely to be shells on the site, which are confirmed in the geotechnical investigation report.

As such, an Aboriginal Heritage Impact Permit (AHIP) is required for ground testing to determine if there is any impact, and this will be required as a consent condition. The proposal is considered to satisfy Clause 5.10.

#### Clause 5.21 Flood Planning

The site is mapped as flood prone land and as such Clause 5.21 must be considered. The flood planning level for the development is 2.95m AHD, based on coastal inundation for the planning period 2065. This level is the critical level for the site as it is above that of the flooding modelled by Council's Batemans Bay Urban Creeks Flood Study.

The building has been designed with the habitable floor levels set to 3.3m AH, which is above the FPL. This level has been driven by the basement level (set at 0.1m AHD) and the flood affectation.

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The basement level is protected by a crest at the driveway entrance to the 1 in 100 year flood level and conditions will be applied to require engineering details demonstrating the use of flood compatible materials and protection of any openings below the FPL by mechanical flood gates. It is noted the lobby area at the front of the site is below the FPL, however, will be protected by flood gates to be triggered in a flood event.

Council will condition that a flood risk management plan be prepared prior to the issue of the construction certificate to deal with flood evacuation and management, in a flood event. The proposal has incorporated sufficient measures to mitigate the risks to life and property in a flood event and satisfies Clause 5.21, subject to the recommended conditions.

Clause 6.3 Acid sulphate soils

The site is located within Class 3 Acid Sulphate Soils mapping under the LEP and as such, an assessment has been carried out to test for the presence of ASS on the site. The geotechnical report submitted with the application found there to be low to negligible probability ASS on-site and therefore, an ASS Management Plan was not required to be prepared. A condition has been recommended for any unexpected finds.

Clause 6.4 Earthworks

The proposal involves earthworks to construct a basement carparking level and as such, the clause is considered. The application is accompanied by a geotechnical report which recommends mitigation strategies for the proposed earthworks to mitigate impacts on adjoining properties. The stormwater management plan deals with stormwater management for the basement excavated areas and further approval will be required from Water NSW for a de-watering permit. The site will require a de-watering permit under Section 90(2) of the Water Management Act 2000. The applicant has chosen to seek this permit post development consent. Consultation has occurred with Water NSW and Council is of the opinion that the applicant can achieve this permit, post development consent.

The disruption of any Aboriginal relics has been considered within the Aboriginal Cultural Heritage Assessment report and there are no known items within the site. The proposal satisfies Clause 6.4, earthworks.

Clause 6.9 Stormwater Management

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

Policy – Building in the vicinity of sewer mains

The proposed development involves construction over an existing sewer main. Council's *'Build in the vicinity of sewer main'* Policy and Code of Practice (Code) applies to the development. The residential flat building is defined as a Category 1 structure in accordance with 3.1 of the Code. Part 4 of the Code states: Category 1 structures will not be permitted to be built within Council easements or over the following:

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- *Sewer rising mains, surcharge mains or critical gravity mains (generally all sewer mains greater of 300mm diameter or greater and/or deemed to be excessively deep ie. greater than 2.5m), as determined by use (note that approximately 88% of all existing sewers are less than 2.5m deep).*

Following ongoing negotiations with Council's Infrastructure Division, it was requested that the applicant prepare and provide to Council a detailed catchment analysis and determine the viability of diverting the sewer main and connection to a new purpose-built sewer pump station. The applicant put forward the following options, including costing:

- **Option 1 \$520,000** – build over the sewer main with the installation of a new replaced pipe, concrete encasement of the sewer main and allowance for the basement to be submerged to approximately 600mm above the pipe. This option also required special construction over the pipe to allow for easy removal of the slab in the event of upgrade works being required.
- **Option 2 \$1,050,000** – provide a new small sewage pump station (SPS) within the site that is accessed from the road only, with gravity line to be re-directed to the new SPS and rising main to be discharged to a new manhole to maintain flow in the existing downstream system.
- **Option 3 \$2,050,000** – provide a new larger SPS, minimum size 20m x 20m allowing for off-street access to the SPS, gravity to be re-directed to new SPS and rising main to be discharged into new manhole to maintain flow in existing downstream gravity system.

The applicant has provided a cost breakdown of the above options, prepared by a suitably qualified civil engineer.

The applicant is seeking to pursue Option 1 which is the most viable option to facilitate the current development as it will not require redesign of the building or basement footprint. Option 1 has demonstrated practical measures are to be implemented to protect the sewer main line (concrete encasement) and allow opportunity for maintenance via a removable slab in the basement. The proposal has been considered on its merits and from a planning perspective the variation to the Code is warranted as the development performs well against the applicable planning controls (including the apartment design guidelines) and results in a favourable outcome for the land by consolidated multiple lots resulting in a more sustainable and orderly development outcome.

This option also allows the development to obtain all vehicular access off Golf Links Parade via a common basement, rather than split the building and basement in the middle of the site which would require a portion of the development to be accessed of Beach Road.

Given the unique circumstances of the development and high-quality urban design outcome, it is recommended that Council support the variation to the Code of Practice for 'Building in the Vicinity of Sewer Mains' given a reasonable engineered solution has been put forward that is not cost prohibitive to the development.

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*Development Control Plan*

The application is subject to the 'Batemans Bay Regional Centre DCP' which has been considered as part of the assessment of the application. It should be noted that given the proposal is a residential apartment development, the key controls which guide the built form, setbacks and amenity outcomes for the development are contained within the ADG. As mentioned earlier within this report, the proposal performs well against the ADG and the built form outcome will be a high quality residential apartment development that is consistent with the intent of the Batemans Bay Regional Centre DCP.

The DCP sets out the Desired Future Character for the R3 Zone within a 'Precinct Statement' which is as follows:

*"The Residential General Precinct envelops the town centre and is to provide a range of varied housing opportunities that cater for both tourists and permanent residents. This area has a high level of accessibility to public transport, shopping, community facilities and employment. Controls have been established to ensure that development in this precinct complements the existing urban character."*

The proposal compliments the emerging urban character of the R3 Zone and provides varied housing opportunities and apartment sizes.

The proposal provides a front setback that is compatible with the established character of Beach Road and Golf Links Parade. The side setbacks are more than compliant with the DCP and consistent with the spatial separation requirements of the ADG.

Overall, the proposal meets the intent and performance criteria of the DCP.

*Council Parking and Access Code*

The proposal has been assessed against the requirements of the Parking and Access Code including driveway access, parking, vehicle manoeuvring and loading/servicing and found it to be satisfactory subject to conditions. The proposal provides 112 parking spaces to service the 52 residential apartments (exceeding the minimum requirement of 102 spaces under the parking and access code).

The site has been designed to facilitate waste collection from within the podium level of the development, with a private waste contractor to collect waste from within the podium level via a small waste truck accessed of Golf Links Parade. To ensure this is achieved, a condition is recommended that the applicant provide evidence that a waste contractor has been engaged that has a small waste truck with a 2.8m maximum clearance.

*Other Council Codes and Policies:*

The proposal has been assessed against the following Council's Codes and Policies and found to be satisfactory, subject to conditions:

- *Landscaping Code*
- *Safer by Design Code*
- *Site Waste Minimisation Code*

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- *Tree Preservation Code*

Development Contributions

The proposal is subject to contributions under Section 7.11 of the EP&A Act being the Eurobodalla Local Infrastructure Contributions Plan 2022. The development is located in the northern district. At the time of lodgement of the DA (9/10/2023) three low density detached dwelling houses existed on the land. As such, it is reasonable to apply 3 x 3-bedroom credits to the development. As such, 32 three-bedroom units have been levied in lieu of the proposed 35 three and four bedroom units.

Facility	3+ bedroom dwelling Rate	Total (rate x 32)	Per 2 bedroom dwelling	Total (rate x 12)	Per 0 or 1 bedroom dwelling	Total (rate x 2)	Combined Total
Open Space and Recreation	\$533.80	\$17,081.60	\$305.05	\$4,575.75	\$247.85	\$495.70	<b>\$22,153.05</b>
Community and Cultural	\$154.75	\$4,952.00	\$88.40	\$1,326.00	\$71.85	\$143.70	<b>\$6,421.70</b>
Arterial Roads	\$5,326.35	\$170,443.20	\$3,043.65	\$45,654.75	\$2,472.95	\$4,945.90	<b>\$221,043.85</b>
Paths and Cycleways	\$710.60	\$22,739.20	\$406.05	\$6,090.75	\$329.90	\$659.80	<b>\$29,489.75</b>
Stormwater	\$1,433.20	\$45,862.40	\$819.00	\$12,285.00	\$665.40	\$1,330.80	<b>\$59,478.20</b>
Marine	\$215.45	\$6,894.40	\$123.10	\$1,846.50	\$100.05	\$200.10	<b>\$8,941.00</b>
Plan Preparation and Administration	\$125.60	\$4,019.20	\$71.80	\$1,077.00	\$58.30	\$116.60	<b>\$5,212.80</b>
<b>Total</b>	<b>\$8,499.75</b>	<b>\$271,992.00</b>	<b>\$4,857.05</b>	<b>\$72,855.75</b>	<b>\$3,946.30</b>	<b>7,892.60</b>	<b>\$352,740.35</b>

Sewer and Water Headworks Council Charges

The proposal is subject to contributions under Section 64 Local Government Act. Credits have been applied to the calculations based upon the existing dwellings. Contributions have been calculated as follows.

Contributions	ET applicable to this DA	Rate FY24/25 per ET	Total Amount
Water Headworks	31.8	\$7,845	<b>\$249,471</b>
Sewer Headworks (DSP2 – MO, BB)	40.25	\$9,905	<b>\$398,676.25</b>



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## **ENVIRONMENTAL**

### **Flora and fauna/biodiversity**

The proposed development will require the removal of all existing vegetation on the site per the Vegetation Removal Plan. New landscaping is proposed at the front and rear of the site, per the submitted landscape plan prepared by Geoscapes A total of 84 trees will be planted with supplementary ground cover and shrubs across the site.

The above clearing of vegetation does not exceed the biodiversity offsets scheme threshold.

Given the R3 Zoning of the land it is anticipated that tree removal is likely to occur to facilitate the development. The proposal does not have any significant impacts upon biodiversity that would warrant re-design of the proposal. Replacement planting is offered within the site via the landscape plan and a condition will be recommended that largely native species are used.

### **Traffic and access**

The applicant has submitted a report prepared by a suitably qualified traffic consultant and supplementary information was provided to address the additional information request. The application was also referred to Transport for NSW for comment, given the site adjoins a regional classified road (Beach Road). Based on the conclusion of the traffic report, supplementary information provided and supporting letter from TfNSW, Council is satisfied the proposal will not have an unreasonable impact on the road traffic network.

All vehicular access is provided off Golf Links Drive, including waste servicing. The frontage contains two separate driveways (one entry, one exit) to mitigate traffic conflicts (include conflicts with the waste collection truck).

The development seeks to provide parking over one submerged basement and parking on the podium level. The podium level contains 10 parking spaces. The basement contains 102 car spaces, providing a total of 112 car parking spaces.

It is considered that the reduction in the size of the development will have a net reduction in the car parking and vehicle movements per day. The supplementary information provided by the applicant nominates that the development will generate 33 vehicles per hour (vph) during the AM peak and 20vph in the PM peak. This is considered appropriate and will not result in any adverse implications to the existing road network.

### **Utilities**

The site is capable of being serviced with sewer, water and electricity. See detailed discussion earlier in this report regarding the sewer design.

### **Water**

The proposal will have minimal impact on water quality. Sediment and erosion controls would be imposed as a condition of consent should consent be granted.

### **Construction, noise, vibration and waste**

Appropriate conditions will be imposed on any consent to be granted to minimise amenity impacts to the neighbouring properties during construction.

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### **Social impact**

The proposal provides additional housing choice and opportunities for the community. The proposal is not considered to have a detrimental social impact.

### **Economic impact**

The proposal would have a positive economic impact for the Batemans Bay precinct. The residential accommodation provides additional housing choice for the locality.

### **Cumulative impact**

The proposal is not anticipated to result in any adverse cumulative impacts. Adjoining sites will be able to develop in accordance with the LEP.

### **CONSULTATION**

The proposed development was notified in accordance with Council's Community Engagement Framework and Community Participation Plan. Notification was undertaken between 24 October 2023 and 23 November 2023. Six (6) submissions were received. The main issues raised in the submissions related to traffic impacts, amenity impacts and the bulk/scale/height of the development. The key issues raised in the submissions are addressed below:

***Issue 1) Building Height is non-compliant with Council's LEP and the building height is not compatible with the surrounding development, particularly six (6) stories facing Golf Links Drive.***

**Comment:** The application has been amended to reduce the height of the development from six (6) stories to four (4) stories facing Golf Links Drive in response to the submissions and Council's request to reduce the building height at this frontage. The proposal has also been amended to reduce the height of the building facing 7 Golf Links Parade for Building B.

The portions of the development that exceed the building height primarily face Beach Road and the building height is discussed in detail earlier within this report in consideration of the written request under Clause 4.6 of the LEP. In relation to the building bulk, the building is considered to be highly articulated, presenting a modulated façade to each elevation to break down the vertical scale of the building. The proposal has also been split into two buildings facing Beach Road which assists reducing the volume and mass of the building. Overall, the proposed height is supported for the reasons outlined earlier within this report.

***Issue 2) The proposal will generate additional traffic movements on Golf Links Drive***

**Comment:** It is acknowledged that the proposal will result in additional traffic movements within the local road, Golf Links Drive. The application is supported by a Traffic Impact Statement which outlines the peak traffic movements from the development which has been reduced from 62 to 52 units during the assessment process. The application has also been considered by Transport for NSW who have not raised any concerns regarding unacceptable traffic generation in the area. Whilst some traffic generation will occur, this is anticipated given the uplift in zoning and height attributed to the land to provide additional housing density in closer proximity to the Batemans Bay Town Centre. Council does not consider the proposal to

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result in unreasonable impacts in relation to traffic generation or create any significant impact. As such, the application is recommended for approval.

***Issue 3) View impacts will arise for surrounding properties***

**Comment:** Council requested the applicant prepare a photomontage of the development from a number of key vantage points to ascertain if there would be any significant view or visual impacts as a result of the development. The site is located on a relatively flat portion along Beach Road and any view impacts from the properties behind in Golf Links Drive would occur even with a compliant building height.

The photomontages provided from some of the surrounding elevated streets (Pacific Street and Leigh Street) reveal that there will be no significant view impacts and as viewed from the surrounding public streets (and adjoining private properties) and views will be largely maintained, with only a minor impact in some instances. It should be noted that the partial view impacts are from a distance and considered highly vulnerable to view impacts given the development potential of the R3 Zone along Beach Road.

***Issue 4) Noise from traffic movements and roller door to basement entry. Noise generated from the development from the apartments.***

**Comment:** The application is accompanied by an Acoustic Report which contemplates noise generation from mechanical plant associated with the development. The acoustic report indicates that not all mechanical plant has been selected at this stage and a further acoustic report will be required at CC stage, once the plant had been selected. Council will condition that a further acoustic report be undertaken at CC stage and that the acoustic report demonstrate that the combined noise generated from acoustic plant does not exceed 5dBA above background noise level, which is a standard criteria for noise associated with plant equipment.

In relation to noise generated from the development and occupants, it is not expected that noise beyond that of a residential use will be generated as part of the development. Whilst there are more occupancies than the existing situation, this is expected given the R3 Zoning of the land and additional height available for development.

The balconies have been setback a minimum 6m (and in some cases 12m) which is compliant with the minimum requirements of the ADG which aim to mitigate both privacy and acoustic impacts via spatial separation from the boundary.

***Issue 5) Impact upon privacy for the surrounding properties due to the balconies facing the boundaries***

**Comment:** The proposal is compliant with the spatial separation requirements of the ADG, which require a minimum of 6m between habitable windows and balconies to the adjoining property boundary. Many of the balconies exceed the requirement and are setback between 9m and 12m. The balconies and windows have largely been orientated towards the north and to promote views towards the Clyde River and distant views north. Whilst it is acknowledged the proposal will reduce the overall privacy of the surrounding properties when compared to

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**PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 TO 74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS BAY DA0178/24**

the existing situation, the building has been oriented and setback to mitigate impacts impact privacy and be consistent with the ADG and R3 Medium Density zoning of the land.

***Issue 6) Solar access impacts to the adjoining properties***

**Comment:** The proposal has been amended to reduce the building height facing Golf Links Parade and the adjoining property to the south (7 Golf Links Parade), which provides an improved solar access outcome. Shadow diagrams have been provided that demonstrate both a full compliant scenario and the proposed development (as amended). The shadow diagrams demonstrate that 3 hours is received to the rear garden of 7 Golf Links Parade, which is the most affected property given it is directly south of the development site. Whilst there will be additional overshadowing received, the adjoining site will retain 3 hours solar access to a portion of the rear garden on the winter solstice, which is considered an acceptable outcome given the R3 Zoning of the land and permissible height limit to the north. The shadow diagrams show the additional building height at the Beach Road frontage does not significantly contribute to overshadowing of the adjoining sites.

It is noted that the 12m separation between Building A and B provides a suitable 'break' to afford solar access to 7 Golf Links Drive.

***Issue 7) Concerns additional cars will park on the street and lack of visitor parking***

**Comment:** The proposal provides a 112 parking spaces to cater for 52 dwellings, which is in excess of the minimum residential parking requirement of 102 spaces under Council's Parking and Access code. The proposal provides a surplus of 10 spaces which can be utilised for visitor parking. Council's Parking and Access code does not require visitor parking and as such, a more onerous standard cannot be applied.

***Issue 8) Site amalgamation concerns***

**Comment:** A plan has been provided with the application demonstrating there will be no singular isolated sites adjoining the development that would make it unfeasible to carry out development in accordance with the R3 Zone. The fact the development incorporates eight (8) allotments is a good planning outcome and demonstrates the orderly and economic development of land in a coordinated manner. The adjoining site at 66 Beach Road is not considered isolated as it has the opportunity to develop with the corner site (currently motel) in the future.

**CONCLUSION**

This report seeks Council's determination of an application for demolition of existing structures and the construction of a residential flat building (containing 52 Units) at 68 to 74B Beach Road and 1 to 5 Golf Links Drive, Batemans Bay.

The application seeks to vary the building height for the site by up to 37.6% and due to the requirements of the NSW Department of Planning and Environment, any variation greater than 10% must be determined by the elected Council.

Furthermore, the proposal also seeks to vary Council's Policy Building in the Vicinity of Sewer Mains and proposes an alternative solution to a sewer relocation by replacing the existing

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**PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 DA0178/24  
TO 74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS  
BAY**

sewer main, concrete encasement and use of an access hatch to ensure the optimal built form outcome for the site can be achieved, whilst still accommodating and engineered solution to protect Council's Sewer Asset and allow maintenance.

The application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979* and found to be appropriate for the site. The assessment has concluded that building is a high-quality addition to the medium density housing stock of the area and there will be no unacceptable impacts on adjoining properties or the locality and can be supported.

The application is recommended for approval subject to conditions.

PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 TO  
74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS BAY  
ATTACHMENT 3 ATTACHMENT 3 - WATER NSW RESPONSE

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Contact: David Murphy

Phone: 0499 836 833

Email: [david.murphy@waternsw.com.au](mailto:david.murphy@waternsw.com.au)

John Cardile  
68,70,72,74 Beach Road & 1, 3-5 Golf Links Drive  
BATEMANS BAY NSW 2536

Our ref: IDAS1151540

By email: [lauren.campbell@esc.nsw.gov.au](mailto:lauren.campbell@esc.nsw.gov.au)

30 October 2023

Dear Eurobodalla Shire Council

**RE: Development Application DA0178/24 – 68,70,72,74 Beach Road & 1, 3-5 Golf Links Drive BATEMANS BAY NSW 2536**

The applicant has chosen not to **nominate** their application under the Integrated development assessment process at the time of the development application (DA). As the application is not integrated WaterNSW is unable to assess or issue General Terms of Approval, however the information provided indicates the construction project will involve dewatering.

Therefore, before undertaking construction dewatering, the following approvals must be obtained from WaterNSW-

- water supply work approval
- water access licence (WAL) - unless the project qualifies for an exemption
- water use approval - unless there is a development application from a local government authority.

As part of the application process, the applicant will need to provide –

- a copy of the Development Consent
- written consent from Council or Sydney Water to discharge water into their stormwater system
- a dewatering management plan which includes the volume of water to be extracted & the duration of the water take for dewatering & method of measuring the water take and recording
- an Acid Sulphate Soil Management Plan (if relevant)
- and architectural plans and/or elevations.

All applications are assessed in accordance with the *Water Management Act 2000, Minimum Requirements for Building Site Groundwater Investigations & Reporting* and associated *Water Sharing Plans* and are subject to rigorous impact assessments, if impacts are deemed to be greater than minimal the application may be refused as a result.

Please refer to WaterNSW website for more information, factsheets & forms to lodge your application(s) or contact our helpdesk on 1300 662 077.

Yours sincerely

David Murphy  
Water Regulation Officer

PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 TO  
74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS BAY  
ATTACHMENT 4 ATTACHMENT 4 - ESSENTIAL ENERGY RESPONSE

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**From:** [TE Technical Enquiries](#)  
**To:** ["lauren.campbell@esc.nsw.gov.au"](mailto:lauren.campbell@esc.nsw.gov.au)  
**Subject:** CNR-60945 - A-72913 - 68 BEACH ROAD BATEMANS BAY 2536, 70 BEACH ROAD BATEMANS BAY 2536, 72  
BEACH ROAD BATEMANS BAY 2536  
**Date:** Tuesday, 24 October 2023 4:05:00 PM

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Thank you for seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:

The plans provided indicate the possibility of potential safety risk regarding the distances from Essential Energy's infrastructure and the development.

Distance(s) listed below, from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) are required to ensure that there is no safety risk.

(ie: Use a plum-bob to plot conductors position to ground and measure out from there at 90 degrees to the Line)

**- A safe distance of 5 metres is required to the centreline of the High Voltage 11000 volt and the Low voltage 400/230 volt powerline(s).**

**- Swimming pool proposed in the attached plans, should be no closer than 6.5 meters to the nearest overhead Phase Conductor, measured from the edge of the container to the conductor alignment.**

If the applicant believes the development complies with safe distances then Broadly speaking, no further action is required other than to implement hazard and risk mitigation whilst Working near overhead/underground power lines.

However if they would like to encroach on the specified distances above, then they will need to complete a Network Encroachment Form via Essential Energy's website [Encroachments \(essentialenergy.com.au\)](https://essentialenergy.com.au) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy's Network Encroachment team provides this service.

For assistance/advice please reach out to Essential's Network Encroachment team on 132391. [landr.encroachments@essentialenergy.com.au](mailto:landr.encroachments@essentialenergy.com.au)

#### **Essential Energy makes the following general comments:**

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. Where applicable, As part of the subdivision/development, an easement/s are/is created for any existing electrical infrastructure (located within the property or adjoining the property as required). The easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of

the plan of subdivision. Refer Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).

4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the development or subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision/development layout, which will require Essential Energy's approval.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as [ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure](#). Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW).
7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.
8. Council's and the applicant's attention is also drawn to Section 49 of the *Electricity Supply Act 1995* (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.
9. Information relating to developments near electrical infrastructure is available on our website [Development Applications \(essentialenergy.com.au\)](http://DevelopmentApplications(essentialenergy.com.au)).

Should you require any clarification, please do not hesitate to contact us.

Regards,



PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 TO  
74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS BAY  
ATTACHMENT 4 ATTACHMENT 4 - ESSENTIAL ENERGY RESPONSE

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PO Box 5730 Port Macquarie NSW 2444 | [essentialenergy.com.au](http://essentialenergy.com.au)  
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 TO  
74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS BAY  
ATTACHMENT 5 ATTACHMENT 5 - TfNSW RESPONSE

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## Transport for NSW



29 November 2024

TfNSW reference: STH24/00755/001  
Your reference: DA0178/24 (CNR-60945)

Eurobodalla Shire Council  
By Email: [katrena.browne@esc.nsw.gov.au](mailto:katrena.browne@esc.nsw.gov.au)  
CC: [council@edc.nsw.gov.au](mailto:council@edc.nsw.gov.au)

Attention: Katrena Fuller

### **DA0178/24 – Residential Units – Amended Plans – Multiple Lots – 68-74 Beach Road and 3-5 Golf Links Drive, BATEMANS BAY**

Dear Katrena

Transport for NSW (TfNSW) is responding to the DA referred on 11 November 2024.

TfNSW has reviewed the information and has no objections to the proposed development provided the conditions in Attachment 1 are included in the development consent.

TfNSW notes that in determining the application under Part 4 of the *Environmental Planning & Assessment Act 1979* it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as removal of trees, relocation of utilities, stormwater management, etc). Depending on the nature of the works, the Council may require the developer to submit a further environmental assessment for any ancillary road works.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW. If you have any questions, please contact Emilija Quinn, Development Services Case Officer, on (02) 4064 0108 or email [development.south@transport.nsw.gov.au](mailto:development.south@transport.nsw.gov.au).

Yours faithfully

A handwritten signature in black ink that appears to read "Anna".

**Anna Paul**  
A/Team Leader, Development Services

## Transport for NSW



### Attachment 1

#### DA0178/24 – Residential Units – Amended Plans – Multiple Lots – 68-74 Beach Road and 3-5 Golf Links Drive, BATEMANS BAY

#### Context

TfNSW notes for this DA:

- The key state road is the Princes Highway.
- The site is bound by Beach Road, a regional classified road under the control and care of Eurobodalla Shire Council, and Golf Links Drive a local road vested in Council.
- Access to the proposed development is via Golf Links Drive.
- Council is seeking advice from TfNSW to assist in its assessment under *Section 2.119 - Frontage to a classified road, of the State Environment Planning Policy (Transport and Infrastructure) 2021*.
- The site is zoned R3 Medium Density Residential.
- The development proposes to construct two (2) residential buildings ranging from four (4) to six (6) storeys, comprising of fifty two (52) residential units and associated parking as set out in **Attachment 2**.
- The amended plans reflect a:
  - reduction of residential units from sixty two (62) units to fifty two (52) units
  - reduction in height
  - reconfiguration of internal layout and;
  - provision for onsite waste collection
- TfNSW is supportive of the closure of the existing driveways on Beach Road, with new access proposed via Golf Links Drive.

#### Comments

TfNSW believes it is more appropriate for Council to consider and determine if proposed arrangements for the development are acceptable from a network perspective in terms of safety and efficiency. Given the above, TfNSW entrusts Council to assess and manage the traffic implications of this development application.

TfNSW recognises that any proposed or conditioned works on Beach Road would require *Section 138* consent from Council and concurrence from TfNSW under *Section 138* of the *Roads Act, 1993*.

## Transport for NSW



### Conditions

#### **Prior to the issuing of the Construction Certificate, the developer must:**

1. Apply for *Section 138* consent under the *Roads Act, 1993* from Council for all works within the Beach Road, road reserve.

#### **Prior to commencing works within the road reserve, the developer must:**

1. Obtain Section 138 consent under the *Roads Act, 1993* for the works on Beach Road from Council.

#### *Notes:*

- *Provided Council is satisfied the works have been designed in accordance with the relevant Council standard, TfNSW issues its concurrence under Section 138 of the Roads Act, 1993.*

#### **Prior to the issuing of the Occupation Certificate, the developer must:**

1. Physically close any other existing access points to Beach Road by reinstating the kerb and gutter.



PSR25/002 DA0178/24 - PROPOSED 52 UNIT RESIDENTIAL FLAT BUILDING, 68 TO  
74B BEACH ROAD AND 1 TO 5 GOLF LINKS DRIVE, BATEMANS BAY  
ATTACHMENT 6 ATTACHMENT 6 - DPI FISHERIES RESPONSE

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Department of Primary Industries  
Department of Regional NSW



**Lauren Campbell**  
Eurobodalla Shire Council  
PO Box 99 Moruya NSW 2537

Dear Lauren,

**RE: Lot 13,14,15,16,17,18 DP18421, Lot 1 DP571500, Lot 79 DP31086, Beach  
Road and Golf Links Drive, Eurobodalla NSW 2536**

Thank you for your referral regarding a new connection to the councils' existing sewer service, seeking advice from NSW Department of Primary Industries (DPI). DPI advises that the consent authority and the proponent is required to consider the following matters in relation to this proposed development.

DPI requires the proponent to adequately consider the *State Environmental Planning Policy (Primary Production) 2021*, the NSW DPI Oyster Industry Sustainable Aquaculture Strategy and the NSW DPI Healthy Estuaries for Healthy Oysters Guidelines, to ensure the proposed development has no net impact on downstream water quality and any consequential impact on the oyster industry. These NSW DPI documents can be found on our website at <https://www.dpi.nsw.gov.au/fishing/aquaculture>

The proponent must consider any adverse effect that the development may have on, or ways in which the development may impede or be incompatible with oyster aquaculture or, development of a Priority Oyster Aquaculture Area (POAA). The development site is located 81 m upstream of POAA in the Clyde River. The proponent must also consider any adverse effect that the development may have on, or ways in which the development may impede or be incompatible with food safety requirements administered by the NSW Food Authority for oyster aquaculture development or nearby POAA. The NSW Food Authority administers the NSW Shellfish Program and can be contacted at: [food.nswsp@dpi.nsw.gov.au](mailto:food.nswsp@dpi.nsw.gov.au).

Connection to the reticulated sewerage network as the preferred means of effluent disposal is supported by DPI in developments in close proximity to POAA.

If you require any further information, please contact me on 0429 278 379

Sincerely,

Katelin de Roover

Policy Officer, Aquaculture

[kate.deroover@dpi.nsw.gov.au](mailto:kate.deroover@dpi.nsw.gov.au)

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**PSR25/003 PLANNING PROPOSAL 23 - AMENDMENT OF ZONE BOUNDARY TO PERMIT BROU WASTE MANAGEMENT FACILITY EXPANSION S031-T00017**

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 1. Confidential - CONFIDENTIAL - Submissions  
2. Under Separate Cover - Planning Proposal - Brou Waste Management Facility Expansion

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: 3.1.1.5 Conduct ongoing reviews and update planning controls

### **EXECUTIVE SUMMARY**

This report aims to present the outcomes of the public exhibition the Planning Proposal to amend the Eurobodalla Local Environmental Plan 2012 (LEP) to expand the Brou Waste Management Facility (WMF) located at Lot 1 DP 1205476, Princes Highway Bodalla.

The Planning Proposal was placed on public exhibition for 28 days from 11 September to 9 October 2024. Copies were available for viewing at Council's Moruya Administration Centre, Batemans Bay Library, Narooma library and on Council's website.

Four submissions were received as a result of the public and agency consultation process. A summary of the submission has been provided (See attached).

No amendments to the exhibited planning proposal are necessary, other than updating the consultation sections to include the public exhibition. It is recommended Council now proceeds with making the amendment to the Eurobodalla LEP.

### **RECOMMENDATION**

THAT Council

1. Resolves to make the amendment to the *Eurobodalla Local Environmental Plan 2012* to facilitate the expansion to the Brou Waste Management Facility) located at Lot 1 DP 1205476, Princes Highway Bodalla.
2. Notify in writing the people who have made a submission to the proposal and inform them of Council's decision.

### **BACKGROUND**

At the Ordinary Council Meeting on 18<sup>th</sup> June 2024 a report was submitted (Report PRS 24/005 – Minute No: 24/13) whereby Council resolved to endorse the planning proposal and forward it to the Minister for Planning for a Gateway Determination.



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**PSR25/003 PLANNING PROPOSAL 23 - AMENDMENT OF ZONE BOUNDARY TO S031-T00017  
PERMIT BROU WASTE MANAGEMENT FACILITY EXPANSION**

*THAT:*

- 1. Council endorses the draft Planning Proposal 23 for submission to the Department of Planning, Housing and Infrastructure for a Gateway Determination.*
- 2. upon receipt of the Gateway Determination, the draft Planning Proposal be placed on public exhibition.*
- 3. a further report to be presented to Council following the public consultation period.*

Council endorsed the planning proposal and forwarded it to the NSW Department of Planning and Environment. A Gateway Determination was issued in August 2024 with Council nominated as the local planning proposal authority.

No amendments to the original planning proposal have been necessary.

**CONSIDERATIONS**

The proposed amendment involves rezoning approximately 5.54 hectares of land adjacent to the existing Brou Waste Management Facility.

- 3.75 hectares to be rezoned from RU3 Forestry zone to SP2 Infrastructure.
- 1.15 hectares to be rezoned from RU3 Forestry to C2 Environmental Conservation.
- 0.64 hectares to be rezoned from RU3 Forestry to SP2 Infrastructure.

The proposed amendments to the LEP are for the following reasons.

- To permit the expansion of the waste management facility as it is a prohibited use in the RU3 Forestry zone.
- To protect a pocket of the critically endangered ecological community of River-Flat Eucalypt on Coastal Floodplains.
- To address a mapping anomaly where the existing approved waste management facility is operating on land zoned RU3 Forestry.

**Legal**

The draft Planning Proposal complies with the Department of Planning, Housing and Infrastructure's guidelines for preparing planning proposals.

**Policy**

The Planning Proposal aligns with the NSW Strategic Planning framework and Ministerial Directions. NSW is transitioning to a circular economy under the NSW Waste and Sustainable Materials Strategy 2041. Waste and recycling infrastructure is required to increase the resources recovered in NSW and keep materials within the circular economy. Approximately 35% of waste is disposed of in landfills, while landfill remains the least preferred fate for materials under the NSW Strategy. Providing safe, environmentally responsible, and economical waste management is a core business for local government in NSW, and landfill remains an essential infrastructure to achieve these objectives.

The 2019-20 bushfire cleanup highlighted the essential role that waste facilities play in providing community resilience following natural disasters. The Planning Proposal aligns closely

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**PSR25/003 PLANNING PROPOSAL 23 - AMENDMENT OF ZONE BOUNDARY TO S031-T00017  
PERMIT BROU WASTE MANAGEMENT FACILITY EXPANSION**

with the NSW Disaster Waste Sub Plan September 2023's objectives, ensuring sufficient resource recovery and landfill capacity to respond to the appropriate and timely management of disaster waste whilst maintaining regular waste services.

**Environmental**

The proposed expansion area has biodiversity values outlined in the Umwelt report (Umwelt, 2024). Council will avoid, mitigate, and offset biodiversity impacts on the site as far as practicable. However, little opportunity exists to prevent biodiversity impacts within the footprint of the waste facility expansion. A mitigation and offset strategy is being considered, including payment of biodiversity offset credits.

Aboriginal Cultural Heritage Assessment has been conducted at the site. The assessment report concluded that the works would unlikely impact Aboriginal artefacts or cultural heritage values and recommended that the proposed activity proceed with caution.

Geotechnical investigations indicate groundwater exists at depths between 12.5 and 9.5m on the site. Engineering design to meet the EPA's Environmental Guidelines Solid Waste Landfills, 2016 will prevent surface and groundwater contamination.

As the subject site is bushfire prone, the Planning Proposal will be referred to the NSW Rural Fire Service for comment after Gateway Determination. An accredited bushfire planning consultant will prepare a bushfire assessment as part of the future EIS.

**Asset**

The expansion of the Brou Waste Management Facility will enable the continued use of the site as a landfill facility. Landfill capacity is a valuable asset providing significant and tangible community benefits.

**Social Impact**

The planning proposal is unlikely to have any significant social impact. The converse of not proceeding with the planning proposal is the potential for a significant social impact.

**Economic Development Employment Potential**

The Brou Waste Management Facility is a fundamental economic infrastructure that provides residents and businesses with relatively low-cost landfill, recycling and resource recovery services close to the population centre of Narooma and nearby Southern coastal villages.

The economic consequences of non-renewal of landfill capacity at the site are significant and estimated to be around \$3M/annum. The financial cost is directly related to additional transport requirements that will inevitably result from diverting domestic, commercial and building waste to an alternative facility. The nearest alternative facility is the Surf Beach Waste Management Facility, an additional haul distance of approximately 60km from the Brou Waste Management Facility.

**Financial**

Funding for the Planning Proposal and subsequent EIS is through a resilience and recovery grant from the NSW EPA to recognise the loss of landfill capacity following the 2019-20 bushfires.

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**PSR25/003 PLANNING PROPOSAL 23 - AMENDMENT OF ZONE BOUNDARY TO S031-T00017  
PERMIT BROU WASTE MANAGEMENT FACILITY EXPANSION**

**Community and Stakeholder Engagement**

The Planning Proposal was placed on public exhibition for 28 days from 11 September to 9 October 2024. Copies were available for viewing at Council's Moruya Administration Centre, Batemans Bay Library, Narooma library and on Council's website.

**CONCLUSION**

The draft Planning Proposal to amend the Eurobodalla Local Environmental Plan 2012 (LEP) for the expansion of the Brou Waste Management Facility was placed on public exhibition from for 28 days from 11 September to 9 October 2024.

No changes to the planning proposal are necessary.

It is recommended Council now proceeds with making the amendment to the Eurobodalla LEP.

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**PSR25/004 DRAFT HOUSING STRATEGY SCOPING OPTIONS**

**S017-T00003;  
OP0076-S006**

Responsible Officer: Gary Bruce - Director of Planning and Environment

Attachments: 1. Under Separate Cover - Draft Housing Strategy Scoping Report  
2025\_v3 PDF

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: 3.1.1.5 Conduct ongoing reviews and update planning controls

### **EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with a comparative review of affordable housing strategies to allow Council to determine what actions should be incorporated into the draft housing strategy.

At the Ordinary Meeting of Council on 19 November 2024, Council determined (Minute No: 24/155):

*THAT Council defer decision on the Housing Strategy to allow further detailed discussion including but not limited to further development strategies and mechanisms to facilitate and delivery affordable housing, including social and community housing and housing that is affordable for the local workforce to buy or rent.*

To facilitate detailed discussion in the development of a set of strategies and mechanisms, Council staff have prepared a scoping report.

The scoping report carries out a comparative analysis of affordable housing strategies from adjacent local government areas to enable Council to understand what additional actions could be incorporated into a housing strategy.

It is proposed that Council identify which actions it would like to incorporate into the strategy and that the scoping report and proposed actions are publicly exhibited. Once the exhibition period is complete and Council has confirmed that actions to be incorporated into the strategy, a revised strategy will be presented to Council for public exhibition and final endorsement.

### **RECOMMENDATION**

THAT Council:

1. identify the preferred actions from the scoping report to be included in the draft housing strategy, and
2. seek community and stakeholder input on the actions to be included in the draft housing strategy and the scoping report.

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**PSR25/004 DRAFT HOUSING STRATEGY SCOPING OPTIONS**

**S017-T00003;  
OP0076-S006**

**BACKGROUND**

The draft housing strategy aims to address housing diversity and the growing need for affordable housing in our community. With increasing housing prices and a shortage of affordable options, it is crucial to explore different approaches to ensure housing accessibility for all residents.

The strategy includes auditing the supply and demand of housing stock and assessing the requirement for appropriately zoned land.

The attached scoping report include a comparative analysis of several affordable housing strategies from adjacent local government areas to provide Council with a comprehensive list of actions that can be considered for inclusion into the draft housing strategy.

**CONSIDERATIONS**

For approximately three years Council has been working on the preparation of a housing strategy. The draft strategy went through several iterations, was eventually presented to Council in May 2024 and publicly exhibited.

Presentation of the final draft to Council was held over until after the local government elections.

Council has subsequently reviewed the housing/ affordable housing strategies of Bega Valley Shire Council, Shoalhaven City Council, and Queanbeyan Palerang Regional Council and below is a synopsis of their aim and intent.

**Bega Valley Shire**

1. **Housing Diversity and Affordability:** Promoting a range of housing options to meet the needs of the community, including affordable housing
2. **Climate Resilience:** Ensuring housing stock withstands natural hazards
3. **Stakeholder Collaboration:** Identifying roles for various stakeholders in delivering affordable housing and opportunities for collaboration
4. **Monitoring and Evaluation:** Establishing key performance indicators to monitor housing affordability and the implementation of the strategy

**Shoalhaven**

1. **Affordable Housing Supply:** Increasing the supply of affordable housing and improving housing affordability
2. **Community Needs Assessment:** Estimating the community's affordable housing needs and setting housing affordability targets.
3. **Sustainable Development:** Supporting a sustainable development industry to ensure long-term housing solutions
4. **Stakeholder Engagement:** Involving community housing providers and other stakeholders in the strategy development

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**PSR25/004 DRAFT HOUSING STRATEGY SCOPING OPTIONS**

**S017-T00003;  
OP0076-S006**

**Queanbeyan Palerang**

1. **Affordable Housing Supply:** Increasing the supply of crisis, short-term, temporary, and transitional accommodation
2. **Advocacy:** Advocating for increased social housing supply
3. **Use of Public Land:** Utilising Council and other public land for partnership developments to create affordable housing
4. **Facilitative Strategies:** Encouraging and prioritising affordable housing developments through market mechanisms

These strategies highlight the diverse and affordable housing options, stakeholder collaboration, sustainable development, and the use of public land to address housing needs. They also emphasise the need for ongoing monitoring and community engagement to ensure the effectiveness of housing strategies.

**Legal**

The strategy reviewed relevant housing and planning legislation to ensure compliance with legal requirements and adequate zoned land for market delivery.

**Policy**

All policies must align with existing Council policies and strategic plans, including the Community Strategic Plan, the Southeast and Tablelands Regional Plan, the Local Strategic Planning Statement and not impact biodiversity or agricultural production.

**Environmental**

All development has an environmental impact, so an assessment of the environmental impact of proposed housing developments, including sustainability measures and green building practices, is part of the follow-up planning for urban infill and new housing estates.

**Asset**

The strategy did not assess or evaluate Council-owned land and assets that Council could utilise for affordable housing projects.

**Social Impact**

The purpose of the housing strategy is to have a positive social impact and provide greater housing variety and increased housing affordability.

**Economic Development Employment Potential**

Council did not analyse the potential economic benefits, including job creation and support for local businesses through increased housing development.

**Financial**

The financial implications of a housing strategy with different and/or additional actions will need to be assessed once Council has determined what actions it wishes to include.

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**PSR25/004 DRAFT HOUSING STRATEGY SCOPING OPTIONS**

**S017-T00003;  
OP0076-S006**

### **Community and Stakeholder Engagement**

Council has informed the community about the housing strategy previously, by providing information on the Council's website, Online News, and the Living in Eurobodalla residents newsletter, posting on the Council's Facebook, distributing a print brochure and fact sheet at local libraries and customer service centres, writing to residents, stakeholders, and community groups, and distributing a media release.

Council will consult with the community on the scoping report by seeking feedback through a 28-day Public Exhibition, during which the draft housing strategy and the scoping report will be available on the Council's website, at the Batemans Bay, Moruya, and Narooma libraries, and at the Moruya customer service centre.

### **CONCLUSION**

Council has been provided with a scoping report to assist with its discussion over what actions it wishes to include in the housing strategy.

Council identified at the November 2024 Council meeting that it wanted to consider further actions to assist with achieving more social and affordable housing in the shire.

The scoping report is presented to Council so that it can determine what actions should be incorporated in the draft housing strategy.



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**FCS25/005 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 DECEMBER 2024 S011-T00003**

Responsible Officer: Stephanie Speedy - 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 (QBRS) reports on Council's performance against the Operational Plan for the quarter ending 31 December 2024. The QBRS 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. More detail is provided in a report separately tabled at this meeting.

**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.
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.

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**FCS25/005 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 DECEMBER 2024 S011-T00003**

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.

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

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

**FCS25/005 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 DECEMBER 2024 S011-T00003**

**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
<b>Consolidated</b>	<b>1,957</b>	<b>(12,578)</b>	<b>3,440</b>	<b>(7,181)</b>

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

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

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

*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)
General	(8,327)	(220)	(399)	(8,946)
<b>Consolidated</b>	<b>(2,817)</b>	<b>(1,045)</b>	<b>626</b>	<b>(3,236)</b>

**FCS25/005 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 DECEMBER 2024 S011-T00003**

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*

<b>Fund</b>	<b>2024-25 Original Budget</b>	<b>Previous Reviews</b>	<b>December Review</b>	<b>2024-25 Proposed Revised Budget</b>
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
<b>Consolidated</b>	<b>54,699</b>	<b>5,786</b>	<b>(10,857)</b>	<b>49,628</b>

**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.

**FCS25/005 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
<b>Consolidated</b>	<b>104,663</b>	<b>27,599</b>	<b>10,300</b>	<b>142,562</b>

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.

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**FCS25/005 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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**FCS25/006 INVESTMENTS MADE AS AT 31 DECEMBER 2024**

**S011-T00006,  
S012-T00025**

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

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

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

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

### **EXECUTIVE SUMMARY**

The purpose of this report is to:

- certify that Council's investments in financial instruments have been made in accordance with legislation, however, have temporarily contravened Council's investment policy regarding the maximum percentage of investment allowed in any single A-rated institution. The diversification investment threshold of 40% has been exceeded by 6.48% due to a change in the overall size of Council's total investment portfolio during December 2024
- provide information and details of investments
- raise other matters relevant to investing.

### **RECOMMENDATION**

THAT the certification of investments as of 31 December 2024, 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 31 December 2024, 46.48% 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 and December 2024. 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.

**FCS25/006 INVESTMENTS MADE AS AT 31 DECEMBER 2024**

**S011-T00006,  
S012-T00025**

As of 31 December 2024, 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	70.75%	100%
A	A-1 to A-2	Near Risk Free	27.80%	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 31 December 2024. 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**

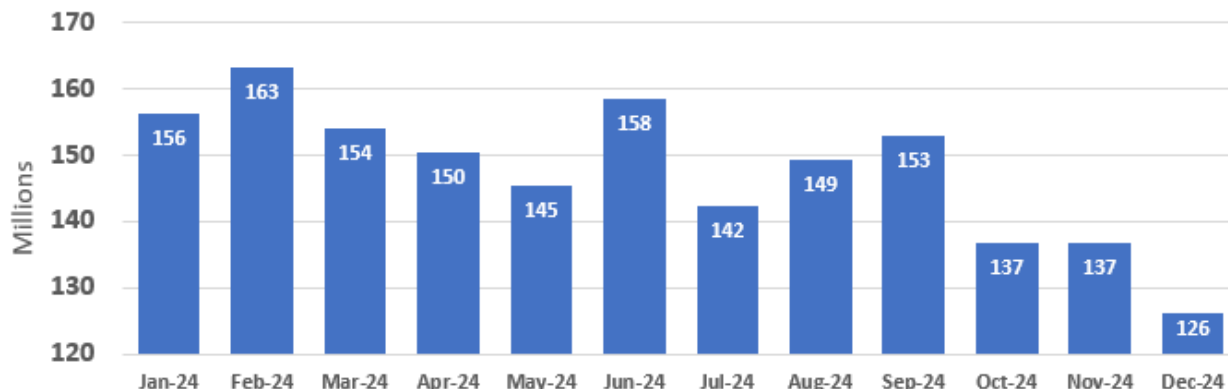
Category	(\$)	% of Portfolio
At Call Deposit	5,509,932	4.57%
Term Deposits – Government Guaranteed	1,750,000	1.45%
Term Deposits – Fossil Fuel Free Institutions	29,000,000	24.06%
Term Deposits	84,280,000	69.92%
<b>Total Investments</b>	<b>120,539,932</b>	
Cash at Bank (Operating Account)	<b>5,666,550</b>	
<b>Total Cash and Investments</b>	<b>126,206,482</b>	

Cash and investments decreased by \$10.4m in December 2024, primarily due to capital expenditure for Water and Sewer infrastructure projects, and the payment of quarterly loan instalments. Graph 1 displays Council’s cash and investments balance over a 12-month period.

FCS25/006 INVESTMENTS MADE AS AT 31 DECEMBER 2024

S011-T00006,  
S012-T00025

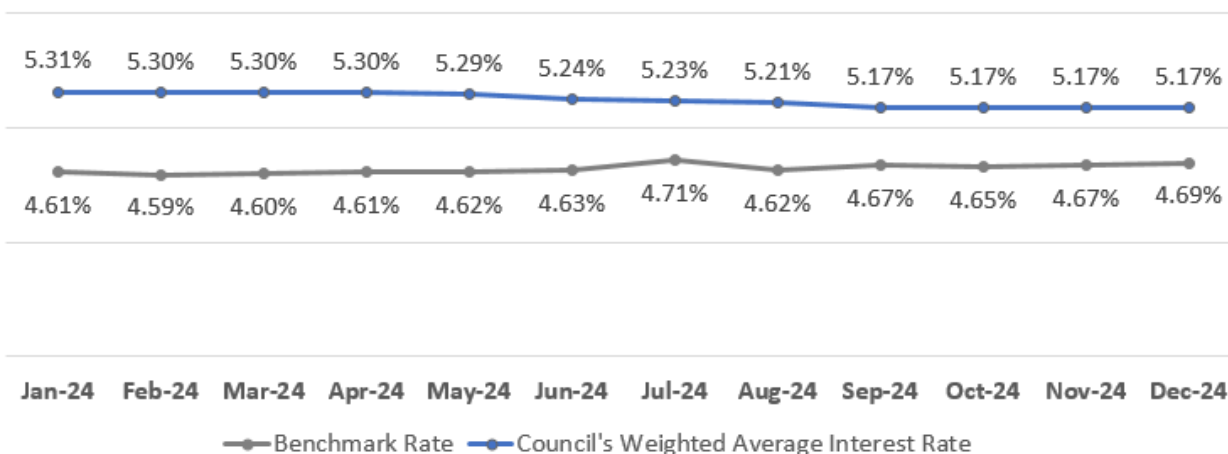
Graph 1 – Total Cash and Investment Balances (12 months)



Performance

The weighted average monthly return on Council’s investments for December 2024 is 5.17%, surpassing the Council policy benchmark of 4.69%, 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. I note 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. The diversification investment threshold of 40% has been inadvertently exceeded by 6.48% due to a change in the overall size of Council’s total investment portfolio between October and December 2024.

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**FCS25/007 INVESTMENTS MADE AS AT 31 JANUARY 2025**

**S011-T00006,  
S012-T00025**

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

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

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

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

### **EXECUTIVE SUMMARY**

The purpose of this report is to:

- certify that Council's investments in financial instruments have been made in accordance with legislation, however, have temporarily contravened Council's investment policy regarding the maximum percentage of investment allowed in any single A-rated institution. The diversification investment threshold of 40% has been exceeded by 10.68% due to a change in the overall size of Council's total investment portfolio during January 2025
- provide information and details of investments
- raise other matters relevant to investing.

### **RECOMMENDATION**

THAT the certification of investments as of 31 January 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 31 January 2025, 50.68% 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 January 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.

**FCS25/007 INVESTMENTS MADE AS AT 31 JANUARY 2025**

**S011-T00006,  
S012-T00025**

As of 31 January 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	1.58%	100%
AAA to AA	A-1+	Near Risk Free	68.09%	100%
A	A-1 to A-2	Near Risk Free	30.33%	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 31 January 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**

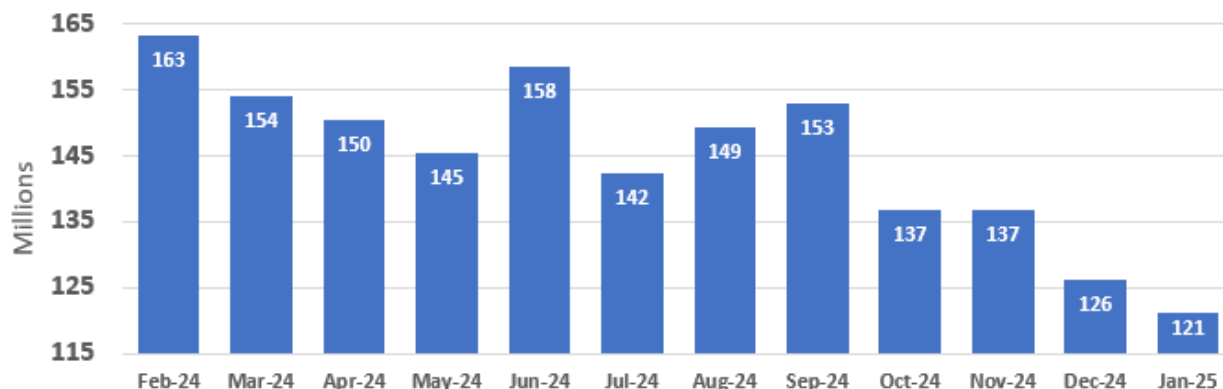
Category	(\$)	% of Portfolio
At Call Deposit	5,530,202	5.00%
Term Deposits – Government Guaranteed	1,750,000	1.58%
Term Deposits – Fossil Fuel Free Institutions	29,000,000	26.23%
Term Deposits	74,280,000	67.19%
<b>Total Investments</b>	<b>110,560,202</b>	
Cash at Bank (Operating Account)	<b>10,439,315</b>	
<b>Total Cash and Investments</b>	<b>120,999,517</b>	

Cash and investments decreased by \$5.2m in January 2025, primarily due to capital expenditure for Water and Sewer infrastructure projects. Graph 1 displays Council’s cash and investments balance over a 12-month period.

**FCS25/007 INVESTMENTS MADE AS AT 31 JANUARY 2025**

**S011-T00006,  
S012-T00025**

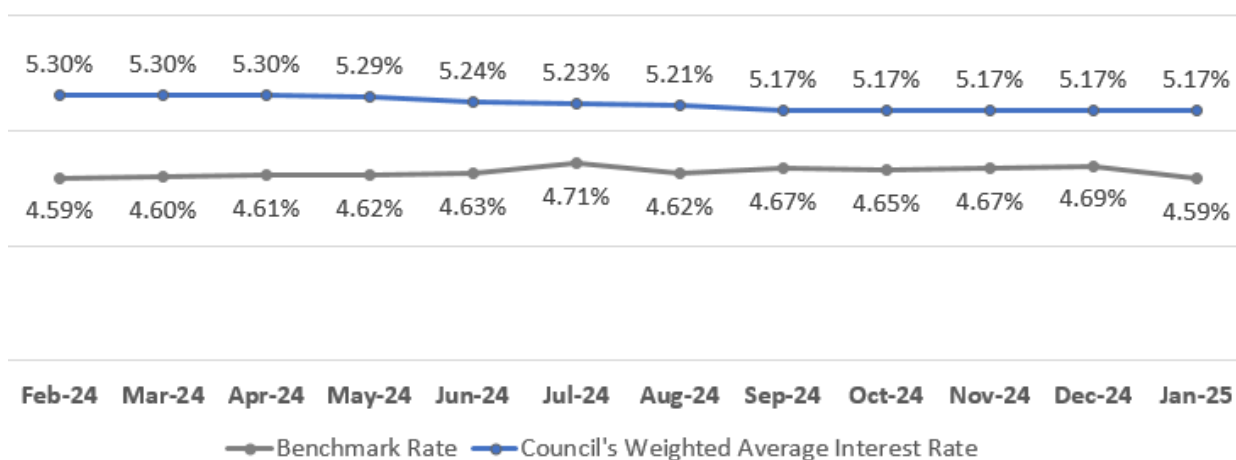
**Graph 1 – Total Cash and Investment Balances (12 months)**



Performance

The weighted average monthly return on Council’s investments for January 2025 is 5.17%, surpassing the Council policy benchmark of 4.59%, 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. I note 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. The diversification investment threshold of 40% has been inadvertently exceeded by 10.68% due to a change in the overall size of Council’s total investment portfolio between October 2024 and January 2025.

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**FCS25/008 AUDIT RISK AND IMPROVEMENT COMMITTEE 2023-24 ANNUAL REPORT S004-T00048**

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

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.5 Be an agile organisation that champions continuous improvement and efficiencies

Operational Plan Link: 5.3.5.1 Facilitate the Audit, Risk and Improvement Committee

### **EXECUTIVE SUMMARY**

This report is the Audit, Risk and Improvement Committee's (ARIC) Chair annual report for the 2023-24 financial year for Council to receive and note.

Under the NSW Premier and Cabinet Internal Audit Guidelines it is recommended that, at least annually the ARIC report to Council on its oversight role of the internal audit function.

This report is being presented to Council to advise on the activities and matters that the ARIC reviewed during the 2023-24 financial year.

### **RECOMMENDATION**

THAT the ARIC 2023-24 Annual Report be received and noted.

### **AUDIT RISK AND IMPROVEMENT COMMITTEE 2023-24 ANNUAL REPORT**

The *Local Government Act 1993* and the *Local Government (General) Regulations 2021* require NSW councils to have an ARIC. Since 2008, the ARIC has played a pivotal role in the governance framework, providing Council with independent oversight and monitoring of Council's audit processes, including the internal control activities.

The objective of the Committee is to provide independent assurance and assistance to Council on risk management, control, governance and external accountability responsibilities and provide information to Council for the purpose of improving the performance of its functions.

The Committee must keep under review the following aspects of the Council's operations:

- Compliance
- Risk management
- Fraud control
- Financial management
- Governance
- Implementation of the strategic plan, delivery program and strategies
- Service reviews
- Collection of performance measurement data by the Council
- Any other matters prescribed by the regulations.

On 1 July 2024 the ARIC transitioned to the new Office of Local Government (OLG) Guidelines.

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**FCS25/008    AUDIT RISK AND IMPROVEMENT COMMITTEE 2023-24 ANNUAL    S004-T00048**  
**REPORT**

In April 2024 Council considered a report regarding re-establishment of Council's ARIC that included public exhibition of the Terms of Reference and Internal Audit Charter, membership, frequency of meetings and sitting fees.

On 18 June 2024 Council considered a report regarding adoption of the ARIC Terms of Reference and Internal Audit Charter which foreshadowed further reports regarding appointment of members.

The ARIC achieves its independence by having a majority of independent members external to Council and its operations. The committee is comprised of:

Independent Members:

- Kim Gillis (Chair) - *Formally resigned 7 March 2024.*
- Tish Richardson - *Formally resigned 3 June 2024.*
- Grant Doran - *Acting Chair*

Councillors:

- Tubby Harrison
- David Grace

Mr. Kim Gillis, Chair, advised of his resignation at the meeting 7 March 2024.

Following Mr. Kim Gillis resignation, Mr. Grant Doran accepted the position as Acting Chair - 10 March 2024.

It was agreed by the ARIC at the 7 March 2024 meeting, as part of the transition to new OLG Guidelines, to recommend no councillors would sit on the Committee. This decision was reached given the potential for political conflicts of interest on matters discussed by the ARIC.

Independent Member Dr Tish Richardson, resigned from the committee 3 June 2024.

Under the newly adopted Terms of Reference, the Committee will comprise of four independent members, including independent Chair. The Committee is required to meet at least four times per year. Recruitment for replacement independent members, including the independent Chair, will commence after the new OLG Guidelines become effective from July 2024.

During 2023-24 financial year, the committee met on four occasions.

- 12 October 2023
- 22 November 2023
- 7 March 2024
- 15 May 2024.

In June 2022, Council engaged Centium (website: [Minimising Organisational Risk | Management Consulting | Centium](#)) for the provision of internal audit and risk management services.

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**FCS25/008    AUDIT RISK AND IMPROVEMENT COMMITTEE 2023-24 ANNUAL    S004-T00048**  
**REPORT**

The committee considered a range of issues during the 2023-24 financial year including:

**Audit:**

- The Audit Engagement Plan and the audit of Financial Statements for year ended 30 June 2023.
- Review of investment activity and the quarterly budget reviews.
- Credit card use and management.
- Internal audit program updates.

**Risk**

- Revised Risk Management Policy.
- Updates on Enterprise Risk Management initiatives.
- Bay Pavilions updates to each meeting for performance monitoring and risk management.
- Update on Southern Dam.
- KPMG midpoint review of The Bay Pavilions.

**Improvements**

- Adoption of the 2022-26 Delivery Program, 2023- 24 Operational Plan including the 2023 Fees and Charges
- Development and finalisation of the Finance Strategy.
- Continuous Improvement Pathway (CIP) benchmarking from Council's insurer Statewide Mutual.

**CONCLUSION**

That the ARIC 2023-24 Annual Report be received and noted.

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**FCS25/009 AUDIT RISK AND IMPROVEMENT COMMITTEE-MEETING  
MINUTES 27 NOVEMBER 2024**

**S004-T00048**

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

Attachments: 1. Under Separate Cover - Confidential - ARIC Minutes 27 November 2024

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.3 Work together to achieve our collective vision

Delivery Program Link: 5.3.5 Be an agile organisation that champions continuous improvement and efficiencies

Operational Plan Link: 5.3.5.1 Facilitate the Audit, Risk and Improvement Committee

### **EXECUTIVE SUMMARY**

All councils and joint organisations are required under the NSW Local Government Act 1993 to have an Audit Risk and Improvement Committee (ARIC) from 4 June 2022. The ARIC is an advisory committee to Council. The NSW Office of Local Government (OLG) has issued comprehensive Guidelines for Risk Management and Internal Audit for Local Government in NSW which outline the purpose of the ARIC, the Statutory Framework, the role of the governing body, the role of the General Manager, and the role, composition and criteria for membership of the ARIC.

In accordance with the Guidelines, Council endorsed the appointment of an Independent Chair for the ARIC in August 2024, and the appointment of two independent members in October 2024.

The first meeting of the newly formed committee was held on 27 November 2024.

A requirement of the OLG Guidelines is that ARIC meeting minutes be present at a subsequent Ordinary Meeting of Council. As such, the minutes of the meeting held 27 November 2024 are presented to this Ordinary Meeting of Council by way of this report.

This report provides a summary of the meeting with a copy of the minutes attached for Council to receive and note. This is the first tabling of ARIC minutes under the new Guidelines.

### **RECOMMENDATION**

THAT Council receive and note the minutes of the ARIC meeting held on 27 November 2024.

### **CONSIDERATIONS**

The key items covered at the meeting include:

- Presentation by Crowe Australasia of Council's Audited Financial Statements for the 2023-24 financial year.
- Report covering ARIC's key roles and responsibilities.
- Presentation by Centium of the draft 2025-29 Internal Audit Plan.
- ARIC member professional development.
- Proposed committee meeting dates for 2025.

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**FCS25/009 AUDIT RISK AND IMPROVEMENT COMMITTEE-MEETING  
MINUTES 27 NOVEMBER 2024**

**S004-T00048**

**CONCLUSION**

This report summarises the Eurobodalla Audit Risk and Improvement meeting held on 27 November 2024, with minutes attached separately for Council to receive and note.

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**FCS25/010 COUNCILLOR CONFERENCES 2025**

**S004-T00019;  
S012-T00025**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services  
Attachments: Nil  
Community Goal: 5 Our engaged community with progressive leadership  
Community Strategy: 5.2 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 has a commitment to continuing professional development for councillors. Attendance at local government sector conferences provides the individual councillor with new skills and knowledge on particular issues to ensure they can perform their duties and represent the community to the best of their ability. It provides opportunities for networking and advocacy with councillors from other local government areas.

To ensure each councillor is given the opportunity to participate in conferences of interest to them, this report outlines key local government sector conferences known to be available to councillors for the 2025 calendar year.

Under the *'Councillor Professional Development, Expenses and Facilities'* Policy, councillors are entitled to an annual amount of \$3,500 each to attend conferences and seminars. The policy limits attendance at each conference to a maximum of two councillors with best practice recommending one councillor per conference.

**RECOMMENDATION**

THAT:

1. Council determine which councillors will attend each of the following conferences being held in 2025.
  - a. 2025 Australian Local Government Women's Association (ALGWA) NSW Conference on 1 to 3 May 2025 in Griffith NSW.
  - b. 2025 Regional Australia Institute Region Rising National Summit – date and location to be advised (not yet set).
  - c. 2025 Floodplain Management Australia National Conference on 13 to 16 May 2025 at Pullman Melbourne on the Park, Melbourne Vic.
  - d. 2025 LGNSW Destination and Visitor Economy Conference on 26 to 28 May 2025 in Kingscliff NSW.
  - e. 2025 NSW Local Roads Congress – date and location to be advised.
  - f. 2025 National General Assembly (NGA) on 24 to 27 June 2025 at National Convention Centre, Canberra, ACT.
  - g. 2025 Climate Summit for Local Government – date and location to be advised.



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**FCS25/010 COUNCILLOR CONFERENCES 2025**

**S004-T00019;  
S012-T00025**

- h. 2025 National Local Roads and Transport Congress – date and location to be advised.
2. Council representatives be reimbursed out of pocket expenses in accordance with the *'Councillor Professional Development, Expenses and Facilities'* Policy.
3. Councillors are required to provide a written delegates report following the conference that will be available to the public on Council's website and at Council's main administration building in Moruya.

**BACKGROUND**

This schedule of key local government sector conferences provides the opportunity for councillors to plan their professional development and keep within their allocated budget. Below is detailed information about conferences available for councillors to attend in 2025.

The **2025 Australian Local Government Women's Association (ALGWA) NSW Conference** is held on 1 to 3 May 2025 in Griffith NSW. A voluntary-run organisation, ALGWA supports local government employees and elected representatives. The 2025 conference is designed to provide training and support for councillors and staff, whether they are new to local government or have been around for a long time. It is an opportunity to learn and gain valuable insights from guest speakers along with networking with other delegates from across NSW. The conference and registration brochures are available through the conference website: [Australian Local Government Women's Association \(ALGWA\)](#)

The **2025 Regional Australia Institute - Regions Rising** will be held during 2025, date and location are not yet set. Regions Rising brings together industry experts, economists, regional leaders, government, political leaders and the community sector to deliver the latest information on the key pillars affecting regional communities. This is an opportunity to be part of national conversation that is being delivered at a local level.

The **2025 Floodplain Management Australia National Conference** is held on 13-16 May 2025 in Melbourne. It will bring together over 350 flood professionals with interests in flood risk management including commonwealth, state and local government representatives, research organisations and education providers as well as consultants, engineers, land-use planners, emergency responders and community volunteer organisations. The conference and registration brochures are available on the conference website: <https://floodplainconference.com/>

The **2025 LGNSW Destination and Visitor Economy Conference** is held on 26 to 28 May 2025 in Kingscliff, NSW. The conference gives Councillors and Council staff the opportunity to meet, listen to experts and peers, and find out how other councils are engaging and managing their tourism industry. The conference will aim to embrace not just tourism, but also a wider aspect of economic development relevant to regional and metropolitan councils. The conference and registration brochures will be available on the conference website closer to the date of event: [Event Details - Program | DVE Conference \(lgnsw.org.au\)](#)

The **2025 NSW Local Roads Congress** is held in 2025, date and location not yet set. The congress provides an annual forum for local community representatives managing road and

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**FCS25/010 COUNCILLOR CONFERENCES 2025**

**S004-T00019;  
S012-T00025**

freight networks to discuss better outcomes for the safe and efficient movement of passengers and freight across the extensive network of local and regional roads in NSW. Registration for councillors attending this conference is free with a paying staff delegate. The conference and registration brochures will be available closer to the date on the conference website: [Local Roads Congress | IPWEA \(NSW\) \(ipweansw.org\)](#)

The **2025 National General Assembly (NGA)** is held on 24 to 27 June 2025 at the National Convention Centre in Canberra. This event provides an opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of councils and communities. The theme for the 2025 NGA – National Priorities Need Local Solutions – highlights the unique role Australia’s 537 councils can play delivering local, placed-based solutions that meet the needs of their communities, while addressing broader national priorities. The 2025 NGA provides you - the elected representatives of Australia’s local councils and communities - with the opportunity to engage with the Federal Government and key Ministers. The conference and registration brochures are available on the conference website: [Home - Australian Local Government Association \(alga.com.au\)](#)

The **2025 Climate Summit for Local Government** date and venue is yet to be announced. As the level of government closest to the community, councils are at the heart of responding to climate impacts. The conference will bring together elected officials and chief executives from councils across the country to identify key opportunities, inform practical actions, and inspire innovation. The registration brochures will be available on the Summit website once announced: [Events - Cities Power Partnership](#)

The **National Local Roads and Transport Congress** date and venue is yet to be announced. The event provides critical engagement opportunities on road and infrastructure policies and initiatives. Information will be available on the congress website once announced [National Local Roads and Transport Congress - Australian Local Government Association \(alga.com.au\)](#)

## **CONSIDERATIONS**

### **Policy**

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

Councillors attending training, seminars and conferences are to provide a written delegates report on the outcome and issues. Where there are several councillors attending the same conference, a joint report is acceptable. Councillors not meeting these criteria without reasonable explanation may not receive priority or opportunities for future events.

### **Financial**

Councillors are allocated the annual sum of \$3,500 each to attend conferences and/or seminars, as per the *‘Councillor Professional Development, Expenses and Facilities’* Policy.

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**FCS25/010 COUNCILLOR CONFERENCES 2025**

**S004-T00019;  
S012-T00025**

**CONCLUSION**

It is considered appropriate that councillors attend relevant local government sector conferences throughout the year to enable them to be knowledgeable and up-to-date on key issues, ensuring they can perform their duties and represent the community to the best of their ability.

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**FCS25/011 DISCLOSURE OF PECUNIARY INTEREST AND OTHER MATTERS  
RETURNS**

**S012-T00031,  
S021-T00004**

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

Attachments: Nil

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.2 Proactive, responsive and strategic leadership

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

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

### **EXECUTIVE SUMMARY**

In accordance with section 440AAB of the *Local Government Act 1993* and clause 4.21 of the *Model Code of Conduct*, councillors are required to lodge a "Disclosures of Pecuniary Interest and Other Matters Return" with their general managers within 3 months of becoming a councillor.

Accordingly, the Disclosure of Pecuniary Interest and Other Matters returns for newly elected Councillors are tabled.

### **RECOMMENDATION**

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

### **BACKGROUND**

A councillor must make and lodge with the general manager a return in the form set out in Schedule 2 of the *Model Code of Conduct*, disclosing the councillor's interests as specified in schedule 1 of this code within 3 months after becoming a councillor.

### **CONSIDERATIONS**

#### **Legal**

The lodgement of Pecuniary Interest and Other Matters returns is required to comply with section 440AAB of the *Local Government Act 1993* and clause 4.21 of the *Model Code of Conduct*.

#### **Community Engagement**

Councillor and designated staff forms are provided on Council's website with personal information redacted.

### **CONCLUSION**

The register of returns by Councillors and designated staff for their disclosures of pecuniary interests and other matters is now tabled in accordance with section 440AAB of the *Local Government Act 1993*.

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**FCS25/012 SOUTHERN REGIONAL PLANNING PANEL - COUNCIL  
NOMINATIONS**

**S017-T00002**

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

Attachments: Nil

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.2 Proactive, responsive and strategic leadership

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

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

### **EXECUTIVE SUMMARY**

Regional Planning Panels were introduced in NSW on 1 July 2009 to strengthen decision making for regionally significant development and certain other planning functions under the *Environment Planning and Assessment Act 1979 (EP&A Act)*.

Eurobodalla is part of the Southern Regional Planning Panel.

Each panel consists of five members, with three of the members, including the chair, appointed by the Minister (State members) and two members nominated by each relevant council (council members).

At least one council member must have expertise in one or more in the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Council received notification from the Planning Panels Secretariat that it should reconsider if the nomination to the Panel is appropriate within 12 months following a council election. The appointment of a councillor representative will be for this term of office.

### **RECOMMENDATION**

THAT Council:

1. Endorse Council's Divisional Manager Strategy and Planning (for DA-related matters) and Council's Divisional Manager Development and Compliance (for Strategy-related matters) as one of the two Council members on the Southern Regional Planning Panel for the term of this Council.
2. Nominate a councillor to be the second member for Council on the Southern Regional Planning Panel for the term of this Council. Additional alternate members may also be nominated.
3. Forward the nomination and any supporting information to the NSW Government Planning Panels Secretariat.

### **BACKGROUND**

Regional Planning Panels determine regionally significant development applications (DAs) and undertake rezoning reviews of planning proposals. Additional roles can include:

- Determining Crown DAs
- Determining modification applications for regionally significant development

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**FCS25/012 SOUTHERN REGIONAL PLANNING PANEL - COUNCIL  
NOMINATIONS**

**S017-T00002**

- Determining DA reviews
- Advising the Minister or the Planning Secretary as to planning or development matters relating to the part of the State for which it is constituted if requested to do so by the Minister or the Planning Secretary.

Regional Planning Panels are independent bodies representing the Crown and are not subject to the direction of the Minister, except on matters relating to Planning Panel procedures or where the Minister issues a formal direction under the *EP&A Act*.

**CONSIDERATIONS**

The Planning Panels' Operational Procedures set out that the Panels have two council members appointed by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, or tourism.

The operational procedures also recommend that councils have regard to any conflict of duties by nominating a person if they are in any way responsible or involved in the assessment of matters to be determined by the Panel.

The appointment of Council's Divisional Manager Strategy and Planning (for DA-related matters) and Council's Divisional Manager Development and Compliance (for Strategy-related matters) as one of Council's two members to this Panel is considered appropriate, to avoid potential conflict if a planning proposal is considered by the Panel.

**Policy**

The Sydney District and Regional Planning Panels' Operational Procedures are the Planning Panels' charter and have been developed to explain the objectives, powers, and authorities of the Planning Panels. They also detail the means of operating the Planning Panels and clarify the roles of various parties in the work of the Planning Panels.

The procedures should be read in conjunction with the Planning Panels Code of Conduct which explains the standard of conduct expected of Planning Panel members.

These procedures will be kept under review and may be amended periodically.

The procedures can be found at: [Sydney District and Regional Planning Panels Operational Procedures – September 2022 \(nsw.gov.au\)](https://www.nsw.gov.au/operational-procedures)

**CONCLUSION**

It is proposed to endorse Council's Divisional Manager Strategy and Planning (for DA-related matters) and Council's Divisional Manager Development and Compliance (for Strategy-related matters) as one of Council's two representatives on the Southern Region Planning Panel and nominate a councillor to be the second member. Additional alternate representatives may also be appointed.

The appointments will run for this term of Council.



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**FCS25/013 OPERATIONAL PLAN 2024-25 SIX MONTH PERFORMANCE  
UPDATE JULY - DECEMBER 2024**

**S004-T00028**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services  
Attachments: 1. Under Separate Cover - Operational Plan 2024-25 Six Month Performance Update July-December 2024  
Outcome: 5 Our engaged community with progressive leadership  
Focus Area: 5.2 Proactive, responsive and strategic leadership  
Delivery Program Link: 5.2.2 Implement effective governance and long-term planning  
Operational Plan Link: 5.2.2.2 Review and prepare Council's plans and reports under the Integrated Planning and Reporting Framework

### **EXECUTIVE SUMMARY**

The purpose of this report is to provide an update on Council's progress in implementing the community's vision and goals as articulated in the Integrated Planning and Reporting suite of documents: the Community Strategic Plan – Our Eurobodalla 2042, the Delivery Program 2022-26, and Operational Plan 2024-25.

The Delivery Plan 2022-26 consists of 65 activities for the Council's term, and the Operational Plan 2024-25 includes 188 operational actions for the year. As at 31 December 2024, 97% of the actions are on track or completed, and 3% of the actions are considered off track or withdrawn.

### **RECOMMENDATION**

THAT the Six-Month Performance Update Report July – December 2024 be received and noted.

### **BACKGROUND**

Local councils in NSW are required to undertake planning and reporting activities in accordance with the local government Integrated Planning and Reporting (IPR) framework.

In accordance with Section 404 of the *Local Government Act 1993* and the Integrated Planning and Reporting guidelines for Local Government, Council is required to provide progress reports with respect to the activities detailed in the Delivery Program every six months.

The Community Strategic Plan - Our Eurobodalla 2042, articulates a community vision for the future, five corresponding goals, and 18 strategies to achieve these.

Council developed the Delivery Program 2022-26 in response to the Community Strategic Plan, which details 65 activities for the period to work towards the community's aspirations.

Annually, Council develop and adopt an Operational Plan, which is Council's 'work plan' for the year. The work plan aligns to the Delivery Program and contains annual actions to work towards the higher plans. Council's Operational Plan for 2024-25 contains 188 actions.

**FCS25/013 OPERATIONAL PLAN 2024-25 SIX MONTH PERFORMANCE  
UPDATE JULY - DECEMBER 2024**

**S004-T00028**

As at 31 December 2024, 97% of Operational Plan actions were completed or considered on track, and 3% flagged as off track or withdrawn:

<b>Goals</b>	<b>Completed / On Track</b>	<b>Withdrawn / Off Track</b>
Our sustainable shire celebrates our natural environment and outdoor lifestyles	33	2
Our community that welcomes, celebrates, and supports everyone	61	-
Our region of vibrant places and spaces	31	3
Our connected community through reliable and safe infrastructure networks	22	1
Our engaged community with progressive leadership	35	-
<b>Total</b>	<b>182</b>	<b>6</b>

Council have completed actions delivering activities to celebrate NAIDOC week, Children's week, Local Hero awards and a two-week free green waste drop off period at waste management facilities.

Some highlights from the project and service actions considered on track as at 31 December 2024 include:

- The initial public consultation and engagement phase for the review of the Eurobodalla Waste Strategy and Resource Management Strategy has been completed. A draft strategy is prepared, informed by the consultation, and is anticipated to be presented to Council in 2025.
- Residents of Nelligen are now connected to water and sewer services, via the newly constructed Nelligen Water Supply and Sewerage Scheme.
- A review of urban tree canopy has been undertaken and urban tree canopy across the Eurobodalla local government area have been mapped.
- End of life mowers were replaced and new sport field mowers purchased, enabling Council to achieve a more consistent level of service across the shire.
- All community facing infrastructure components for the Wagonga Inlet Living Shoreline project were completed, with the remaining components, installation of a statue to occur in early 2025.
- Field reconstruction at Hanging Rock sporting complex is complete, the field lighting and building components of the project are on track.
- An additional educator has commenced with Council's Family Day Care service, with the wait list for the service reduced due to this.

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**FCS25/013 OPERATIONAL PLAN 2024-25 SIX MONTH PERFORMANCE  
UPDATE JULY - DECEMBER 2024**

**S004-T00028**

- The inaugural meeting of the Visitor Economy Working Group occurred in November. The industry-based visitor economy working will provide industry with greater autonomy and accountability, over how the visitor economy is supported and promoted.
- Council elections were held on the 14 September 2024. Post-election, councillors have been inducted via a two-day welcome series, and additional sessions thereafter.

As at 31 December 2024, 3% of actions for the year are considered off track, these include:

- Poor ground conditions and wet weather has impacted the timing for last stages of the Southern Water Storage/Dam project, and some deferrals in the anticipated sewer capital program works have occurred to better align to available staff resources.
- Progress for the review of the Pathway Strategy has been delayed and a housekeeping planning proposal to amend the Eurobodalla Local Environment Plan will occur in a future year, due to staff efforts being redirected to address amendment requests for the draft housing strategy. The timing for the preparation of a planning proposal to implement the Batemans Bay Masterplan is also delayed due to this.
- The finalisation of the Dalmeny Land Release Development Control Plan has not progressed due to ongoing discussions between the landowners about how to proceed with the project. The landowners are now the lead for the project.

Further details can be found in the attachment – Six Month Performance Update Report July to December 2024.

### **Legal**

In accordance with Section 404 of the *Local Government Act 1993* and the Integrated Planning and Reporting guidelines for Local Government, Council is required to provide progress reports with respect to the activities detailed in the Delivery Program every six months.

### **Policy**

The Delivery Program and Operational Plan draws on and implements actions contained in related Council policy documents.

### **Financial**

Council is required to report financial performance on a quarterly basis. The December Quarterly Review Statements are prepared in accordance with the *Local Government Act 1993* and the Quarterly Budget Review Statement Guidelines. They are presented to Council in a separate report.

### **Community and Stakeholder Engagement**

The Six-Month Performance Update Report is an informing document for the community and will be published on Council's website.

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**FCS25/013 OPERATIONAL PLAN 2024-25 SIX MONTH PERFORMANCE  
UPDATE JULY - DECEMBER 2024**

**S004-T00028**

**CONCLUSION**

The Six-Month Performance Update July - December 2024 report provides an update of Council's progress to achieving our community's vision and goals as articulated in the Community Strategic Plan – Our Eurobodalla 2042.

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**FCS25/014 EUROBODALLA SHIRE COMMUNITY STRATEGIC PLAN 2042 (2025 REVISION) FOR ENDORSEMENT S004-T00028**

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

Attachments: 1. Under Separate Cover - Community Strategic Plan 2042 (2025 Revision)

Outcome: 5 Our engaged community with progressive leadership

Focus Area: 5.2 Proactive, responsive and strategic leadership

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

Operational Plan Link: 5.2.2.2 Review and prepare Council's plans and reports under the Integrated Planning and Reporting Framework

### **EXECUTIVE SUMMARY**

The Community Strategic Plan (CSP) is the highest-level plan that Council will prepare as part of the Integrated Planning and Reporting (IPR) Framework. Council has a custodial role in initiating, preparing, and monitoring the CSP on behalf of the community. However, it is not wholly responsible for its implementation. Other partners, such as other levels of governments, community organisations and business may also be engaged in delivering the long-term goals of the plan.

The Eurobodalla Shire Community Strategic Plan 2042 (2025 Revision) was prepared in accordance with Section 402 and 406 of the *Local Government Act 1993* and the Office of Local Government Integrated Planning and Reporting Guidelines. The whole of community plan was reviewed and developed in partnership with the community. It identifies and articulates the community's long-term aspirations, priorities and vision. To achieve this vision five goals were developed with supporting strategies.

A draft plan was presented to Council at its 17 December 2024 ordinary meeting and endorsed for a public exhibition period of 28 days. The public exhibition occurred between Monday 13 January to Sunday 9 February 2025. Three submissions were received. Minor amendments were made to the draft version of the strategy for the final version, as attached to this report.

### **RECOMMENDATION**

THAT Council:

1. Note that the draft Community Strategic Plan 2042 (2025 Revision) concluded the required period of 28 days on public exhibition.
2. Note the submissions received during the public exhibition period and endorse the recommended responses.
3. Endorse the Eurobodalla Shire Community Strategic Plan 2042 (2025 Revision).

**FCS25/014 EUROBODALLA SHIRE COMMUNITY STRATEGIC PLAN 2042 (2025 REVISION) FOR ENDORSEMENT S004-T00028**

**BACKGROUND**

Local councils in NSW are required to undertake their planning and reporting activities in accordance with the Local Government Act and the Office of Local Government Integrated Planning and Reporting guidelines.

The IPR framework is detailed in the figure below:



The Community Strategic Plan (CSP) is the highest-level plan that Council will prepare as part of the Integrated Planning and Reporting (IPR) Framework. Council has a custodial role in initiating, preparing and monitoring the CSP on behalf of the community. However, it is not wholly responsible for its implementation. Other partners, such as other levels of governments, community organisations and business may also be engaged in delivering the long-term goals of the Plan.



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**FCS25/014 EUROBODALLA SHIRE COMMUNITY STRATEGIC PLAN 2042 (2025 REVISION) FOR ENDORSEMENT S004-T00028**

A CSP will identify the community's long-term aspirations, priorities and vision for the future of the local government area. It will articulate goals and strategies to guide efforts towards the future vision and include measures to assess progress towards the future goals.

The Integrated Planning and Reporting Framework recognises that most communities share similar aspirations: a safe, healthy and pleasant place to live, a sustainable environment, opportunities for social interaction, opportunities for employment and reliable infrastructure. The difference lies in how each community responds to these needs. It also recognises that council plans and policies should not exist in isolation and should be connected to Council's high-level planning documents.

This framework allows NSW councils to draw their various plans together, understand how they interact and achieve the maximum leverage from their efforts by planning holistically for the future.

Councils need to take a long-term view and consider social, economic and environmental aspects, and the needs of current and future generations when making decisions. This underpins the planning and reporting framework. Each CSP must adequately address social, environmental, economic and civic leadership considerations. This approach is generally referred to as 'the quadruple bottom line'. This approach ensures that the Community Strategic Plan is balanced and takes a holistic view.

### **CONSIDERATIONS**

A Community Strategic Plan (CSP) is a whole of community plan, reviewed and developed in partnership with the community. Council developed its first plan in 2010, with further comprehensive reviews in 2012, 2016, 2021, and during 2024 to establish the revised plan this report considers.

On 17 October 2023 Council resolved to participate in the Canberra Regional Joint Organisation (CRJO) Regional Community Strategic Plan refresh project. The project enabled member Council's to use the same engagement tools and methods, during the same engagement period, to review and understand the aspirations of their communities, and review their CSPs. This also enabled the CRJO to refresh the regional CSP, which articulates future aspirations at a regional level.

Engagement activities occurred during February and March 2024 and its findings informed the Eurobodalla Shire Community Strategic Plan 2042 (2025 Revision).

The plan outlines our community vision: *From our beaches to our bushlands, rivers and mountains... Our Eurobodalla is a place of inclusive communities embracing sustainable lifestyles. Our future balances our natural assets and thriving economy. Our community is resilient and collaborative, and this underpins all that we do.*

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**FCS25/014 EUROBODALLA SHIRE COMMUNITY STRATEGIC PLAN 2042 (2025 REVISION) FOR ENDORSEMENT S004-T00028**

Under this vision are five goals:

1. Our community – Eurobodalla welcomes, celebrates and supports everyone.
2. Our economy – We have a strong economy with learning, employment and business opportunities
3. Our environment – We sustain our shire by balancing growth and protecting our natural environment
4. Our infrastructure – Our community has reliable and safe infrastructure networks and community facilities.
5. Our civic leadership – We are an engaged community with progressive leadership.

Each goal lists strategies to guide efforts towards the future vision, and the CSP includes community indicators to assess progress towards the future goals.

### **Legal**

Section 402 of the *Local Government Act 1993* requires each local government area to have a Community Strategic Plan that identifies the main priorities and aspirations for the future of the area, for at least ten years from when the plan is endorsed. It also requires Council's to review the plan by 30 June in the year following Local Government elections.

Section 406 of the *Local Government Act 1993* requires Council's to comply with the Office of Local Governments Integrated Planning and Reporting Guidelines (the guidelines) when preparing their integrated plans, including community strategic plans.

The guidelines state that council must place their draft Community Strategic Plans on public exhibition for a period of no less than 28 days, and that submissions from the community be considered prior to endorsing the final plan.

### **Community and Stakeholder Engagement**

A range of engagement activities took place between 1 February and 15 March 2024 to gain insights into the community's future aspirations, priorities and concerns.

Engagement methods for Eurobodalla included:

- Online survey – 1,322 individual survey responses.
- Discussion guides – 524 people contributed to discussions.
- Drawing sheets – 90 drawing sheets received.
- Pop-ups – 552 people attended pop-up sessions.
- Regional Wellbeing Survey – 227 individual survey responses.
- Submissions – 7 formal submissions received.

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**FCS25/014 EUROBODALLA SHIRE COMMUNITY STRATEGIC PLAN 2042 (2025 REVISION) FOR ENDORSEMENT S004-T00028**

A draft plan was endorsed for a 28-day public exhibition period at Council's 17 December 2024 ordinary meeting. The public exhibition period occurred between Monday 13 January to Sunday 9 February 2025. To seek feedback Council advised and engaged the community by:

- Informing the community about the public exhibition and inviting the community to provide feedback on the plans. This was achieved using Council's own platforms and through local media.
- The draft plan was made available for the community to read on Council's website. Requests for hard copies could be made by contacting Council.
- The draft plan was available for public review at all Eurobodalla libraries and Council's customer service area at its main administration building in Moruya.

Three submissions were received during the public exhibition period. Councillors have received a copy of all submissions.

**FCS25/014 EUROBODALLA SHIRE COMMUNITY STRATEGIC PLAN 2042 (2025 REVISION) FOR ENDORSEMENT S004-T00028**

The table below provides a summary of the submissions received and Council’s proposed response. Council will respond to all submitters to thank them for their considered input as well as advising them of the outcome of this report.

Submission	Items raised	Proposed response
1	<p>Related to the key priorities statement “Environmental preservation and stewardship, including leadership on climate mitigation and adaption and clear carbon targets” – noting that while the recognition of the effects of planning appropriately is within the council’s area of responsibility that local government should not be involved with steering policy on climate change.</p>	<p>A Community Strategic Plan (CSP) represents a whole of community plan. Council has a custodial role in initiating, preparing and monitoring the plan on behalf of the community, however many external agencies and stakeholders also lead, contribute to, and support the vision and strategic priorities.</p> <p>Council has commenced preparing its Delivery Program 2025-29. The purpose of a Delivery Program is to demonstrate how council will respond to the community aspirations of the CSP and how it will engage its resources over the immediate four-year period to work towards some, or all of the community plan. The Delivery Program 2025-29 is anticipated to be presented to the Ordinary Meeting of Council on 29 April 2025 for endorsement for a period of public exhibition (during May 2025).</p>
2	<p>Concerns regarding the generic nature of the plan and lack of detail around specific policy and actions. Identified that the financial sustainability of Council is not mentioned in the report and recommends changes to further highlight barriers to participation in sport, including a review of Council fees and charges, and emergency preparedness.</p>	<p>As above.</p>
3	<p>Suggests that the lead agency for Strategy 3.1 Protect and enhance of natural environment, should be all</p>	<p>This item has been amended in the proposed final version of the plan.</p>

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**FCS25/014 EUROBODALLA SHIRE COMMUNITY STRATEGIC PLAN 2042 (2025 REVISION) FOR ENDORSEMENT S004-T00028**

The exhibited draft CSP has been updated to reflect the response to submission three, and some minor amendments for grammatical changes and proofreading.

**CONCLUSION**

The Community Strategic Plan is the highest-level plan that Council will prepare as part of the Integrated Planning and Reporting framework. Council has a custodial role in initiating, preparing and monitoring the CSP on behalf of the community. However, it is not wholly responsible for its implementation. Other partners, such as other levels of governments, community organisations and businesses may also be engaged in delivering the long-term objectives of the Plan.

The Eurobodalla Shire Community Strategic Plan 2042 (2025 Revision) has been prepared in accordance with the *Local Government Act 1993* and the Integrated Planning and Reporting Guidelines and updated to reflect community feedback received during February and March 2024. A draft plan was placed on public exhibition for a period of 28 days, from Monday 13 January to Sunday 9 February 2025. Three submissions were received and recommended responses are provided in this report.

Minor amendments were made to the draft version of the strategy to the final version attached to this report.

This report recommends that Council endorse the Community Strategic Plan 2042 (2025 Revision).

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**FCS25/015 COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY  
PARTICIPATION PLAN 2025-29 FOR ADOPTION**

**S012-T00025**

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

Attachments: 1. Under Separate Cover - Community Engagement Strategy and Community Participation Plan 2025-29

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.1 Acknowledge our shared responsibility through an informed community

Delivery Program Link: 5.1.2 Provide a range of opportunities for the community to be consulted and engaged, guided by the Community Engagement Strategy

Operational Plan Link: 5.1.2.2 Review the Community Engagement Strategy

**EXECUTIVE SUMMARY**

The purpose of this report is to present the Community Engagement Strategy and Community Participation Plan 2025-29 for adoption.

The strategy contains two main sections:

- Part one - The Community Engagement Strategy
- Part two - The Community Participation Plan

Councils have a vital role to play in opening opportunities for community members to be involved in the strategic planning process. The strategy outlines the guiding principles and approach for ensuring the community has an opportunity to have their say in a meaningful way.

The draft Community Engagement Strategy and Community Participation 2025-29 were presented at the Ordinary Meeting of Council on 17 December 2024. Council endorsed the public exhibition period of 28 days; this exhibition period was between Monday 13 January to Sunday 9 February 2025. No submissions were received.

**RECOMMENDATION**

THAT Council:

1. Note that the draft Community Engagement Strategy and Community Participation Plan 2025-29 concluded the required period of 28 days on public exhibition.
2. Note that no submissions were received during the public exhibition period.
3. Adopt the Community Engagement Strategy and Community Participation Plan 2025-29.

**BACKGROUND**

Councils are required under the requirements of the *Local Government Act 1993* to review their community engagement strategy within three months of the ordinary elections.

Council adopted their initial Community Engagement Charter, Framework and Planning Tool in February 2017. In August 2019, Council reviewed the Framework with the purpose of incorporating requirements for a Community Participation Plan (CPP) in accordance with

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**FCS25/015 COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY  
PARTICIPATION PLAN 2025-29 FOR ADOPTION**

**S012-T00025**

changes to the *Environmental Planning and Assessment Act 1979*. The purpose of the legislative changes was to ensure that Council had a single document the community can access which explains how the community can participate in engagement and planning processes.

Council undertook a further review of this strategy in 2022, following the 2021 Local Government Elections, and adopted that iteration at its 25 October 2022 meeting.

Following the September 2024 NSW Local Government Elections, the strategy was reviewed, and a draft Community Engagement Strategy and Community Participation Plan 2025-29 was endorsed for public exhibition for a 28-day period. The exhibition period occurred between Monday 13 January to Sunday 9 February 2025. No submissions were received.

### **CONSIDERATIONS**

The Community Engagement Strategy is one of the ways that Council is informed of different perspectives, potential solutions and information before making decisions. Council engages with the community using a variety of formal and informal techniques, guided by Council's currently adopted Community Engagement Strategy.

The draft strategy contains two main sections:

- Part one - The Community Engagement Strategy
- Part two - The Community Participation Plan

The strategy supports the development of Council's plans, policies, programs and key activities - including those relating to Integrated Planning and Reporting, as well as strategic plans and programs under other legislation.

The Community Engagement Strategy and Community Participation Plan 2025-29 was developed following a review of Council's existing Community Engagement Strategy 2022, for best practice considerations within the Integrated Planning and Reporting Guidelines (2021) and Handbook (2021) and to bring it in line with contemporary standards for councils.

Changes included amending language to be accessible and inclusive. The document has been updated to be a community facing document and further defines stakeholder groups and methods for engagement.

The following principles guide engagement in Eurobodalla:

- Inclusive and accessible.
- Transparent and effective communication.
- Authentic and responsive engagement.
- Collaborative partnerships.

The process of decision making involves multiple steps and can be complex. Engagement opportunities may range from detailed and involved to limited input, depending on the nature and constraints of the project.

Council is responsible for designing and facilitating engagement processes, ensuring they align with strategic goals and meet legislative requirements. Community members are encouraged to actively participate by providing feedback, sharing insights and engaging in discussions.



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**FCS25/015 COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY  
PARTICIPATION PLAN 2025-29 FOR ADOPTION**

**S012-T00025**

Council staff are tasked with implementing engagement activities collecting feedback and reporting on outcomes.

Part two of the draft strategy is the Community Participation Plan (CPP). The CPP is a plan that establishes when and how the community can participate in planning decisions. A primary objective of the plan is to ensure Council's community engagement in the planning process is consistent and clear. The CPP outlines when exhibition or notification is required for a development application.

**Legal**

The Community Engagement Strategy and Community Participation Plan 2025-29 has been prepared in accordance with Sections 8A and Section 402A of the *Local Government Act 1993*.

Section 8A provides the guiding principles for councils and Section 402A requires councils to establish and implement a Community Engagement Strategy for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters).

The Office of Local Government also sets out the requirements for this review in the Integrated Planning and Reporting Guidelines (2021). This includes several essential elements including:

2.3 Councils are required to review the Community Engagement Strategy within three months of the local government elections, as part of the broader review of the Community Strategic Plan.

2.5 Where a council has community engagement requirements under other legislation or regulations, they should, wherever practical, be integrated into the Community Engagement Strategy.

**Community and Stakeholder Engagement**

The Community Engagement Strategy and Community Participation Plan 2025-29 was informed by Council's existing Community Engagement Strategy 2022, and from feedback received during the Eurobodalla Community Strategic Plan consultation activities, that occurred during 1 February to 15 March 2024 and by previous community research.

The draft strategy was endorsed for a 28-day public exhibition period at the Ordinary Meeting of Council on 17 December 2024. The public exhibition period occurred between Monday 13 January to Sunday 9 February 2025. To seek feedback Council advised and engaged the community by:

- Informing the community about the public exhibition and inviting the community to provide feedback on the draft strategy. This was achieved using Council's own platforms and through local media. Details on making a submission were made available on Council's ['Have your say'](#) webpage.

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**FCS25/015 COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY  
PARTICIPATION PLAN 2025-29 FOR ADOPTION**

**S012-T00025**

- The draft strategy was made available for the community to read on Council's website. Requests for hard copies could be made by contacting Council on 4474 1000.
- Hard copies were made available for public review at all Eurobodalla Shire Libraries and Council's customer service area at its main administration building in Moruya.

No submissions were received.

No changes have been made from the draft version of the strategy to the final version attached to this report.

**CONCLUSION**

Section 402A of the *Local Government Act 1993* requires councils to establish and implement a Community Engagement Strategy for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters). Councils are required to review their community engagement strategy within three months of a local government election.

The Community Engagement Strategy and Community Participation Plan 2025-29 is informed by Council's existing strategy, best practice recommendations contained in the Office of Local Government Integrated Planning and Reporting Guidelines, and to bring it in line with contemporary standards for councils.

No submissions were received during the public exhibition period.

This report proposes Council adopt the Community Engagement Strategy and Community Participation Plan 2025-29.

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**FCS25/016 PROPOSED ROAD CLOSURE AND SALE - PART DENISE DRIVE,  
LILLI PILLI**

**S023-T000014**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services  
Attachments: 1. Confidential - Landowners details-part Denise Drive  
2. Under Separate Cover - Confidential - Submissions-part Denise Drive  
Community Goal: 5 Our engaged community with progressive leadership  
Community Strategy: 5.3 Work together to achieve our collective vision  
Delivery Program Link: 5.3.2 Manage land under Council control  
Operational Plan Link: 5.3.2.1 Undertake strategic management of Council's operational land portfolio, guided by the finance strategy

**EXECUTIVE SUMMARY**

The purpose of this report is to request approval for a proposal to close and sell unformed road reserve at Denise Drive Lilli Pilli that is surplus to Council's requirements.

On closure, the newly created lot will be vested to Council as operational land which enables Council to then sell the land on the open market. The area of the unformed road reserve proposed to be closed and sold is approximately 2057sqm, subject to final survey.

Initially, a request was received from an adjoining landowner to acquire the whole of the road reserve, however, as the area is large enough to form a standalone lot, the property should be sold on the open market. The landowner is still able to acquire the property through the open market process.

At the request of the neighbours, small sections of the road reserve may be sold and consolidated with the respective adjoining landowner's blocks. The landowners' details are shown in the Confidential Attachment (Att 1.) to this report.

The proposal was publicly notified between 7 August 2024 and 7 September 2024. A total of seven submissions were received (four from one adjoining landowner, two from another adjoining landowner and one from a landowner in the area). Submissions are provided in confidential attachment two (Att.2).

**RECOMMENDATION**

THAT

1. Council approves the road closure and sale of part Denise Drive, Lilli Pilli.
2. Once closed and vested in Council:
  - (a) seek agreement with the adjoining landowners to sell part of the road reserve to them for consolidation within their existing properties;
  - (b) the remaining land be sold on the open market.
3. The General Manager be given delegated authority to execute all necessary documentation.

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**FCS25/016 PROPOSED ROAD CLOSURE AND SALE - PART DENISE DRIVE,  
LILLI PILLI**

**S023-T000014**

**BACKGROUND**

Council was approached by the landowner of Lot 22 DP209986 requesting to acquire the land adjacent to their property in Denise Drive. On investigation of the proposal, it was found that the land parcel was unformed road reserve.

In accordance with Council's Land Management Policy 'Where land (including surplus areas of public road) is capable of being sold on the open market and able to be developed independently of any other property, the sale shall be by competitive process'. As the area of the unformed road reserve is large enough to form a standalone lot, the property is to be sold on the open market.

The road reserve is unformed and there is no future need for the land by Council. It is proposed to close the road to create land to be sold on the open market as a standalone lot.

The total area of the road reserve and the area shown to be closed in the public notice is approximately 2575sqm.

The closure of the unformed road reserve at Denise Drive Lilli Pilli will devolve Council of current and future maintenance responsibilities over the areas disposed of.

The area is restricted by services being a water reticulation system on the eastern boundary and a sewer gravity system on the southern boundary. Easements can be created for both services.

Council's procedure for road closures has been followed, including notification to the appropriate statutory authorities and neighbouring property owners, allowing a minimum of 28 days for submissions to be received. Seven submissions from three neighbouring landowners were received and these are attached to this report, refer confidential attachment (Att 2.). Generally, the submissions are queries regarding use of the area by wildlife and infrastructure such as water hydrant location.

All actions in respect of the sale of the closed road reserve will be in accordance with Council's *Land Management – Acquisition, Disposal and Leasing/Licensing Policy*.

**CONSIDERATIONS**

The area of the proposed standalone lot has been reviewed since receiving submissions, and further discussion with the two adjoining neighbours, has resulted with the following proposed amendments, subject to final survey:

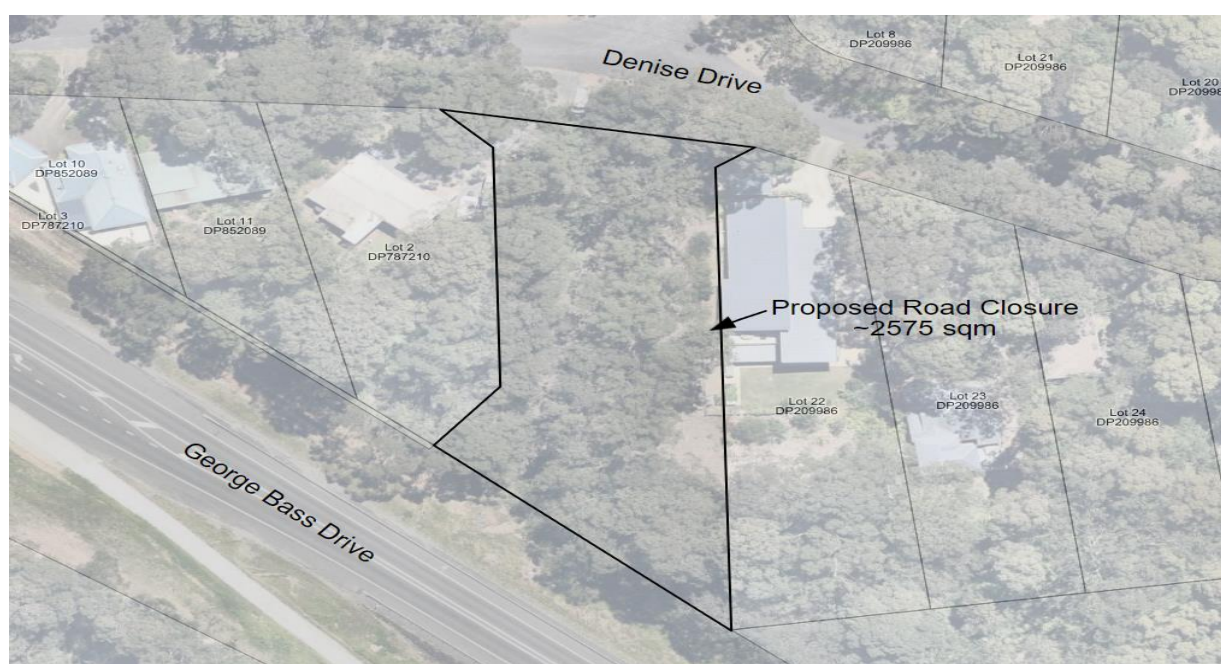
- Road reserve proposed to be closed and sold is approximately 2057sqm.
- Wildlife corridor/natural drainage to be retained on western boundary, rather than eastern boundary, of approximately 404sqm, and approximately 4 metres in width.
- Small triangle parcel approximately 27sqm proposed to be sold to adjoining western landowner. The amount of land sold to the adjoining landowners may be varied by negotiation with those landowners.

**FCS25/016 PROPOSED ROAD CLOSURE AND SALE - PART DENISE DRIVE,  
LILLI PILLI**

**S023-T000014**

- Small triangle parcel approximately 15sqm proposed to be sold to the adjoining eastern landowner. The amount of land sold to the adjoining landowners may be varied by negotiation with those landowners.
- Anyone, including the adjoining landowners can purchase the stand-alone property through the open market process.

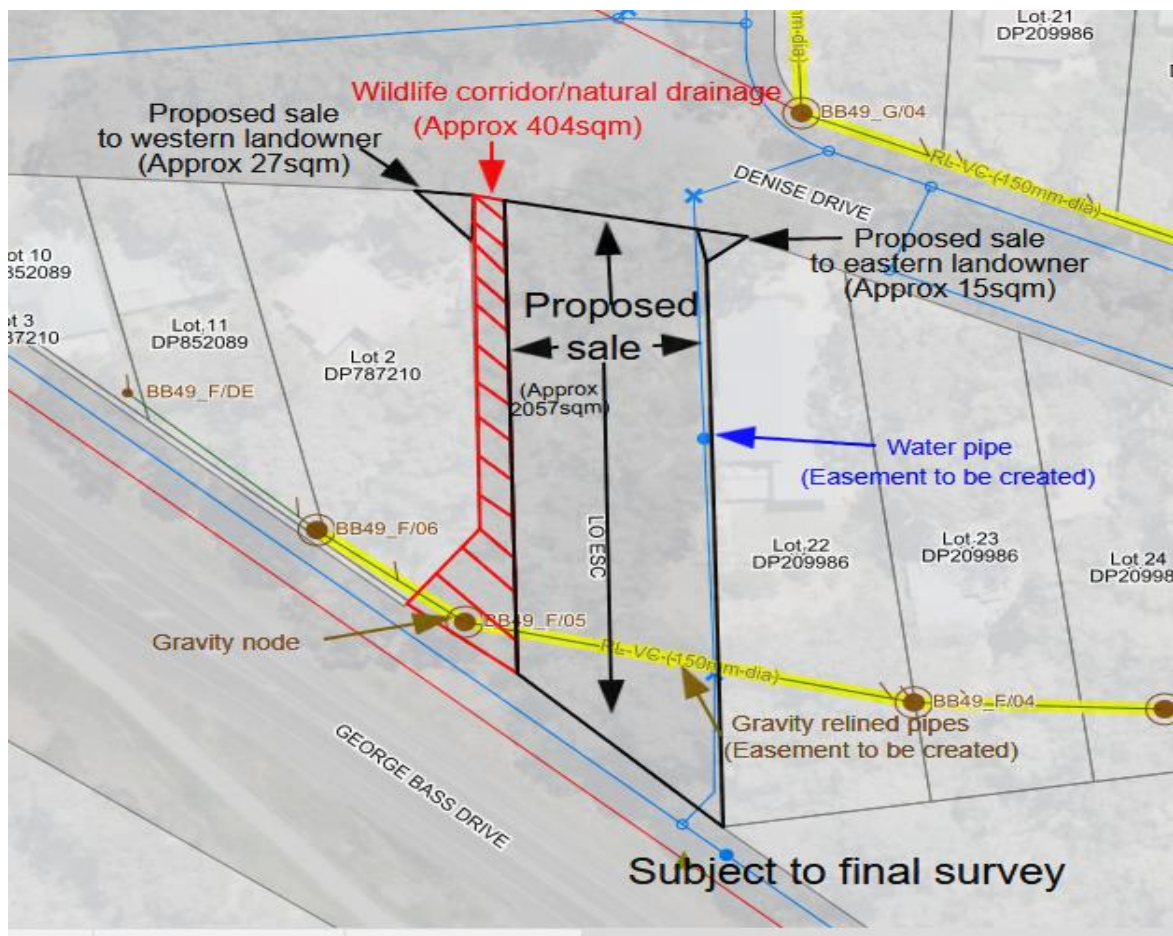
Below is a plan of the area as per the Public Notice of 7 August 2024 and a plan of the land proposed to be sold.



*Area of unformed road reserve as per On-Site Public Notice 7 August 2024, subject to final survey.*

**FCS25/016 PROPOSED ROAD CLOSURE AND SALE - PART DENISE DRIVE,  
LILLI PILLI**

**S023-T000014**



*Area of revised unformed road reserve showing wildlife corridor/natural drainage, water and sewerage easement area and small triangle parcels may be sold to respective adjoining landowners, subject to final survey.*

**Legal**

In accordance with the s38A of the *Roads Act 1993*, Council is the roads authority for public roads and may propose the closure of a public road for which is it the authority.

In accordance with the s38B of the *Roads Act 1993*, the proposal to close the road must be advertised in the local paper and all affected landowners and notifiable authorities must be given a minimum of a 28-day period to lodge a written submission on the proposal.

A Plan of Road Closure and First Title Creation will be registered at NSW Land Registry Services. Following registration of the plan, the road closure is to be notified in the Government Gazette. On closure of the road, the land will vest in Council as operational land and sold on the open market and the applicable small triangle parcels may be transferred and consolidated with the adjoining western landowner of Lot 2 DP787210 and eastern landowner of Lot 22 DP209986.

[Roads Act 1993 Sec 38A](#)

[Roads Act 1993 Sec 38B](#)

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**FCS25/016 PROPOSED ROAD CLOSURE AND SALE - PART DENISE DRIVE,  
LILLI PILLI**

**S023-T000014**

**Policy**

All actions in respect of the sale of the closed road reserve will be in accordance with Council's *Land Management Acquisition Disposal and Leasing-Licensing Policy*.

In accordance with Council's Land Management Policy 'Where land (including surplus areas of public road) is capable of being sold on the open market and able to be developed independently of any other property, the sale shall be by competitive process'.

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

**Asset**

Access will be available on the western boundary where a wildlife corridor/natural drainage has been retained. There is a Sewer Gravity Node (manhole/inspection point) located in that area.

**Financial**

As set out in Council's Land Management Policy 'Council (as custodian of public assets) acquires and disposes of property interests in open market format to ensure due probity of process an optimal financial return (and minimal risk)'.

On closure, the newly created lot will be vested to Council as operational land and is proposed to be sold on the open market. In accordance with the Land Management Policy, a valuation has been sought from a registered valuer to determine market value and assist Council to get the best value for money from the transactions.

All costs including survey, valuation and legal costs associated with the road closure will be borne by Council.

The landowners to the west and east, should they acquire the small triangle parcels, will be required to pay agreed land value and registration costs for the plan of consolidation.

The adjoining landowner may acquire the stand-alone property by open market process.

**Community and Stakeholder Engagement**

In accordance with s38B of the *Roads Act 1993*, the proposed road closing was publicly notified through the local newspaper and on Council's website from 7 August to 7 September 2024, allowing 28 days for submissions. Notification letters were also sent to appropriate statutory authorities and neighbouring property owners. A total of seven submissions were received (four from adjoining landowner, two from adjoining landowner and one from landowner in the neighbourhood) and are provided in the Confidential Attachment.

Council have been liaising with submitters throughout this period, including by email and an onsite meeting with both adjoining neighbours.



**FCS25/016 PROPOSED ROAD CLOSURE AND SALE - PART DENISE DRIVE,  
LILLI PILLI**

**S023-T000014**

A summary of matters raised is set out below. For councillors' consideration, the submissions are attached to this report, refer to confidential attachment (Att 2.)

<b>Matters raised</b>	<b>Council's Response</b>
Explanation why Council did not notify adjoining neighbour about the closure and sale of this land.	The Public Notice sign was displayed at the subject property on 7 August 2024. At the same time, Council sent notification letters to neighbouring properties by postal mail and these were received after the onsite notice was displayed.
Incorrect information regarding boundaries.	Council's mapping system (GIS) approximates property boundaries. For sales, Council needs to engage a registered surveyor to conduct all survey work and determine exact boundaries.
The portion of land is on an angle from adjoining neighbour's fence lines and suggests blocks be straightened and parallel to 48 and 9 Denise Drive.	The proposal for the small triangle sections of the road reserve at the front of the blocks that could be sold and consolidated with the respective adjoining landowners is to straighten up the boundary lines. This is subject to agreement and in accordance with Land Management Policy.
Telstra phone pits, water meter location and sewer connection down the far back corner that will need easy access.	Following onsite meeting, a wildlife corridor is proposed on the western boundary and easements can be formalised for the water reticulation system along the eastern boundary and sewer gravity system at the southern end.
Fire access through block and permanent Hydrant Point attached to this block and RFS to have access	Fire access through this block would not be suitable as George Bass Drive has been upgraded and does not allow access through this area. There is a Hydrant Point on the eastern boundary and an easement can be formalised in this regard to ensure access to that from Denise Drive.
Wildlife use this area to access the bush on both sides of George Bass Drive.	A wildlife corridor has been proposed on the western boundary to accommodate access for wildlife to pass through. Any purchaser would have to consider this in

**FCS25/016 PROPOSED ROAD CLOSURE AND SALE - PART DENISE DRIVE,  
LILLI PILLI**

**S023-T000014**

<b>Matters raised</b>	<b>Council's Response</b>
	any development application
Flora at the southern end acts as a sound barrier from traffic noise on George Bass Drive.	Development assessment would consider vegetation.
This block acts as a fire break as hazard reduction work has been carried out in the past and there is not too much undergrowth.	Maintenance would be at the responsibility of the new landowner.

**CONCLUSION**

Following a request from a neighbour, Council proposes to close unformed road reserve at Denise Drive, Lilli Pilli.

Public notification was carried out to consider approval for the proposed closure and sale of road reserve. Seven submissions from three neighbouring landowners were received.

Submissions received during the period of public notice have been considered and reviewed by the relevant Council staff. It is recommended that Council proceed to approve the proposed road closure and sale.

Following closure, the newly created lot will vest in Council as operational land and sold on the open market and the two small triangle parcels may be sold and consolidated with adjoining western landowner of Lot 2 DP787210 and eastern landowner of Lot 22 DP209986.

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**IR25/001 EUROBODALLA SOUTHERN STORAGE UPDATE AND BUDGET  
ALLOCATION**

**S032-T00008**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - Eurobodalla Southern Storage Update

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

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

Delivery Program Link: 1.4.2 Increase water security through construction of the Southern Water Supply Storage

Operational Plan Link: 1.4.2.1 Continue the construction of the Southern Water Supply Storage/Dam

**EXECUTIVE SUMMARY**

The Eurobodalla Southern Water Supply Storage (Southern Storage) is a priority project to drought proof the Shire's water supply and improve the resilience of Council's water supply as initially identified in Council's Integrated Water Cycle Management strategy 2003.

The NSW Government committed \$25.6M to the project in October 2019 and the Australian Government committed \$51.2M in May 2021. Council's contribution, based on the pre-construction estimate of the project was \$25.6M or 25% of the total project cost. The Project was estimated to cost at least \$150M and as such Council's contribution will increase without further Federal or State Government funding.

The two most significant components of the project are the construction costs and the required biodiversity offset costs. Following a tender process, Haslin Constructions was awarded the construction contract for \$106M in June 2022. The Biodiversity Conservation Trust quoted a cost of \$31M for Council to meet its biodiversity offset obligations.

**RECOMMENDATION**

THAT Council **Approve**:

1. An increase in project budget as detailed in the confidential attachment.
2. An increase in Council's commitment regarding the Southern Storage Construction Contract to the value as detailed in the confidential attachment.

**IR25/001 EUROBODALLA SOUTHERN STORAGE UPDATE AND BUDGET  
ALLOCATION**

**S032-T00008**

**BACKGROUND**

**Reporting to Council**

The below provides an overview of the reporting to Council of the Southern Storage project since the engagement of the designer back in 2016, in addition to updates for Council's annual report:

- Report and resolution to award of the design contract to SMEC – July 2016
- Endorsement of Concept Design and EIS Exhibition – March 2018
- Report and resolution to accept State Funding – October 2019 - \$25.6m
- Report and resolution to accept Federal funding – May 2021 - \$51.2m
- Report and resolution to award the construction contract to Haslin – June 2022
- Report and briefing to ARIC – October 2023
- Report to Council and resolution for the SMEC contract variation – October 2023
- Cllr Southern Storage project update Briefing April 2024
- Report to Council and resolution for another SMEC contract variation – June 2024
- Report to Council providing an update on the Project – July 2024
- Briefing to the newly elected Councillors – October 2024

**Increasing Project Costs**

<b>Date</b>	<b>Cost (\$M)</b>	<b>Comment</b>
2006	36.3	Concept estimate (did not include design, land and system upgrades)
2014	61.4	Revised costing of the concept estimate
2017	94.1	Revised P80 cost estimate and included pumping station (\$6.4M)
2018 Feb	104.1	Includes \$9M biodiversity offsets introduced February 2018
2018 Oct	100.9	60% design P80 estimate
2018 Dec	106.7	95% design P80 design estimate
2022 Oct	131.8	Following receipt of tenders and construction contract award
2024 Feb	162.8	After receipt to the Biodiversity Conservation Fund quote of \$31M

**The Need for a New Water Supply Source**

With existing sources, including Deep Creek Dam, Council's current storage capacity is 4.9GL. Our current average annual unrestricted demand is 3.7GL, providing approximately 16 months of supply. With the drought of record, being the millennium drought (2008-2010) and the recent 2017-2019 drought, being both two years in duration, the community couldn't endure a comparable drought without severe water restrictions or potentially running out of water.

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**IR25/001 EUROBODALLA SOUTHERN STORAGE UPDATE AND BUDGET  
ALLOCATION**

**S032-T00008**

Council's first Integrated Water Cycle Management Strategy (IWCM), which was completed in 2003, identified the long term need to secure another 3 GL of water storage.

Subsequent IWCMs (2016 and 2023) reinforced the need for an extra 3 GL of water storage and indeed identified the need to provide for the ability to increase this to 8 GL by 2070.

**Increasing Construction Costs**

Council resolved on 28 June 2022 to award the construction contract.

Since construction commenced, significant geotechnical issues have been encountered which have delayed the delivery of the project, originally due to finish March 2024 to now mid-2025, assuming no significant rain delays.

The geological issues have also resulted in higher project management, consultant (design during construction services) and construction costs.

Further details of the geological issues, details of current costs and an estimate of anticipated costs associated with the Construction Contract are included in the confidential attachment.

**Biodiversity Offsets**

Council, as part of its State Significant Development application, submitted an Environmental Impact Statement (EIS) and associated Biodiversity Development Assessment Report (BDAR) for State Government approval, with an assumption of assumed presence for some species, given (at the time) the relatively low biodiversity offset costs. The Office of the Environment (OEH) biodiversity offset calculator estimated at the time (April 2019) that the total value of biodiversity offsets would be about \$3.4M. Council did not purchase them then as funding was not yet secured.

The Biodiversity Conservation Fund (BCF) quoted in February 2024 a cost of \$30.9M (ex. GST), for the purchase the biodiversity credits that Council requires as per the project's approvals.

Council has been working closely with the Department of Climate Change, Energy, Environment and Water (DCCEEW) and the Department of Planning, Housing and Infrastructure (DPHI) to implement a solution that involves:

1. Purchase and retirement of equivalent biodiversity credits from the market.
2. Retirement of existing and equivalent Council owned credits.
3. Creating a Biodiversity Stewardship Agreement on land around the storage.
4. Purchase and retirement of like for like biodiversity credits from the market.
5. Payment into the Biodiversity Conservation Fund for any remaining obligation if required.

Implementation of steps (1) and (2) was undertaken in accordance with the resolution from Council on 17 December 2024.

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**IR25/001 EUROBODALLA SOUTHERN STORAGE UPDATE AND BUDGET  
ALLOCATION**

**S032-T00008**

**Land Acquisition Process**

The Forestry Corporation of NSW advised Council that it could not compulsorily acquire the parcels of land until their dedication as State Forest under section 14 of the Forestry Act 2012 (NSW) is revoked. This was a deviation from their initial position which did not require any revocation process. The revocation can only occur by passing a resolution in both houses of NSW's Parliament.

The steps to Council acquiring the parcels of land are as follows:

1. Crown Lands, Forestry NSW and Council enter into a compensation agreement in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) for Council's purchase of the land.
2. The compensation agreement, a briefing minute and draft resolution are presented to the Minister for Natural Resources. That minister sponsors the resolution and presents it to Parliament. Council will need to ask the Minister for Local Government to support the resolution.
3. The resolution will be debated in both houses of Parliament and theoretically, pass both houses. Once revoked the State Forest will return to its classification as Crown Land. Crown Lands will make Council the Crown Land Manager until Native Title is resolved, and compulsory acquisition can occur.

Council's Legal Team is working with Crown Lands and Forestry NSW to complete the above steps. Council has met with a corporate affairs manager at Forestry NSW who will prepare the briefing minute and resolution. Council is waiting on a meeting with Crown Lands to discuss the compensation agreement.

**Native Title**

The South Coast Peoples have a registered Native Title Claim (NSD 1331/2017) (NT Claim) over the relevant parcels of State Forest.

The representatives of the South Coast Peoples have confirmed that they do not consent to Council compulsorily acquiring the relevant land parcels and wish to enter an Indigenous Land Use Agreement.

To secure compulsory acquisition and avoid a land use agreement, Council will need to compensate the South Coast Peoples. What compensation is owed to the South Coast Peoples is dependent on whether Native Title has been extinguished by Council's work on the land so far.

Council is seeking advice from counsel on whether Native Title has been extinguished to inform its negotiation strategy. Council has made attempts to reopen discussions with the South Coast Peoples representatives but is yet to hear anything. Council will increase its efforts to engage with the South Coast Peoples once counsel's advice is received.

Compensation for native title will be reported to Council when known.

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**IR25/001 EUROBODALLA SOUTHERN STORAGE UPDATE AND BUDGET  
ALLOCATION**

**S032-T00008**

**CONSIDERATIONS**

**Policy**

Procurement practices are considered in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, *Local Government (General) Regulation 2021* and the *Local Government Act 1993*.

**Financial**

When the project budget was increased to \$104.1M in February 2018, financial modelling was carried out to determine the level of subsidy required to enable the project to proceed without increasing water rates. Modelling determined that 50% funding would be required and that Council could afford to spend \$52M on construction costs without increasing water rates.

Council submitted a funding request to the NSW Government in March 2019. In November 2019 Council resolved to accept a funding offer of \$25.6M.

In May 2021, the Australian Government announced that it had allocated \$51.2M towards the project, representing 50% of the 2018 project construction estimate. Council resolved in May 2021 to accept the funding once a formal offer had been received.

Therefore, Council was successful in securing a total of \$76.8M in funds (\$25.6M through the NSW Government Restart NSW program, and \$51.2M through the Australian Government National Water Grid Fund), reducing Council's share of the project estimate of \$104.1M to \$27.2M at the time.

With further increases in the project cost, Council's contribution will be greater than anticipated and loan borrowings are required to be sought in the current year to fund the increased cost. A review of the future capital works program has been undertaken to minimise the impact of these costs.

**CONCLUSION**

This report seeks approval to continue to manage the Project within the estimated budget and the Construction Contract within the revised price as provided in the confidential attachment.



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**IR25/002 LOCAL TRAFFIC COMMITTEE NO.3 FOR 2024-25**

**S030-T00018**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Under Separate Cover - LTC No. 3 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. 3 held 19 December 2024 are as follows:

**RECOMMENDATION**

THAT Council approves:

1. The following acts for determination from Local Traffic Committee No. 3:
  - **2025.RT.005 George Bass Drive – Broulee Road Roundabout signage and line marking, Broulee**

That Council Plan 2906-B-24, for signage and line marking at George Bass Drive – Broulee Road Roundabout, at Broulee, be approved.

- **2025.RT.004 Annett Street, signage, Mogo**

That Council Plan 5349-A-8, for signage Cyclists Excepted at Annett Street, Mogo, NOT be approved pending further investigation.

- **2025.RT.007 Balangay Court, Maloneys Beach signage**

That Council Plan 5490-H-1, for No Stopping signage at Balangay Court and Hibiscus Circuit, Maloneys Beach, NOT be approved.

- **2025.RT.008 Mosquito Bay car park, line marking**

That Council Plan 5490-E-02, for accessible car space, line marking and signage at Mosquito Bay boat ramp car park, Lilli Pilli, be approved.

- **2025.RT.010 Deep Creek Dam Road, Mogo Trails Botanic Gardens Carpark**

That Council Plan 5490-L-1, for two accessible car spaces signage and line marking: Give Way signage and line marking; bicycle symbolic signs (W6-7); Road Ahead signage, at Mogo Trails, Botanic Gardens car park, Batemans Bay, be approved.

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**IR25/002 LOCAL TRAFFIC COMMITTEE NO.3 FOR 2024-25**

**S030-T00018**

- **2025.RT.009 Train Street, Broulee, signage**

That Council Plan 5490-G-08-1, for 2P timed parking at Train Street, Broulee, be approved.

2. The following Informal Items:

**2025.IN.001 Local Traffic Committee – Terms of Reference**

That the Terms of Reference for the Eurobodalla Local Traffic Committee 2025-2026 are adopted by the Committee for the next two-year tenure period.

**2025.IN.002 Local Traffic Committee Meeting Dates for 2025**

That the following meeting dates be adopted for the Local Traffic Committee for the remainder of 2024/2025 and first half of 2025/2026.

Council notes the following Special Events:

**2025.SE.002 Special Event Application – Batemans Bay Triathlon, based in Tomakin held 1 February 2025**

**2025.SE.003 Special Event Application – Beach to Bridge 2025, Batemans Bay held 2 February 2025**

**2025.IN.001 Traffic Management Plan – Remembrance Day Ceremony Batemans Bay 2024 held 11 November 2024.**

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 3 for 2024-25 was held on 19 December 2024. The meeting was attended by Kate McDougall (ESC Traffic Coordinator), Thomas Franzen (ESC Divisional Manager, Technical Services), Kelly-Ann Marshall (ESC Surveillance Officer, Maintenance), Simone King (Premier Motor Service, Manager), Donna Bins (Transport for NSW), Brad Ross (Transport for NSW), Chief Inspector John Sheehan (NSW Police), Senior Sgt Scott Britt (NSW Police), Senior Sgt Angus Duncombe (NSW Police), Sheree Ward (ESC Infrastructure Support Officer).

**Apologies**

Councillor Laurence Babington, Melissa Seidel (Marshell's Bus and Coash Company), James Thompson (ESC Transport and Stormwater Engineer), Katherine Buttsworth (ESC Road Safety Officer), Scott McNair (ESC Events Coordinator).

A motion to move Kate McDougall as "the Chair" for this meeting 19 December 2024 **ACCEPTED**

**CONCLUSION**

The minutes of the Eurobodalla Local Traffic Committee meeting No. 3 for 2024-25 are attached to this report and provide further background for the recommendation.

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## 17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

### AGENCY ADVICE

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

CONTACT	PHONE	EMAIL	WEBSITE
Eurobodalla Shire Council Public Officer	4474-1000	council@esc.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
The Office of Local Government	4428 4100	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.