



# AGENDA

## Ordinary Meeting of Council

**20 August 2024**

### **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 20 AUGUST 2024**

**COMMENCING AT 12.30PM**

**AGENDA**

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

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**  
Nil
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 16 July 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**  
Nil
- 8. NOTICES OF MOTION**  
NOM24/005 Eurobodalla Shire Council acknowledges the Climate Change (Net Zero Future) Act 2023 and our obligations in regard to emissions reductions to achieve the targets set out in the Act ..... 4  
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- 9. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil

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- 10. PETITIONS**  
Nil
- 11. GENERAL MANAGER'S REPORTS**  
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- 12. PLANNING AND ENVIRONMENT REPORTS**  
Nil
- 13. FINANCE AND CORPORATE SERVICES REPORTS**  
  - FCS24/027 Appointment of Independent Chair for the Audit Risk and  
Improvement Committee ..... 13
  - FCS24/028 Councillor Interactions with Property Developers and Registered  
Lobbyists Policy ..... 18
  - FCS24/029 Investments made as at 31 July 2024 ..... 27
- 14. INFRASTRUCTURE REPORTS**  
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- 15. COMMUNITY, ARTS AND RECREATION REPORTS**  
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- 17. DEALING WITH MATTERS IN CLOSED SESSION .....41**
- 18. CONFIDENTIAL MATTERS**

**WARWICK WINN  
GENERAL MANAGER**

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**NOM24/005 EUROBODALLA SHIRE COUNCIL ACKNOWLEDGES THE CLIMATE CHANGE  
(NET ZERO FUTURE) ACT 2023 AND OUR OBLIGATIONS IN REGARD TO EMISSIONS  
REDUCTIONS TO ACHIEVE THE TARGETS SET OUT IN THE ACT**

S012-T00026; S010-T00037

Responsible Officer: Alison Worthington - Councillor

Attachments: 1. Under Separate Cover - Eurobodalla Net Zero Council Guide

Councillor Alison Worthington has given notice that at the Ordinary Meeting of Council on Tuesday 20 August 2024, she will move the following motion.

**MOTION**

THAT Council:

1. Acknowledges the NSW legislation, Climate Change (Net Zero Future) Act 2023, which legislates State emissions reduction targets to achieve net zero emissions by 2050, and the obligations of council to meet the regulations relating to that Act.
2. Note the work of the Canberra Region Joint Organisation (CRJO) Net Zero Accelerator Program (NZAP), which aims to assist member councils accelerate emissions reduction and set milestones to achieve net zero emissions.
3. Note that councillors are aware of the content of the CRJO Net Zero Accelerator Program presentation given in February 2024, and the recording shared with councillors.
4. Commits to implementing the actions in the Net Zero Council Guide and the 31 Net Zero Milestones prepared by the NZAP to assist council to improve its emissions data capture and account for their emissions data and actions in emissions reduction.
5. Resolve to develop a Net Zero Action Plan that provides a roadmap to achieve net zero emissions by 2050.

**BACKGROUND**

The NSW [Climate Change \(Net Zero Future\) Act 2023](#) passed both Houses of Parliament with multi-party support on 30 November 2023. It legislates the State's approach to addressing climate change and enshrines whole-of-government climate targets in law including to deliver net zero emissions by 2050. Specifically, it legislates:

- guiding principles for action to address climate change that consider the impacts, opportunities and need for action in NSW
- emissions reduction targets for NSW, namely:
  - 50% reduction on 2005 levels by 2030
  - 70% reduction on 2005 levels by 2035
  - Net zero by 2050.
- an objective for NSW to be more resilient to a changing climate
- establishing an independent, expert Net Zero Commission to monitor, review, report on and advise on progress towards these targets.

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<b>NOM24/005</b>	<b>EUROBODALLA SHIRE COUNCIL ACKNOWLEDGES THE CLIMATE CHANGE (NET ZERO FUTURE) ACT 2023 AND OUR OBLIGATIONS IN REGARD TO EMISSIONS REDUCTIONS TO ACHIEVE THE TARGETS SET OUT IN THE ACT</b>	<b>S012-T00026; S010-T00037</b>
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Eurobodalla Shire Council has been actively addressing climate change for more than a decade. In 2022, council endorsed the Eurobodalla Climate Action Plan 2022-2032 (CAP). The CAP includes a commitment to ‘support achievement by the wider community of a level of ambition at least equivalent to the targets adopted by the NSW Government’. This includes a target to achieve net zero emissions by 2050 for Eurobodalla, and net zero by 2040 for council operations.

As such, Council is already committed to the net zero targets legislated for the State. The CAP identifies and tracks 58 actions across a range of areas to reduce emissions, meet our targets, and build resilience.

These targets, however, are only as good as the policies that underpin them and require resourcing to develop the policies and to embed procedural items supporting them across our operations.

While Council is progressing in our journey to address emissions and build climate resilience, there is still much work to do in setting the milestones to be met before we reach net zero. The NSW State government is supporting councils to set the milestones that each council will need to reach on their journey to net zero through the State’s Sustainable Councils Team.

This support is offered through the Canberra Region Joint Organisation (CRJO) Net Zero Accelerator Program, with the objective to increase capacity building within the 11 member councils to accelerate emission reductions. The program also creates a regional opportunity to share expertise and improve project implementation efficiency.

The mayor and councillors were briefed on this program through a webinar and the recording of that presentation in early 2024.

Through the program a ‘Net Zero Councils Guide’ has already been prepared to assist each Council to address the ‘Top 5’ emission sources, and this will form the framework of the net zero journey:

- Direct emissions from landfill facilities, including legacy landfill sites - 57%
- Electricity use; Secondary emissions from the purchasing of fossil fuel electricity - 19%
- Direct emissions from wastewater treatment facilities - 13%
- Direct emissions from the use of fossil fuels in fleet, including vehicles and equipment 8%
- Direct emissions from gas appliances - 3%

The Net Zero Councils Guide provides a Net Zero Maturity Snapshot (2023) which identifies the work Council has ahead to achieve the targets. This includes undertaking an emissions inventory, embedding emissions reduction targets into all Council strategic documents, processes and programs and adopting a Fleet Transition Plan with targets.

This motion has the unanimous endorsement of all members of the council’s Climate Change Advisory Committee.

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<b>NOM24/005</b>	<b>EUROBODALLA SHIRE COUNCIL ACKNOWLEDGES THE CLIMATE CHANGE (NET ZERO FUTURE) ACT 2023 AND OUR OBLIGATIONS IN REGARD TO EMISSIONS REDUCTIONS TO ACHIEVE THE TARGETS SET OUT IN THE ACT</b>	<b>S012-T00026; S010-T00037</b>
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This motion before us asks that council publicly acknowledges the legislative setting under which Eurobodalla Shire Council is obliged to develop a plan to reach the Shire's and the State's net zero targets, and to undertake to develop a plan for that net zero journey. The Net Zero Accelerator Program provides support for council to develop procedural items to truly embed climate action and mitigation into everything we do and to account for it and will support delivery of our own Eurobodalla Climate Action Plan 2022-2032.

#### **GENERAL MANAGER'S RESPONSE**

Council adopted the [Eurobodalla Climate Action Plan](#) (CAP) in 2022. The plan sets out Council's emissions targets, along with ten years of actions to enable Council to meet these targets. The targets set for Council operations are more ambitious than the State-legislated targets and the targets set for community emissions reduction are the same as the State targets. For Council operations the targets are: Reduce emissions from the 2005/06 baseline by 80% by 2030; net zero emissions by 2040 and 100% of electricity from renewable sources by 2030.

The Eurobodalla Net Zero Council Guide (attached under separate cover) was developed to assist the 11 member councils of the Canberra Region Joint Organisation Net Zero Working Group (NZWG). The guide is designed to help those councils who do not already have an action plan. It also provides more detail around specific actions that will be useful in delivery of Eurobodalla's CAP and targets.

Staff from Council's Sustainability Team are members of the NZWG and work closely with the coordinator and other councils to deliver projects and actions with the support of the others to ensure the best use of shared resources and knowledge. The motion proposed aligns with the work already happening and commits Council to other actions not identified in the CAP.

In summary, Council has a Climate Action Plan and prior to this, had Emissions Reduction Plans.



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**NOM24/006      EUROBODALLA HOSPITAL ADVOCACY**

S006-T00016

Responsible Officer: Anthony Mayne - Councillor

Attachments:      Nil

Councillor Anthony Mayne has given notice that at the Ordinary Meeting of Council on Tuesday 20 August 2024, he will move the following motion.

**MOTION**

THAT Council urgently seeks clarification on the proposed local radiotherapy service for the L4 Eurobodalla Hospital. That Council *joins the community in supporting* the inclusion and prioritisation of local radiotherapy services, *noting the 5 year interval between the widely subscribed 2022 community Local Access to Radiotherapy Petition lodgement in Parliament and NSW Health's extended delivery date for the new Eurobodalla Hospital in late 2027.*"

**GENERAL MANAGER'S RESPONSE**

The NSW Government is responsible for planning and delivery of the new Eurobodalla regional hospital. It is appropriate that any Council advocacy to the NSW Government about the provision of specific services is considered and voted on by Council.

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**GMR24/010 COUNCIL MEETING CHANGE OF DATE**

**S012-T00025**

Responsible Officer: Warwick Winn - General Manager

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.2 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**

This report seeks Council endorsement to move the Ordinary Council Meeting scheduled for 15 October 2024, the first of the new Council term, to Tuesday 29 October 2024.

The NSW Electoral Commission has advised the declaration of the vote for the 14 September local government elections may not be finalised until 3 October 2024.

Moving the first Council Meeting of the new term to the last Tuesday in October 2024 will ensure enough time for an appropriate induction program for new Councillors, along with a standard Councillor briefing on agenda items ahead of the first meeting.

**RECOMMENDATION**

THAT the Ordinary Council Meeting on Tuesday 15 October 2024 be rescheduled to Tuesday 29 October 2024.

**BACKGROUND**

Councillors endorsed Tuesday 15 October (third Tuesday of the month) at the Council Meeting held on Tuesday 19 December 2023, GMR23/034 2024 Council Meeting dates.

The 2024 Local Government elections are held on Saturday 14 September 2024. The NSW Electoral Commission is running Eurobodalla's local government elections, and has advised the election will be declared by 3 October 2024.

**CONSIDERATIONS**

Consideration has been given to the time between the recently announced election declaration and the first Council Meeting date, currently scheduled for Tuesday 15 October as per Council's endorsed third Tuesday of the month cycle.

Councillors will be provided with a full induction to Council after the 2024 local government election is declared, and will require a briefing on agenda items prior to the first Council Meeting in October. Rescheduling the October Council meeting to Tuesday 29 October allows these important functions to occur in a timely manner.

**Policy**

Adoption of the rescheduled meeting is in accordance with Section 2.1 (1) of Council's Code of Meeting Practice.

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**GMR24/010 COUNCIL MEETING CHANGE OF DATE**

**S012-T00025**

**Financial**

Adoption of the recommendations outlined in this report will have no financial implications on the adopted budget.

**Community and Stakeholder Engagement**

The community will be informed by updating Council's website and posting on Council's Facebook.

**CONCLUSION**

Rescheduling the October 2024 Council meeting, the first of the new term, to later in the month will allow sufficient time for a comprehensive induction and briefing to take place for Councillors.

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**FCS24/027 APPOINTMENT OF INDEPENDENT CHAIR FOR THE AUDIT RISK AND  
IMPROVEMENT COMMITTEE**

**S004-  
T00048**

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

Attachments: 1. Confidential - Panel assesment for appointment of Independent Chair

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 from 4 June 2022.

The NSW Office of Local Government (OLG) has issued comprehensive Guidelines for Risk Management and Internal Audit for Local Government in NSW to assist councils and joint organisations to implement these requirements.

Amendments have been made to the Local Government (General) Regulation 2021 to require all councils and joint organisations to have a risk management framework and an internal audit function and to prescribe membership requirements for Audit Risk and Improvement Committees (ARIC). Councils and joint organisations are required to comply with these requirements from 1 July 2024 and commencing with the 2024-25 annual report, to attest to their compliance with the requirements in their annual reports.

In April 2024 Council considered a report regarding re-establishment of the Eurobodalla Audit Risk and Improvement Committee (ARIC) which 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.

In the intervening period Council has sought Expressions of Interest for the role of Chair and independent members of the ARIC.

This report seeks Council's endorsement for the appointment of the Chair of Eurobodalla Shire Council's ARIC.

Once this process is complete and the Chair endorsed by Council, the recruitment assessment process for independent members will be undertaken and reported to Council for endorsement.

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**FCS24/027 APPOINTMENT OF INDEPENDENT CHAIR FOR THE AUDIT RISK AND  
IMPROVEMENT COMMITTEE**

**S004-  
T00048**

**RECOMMENDATION**

THAT:

1. Council appoints the applicant listed in the confidential attachment to this report.
2. Correspondence from the General Manager be forwarded to the successful applicant inviting them to join the Audit, Risk and Improvement Committee as the Chair.
3. Correspondence from the General Manager be forwarded thanking all other applicants for expressing an interest in the role.
4. That Council note the process for the remaining independent members with the involvement of the Chair will now proceed and a report be presented to council for endorsement.

**BACKGROUND**

The Audit, Risk and Improvement Committee (ARIC) is an advisory committee to Council.

The ARIC's newly adopted Terms of Reference (ToR) provide for four independent members (including an independent Chair) who have voting rights as required under the *Local Government (General) Regulations 2021*. The ToR also frame the recruitment process so that the Chair is recruited in the first instance, followed by the remaining three independent members in order that the Chair may have an involvement in the process of their appointment for the remaining members.

Council advertised an EOI to appoint an independent Chair and members for the ARIC with applications closing on 26 July 2024.

**CONSIDERATIONS**

The Audit Risk and Improvement Committee Guidelines 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. Specifically in terms of the Chair the guidelines provide as follows:

- The position of the Chair of an audit, risk and improvement committee is pivotal to the committee's effectiveness and is the focal point for the committee's relationship with the Council, the internal audit function and external auditor.
- The Chair acts as the interface between the audit, risk and improvement committee and the general manager and other staff, the governing body, the external auditor, and the internal audit function.
- The Chair and all independent voting members of audit, risk and improvement committees must be independent to ensure they have no real or perceived bias or conflicts of interest that may interfere with their ability to act independently and can provide the Council with robust, objective and unbiased advice about how the Council is functioning.



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**FCS24/027 APPOINTMENT OF INDEPENDENT CHAIR FOR THE AUDIT RISK AND  
IMPROVEMENT COMMITTEE**

**S004-  
T00048**

- Essential and desirable criteria

Essential:

- Leadership qualities and the ability to promote effective working relationships in complex organisations.
- An ability to communicate complex and sensitive assessments in a tactful manner to the Council's internal audit coordinator, senior management and the mayor and councillors.
- A sound understanding of the principles of good organisational governance and capacity to understand local government accountability, including financial reporting; the business of the Council or the environment in which it operates; internal audit operations, including selection and review of the Council's internal audit coordinator, and risk management principles.
- Extensive senior level experience in governance and management of complex organisations, an ability to read and understand financial statements and a capacity to understand the ethical requirements of government (including potential conflicts of interest).
- Functional knowledge in areas such as risk management, performance management, human resources management, internal and external auditing, financial reporting, accounting, management control frameworks, internal financial controls, governance (including planning, reporting and oversight), or business operations.
- A capacity to form independent judgements and a willingness to constructively challenge/question management practices and information.
- A professional, ethical approach to the exercise of their duties and the capacity to devote the necessary time and effort to the responsibilities of the Chair of an audit, risk and improvement committee.

Desirable criteria

- Possession of a relevant professional qualification or membership (e.g., Institute of Internal Auditors (IIA), CPA Australia (CPA) and Chartered Accountants Australia and New Zealand (CA)) is desirable.

In order to assess the EOIs received, Council convened an assessment panel comprising the General Manager, Director Finance and Corporate Services and the Chief Operating Officer. The EOIs were assessed against the independence and essential and desirable criteria as outlined above.

The confidential attachment to this report details the assessment outcomes. The attachment is classed CONFIDENTIAL under Section 10A(2) (a) of the NSW Local Government Act 1993, as it relates to personnel matters concerning particular individuals (other than councillors).

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**FCS24/027 APPOINTMENT OF INDEPENDENT CHAIR FOR THE AUDIT RISK AND  
IMPROVEMENT COMMITTEE**

**S004-  
T00048**

**Policy**

Council has complied with the Risk Management and Internal Audit Guidelines for local government in NSW in adopting the guidance documentation for the ARIC ie the Terms of Reference and Internal Audit Charter and proceeding to recruit the four independent members commencing with the Chair.

**Community and Stakeholder Engagement**

The community has been informed via reports to Council and opportunities to comment on the guidance documentation as reported via previous reports to Council in April and June 2024.

**CONCLUSION**

This report is the third report to Council in this matter and seeks Council endorsement of the appointment of Independent Chair. Once Council endorsement is obtained the assessment process for remaining ARIC members will be undertaken involving the Chair.

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**FCS24/028 COUNCILLOR INTERACTIONS WITH PROPERTY DEVELOPERS AND REGISTERED LOBBYISTS POLICY S004-T00021**

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services  
Attachments: 1. Draft Councillor Interactions with Property Developers and Registered Lobbyists Policy  
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**

On 16 April 2024, via a Notice of Motion, Council resolved as follows:

*THAT Council develop, implement, and maintain a policy in relation to Councillor interactions with Property Developers and Lobbyists.*

The NSW Independent Commission Against Corruption (ICAC) has made several recommendations (as a result of investigations into local government) regarding corruption risks associated with the lobbying of councillors. While the NSW Office of Local Government has indicated that they are intending to introduce some guidelines on these issues they have not done so at this stage. The report recommends that Council adopt the Councillor Interactions with Property Developers and Registered Lobbyists Policy, which requires Eurobodalla Shire Councillors to record and submit details of meetings with registered property developers and lobbyists. These records will be published on the Council's website.

It is recommended that Council exhibit the draft Policy (attached) for a period of 28 days.

**RECOMMENDATION**

THAT:

1. Council endorse the exhibition of the draft Councillor Interactions with Property Developers and Registered Lobbyists Policy, as shown at Attachment 1 to this report on public exhibition for a period of not less than 28 days.
2. Council receive a further report at the conclusion of the exhibition process of the draft Councillor Interactions with Property Developers and Registered Lobbyists Policy and any public submissions be presented back to Council for consideration.

**BACKGROUND**

On 16 April 2024, via a Notice of Motion, Council resolved as follows:

*THAT Council develop, implement, and maintain a policy in relation to Councillor interactions with Property Developers and Lobbyists.*

The NSW *Local Government Act 1993* contains the framework for regulating conduct, honesty, disclosures of interest, misconduct, and corruption. Section 439 imposes a statutory duty on a councillor to "act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions".

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**FCS24/028 COUNCILLOR INTERACTIONS WITH PROPERTY DEVELOPERS AND  
REGISTERED LOBBYISTS POLICY**

**S004-  
T00021**

The *Lobbying of Government Officials Act 2011* covers lobbyists, ensuring that lobbyists comply with ethical standards of conduct and other requirements set out in the Lobbyists Code. However, this Act does not apply to local government officials.

The NSW Independent Commission Against Corruption (ICAC) has made a number of recommendations (as a result of investigations into local government) regarding corruption risks associated with the lobbying of councillors. Operations Dasha (2021), Eclipse (2021) and Witney (2022) specifically considered and made recommendations regarding corruption risks associated with the lobbying of councillors.

The definition of government official states that it does not include local government officials 'except in Parts 5 and 6' which relate to the ban on success fees for lobbying and a cooling-off period for former Ministers and Parliamentary Secretaries.

ICAC has made recommendations to amend the *Lobbying of Government Officials Act 2011* to ensure all provisions apply to local government. In response to ICAC's recommendations the Office of Local Government has advised that it is developing guidelines to enhance transparency around the lobbying of councillors and a model policy on lobbying (to supplement the provisions in the code of conduct). The OLG website currently states that they will be 'issuing a Model Councillor Lobbying Policy'.

In accordance with Council's resolution, a Councillor Interactions with Property Developers and Registered Lobbyists Policy, which requires Eurobodalla Councillors to publish details of meetings with registered lobbyists and property developers has been developed.

**Councillor Interactions with Property Developers and Registered Lobbyists Policy**

Lobbying is an integral and legitimate activity for the functioning of a democratic system ([Lobbying Code of Conduct | Attorney-General's Department \(ag.gov.au\)](#)).

Lobbying also carries inherent risks of corruption, undue influence, unfair access and biased decision-making that are detrimental to the public interest and effective local governance. It is in the public interest that lobbying is fair and does not undermine public confidence in impartial decision-making. This policy aims to ensure community expectations are met in relation to ethical and transparent lobbying of Councillors.

This policy proposes that Councillors will be required to record all meetings with property developers and registered lobbyists, in addition to objectors, and the topic of discussions. Councillors will be required to complete a form disclosing all meetings with registered property developers and lobbyists in addition to objectors and submit it to the Office of the General Manager. Meetings recorded should include scheduled or organised meetings as well as any substantial or significant discussions held outside a scheduled meeting. The meeting form must state all meeting requests, whether or not they are attended or accepted.

It is the responsibility of Councillors to undertake the required due diligence to ensure that any meetings held with property developers and registered lobbyists are recorded.

The General Manager will publish the forms on the Council's website regularly. The forms will remain on the website for 12 months.

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**FCS24/028 COUNCILLOR INTERACTIONS WITH PROPERTY DEVELOPERS AND  
REGISTERED LOBBYISTS POLICY**

**S004-  
T00021**

**CONSIDERATIONS**

**Legal**

The following legislation is of relevance:

- Local Government Act 1993
- Lobbying of Government Officials Act 2011
- Electoral Funding Act 2018

**Policy**

Once adopted this Policy will be displayed by Council on the Council website. The Policy will be reviewed and presented to Council for endorsement following every Council election, in conjunction with the Code of Conduct.

**Social Impact**

The draft Policy once adopted, should provide Council with a transparent process where meetings are held with developers or lobbyists.

**Financial**

There are no direct financial implications associated with adoption of this policy.

**Community and Stakeholder Engagement**

A review of the information provided by the NSW Office of Local Government was undertaken as part of the preparation of this report. A circular was published in August 2022 - [22-22.pdf \(nsw.gov.au\)](#). No additional information as to progress is available.

Council will place the draft policy on public exhibition for a period of not less than 28 days commencing on 21 August 2024 until 17 September 2024. Copies will be available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

**CONCLUSION**

Eurobodalla Shire Council has previously resolved to develop a policy regulating Councillor interactions with property developers and lobbyists. This report satisfies that resolution. Use of such policies allow the council to mitigate corruption risks, as highlighted by the NSW Independent Commission Against Corruption (ICAC). ICAC's investigations into local government have underscored the need for transparency in such interactions. Although the NSW Office of Local Government plans to introduce guidelines, they have yet to do so. In response, the recommended Councillor Interactions with Property Developers and Registered Lobbyists Policy mandates that Councillors document and report all meetings with registered lobbyists and developers, in addition to objectors, ensuring these records are accessible on the Council's website. This policy is important for promoting accountability and maintaining public trust in local government. It is recommended that Council endorse the Councillor Interactions with Property Developers and Registered Lobbyists Policy for public exhibition.



## Policy

<b>Policy title</b>	Councillor Interactions with Property Developers and Registered Lobbyists Policy
<b>Responsible manager(s)</b>	Corporate Manager, Governance and Risk
<b>Contact officer(s)</b>	Governance Officer
<b>Directorate</b>	Finance and Corporate Services
<b>Approval date</b>	
<b>Outcome area</b>	
<b>Strategy</b>	5.2 Proactive, responsive and strategic leadership
<b>Delivery Program</b>	5.2.2 Implement effective governance and long-term planning
<b>Operational Plan</b>	5.2.2.1 Assist the Council in meeting its statutory obligations and roles

### Purpose

The Councillor Interactions with Property Developers and Registered Lobbyists Policy informs the community of the requirement for the disclosure of all meetings held between elected councillors and proponents of property development activities, in addition to objectors. The policy outlines requirements for the Mayor and Councillors to publish details of meetings with registered lobbyists, property developers and objectors.

### Policy aims

The aims of this Policy are to:

- a) Enhance Council's open, transparent and accountable assessment and determination of Planning Applications; and
- b) Establish a public register of all meetings between elected councillors and Property Developers, and Lobbyists.

### Policy principles

The following principles set the foundation of this policy:

- Council is transparent and accountable to its community and partners;
- Statutory, regulatory, policy and public interest considerations will always inform Council's decision-making processes; and
- The community must have confidence in Council's decision-making processes and that
- Council will exercise its statutory functions appropriately in the circumstances.

### Policy details

<b>1</b>	<b>Application</b> This policy applies to the Mayor and Councillors in relation to meetings held in their capacity as a Eurobodalla Shire Councillor or directly relating to matters involving Eurobodalla Shire Council. This policy does not apply to meetings at which the Mayor or a Councillor is not in attendance.
<b>2</b>	<b>Statement</b> Lobbying is an integral and legitimate activity for the functioning of a democratic system. Lobbying also carries inherent risks of corruption, undue influence, unfair access and biased



Policy

	<p>decision-making that are detrimental to the public interest and effective local governance. It is in the public interest that lobbying is fair and does not undermine public confidence in impartial decision-making. This policy aims to ensure community expectations are met in relation to ethical and transparent lobbying of Councillors.</p>
<b>3</b>	<p><b>Records of meetings</b></p> <p>Councillors are required to record all meetings with registered lobbyists and property developers, including objectors, and the purpose of the meeting. Meetings recorded should include scheduled or organised meetings as well as any substantial or significant discussions held outside a scheduled meeting. The meeting form must state all meeting requests, whether or not they are attended or accepted. Councillors should always be aware of their obligations under the Code of Conduct, and the obligations in this policy are in addition to the requirements of the Code of Conduct. This includes, but is not limited to, clauses 3.13 and 3.14 of the Code of Conduct relating to land use planning, development assessment and regulatory decisions. Councillors are required to complete the form at Attachment A and submit it to the Office of the General Manager within one week of any meeting held.</p> <p>It is the responsibility of Councillors to undertake the required due diligence to ensure that any meetings held with registered lobbyists and property developers are recorded on the form. The Office of the General Manager will publish the forms on the Council’s website once received. The forms will remain on the website for 12 months.</p>
<b>4</b>	<p><b>Location of meetings</b></p> <p>Meetings with registered lobbyists and property developers should be held at the Eurobodalla Council customer service centre in Moruya, Corner Vulcan and Campbell Streets, Moruya NSW 2537.</p>
<b>5</b>	<p><b>Training</b></p> <p>Councillors will be trained in this Policy as part of the induction process following each election.</p>
<b>6</b>	<p><b>Compliance</b></p> <p>A failure to comply with this policy or to provide true and accurate records may constitute a breach of the City’s Code of Conduct.</p>

**Implementation**

Requirements	Responsibility
<p><b>1</b></p> <p>Office of the General Manager will:</p> <ul style="list-style-type: none"> <li>• Regularly publish records of meetings with registered lobbyists and property developers on the Council’s website</li> <li>• Remove entries after 12 months</li> </ul>	
<p><b>2</b></p> <p>The Mayor and Councillors will:</p> <ul style="list-style-type: none"> <li>• Complete and sign the form at Attachment A every three months, including where no relevant meetings have been held</li> <li>• Undertake the necessary due diligence to ensure the form is complete and accurate</li> <li>• Submit the form to the Office of the CEO within one week of the end of the reporting period</li> </ul>	





## Policy

### Review

**Note:** Council has a program of regular policy review over the term of Council. This policy will be reviewed during the Council term 2024-28. Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Declarations received and posted to website	Council reporting

### Definitions

Word/acronym/phrase	Definition
Registered lobbyist	A lobbyist who is required to register with the NSW Electoral Commission under the Lobbying of Government Officials Act 2011, sections 9(1) and 9(2), as follows: 9(1) A third-party lobbyist is required to be registered in the Lobbyists Register. 9(2) An individual engaged to undertake lobbying for a third-party lobbyist is required to be registered in the Lobbyists Register in respect of the third-party lobbyist.
Lobbyists Register	The Register of Third-Party Lobbyists maintained by the NSW Electoral Commission in accordance with s8(1) of the Lobbying of Government Officials Act 2011
Property developer	An individual or a corporation that carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit* as defined in the Electoral Funding Act 2018; or any other party proposing development that would be the subject of a decision by resolution of Council and/or the Southern Regional Planning Panel.  *Excludes those whose development proposals relate to dwelling and/or associated structures of their primary address.
Meeting	A discussion which may be face to face, online or by telephone.

### Governance

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

#### Related legislation and policies

Name	Link
Lobbying of Government Officials Act 2001 (NSW)	<a href="https://www.google.com/search?q=%E2%80%A2+Lobbying+of+Government+Officials+Act+2001+(NSW)&amp;oq=%E2%80%A2+Lobbying+of+Government+Officials+Act+2001+(NSW)&amp;gs_lcrp=EgZjaHJvbWUyBggAEEUYOTIKCAEQABiABBiiBDIKCAIQABiABBiiBDIKCAMQABiiBBiJBTIKCAQQABiiBBiJBdIBCdiONzdqMGo3qAIAsAIA&amp;sourceid=chrome&amp;ie=UTF-8">https://www.google.com/search?q=%E2%80%A2+Lobbying+of+Government+Officials+Act+2001+(NSW)&amp;oq=%E2%80%A2+Lobbying+of+Government+Officials+Act+2001+(NSW)&amp;gs_lcrp=EgZjaHJvbWUyBggAEEUYOTIKCAEQABiABBiiBDIKCAIQABiABBiiBDIKCAMQABiiBBiJBTIKCAQQABiiBBiJBdIBCdiONzdqMGo3qAIAsAIA&amp;sourceid=chrome&amp;ie=UTF-8</a>
Electoral Funding Act 2018 (NSW)	<a href="https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2018-020">https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2018-020</a>



## Policy

Eurobodalla Shire Council Code of Conduct	<a href="https://www.esc.nsw.gov.au/_data/assets/pdf_file/0006/145959/Code-of-Conduct-Policy.pdf">https://www.esc.nsw.gov.au/_data/assets/pdf_file/0006/145959/Code-of-Conduct-Policy.pdf</a>
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### Related external references

Name	Link
Premier's Memorandum M2015-05-Publication of Ministerial Diaries and Release of Overseas Travel Information.	<a href="https://arp.nsw.gov.au/m2015-05-publication-ministerial-diaries-and-release-overseas-travel-information">https://arp.nsw.gov.au/m2015-05-publication-ministerial-diaries-and-release-overseas-travel-information</a>

### Supporting documents

Name	Link
Council resolution Notice of Motion regarding Development of a councillor interactions with property developers and lobbyists policy	Resolution: THAT Council develop, implement, and maintain a policy in relation to Councillor interactions with Property Developers and Lobbyists.  16 April 2024

### Change history

Version	Approval date	Approved by	Min No	File No	Change
					Review period: The Policy will be reviewed and put to Council for endorsement following every Council election, in conjunction with the Code of Conduct.

### Internal use

Responsible officer		Approved by	
Minute	Report	Effective date	
File	Review date	Pages	



## Policy

### ATTACHMENT A - RECORD OF MEETINGS WITH PROPERTY DEVELOPERS AND REGISTERED LOBBYISTS

Councillor Name:

Date(s) of meetings:

Councillors must disclose all meetings with property developers and registered lobbyists, in addition to objectors, as and when meetings occur.

It is the responsibility of the Councillor to undertake the required due diligence to ensure that any meetings held with registered lobbyists and property developers, or objectors are recorded. In relation to registered lobbyists, this should include a review of the register of lobbyists which can be found at: <https://elections.nsw.gov.au/funding-and-disclosure/public-register-and-lists/register-of-third-party-lobbyists>

Date	Organisation/individuals in attendance	Purpose of Meeting	Meeting requests/outcomes

Councillors must inform relevant persons at the time of meeting that their name and purpose of the meeting will be published on the Council's website in accordance with the Councillor Interactions with Property Developers and Registered Lobbyists Policy.

I confirm that I have undertaken the required due diligence to comply with the Councillor Interactions with Property Developers and Registered Lobbyists Policy and that the information I have provided on this form is complete and accurate.

Councillor signature:

Date:

Note for the purposes of completion of this record of meeting against the Eurobodalla Property Developers and Registered Lobbyists Policy the definitions of Property Developers and Registered Lobbyists are provided hereunder:

**PROPERTY DEVELOPER:** An individual or a corporation that carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit as defined in the Electoral Funding Act 2018; or any other party proposing development that would be the subject of a decision by resolution of Council and/or the Southern Regional Planning Panel.

**REGISTERED LOBBYIST:** A lobbyist who is required to register with the NSW Electoral Commission under the Lobbying of Government Officials Act 2011, sections 9(1) and 9(2), as follows: 9(1) A third-party lobbyist is required to be registered in the Lobbyists Register. 9(2) An individual engaged to undertake lobbying for a third-party lobbyist is required to be registered in the Lobbyists Register in respect of the third-party lobbyist.

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**FCS24/029 INVESTMENTS MADE AS AT 31 JULY 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 legal and policy requirements
- provide information and details of investments
- raise other matters relevant to investing.

**RECOMMENDATION**

THAT the certification of investments as at 31 July 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 2005*, 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.

In April 2024, S&P upgraded the long-term credit rating for the Bank of Queensland and Bendigo bank from BBB+ to A-. The changes are reflected in Table 1.

As at 31 July 2024, the portfolio is compliant with Council's Investment Policy adopted by Council on 9 August 2022 (Minute 22/190). 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	1.25%	100%

**FCS24/029 INVESTMENTS MADE AS AT 31 JULY 2024**

**S011-T00006,S012-T00025**

AAA to AA	A-1+	Near Risk Free	61.68%	100%
A	A-1 to A-2	Near Risk Free	37.07%	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 at 31 July 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**

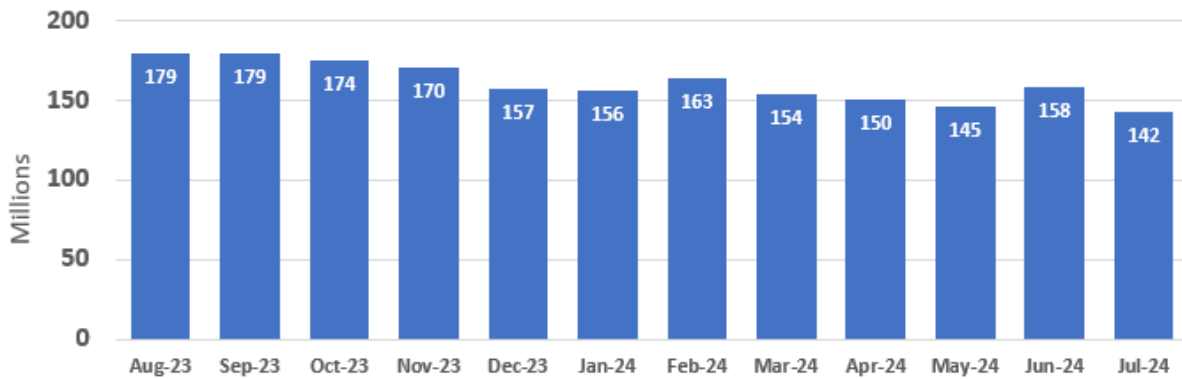
Category	(\$)	% of Portfolio
At Call Deposit	11,858,484	8.48%
Term Deposits – Government Guaranteed	1,750,000	1.25%
Term Deposits – Fossil Fuel Free Institutions	41,000,000	29.31%
Term Deposits	85,270,000	60.96%
<b>Total Investments</b>	<b>139,878,484</b>	
Cash at Bank (Operating Account)	<b>2,438,808</b>	
<b>Total Cash and Investments</b>	<b>142,317,292</b>	

Cash and investments decreased by \$16m in July 2024, primarily due to progress instalments for Water & Sewer infrastructure projects and annual insurance premium renewals. Graph 1 displays Council's cash and investments balance over a 12-month period.

FCS24/029 INVESTMENTS MADE AS AT 31 JULY 2024

S011-T00006,S012-T00025

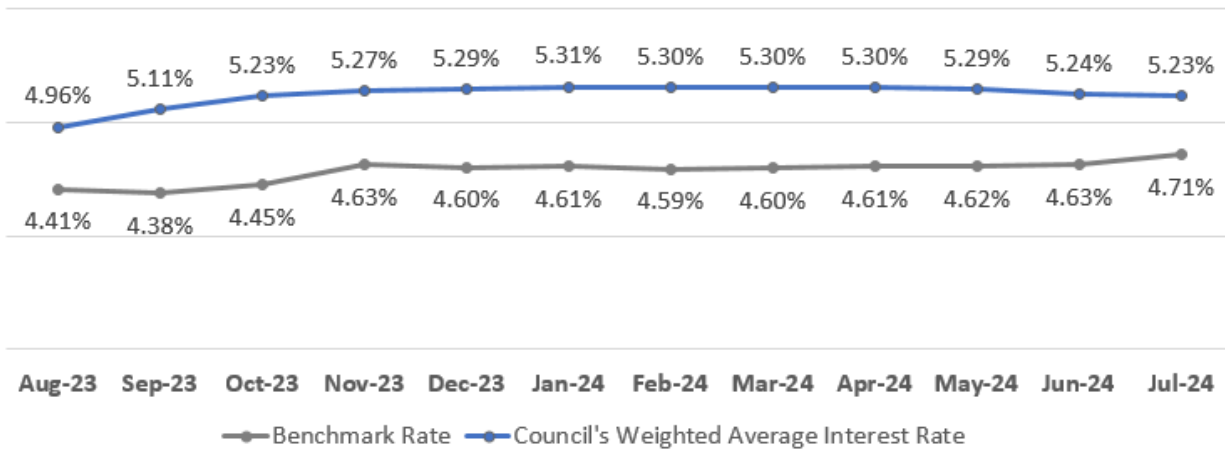
Graph 1 – Total Cash and Investment Balances (12 months)



Performance

The weighted average monthly return on Council’s investments for July 2024 is 5.23%, surpassing the Council policy benchmark of 4.71%, calculated using the bank bill swap rate (BBSW) 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 2005*, I hereby certify that these investments have been made in accordance with the *Local Government Act 1993* and related regulations.

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**IR24/017 LOCAL TRAFFIC COMMITTEE NO.1 FOR 2024-25**

**S030-T00018**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Minutes LTC No. 1  
2. Under Separate Cover - Broulee Headland plan

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. 1 held 11 July 2024, are as follows:

### **RECOMMENDATION**

THAT Council approves: 1. The following acts for determination from Local Traffic Committee No. 1:

- **2025.RT.001 Broulee Head Carpark linemarking and signage**

That Council Plan 5490-S-01, for linemarking and signage at Broulee Head Carpark, Broulee, be approved.

### **BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 1 for 2024-25 was held on 11 July 2024. The meeting was attended by Kate McDougall (ESC Traffic Coordinator), Brad Ross (Transport for NSW), Donna Bins (Transport for NSW), Councillor Amber Schutz, Anne-Marie Aston Wyatt (Dr Holland Office), Acting Sgt Nick Richardson (NSW Police), James Thompson (ESC Transport and Stormwater Engineer), Sheree Ward (ESC Infrastructure Support Officer)

### **Apologies**

Chief Inspector John Sheehan (NSW Police), Senior Sgt Angus Duncombe (NSW Police) and Senior Sgt Scott Britt (NSW Police)

### **CONCLUSION**

The minutes of the Eurobodalla Local Traffic Committee meeting No. 1 for 2024-25 are attached to this report and provide further background for the recommendation.



## LOCAL TRAFFIC COMMITTEE REPORTS

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<b>Meeting No:</b> 1-24/25	<b>File No</b> S030-T00018
<b>Date:</b> Thursday 11 July 2024	<b>Time:</b> 9:30am
<b>Location:</b> Eurobodalla Shire Council – Glass Meeting Room	

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### OUTSTANDING ITEMS

No Items

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

5.1 2025.RT.001 Broulee Head Carpark linemarking and signage

### RECOMMENDATION

That Council Plan 5490-S-01, for linemarking and signage at Broulee Head Carpark, Broulee, be approved.

### BACKGROUND

Council has been approached regarding car parking and pedestrian safety along the South Broulee boat ramp access road. A suggestion was made to close the gate to the boat ramp. After discussion at the March 2024 Eurobodalla Local Traffic Committee, it was decided that the gate will remain open and should not be moved to close off the end of the parking area, as this would inhibit emergency vehicles and use of the areas by the surf club.

Council's Traffic Coordinator inspected the site and a plan for linemarking and additional signage for NO STOPPING was devised to formalise parking and reduce congestion.

### CONCLUSION

Signage and linemarking at Broulee Head Carpark will reduce congestion and create a safer area for both cars and pedestrians accessing the headland and beach.

### ITEM 6 - INFORMAL ITEMS FOR DISCUSSION

NIL

### ITEM 7 – GENERAL BUSINESS

#### 7.1 Batemans Bay High – pedestrian issues with school students spilling onto roadway

Transport for NSW will consider this location for a potential School Safety Review.

#### 7.2 Moruya Public School – speeding on Evans and Murray Streets

Brad Ross from NSW Transport spoke about a very successful radar target program that he had running within the Bega Shire geared with VMS boards to target 40kms and surrounding areas. This program was to gather data and look at speed patterns and trends. Brad was also able to give the local Police the data to help with reducing speed with a VMS strategy. NSW Transport will also investigate school safety reviews for the school zone.

It was also stated that Flags at the school crossing are left there all day. Murray Street, Moruya now has a wombat crossing to help with further traffic calming.

Acting Sgt Nick Richardson (NSW Police) stated that he would look at what enforcement can be done within that area.



**LOCAL TRAFFIC COMMITTEE  
REPORTS**

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**Meeting No:** 1-24/25

**File No** S030-T00018

**Date:** Thursday 11 July 2024

**Time:** 9:30am

**Location:** Eurobodalla Shire Council – Glass Meeting Room

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**ITEM 8 – DEVELOPMENT APPLICATIONS**

**8.1 26 and 26A Francis Street and 27 Muluka Ave Moruya**

**ITEM 9 – NEXT MEETING**

8 August 2024

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**CAR24/005 BAY PAVILIONS SUSTAINABILITY PLAN**

**S023-T00024**

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

Attachments: 1. Under Separate Cover - Bay Pavilions Sustainability Plan 2024

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

Community Strategy: 2.2 Encourage community spirit and enable healthy lifestyles

Delivery Program Link: 2.2.2 Provide and manage quality community facilities to meet the needs of the current and future communities

Operational Plan Link: 2.2.2.5 Manage the Bay Pavilions

**EXECUTIVE SUMMARY**

The purpose of this report is to present the Bay Pavilions Sustainability Plan 2024 (the Plan) to Council.

The Plan has been developed in response to the high operational costs of the Bay Pavilions and the need to strategically manage and mitigate ongoing operational expenses and risks, as identified in three external, independent reviews undertaken in 2023 and via internal Council assessment.

The pre-construction operating cost estimates, as reported to Council, significantly underestimated the cost of running the facility. Figures of \$330,000 and \$338,570, reducing to \$110,000 - 113,000 by year 10 were included in a number of Council reports, in 2017, 2018 and 2020.

The total actual cost currently sits at \$5,062,000 (2023-24), with the anticipated cost for the next 10 years estimated to remain between \$5-\$6 million per annum. This includes all costs, including contract and materials, depreciation, energy costs, maintenance and insurance. This provides a significant challenge.

The development of the Bay Pavilions Sustainability Plan is a key action in Council's Finance Strategy 2024-2028.

The facility is popular and well utilised, welcoming 288,131 visitors in 2023-24. This figure is 8% higher than visitor numbers for the previous year. The Plan aims to optimise business and financial opportunities within this context, enabling positive community benefits and service delivery outcomes at the facility.

The Plan includes three strategic themes, aligned to the Finance Strategy and supported by 26 Actions and associated measures. Each action is prioritised, with 10 High, 11 Medium, 1 Low and 4 ongoing ratings in place.

Resourcing the delivery of the Plan will be achieved using existing staff and contractors, with work already begun on nine of the 26 actions.

**RECOMMENDATION**

THAT Council receive and note *The Bay Pavilions Sustainability Plan 2024*.

---

**CAR24/005 BAY PAVILIONS SUSTAINABILITY PLAN**

**S023-T00024**

**BACKGROUND**

The Bay Pavilions provides a range of community leisure and cultural services to the community, with swimming pools, learn to swim, gym and exercise facilities, a theatre, meeting rooms and art spaces.

Over the past two years, the significant cost of operating the Bay Pavilions since it opened on 4 June 2022, has been well documented and regularly communicated to Council and the community.

This includes Council reports (MR23/001, GMR23/031 and CAR23/15), quarterly reports to Council's Audit, Risk and Improvement committee (ARIC) and regular financial reports and statements.

Three independent, external reviews of the Bay Pavilions were undertaken in 2023 to identify key issues and risks. These include:

1. Financial management and operational performance review (KPMG)
2. Risk and audit report and risk register (InConsult)
3. Energy audit (GHD)

In addition to the external reviews, Council has identified maintenance requirements and put an associated program in place, as well as implementing improved financial processes.

The results of these reviews and internal activities have been incorporated into the Bay Pavilions Sustainability Plan 2024.

**CONSIDERATIONS**

**Bay Pavilions' operating activities**

The Bay Pavilions is popular and well utilised, welcoming 288,131 visitors in 2023-24. This is up 8% on the previous year.

Key activities in the 2023-24 year include:

62 shows. This was a focus area and is up 15% on the previous year, with further plans for more shows and programming of the theatre space and associated rooms.

615 Learn to swim participants. This is on par with the previous year.

42 hour long live Classes with teacher per week, 162 hour long virtual classes per week, providing a total of 204 hours of classes per week.

10 Aqua Classes each week in the 25m pool, with 400 people per week attending. Council is focused on increasing this offering.

3 aqua mobility classes in the warm water pool, accommodating 36 people per week.

There has been significant improvement in the café both in the service and offerings. This has resulted in improved profitability at the Café. These operations will be monitored monthly to ensure continued improvement.

424 meeting room bookings. This is up from 344 in 22/23, which is a 23% increase. There will be focus on further increasing usage.

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**CAR24/005 BAY PAVILIONS SUSTAINABILITY PLAN**

**S023-T00024**

**Community engagement programs**

The facility offers a “tiger paw” program to schools. The program includes a 1 Hr fitness class and a 1 Hr nutrition class. This program has been taken up by four schools.

Forty seniors joined the “STAY FIT FOR LIFE” and “REACH BEYOND” programs during Seniors Week, sponsored by Royal Life.

The program included:

- Aqua fitness sessions & afternoon tea
- Active aging class
- Lifesaving Refresher session (CPR and AED awareness)
- Falls prevention active ageing class
- Free Seniors Comedy Festival

This was the first time these sessions were conducted. It is anticipated participation will increase going forward as new programs are offered.

**The structure of the Sustainability Plan**

The Plan is an action in Council’s Finance Strategy 2024-28, with actions incorporated into three strategic themes:

1. Financial resilience
2. Prudent asset management and operation
3. Accountability

There are 26 Actions and associated measures in place, drawn from the external reviews and Council, with the relevant source identified in the Table of Actions.

The Plan defines sustainability as more than just a break-even or profit-making position. Rather, it is about the establishment of a baseline of realistic financial performance expectations, achieving both value for money and quality, relevant programs and service delivery, in which community benefits and participation are maximised.

**Implementation of the Sustainability Plan**

The implementation of the Plan will be ongoing and the process has already begun, with the following actions well underway:

**Monthly monitoring of actual year to date revenue and expenses commenced (Action 5)**

Monitoring is in place, with representatives from Council’s Finance team supporting the process.

Council has negotiated the annual budget for 2024-25 with Aligned Leisure, with amendments, including an increase in the marketing budget and stretch goals identified. This is within the budget approved by Council for 2024-25.

**Audit of Bay Pavilions contractor documentation to ensure it exists and is fit for purpose (Action 6)**

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**CAR24/005 BAY PAVILIONS SUSTAINABILITY PLAN**

**S023-T00024**

Audit process commenced, with review of key documents, processes and risk mitigation underway.

Aligned Leisure has undertaken and been awarded ISO 450001 Accreditation for the Bay Pavilions and a 5 star safety rating from Royal Life for all 3 sites (Bay Pavilions, Moruya and Narooma pools).

**Transition plan for move from defects liability period to business as usual (BAU) (Action 7)**

Finalisation of the defect liability period and successful transition to Council managed business as usual (BAU) was scheduled to occur from 4 December 2023. However, several issues were outstanding and Council has secured a commitment from the contractor to rectify these remaining issues as part of the defect liability period.

**Monitor energy consumption (Action 10)**

Energy consumption is monitored. While overall energy costs for the 2023-24 financial year are on par with 2022-23 electricity costs for the first half of the calendar year 2024, due to practical changes, are down 14% when compared to the same period in 2023.

There is significant work being undertaken, including the fine tuning of the Building Management System (BMS), a necessary first step prior to full implementation of the energy audit recommendations. As part of this work, a RFQ has occurred for the management of the BMS system, with a local provider engaged.

A range of practical actions to reduce and manage consumption have been put in place, including alarm notifications, scheduling timetables, filter maintenance and a point to point audit of the system in relation to specific rooms.

Data indicates that peak consumption has reduced during the year, with off peak consumption increasing. The solar panels installed on the facility are working efficiently, however the power generated from the panels is minimal when viewed as a component of the energy costs.

**Review ancillary contracts e.g. cleaning contracts (Action 12)**

Cleaning contract reviewed, with amended schedules and budget in place for the 2024-25 financial year. The proposed cleaning contract, as provided by Aligned Leisure, is within the budget approved by Council for 2024-25. It is anticipated that the revised schedules will result in a reduction in cost when compared to the 2023-24 financial year. The new schedule will be monitored to ensure an appropriate level of cleaning is in place.

**Council's IT team to gain better understanding of information assets and infrastructure and access cyber risks and technology-based risks (Action 18)**

Meetings held with Council's IT Division to address this action have been held, considering access issues, software arrangements and risk. Further work will be undertaken to assess which components/services Council may provide going forward.

**Strengthen reporting governance between Council and Aligned Leisure (Action 19)**

Council has a monthly meeting with the contractor, with financial and activity information provided. Invoices, budgets (current and forecast) and data are reviewed, with monthly and quarterly reports prepared. Details are included in a report to Council's Audit, Risk and Improvement committee (ARIC) on a quarterly basis.



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**CAR24/005 BAY PAVILIONS SUSTAINABILITY PLAN**

**S023-T00024**

**Monitor incidents and compliance issues, including regular reporting (Action 23)**

Incidents and compliance issues are monitored, with details included in the report to ARIC on a quarterly basis.

Compliance is also managed by Aligned Leisure via the ISO 450001 Accreditation process.

**Establishment, and then annual review of maintenance program (Action 26)**

Maintenance program developed, in place and resourced. Ongoing maintenance contracts for specific plant and equipment are being reviewed, with RFQs to go out shortly.

Implementation of a Facilities Management System (FMI) which allows us to track all issues, schedule maintenance activities and address any recurring issues sooner is under way. Aligned Leisure staff have been trained and are using the system, with a weekly meeting in place on site to review and address issues. Council has a dedicated resource to manage this system.

**Financial Performance**

The Plan includes a section detailing financial performance, with tables and graphs detailing:

- Operating Result for financial years ending 30 June 2022, 2023, 2024
- The financial impact of the Bay Pavilions on Council's general fund deficit
- Bay Pavilions ten-year long term financial plan.

The 10-year long term financial plan forecasts the total operating deficit to remain between \$5.3m - \$6.2m throughout the period. This includes a depreciation cost for each year, starting at \$2.522m in 2024-25 and increasing to \$3,014m in 2033-34.

The assumptions that inform the 10-year long term financial plan have also been included in the Plan.

**Operating Costs in context**

As stated, the pre-construction operating cost estimates, as reported to Council prior to construction, significantly underestimated the cost of running the facility.

For example, during development and construction of the Bay Pavilions, operating cost estimates, excluding depreciation, were provided to Council. These estimates ranged from an additional operating cost of \$113,000 by year 10 (PSR17/015 – 29/8/17), \$330,000 per annum reducing to \$110,000 by year 10 (MR18/001) and \$338,570, assuming a reported savings offset, in 2020 (PSR20/001 10 March 2020).

The March 2020 Council report included the February 2020 business case, presented as a confidential commercial-in-confidence attachment to the report. This iteration of the business case included, for the first time, a figure for depreciation, loan repayments and contract management, with a total estimated cost of \$2,588,333. This figure, reported to Council prior to construction and operation of the Bay Pavilions, is 50% lower than the real cost of operating the facility.

By contrast, the current Council budget and 10-year long term forecasts for the Bay Pavilions reflect the actual cost of running a facility of this size and complexity. Within that context, there is a recognition that ongoing actions to minimise costs and improve outcomes will need to be pursued systematically.

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**CAR24/005 BAY PAVILIONS SUSTAINABILITY PLAN**

**S023-T00024**

Under the Plan, actions to address financial resilience, prudent asset management and Accountability will be implemented, with the aim of improving the financial position of the facility based on realistic operational costs, reducing and/or limiting cost increases, where possible.

Components of the budget, including loan repayments, insurance and depreciation are fairly fixed, whereas contract costs and energy costs are more variable. As such, a key focus of the Plan will continue to be the management and monitoring of contract costs (principle and ancillary contracts), as well as energy consumption.

**Council context**

The Plan aligns with the strategic direction of Council and the strategic outcome areas, as identified in the Finance Strategy 2024-2028.

Council's Delivery Program 2022-2026 and Operational Plan 2024-2025 includes:

*Delivery Program Vision: Our Eurobodalla is a place of inclusive communities embracing sustainable lifestyles*

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

*Activity 2.2.2 Provide and manage quality community facilities to meet the needs of the current and future communities*

*Operational Plan Action 2.2.2.5 Manage the Bay Pavilions*

*Operational Plan Action 2.2.2.6 Introduce energy efficiencies at Bay Pavilions*

The development of the Bay Pavilions Sustainability Plan is a key action on Council's Finance Strategy 2024-2028 and aligns with its strategic themes and format.

The development of the Bay Pavilions Sustainability Plan 2024 is also an action in the General Manager's Performance Plan 2023-24, reflecting Council's focus on financial resilience and accountability going forward.

**CONCLUSION**

The Bay Pavilions Sustainability Plan 2024 has been developed in response to the high operational costs of the Bay Pavilions, and the need to strategically manage and mitigate ongoing operational expenses and risks, as identified in three external reviews undertaken in 2023 and via internal Council assessment.

The Plan includes three strategic themes, aligned to the Finance Strategy and supported by 26 Actions and associated measures. Each action is prioritised, with 10 High, 11 Medium, 1 Low and 4 ongoing ratings in place. Implementation of the Plan will be ongoing, with nine actions already underway.

The Plan aims to optimise business and financial opportunities, enabling positive community benefits and service delivery outcomes at the facility.

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## DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

In accordance with Section 10A(4) of the *Local Government Act 1993*, 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.