



AGENDA

Ordinary Meeting of Council

11 June 2019

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

ON TUESDAY 11 JUNE 2019

COMMENCING AT 10.00AM

AGENDA

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

- 1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE**
- 2. APOLOGIES**
Nil
- 3. PUBLIC FORUM (AGENDA ITEMS ONLY)**
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
4.1 Ordinary Meeting held on 28 May 2019
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**
Nil
- 7. NOTICES OF MOTION**
Nil
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil
- 9. PETITIONS**
Nil
- 10. GENERAL MANAGER'S REPORTS**
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- 11. PLANNING AND SUSTAINABILITY REPORTS**
- PSR19/009 Draft Eurobodalla Event Strategy..... 13
- 12. INFRASTRUCTURE REPORTS**
- Nil
- 13. CORPORATE AND COMMERCIAL SERVICES REPORTS**
- CCS19/022 Licence for Footpath Trading - Moruya 17
- CCS19/023 Request for tender No. 2019/CCD052 - Cleaning of Council buildings... 22
- 14. COMMUNITY, ARTS AND RECREATION REPORTS**
- CAR19/014 Mackay Park Draft Plan of Management 25
- 15. DELEGATE REPORT**
- 16. URGENT BUSINESS**
- 17. DEALING WITH MATTERS IN CLOSED SESSION37**
- 18. CONFIDENTIAL MATTERS**

**DR CATHERINE DALE
GENERAL MANAGER**

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Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - Code of Meeting Practice
2. Under Separate Cover - Appendix A - Submissions
3. Under Separate Cover - Confidential - Submissions

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.1 Facilitate the conduct of effective Council meetings

EXECUTIVE SUMMARY

The purpose of this report is to present the Code of Meeting Practice for Council's consideration.

At its meeting on 26 March 2019, Council placed the draft Code of Meeting Practice for public exhibition for a period of 42 days. The exhibition period extended from 3 April 2019 to 15 May 2019. During this period, 15 submissions were received from 13 members of the community.

Amendments made to the Local Government Act 1993 (LGA) in August 2016 by the Local Government Amendment (Governance and Planning) Act 2016 (the Phase 1 Amendments) provide for a model code of meeting practice (Model Meeting Code) to be prescribed by the Regulation.

Councils have six months from the date of prescription (14 December 2018 to 14 June 2019), to adopt a new Code of Meeting Practice that incorporates the mandatory provisions of the Model Meeting Code.

The Office of Local Government (OLG) released a Circular (18-45) on 18 December 2018 outlining the publication of the Model Meeting Code and highlighted the following elements for Council's information and consideration:

The Model Meeting Code was released with two elements:

- *It contains mandatory provisions (**indicated in black font**) that reflect the existing meetings provisions of the Act and update and enhance the meetings provisions previously prescribed under the Regulation to reflect contemporary meetings practice by councils.*
- *It contains non-mandatory provisions (**indicated in red font**) that cover areas of meetings practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as being best practice for the relevant area of practice.*

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The Code of Meeting Practice has been written to reflect OLG's statement that '*a number of councils' codes of meeting practice appear to lose sight of the fact that the primary purpose of meetings is to make decisions and contained practices that are not consistent with the efficient conduct of meetings or effective and informed decision-making*'. (OLG FAQ attached to Circular 18-45).

During the review of this Code, staff revised Council's current Code of Meeting Practice against the OLG Model Meeting Code to ascertain which practice notes and clauses from its current Code was recommended to be included into the draft Code. During the exhibition period, this information was highlighted in yellow. The Code has been developed to ensure that it does not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

During the exhibition of the draft Code, the submissions raised a number of issues including public forum clauses, removal of webcast from public forum, removal of public access, briefing sessions and for and against voting. In addition, 14 suggested wording changes have been incorporated into the Code of Meeting Practice. These are discussed in further detail in the report. In addition, staff's response to each submission is attached in Appendix A.

RECOMMENDATION

THAT Council adopt the Code of Meeting Practice as attached to report GMR19/010.

BACKGROUND

Following an extensive consultation process, a Model Meeting Code has been prescribed under the Local Government (General) Regulation 2005 (the Regulation) and the existing meeting provisions of the Regulation have been repealed.

Until a council adopts a new code of meeting practice, its existing code of meeting practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed, (**14 December 2018 – 14 June 2019**). If a council fails to adopt a new code of meeting practice within this period, under transitional provisions contained in the Regulation and the Local Government Act, any provision of the council's adopted meeting code that is inconsistent with a mandatory provision of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect, to the extent that it is inconsistent with the mandatory provisions of the Model Meeting Code.

Irrespective of whether councils have adopted a code of meeting practice based on the Model Meeting Code, all councils (but not joint organisations) will be required to webcast meetings of the council and committees of which all members are councillors from 14 December 2019. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website. Eurobodalla Shire Council commenced live streaming on 10 February 2015.

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At its meeting on 26 March 2019, Council placed the draft Code of Meeting Practice for public exhibition for a period of 42 days. The exhibition period extended from 3 April 2019 to 15 May 2019. During this period, 15 submissions were received from 13 members of the community.

CONSIDERATIONS

OLG has stated that *'the Model Meeting Code has been designed to achieve a range of outcomes, including:*

- *promoting, as the principal object of meetings, the making of decisions by the governing bodies of councils that are in the best interests of the council and the community as a whole*
- *promoting more accessible, orderly, effective and efficient meetings and to provide councils with the tools to achieve these outcomes*
- *prescribing principles to inform the way in which meetings are conducted and to prescribe meeting rules that are consistent with these principles*
- *codifying areas of common practice across councils in a way that is clear, efficient, leads to better informed and more effective decision making and that is consistent with the requirements of the LGA*
- *promoting greater consistency between councils across the State in key areas of meetings practice without losing the ability to allow some variation in practice to meet local needs or expectations*
- *allowing greater flexibility in the conduct of meetings to accommodate a range of potential scenarios that were not addressed by the previous prescribed meeting rules*
- *simplifying the language used to make the prescribed meeting rules more accessible and easier to understand*
- *modernising the rules to accommodate current and emerging technologies (e.g. electronic notice, electronic voting systems and webcasting).'* (OLG FAQ attached to Circular 18-45).

During the exhibition period, all mandatory provisions were listed in black in the draft Code of Meeting Practice. These provisions are mandatory and cannot be lessened or contradicted.

In the draft Code, the red text was the non-mandatory provisions which Councils could consider including in its draft Code. OLG states that *'the non-mandatory provisions cover areas of practice that are common to most councils but where there may be a need for some variation in practice between councils. These are designed to set a benchmark for what OLG considers to be best practice for these areas of practice.'* (OLG FAQ attached to Circular 18-45).

Given that the non-mandatory provisions are OLG best practice benchmarks, careful consideration on the removal of, or alteration to such provisions has occurred.

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The proposed Code includes a number of changes to the Council’s current Code. These recommended changes reflect OLG’s benchmarks for best practice and provisions to reflect the local context.

Key Changes in Model Meeting Code

During the exhibition period 15 submissions were received from 13 community members.

The submissions raised a number of issues including removal of webcast from public forum, removal of public access, recording of public forum and other requirements associated with public forum. A response to each submission is attached in Appendix A. Councillors have received all submissions in full.

Key Themes from submissions:

The following is a table of the key themes from the submissions and staff responses to those themes:

| Theme | Staff responses |
|---|--|
| Removal of Public Access | <p>It is important to note that there is no provision for Public Access in OLG’s guidelines. Further, OLG strongly recommend: <i>‘The provisions governing public forums contained in the Model Meeting Code reflect what OLG sees to be best practice.’</i></p> <p>Members of the public have a many avenues to raise issues with Councillors.</p> <p>Councillor’s email and phone contact details are available on Council’s website. Residents and ratepayers may contact individual councillors or a group at any time. Councillors can also meet with residents. Councillors connect with members of the community in many ways through their own networks.</p> <p>Council has also adopted and implemented a comprehensive Community Engagement Framework.</p> <p>With this context, it is considered that there is no need to rely on Public Access for Councillors to be aware of and understand the views of the community effectively.</p> <p>By way of background, Public Access was developed to enable the community to connect with Councillors. Since its implementation, the way we communicate has evolved and Councillors are now more connected with their community.</p> |
| Removal of live streaming of public forum (clause 3.12) | <p>OLG has stated that: <i>‘Council meetings should be webcast to increase the transparency of Council decision making.’</i></p> <p>The Council meeting, where decisions are debated and made, will continue to be live streamed.</p> |

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| | <p>There are a number of reasons why Public Forum is not recommended to be live streamed.</p> <p>Firstly, public forum does not form part of the Council meeting.</p> <p>The OLG has stated: <i>'Public forum should not be held as part of a Council or committee meeting. Council or committee meetings should be reserved for decision making by Council.'</i></p> <p>Further, <i>'Public forum should operate as an input into Council decision –making at meetings.'</i></p> <p>This principle is supported as reflected in the fact that in the draft Code, public forum will be held prior to the Council meeting.</p> <p>OLG has made it clear that public forum is one component of community engagement. OLG has stated: <i>'Public forums at council meetings are not an appropriate substitute for effective community consultation and councils need to be mindful that the views expressed at public forums will not necessarily be representative of the views of other affected parties or the broader community.'</i></p> <p>It should be noted that webcasting of public forum is not included in OLG best practice guidelines or recommended as an option.</p> <p>Further, members of the community can still present to Council during the decision forming stages of the democratic process and not during the decision making process, which is the Council meeting.</p> <p>Councillors take all views and opinions from the community as part of its Community Engagement Framework. There are many inputs into a Council decision.</p> <p>Council's Community Engagement Framework guides how projects, strategies or policies both Shire wide and local, engage the community in order to provide feedback from interested parties prior to Council making a decision.</p> <p>Within this context, public forum should not be treated as any more or less important as other avenues for community engagement.</p> <p>In addition, following an exhibition of any policy, plan or strategy staff:</p> <ul style="list-style-type: none">• Provide a full copy of all submissions to Councillors.• Summarise key issues and provide a staff response to concerns or suggestions in regard to changes to the recommendations or why no change has been recommended.• Provide a pre-meeting briefing on all issues that have been raised by the community and any policy or legal ramifications. <p>Public Forum is one component of that Framework and enables</p> |
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| | <p>community members the opportunity to present their views. The draft Code enables a Public Forum session to be held.</p> <p>Further, webcasting of Public Forum not only increases Council's potential liability, but could also cause significant or offence should a speaker reveal an issue of privacy or state derogatory comments about a person which is based on incorrect, malicious or misunderstood information.</p> <p>It should be noted that Council received two submissions in support of not webcasting public forum. One submission was based on ensuring that all elements of community consultation were equally valued and taken into consideration. Webcasting public forum was considered to be weighing this part of the submission process as more important than the written submissions, surveys and meetings that occurred during the consultation phase.</p> <p>The other submission did not want to present to Council and be webcast.</p> |
| <p>Requirement for public forum submissions at registration (clause 3.4)</p> | <p>It is proposed that presenters send their presentations to Council by 12.00noon on the business day prior to the meeting. Currently presenters are required to provide their presentations at the Council meeting, so this brings that requirement back by less than one business day. These submissions will be forwarded to Councillors for their information and consideration prior to the Public Forum session.</p> <p>By having the community member's presentation early, it will assist Councillors to make decisions based on relevant, quality information as it stated in clause 1.1, Meeting Principles.</p> <p>Sending the submissions the day before will assist and provide sufficient time for Councillors to understand and be presented with all views if the process outlined in Clause 3.9 occurs. It also assists identifying who maybe for or against a particular proposal or what a presenter may or may not support of that proposal.</p> <p>There is a requirement for people to send through written response to any plan, strategy or policy that Council has placed on exhibition. It is therefore reasonable to expect presenters to communicate their views to a Councillor in the same manner.</p> <p>Further, it is considered that 30 minutes is not always sufficient time to consider all points of view. Receiving submissions the day prior allows for further consideration.</p> |
| <p>General Manager's discretion to refuse an</p> | <p>The draft Code of Meeting Practice has followed OLG's non-mandatory provisions which are considered best practice.</p> <p>There may be circumstances where a speaker wants to present at</p> |

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| <p>application to speak at public forum (clause 3.7 and 3.21)</p> | <p>public forum with information that may contain legal, personal or confidential content. Therefore, Council could not make this information public as it may breach privacy laws or other legislation.</p> <p>A Councillor could move a motion to defer the item to recommend that the speaker address Council at the next public forum session.</p> <p>It should be noted that any refusal must be in writing. The General Manager must comply with Council's Code of Conduct. The letter would be sent to the person who has been refused as well as the Councillors. This letter would be sent prior to the meeting.</p> |
| <p>Limit of five minutes per speaker (clause 3.10)</p> | <p>It is considered that five minutes is adequate for members of the public to put their case forward. It should be noted as outlined in clause 3.4, that Councillors will have a copy of the presenter's submission on the day prior to the meeting or a presenter may choose to send more details through to Councillors or contact them directly prior to public forum.</p> <p>The five minute limitation also allows more speakers to speak and provide a range of views.</p> |
| <p>Significant number of speakers (clause 3.23)</p> | <p>Clause 3.23 of the draft Code accommodates the situation that a significant number of speakers wish to present.</p> <p>Clause 3.23 states: <i>'In the unusual circumstance that Council is proposing a significant issue. A dedicated Public Forum session can be facilitated, should the need arise. The date and time of such a session will be at the determination of the General Manager.'</i></p> <p>Clauses 3.8 and 3.9 outlines the process if there are more speakers than time permits. Also, Council may resolve to defer an item and hear speakers at the next public forum session.</p> |
| <p>Disadvantage of media coverage</p> | <p>Removal of live streaming should not impact effective media coverage. Journalists attending the meeting may still report on meeting proceedings and will continue to request follow up interviews and information to complete their reporting.</p> |
| <p>Written submissions on website</p> | <p>The draft Code of Meeting Practice has followed OLG's non-mandatory provisions which are considered best practice.</p> <p>As per OLG guidelines, Council has included a Public Forum session prior to the Council meeting. Written public forum submissions will be available for viewing on the Council's website under the appropriate meeting page and titled 'Public Forum'.</p> |

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Key Changes as a result of submissions:

In addition, 14 suggested wording changes have been incorporated into the Code of Meeting Practice following exhibition of the draft Code. The following table highlights the changes **(bold)** made to the document:

| Clause | Amended to read: |
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| 2.14, Practice (4) | Reports recommended by the General Manager to be confidential in nature (refer 13.1) (sect.10A (2) of the Act) will be included in the business paper and these reports shall be marked appropriately as “confidential” items. |
| 2.17 | ‘The notice will be published is the Customer services Centre foyer, 89 Vulcan Street, Moruya and Council’s website ’. |
| 2.17, Practice | The General Manager, in consultation with the Mayor , can give notice of less than three days of an Extraordinary meeting called in an emergency. The Act does not define emergency. It could cover things other than natural disasters, states of emergency, or urgent deadlines that must be met. Initially, the General Manager will decide what an “emergency” is. |
| 2.39, Reference | Clause 2.39 reflects section 9(2A)(a) of the Act. |
| 3.1 | The Council will schedule a public forum prior to each meeting of the council. Public forum will also be scheduled prior to extraordinary meetings of the Council and meetings of committees of the Council unless there are no registered speakers . |
| 3.3 | To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00noon of the business day prior to the meeting, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and should state whether they wish to speak ‘for’ or ‘against’ the item. |
| 3.21 | Where a speaker engages in conduct of the type referred to in clause 3.18, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate. This refusal must be provided in writing . |
| 4.10, Practice 5 | The seating arrangements for a meeting may be determined by the Chairperson of the meeting, if Councillors cannot agree . |
| 9.9 Practice | Remove Practice Note as it reflects clause 9.7 which is a mandatory provision. |
| 13.11 | Where the matter has been identified in the agenda of the meeting |

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| | under clause 2.39 as a matter that is likely to be considered when the meeting is closed to the public, and the matter has been specified in accordance with s 10A(2) in order to make representations under clause 13.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 12 noon the business day prior to the meeting which the matter is to be considered. |
| 17.1 | Meetings of the Council and committees of the Council are to conclude no later than 2.00 pm, subject to clause 17.2. |
| 17.7 | Where a meeting is adjourned under clause 17.3 or 17.6, the General Manager must individually notify each Councillor of the time, date and place at which the meeting will reconvene and must publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible. |
| Appendix F, first paragraph | The table below summarises the provisions of sect. 10A and 10B of the Act. Subject to the limitations and restrictions specified, Council may go into closed session for receipt or discussion of any of the following matters, for as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security: |
| Page 48 | Various related legislation, policies, codes and guidelines updated. |

These changes are made in [blue](#) ink in the Code of Meeting Practice.

Additional changes

| Clause | Changes: | Reasons |
|--------|---|--|
| 3.26 | A written copy of the presentation must be provided to Council and this will be published on Council's website. If a written copy of the presentation is not provided then this will be ruled a breach of this Code and (at the ruling of the Chairperson) the presenter may not be allowed to address Council at future meetings. | This clause is directly from Council's current Code of Meeting Practice and makes it clear that Council will publish a presenter's submission. In addition, OLG state that: <i>'Participation in a public forum is a privilege not a right. It should be within the discretion of a council to withdraw this privilege where a person fails to respect meeting rules or engages in disorderly conduct.'</i> (OLG FAQ attached to Circular 18-45). |

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| Practice Notices | Shading of boxes | Create consistency in document. |
| Numbering changes | 2.21 – 2.56, 3.18 –3.25, 4.11 – 4.30, 10.10 – 10.13, 16.15 – 16.19 | Renumbered to reflect incorrect numerical order in draft document. |
| Reference numbering changes through document | A number of changes occurred through the document as a result of numbering changes due to incorrect numerical order in the draft document. | References renumbered to reflect changes in numerical order. |

Legal

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under Section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulations 2005 (Regulation). The Code of Meeting Practice includes mandatory clauses that reflect the Act and Regulations. Additional clauses do not contradict the Model Code.

Policy

Once adopted, the Code of Meeting Practice will become Council's policy for the conduct of its meetings.

Community and Stakeholder Engagement

Council placed its draft Code of Meeting Practice on public exhibition for a period of not less than 42 days commencing on 3 April 2019 until 15 May 2019. Copies were available for viewing on Council's website, at the Batemans Bay, Moruya and Narooma libraries and Moruya customer service centre.

During the exhibition period, 15 submissions were received. A summary of these submissions, with staff response has been provided in Appendix A.

On 29 May 2019, Councillors received the full copy of the submissions for consideration.

CONCLUSION

The Council must adopt a new Code of Meeting Practice that reflects OLG's mandatory provisions of the Model Meeting Code.

Council's current Code of Meeting Practice is a comprehensive document. Staff have reviewed the current Code against the mandatory provisions of the Code along with the OLG best practice benchmark for non-mandatory provisions and developed a document that will ensure clear governance processes for Council's decision making process.

The final document is presented for adoption.

PSR19/009 DRAFT EUROBODALLA EVENT STRATEGY

E13.7307

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: 1. Under Separate Cover - draft Eurobodalla Events Strategy
Outcome: Vibrant and Diverse Economy
Focus Area: 5.3 Focus on the development of sustainable tourism and quality events and visitor experiences
Delivery Program Link: 5.3.2 Actively seek and support the development and hosting of events
Operational Plan Link: 5.3.2.2 Support event organisers in delivery of a range of new and established events

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement for public exhibition of the draft Eurobodalla Event Strategy (Strategy), (refer Attachment).

The draft Strategy will address Action 6.1 of Council's endorsed Eurobodalla Destination Action Plan (EDAP) 2018-2021, to prepare a Tourism Events Strategy to:

- procure and support events to increase visitation expenditure across the year
- attract event funding support
- leverage public and private sector investment for new event infrastructure and facilities, and
- consider seed funding to support the development of new tourism events.

Council engaged consultants with considerable experience in event organisation and strategy development, to help prepare the draft Strategy that involved a comprehensive stakeholder engagement process.

The draft Strategy:

- provides a five-year framework for identifying the best events to attract, develop, grow and build a balanced and sustainable portfolio of events that contribute to the local economy and provide social outcomes for local communities
- aims to establish a balanced and sustainable portfolio of vibrant tourism and community events that celebrate and generate awareness of the unique attributes that Eurobodalla can offer, creating compelling reasons for visitors and residents to visit, explore and return to the area
- includes recommendations and associated actions for an events assessment framework to allow Council to make more calculated assessments and decisions on event attraction and support, and to ensure that event resources are allocated adequately and strategically.

PSR19/009 DRAFT EUROBODALLA EVENT STRATEGY

E13.7307

RECOMMENDATION

THAT

1. Council publicly exhibit the draft Events Strategy 2019-2023 for a period of 28 days.
2. A further report regarding the draft Events Strategy 2019-2023 be provided to Council following the exhibition period.

BACKGROUND

On 31 July 2018, Council endorsed the Eurobodalla Destination Action Plan (EDAP) 2018-2021 (PSR18/068). A high priority action of the EDAP 2018-2021 is the development of a Tourism Events Strategy that provides strategies and actions to drive visitation and increase visitation expenditure across the year in our Shire's towns and villages.

The visitor economy is worth in excess of \$385 million per annum and the EDAP aims to grow the local visitor economy to \$462 million p.a. (year end June 2021). Events are recognised as being important in building the profile and reputation of Eurobodalla as a vibrant cultural and leisure tourism destination year-round. Events also provide a means to showcase Eurobodalla's attraction and experiences including its waterways, beaches, National Parks and reserves, rich arts and culture, and quality local products. The draft Strategy will also promote the unique identities and stories of Eurobodalla's towns and villages to create compelling reasons to visit.

Importantly, the draft Strategy provides Council with a framework for event planning and decision-making to support the development of tourism events that align with the four experience platforms identified in the EDAP - Nature, Food, Towns and Villages, and Events.

The draft Strategy includes recommendations and associated actions for an events assessment framework to make more calculated assessments and decisions on event attraction and support, and to ensure that event resources are allocated adequately and strategically.

1. Develop significant anchor or hallmark events that create a competitive advantage for Eurobodalla, build reputation, create a reason to visit in the off season, celebrate everything that is special about Eurobodalla and form the foundation of the events calendar
2. Support the sustainable growth and development of the destination events and volunteer committees
3. Delineate tourism and community events to ensure a clear framework for assessment and support that is fair and transparent
4. Attract and leverage key external events to enhance Eurobodalla's reputation as an event destination
5. Catalyse the development of home-grown events and tourism experiences
6. Use sports tourism events to extend the calendar with complementary events
7. Establish a robust and consistent event evaluation framework.

PSR19/009 DRAFT EUROBODALLA EVENT STRATEGY

E13.7307

Furthermore, the draft Strategy has been developed to support Eurobodalla's new tourism brand positioning and marketing initiatives, to assist in differentiating the destination in the minds of visitors and encouraging year round visitation across our Shire.

This draft Strategy seeks to complement other Council strategic initiatives for tourism including a Draft Eurobodalla Nature-Based Tourism Feasibility Study that will identify opportunities to capitalise on Eurobodalla's natural assets and experiences.

CONSIDERATIONS

Policy

The Eurobodalla Destination Action Plan 2018-2021 identified the need for an Event Strategy. The draft Event Strategy has been developed taking into account local, regional and State strategies in relation to events and tourism.

Environmental

The draft Strategy has been developed to achieve sustainable tourism outcomes that recognise the importance of the natural environment and the need to conserve natural resources/assets for future generations and for the benefit of our local economy which is dependent upon them.

Asset

The draft Strategy will assist our Shire to leverage public and private sector investment for new event infrastructure and facilities.

Social Impact

The draft Strategy will support delivery of the Eurobodalla Community Strategic Plan 2017 with its vision for a community that is:

- FRIENDLY - We are happy, supportive and welcoming
- RESPONSIBLE - We make balanced decisions that benefit current and future generations
- THRIVING - We are successful and sustainable in growth and development
- PROUD - We build community spirit and our Eurobodalla leads the way.

Economic Development Employment Potential

Events are recognised as an important driver in reaching the NSW Government's ambitious target of \$20 billion in visitor expenditure in rural and regional NSW by 2025, rising to \$25 billion by 2030.

Tourism in Eurobodalla Shire currently contributes \$385 million annually to the local economy. It is estimated that around 2,500 jobs (67%) are directly supported by tourism and 1,300 (23%) of jobs are indirectly supported by tourism.

The EDAP aims to grow the local visitor economy to \$462 million p.a. (year end June 2021) and increase employment. With this in mind, the draft Strategy recognises that events have the potential to create interest in the experiences on offer at a destination, generate publicity and link in with the region's seasonal variations and associated produce to help achieve these goals.

PSR19/009 DRAFT EUROBODALLA EVENT STRATEGY

E13.7307

Financial

First year (2019/2020) commitments in the Event Strategy can be met within the current budget.

Any changes to this will need to be considered as part of Councils budget process.

Community and Stakeholder Engagement

The engagement process involved:

- A Council briefing session to explain the Event Strategy development process and learn Council views on support for tourism and community events
- One-to-one meetings with the key event stakeholders to gain their views on the current situation and their aspirations and priorities related to the development of events in the region
- An Event Management Workshop facilitated with 18 representatives of the local events that attract visitors and residents, to gather their collective thoughts on issues and opportunities for event development and growth across Eurobodalla
- An Online Event Management Survey distributed to 105 local event stakeholders across Eurobodalla, with 43 providing responses
- Preparation of a Discussion Paper to test potential strategic priorities for the development of events and to provide opportunities for feedback from event organisers
- Presentation of the Draft Event Strategy to a second Council briefing session and facilitation of a second Event Management Workshop to present and gather feedback on the Draft Strategy.

Stakeholders engaged included representatives from local event organisations comprising staff, volunteers and partners; professional event management companies; Chambers of Commerce; Destination NSW; Destination Southern NSW; Eurobodalla Shire staff and Councillors.

It is proposed that the Draft Event Strategy be put on public exhibition for a period of 30 days seeking submissions from the wider community. Council staff will be available during that time to speak with interested businesses, community groups and general community. A comprehensive communications strategy will be prepared to ensure widespread awareness of exhibition of the draft Strategy.

CONCLUSION

The draft Eurobodalla Events Strategy 2019-2023 is an important strategic priority of the Eurobodalla Destination Action Plan 2018-2021. The draft Events Strategy prioritises opportunities and actions to deliver an achievable and realistic action plan and event assessment framework to guide Council's support for the growth and development of tourism and community events.

As part of the community and stakeholder engagement process, this report seeks endorsement of the draft Strategy to be placed on public exhibition for twenty eight (28) days.

A further report would be provided to Council following exhibition.

CCS19/022 LICENCE FOR FOOTPATH TRADING - MORUYA

95.9144.D

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: Nil
Outcome: Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community
Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The three-year licence to the Moruya Thai Restaurant to operate an outdoor eating area at 78A Vulcan Street, Moruya expired on 30 April 2019 and is currently operating on hold over provisions. The proprietor wishes to renew the licence.

As the licence area is adjacent to the shopfront it does not comply with the provisions of Council's Footpath Trading Code (the Code). The Code requires footpath trading to be carried out adjacent to the kerb as opposed to adjacent to the shopfront.

Vulcan Street is a classified road and in accordance with Section 125 of the *Roads Act 1993* Council may not give approval for an outdoor eating area and grant a licence except with the concurrence of Roads and Maritime Services (RMS). The RMS has consented to the location of the outdoor eating area adjacent to the shopfront.

It is considered reasonable that a variation to the Code be allowed and the licence to the Moruya Thai Restaurant be renewed for a three-year term.

RECOMMENDATION

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone for an outdoor eating area to be adjacent to the boundary of Lot 86 DP 840618 No 78A Vulcan Street, Moruya.
2. A licence be granted to the Moruya Thai Restaurant adjacent to Lot 86 DP 840618 No 78A Vulcan Street, Moruya with terms and conditions including:
 - (a) A three-year term.
 - (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
 - (c) Payment of a rental fee in accordance with Council's fees and charges.
 - (d) Payment of an annual licence administration fee in accordance with Council's fees and charges.
 - (d) Provision of evidence and maintenance of public liability insurance in the

CCS19/022 LICENCE FOR FOOTPATH TRADING - MORUYA

95.9144.D

amount of \$20 million during the licence period.

- (e) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.

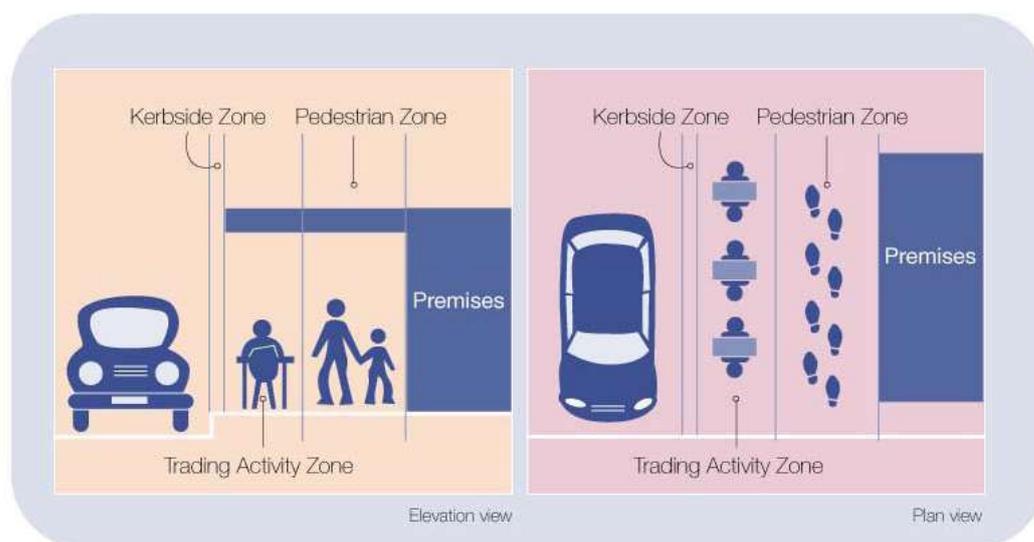
BACKGROUND

At its meeting on 9 April 2013 Council consented to a variation to the Code to permit a licence for an outdoor eating area adjacent to the shopfront at 78A Vulcan Street, Moruya with the concurrence of the RMS. RMS granted concurrence to the outdoor eating area subject to the tables and chairs being located no less than 2 metres from the face of the kerb.

The initial licence was renewed and the current three-year licence to Moruya Thai Restaurant expired on 30 April 2019 and the proprietor wishes to renew the licence. In accordance with the licence the Licensee can continue to occupy the site on a holding over basis for up to twelve months.

CONSIDERATIONS

The Code was developed on the basis of best practice in ensuring safe and unhindered access for all pedestrians, including those with impaired sight. A schematic for footpath trading in accordance with the Code is shown below.



The Code requires the pedestrian zone to extend from the building line or shopfront of the premises for a minimum of 2 metres and the kerb zone to be a minimum of 0.7 metres from the kerb line to allow for access to and from parked vehicles.

RMS does not permit licences on the kerb on RMS classified roads including the Princes Highway so it is not possible to comply with Council's Code and this requirement.

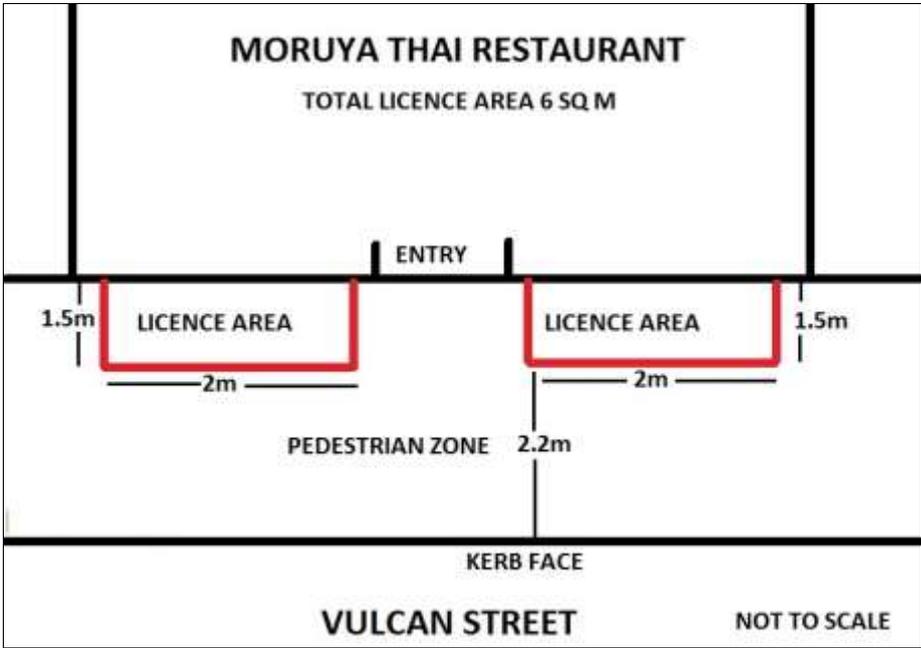
However, RMS granted concurrence to the outdoor eating area subject to the tables and chairs being located not less than 2 metres from the face of the kerb.

The photograph below shows the eating area against the shopfront in accordance with RMS requirements. The parking sign is 0.37 metres from the kerb and creates a minor squeeze point at that spot.

CCS19/022 LICENCE FOR FOOTPATH TRADING - MORUYA

95.9144.D

The pedestrian zone is 2.2 metres wide and the squeeze point of 1.83 metres and is well within the flexibility allowed under the Code.



CCS19/022 LICENCE FOR FOOTPATH TRADING - MORUYA

95.9144.D

Legal

In accordance with Section 125 of the *Roads Act 1993* Council may not give approval for an outdoor eating area and grant a licence in respect of a footway of a classified road except with the concurrence of RMS. RMS has granted that concurrence for this licence.

<https://www.legislation.nsw.gov.au/#/view/act/1993/33/part9/div1/sec125>

Policy

Council adopted its Footpath Trading Code in August 2010 which in most cases requires any footpath trading, either outdoor eating or display of goods to be carried out adjacent to the kerb as opposed to adjacent to the business boundary.

<http://www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Footpath-Trading-Code.pdf>

There is no legislative requirement preventing an exemption to the Council's Code in this case.

The licence agreement allows Council to amend or cancel the licence if its Policy changes during the term of the licence.

Asset

It will be a condition of the licence that the Licensor keeps the licensed area in a clean, tidy and hygienic condition.

Social Impact

The development of outdoor eating areas adds to the cultural streetscape and should be encouraged but not at the cost of pedestrian safety.

Economic Development Employment Potential

Additional trading space for restaurants and cafes allows development of those businesses, enhancing their financial viability.

Financial

A licence fee in accordance with Council's adopted fees and charges for commercial use of public land within the Shire will apply.

Community and Stakeholder Engagement

Council's Engagement Planning Tool and relevant legislation have been used to determine the best approach to engagement on this matter. Footpath trading licences are granted under Section 125 of the *Roads Act 1993* and Council's Footpath Trading Code. They do not include a requirement to let the community know through public notice, or to seek feedback through public exhibition. If the licence is granted, the potential impact on the community is considered minimal and engagement activities are not considered necessary.

CONCLUSION

The three-year licence to the Moruya Thai Restaurant to operate an outdoor eating area at 78A Vulcan Street, Moruya expired on 30 April 2019. The proprietor wishes to renew the licence.

CCS19/022 LICENCE FOR FOOTPATH TRADING - MORUYA

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The outdoor eating area does not comply with Council's Footpath Trading Code. An exemption to the Code permitting the trade area adjacent to the shopfront will allow for continued safe and unhindered access for pedestrians. It will also comply with RMS requirements.

Allowing an exemption to the code and granting a three-year licence is considered reasonable.

CCS19/023 REQUEST FOR TENDER NO. 2019/CCD052 - CLEANING OF COUNCIL BUILDINGS E19.1836

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services

Attachments: 1. Confidential - Request for Tender No. 2019/CCD052 - Cleaning of Council Buildings

Outcome: Innovative and Proactive Leadership

Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations

Delivery Program Link: 9.2.3 Provide administrative, technical and trade services to support the organisation

Operational Plan Link: 9.2.3.6 Provide procurement and stores

EXECUTIVE SUMMARY

A proposal exists to combine the procurement of all of Council's building cleaning agreements (excluding Public Toilets) into a single process, to achieve considerable efficiencies in both administration and cost, whilst achieving local participation and greater contractor performance through a coordinated approach to contract management.

A tender was called allowing prospective bidders to submit an offer for the overall requirement or individual sites therein.

This report is presented to Council with a Confidential Attachment detailing the preferred tender determination and assessment rationale.

RECOMMENDATION

THAT Council

1. Endorses the selection of the preferred tenderer identified for Request for Tender No. 2019/CCD052 – Cleaning of Council Buildings within the Confidential Attachment to this report.
2. Accordingly approves the entering into a Contractual Agreement with the preferred tenderer, subject to the terms specified in the Request for Tender No. 2019/CCD052.

BACKGROUND

With many of the cleaning contracts expiring throughout 2018, interim agreements with existing providers went into sunset cleaning requirements to the end of Financial Year 2018/19, allowing for sufficient time to undertake a single tendering process. The proposed contract(s) is comprised of the following categories:

Contract Category 1

Batemans Bay Basketball Stadium
Hanging Rock Sports and Function Centre

CCS19/023 REQUEST FOR TENDER NO. 2019/CCD052 - CLEANING OF COUNCIL BUILDINGS E19.1836

Mackay Park Sports Ground Building

Contract Category 2

Batemans Bay Community Centre
Batemans Bay Depot
Batemans Bay Visitor Information Centre

Contract Category 3

Captain Oldrey Park
Tomakin Hall

Contract Category 4

Dr Mackay Community Centre
Moruya RSL Hall
Moruya Basketball Stadium

Contract Category 5

Moruya Administration Building
Moruya Library and Arts Centre

Contract Category 6

Moruya Depot, Store and Workshop

Contract Category 7

Kyla Hall

Contract Category 8

Narooma Depot
Narooma Library

Request for Tender (RFT) No. 2019/CCD052 was advertised on 18 March 2019 and closed on 10 April 2019. Offers were received, across all of the categories from the following tenderers:

- A1 South Coast Commercial Cleaning of Malua Bay, NSW
- A Clean Above of Nelligen, NSW
- GAVS Group of Mascot, NSW
- International Cleaning Services of Norwood, SA
- Narooma Cleaning of Central Tilba, NSW
- Royal Cleaning Services of Malua Bay, NSW
- Swetha International of Burwood, NSW

Public toilets have not been included in this process due to the difference in cleaning procedures (i.e. pressure cleaning).

CCS19/023 REQUEST FOR TENDER NO. 2019/CCD052 - CLEANING OF COUNCIL BUILDINGS E19.1836

CONSIDERATIONS

Legal

RFT No. 2019/CCD052 was advertised in accordance with *Local Government (General) Regulation 2005 REG 167* and the *Local Government Act 1993*.

The tender was advertised on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal www.tenderlink.com/eurobodalla.

A Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Committee (TEC) prior to the closing date.

An assessment was carried out in accordance with the Tender Evaluation Plan. This report with a Confidential Attachment details the preferred tenderer determination and assessment rationale.

Policy

The tendering activity and associated evaluation for which this tender applies has been administered in compliance with Section 55 of the *Local Government Act 1993*, The *Local Government (General) Regulation*, Tendering Guidelines for NSW Local Government and Council's Procurement Policy/Codes of Practice.

Financial

Existing funding arrangements for each Council site will be carried into the new agreement(s).

Community and Stakeholder Engagement

The tender was advertised on Council's noticeboard page in two local newspapers, in the Sydney Morning Herald and at Council's Tenderlink web portal www.tenderlink.com/eurobodalla.

The community will be informed of the tender outcome via Council's contract register found in Council's 'Public Access to Information' web link www.esc.nsw.gov.au/inside-council/council/public-access-to-information.

CONCLUSION

Through aggregating cleaning contracts Council will avoid duplication and costly tendering activities, create greater economy of scale and a coordinated approach to contractor performance management.

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

The preferred tender as identified in the Confidential Attachment is therefore recommended for the awarding of a contract.

CAR19/014 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

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

Attachments: 1. Mackay Park Management Action Plan attachment
2. Under Separate Cover - Mackay Park Plan of Management

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.3 Assist the Council in meeting its statutory obligations and roles

EXECUTIVE SUMMARY

The purpose of this report is to provide an overview of the results of the public exhibition in relation to the Mackay Park draft Plan of Management (POM), the proposed edits to the draft POM and a recommendation to adopt the POM.

A POM is a planning document that outlines how the land can be used, developed and managed, how leases and licences or other interests are granted on community land. A POM also determines the scale and intensity of current and future use and development on the land.

Mackay Park is Crown Land under the control and management of Eurobodalla Shire Council. The *NSW Crown Land Management Act 2016* (CLM Act) came into force on 1 July 2018 and as the appointed Crown Land Manager, Council is required to prepare a POM for Mackay Park as if it were community land under the *NSW Local Government Act 1993* (LG Act).

Council initially exhibited the draft POM in the period 27 November 2018 to 12 February 2019. The results of this public exhibition period were provided as Appendix 1 in the report CAR19/004 to Council on 26 March 2019.

The draft POM for Mackay Park has proposed a category change from 'park' to 'general community use'. The proposal supports the existing and proposed primary uses of Mackay Park, being for a range of public recreation purposes and events, visitor information services and the Regional Aquatic, Arts and Leisure Centre. In accordance with sections 40A (1) of the LG Act, an independently chaired public hearing was held on 6 February 2019 into the proposed change of category. The report from the independent chairperson of the public hearing supported the change of category.

On 1 March 2019, a delegate for the NSW Minister for Lands and Forestry, granted consent to Council's application to alter the categorisation of Mackay Park from the interim category of 'park' to 'general community use'.

After Ministerial consent was given to do so, a revised draft POM was placed on public exhibition between 27 March and 24 April 2019 with submissions received until 8 May 2019.

CAR19/014 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

One submission was received from the Batemans Bay Cricket Club with a request to install a cricket wicket on Mackay Park. Action A7 has been added to the POM's Management Action Plan in response to this submission.

The final draft POM for Mackay Park is provided as an attachment to this report.

RECOMMENDATION

THAT:

1. In accordance with 3.23(6) of the Crown Land Management Act 2016 and pursuant to Section 40 of the Local Government Act 1993, Council adopt the Draft Mackay Park Plan of Management.
2. The NSW Minister for Lands and Forestry's consent, as the land owner, to grant a change of category of the following lots from 'park' to 'general community use' is endorsed:
 - (a) Lots 30, 31, 259 DP 755902
 - (b) Lots 1 and 2 DP 1049123
3. An electronic copy of the adopted Mackay Park Plan of Management be forwarded to the NSW Minister for Lands and Forestry, Department of Industry Crown Lands and placed on Council's website
4. All submission writers and contributors to the Mackay Park draft Plan of Management be thanked, in writing.

BACKGROUND

The Mackay Park POM meets the specified requirements set out under section 36(3) of the LG Act by identifying the following sections of the draft POM (reference in brackets):

- the category of the land (2.3)
- the objectives and performance targets of the plan with respect to the land (6)
- the means by which the council proposes to achieve the plan's objectives and performance targets (6)
- the manner in which the council proposes to assess its performance with respect to the POM's objectives and performance targets, and may require the prior approval of the council to the carrying out of any specified activity on the land (6).

As a POM specific to one area of land, the Mackay Park POM also complies with section 36(3A) of the LG Act by identifying the following sections of the draft POM (referenced in Sections 3 and 5 of the draft POM):

- a description of the condition of the land as at the adoption of the plan
- a description of the buildings on the land as at adoption

CAR19/014 MACKAY PARK DRAFT PLAN OF MANAGEMENT

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- a description of the use of the buildings and the land as at adoption
- the stated purposes for which the land can be used and the scale and intensity of that use.

CONSIDERATIONS

Legal

In accordance with Section 3.23 of the CLM Act, Council as the appointed Crown Land Manager, assigned the interim category of 'park' to Mackay Park in keeping with the original gazetted public purpose of Public Recreation. On 1 March 2019, a delegate of the NSW Minister for Lands and Forestry, granted consent to Council's application to alter the categorisation of Mackay Park from the interim category of 'park' to 'general community use'.

The change of category to 'general community use' underpins a range of existing activities including public recreation purposes and events. The proposed category also supports the inclusion of visitor information services. Community consultation and the independent report from the public hearing supports the proposal.

The core objectives under the *NSW Local Government Act 1993* for management of community land categorised as 'general community use' are:

'to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)'.*

Native Title

Under the Commonwealth *Native Title Act 1993*, for a Native Title claim to be successful, Native Title claimants must prove a connection to the land and that Native Title has not been extinguished.

In accordance with the *Native Title Act* and the *NSW Crown Lands Management Act 2016*, Council's Native Title Manager provided the following written advice on 13 May 2019.

'Council notified Native Title Services Corporation (NTS Corp) on 4 April 2019 regarding the Mackay Park Plan of Management and received no response during the 28 day period'.

This means that the activities and actions proposed in this POM are not likely to impact Native Title at Mackay Park.

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Community Consultation

The first draft POM for Mackay Park was placed on public exhibition from 28 November 2018 to 12 February 2019. The extended exhibition period compensated for the Christmas and New Year period and included an independent public hearing that was held on 6 February 2019 into the proposed category change.

The results of the first public exhibition period were provided as Appendix 1 to the report CAR19/004 dated 26 March 2019, while the report from the independent chairperson of the public hearing was provided as Appendix 2. The full results of the survey completed by user groups was provided as confidential Appendix 5.

In accordance with Section 47G of the LG Act, the independent report from the public hearing was made available to the public from 14 February 2019 via Council's website and in hard copy at libraries and at the Moruya administration centre. The independent report was removed from exhibition at the conclusion of the draft POM exhibition period on 9 May 2019.

After consent from the NSW Minister for Lands and Forestry was given to do so, a substantially revised draft POM was placed on public exhibition between 27 March and 24 April 2019 with submissions received until 8 May 2019. One submission was received from the Batemans Bay Cricket Club with a request to install a cricket wicket on Mackay Park. Action A7 has been added to the POM's Management Action Plan in response to this submission.

Recommended edits to the Mackay Park Plan of Management (final)

1. The results of the second public exhibition period have been summarised in Section 4.5 of the draft POM and include support for a new Action A7 as follows.

A7 Install a synthetic cricket wicket, subject to demonstrated demand

2. A review of the draft POM by Council Divisions has also occurred. The following edits are recommended with justification.

Action B2 has been strengthened as follows to ensure the compliance with Council's Events Policy and Guidelines by event organisers.

B2 Council will ensure that event organisers comply with Council's Events Policy and Guidelines.

Actions G2 and G3 have been merged and simplified to reflect achievable outcomes as follows.

G2 Incorporate practices and systems to reduce, reuse and recycle.

Action H3 has been simplified while maintaining the intent to manage public information and behaviour at Mackay Park.

H3 Council will install signage as appropriate.

CAR19/014 MACKAY PARK DRAFT PLAN OF MANAGEMENT

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3. The following sections have been deleted from the draft POM as they relate to the proposed Regional, Aquatic, Arts and Leisure Centre and are subject to change beyond the POM's adoption:
- Section 6.12 - Mackay Park Concept Masterplan
 - Appendix 1 – Design Principles for the Regional Aquatic, Arts and Leisure Centre.

Given that edits 1 to 3 above are 'not-substantial', re-exhibition is not required and the draft POM can be adopted by Council resolution pursuant to Section 40 of the LG Act and in accordance with 3.23(6) of the CLM Act.

Actions and key development outcomes resulting from the POM

The POM's Management Action Plan (Attachment 1), details the identified issues for the reserve and actions to mitigate each issue. In accordance with Section 36(3) of the LG Act, there is a performance target and measure for each action.

The key future development outcomes for Mackay Park include:

- Mackay Park will continue to have a mix of sporting, recreational, cultural and social activities
- Mackay Park will continue to be used for large and small events and the amenities and grandstand building will continue to be available for functions and other activities
- Mackay Park will continue to be available as an alternative venue for a range of sporting activities and be open to the general public for passive recreation when not in use for scheduled sports and events
- The Batemans Bay Swimming Pool will be demolished and replaced with a Regional Aquatic, Arts and Leisure Centre
- In any redevelopment of Mackay Park or the adjoining former bowling club site, the availability of overflow car parking for the Batemans Bay town centre will be considered, should this be determined to be appropriate
- The installation of electric vehicle charging stations at Mackay Park will be permitted
- Environmental works along the fringes of Mackay Park will continue as part of implementing Council's Estuary Program
- Council will continue to undertake general improvements to landscaping at Mackay Park to improve the visual amenity as well as providing shade in appropriate locations
- Council will integrate public art and other installations, including information boards and other facilities to tell the story of Mackay Park and Batemans Bay.

This POM authorises Council to enter into temporary or long-term licences with operators of commercial events at Mackay Park. It authorises Council to investigate and enter into the most

CAR19/014 MACKAY PARK DRAFT PLAN OF MANAGEMENT

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appropriate management arrangements for the Regional Aquatic, Arts and Leisure Centre. It also authorises Council to enter into negotiations regarding the existing, and where appropriate, new leases and licences with community or commercial operators for elements of the new regional centre.

CONCLUSION

A POM for Mackay Park Batemans Bay has been drafted in accordance with the *NSW Local Government Act 1993* and the *NSW Crown Land Management Act 2016*.

The appointed delegate to the NSW Minister for Lands and Forestry (Department of Industry – Crown Lands) as the land owner, has reviewed the draft POM and given consent to its adoption as well as consent to alter the category of Lots 30, 31, 259 DP 755902 and Lots 1 and 2 DP 1049123 from ‘park’ to ‘general community use’.

The draft POM has undergone two periods of public exhibition that included a range of methods of community engagement and an independently chaired public hearing.

Pursuant to Section 40 of the LG Act and in accordance with 3.23(6) of the CLM Act, it is recommended that the Mackay Park draft Plan of Management be adopted and a copy of the POM be sent to NSW Minister for Lands and Forestry (Department of Industry – Crown Lands) as the land owner.

| Management Issues | Objectives and Performance Targets (what do we want to achieve?) | Means of achievement of objectives (what will be done to achieve objective?) | Manner of assessment of performance (how will success be measured?) |
|---|--|---|--|
| <p>A. Maintain and grow the primary uses of Mackay Park:</p> <ul style="list-style-type: none"> • Rugby League • Events • Aquatic, Arts and Culture. | <p>Objectives (from Section 5.4): (a),(b),(d),(e),(m),(n)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> • Mackay Park continues to be a regular venue for sporting events. • Mackay Park attracts major commercial events. • The Regional Aquatic, Arts and Leisure Centre is developed and well patronised. | <p>Subject to the findings and recommendations of a Mackay Park Master Plan, Council may assess, prioritise and seek external funds for the following assets.</p> <p>A1 Development of the Regional Aquatic, Arts and Leisure Centre. A2 Upgraded flood lighting. A3 External portable tiered seating and bench seats. A4 Permanent line marking of underground services. A5 Additional power and water outlets. A6 Upgrade the amenities and function centre. A7 Install a synthetic cricket wicket subject to demonstrated demand.</p> | <ul style="list-style-type: none"> • Increased number of sporting events held at Mackay Park. • Increased number of major events held at Mackay Park. • Number of visitors to Regional Aquatic, Arts and Leisure Centre meets expectations. |
| <p>B. Manage competing interests (as an alternative venue for other sports) and manage congestion at peak periods.</p> | <p>Objectives (from Section 5.4): (a),(i),(j)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> • Mackay Park is well used throughout the year with minimal use conflicts. • Event comply with Council's Events Policy and Guidelines. • Users of Mackay Park are safely evacuated in the event of an emergency. | <p>B1 Council will maintain a booking system to ensure activities are undertaken at appropriate times to avoid conflict. B2 Council will ensure that event organisers comply with Council's Events Policy and Guidelines.</p> | <ul style="list-style-type: none"> • Reduced number of complaints regarding access and use of Mackay Park. • All evacuation events are completed successfully. |

| Management Issues | Objectives and Performance Targets (what do we want to achieve?) | Means of achievement of objectives (what will be done to achieve objective?) | Manner of assessment of performance (how will success be measured?) |
|---|--|---|---|
| C. Define roles and responsibilities with user groups. | <p>Objectives (from Section 5.4): (j),(k),(l),(n)</p> <p>Performance Target</p> <ul style="list-style-type: none"> Mackay Park is well managed and user groups have a clear understanding of their roles and responsibilities. | <p>C1 Council will ensure that the future management arrangements for all or designated components of the Regional Aquatic, Arts and Leisure Centre clearly define and outline the roles and responsibilities of the management entity(s) appointed by Council.</p> | <ul style="list-style-type: none"> The Regional Aquatic, Arts and Leisure Centre will be successfully managed. |
| D. Maintain and increase public access and use of Mackay Park. | <p>Objectives (from Section 5.4): (b),(c),(e),(g),(m)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> Mackay Park is increasingly used as a venue for passive recreation by residents and workers of Batemans Bay and the wider region and by visitors to Eurobodalla. With increasing use, adequate services and facilities, such as waste disposal facilities are provided. | <p>D1 Council will increase public awareness of opportunities for public access and use of Mackay Park.</p> <p>D2 Council will ensure the design and management of the Regional Aquatic, Arts and Leisure Centre is consistent with the objectives of this Plan of Management.</p> <p>D3 Council will undertake a review of waste disposal facilities at Mackay Park to ensure adequate services are provided for events and other activities.</p> | <ul style="list-style-type: none"> Increased number of bookings of Mackay Park ovals and amenities and function centre. Reduced concerns regarding the presentation of Mackay Park. |
| E. Improve vehicular and pedestrian access to Mackay Park and provide sufficient car parking, including long-vehicle parking. | <p>Objectives (from Section 5.4): (c),(e),(g),(i)</p> <p>Performance Target</p> <ul style="list-style-type: none"> Mackay Park is understood by the community to be an integral part of the Batemans Bay Town Centre and is easily accessible. | <p>E1 Council will take into consideration vehicular and pedestrian access to Mackay Park and car parking, including for long-vehicles.</p> | <ul style="list-style-type: none"> Increased level of user satisfaction with ease of access to and parking within Mackay Park (determined through responses to user feedback forms). |

| Management Issues | Objectives and Performance Targets (what do we want to achieve?) | Means of achievement of objectives (what will be done to achieve objective?) | Manner of assessment of performance (how will success be measured?) |
|--|---|---|---|
| <p>F. Integrate existing facilities with Regional Aquatic, Arts and Leisure Centre.</p> | <p>Objectives (from Section 5.4): (d), (h)</p> <p>Performance Target</p> <ul style="list-style-type: none"> All facilities at Mackay Park are connected, providing flexible opportunities for a variety of uses and activities. | <p>F1 Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre provides opportunities for integration with existing facilities at Mackay Park, other than the existing swimming pool, with potential future development of the former Batemans Bay Bowling Club site and with the Batemans Bay Town Centre.</p> | <ul style="list-style-type: none"> Increased level of user satisfaction with the integrated design and use of spaces within Mackay Park (determined through responses to user feedback forms). |
| <p>G. Promote energy and water efficiency in all development and use of Mackay Park.</p> | <p>Objectives (from Section 5.4): (h),(m),(n)</p> <p>Performance Target</p> <ul style="list-style-type: none"> Maintain or reduce energy, water, and waste consumption. | <p>G1 The design of the Regional Aquatic, Arts and Leisure Centre will consider the most effective and best value energy and water efficient systems and plant.</p> <p>G2 Incorporate practices and systems to reduce, reuse and recycle.</p> | <ul style="list-style-type: none"> Energy and water consumption measured. |
| <p>H. Integrate public art and signage within Mackay Park.</p> | <p>Objectives (from Section 5.4): (b),(g),(h)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> Mackay Park contains appropriate public art and signage that tell the stories of the place and increase community awareness of our heritage, our environment and our town. Corporate sponsorship signage at Mackay Park is provided in appropriate locations and does not diminish the visual appeal of the place. | <p>H1 Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre integrates public art and signage that is sensitive to the location of Mackay Park, its history and its use as an important public open space asset.</p> <p>H2 Council will review existing corporate sponsorship signage at Mackay Park.</p> <p>H3 Council will install signage as appropriate.</p> | <ul style="list-style-type: none"> Increased level of user satisfaction with the quality of public art and signage within Mackay Park (determined through responses to user feedback forms). |

| Management Issues | Objectives and Performance Targets (what do we want to achieve?) | Means of achievement of objectives (what will be done to achieve objective?) | Manner of assessment of performance (how will success be measured?) |
|--|--|---|---|
| I. Improve the visual presentation of Mackay Park from other public spaces, and improve visual and physical connections with the surrounding wetlands, while protecting environmental values | <p>Objectives (from Section 5.4): (b),(c),(f),(g)</p> <p>Performance Targets</p> <ul style="list-style-type: none"> • Mackay Park is an attractive and comfortable place to visit, containing landmark buildings that are visible from important vantage points. • From within Mackay Park, users are connected to their surroundings and can appreciate the natural beauty of the place. • There are fewer weeds and pest on Mackay Park. | <p>I1 Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre has a strong visual presence when viewed from all vantage points, including from the new Batemans Bay bridge, the Princes Highway and Beach Road, and from within Mackay Park.</p> <p>I2 Council will investigate opportunities for increasing public access to and awareness of the adjoining wetlands.</p> <p>I3 Council will continue to implement weed and pest control management programs on Mackay Park and adjoining public land as required and as funding is available.</p> <p>I4 Council will encourage the planting of drought-resistant native plants.</p> | <ul style="list-style-type: none"> • Increased level of user satisfaction with the visual presentation and the landscape of Mackay Park and the adjoining wetlands. • Weed control management program successfully implemented. |
| J. Manage flooding and adapting to climate change | <p>Objectives (from Section 5.4): (b),(h),(i)</p> <p>Performance Target</p> <ul style="list-style-type: none"> • Storm water is managed | <p>J1 Council will ensure that any new development at Mackay Park takes into account the potential impacts of flooding and climate change and is designed appropriately having regard to the safety of users.</p> | <ul style="list-style-type: none"> • Development Application Processes occur. |
| K. Manage disruption during construction of Regional Aquatic, Arts and Leisure Centre | <p>Objectives (from Section 5.4): (h),(i),(j)</p> <p>Performance Target</p> <ul style="list-style-type: none"> • The Regional Aquatic, Arts and Leisure Centre is constructed with minimal disruption to users of Mackay Park. | <p>K1 Council will ensure plans are in place to minimise disruption to users of Mackay Park and the general public during construction of the Regional Aquatic, Arts and Leisure Centre.</p> | <ul style="list-style-type: none"> • Construction management program successfully implemented. |

| Management Issues | Objectives and Performance Targets (what do we want to achieve?) | Means of achievement of objectives (what will be done to achieve objective?) | Manner of assessment of performance (how will success be measured?) |
|--|---|---|---|
| L. Manage public safety in the event of an emergency or disaster | <p>Objectives (from Section 5.4): (i),(m)</p> <p>Performance Target</p> <ul style="list-style-type: none"> Users of Mackay Park are safely evacuated in the event of an emergency. | <p>L1 Council will ensure relevant emergency management plans are in place and regularly updated and tested.</p> | <ul style="list-style-type: none"> All evacuation events are completed successfully. |
| M. Leases and licences are issued for specific uses | <p>Objectives (from Section 5.4): (e),(k),(i),(j),(k) (l),(n)</p> <p>Performance Target</p> <ul style="list-style-type: none"> Appropriate uses of Mackay Park are undertaken in accordance with relevant legislative requirements. | <p>M1 Council will ensure appropriate management systems (in house, leases, licences or other arrangements) are in place to facilitate, where required and appropriate, activities and uses at Mackay Park, including but not limited to:</p> <ul style="list-style-type: none"> Commercial events Aquatic centre Café and retail space Front entrance and foyer space Auditorium Gallery and exhibition space Wet and dry arts workspaces Rehearsal/dance studio Meeting rooms Kitchen and storage facilities Outdoor public plaza and leisure space Health and fitness facilities Wellness and health rooms Occasional child care facilities Electric vehicle charging stations Mini golf (potentially, but subject to final determination of future requirements) | <ul style="list-style-type: none"> Legislative requirements are met. |

| Management Issues | Objectives and Performance Targets (what do we want to achieve?) | Means of achievement of objectives (what will be done to achieve objective?) | Manner of assessment of performance (how will success be measured?) |
|---|--|---|--|
| <p>N. Clarify the boundaries of Mackay Park</p> | <p>Objective (from Section 5.4): (I)</p> <p>Performance Target</p> <ul style="list-style-type: none"> The boundaries of Mackay Park are accurately defined and mapped. | <p>N1 Council will, in consultation with the Crown, undertake a full survey of Mackay Park and implement an agreed process to amend the boundaries of the Mackay Park Reserve, including the preparation of a new Deposited Plan or Plans and the appointment of a land owner/manager in accordance with Crown Land requirements.</p> <p>N2 Through the survey process, Council will rectify any encroachments onto the former Batemans Bay bowling club site and any encroachments into Mackay Park from the former Batemans Bay bowling club site, such as through boundary adjustments, easements or rights of way.</p> <p>N3 Council to include the following lots at the southern extent of Mackay Park in a generic Natural Areas and Undeveloped Reserves Plan of Management:</p> <ul style="list-style-type: none"> Lot 1 DP118964 Lot 7036 DP1020368 Lot 7038 DP1054706 Lot 2 DP624610 Lot 5 DP633943 Lot 7012 DP1020708. | <ul style="list-style-type: none"> Survey of Mackay Park completed, process to amend boundaries of Mackay Park Reserve implemented, new Deposited Plan(s) approved and land owner/manager appointed. Land in the southern part of Mackay Park included in a generic Natural Areas and Undeveloped Reserves Plan of Management. |

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 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

| CONTACT | PHONE | EMAIL | WEBSITE |
|---|-------------------------------------|------------------------------|---------------------|
| Eurobodalla Shire Council Public Officer | 4474-1000 | council@eurocoast.nsw.gov.au | www.esc.nsw.gov.au |
| ICAC | 8281 5999 | icac@icac.nsw.gov.au | www.icac.nsw.gov.au |
| Local Government Department | 4428 4100 | dlg@dlg.nsw.gov.au | www.dlg.nsw.gov.au |
| NSW Ombudsman | 8286 1000 Toll Free 1800 451 524 | nswombo@ombo.nsw.gov.au | www.ombo.nsw.gov.au |

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

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

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

Setback Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);

Envelope taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;

Footprint the percentage of a lot taken up by a building on a site plan.

| Acronym | Meaning | Description |
|---------|-------------------------------|--|
| ACR | Australian Capital Region | The political and strategic grouping of the ACT government and 17 adjacent councils. |
| AEP | Annual Exceedance Probability | For floods expressed as a % eg 1% = 1:100 year event. The NSW Flood Guidelines nominate types of development and controls. |
| AHD | Australian Height Datum | Floor levels for buildings set to remain at or above flood level (expressed as 'freeboard'). |
| APZ | Asset Protection Zone | Area to be cleared and maintained around habitable buildings in bushfire prone areas. |
| AS | Australian Standard | Standards set by national body as minimum construction, service, system, planning or design requirements. |

| Acronym | Meaning | Description |
|----------------|---|--|
| BCA | Building Code of Australia | Prescribes minimum standards or performance base for building construction. |
| CAMP | Companion Animal Management Plan | Required by state law, plan nominating management of dogs and cats and areas for access for the exercise of dogs (eg beaches and reserves). |
| CC | Construction Certificate | Floor plans approved by council or private certifier in compliance with development conditions and BCA. |
| COPW | Condition of Public Works Report | Required by state law to define the condition of infrastructure assets, the cost to upgrade to defined standards, the current costs of maintenance and desired levels of maintenance. |
| CP | Cultural Plan | A cultural plan enables identification of cultural assets, identity and needs as well as providing a framework to develop cultural initiatives to increase opportunities for residents. |
| CSR | Complaint and Service Request | Requests received from public by phone, letter, email or Councillor to attend to certain works (eg pothole) or complain of certain service or offence (eg dogs barking). |
| DA | Development Application | Required by state law to assess suitability and impacts of a proposed development. |
| DAP | Disability Action Plan | Council plan outlining proposed works and services to upgrade facilities to progressively meet Disability Discrimination Act. |
| DCP | Development Control Plan | Local planning policy defining the characteristics sought in residential, commercial land. |
| DECCW | Department of Environment, Climate Change and Water (formerly EPA, NPWS, DEC) | State agencies (former Environment Protection and National Parks), DNR managing state lands and natural resources and regulating council activity or advising on development applications. |
| DWE | Department of Water and Energy | State agency managing funding and approvals for town and country water and sewer services and State energy requirements. |
| DoP | Department of Planning | State agency managing state lands and regulating council activity or advising on development applications or strategic planning. |
| DLG | Department of Local Government | State agency responsible for regulating local government. |
| DoL | Department of Lands | State agency managing state lands and advising on development applications or crown land management. |
| DoC | Department of Commerce | State agency (formerly Public Works) managing state public water, sewer and buildings infrastructure and advising/supervising on council infrastructure construction. |

| Acronym | Meaning | Description |
|----------------|---|--|
| DoH | Department of Health | State agency responsible for oversight of health care (community and hospital) programs. Also responsible for public warning of reportable health risks. |
| DOTAR | Department of Infrastructure, Transport and Regional Development and Local Government | Federal agency incorporating infrastructure, transport system, and assisting regions and local government. |
| EBP | Eurobodalla Bike Plan | Strategic Plan identifying priorities and localities for cycleways in the Shire. |
| EIS | Environmental Impact Statement | Required for designated and state developments researching and recommending solutions to social, economic and environmental impacts. |
| EMP | Estuary Management Plan | Community based plan, following scientific research of hydrology and hydraulics, recommending actions to preserve or enhance social, economic and environmental attributes of estuary |
| EMS | Environmental Management System | Plans prepared by council (such as waste management and strategic planning) around AS14000. |
| EOI | Expressions of Interest | Often called in advance of selecting tenders to ascertain capacity and cost of private sector performing tasks or projects on behalf of council. |
| EP&A | Environment Planning & Assessment Act | State law defining types of development on private and public lands, the assessment criteria and consent authorities. |
| ESC | Eurobodalla Shire Council | |
| ESD | Ecologically Sustainable Development | Global initiative recommending balance of social, economic and environmental values in accord with 7 ESD principles. |
| ESS | Eurobodalla Settlement Strategy | Council strategy prepared with assistance of government to identify best uses and re-uses of urban lands, the appropriate siting of private and public investment (eg institutions, employment areas or high density residential) based on current and planned infrastructure and land capacity. |
| ET | Equivalent Tenement | Basis of calculation of demand or impact of a single dwelling on water and sewer system. |
| FAG | Financial Assistance Grant | Federal general purpose grant direct to local government based on population and other 'disability' factors. |

| Acronym | Meaning | Description |
|----------------|--|--|
| FSR | Floor Space Ratio | A measure of bulk and scale, it is a calculation of the extent a building floor area takes up of an allotment. |
| GIS | Geographic Information System | Computer generated spatial mapping of land and attributes such as infrastructure, slope, zoning. |
| IPART | Independent Pricing & Regulatory Tribunal | State body that reviews statutory or government business regulatory frameworks and pricing levels. |
| IPWEA | Institute Public Works Engineers Australia | Professional association. |
| IWCMS | Integrated Water Cycle Management Strategy (or Plan) | Council plan identifying risk and social, economic and environmental benefit of proposed augmentation to water, sewer and stormwater systems. |
| IWMS | Integrated Waste Management (Minimisation) Strategy | Council plan identifying risk and social, economic and environmental benefit of proposed augmentation of waste (solids, effluent, contaminated, liquid trade waste). |
| LEP | Local Environment Plan | The statutory planning instrument defining the zones and objectives of urban and rural areas. |
| LGAct | Local Government Act | State law defining the role of Mayor, Councillors, staff, financing, approvals etc. |
| LGMA | Local Government Managers Australia | Professional association. |
| LGNSW | Local Government NSW | Representative advisory and advocacy group for councils in NSW. |
| MOU | Memorandum of Understanding | Agreement in principle between parties (eg council and agency) to achieve defined outcomes. |
| NPWS | National Parks & Wildlife Service | Now merged into DECCW. |
| NRM | Natural Resource Management | |
| NVC | Native Vegetation Act 2003 | State law defining means of protection of threatened legislation and approval processes to clear land. |
| OC | Occupation Certificate | Issued by council or private certifier that building is safe to occupy and in compliance with development conditions and BCA. |
| OSMS | On site sewage management system | Includes septic tanks, aerated systems, biocycles etc. |
| PCA | Principal Certifying Authority | The person or organisation appointed by applicant to inspect and certify structures. |

| Acronym | Meaning | Description |
|----------------|---|--|
| PIA | Planning Institute of Australia | Professional association. |
| POEO | Protection of the Environment Operations Act | State law outlining standards for emissions and discharges and penalties for pollution. |
| PoM | Plan of Management (usually for community land) | Council plan nominating type of uses for community land and range of facilities progressively to be provided on land. |
| PPP | Public Private Partnerships | |
| PTS | Public Transport Strategy | Council strategy to initiate mechanisms to promote and facilitate public transport (bus, taxi, community transport, cycles) in design of subdivisions, developments and council works. |
| REF | Review of Environmental Factors | Council examination of risk and social, economic and environmental benefit of proposed works, assessed against state planning, environment and safety laws. |
| REP | Regional Environment Planning Policy | Outlines compulsory state planning objectives to be observed in development assessment and strategic planning. |
| RFS | Rural Fire Service | State agency responsible for providing equipment and training for volunteer firefighter brigades, and the assessment and approval of developments in bushfire prone lands. |
| RLF | Regional Leaders Forum | The group of mayors and general managers representing the councils in the ACR. |
| RMS | Roads & Maritime Service | State agency responsible for funding, construction and maintenance of state roads, the approval of council works on arterial roads and development applications. |
| S64 | S64 Contributions Plan | Developer contributions plan to enable, with council and state funds, the augmentation of water, sewer and stormwater infrastructure. |
| S94 S94A | S94 Contributions Plan S94A Contributions Plan Levy Plan | Developer contributions to enable construction of public infrastructure and facilities such as roads, reserves, carparks, amenities etc. |
| SCG | Southern Councils Group | Political and strategic grouping of councils along the NSW south coast from Wollongong to the border, lobbying government for assistance (eg highways) and resourcing sharing initiatives. |
| SCRS | South Coast Regional Strategy | Regional Strategy prepared by DoP for ESC, BVSC and part SCC to guide new LEPs. |

| Acronym | Meaning | Description |
|----------------|--|--|
| SEA | Strategic Environment Assessment | Spatial assessment of environmental constraints of land considered in design and assessment of subdivision and infrastructure. Scientific research behind assessment of capacity of land and waterways in rural residential and urban expansion lands to sustain human settlement. |
| SEPP | State Environmental Planning Policy | Outlines compulsory state planning objectives. |
| SNSWLHD | Southern NSW Local Health Districts | State board commissioned with oversight of health care in Highlands, Monaro and Far South Coast. |
| SoER | State of the Environment Report | Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social, economic and environmental features of the Shire and appropriate responses to address or preserve those issues. |
| SP | Social Plan | Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social framework of the community, their services and facilities and economic interactions. |
|SP | Structure Plan | Plan promoting landuses and siting of infrastructure and facilities in towns (eg, BBSP – Batemans Bay Structure Plan). |
| SRCMA | Southern Rivers Catchment Management Authority | State agency commissioned with assessment and monitoring of health and qualities of catchments from Wollongong to the border, and determine directions and priorities for public and private investment or assistance with grants. |
| STP | Sewer Treatment Plant | Primary, secondary and part tertiary treatment of sewage collected from sewers before discharge into EPA approved water ways or irrigation onto land. |
| TAMS | Total Asset Management System | Computer aided system recording condition and maintenance profiles of infrastructure and building assets. |
| TBL | Triple Bottom Line | Commercial term coined to encourage business to consider and disclose social and environmental risk, benefit and costs in the conduct of business to guide investors as to the long term sustainability and ethics of a business. Taken up by Council to record the basis of prioritisation, the review of condition, the monitor of progress and the financial disclosure of preventative or maintenance investment in council based social and environmental activities. |
| ToR | Terms of Reference | |
| TSC | Threatened Species Conservation Act 1995 | State law governing the protection of nominated species and relevant assessment and development controls. |

| Acronym | Meaning | Description |
|----------------|------------------------------|---|
| WCF | Water Cycle Fund | Combination of water, sewer and stormwater activities and their financing arrangements. |
| WSUD | Water Sensitive Urban Design | Principle behind the IWCMS and council development codes requiring new developments to reduce demand and waste on water resources through contemporary subdivision and building design. |