



# **AGENDA**

**Extraordinary Meeting of Council**

**29 August 2017**



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

**ON TUESDAY 29 AUGUST 2017**

**COMMENCING AT 10.00AM**

**AGENDA**

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

**1. WELCOME AND EVACUATION MESSAGE**

**2. APOLOGIES**

Nil

**3. DEPUTATIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY)**

**4. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**

(Declarations also to be made prior to discussions on each item)

**Page No.**

**5. PLANNING AND SUSTAINABILITY REPORTS**

PSR17/050      Consideration of Business Cases and Concept Plan Options for  
Mackay Park Precinct Redevelopment ..... 2

**DR CATHERINE DALE  
GENERAL MANAGER**

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**PSR17/050 CONSIDERATION OF BUSINESS CASES AND CONCEPT PLAN  
OPTIONS FOR MACKAY PARK PRECINCT REDEVELOPMENT**

**E12.6442**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services

Attachments: 

1. Under Separate Cover - Mackay Park Regional Aquatic & Arts/Cultural Precinct Business Case - Final Draft Report
2. Mackay Park Precinct Concept Plan - Option 1
3. Mackay Park Precinct Concept Plan - Option 2
4. Confidential - Mackay Park Regional Aquatic & Arts/Cultural Precinct Batemans Bay - Submissions

Focus Area: Support Services

Delivery Program Link: SS3.3 Provide administrative, technical, professional and trade services

Operational Plan Link: SS3.3.4 Manage Council property to achieve best value to the community

**EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider endorsing one of two options for the redevelopment of the Batemans Bay Mackay Park precinct for a regional aquatic centre and arts and cultural facility.

The proposed redevelopment will deliver significant social and economic benefits, both to Batemans Bay and the wider Eurobodalla Shire community.

The concept plans include the key functions, rooms and services that have been raised by the community over a number of years, and the proposal will benefit a wide range of community members. In relation to aquatics, the concept plans include multiple swimming pools to cater for different ages and interests, with lap swimming, an exercise and therapy pool, learn to swim and aquatic play areas. For arts and cultural, the concept plans include a theatre with retractable seating for performances and a range of indoor programs and meetings, wet and dry arts activity rooms and a gallery and music/recording studio. The facility will also include general meeting rooms, visitor information services, a cafe and a welcoming shared reception.

The NSW Government has recently announced that a significant amount of funding is now available for the development of cultural and sports facilities, under the Regional Sports Infrastructure Fund and the Regional Cultural Fund. Council intends to submit applications for grant funding under both of these programs, one of which closes on 4 September 2017.

Both the Regional Sports Infrastructure Fund and the Regional Cultural Fund are a key element of the NSW Government's \$1.30 billion investment program to build economies and develop communities across the State. These funds are associated with the NSW Government Poles and Wires Program, and will be made available to the regions over the next four years to build and improve sporting facilities, and for the improvement of arts and cultural infrastructure. The intent of the programs are to develop places that encourage good health, foster friendships and community, and improve the usability of arts and cultural facilities. The proposed Mackay Park precinct regional aquatic centre and arts and cultural facility is consistent with this intent of delivering infrastructure and services to the regions.

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Given this significant opportunity to apply for funding that could deliver important facilities for our community, this early stage of the planning process for the Mackay Park precinct redevelopment has been fast-tracked to ensure we can meet the deadlines for submitting funding applications.

In 2016, Council undertook engagement with the community in relation to preferred development outcomes on the Mackay Park precinct. In particular, following the purchase of the former Batemans Bay Bowling Club, Council asked the community for their ideas for the future use of the precinct. Submissions from the community overwhelmingly supported a new aquatic centre, including a hydrotherapy pool for the site. Other suggestions for the use of the precinct included performing arts, sports centre, discovery centre, car parking, cafes and restaurants, conference and events, lawn bowls, community centre and an indoor play centre. The vast majority of submissions identified recreation and community uses as preferred uses for the land.

Council has also established a Sunset Committee consisting of representatives of key user groups and community members, to provide advice to Council throughout the precinct planning process to date.

In January 2017, Council engaged Otium Planning Group, with the assistance of FDG Architects, Outside the Square Creative Consultants, MRCagney and Turner Townsend Quantity Surveyors, to prepare the following:

- Eurobodalla Aquatic Strategy
- assessment of preferred arts and cultural facilities within the precinct
- concept plan for the precinct
- a detailed business case for an aquatic and recreation centre
- business case principles for the remainder of the precinct.

Two options for the redevelopment of the precinct were developed as follows:

- option 1: a combined aquatic and arts and cultural facility on the southern part of the precinct.
- option 2: an aquatic facility on the southern part of the precinct and an arts and cultural facility on the northern part of the precinct.

The consultant recommends that Council move forward with option 1, being the combined aquatic and arts and cultural facilities in the southern part of the precinct. The following justification is provided:

- Option 1 will cost \$2.7m less to construct than option 2.
- Option 1 provides for a shared management and staffing model that will significantly reduce operating costs – over ten years option 1 will cost \$2.97m less to operate than option 2.
- Option 1 provides for greater cross-promotion and marketing of events and activities, particularly with the inclusion of the gateway visitor centre.

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- Option 1 provides for shared infrastructure, services and plant.
- Leaving the northern part of the precinct unencumbered increases its value and potential for a public private partnership to deliver the other preferred development outcomes for the precinct.

It should be noted that option 2 not only costs more, but does not provide any additional benefits to the community.

In both options, the consultant recommends a 25m by eight lane pool. The consultant has not recommended a 50m pool be provided at Mackay Park for the following reasons:

- A 50m pool is inconsistent with the draft aquatic strategy for the Eurobodalla Shire, which positions the Batemans Bay Aquatic Centre as the 'program and aquatic leisure centre' and the Narooma Pool as Eurobodalla Shire's 'event and competition swimming centre'.
- A 50m pool will cost approximately \$6m more to construct and up to \$300,000 per annum more to operate.
- There is a limited market for a 50m pool when compared to the strong demand for recreation and program/therapy pool space, given the ageing population of Eurobodalla Shire and the family tourist market.
- Given the cost and space limitations, it is highly likely that much higher use/commercially viable water space may be sacrificed to include a 50m pool at Mackay Park.
- A 25m by eight lane pool can adequately service the training needs of swim club members and lap swimmers, and can also hold short course competitions.

The concept plan addresses development outcomes encouraged for the Mackay Park precinct that are primarily 'community' facilities. Other development outcomes will be explored with the private sector, who will be able to provide such if considered to be commercial.

On Monday 21 August 2017, Council held three information sessions to update the community on the process to date and the options prepared for Council's consideration.

Community engagement is ongoing and will continue throughout the precinct planning process via the Sunset Committee and broader engagement with the public at key stages of the project. It is important to note that the concept plans prepared for Council's consideration are not a design. They are an indication of how the recommended components and facilities can fit on the site for the purposes of a business case. Council will continue to work with the Sunset Committee and engage with the broader community on the process of turning the concept plan into final architectural drawings, in a manner that considers any concerns and maximises the potential for successful operation of the facility.

To maximise Council's chances of success in receiving funding to construct an aquatic centre and arts and cultural facility, Council needs to make a decision on which option to proceed with. As noted above, making a decision about the option does not mean that there is no opportunity for improvements, or other changes as the concept plan is refined into

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architectural drawings, including the option to design a facility that allows for potential expansion in the future.

Further, to maximise the chances of success in receiving funding for the project, Council needs to select an option that best meets the criteria for funding under the grant programs, including:

- The project is supported by a strategic assessment.
- The project is underpinned by an economic assessment.
- The project is affordable.
- The project is deliverable.

It is recommended that Council resolve to proceed with option 1 for the reasons outlined above. This option is considered to best meet the overarching principles for the redevelopment of the precinct. It will deliver a more financially affordable development, and it provides for additional development on the northern part of the precinct that will stimulate broader economic growth within the Batemans Bay CBD. Option 1 delivers a number of the preferred development outcomes that both Council and the community have called for in the most cost effective manner. In addition, option 1 best facilitates the development of the remaining preferred development outcomes through a potential future public private partnership or other procurement process.

**RECOMMENDATION**

THAT:

1. Council endorse option 1, being the development of a regional aquatic centre, arts and cultural facility and gateway visitor centre, on the southern part of the Batemans Bay Mackay Park precinct for the purpose of seeking grant funding to construct the facility.
2. Council endorse option 1 to inform the detailed planning and design process for the precinct, and to inform the process of seeking to establish a public private partnership, or other procurement process, for the development of the northern part of the precinct.
3. In the detailed planning and design process for the aquatic centre and arts and cultural facility, Council consider the potential to expand the facility, if and when, needed into the future.
4. Council develop a process to ensure ongoing engagement with the community throughout the design and development phases of the facility.
5. Council thank the members of the Sunset Committee for their work to date in assisting with the early planning stages of the project.

**BACKGROUND**

**Initial community engagement and preliminary EOI for potential Public Private Partnership**

Council has, over a number of years, consulted with the community about the need for an indoor aquatic centre and arts and cultural facility in Batemans Bay. In 2012, Council

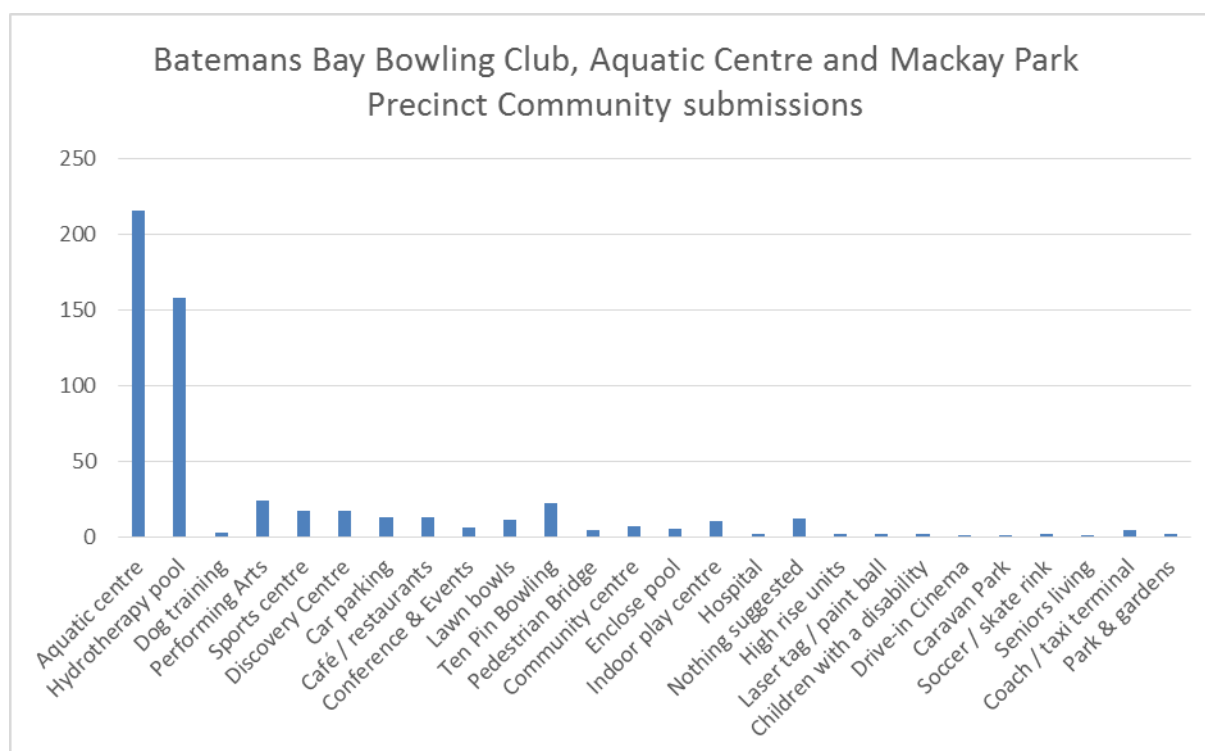
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commissioned a survey of Eurobodalla Shire residents and rate payers in relation to long-term financial planning. The survey found that 61% of residents and 52% of non-resident ratepayers indicated that it was very important, to at least somewhat important, that a regional aquatic facility is built in the next ten years. The survey also found that 55% of residents and 51% of non-resident ratepayers indicated that it was very important, to at least somewhat important, that a regional performing arts centre be built in the next ten years.

In 2013, Council exhibited options for aquatic, performing arts and community arts facilities at Hanging Rock. Council received 370 submissions from the community. While the largest number of submissions supported only aquatic and other recreation and sports facilities at Hanging Rock, many submissions acknowledged the importance of arts and cultural facilities to the community and that these facilities should be provided at a location other than Hanging Rock.

In July 2016, Council's purchase of the former Batemans Bay Bowling Club site was settled. This strategic purchase resulted in all of the land to the west of the Princes Highway, across from the Batemans Bay town centre, being in public ownership. Following the purchase, Council asked the community for their ideas for the future use of the precinct. The following table summarises the responses from the community, noting that many submissions included multiple suggestions.



An 'aquatic centre' and 'hydrotherapy facility' received the most number of submissions. It must be noted that while performing arts was considerably lower, submissions suggesting performing arts were from community groups with multiple members, so it does rank highly as a desired use. The majority of submissions do fit within the following mix of development outcomes that have been identified by Council:



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- new aquatic and recreation centre
- arts and cultural facility
- conference and event space
- tourist accommodation
- residential accommodation
- restaurant and cafes
- gateway visitor centre
- integration of existing sporting fields into the future redevelopment.

At the same time, Council called for preliminary expressions of interest from parties interested in partnering with Council in the redevelopment of the precinct. The purpose of receiving private sector preliminary expressions of interest, was purely to see if there is any private sector interest in partnering with Council for a future Public Private Partnership (PPP) that would assist in delivering community infrastructure. Responses received from four companies indicates that there is interest. These submissions are commercial in confidence.

**Batemans Bay Mackay Park Sunset Committee**

Council resolved on 11 October 2016 to establish a Sunset Committee following a call for submissions for community representatives.

The Sunset Committee has now met on four occasions: 2 November 2016, 23 March 2017, 3 May 2017 and 9 August 2017.

**Preparation of concept plans and business cases**

On 22 November 2016, Council resolved to commence formal project proposal documents in accordance with the Office of Local Government's guidelines on Public Private Partnerships. As part of this, Council engaged Otium Planning Group in January 2017 following a competitive request for quotation process, to prepare the following:

- Eurobodalla Aquatic Strategy
- assessment of preferred arts and cultural facilities within the precinct
- concept plan for the precinct
- a detailed business case for an aquatic and recreation centre
- business case principles for the remainder of the precinct.

The consultancy brief identified the following overarching principles for the redevelopment of the precinct:

- to deliver a financially sustainable development
- to stimulate broader economic growth within the Batemans Bay CBD.

Otium Planning Group presented the draft Eurobodalla Aquatic Strategy, assessment of preferred arts and cultural facilities and a draft concept plan to Council and the Sunset

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Committee on 2 and 3 May 2017, respectively. The draft concept plan identified both the aquatic centre and arts and cultural facilities in a single development footprint in the southern part of the precinct. The draft concept plan also provided space for a gateway visitor centre and for activities currently accommodated at the Batemans Bay Community Centre.

This draft concept plan (hereafter referred to as option 1) left the northern part of the precinct unencumbered and therefore, available for a future development accommodating the remaining preferred development outcomes (conference and event space, tourist accommodation, residential accommodation, restaurants and cafes) potentially as part of a future PPP, or alternate procurement process.

At the request of the Sunset Committee, Council resolved on 23 May 2017 to approve a contract variation to include a second option of 'de-coupling' the arts and cultural facilities from the aquatic centre.

Otium Planning Group then prepared a second concept plan showing the aquatic centre on the southern part of the precinct and the arts and cultural facility on the northern part of the precinct (option 2). The consultant also prepared a detailed business case for both concept plan options and presented their findings to Council and the Sunset Committee on 8 and 9 August 2017, respectively.

**Grant funding opportunity**

The NSW Government has recently announced that a significant amount of funding is now available for the development of cultural and sports facilities, under the Regional Sports Infrastructure Fund and Regional Cultural Fund. Council intends to submit applications for grant funding of the redevelopment under both of these programs, one of which closes on 4 September 2017.

To maximise Council's chances of success in receiving funding to construct an aquatic centre and arts and cultural facility, Council needs to make a decision on which option to proceed with. Making a decision about the option does not mean that there is no opportunity for improvements or other changes, as the concept plan is refined into architectural drawings.

Further, to maximise the chances of success in receiving funding for the project, Council needs to select an option that best meets the criteria for funding under the grant programs, including:

- The project is supported by a strategic assessment.
- The project is underpinned by an economic assessment.
- The project is affordable.
- The project is deliverable.

**CONSIDERATIONS**

In accordance with the consultant brief and Council's resolutions, Otium Planning Group have developed a draft Eurobodalla Aquatic Strategy, an assessment of preferred arts and cultural facilities within the precinct, and a draft business case with concept plans for two options for consideration by Council.

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**Draft Eurobodalla Aquatic Strategy**

Based on an assessment of the condition of existing aquatic facilities in Eurobodalla Shire, population and tourist demographics and projections, stakeholder engagement and current trends and best practice in the delivery of aquatic facilities, the consultant recommends in the draft Eurobodalla Aquatic Strategy that the three aquatic facilities in Eurobodalla Shire be positioned as follows:

**Pool facility**

**Strategic positioning**

Batemans Bay Pool

Program and aquatic leisure centre

A contemporary leisure centre facility mix featuring different programs, leisure, fitness and adventure water options, health and fitness facilities, retail, food and beverage and co-location with visitor information centre, community and arts and cultural facilities.

Narooma Pool

Event and competition swimming centre

Enclosed 50m pool retained to accommodate Eurobodalla Shire's swimming carnival and event needs.

Moruya Pool

Retain as district level pool

Future development does not conflict with, or duplicate, the Batemans Bay and Narooma aquatic facilities.

The draft strategy identified the following potential components for the Batemans Bay Aquatic Centre:

Indoor aquatic facility

- indoor 25m x 20m (eight lane) pool with ramp access
- warm water/program pool and spa area at end of pool with ramp access
- toddlers/leisure water (incorporating some deeper water at one end to accommodate additional learn-to-swim)
- water play splash pad (zero depth)
- tower and waterslides
- aquatic change rooms and amenities
- family/special needs change rooms
- pool deck showers
- other support facilities:
  - storage
  - first aid room
  - aquatic office

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- wet lounge
- plant room.

Health and fitness

- program rooms (dividable x 2)
- gymnasium/weights room
- health and fitness amenities and change.

'Dry' indoor area

- party room
- possible indoor sports courts (subject to further investigation in design phase).

Shared front of house areas

- shared foyer/reception/merchandising area for aquatic, arts/cultural/visitor information components
- food and beverage areas to service above components
- offices/administration/staff rooms to service above components
- public toilets.

Other areas

- carparking and access
- dry plant room
- loading bay
- cleaners room/store
- communications room
- circulation, including lift well.

The consultant has not recommended a 50m pool be provided at Mackay Park for the following reasons:

- A 50m pool is inconsistent with the aquatic strategy for Eurobodalla Shire, which positions Batemans Bay Aquatic Centre as the 'program and aquatic leisure centre' and the Narooma Pool as Eurobodalla Shire's 'event and competition swimming centre'.
- A 50m pool will cost approximately \$6m more to construct and up to \$300,000 per annum more to operate.
- There is a limited market for a 50m pool when compared to the strong demand for recreation and program/therapy pool space, given the ageing population of Eurobodalla Shire and the family tourist market.

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- Given the cost and space limitations, it is highly likely that much higher use/commercially viable water space may be sacrificed to include a 50m pool at Mackay Park.
- A 25m by eight lane pool can adequately service the training needs of swim club members and lap swimmers and can also hold short course competitions.

It is noted that many swim club members and other residents currently use the indoor 25m pool in Ulladulla and local schools use the Moruya 25m pool for carnivals.

**Assessment of preferred arts and cultural facilities within the precinct**

Based on an analysis of existing arts and cultural facilities, population and tourism data, Council's existing planning documents, a review of relevant external reports and studies and the stakeholder engagement, the consultant recommends that an arts and cultural facility at the Mackay Park precinct should serve as a hub for visual arts, performing arts, music and other events/exhibitions, visitor information, and day-to-day community activities for Batemans Bay and the wider Eurobodalla Shire.

The report identified the following potential components of an arts and cultural facility at the Mackay Park precinct (including areas proposed to be shared with the aquatic centre):

Main auditorium

- flat floor main auditorium with retractable seating for up to 500 people. While substantially less seating may satisfy many uses, the capacity to ramp up to 500 seats will enable touring shows, or larger events, to be accommodated
- flexible stage/grid
- backstage/wings/dressing rooms
- contemporary sound and lighting
- good acoustics
- presentation technology/screen
- when seating is not in use, floor space would be utilised for a range of exhibitions, displays, meetings or community activities currently provided for in the main hall area of the community centre.

Support spaces

- 'wet' arts workshop/classroom space with washable floor area
- large meeting room with operable walls
- small meeting room
- soundproofed, versatile dance/rehearsal studio space with sprung timber floor
- kitchen
- music/recording studio.

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Visitor information centre

- soundproofed small theatrette to showcase the region
- community gallery designed to accommodate moveable displays and wall space for visual arts.

Ancillary spaces

- toilets
- loading bay
- storage areas.

Shared areas

- large open space foyer area with reception desk to cater for aquatic, arts/cultural and visitor information centre
- administration offices
- reception area linked to administration offices and food and beverage areas
- food and beverage area servicing both arts/cultural centre and aquatic centre patrons.

Parking

- carparking
- long vehicle parking in close proximity to main entry.

It is important to note that the arts and cultural facility is intended to be a multi-use community hub that caters for a range of community activities, including those currently housed at the Batemans Bay Community Centre. For example, when seating in the auditorium is not in use, floor space would be utilised for a range of exhibitions, displays, meetings or community activities currently provided for in the main hall area of the community centre. The concept plans show the auditorium is just over 400m<sup>2</sup> in size. This is much larger than the current main hall in the Batemans Bay Community Centre, which is just under 200m<sup>2</sup>, so it will cater to larger meetings and functions. It will not, however, cater for major events and conferences, as its primary purpose is as a cultural and arts space, and a dedicated conference and event facility can potentially be provided as part of a future redevelopment of the northern part of the Mackay Park precinct, in conjunction with tourist and residential accommodation, restaurants and cafes and other potential development outcomes that could stimulate broader economic growth in Batemans Bay.

**Business case and concept plan – options 1 and 2**

The option 1 draft concept plan identifies both the aquatic centre and arts and cultural facilities in a single development footprint in the southern part of the precinct. The aquatic and arts and cultural components included in option 1 are as recommended in the draft Eurobodalla Aquatic Strategy and the assessment of preferred arts and cultural facilities, as identified above, with the exception of indoor sports courts. The draft concept plan also provides space for a gateway

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visitor centre and for activities currently accommodated at the Batemans Bay Community Centre.

Option 1 leaves the northern part of the precinct unencumbered and therefore, available for a future development accommodating the remaining preferred development outcomes (conference and event space, tourist accommodation, residential accommodation, restaurants and cafes) potentially as part of a future PPP, or other procurement process.

The option 2 draft concept plan provides the aquatic centre on the southern part of the precinct and the arts and cultural facility on the northern part of the precinct.

The business case prepared by the consultant considers both options and is based on a range of assumptions developed by the consultant, based on their extensive experience and benchmarked against similar facilities around Australia.

Copies of the business case and concept plans for both options are included as attachments to this report.

The business case for both options outlined the following financial outcomes (excluding depreciation and any potential borrowing costs):

Indicative capital cost estimate

Option 1 - \$46.1m

Option 2 - \$48.8m

Indicative operational cost estimates (over ten years)

<b>Performance category</b>	<b>Option 1</b>	<b>Option 2</b>
Projected visitation (year 1)	276,283	271,529
Projected visitation (year 10)	320,558	315,262
Projected annual income (year 1)	\$2.949m	\$2.922m
Projected annual income (year 10)	\$4.447m	\$4.410m
Projected annual expenditure (year 1)	\$3.919m	\$4.139m
Projected annual expenditure (year 10)	\$5.195m	\$5.498m
Projected deficit (year 1)	(\$969,787)	(\$1.215m)
Projected deficit (year 10)	(\$748,215)	(\$1.089m)

Taking into account the combined cash operational deficit of providing the services of the existing Batemans Bay Pool, visitor centre and community centre of \$634,591 (for the year ending 30 June 2017, excluding depreciation and potential borrowing costs), the proposed development would result in the following projected additional annual cost to Council:

<b>Option</b>	<b>Year 1</b>	<b>Year 10</b>
Option 1	(\$335,196)	(\$113,624)
Option 2	(\$581,210)	(\$454,063)

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All of the above information demonstrates that option 1 has a lower capital cost and a lower cash operational cost over ten years than option 2.

**Consultant's recommendation**

The consultant recommends that Council move forward with option 1, being the combined aquatic and arts and cultural facilities in the southern part of the precinct. The following justification is provided for this recommendation:

- Option 1 will cost \$2.7m less to construct than Option 2.
- Option 1 provides for a shared management and staffing model that will significantly reduce cash operating costs; over ten years, option 1 will cost \$2.97m less to operate than option 2.
- Option 1 provides for greater cross-promotion and marketing of events and activities, particularly with the inclusion of the gateway visitor centre.
- Option 1 provides for shared infrastructure, services and plant, leaving the northern part of the precinct unencumbered, increasing its value and potential for a PPP to deliver the other preferred development outcomes for the precinct.

**Legal**

There are no legal requirements or impediments with regard to the making of a decision in relation to which of the options Council endorses for the purpose of seeking grant funding to construct new aquatic and arts and cultural facilities.

If, however, any part of the redevelopment of the precinct is to be undertaken as a PPP, it will be undertaken in accordance with the provisions of the *Local Government Amendment (Public Private Partnerships) Act 2004* and the Office of Local Government's (OLG) guidelines on the procedures and processes to be followed by local government in Public Private Partnerships. The OLG oversee the PPP process and would act as an independent third party overseeing Council's implementation of the PPP.

**Environmental**

Any potential environmental impacts of the development will be assessed as part of the future planning and Development Application process.

**Asset**

The business case and concept plan options have taken into consideration existing Council assets. Redevelopment of the precinct to include a visitor information centre and community centre functions would allow Council to consider the potential redevelopment, lease or sale of the Council-owned land on which those existing facilities in Batemans Bay are located. Any income from the potential sale or lease of these sites has not been included in the business case.

**Social Impact**

The redevelopment of the precinct to achieve the desired mix of development outcomes will have a significant positive social impact on Batemans Bay and Eurobodalla Shire.



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**Economic development employment potential**

The redevelopment of the precinct will have significant positive impacts on economic development and employment creation. There will be direct job creation during construction and post construction, during operation of the many new facilities and businesses that will potentially occupy the precinct. The redevelopment has the strong potential to be a catalyst for further development in Batemans Bay as confidence in the local economy is boosted by the redevelopment. Provision of these facilities will also assist in attracting visitors and new residents to the area, further contributing to the local economy.

SGS Economics and Planning Pty Ltd have been engaged to undertake a cost benefit assessment and economic impact analysis of the proposal. This is being prepared in accordance with NSW Government requirements to support the grant applications.

The option 1 concept plan, which leaves the northern part of the site unencumbered, ensures that this land is available for future development opportunities that will assist in maximising the economic yield arising from the precinct, and to the broader economy.

**Financial**

Council will be making applications for grant funding through NSW and Federal Government grant programs to build the aquatic centre and arts and cultural facilities. The business case prepared by the consultant identifies the projected additional operating costs of the new facilities over and above the costs associated with existing facilities that would be relocated to the precinct. For option 1, Council's cash operating deficit is predicted to be \$335,196 decreasing to \$113,624 by year 10. As the planning process continues, and if a PPP approach is pursued for development of the remainder of the precinct, Council will investigate additional income opportunities to offset this additional deficit. A key principle of the redevelopment of the entire precinct is to achieve a financially affordable development, being a development that is affordable to the community.

It is also noted that as the quantum of grant funding, if awarded, is unknown, any requirement to raise loans is also unknown and cannot be quantified. Further, any additional depreciation for any structure can only be determined once final designs and construction costs are also known.

**Community and stakeholder engagement**

Council has consulted with the community on the development of an indoor aquatic centre and cultural and arts facilities, including the redevelopment of the Mackay Park precinct. Early in the process, it sought feedback on ideas for the future use of the precinct. Submissions from the community overwhelmingly supported a new aquatic centre, including a hydrotherapy pool for the site. Other suggestions for the use of the precinct included performing arts, sports centre, discovery centre, car parking, cafes and restaurants, conference and events, lawn bowls and ten pin bowls, community centre and an indoor play centre. The vast majority of submissions identified recreation and community uses as preferred uses for the land.

Council has established and collaborated with the Batemans Bay Mackay Park Sunset Committee on the planning process to date and will continue to do so. The Sunset Committee have met on four occasions and, as representatives of key user groups, have provided advice

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and input to Council and the consultant in the process of developing the concept plans for the precinct.

At the Sunset Committee meeting held on 9 August 2017, an alternative to the two options prepared by the consultant was presented by two members of the committee. This alternative plan was to refurbish and undertake significant expansion of the existing Bowling Club building to accommodate arts and cultural facilities, and the construction of a new multi-purpose building to cater for a range of activities, including conferences and events.

Given the deadlines for current grant funding opportunities, this alternative plan is not recommended as no business case has been presented to assess how it compares in terms of capital and operational costs with options 1 and 2. Such analysis is required as part of the grant funding applications. Further, the alternative plan would result in a lost opportunity to pursue development outcomes that could deliver tourist accommodation, residential accommodation, restaurant and cafes and other potential development outcomes that could stimulate broader economic growth in Batemans Bay. Whilst the Bowling Club could be refurbished it would not be a new purpose built arts and cultural facility.

At the 9 August 2017 Sunset Committee meeting, members were asked to consult with their groups and provide Council with letters outlining their views on the concept options presented by the consultant. Attached to this report are the submissions received.

On Monday 21 August 2017, Council held three information sessions to update the community on the process to date and the options prepared for Council's consideration. The project consultant presented the business case and concept options to those attending the sessions, and there was an opportunity for questions to be asked. The overwhelming view expressed at the sessions was in support of Council moving forward to secure grant funds and develop the precinct.

A copy of the business case and concept plan options were made available for community members to view at Council's three libraries and at the Moruya Customer Service Centre from 18 August 2017. The documents were also available for viewing on Council's website from 17 August 2017.

While some of the Sunset Committee members have raised a number of issues with option 1, the general consensus is that Council should not miss the opportunity to seek grant funding to deliver the development of a new aquatic facility and an arts and cultural facility for the community. It is recognized that there is further work to do to refine the concept plans to ensure the needs of the community are met in an affordable manner.

Issues raised by the Sunset Committee members and the groups they represent will continue to be explored throughout the planning and design process for the Mackay Park precinct redevelopment. Many of the issues raised can be addressed through detailed design work. In particular, the concerns relating to the co-location of arts and aquatic activities in one facility can be addressed through good architectural design and fit-out of the spaces. It is important to note that the concept plans prepared are not set in stone and will inform the more detailed planning and design process where improvements can be made. Council will continue to work with the Sunset Committee and engage with the broader community on the process of turning

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the concept plan into final architectural drawings, in a manner that considers concerns raised and maximises the potential for successful operation of the facility and the precinct.

The broader community have been kept up-to-date via media releases and updates on Council's website. As the planning process continues, there will be further engagement with the broader community on the plans for redevelopment of the precinct.

**CONCLUSION**

A draft business case and concept plans for two options for the redevelopment of the Batemans Bay Mackay Park precinct for a regional aquatic centre and arts and cultural facility, have been prepared by Otium Planning Group for Council's consideration.

The NSW Government has recently announced that a significant amount of funding is now available for the development of cultural and sports facilities, under the Regional Sports Infrastructure Fund and the Regional Cultural Fund. Council intends to submit applications for grant funding under both of these programs, one of which closes on 4 September 2017.

Given this significant opportunity to apply for funding that could deliver important facilities for the community, this early stage of the planning process for the Mackay Park precinct redevelopment has been fast-tracked to ensure we can meet the deadlines for submitting funding applications.

Council has, over a number of years, consulted with the community about the need for an indoor aquatic centre and arts and cultural facility in Batemans Bay. Council established a Sunset Committee, consisting of representatives of key user groups and community members, to provide advice to Council throughout the precinct planning process to date. Community engagement will continue throughout the precinct planning process through the Sunset Committee and broader engagement with the public, at key stages of the project.

The two options for the redevelopment of the precinct developed by the consultant are:

- option 1: a combined aquatic and arts and cultural facility on the southern part of the precinct
- option 2: an aquatic facility on the southern part of the precinct and an arts and cultural facility on the northern part of the precinct.

The consultant recommends that Council move forward with option 1, being the combined aquatic and arts and cultural facilities in the southern part of the precinct. The following justification is provided for this recommendation:

- Option 1 will cost \$2.7m less to construct than option 2.
- Option 1 provides for a shared management and staffing model that will significantly reduce cash operating costs; over ten years option 1 will cost \$2.97m less to operate than Option 2.
- Option 1 provides for greater cross-promotion and marketing of events and activities, particularly with the inclusion of the gateway visitor centre.
- Option 1 provides for shared infrastructure, services and plant.

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- Leaving the northern part of the precinct unencumbered, increases its value and potential for a public private partnership to deliver the other preferred development outcomes for the precinct.

In both options, the consultant recommends a 25m by eight lane pool. The consultant has not recommended a 50m pool be provided at Mackay Park for the following reasons:

- A 50m pool is inconsistent with the draft aquatic strategy for Eurobodalla Shire, which positions the Batemans Bay Aquatic Centre as the 'program and aquatic leisure centre' and the Narooma Pool as Eurobodalla Shire's 'event and competition swimming centre'.
- A 50m pool will cost approximately \$6m more to construct and up to \$300,000 per annum more to operate.
- There is a limited market for a 50m pool, when compared to the strong demand for recreation and program/therapy pool space, given the ageing population of Eurobodalla Shire and the family tourist market.
- Given the cost and space limitations, it is highly likely that much higher use/commercially viable water space may be sacrificed to include a 50m pool at Mackay Park.
- A 25m by eight lane pool can adequately service training needs of swim club members and lap swimmers, and can also hold short course competitions.

To maximise Council's chances of success in receiving funding to construct an aquatic centre and arts and cultural facility, Council needs to make a decision on which option to proceed with. It is important to note that making a decision on the option does not mean that there is no opportunity for improvements or other changes, as the concept plan is refined into architectural drawings, including the option to design a facility that allows for potential expansion in the future.

Further, to maximise the chances of success in receiving funding for the project, Council needs to select an option that best meets the criteria for funding under the grant programs, including:

- the project is supported by a strategic assessment
- the project is underpinned by an economic assessment
- the project is affordable
- the project is deliverable.

It is recommended that Council resolve to proceed with option 1 for the reasons outlined above. This option is considered to best meet the overarching principles for the redevelopment of the precinct. It will deliver a more financially affordable development and it provides for additional development on the northern part of the precinct that will stimulate broader economic growth within the precinct and the Batemans Bay CBD.

Option 1 delivers a number of the preferred development outcomes that both Council and the community have called for, in the most cost effective manner. In addition, option 1 best

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facilitates the development of the remaining preferred development outcomes through a potential future Public Private Partnership approach or alternate procurement process.



**MACKAY PARK PRECINCT CONCEPT PLAN - OPTION 1**  
INTEGRATED AQUATIC, ARTS AND CULTURAL, VISITOR CENTRE IN SOUTH OF PRECINCT

**A001 SITE PLAN**

4.8.17

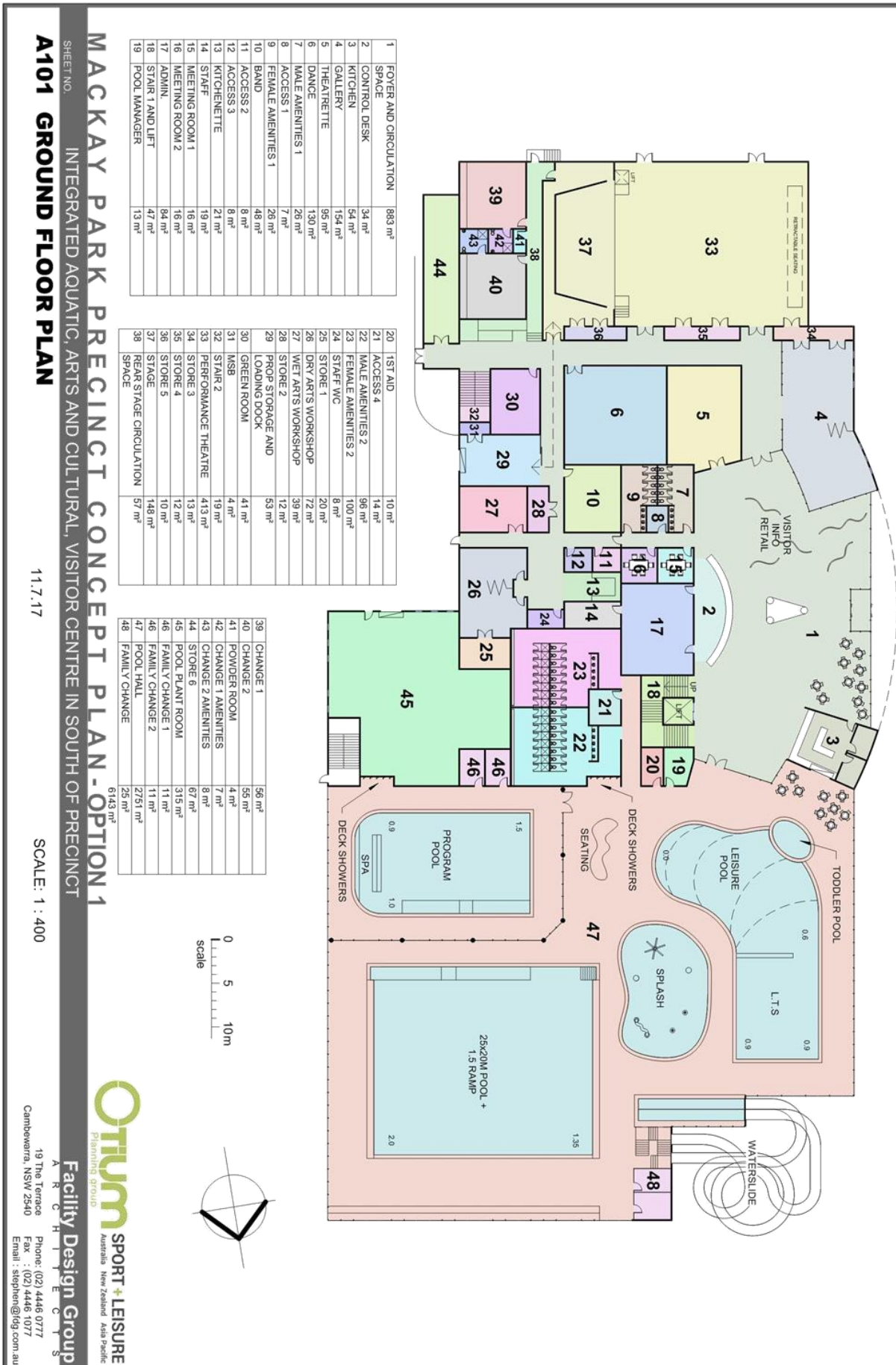
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**OTIUM** SPORT + LEISURE  
Planning Group  
Australia New Zealand Asia Pacific

**Facility Design Group**

19 The Terrace  
Camden NSW 2540  
Phone: (02) 4446 0777  
Fax: (02) 4446 1077  
Email: stephen@fdg.com.au





## A102 UPPER FLOOR PLAN

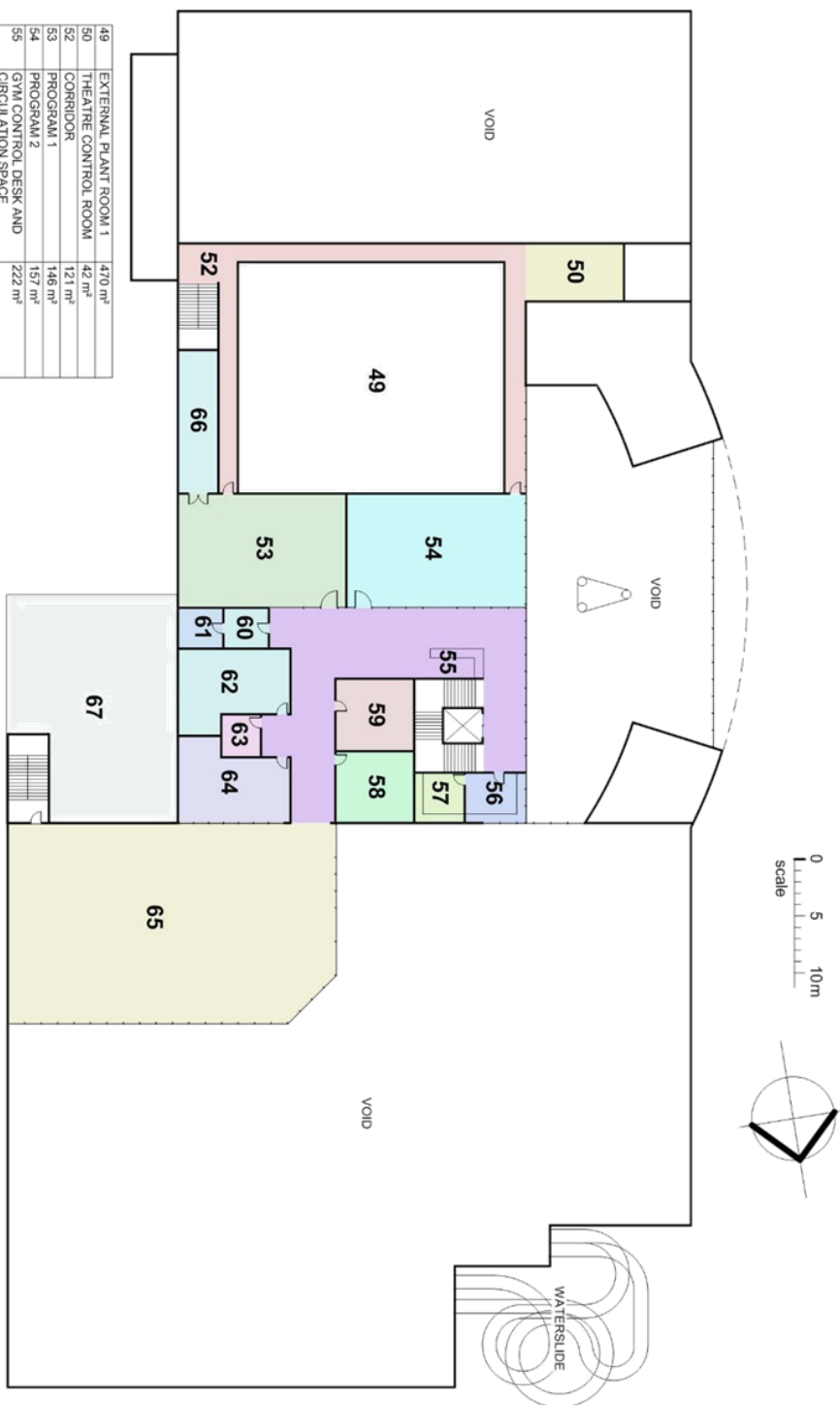
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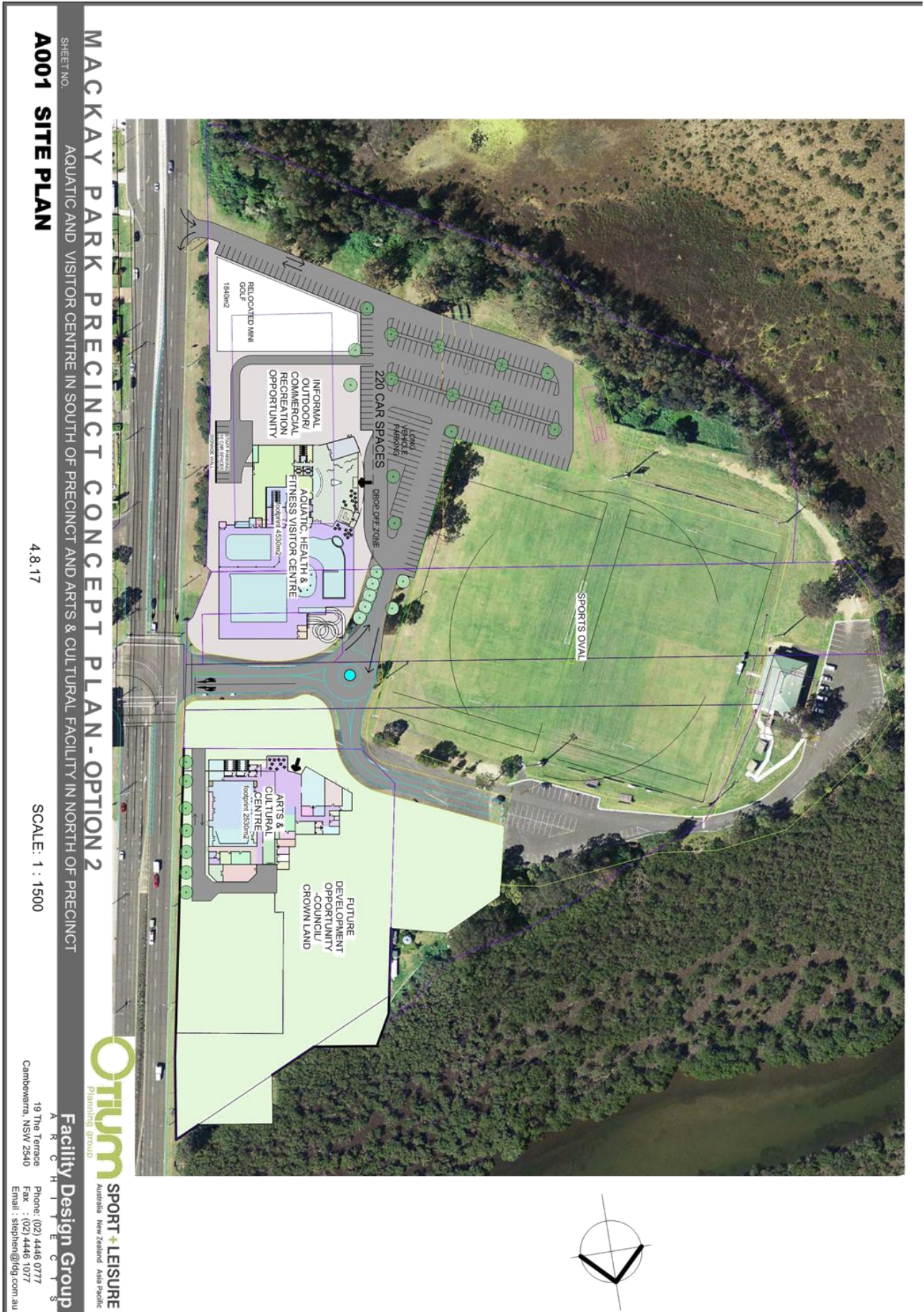
**OTUM**  
Planning group  
**SPORT + LEISURE**  
Australia New Zealand Asia Pacific

49	EXTERNAL PLANT ROOM 1	470 m <sup>2</sup>
50	THEATRE CONTROL ROOM	42 m <sup>2</sup>
51	CORRIDOR	121 m <sup>2</sup>
52	CORRIDOR	146 m <sup>2</sup>
53	PROGRAM 1	161 m <sup>2</sup>
54	PROGRAM 2	157 m <sup>2</sup>
55	GYM CONTROL DESK AND CIRCULATION SPACE	222 m <sup>2</sup>
56	STAFF ROOM	23 m <sup>2</sup>
57	MANAGER	18 m <sup>2</sup>
58	ASSESSMENT 1	42 m <sup>2</sup>
59	ASSESSMENT 2	42 m <sup>2</sup>
60	STORE 7	13 m <sup>2</sup>
61	CLEANER	13 m <sup>2</sup>
62	FEMALE AMENITIES 2	62 m <sup>2</sup>
63	ACCESS CHANGE	12 m <sup>2</sup>
64	MALE AMENITIES 3	62 m <sup>2</sup>
65	GYM	459 m <sup>2</sup>
66	STORE 8	45 m <sup>2</sup>
67	EXTERNAL PLANT ROOM 2	269 m <sup>2</sup>

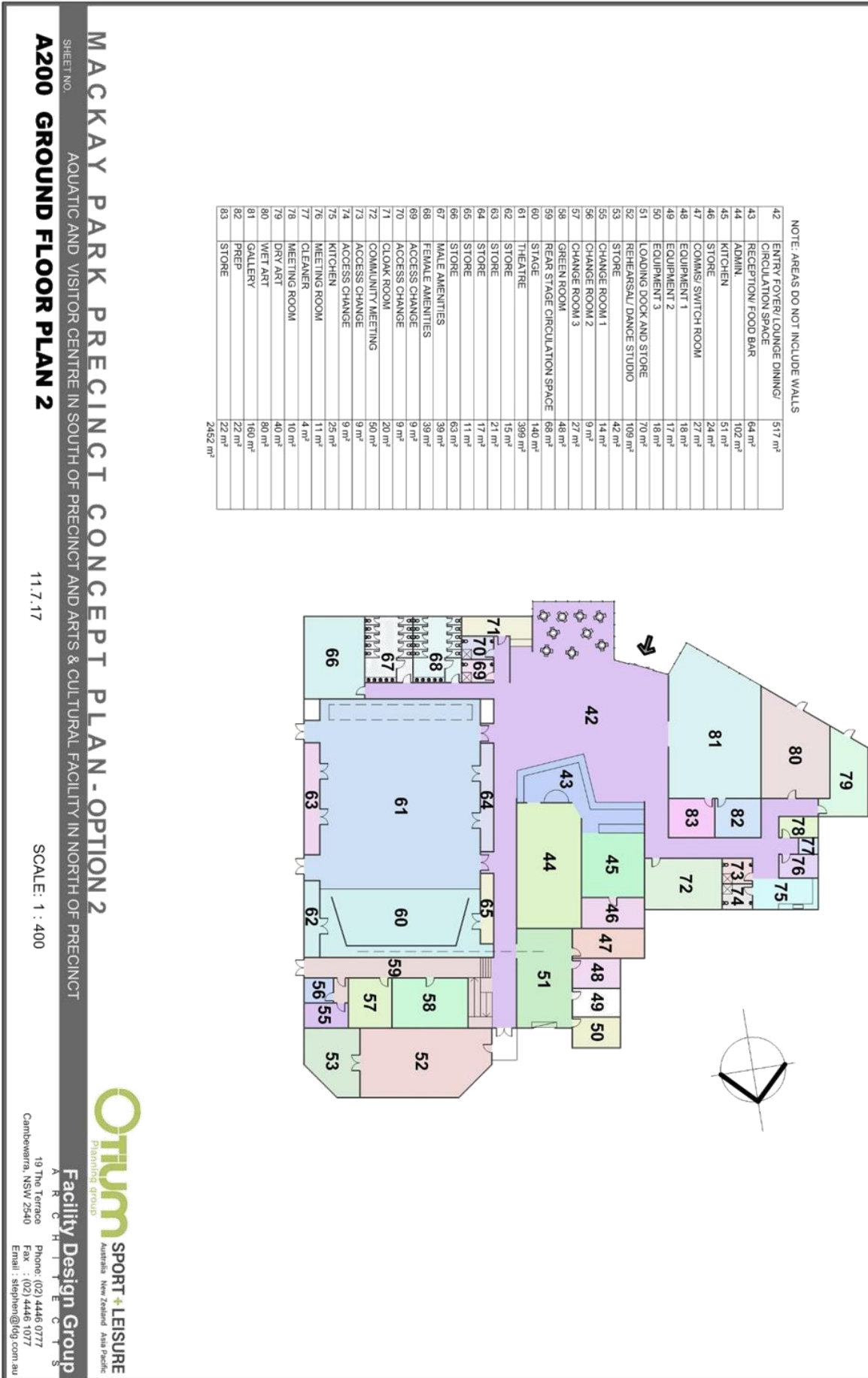


A vertical scale with major markings at 0, 5, and 10m. There are minor markings every 1m, and intermediate markings every 0.5m.





ORDINARY COUNCIL OF EUROBODALLA SHIRE COUNCIL ON TUESDAY 29 AUGUST 2017  
PSR17/050 CONSIDERATION OF BUSINESS CASES AND CONCEPT PLAN OPTIONS FOR  
MACKAY PARK PRECINCT REDEVELOPMENT  
ATTACHMENT 3 MACKAY PARK PRECINCT CONCEPT PLAN - OPTION 2





# A101 GROUND FLOOR PLAN 1

SCALE: 1 : 400

**Facility Design Group**  
ARCHITECTS

19 The Terrace  
Camdenwara, NSW 2540

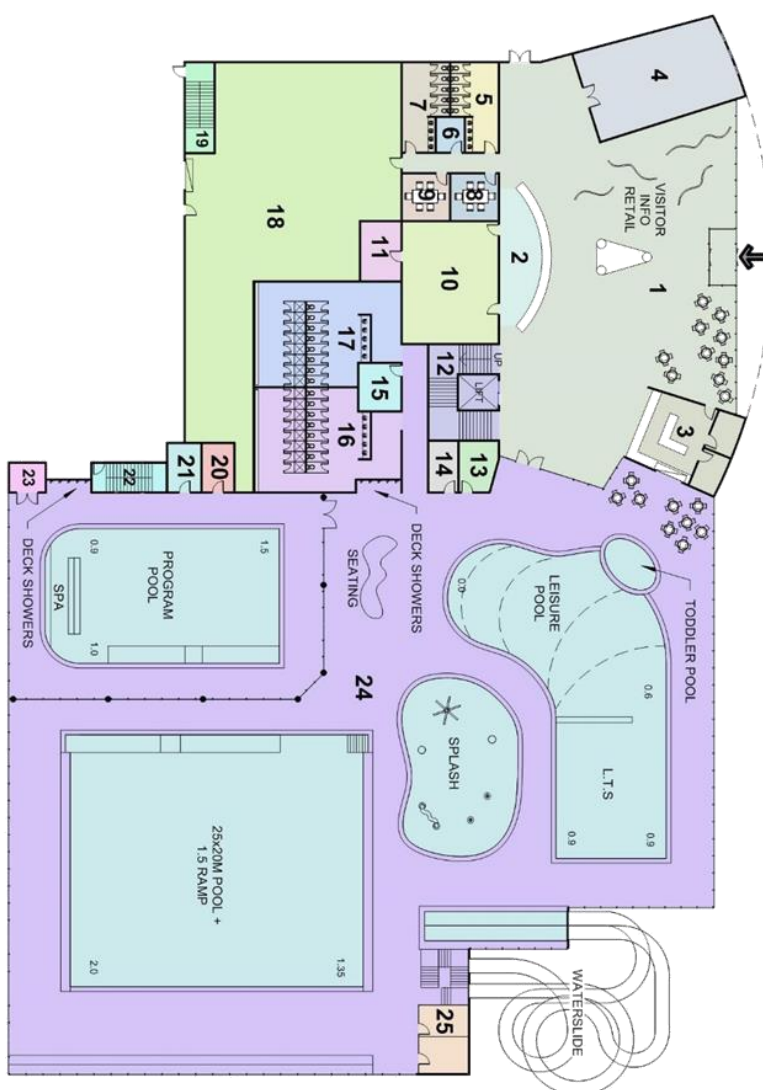
Phone: (02) 4446 0777  
Fax : (02) 4446 1077  
Email : [info@fdg.com.au](mailto:info@fdg.com.au)

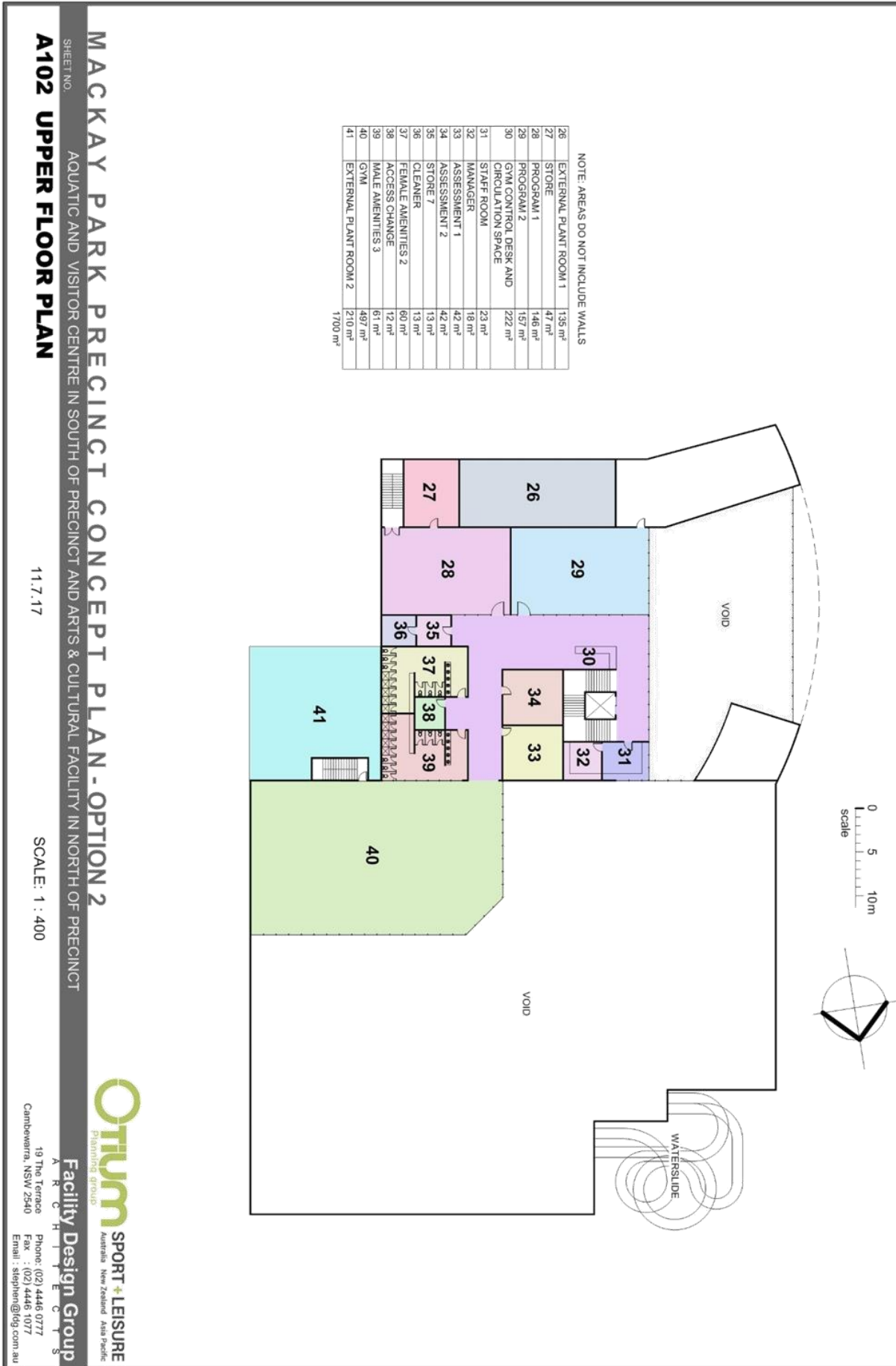
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**OTIUM** SPORT + LEISURE  
Planning group  
Australia New Zealand Asia Pacific

4449 m

NOTE: AREAS DO NOT INCLUDE WALLS





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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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.

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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.