



AGENDA

Ordinary Meeting of Council

19 March 2024

Statement of Ethical Obligations

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

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

ON TUESDAY 19 MARCH 2024

COMMENCING AT 12.30PM

AGENDA

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

- | | |
|---|-----------------|
| 1. WELCOME | |
| 2. ACKNOWLEDGEMENT OF COUNTRY | |
| 3. APOLOGIES
Nil | |
| 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING
4.1 Ordinary Meeting held on 20 February 2024 | |
| 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA
(Declarations also to be made prior to discussions on each item) | |
| 6. PUBLIC FORUM | |
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| 7. MAYORAL REPORTS
Nil | |
| 8. NOTICES OF MOTION
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| 9. QUESTIONS ON NOTICE FROM COUNCILLORS
Nil | |
| 10. PETITIONS
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- 11. GENERAL MANAGER'S REPORTS**
Nil
- 12. PLANNING AND SUSTAINABILITY REPORTS**
Nil
- 13. FINANCE AND CORPORATE SERVICES REPORTS**
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- 18. CONFIDENTIAL MATTERS**

WARWICK WINN
GENERAL MANAGER

NOM24/001 VIRTUAL FENCE PROGRAM

S028-T00001; S010-T00015

Responsible Officer: Anthony Mayne - Councillor

Attachments: Nil

Councillor Anthony Mayne has given notice that at the Ordinary Meeting of Council on Tuesday 19 March 2024, he will move the following motion.

MOTION

THAT Council:

1. Thank Council staff, Eurobodalla Coastwatchers and WIRES for the virtual fence trial at Long Beach. The success of this trial over an 8-month period resulted in a reduction of road kill by 90%.
2. Submit a motion to the Australian Local Government Association's National General Assembly in Canberra on 2-4 July 2024 as follows: The National General Assembly calls on the Federal Government to research virtual fences and to provide grants to local councils to undertake trials to enhance road safety.
3. That Councillor Anthony Mayne attend the Transport for NSW 'Vehicle Strike Emerging Technologies' symposium in May 2024 in Sydney, where the virtual fence project will be presented.

BACKGROUND

A virtual fence is an active electronic protection system that alerts animals when a vehicle approaches, before they cross a road. The system is most effective between dusk and dawn.

The purpose of the program is to reduce wildlife being struck by travelling vehicles. As Council manages 1,100kms of roads in the Eurobodalla, the consequences of wildlife strikes are significant. Before installation of the virtual fence at Long Beach, Council and WIRES volunteers attended up to five wildlife strikes a week. Since the virtual fence, there were just five wildlife strikes in eight months.

A series of posts are spaced every 25m on alternating sides of the road. At the top of each post is a small device that emits an audible alarm and blue and yellow flashing strobe-type LED lights when struck by vehicle headlights at night.

As the vehicle passes, the devices are triggered in sequence by the vehicle headlights which forms a virtual fence. This deters animals like kangaroos, wallabies and wombats from crossing the road in search of food and shelter. The virtual fence is most effective when the speed limit is 80kms or less.

The success of the trial at Long Beach attracted interest around the country, and Shoalhaven Council has recently installed their first trial fence.

Sharing the success of the virtual fence at the National Congress and the Transport for NSW symposium will support further research and funding for this technology.

Transport advocacy organisation SEATS supports the project and has asked the NSW Minister for Environment to sponsor continuation of the virtual fencing trial and offer a suitable contribution to be matched by the Minister as seed capital to proceed. SEATS will also call on other research/implementation agencies like NSW Centre for Road Safety or the Insurance

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Council to partner with agencies to improve and develop a strategy for a widespread rollout of the project.

GENERAL MANAGER'S RESPONSE

The successful virtual fence trial at Long Beach cost \$11,531, for which Council received funding support from The Great Eastern Ranges and World Wild Fund for Nature Australia.

Council is again working with The Coastwatchers Association and WIRES to install a second virtual fence along Dunns Creek Road between Mogo and Tomakin, another local road with a high wildlife strike rate. Great Eastern Ranges and World Wide Fund for Nature has again contributed \$10,000 to this program, and Council will contribute \$10,000.

I am of the view that Council should continue to champion this project, including consideration of a budget to enable a few kilometres per year of virtual fence to be installed on prioritised local roads.

Council will also make representations to the Insurance Council of Australia to explain the success of the virtual fence, the subsequent reduction in insurance claims, and the potential for reduced premiums for councils where virtual fences are installed on local roads, and/or provision of funds for installation.

PET24/001 VEHICULAR ACCESS TO MALONEYS BEACH

S020-T00020; S012-T00029

Responsible Officer: Warwick Winn - General Manager

Attachments: 1. Under Separate Cover - Confidential - Petition

Council has received a petition from residents of Maloneys Beach and Long Beach, requesting beach access be reinstated to Maloneys Beach. The petition contains 916 signatures.

MOTION

THAT Council receive and note the petition.

BACKGROUND

Petition specifically states:

To the Mayor and Councillors of Eurobodalla Shire Council

This Petition of:

Residents of Maloneys/Long Beach against removal of boat launch access draws to the attention of the Council:

Recent changes to the Northern ends of Maloneys Beach and Long Beach has removed access to launch small boats and PWC.

While the new development at the northern end may attract many visitors to Maloneys Beach, it has taken something away from residents and holiday makers which, like us, have been there for many many years.

Compounding this decision is the closure of the Long Beach boat ramp, with the nearest boat ramps for these two small communities now being in Batemans Bay, Batehaven or South Durras.

Also of note, is that these 2 boat ramps (Maloneys Beach boat ramp, and Long Beach boat ramp) are listed boat ramps on Transport for NSW website of boat ramp listings, as of 7/1/2024.

How can these 2 facilities be removed just like that?

We have a property at Maloneys Beach, and we have used this access to launch our boat for the last 30+ years. This has now been taken away from us with no consultation. Many others are in the same boat, and have the same opinion.

Some points raised in recent discussions with locals are:

- stops access directly to the beach to launch small boats and personal water craft, and to all the families that have been restricted from spending the day in the spot that have done so for 50 plus years
- forcing small boats from Maloneys and Long Beach to now clog up boat ramps in town and cross a treacherous sand bar to be able to utilize the waters out the front of their houses that many bought in the area for that exact reason.
- Maloneys Beach is a one way in / out area, and can very easily be cut off during a fire. With so many people still worried about the fires, removal of this access stops people from being able to launch a boat which can save many people.

PET24/001 VEHICULAR ACCESS TO MALONEYS BEACH

**S020-T00020;
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- Plenty elderly and younger locals who used this convenient ramp are now selling their boats and giving up on the recreational sport altogether.

For us, it seems very short sighted to do this with what we feel has been no consultation with the people that used this.

It also has a flow on effect, with us being forced to either queue up to get into town, and then queue up and the boat ramps in town, car parks at the ramp are already full many of the times, also it clogs up places like Durras if we were to use that.

It changes a quick launch of a boat or PWC, to an all day affair, and a whole lot extra in fuel costs, to utilise the waters that are literally in our backyard.

There is also no reason that both the new development and the old beach access that was there prior cannot co-exist, and can still be done with very little changes to what is there currently.

According to a draft proposal from NPWS for this new development at Maloneys Beach, reasons for the removal of the boat ramp access are:

"Maloneys Beach provides an appealing entrance to Murramarang National Park but has become degraded over time due to uncontrolled vehicle access to the grassy foreshore, foredune and beach. This is not permitted under the park's statutory plan of management.

Vehicle access has also led to illegal camping and human waste disposal, littering, and uncontained fires. These activities are a source of regular complaints.

The foredune is also not vegetated with the natural range of plants and does not capture and accumulate sand. The beach and foredune is particularly vulnerable to erosion due to high tides, storm surges and sea level changes.

For the above reasons, the current condition of the Murramarang National Park section of Maloney Beach is not satisfactory as a starting site for a signature walk.

The council reserve alongside the national park provides parking, public toilet facilities, barbecue facilities, tables and a shelter. Within this area, vehicle access is restricted to formal roads and car parks.

NPWS will continue to work closely with Eurobodalla Shire Council in the planning and delivery of the proposed precinct upgrade to ensure all parts of Maloneys Beach are balanced and connected."

In response to these:

Regarding the grassy foreshore and foredunes, We are not asking for access back to this. This grassy area was only used due to the original boat ramp being blocked. We would like the original gravel road and ramp reinstated, this is council property, not NPWS. We all pay our rates, and expect facilities to be improved, not removed.

If the grassy area is good enough for a new car park to support visitors to the new development, then surely it should be fine for local boaters to also park.

Regarding the camping complaints, surely there are better ways to deal with illegal camping than removing a facility from the local boating community.

PET24/001 VEHICULAR ACCESS TO MALONEYS BEACH

**S020-T00020;
S012-T00029**

There is nothing stopping illegal camping in the newly built car park either. In fact, it may even encourage it, giving illegal campers a nice clean car park to set up camp.

This issue should be separated from the boat ramp facility, and should not be used as a reason to remove the boat ramp facility.

If it is an issue and a regular source of complaints, it can and should be dealt with separately from the boat ramp, and at the time of the offence by sending police / rangers to issue infringements to the campers, rather than punishing the local community.

In response to the final statement above, "NPWS will continue to work closely with Eurobodalla Shire Council in the planning and delivery of the proposed precinct upgrade to ensure all parts of Maloneys Beach are balanced and connected."

I believe this has not happened. How have NPWS and ESC ensured the local Maloneys Beach and Long Beach boating community remained connected with the waters it has enjoyed for the last 30+ years?

We therefore ask the Council to:

We would like council to reinstate access to Maloneys Beach boat ramp to allow the launch of small boats and PWC.

This can easily be achieved by reinstating the original gravel road and original boat ramp at Maloney Beach, without affecting the new development in any way.

GENERAL MANAGER'S COMMENTS

The informal boat ramp at Maloneys Beach was decommissioned in 2008 following storm damage. The informal boat ramp at Long Beach was lost to storm damage during 2022-23.

The track to the Maloneys Beach informal boat ramp became eroded over time and unsafe. In 2022 at the time of the Murramarang project works, community consultation with the Maloneys Beach Residents Association indicated their support for Council and NPWS to work together to rehabilitate the eroded track and enhance the area to provide an integrated Council and National Park foreshore area.

The NPWS project has provided a carpark and footpath to enable access to the beach for users of kayaks and smaller craft.

Council is obliged to manage its assets in a safe and financially and environmentally responsible way to provide the best benefit to the greatest number of users. Council would have little appetite to reintroduce a track for vehicles and an informal boat ramp in the location identified at Maloneys Beach for the following reasons:

- Incompatibility with adjoining land managers' plans of management. Council understands National Parks and Batemans Marine Park do not allow vehicles on the beach at Maloneys.
- Incompatibility with the state boating infrastructure plan which does not encourage investment in informal boat ramps, and the high likelihood of Council not receiving the necessary grant funding to design and construct a ramp.

PET24/001 VEHICULAR ACCESS TO MALONEYS BEACH

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- The difficulty in obtaining necessary permits and approvals across Crown Land if Council determined to proceed.
- The disproportionate amount of maintenance budget required to maintain what would be a highly unstable asset in an erosive location for the benefit of a small number of users.
- Council's preference to upgrade the highly used formal boat ramps and regional boating infrastructure at Hanging Rock, Batemans Bay, and Apex Park, Narooma.

A Marine Infrastructure Asset Management Plan will be developed by Council in the next couple of years, and this will include a period of public consultation to assist Council understand where the community's priorities lie across the shire.

Council has written to Transport for NSW (Maritime) requesting the department update its boating facilities maps to reflect that these informal ramps are no longer in existence. Council's website has an interactive map showing boating and marine infrastructure available to users across the shire: [Boating and fishing | Eurobodalla Council \(nsw.gov.au\)](https://www.eurobodalla.nsw.gov.au/boating-and-fishing)

The use of the beach at Maloneys as a boat launch area for emergency evacuation would primarily be a decision for the RFS at the time of an emergency, noting that the beach is not intended as an evacuation route.

FCS24/005 INVESTMENTS MADE AS AT 29 FEBRUARY 2024

S011-T00006,S012-T00025

Responsible Officer: Stephanie Speedy - Director of Finance and Corporate Services
Attachments: Nil
Community Goal: 5 Our engaged community with progressive leadership
Community Strategy: 5.3 Work together to achieve our collective vision
Delivery Program Link: 5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable
Operational Plan Link: 5.3.1.1 Provide sound and strategic financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

- Certify that Council’s investments in financial instruments have been made in accordance with legal and policy requirements.
- Provide information and details of investments.
- Raise other matters relevant to investing.

RECOMMENDATION

THAT the certification of investments as at 29 February 2024, made in accordance with the *Local Government Act 1993*, Council’s Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

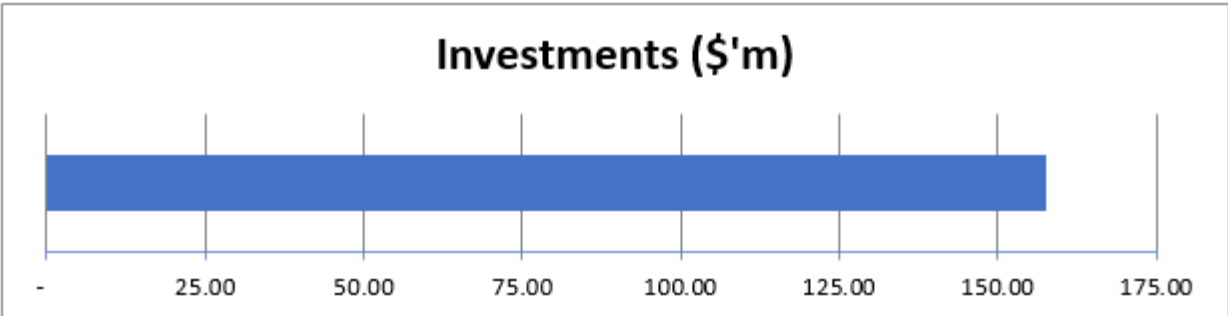
CONSIDERATIONS

Policy

The portfolio is compliant with Council’s Investment Policy adopted by Council on 9 August 2022 (Minute 22/190).

Financial

Council investing overall



The Council has invested \$157.69 million (100%) in bank deposits. With the exception of \$28.5 million invested in banks rated below A and guaranteed by the AAA-rated government

FCS24/005 INVESTMENTS MADE AS AT 29 FEBRUARY 2024

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guarantee, the bank deposits are held in banks rated A or higher or in the "some limited risk" category of the policy.

In February 2024, investments increased by \$15 million, primarily as a result of grant funds received and the third-rate installment collected.

Presently, the 'some limited risk' category is limited to institutions with a BBB+ rating, permitting a maximum of 30% of all investments. At this time, 18.07% of investments are in the BBB+ rating category. The \$1.75 million invested in government guaranteed deposits accounts for 1.11 percent of the portfolio.

Funds invested in institutions that have no direct financing exposure to projects in the fossil fuel sector or no longer finance projects in the fossil fuel sector directly but still have some exposure from historical funding amount to \$51 million (32.34%).

The weighted average monthly return on all investments is 5.30%, surpassing the Council policy benchmark of 4.59% calculated using the bank bill swap rate (BBSW) plus 0.25%.

Summary investment information

The following table is a summary of investment categories and balances at month end.

CATEGORY	(\$)
At call deposit	17,418,103
Term deposits	138,520,000
Term deposits Government guaranteed	1,750,000
	157,688,103
<i>Weighted average interest %:</i>	5.30%
<i>Average 90 day BBSW + 0.25%</i>	4.59%

Policy and liquidity risk

The investment policy is divided into two risk categories of credit risk (risk of ultimately not being able to redeem funds) and liquidity risk (risk of loss due to the need to redeem funds earlier than the investment term). Our investments comply with the risk policy as shown in the following table.

FCS24/005 INVESTMENTS MADE AS AT 29 FEBRUARY 2024

S011-T00006,S012-T00025

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.11	1.11	100.00
Near risk free	80.82	80.82	100.00
Some limited risk (BBB+)	18.07	18.07	30.00
Grand total	100.00	100.00	

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2023 is 2.94:1. Council therefore has approximately \$2.94 of current assets for each \$1 of current liabilities.

CONCLUSION

Pursuant to provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, I hereby certify that these investments have been made in accordance with *the Local Government Act 1993* and related regulations.

**IR24/002 UPDATE - COLLOCATED EMERGENCY SERVICES PRECINCTS -
MORUYA AND SURF BEACH**

S008-T0023

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - Collocated Emergency Services Precincts - Moruya and Surf Beach

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

Community Strategy: 2.4 Foster a safe community

Delivery Program Link: 2.4.4 Work with agencies and emergency services to support coordinated emergency management and improved resilience

Operational Plan Link: 2.4.4.3 Work with the NSW Government to deliver the Eurobodalla Regional Co-located Emergency Services Precinct

EXECUTIVE SUMMARY

This report provides an overview of:

- i) the status of the Eurobodalla Regional Collocated Emergency Services Precinct, Moruya
- ii) the status of the Surf Beach Collocated Emergency Services Precinct
- ii) proposed next steps to be taken by Council to ensure that these precincts are either progressed or repurposed.

Councillors have been briefed on both of these precincts, as recently as 8 August 2023 regarding the acquisition of land for the Eurobodalla Regional Collocated Emergency Services Precinct in Moruya and on 26 October 2021 regarding the rebuilding of the State Emergency Services (SES) Batemans Bay facility, at the Surf Beach Collocated Emergency Services Precinct.

This report seeks endorsement of the recommended next steps regarding the development of the two precincts.

RECOMMENDATION

THAT:

1. Council **notes** the status of the development of the two emergency services precincts
2. Council **notes** the work that Council has already undertaken to progress the establishment of the precincts, within the constraints
3. Council **notes** the current approach to minimise the risks in terms of time, cost and scope associated with the delivery of the two precincts, including risks to Council
4. Council **approves** that the General Manager is delegated authority to negotiate tenure arrangements with the various parties; that this could include long term lease or sale and would be subject to a further Council resolution to confirm when details are known.

BACKGROUND

Requirements of Council

The State Emergency and Rescue Management Act 1989 and associated arrangements require Council to provide the land for emergency service facilities for the NSW Rural Fire Service (RFS)

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and the NSW State Emergency Services (SES). This is only for the provision of District facilities, but not Regional facilities.

Council is obliged to build and maintain the SES facilities but only maintain the RFS facilities.

The NSW Government often provides the funding to construct the facilities on the land.

The land and facilities for NSW Fire and Rescue, Ambulance and Police are all provided by the NSW Government.

Council pays an annual contribution for the services provided by the NSW RFS, NSW SES and NSW Fire and Rescue via the Emergency Services levy.

Eurobodalla Regional Collocated Emergency Services Precinct, Moruya

On 11 October 2022, Council resolved THAT:

- 1. Council approve the acquisition of the land identified in the Confidential Attachment for the Eurobodalla Regional Collocated Emergency Services Precinct, and if necessary, by compulsory process, in accordance with all relevant legislation including the Local Government Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991.*
- 2. Council engage Public Works Advisory to acquire the land on Council's behalf.*
- 3. Council formally request Public Works Advisory to seek approval from the Minister Administering the Public Works and Procurement Act 1912, currently the Minister for Regional New South Wales and the Executive Council, to declare the Eurobodalla Regional Collocated Emergency Services Precinct as an "Authorised Work" pursuant to the Public Works and Procurement Act 1912 and seek the Minister's approval to acquire the land identified in the confidential attachment using the power of acquisition confirmed within the Public Works and Procurement Act 1912 for the purpose of the Eurobodalla Regional Collocated Emergency Services Precinct.*
- 4. If necessary, Council seek the approval of the Minister for Local Government and the Governor to the compulsory acquisition of the land identified in the Confidential Attachment.*
- 5. The General Manager be authorised to finalise negotiations and take all necessary action to finalise the acquisition in accordance with the confidential attachment and provisions of the Land Acquisition (Just Terms Compensation) Act.*
- 6. Council enters into a binding agreement with Public Works confirming the roles and responsibilities of each party with respect to reimbursement of costs associated with the acquisition of the land by Public Works as outlined in the confidential attachment.*
- 7. All reasonable survey, legal and valuation costs associated with the land acquisitions be borne by Council.*
- 8. Public notice be given of Council's intention to resolve that the land when acquired becomes operational land and that: (a) A period of 28 days is given for members of the public to make submissions in relation to the proposed operational land and; (b) A further report be presented following the acquisition to classify the land.*
- 9. Consent be given to affix the Common Seal of Council to the applicable documentation.*

**IR24/002 UPDATE - COLLOCATED EMERGENCY SERVICES PRECINCTS -
MORUYA AND SURF BEACH**

**S008-
T00023**

Council advocated for many years to the Australian and NSW Governments for a new regional collocated facility to be provided centrally in Moruya inclusive of a new purpose-built Emergency Operations Centre (EOC).

Over and above Council having access to the EOC, the new facility is planned to provide emergency services facilities for the following agencies:

- i) NSW Rural Fires Service (RFS)
- ii) NSW State Emergency Service (SES)
- iii) Fire and Rescue NSW
- iv) Marine Rescue
- v) Forestry Corporation NSW.

The new facilities will address a number of issues, being the lack of an Emergency Operations Centre (EOS), freeing up the Moruya RSL Hall for other uses during emergencies, replacing the inadequate RFS facilities, moving Fire and Rescue's facilities from flood prone land and moving the SES facilities from Council's Moruya Depot on Yarragee Road.

Funding

Following extensive advocacy work, on 25 January 2022 the former Minister for Emergency Services and Resilience, and Minister for Flood Recovery, the Hon Stephanie Cooke MP announced \$15 million in NSW Government funding to construct a new collocated facility in Moruya.

Shortly after the above announcement and prior to the Bega by-election, the Prime Minister, Anthony Albanese and the then Labor state opposition leader, Chris Minns, committed an additional \$10 million (\$5M each) for a collocated precinct, including the relocation of the Moruya SES Unit, should NSW Labor be elected at the next NSW state election.

The majority (\$20 million) of these funds was allocated to the NSW RFS, whilst the \$5 million from the Commonwealth was committed to Council.

To assist with site selection and acquisition fees, Council successfully secured \$200,000 in grant funding under the Australian Government's Black Summer Bushfire Recovery Program. Council also resolved to fund the land acquisition costs, as noted in the confidential attachment to this report.

Council confirmed with the Commonwealth Government on 27 February 2024 that the committed \$5 million from the Priority Community Infrastructure Program (PCIP) would be used to relocate the Moruya SES Unit to the new precinct in Moruya from Council's Moruya Depot, and prepare the site for Fire and Rescue NSW.

Current Status

Council communicated to the NSW RFS on 22 February 2024 that it is very concerned with the lack of progress on the development of the Eurobodalla Regional Collocated Emergency Services Precinct, Moruya.

Concerning the land acquisition, with terms agreed, it is anticipated that Council will exchange Contracts imminently.

**IR24/002 UPDATE - COLLOCATED EMERGENCY SERVICES PRECINCTS -
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Council confirmed with the RFS that the full amount of the \$5M PCIP grant will be used by Council to fulfill the election commitment to relocate the Moruya SES Unit to the precinct.

Council outlined its concerns to the RFS given the lead time of about two years for the provision of the roundabout on the Princes Highway which is an essential component of the project and the South Moruya Housing Infrastructure project. Delivery will require significant lead times to work through the TfNSW approval process and given it is on the critical path, Council has started the planning and design process, in good faith, given that Council has been clear it expects the RFS to fund any funding shortfall.

Council has commenced the planning and design of water mains, sewers and a sewer pumping station, which will provide services to the boundary of the site as well as the South Moruya Housing Infrastructure project and the Eurobodalla Regional Hospital.

Council has been clear with the RFS that it does not have any additional funds to contribute to the Eurobodalla Regional Collocated Emergency Services Precinct, Moruya project and that our expectation is that the RFS will use the other grant funds for the remainder of the enabling (offsite) infrastructure such as power and communications, plus all other onsite infrastructure and buildings (including the shared Emergency Operations Centre) – excluding the SES facilities.

The position of the RFS was to wait until the land was acquired prior to starting any project planning or detailed design works. Council met with the NSW RFS in December 2023 to discuss these issues. Commitments were made by the RFS with respect to Council being provided a reviewed Quantity Survey Report (confirming costs), a draft Heads of Agreement (outlining roles and responsibilities including funding) and a proposed project governance arrangement.

Council received a draft of the Heads of Agreement on 22 February 2024. This document is currently being reviewed.

Council confirmed that, in the absence of the key project documents, that it would be progressing with land acquisition, enabling works, the development of the Moruya SES Unit facility and the Fire and Rescue NSW site works, independent of the RFS, given the above and the timelines associated with the delivery of the roundabout.

Noting that this is potentially not the most optimal way to deliver the project, we will however continue to work collaboratively with the RFS and other agencies with a view to delivering the project as effectively as possible.

Surf Beach Collocated Emergency Services Precinct

Background

After the previous SES facility was destroyed on 31 December 2019 during the Black Summer Bushfires, Council sought grant funding from the NSW and Commonwealth Governments to enable the reconstruction of a new and modern collocated facility at a new location at 311 George Bass Drive, Surf Beach that would be home to the NSW SES and NSW RFS, adjacent to the existing ambulance station.

Funding

The reconstruction of the SES Batemans Bay facility project budget includes an Australian Government Black Summer Bushfire Recovery Program grant of \$682,050 (adopted by Council on

**IR24/002 UPDATE - COLLOCATED EMERGENCY SERVICES PRECINCTS -
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28 June 2022 - GMR22/069), a NSW Government Infrastructure Grant of \$200,000 (adopted by Council 22 February 2022 - GMR22/019), and an allocation of insurance monies as a result of the damage from the Black Summer Bushfires.

Current Status

Council communicated to the NSW RFS on 22 February 2024 that it is very concerned with the lack of progress at the Surf Beach Emergency Services Precinct.

The RFS had committed to providing written confirmation by the end of last year (2023) of its intentions for the site. Council informed the RFS that Council is at the point that it is going to have to make a decision in the near future regarding an alternative use of the site (which could be valuable commercial land). We noted that we appreciated that this would not be an ideal outcome for the RFS or the SES.

Council received a letter of intent from the RFS on 03 March 2024 and we are currently reviewing this as to whether it gives confidence to Council that there is sufficient funding and clarity of direction with regard to delivering the intended outcomes for the precinct.

CONSIDERATIONS

Legal

Council has now received a draft Heads of Agreement from the RFS and will negotiate a position which seeks to make sure that the Eurobodalla Regional Collocated Emergency Services Precinct is delivered in line with community expectations in an efficient manner, whilst recognising that Council does not have the ability to provide any additional funds to the project than already committed.

The Heads of Agreement will need to outline the portion of the RFS facilities which are District as opposed to Regional, with responsibilities for ongoing costs.

Tenure arrangements will need to be negotiated with the various parties and this could include long term leases or the sale (after sub-division) and be subject to a further Council resolution to confirm when details are known.

Social Impact

Given the extensive bushfire, flooding, coastal and other risks in Eurobodalla, having access to appropriate and modern emergency management facilities is essential.

The provision of the proposed Eurobodalla Regional Collocated Emergency Services Precinct places the Eurobodalla region at the forefront of emergency management in regional Australia.

Economic Development Employment Potential

The significant investment through the provision of the new emergency services precinct will have flow-on employment benefits during and post construction through the ongoing maintenance of the facilities.

The ongoing economic benefits include the location of up to one hundred full time jobs in Moruya.

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T00023**

Financial

Council will need to carefully project and cost manage the delivery of the off-site enabling infrastructure for the Eurobodalla Regional Collocated Emergency Services Precinct, Moruya noting the stated requirement that the RFS will be responsible for any funding shortfall for the provision of the roundabout, access road and drainage.

Council will need to negotiate the costs of both the Moruya SES and Surf Beach SES facilities (including site works) within the funding envelope and then carefully project and cost manage delivery within the budget and timelines in accordance with our grant funds.

CONCLUSION

This report recommends Council notes the information provided within.

**IR24/003 REQUEST FOR TENDER NO. 10063561 - TUROSS HEAD SEWER
AUGMENTION WORKS PUMPING STATION TU04, TU06 AND TU07**

**S029-
T00004**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - RFT 10063561 - Tuross Head Sewage Pumping Station
TU01 Augmentation

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

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

Delivery Program Link: 1.4.1 Provide safe, reliable and sustainable water and sewer services,
guided by the Integrated Water Cycle Management Strategy

Operational Plan Link: 1.4.1.3 Deliver programmed capital works (build and renewals) for the
sewerage network

EXECUTIVE SUMMARY

Council is undertaking augmentation of the existing Tuross Head Sewer Network. As part of the augmentation Council sought tenders, under Request for Tender (RFT) No. 10063561, for the construction works associated with the upgrade of the sewage pumping stations TU04, TU06 and TU07. The upgrade of these stations will ensure the security and reliability of the sewage network in Tuross and reduce the risk of environmental incidents in the Tuross River and Coila Lake.

Council engaged Public Works Advisory (PWA) to advertise RFT No. 10063561 on Council's behalf.

RFT No. 10063561 was advertised on 15 November 2023 with a closing date of 25 January 2024. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 15 January 2024.

- Ironbuilt Infrastructure Pty Ltd
- Quay Civil Pty Ltd.

This report outlines the evaluation of offers submitted in response to RFT No. 10063561 and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT Council:

1. Enters into a contractual arrangement with the preferred tenderer for the construction of upgrade works to sewage pumping stations and gravity sewer mains, subject to the terms specified in Request for Tender No. 10063561– Tuross Head Sewer Augmentation Works Pumping Station TU04, TU06 and TU07 unless otherwise varied in accordance with this report.
2. Agrees that variations may be made in accordance with the relevant provisions of the contract, provided that the total value of variations does not exceed 10% of the approved tender price.

**IR24/003 REQUEST FOR TENDER NO. 10063561 - TUROSS HEAD SEWER
AUGMENTION WORKS PUMPING STATION TU04, TU06 AND TU07**

**S029-
T00004**

BACKGROUND

In 2021 Council engaged Public Works Advisory to undertake sewer modelling for Tuross Head to model the expected sewage loading on the network in 2051. The results of this modelling showed that the existing network will need to be upgraded to meet the expected increase in load. Council then engaged GHD to conduct concept and detailed design for the augmentation of the Tuross Head sewage network. The augmentation is to be completed in two stages:

- Stage One (2023 – 2026): Replacement of pumps, electrical system upgrades, sewer upgrades, and the provision of emergency storages
- Stage Two (2048 – 2051): Increasing pump capacity of some sites and replacement of TU01 rising main.

RFT No. 10063561 relates to the upgrade works of sewage pumping stations TU04, TU06 and TU07. These pumping stations are due for an electrical and mechanical upgrade to ensure the reliability of the network into the future. The upgrade works at TU04 and TU07 will improve access for maintenance and improve the safety of the sites as well as provide sewage discharge protection in the form of an overflow tank to protect the Tuross River environment. The upgrade of the TU06 pumping station will improve the accessibility of the site and will provide added protection against sewage discharges in the form of a large overflow tank. This will minimise the risk of harm to Coila Lake which is a sensitive ICOLL environment.

RFT No. 10063561 was advertised on 15 November 2023 with a closing date of 25 January 2024. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan dated 15 January 2024:

- Ironbuilt Infrastructure Pty Ltd
- Quay Civil Pty Ltd.

A summary of the evaluation including each tenderer's scoring against the evaluation criteria is provided at the Confidential Attachment to this report.

CONSIDERATIONS

Legal

RFT No. 10063561– Tuross Head Sewer Augmentation Works Pumping Station TU04, TU06 and TU07 was advertised in accordance with clause 167 of the Local Government (General) Regulation 2021 and Local Government Act 1993.

The tender was advertised through the NSW Government etendering website: (<https://tenders.nsw.gov.au>).

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

The offer submitted by the preferred tenderer has been assessed as the most advantageous tender which represents best value for money for Council due to the company's demonstrated experience, quality of workmanship, and satisfactory price in comparison to the pre-tender estimate.

**IR24/003 REQUEST FOR TENDER NO. 10063561 - TUROSS HEAD SEWER
AUGMENTION WORKS PUMPING STATION TU04, TU06 AND TU07**

**S029-
T00004**

Policy

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

Environmental

The works are required to minimise the risk of sewage discharges into Coila Lake and the Tuross River both of which are sensitive natural environments.

Social Impact

The upgrade of pumping stations TU04, TU06 and TU07 will improve the reliability and resilience of the sewerage network in Tuross Head.

Financial

The amount tendered by the preferred tenderer can be accommodated within the existing sewer and water fund capital budget and sewer and water fund reserves.

Community and Stakeholder Engagement

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

CONCLUSION

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 tenderer as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the construction of the Tuross Head Sewer Augmentation Works Pumping Station TU04, TU06 and TU07.

**IR24/004 REQUEST FOR TENDER NO. 10062991 - BATEMANS BAY COASTAL
EROSION PROTECTION WORKS – DESIGN SERVICES**

**S017-
T000013**

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. Confidential - RFT 10062991 - Batemans Bay Coastal Protection
Works - Design Services

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

Community Strategy: 1.3 Respond to our changing climate and natural hazards

Delivery Program Link: 1.3.2 Manage coastal hazards by implementing coastal and
management studies and projects

Operational Plan Link: 1.3.2.1 Commence North Batemans Bay coastal management works

EXECUTIVE SUMMARY

In 2022 Council with the assistance of the NSW Government prepared a Coastal Management Program (CMP) for the Eurobodalla Coastline (being in accordance with the NSW Coastal Management Act 2016). The CMP identified some of the key threats impacting the coastline, including beach erosion, shoreline recession and coastal and tidal inundation. The CMP is a plan of action for Council.

Council has been successful in receiving grant funding from the Department of Climate Change Energy, the Environment and Water (DCCEEW) (previously the Department of Planning and Environment (DPE)) for immediate delivery of three high priority coastal protection works identified in the CMP. These proposed coastal protection works are located in northern Batemans Bay area, and are known as:

- Long Beach Coastal Erosion Protection Works
- Surfside Coastal Inundation Levee
- Wharf Road Erosion and Inundation Protection.

Council engaged NSW Public Works to advertise Request for Tender (RFT) No. 10062991 on Council's behalf for the provision of design services for the coastal erosion protection works listed above.

RFT No. 10062991 was advertised on 13 November 2023 with a closing date of 14 December 2024. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- Worley Consulting Pty Ltd
- Haskoning Australia Pty Ltd
- Baird Australia Pty Ltd.

This report outlines the evaluation of offers submitted in response to RFT No. 10062991 and provides a recommendation for the preferred tenderer.

**IR24/004 REQUEST FOR TENDER NO. 10062991 - BATEMANS BAY COASTAL
EROSION PROTECTION WORKS – DESIGN SERVICES**

**S017-
T000013**

RECOMMENDATION

THAT Council:

1. Enters into a contractual arrangement with the preferred tenderer for the provision of design services for Long Beach Coastal Erosion Protection Works, Surfside Coastal Inundation Levee and Wharf Road Erosion and Inundation Protection, subject to the terms specified in Request for Tender No. 10062991 - Batemans Bay Coastal Erosion Protection Works – Design Services unless otherwise varied in accordance with this report.
2. Agrees that variations may be made in accordance with the relevant provisions of the contract, provided that the total value of variations does not exceed 10% of the approved tender price.

BACKGROUND

In line with the CMP developed by Council and the NSW Government, several high risk threats (eg erosion and inundation) to vulnerable coastal areas along the Eurobodalla coast have been identified. These areas also include high risk to both public assets and private property.

Council engaged NSW Public Works to provide project management services to deliver components of the endorsed CMP.

Council has been successful in receiving grant funding from the Department of Climate Change Energy, the Environment and Water for immediate delivery of three high priority coastal protection works identified in the CMP. These proposed coastal protection works are located in northern Batemans Bay area.

This proposed engagement is for a consultant to investigate and design coastal protection works at the three (3) sites identified.

The services will require the consultant to review previously completed investigations and concepts, and undertake (or complete) any further additional investigations as required to inform the design. The consultant shall also be required to obtain all necessary approvals to permit further field work (geotechnical) investigations, and approvals (or concurrences) as necessary to permit the subsequent construction works to be undertaken.

RFT No. 10062991 was advertised on 13 November 2023 with a closing date of 14 December 2024. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- Worley Consulting Pty Ltd
- Haskoning Australia Pty Ltd
- Baird Australia Pty Ltd.

A summary of the evaluation including each tenderer's scoring against the evaluation criteria is provided at the Confidential Attachment to this report.

**IR24/004 REQUEST FOR TENDER NO. 10062991 - BATEMANS BAY COASTAL
EROSION PROTECTION WORKS – DESIGN SERVICES**

**S017-
T000013**

CONSIDERATIONS

Legal

RFT No. 10062991 - Batemans Bay Coastal Erosion Protection Works – Design Services was advertised in accordance with clause 167 of the Local Government (General) Regulation 2021 and Local Government Act 1993.

The tender was advertised through the NSW Government tendering website:
(<https://tenders.nsw.gov.au>).

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

The offer submitted by the preferred tenderer has been assessed as the most advantageous tender which represents best value for money for Council due to the company's demonstrated experience, quality of workmanship, and satisfactory price in comparison to the pre-tender estimate.

Policy

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

Financial

Council was awarded \$5,000,000 in grant funding from the NSW Government to support Council's implementation of the endorsed Eurobodalla Open Coast Coastal Management Program's major infrastructure works in north Batemans Bay. The acceptance of funding was reported to Council at the Ordinary Meeting held 9 May 2023.

The grant funding was made available as a commitment from the NSW Government prior to the 2019 state election, and no Council contribution is required for the project works.

Community and Stakeholder Engagement

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

In this project, community and stakeholder engagement is a high priority in order to achieve a successful outcome. The consultant will liaise with Council, the community and stakeholders in developing the Concept Option Designs for the proposed coastal protection works.

Council will inform the community through providing information on Council's website.

The consultant will also seek further information and engagement from the communities at Long Beach and will inform the communities of Surfside and Wharf Road, North Batemans Bay.

**IR24/004 REQUEST FOR TENDER NO. 10062991 - BATEMANS BAY COASTAL
EROSION PROTECTION WORKS – DESIGN SERVICES**

**S017-
T000013**

CONCLUSION

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 tenderer as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the provision of design services for Long Beach Coastal Erosion Protection Works, Surfside Coastal Inundation Levee and Wharf Road Erosion and Inundation Protection Works.

IR24/006 LOCAL TRAFFIC COMMITTEE NO. 7 FOR 2023-24

S030-T00018

Responsible Officer: Graham Attenborough - Director Infrastructure Services

Attachments: 1. LTC No. 7 Minutes
2. Under Separate Cover - LTC No. 7 Minutes - Attachments

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

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

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

Operational Plan Link: 4.1.1.3 Coordinate the Local Traffic Committee

EXECUTIVE SUMMARY

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

Recommendations arising from the Local Traffic Committee meeting No. 7 held 8 February 2024, are as follows:

RECOMMENDATION

THAT Council approves:

1. The following acts for determination from Local Traffic Committee No. 7:
 - **2024.RT.016 Linemarking – Country Club Drive, Catalina** that Council Plan 5490-G-1 detailing directional arrow converging BB linemarking and keep left signage in Penguin Place and Country Club Drive Catalina, be approved.
 - **2024.RT.017 Signs – Train Street No Stopping, Broulee** that Bayner Pty Ltd Plan 834-7A Sheet A1 for DA0613/22 outlining roundabout and No Stopping signs and linemarking on Heath Street, Broulee, be approved.
 - **2024.RT.018 Signs – Hill Street, No Parking, Long vehicles exempt, Batemans Bay** that Council Plan 5490-H-01 for signage at Hill Street Batemans Bay for No Parking, Vehicles over 12T or 7.5m Exempt, be approved
 - **2024.RT.019 Signs – No Stopping, Queen Street Moruya** that Council Plan 5156 Set BQ Sheet 20 for No Stopping and timed 2P parking signage on Queen Street, Moruya, be approved.
 - **2024.RT.020 Signs and lines – Heath Street and Bangalay Way Broulee No Stopping, Give Way, Broulee** that Conway Burrows and Hancock plan 3647-5C for Give Way signage and linemarking Imogen Way and No Stopping and Keep Left signage on Heath Street, Broulee, be approved.
 - **2024.RT.001 Signs and linemarking - Long Beach Road, Long Beach** that Group Development Services Pty Ltd Plan P00511-CI-SWC-1351 Revision 6 outlining No

IR24/006 LOCAL TRAFFIC COMMITTEE NO. 7 FOR 2023-24

**S030-
T00018**

Stopping, chicanes, No Through Road and chevrons, for Vantage Developments No.1 Pty Ltd project 12 Long Beach Road, Long Beach, be approved.

2. The following Special Events and Informal Items:

- **2024.SE.009 Rural Fire Service - Corunna State Forest** that the submitted traffic management and control plans TGS-102-07, TGS-102-06, TGS-102-08 for Corunna State Forest Hazard Reduction be approved.
- **2024.SE.010 ANZAC Day, Batemans Bay, Moruya, Nelligen, Narooma** that the submitted traffic management and control plans for the ANZAC Day marches for Batemans Bay, Moruya, Nelligen and Narooma on 25 April 2024, subject to approval by the NSW Police and lodgement of a Road Occupancy License (ROL) to Roads and Maritime Services for the Moruya and Narooma events, be approved.
- **6.3 2024.SE.011 Fox Super Flow – Narooma** that Fox Super Flow, to be conducted in the Bodalla State Forest Narooma Mountain Bike Park on Saturday 9 and Sunday 10 March 2024 under Traffic Guidance Scheme, TGS-FSF-2024, be endorsed, subject to following all requirements and conditions of the Transport for NSW ROL.
- **6.4 2024.SE.012 RYDA 2024** That the submitted traffic management and control plan for the 2024 Rotary Youth Driver Awareness Program to be conducted using Donnelly Drive, Moruya on 10 and 11 April 2024 be approved.
- **6.5 2024.SE.013 Special Event Application – Sprint Series Adventure Race** that the submitted Traffic Guidance Scheme Ref. NH102 to be conducted at Jack Buckley Park, Tomakin and Mogo State Forest on March 3 2024, be approved.

BACKGROUND

The Eurobodalla Local Traffic Committee Meeting No 7 for 2023-24 was held on 8 February 2024. The meeting was attended by Councillor Amber Schutz (Chair), Chef Inspector John Sheehan (NSW Police), Emma Pietruska (Transport for NSW), Andy Gaudiosi (Transport for NSW), Kate McDougall (Traffic Officer), Tom Franzen (Division Manager Technical Services), Karen Shea (representative for Michael Holland MP) and Sheree Ward (Infrastructure Support officer).

CONCLUSION

The minutes of the Eurobodalla Local Traffic Committee meeting No. 7 are attached to this report and provide further background for the recommendations.



**LOCAL TRAFFIC COMMITTEE
REPORTS**

Meeting No: 7-23/24

File No E16.0002

Date: Thursday 8 February 2024

Time: 9:30am

Location: Eurobodalla Shire Council – Boardroom

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

5.1 2024.RT.016 Linemarking – Country Club Drive, Catalina

RECOMMENDATION

That Council Plan 5490-G-1 detailing directional arrow linemarking in Penguin Place and Country Club Drive Catalina, be approved.

BACKGROUND

Residents of Country Club Drive and Penguin Place have reported that vehicles regularly ignore the Keep Left signs at the divided road and drive the opposite direction on the oneway roadway. If vehicles enter Country Club Drive on the wrong side of the road, they risk a crash as vehicles travelling on the correct side of the road would not be expecting vehicles approaching.

CONCLUSION

The directional arrows will support the Keep Left signage at beginning of the divided roads on Country Club Drive and Penguin Place.

5.2 2024.RT.017 Signs – Train Street No Stopping, Broulee

RECOMMENDATION

That Bayner Pty Ltd Plan 834-7A Sheet A1 for DA0613/22 outlining roundabout and No Stopping signs and linemarking on Heath Street, Broulee, be approved.

BACKGROUND

Train street development DA0613/22: The construction of Heath St from the Train Street roundabout is required by development on the property on the southeastern corner of the roundabout. This is a commercial development and access/egress to the development site, including parking, is in a forward direction from the newly constructed Heath Street frontage. In the future development to the south will result on the continuation of Heath St, connecting to the existing southern leg of Heath Street.

CONCLUSION

The Give Way and No Stopping signs at the roundabout of Heath Street and Train Street will provide a safe road environment for those who travel from the newly constructed development on Heath Street.

5.3 2024.RT.018 Signs – Hill Street, No Parking, Long vehicles exempt, Batemans Bay

RECOMMENDATION

That Council Plan 5490-H-01 for signage at Hill Street Batemans Bay for No Parking, Vehicles over 12T or 7.5m exempt, be approved.

BACKGROUND

Current signage at Hill Street Batemans Bay, outside McDonalds, with green P Coaches and Caravans Only, is not enforceable. As a consequence, all types of vehicles have been parking at this location. This location is one of only a few close to Batemans Bay CBD that allows long vehicle parking including coach and caravans. When vehicles other than those over 12T or 7.5m long park in this area, it forces drivers of



**LOCAL TRAFFIC COMMITTEE
REPORTS**

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longer vehicles to park further from the CBD. There is sufficient parking for smaller vehicles in carparks within Batemans Bay CBD, including Orient Street, Perry Street and on street parking.

CONCLUSION

The new signage will create a space in Batemans Bay CBD where vehicles over 12T or 7.5m can park, specifically caravans, recreational vehicles, and trucks.

5.4 2024.RT.019 Signs – No Stopping, Queen Street Moruya

RECOMMENDATION

That Council Plan 5156 Set BQ Sheet 20 for No Stopping and timed 2P parking signage on Queen Street, Moruya, be approved.

BACKGROUND

Council was successful in gaining \$280 000 funding for the 2021/2022 High Pedestrian Activity Area Speed Management Program (HPAA) in Moruya:

- Church St, 70m east of Princes Highway; install kerb blisters.
- Queen Street, 70m east of Princes Highway; install wombat crossing.
- Queen Street, 150m east of Princes Highway; install wombat crossing.
- Ford Street, between Queen Street and Ford Lane; install median island *note that incorporated into the 2m wide median will be concrete roundabout blister islands. These are currently painted and are somewhat ineffective and provide little pedestrian protection.*

Council was successful for further funding for Moruya HPAA in 2022/2023 High Pedestrian Activity Area Speed Management Program for speed zone review (TSW) and related line-marking and signage. As part of the remit for the grant funding an independent road audit was required. In response to findings of the audit relating to adjustments in the road environment, No Stopping and 2P timed parking signage is required in proximity of newly installed wombat crossings in Queen Street.

CONCLUSION

The new No Stopping and 2P time parking signage will reduce confusion for drivers on where and for how long they can stop / and or park adding to the safety of pedestrians in the Moruya CBD.

5.5 2024.RT.020 Signs and lines – Heath Street and Bangalay Way Broulee No Stopping, Give Way, Broulee

Recommendation

That Conway Burrows and Hancock plan 3647-5C for Giveaway signage and linemarking Imogen Way and No Stopping and Keep Left signage on Heath Street, Broulee, be approved.

Background

Heath Street: Residential subdivision (48 lots) – DA0035/21 & RD0009/24. This development includes extension of the southern section of Heath Street to the north, continuation of Bangalay Way and two (2) additional roads which will be transferred to Council as public roads. There are footpath provisions along the relevant roads and Heath Street road pavement is being widened by three (3) metres from 9.5m to 12.5m to better service the precinct. This will also enable bus stops along this route in the future once



**LOCAL TRAFFIC COMMITTEE
REPORTS**

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Heath St is constructed as a result of development to the north of the site, connecting into the roundabout at Train Street.

CONCLUSION

The inclusion of Give Way signs and linemarking on Imogen Way and No Stopping / Keep Left signage on Heath Street will improve traffic flow through the residential subdivision, particularly as Heath Street will be extended to meet Train Street.

5.6 2024.RT.001 Signs and linemarking - Long Beach Road, Long Beach

RECOMMENDATION

That Group Development Services Pty Ltd Plan P00511-CI-SWC-1351 Revision 6 outlining No Stopping, chicanes, No Through Road and chevrons, for Vantage Developments No.1 Pty Ltd project 12 Long Beach Road, Long Beach, be approved.

BACKGROUND

Long Beach: Staged development for residential subdivision (68 lots) – DA110/12 & SWC4006/23. This development connects to Council’s road network at Cullendulla Drive within the 50km/hr zone. The main access road is the only public road connection to Council’s network and includes five (5) additional roads internal roads. In total six (6) roads will be transferred to Council as public roads. Footpaths will be provided by the developer within the development area and connecting along Long Beach Road to the existing footpath network. The development provides for bus stops as per consultation with the bus company.

The main road has chicanes as traffic calming, and wide enough for buses and trucks to pass. The are No Stopping covering the areas of fire hydrants and intersections.

CONCLUSION

Installing No Stopping signs and chicanes will improve traffic flow in the new residential development. The No Through Road sign will prevent people from driving into the development trying to find an alternative exit from Long Beach, and reduce confusion in case of bush fires.

ITEM 6 - INFORMAL ITEMS FOR DISCUSSION

6.1 2024.SE.010 ANZAC Day, Batemans Bay, Narooma, Moruya, Nelligen

RECOMMENDATION

That the submitted traffic management and control plans for the ANZAC Day marches for Batemans Bay, Moruya, Nelligen and Narooma on 25 April 2024, subject to approval by the NSW Police and lodgement of a Road Occupancy License to Roads and Maritime Services for the Moruya and Narooma events, be approved.



**LOCAL TRAFFIC COMMITTEE
REPORTS**

Meeting No: 7-23/24	File No E16.0002
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BACKGROUND

ANZAC Day marches will be conducted in the following locations on 25 April:

- (a) Batemans Bay
- (b) Tomakin
- (c) Moruya
- (d) Tuross Head
- (e) Narooma

As the marches in Batemans Bay, Moruya, Narooma and Nelligen affect the major road networks, traffic management and control plans are required.

Council will assist the event organisers to submit applications for Road Occupancy License's (ROL's) to the Roads and Maritime Services (RMS) for the Moruya and Narooma marches, as they require the use of the Princes Highway.

Traffic Management and Control Plans will be forwarded to the committee before the meeting.

CONCLUSION

ANZAC Day marches are planned at many locations throughout the Eurobodalla on 25 April. As the marches in Batemans Bay, Moruya, Nelligen and Narooma affect the major road networks, traffic management and control plans are required. Additionally, Council will assist the event organisers to submit applications for ROL's to the RMS for the Moruya and Narooma marches, as they require the use of the Princes Highway.

6.2 2024.SE.009 Rural Fire Service - Corunna State Forest

RECOMMENDATION

That the submitted traffic management and control plans TGS-102-07, TGS-102-06, TGS-102-08 for Corruna State Forest Hazard Reduction be approved under the ROL conditions.

BACKGROUND

FCNSW (NSW State Forest) plans to conduct a hazard reduction burn in Corunna State Forest around March depending on weather and resources.

Council Roads form part of the control lines for the burn and some roads may be impacted by smoke. To mitigate hazards to Firefighter Safety and road users 3 TGS have been drawn up that will be in place as required for the duration of the burn.

Council roads that will be impacted are:

Watertank Road –permission has been granted from the ESC Fire Mitigation Officer to close Watertank Road while operations are underway until the area is made safe.

- Old Highway
- Brushgrove lane
- Mystery Bay Road



**LOCAL TRAFFIC COMMITTEE
REPORTS**

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The Princes Highway will also be affected, Traffic for NSW are being consulted and a Road Occupancy Licence will be obtained. Undertake ROL include in conditions.

CONCLUSION

The Rural Fire Service TGS plans are provided to keep motorists safe while undertaking Corrunga State Forest Hazard Reduction burns on all roads, including Council controlled roads.

6.3 2024.SE.011 Fox Super Flow – Narooma

RECOMMENDATION

That Fox Super Flow, to be conducted Bodalla State Forest and Narooma Mountain Bike Park on Saturday 9 and Sunday 10 March 2024 under Traffic Guidance Scheme, TGS-FSF-2024, be permitted.

BACKGROUND

Narooma Mountain Bike Club secured funding to install a new venue which has been recently constructed in partnership with NSW Forestry, Narooma Mountain Bike Club and Eurobodalla Shire Council. The Inaugural Event, Fox Superflow will be managed by Rocky Trail Entertainment, the largest Private Promoter of Mountain Bike Events in Australia.

Proposed Annual event in partnership with Eurobodalla Council and the local Mountain Bike club.

The Fox Superflow offers 2 days of social Gravity racing. The format motto RACE THE WAY YOUR RIDE. On offer 3 timed race stages with untimed liaison trails, multiply runs, fastest time on each track counts. Age categories with no start order so riders can ride with their mates or family all day. A relaxed safe event that attracts families and caters for riders of all abilities.

The Fox Superflow event series, known for its unique and rider-focused race format, aligns perfectly with the goals of showcasing Narooma as a premier mountain biking destination. The event will not only provide a thrilling experience for participants but also offer an opportunity to boost the local economy by attracting visitors to the area, including riders, their families, and supporters.

NSW State Forestry have reviewed the Event Plan and Traffic Management Plan (ROL). LTC is an advisory committee only, need an ROL for speed reduction and VMS boards in both directions. LTC has approved to have event, *however this is a NSW Transport decision.*

CONCLUSION

The Fox Superflow will be held under traffic management control on Princes Highway for the protection of both riders and drivers.

6.4 2024.SE.012 RYDA 2024

That the submitted traffic management and control plan for the 2024 Rotary Youth Driver Awareness Program to be conducted using Donnelly Drive, Moruya on 10 and 11 April be approved.

BACKGROUND

A Traffic Management and Control plan has been received for the running of the annual Rotary Youth Driver Awareness (RYDA) Program on 10 and 11 April using Donnelly Drive, Moruya.



**LOCAL TRAFFIC COMMITTEE
REPORTS**

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Location: Eurobodalla Shire Council – Boardroom	

The Rotary Club of Batemans Bay is again facilitating a two-day event to be held around the Moruya Racecourse grounds for the eleventh consecutive year. RYDA (Rotary Youth Driver Awareness) is aimed at educating Year 11 students about various road safety issues and students from all five high schools in the Eurobodalla Shire will be participating.

One module requires a practical demonstration of motor vehicle stopping distances on a bitumen surface whilst travelling at three different speeds.

There will be six demonstrations per day each taking up to 30 minutes to complete. The demonstrations are conducted outside the Jockey Club on Donnelly Drive.

All demonstrations are conducted by a certified driving instructor and students observe the demonstration from behind a cordoned off observation area. For added effect, Council provides its portable Speed Advisory Sign.

Donnelly Drive is a *No Through Road* with the only traffic being residents and visitors to a small cluster of houses.

Closing the road for up to 30 minutes for each demonstration over a two-day period will result in minimal disruption to the resident's lifestyle and/or business activities.

CONCLUSION

The 2024 Rotary Youth Driver Awareness Program will assist in educating Year 11 students about various road safety issues with theoretical and practical experience over two days in April 2024.

6.5 2024.SE.013 Special Event Application – Sprint Series Adventure Race

RECOMMENDATION

That the submitted Traffic Guidance Scheme Ref. NH102 to be conducted at Jack Buckley Park, Tomakin and Mogo State Forest on March 3, 2024, be approved.

BACKGROUND

A Traffic Guidance Scheme Ref. NH102 received for the 2024 Adventure Junkie Event to be held March 3, 2024.

The event will be conducted at Jack Buckley Park, Tomakin and Mogo State Forest on March 3, 2024. Appropriate permits have been granted by Forestry Corporation for this event.

This event is in the second year being conducted after a successful Sprint Series Adventure Race in 2023. The event is a fun and exciting outdoor event consisted of kayaking, trail running and mountain biking sections. Teams of two navigate their way between checkpoints using a map and a compass only. This is a family-friendly event.

CONCLUSION

The event brings community together promoting healthy and active lifestyle. Multiple volunteering opportunities are promoted for the community to participate. LTC is an advisory committee only, need an ROL for speed reduction and VMS boards in both directions. LTC has approved to have event, however this is a NSW Transport decision.



**LOCAL TRAFFIC COMMITTEE
REPORTS**

Meeting No: 7-23/24

File No E16.0002

Date: Thursday 8 February 2024

Time: 9:30am

Location: Eurobodalla Shire Council – Boardroom

ITEM 7 – GENERAL BUSINESS

- 7.1 Coopers Island Road**
- 7.2 Electric Car signage
- 7.3 Mill Bay Boardwalk
- 7.4 Ford Street, No Right Turn
- 7.5 Dalmeny Drive

ITEM 8 – DEVELOPMENT APPLICATIONS

8.1

ITEM 9 – NEXT MEETING

March 14 2024

**CAR24/001 DISSOLUTION OF THE BROULEE TENNIS S355 MANAGEMENT
COMMITTEE**

**S012-
T00018**

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

Attachments: Nil

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

Community Strategy: 2.2 Encourage community spirit and enable healthy lifestyles

Delivery Program Link: 2.2.3 Plan for, and deliver safe and accessible recreation opportunities,
guided by the Recreation and Open Space Strategy and asset
management plan

Operational Plan Link: 2.2.3.1 Provide and maintain recreation facilities

EXECUTIVE SUMMARY

The Broulee Tennis Management Committee (BTMC) has operated since 1996 and is a S355 committee of Council. In that time community members have played an important role in the ongoing maintenance, management and operation of the tennis courts and club house at Broulee.

The BTMC's ongoing commitment to the management of the facility is evidenced by the current quality of the courts and the club house. The current committee and their predecessors must be acknowledged and congratulated for their ongoing service to the local community.

In November 2023 it was made evident that the current committee's membership did not meet the requirements of the Council's S355 guidelines, as all members of the committee were also active members of the Broulee Tennis and Social Club.

The guidelines stipulate that no more than two representatives of a particular interest group can be members of the S355 committee.

Council assisted the committee in understanding their obligations as a S355 committee and provided support and recommendations to meet the requirements of the guidelines in relation to membership.

The BTMC advertised for memberships prior to their AGM on 15 December 2023. However, these efforts were unsuccessful. The BTMC resolved to dissolve the S355 committee at its AGM on 15 December 2023.

The BTMC advised Council on 22 December 2023 of their decision to dissolve the management committee, effective immediately.

Council has taken over management and maintenance of the facility in the interim.

**CAR24/001 DISSOLUTION OF THE BROULEE TENNIS S355 MANAGEMENT
COMMITTEE**

**S012-
T00018**

RECOMMENDATION

THAT:

1. Council dissolves the Broulee Tennis S355 Management Committee, effective immediately.
2. Existing funds held by Council under the Broulee Tennis Club Management Committee be retained by Council for the purpose of maintenance and renewal activities at the Broulee tennis courts.
3. Council thanks the outgoing management committee for their contribution to the management and operation of the courts.

BACKGROUND

In 2014, Council adopted the revised 355 Management Committee Guidelines, including the Manual and Quick Reference Guide. At the time all management committees were given the opportunity to review the new guidelines and decide whether they wished to continue to operate as a 355 Management Committee.

Broulee Tennis Management Committee chose to continue to operate as a S355 committee of Council under those guidelines.

As per the 355 Management Committee Guidelines, a public meeting was held on the 31 May 2022 to appoint a new Committee for a 4-year period. The committee appointed as the BTMC has resolved to dissolve the S355 committee at its AGM on 15 December 2023.

CONSIDERATIONS

The dissolution of the BTMC will not affect the ongoing effectiveness or capacity of the Broulee Tennis and Social Club (the Club), which is a separate entity, in relation to the Broulee tennis courts.

The Club and their members will continue to enjoy discounted court hire and access to the club house. Council will continue to liaise with the club on current and future management and operational decisions at the courts.

Legal

The current BTMC membership did not meet the requirements of the Council's S355 guidelines, which stipulate that no more than two representatives of a particular interest group can be members of the S355 committee.

All members of the committee were also active members of the Broulee Tennis and Social Club. Efforts to expand membership were unsuccessful and the BTMC resolved to dissolve the S355 committee at the AGM on 15 December 2023.

Financial

The existing funds of \$73,522 (@ 1 February 2024), currently held by Council on behalf of the committee, will be retained by Council.

This report recommends the funds be used for appropriate maintenance and renewal needs at the Broulee tennis courts.

**CAR24/001 DISSOLUTION OF THE BROULEE TENNIS S355 MANAGEMENT
COMMITTEE**

**S012-
T00018**

Community and Stakeholder Engagement

Council has engaged with the outgoing BTMC extensively to address the issues outlined in this report.

The BTMC advertised for new members prior to their AGM in an effort to expand membership, but were unsuccessful.

CONCLUSION

The Broulee Tennis Management Committee (BTMC) has operated in some capacity since 1996. The current committee membership does not meet the requirements of the S355 Committee guidelines. Efforts to expand the membership were not successful and as a result, the committee has resolved to dissolve the committee and return management and operation of the Broulee tennis courts to Council.

CAR24/002 DOMESTIC VIOLENCE ACTIVISM UPDATE

S003-T00025

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

Attachments: Nil

Community Goal: 5 Our engaged community with progressive leadership

Community Strategy: 5.2 Proactive, responsive and strategic leadership

Delivery Program Link: 5.2.3 Advocate and collaborate to advance the region and address local issues

Operational Plan Link: 5.2.3.1 Develop and maintain strategic partnerships

EXECUTIVE SUMMARY

On 19 December 2023 the following Notice of Motion (NOM) was put to Council and endorsed:

THAT Council prepare a report to examine the opportunities and costs for events to be held during the 16 Days of Activism campaign to raise awareness around the role we all can play in primary prevention to eliminate violence against women and their children.

In responding to the NOM in this report, consideration and consultation has been undertaken in relation to existing services, the programs that domestic violence service providers already have in place or planned, and potential activities and funding opportunities.

RECOMMENDATION

THAT Council receive and note the Domestic Violence Activism Update.

BACKGROUND

The United Nations indicates that violence against women and girls remains one of the most prevalent and pervasive human rights violations in the world.

The International Day for the Elimination of Violence Against Women will mark the launch of the UNiTE campaign (Nov 25- Dec 10) — an initiative of 16 days of activism concluding on the day that commemorates the International Human Rights Day (10 December).

According to NSW Bureau of Crime Statistics and Research (BOSCAR), there has been a 12.5% increase in reported domestic violence (DV) over the last 5 years (October 2018 – September 2023) in the Eurobodalla LGA area.

In the last period Oct 2022 – Sept 2023, a total of 256 DV incidents were reported to police in our shire, of which 103 victims were male and 153 were female. Of the total, 36.3% were over the age of 40 and 25% were over the age of 30, collectively representing 61% of the total reported incidents.

CONSIDERATIONS

The Eurobodalla Domestic Violence Committee (EDVC) is made up of representatives from lead agencies engaged with the issue in our community, including the Eurobodalla Women's Refuge, NSW Police, The Family Place, Women's Domestic Violence Court Assistance Service, Headspace and the South East Women and Children's Service.

CAR24/002 DOMESTIC VIOLENCE ACTIVISM UPDATE

S003-T00025

The committee meets quarterly and last met in November 2023. The meeting schedule for 2024 has not been finalised. However, Council staff will attend when a date is provided, to discuss potential activities.

Council already plays an active supporting role to the lead agencies in this space. For example, Council's Youth Services and Youth Committee have been engaged with the EDVC for the past few years, with Council collaborating in the presentation of the annual Colour Run event.

The Colour Run is focused on primary prevention and awareness raising of DV. The event promotes the services and support available in our community and promotes saying 'no' to violence whilst having a run and having fun.

On average, the Colour Run attracts around 600 participants, making it a significant awareness raising annual event. There may be an option to hold the event in tandem with the 16 Days of Activism campaign. This idea will be forwarded to the organisers, Youth committee and partner organisations for consideration and scheduling.

Council's Library service currently provide information, resources, displays and programmed activities in relation to a range of community issues, including DV, as opportunities and special days occur throughout the year. This idea has been forwarded to Library staff for consideration and scheduling.

There may be opportunities to consider no cost/low cost programs and activities to augment existing library and community development activities in relation to DV, including engaging a speaker, providing a space for promotions or hosting a morning tea during the campaign period, depending on funding.

In addition to Council activities, local service providers and agencies provide a range of awareness raising events. For example, White Ribbon Day in Australia is 17 November, with NSW Police engaged in the global social movement working to stop men's violence against women. The Local Area Command participate in and present activities each year. In the past this has included community BBQs and sports days.

Council also facilitated *Love Bites* facilitator training to upskill/train new program facilitators through Club Grants funding, for both adults and young people, to present throughout the shire's schools. The grant enabled free training for participants.

Local services and programs are supported by national and state agencies and peak bodies. For example, *Our Watch* is a national leader in the primary prevention of violence against women and their children in Australia and was established under the *National Plan to Reduce Violence against Women and their Children 2010-2022* and continues under the *National Plan to End Violence against Women and Children 2022-2032*.

As an evidenced based organisation, they promote the four drivers to reduce violence are:

1. Challenge condoning of violence against women
2. Promote women's independence and decision making in public life and relationships
3. Build new societal norms that foster personal identities not constrained by gender stereotypes
4. Support men and boys to develop healthy masculinities and positive, supportive male peer relationships.

CAR24/002 DOMESTIC VIOLENCE ACTIVISM UPDATE

S003-T00025

Our Watch provides training, resources and tools, research and communities of practice to support prevention initiatives that can assist in informing advocacy and activities.

DV NSW is an independent, non-government peak organisation that provides a representative and advocacy function for specialist domestic and family violence services. They work to eliminate domestic and family violence (DFV) through thought leadership, promotion of the specialist DFV sector and promoting best practice responses and primary prevention. They have a range of campaigns that are promoted throughout the year and may be a lead with advocacy and support in November and December.

Potential additional activities

For events and activities that may require a degree of resourcing beyond current capacities, to fund catering, engagement of other supports or hire of equipment, external funds will need to be sourced. This may involve Council applying for funds directly, or Council supporting the EDVC or member organisations to apply and run events. This will be discussed when the EDVC next meets.

While grant funding opportunities will occur, it is difficult to specify the type and size of a potential event or program at this stage, without knowing the specific funding guidelines, or the priorities of local DV specific service providers. This matter will be raised at upcoming meetings to ensure a coordinated approach if the opportunity arises.

CONCLUSION

In responding to the NOM, consideration and consultation has been undertaken in relation to existing services and activities, the programs that domestic violence service providers already have in place or planned, and potential activities and funding opportunities.

There are opportunities to promote the tenets of the campaign to support advocacy to reduce domestic violence in our community, and, should grant funding become available, Council may resource further activities.

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@esc.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
The Office of Local Government	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	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.