



AGENDA

Ordinary Meeting of Council

11 December 2018

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

ON TUESDAY 11 DECEMBER 2018

COMMENCING AT 10.00AM

AGENDA

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

- 1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY & EVACUATION MESSAGE**
 - 2. APOLOGIES**
Nil
 - 3. PUBLIC FORUM (AGENDA ITEMS ONLY)**
 - 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
4.1 Ordinary Meeting held on 27 November 2018
 - 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- Page No.**
- 6. MAYORAL REPORTS**
MR18/010 Raindance Eurobodalla 3
 - 7. NOTICES OF MOTION**
Nil
 - 8. QUESTIONS ON NOTICE FROM COUNCILLORS**
QON18/009 Impact of the Rural Lands Strategy on the Oyster industry..... 5
 - 9. PETITIONS**
PET18/006 Reopen Schneider Drive to Mystery Bay Road 12
 - 10. GENERAL MANAGER'S REPORTS**
GMR18/031 Safety and Emergency Services Grant 2017-21 13

11. PLANNING AND SUSTAINABILITY REPORTS

PSR18/093	Narooma Oyster Festival	16
PSR18/092	Moruya Recycling Facility and the Container Deposit Scheme	19
PSR18/094	Draft Tourism Wayfinding and Signage Strategy 2018	23
PSR18/095	Planning Proposal - 3 Brown Close, Moruya Heads	30
PSR18/096	Planning Proposal - Reclassification of Community Land (Amendment 17)	33

12. INFRASTRUCTURE REPORTS

Nil

13. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS18/060	Request for Tender No. 2019/CCD022 - Eurobodalla Shellfish Hatchery	38
CCS18/061	Code of Conduct Complaints Statistics Report	42
CCS18/062	Narooma Men's Shed	49
CCS18/063	Licences for Outdoor Eating Areas - Mara Mia Walkway, Batemans Bay	52
CCS18/064	Licence for Bus Shelter - Mort Avenue, Dalmeny	56
CCS18/065	Licence for Red Hot Summer Tour Event - Mackay Park, Batemans Bay	59
CCS18/066	Legalisation of Clouts Road, Mogendoura	63
CCS18/067	Lease acquisition - Mini Golf	69
CCS18/068	Lease - Moruya Airport	72

14. COMMUNITY, ARTS AND RECREATION REPORTS

CAR18/040	Mackay Park draft Plan of Management	75
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15. DELEGATE REPORT

DR18/006	National General Assembly	86
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16. URGENT BUSINESS

17. DEALING WITH MATTERS IN CLOSED SESSION88

18. CONFIDENTIAL MATTERS

DR CATHERINE DALE
GENERAL MANAGER

MR18/010 RAINDANCE EUROBODALLA

File Ref: E12.6001

Attachments: Nil

EXECUTIVE SUMMARY

At its meeting on 14 August 2018, Council endorsed my initiative to engage in a friendship arrangement with Cobar Shire and facilitate a drought relief working group with a number of community leaders.

An exciting community initiative, Raindance Eurobodalla, three community events held concurrently on Friday 23 November 2018 at Narooma Golf Club, Moruya Golf Club and the Catalina Country Club.

More than 450 people went along to the event and \$44,065.05 was raised from ticket sales, raffle and charity auctions for drought relief. It was an incredible night of wonderful community spirit. I thank the community for supporting this cause, including over 100 local businesses who generously donated items and services for the night.

It was incredible to have Wilbur Wilde, Frankie J Holden and Josh Cunningham donate their services for the event. These wonderful acts were organised by event promoter David White.

It was wonderful to have Cobar Mayor, Ms Lillianne Brindley OAM attend the Moruya and Batemans Bay events. We have forged a great relationship with Cobar Shire Council over the past few months and I look forward to enhancing this relationship further.

As at 3 December 2018, the NSW Department of Primary Industries, declared Eurobodalla 'drought affected'. This indicates that production conditions are getting tighter, but there have been some falls of rain over the past month. It is rare to enter the Recovering phase from the Non-Drought category; Usually there is a quick (1-2 week) transition into Drought Affected or Drought. When indicators are close to the Drought threshold drought conditions are severe.

During the same period, Cobar Shire Council was declared 'drought' and 'intense drought'. This indicates that ground cover is very low, soil moisture stores are exhausted and rainfall has been minimal over the past 6-12 months. Conditions may be very dry, or agronomic production is tight (low soil moisture or plant growth). It is possible to be in Drought when there has been some modest growth, or a few falls of rain.

To assist the graziers of Cobar, I recommend that 50% of the funds raised, be forwarded to the Cobar Shire Council to distribute to farmers, through its determined governance process. Cobar has a long history of crippling droughts and I hope that this gesture will provide that community with some assistance during this very difficult time.

To ensure that we assist the farmers of Eurobodalla, I recommend a further report be presented to Council, outlining the possible governance processes available for distribution of funds to our farmers. It is anticipated that the report will provide a Terms of Reference for a community working group, made up of farmers and chaired by an independent member of the Audit, Risk and Improvement Committee, to outline how and recommend who would receive this funding. The working group may decide to send additional funds from the remaining 50% to Cobar or retain the funds to ascertain how Eurobodalla farmers are faring as 2019 progresses.

MR18/010 RAINDANCE EUROBODALLA

E12.6001

It is important to note that, while we have had some rain and the grass is green, we are still experiencing trying conditions. I encourage you to continue to support our farming community as we work through these trying times.

I also continue to encourage our local community groups and sporting clubs to reach out to their counterparts in Cobar to offer their support and let them know that we are thinking of them.

RECOMMENDATION

THAT:

1. The report be received and noted.
2. 50% of the funds raised be transferred to Cobar Shire Council for distribution through its determined governance process.
3. A further report detailing the governance process for the distribution of funds to Eurobodalla farmers be presented to the first Council meeting in 2019.

QON18/009 IMPACT OF THE RURAL LANDS STRATEGY ON THE OYSTER INDUSTRY

E16.0182

Responsible Officer: Anthony Mayne - Councillor

Attachments: 1. Response Letter - Clyde River Shellfish Quality Assurance Program
 2. Council Letter - Clyde River Shellfish Quality Assurance Program

The following question on notice was received from Councillor Anthony Mayne:

Question

1. What consultation was provided to the oyster industry during the rural lands strategy process?
2. What meetings and advice has been given to the oyster industry during 2018 by the Council in an effort to address their concerns?
3. What assurances can Council provide to the oyster industry that there will be zero negative impact both in the short and medium term as a result of the Rural Lands Strategy?
4. In light of Council having discarded advice from the State Authority in this matter, what liability does this Council bear should there be an adverse impact upon the oyster industry due to the Rural Lands Strategy?

Response

1. *Eurobodalla Shire Council has undertaken extensive consultation as an integral part of the process for preparing the Rural Lands Strategy and subsequent Rural Lands Planning Proposal. The oyster industry and individual growers have had opportunity to discuss the Strategy with Council and raise concerns through each stage of the process over many years. A summary of community and stakeholder engagement can be found at the following [link](#).*

It should be noted that the Department of Primary Industries were represented on the Rural Lands Advisory Committee and a department representative attended meetings. Council believe that the department has represented the oyster industry through the planning and implementation of the Rural Lands Strategy.

Council also met with the Clyde River Shellfish Quality Assurance Program on 17 August 2018, to discuss the Rural Lands Strategy and allay any concerns in the industry. (Please find attached a letter from the group that communicates their confidence in Council's Rural Lands planning proposal).

2. *Council met with the Clyde River Shellfish Quality Assurance Program on 17 August 2018 to discuss the Rural Lands Strategy and allay concerns within the group. Please find attached a detailed letter from Council to Clyde River Shellfish Quality Assurance Program and a supportive return letter from the group.*

There have been numerous opportunities for oyster growers to speak with Council if they have had issues regarding the Rural Lands Strategy. Council have looked to consult the

**QON18/009 IMPACT OF THE RURAL LANDS STRATEGY ON THE OYSTER
INDUSTRY**

E16.0182

Department of Primary Industries (Fisheries) and relevant industry bodies that represent the oyster industry.

3. *There will be minimal impact on the oyster industry as a result of implementing the Rural Lands Strategy. Furthermore, the majority of catchment areas are bound by State Forest and National Park land and out of Council's jurisdiction. The strategy facilitates modest subdivision and dwelling increase across the Shire and potential development is generally outside estuary catchment areas, as referenced below:*

Clyde River Catchment Area:

Area 4 - Currowan, Benandarah and East Lynne – potential for four additional lots and six dwellings

Area 5 - West Batemans Bay – no additional lots or dwellings

Area 38 - Runnyford and Buckenbowra (North) – no additional lots and potential for three additional dwellings

Area 41 - South Nelligen – no additional lots or dwellings.

Moruya River Catchment Area:

Area 14 – Mogendoura – potential for four additional lots and six dwellings

Area 15 – North Moruya – no additional lots or dwellings

Area 17a – South Head, Moruya – no additional lots and potential for an additional dwelling

Wagonga Catchment Area:

Area 29 – Wagonga Scenic Drive – potential for an additional lot and two dwellings

Area 31 – Shingle Hut Road, Narooma - no additional lots and potential for an additional dwelling

The implementation of the Strategy does not remove land clearing controls. Moreover, current NSW Government legislation and policy concerning environmental management will remain, ensuring that catchments areas are protected in future.

4. *Council have not discarded State agency advice, we have provided detail responses to each submission received. Council has not always agreed with the submissions and have attempted to clarify any misunderstandings or where the issues raised were without merit.*

It is important to note that Government agencies did not object to the Rural Lands Strategy outright, but they objected to individual properties identified in the Strategy. In some cases, their objections were to dwelling entitlements on properties that already had a dwelling entitlement or to land clearing where clearing had already occurred and as a result was not a result of the implementation of the Strategy.

The Department of Primary Industry Fisheries provided an agency submission to the Rural Lands planning proposal on 22 June 2018. The submission raised several concerns

**QON18/009 IMPACT OF THE RURAL LANDS STRATEGY ON THE OYSTER
INDUSTRY**

E16.0182

that Council provided response to in the Council report on 28 August 2018. The concerns raised by the department that related to the oyster industry included:

a. Grazing as exempt development on E2 zoned land

Response: *Exempt development can only be undertaken subject to the provisions of Part 3 of ELEP 2012. Section 3.3 excludes environmentally sensitive areas, such as important wetlands, from exempt development. The proposal will not permit grazing as exempt development in any wetland identified in the Coastal Management SEPP. Most E2 lands in Eurobodalla are also identified in the Coastal Management SEPP. This proposal therefore will only apply to a small number of E2 areas on private property.*

b. Minimum lot averaging will result in increased residential stormwater runoff to oyster growing estuaries, or where it is not connected to a reticulated wastewater management system and has the potential to result in an increased on-site sewage management load in areas that have the potential to impact oyster growing areas.

Response: *The use of lot averaging does not increase the potential lot or development yield. The potential impacts on waterways from the application of minimum averaging will be assessed as part of any development application submitted to Council.*

c. Rezoning of deferred lands as RU1, RU4 or E4 where they are located adjacent to waterways with good condition native riparian habitat.

Response: *Zoning land does not, of itself, have impacts on the quality of native riparian vegetation. It is the development of land that can have potential impacts. Where development requires consent from Council, the potential impacts can be assessed at the development application stage and if approval is granted, conditions can be applied to ensure impacts are avoided or minimised. Where clearing is proposed for agriculture, the NSW Local Land Services Act 2013 applies.*

Council cannot be liable and it is important to understand the Rural Lands Strategy only identifies development potential. While the impact of potential development on estuaries in the Shire has been given detailed consideration, any future subdivision or development will require development assessment ensuring it is in keeping with NSW Government legislation and policy and has minimum impact on the oyster industry.

RECOMMENDATION

THAT the response to the question regarding impact of the Rural Lands Strategy on Eurobodalla's oyster industry raised by Councillor Anthony Mayne be received and noted.

Clyde River Shellfish Quality Assurance Program

ABN 18 868 362 296

17th August 2018

Lindsay Usher
Director
Planning and Sustainability Services
Eurobodalla Shire Council
PO Box 99
Moruya NSW 2537

Dear Lindsay

Thank you for meeting with our members of the Clyde QAP Committee yesterday morning to discuss our concerns in regard to the Rural Land Strategy Planning proposal. We found the information provided to us by yourself and Liz Rankin answered our concerns.

All our issues were addressed both at the meeting and in the subsequent summary you sent us. We are happy with the outcome.

We appreciate Council's recognition of the value of our industry and look forward to working with you in the future.

Regards



John Yiannaros
Co-ordinator
Clyde River Quality Assurance Program

ADDRESS

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clydeoysterfarmers@gmail.com

Our Reference: E16.0182; 46367.18

16 August 2018

Clyde River Shellfish Quality Assurance Program

clydeoysterfarmers@gmail.com

Dear Members

Response to submission to the Rural Lands Strategy Planning Proposal

Thank you for your submission to the Rural Lands Strategy Planning Proposal dated 21 June 2018, and for taking the time to meet with myself and the Divisional Manager Strategy and Sustainable Growth, Liz Rankin, today to discuss your concerns.

I trust that our meeting and the advice provided allayed the concerns that you had with the Rural Lands Strategy Planning Proposal. The following provides a summary of the issues we discussed today and the advice provided.

The draft *Eurobodalla Local Environmental Plan* (LEP), exhibited in 2011, included a proposal to use the E3 Environmental Management Zone for vegetated rural land in Eurobodalla. Following significant objections, Council resolved not to use the E3 Zone and the subject land was deferred from the LEP when it was made in 2012. As a result, there is no land currently zoned E3 in Eurobodalla.

In this planning proposal, the E3 Zone is not proposed to be applied to any land in Eurobodalla. The lands that were previously proposed to be zoned E3 retain a zoning under the *Rural Local Environmental Plan 1987* (Rural LEP 1987). In most cases, the land is included in the following two rural zones (under the Rural LEP 1987):

- **Zone 1(a)** - (Rural Environmental Constraints and Agricultural Zone), and
- **Zone 1(a1)** - (Rural Environmental Constraints, Water Catchment Protection and Agricultural Zone).

In both of these zones, certain forms of agriculture, including grazing of livestock, are permitted without consent. The proposal is to continue to allow grazing without consent.

Clearing of vegetation in rural areas is regulated by the NSW Government Local Land Services under the *Local Land Services Act 2013*. This will continue to occur. Where Council receives a Development Application that includes the clearing of vegetation, it will be assessed under the *Biodiversity Conservation Act* as currently occurs.

The planning proposal provides for a modest increase in the number of lots and dwellings across Eurobodalla. Most of the potential additional development is not located in oyster catchment areas. For example, in the entire Clyde River catchment, the proposal creates the potential for up to nine additional lots and 20 additional dwellings, the majority of which are located more than four kilometres from the Clyde River. The following is a summary of the potential in those areas in closer proximity to the river and growing areas:

- Area 4 - Currowan, Benandarah and East Lynne – potential for four additional lots and six dwellings
- Area 5 - West Batemans Bay – no additional lots or dwellings
- Area 38 - Runnyford and Buckenbowra (North) – no additional lots and potential for three additional dwellings
- Area 41 - South Nelligen – no additional lots or dwellings.

Any Development Application for subdivision, dwellings or other permitted land-use will be assessed having regard to NSW and Australian Government legislation and policy, the Local Environmental Plan and any relevant Development Control Plan or Code. Council will continue to assess development proposals in oyster catchment areas in relation to their potential impact on water quality, and impose conditions on any development approvals to prevent detrimental impacts.

The proposed use of open land-use tables does not represent 'anything goes'. Certain land-uses will remain prohibited in the RU1 and RU4 Zones, and any additional permitted land-uses cannot be undertaken without development consent. Before Council can grant development consent, assessment of the proposal against the relevant provisions of NSW Government legislation, regulations and State Environmental Planning Policies needs to be undertaken.

Where a land-use is permitted without consent, such as extensive agriculture, the land owner must comply with relevant NSW Government legislation and regulations. As previously mentioned, clearing of rural land for rural purposes is currently regulated by NSW Government Local Land Services, and this will not change by the zoning of the subject land to RU1 or RU4.

The planning proposal does not allow grazing without restriction in all E2 Zones. Clause 3.3 of ELEP 2012 states that 'exempt or complying development must not be carried out on any environmentally sensitive area'. An environmentally sensitive area is defined as including coastal wetlands, as defined under the *Coastal Management Act 2016*, and land within 100m of a coastal wetland. The Coastal Management SEPP maps coastal wetlands and these cover most of the coastal wetlands that are zoned E2. Therefore, making grazing exempt development in the E2 Zone will only be able to apply to land zoned E2 that is not a coastal wetland or other defined environmentally sensitive area. This is consistent with what currently occurs.

Page 3 of 3

16 August 2018

In summary:

- The majority of land in the Clyde River catchment is either National Park or Forestry. This is not affected by the Rural Lands Strategy Planning Proposal.
- The land in question currently has a rural zone and will continue to have a rural zone.
- Grazing is currently permissible without consent under the 1987 Rural LEP and will continue to be permissible without consent under the proposal.
- There is modest potential for subdivision and additional dwellings under the planning proposal, with no potential in Area 5 - West Batemans Bay, which includes the main oyster growing areas.

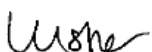
Council will continue to assess any development proposal in accordance with legal requirements, including to assess their potential impact on water quality and impose conditions on any development approvals to prevent detrimental impacts.

As discussed at our meeting, Council recognises and values the oyster industry and the important contribution it plays both directly and indirectly to our local economy. We will continue to ensure that our land-use planning and development assessment processes provide appropriate protections for the industry and the environmental assets upon which it depends.

I trust that our meeting this morning, and the confirmation provided by this letter, addresses any concerns that you may have had in regard to the Rural Lands Strategy Planning Proposal.

Should you have any further questions, or wish to discuss this or other matters, please do not hesitate to contact me on 02 4474 1304 or via email on lindsay.usher@esc.nsw.gov.au, or Liz Rankin, Divisional Manager Strategic and Sustainable Growth, on 02 4474 1326 or via email on elizabeth.rankin@esc.nsw.gov.au.

Yours sincerely,



Lindsay Usher
Director
Planning and Sustainability Services

PET18/006 REOPEN SCHNEIDER DRIVE TO MYSTERY BAY ROAD

E98.2475

Responsible Officer: Phil Constable - Clr

Attachments: 1. Under Separate Cover - Confidential - Petition

Councillor Phil Constable has given notice that at the Ordinary Meeting of Council on, 11 December 2018 he will move the following motion.

MOTION

THAT Council staff investigate this proposal and a further report be presented to Council on the outcomes of this investigate in early 2019.

BACKGROUND

We, the undersigned residents of Mystery Bay, request that Council reopen Schneider Drive to provide an alternative exit to Mystery Bay Road.

Given the prediction of a “catastrophic” fire season ahead and our extreme vulnerability to bushfires, we are very concerned that Lamont Young Drive is currently our only way of exiting Mystery Bay. We believe our safety is jeopardised by the single exit.

We propose that:

1. Schneider Drive be opened as a one-way road, with left turn only into Mystery Bay Road and no right turn access from Mystery Bay Road.
2. That the 50kph speed zone be extended to the west of its existing boundary to incorporate the intersections of Schneider Drive and Sunnyside Road.

GENERAL MANAGER’S RESPONSE

For Council to make an informed decision on this request, staff would need to investigate cost and traffic impacts of this proposal. It is anticipated that a further report, outlining the details of this investigation, be presented back to Council in early 2019.

GMR18/031 SAFETY AND EMERGENCY SERVICES GRANT 2017-21

E18.1726

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Confidential - Safety and Emergency Services Grant allocation 2017-21

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

Operational Plan Link: 9.1.2.2 Facilitate community grants and donations

EXECUTIVE SUMMARY

The Safety and Emergency Services Grant 2017-21 is a funding stream within the four year category of Council's Community Grant policy and provides funding to support the operating costs associated with the delivery of community services and initiatives by organisations in Eurobodalla. Council will consider grants towards the operational costs for Surf Life Saving Clubs and emergency organisations.

This is the first time that Council has called for applications under this grant category. The grant was opened to the public on 1 July 2018 and closed on 30 September 2018. Eight applications were received. Seven applications were assessed as eligible. All approved funding requests fall within the original four year budget allocation.

RECOMMENDATION

THAT Council endorse the recommendations detailed in the confidential attachment, awarding Safety and Emergency Services grants to seven organisations for 2017-21.

BACKGROUND

In July 2017, Council adopted a new Community Grants policy. This policy specifically reflects Council's approach to donations to community organisations within Eurobodalla, with consideration to local government's role in achieving community cohesion, civic participation and capacity building. The policy can be viewed at <http://www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Community-Grants-policy.pdf>

Under section 8 of this policy, Council will consider allocating funds under the Safety and Emergency Services grants. These grants are available for Surf Life Saving Clubs and emergency organisations such as Volunteer Coastal Patrol and Rescue Squads, helicopter services and the like. Council will no longer provide an automatic annual subsidy and organisations must apply for funding. Funding will be allocated over a four year period (2017-18, 2018-19, 2019-20 and 2020-21) with instalments paid annually. Grants will only apply for an approved four year period with recipients invited to re-apply when applications are opened for the next period.

This grant is for Surf Life Saving Clubs and emergency service organisations who deliver services and initiatives to the Eurobodalla community. This is the first time that Council has called for

GMR18/031 SAFETY AND EMERGENCY SERVICES GRANT 2017-21

E18.1726

applications under this grant category. It is a four year grant category in-line with Council's Delivery Program 2017-21. Funding for 2017-18 will be paid with the 2018-19 payment.

The grant was opened to the public on 1 July 2018 and closed on 30 September 2018. Eight applications were received. All approved funding requests fall within the budget allocation.

The grant is structured as follows:

- Applications must be Eurobodalla based safety and emergency services organisations like Surf Lifesaving Clubs, Volunteer Coastal Patrol and Rescue Squads and helicopter services.
- All applications must be made through our online application form.
- Grants must provide demonstrated community benefits
- Applications must be appropriately insured.
- Applications must not have any outstanding debts to Council.

Council received eight applications as listed below:

	Organisation
1	Moruya Surf Life Saving Club
2	Marine Rescue NSW – Narooma
3	Broulee Surfers Surf Life Saving Club Inc
4	Marine Rescue NSW – Batemans Bay
5	WIRES Mid-South Coast
6	St John Ambulance – Moruya Combined Division
7	Long Beach Rural Fire Brigade
8	Narooma Rescue Squad Inc.

All applications received were assessed within the total budget of \$174,796 split over the four year period. Each organisation will receive the grant in yearly instalment until 2021.

CONSIDERATIONS

There were eight applications received. All grants applications were assessed against the eligibility criteria with seven of the eight applications assessed as meeting the requirements.

A confidential summary sheet is attached for Councillor information. This outlines what projects each organisations will undertake with this funding.

The application that is not considered for funding, has received funding from Council through the Health Communities and Senior Weeks and School and Education Grant categories.

Policy

The Safety and Emergency Services Grants stream is part of Council's four yearly grants category within its Community Grants policy.

GMR18/031 SAFETY AND EMERGENCY SERVICES GRANT 2017-21

E18.1726

Financial

A total budget of \$174,796 is allocated from 2017-21 for Safety and Emergency Services Grants. It is a four year grant category in line with Council's Delivery Program 2017-21. Each grant will be paid, in instalments, over the four year period. Funding for 2017-18 will be paid with the 2018-19 payment.

The total of the seven grant applications, fall within the original four year budget allocations.

Community and Stakeholder Engagement

We have informed the community about the availability of the grants through providing information on Council's website, advertising on Council's noticeboard page in two local newspapers and distributing a media release. All emergency services and previous funding applications were also notified in writing of the grant application process.

CONCLUSION

The Safety and Emergency Services Grants provide the opportunity to support local community organisations to provide vital emergency services and initiatives to the community.

PSR18/093 NAROOMA OYSTER FESTIVAL

E08.2294

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

Attachments: Nil

Outcome: Vibrant and Diverse Economy

Focus Area: 5.3 Focus on the development of sustainable tourism and quality events and visitor experiences

Delivery Program Link: 5.3.2 Actively seek and support the development and hosting of events

Operational Plan Link: 5.3.2.2 Support event organisers in delivery of a range of new and established events

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement to allocation additional funding to support the Narooma Oyster Festival Event for 2019.

The Narooma Chamber of Commerce has written to Council seeking \$20,000 to support the event management and administration of the 2019 Narooma Oyster Festival. This is an additional \$10,000 on top of the \$10,000 provided by Council for the 2018 event.

The funding is requested to specifically engage a professional event manager/management company to help grow and strategically place the event as a hallmark event for Eurobodalla, and to attract greater Destination NSW funding. The aim is to not only reduce the burden on the volunteer Committee but also to provide the professional expertise required to take the event to the next level to support jobs growth and economic return to the local economy.

RECOMMENDATION

THAT Council support the allocation of \$20,000 to support the Narooma Oyster Festival event for 2019.

BACKGROUND

The Narooma Oyster Festival (Festival) presented key outcomes of the 2018 Oyster Festival to Council on 5 September 2018. As outlined in the Festival's key outcomes report and presentation, the event attracted approximately 4,000 paid attendees, of which 59% were attending for the first time. Significantly, 60% were from outside our Shire with an average reported length of stay of 3.9 nights, with 49% in paid accommodation. 90% of visitors surveyed, stayed two nights or more with 32% staying five nights or more. 97% indicated they would return to Narooma at another time. In addition, the Festival generated Public Relations and advertising value in excess of \$1 million.

A partnership with Merivale Group also generated considerable digital media benefits and awareness of Eurobodalla's oysters and produce, in the Sydney restaurant market.

A consultation meeting of representatives from the Oyster Festival Committee, Council's Tourism and Event Manager and the Manager, Regional Event Development at Destination

PSR18/093 NAROOMA OYSTER FESTIVAL

E08.2294

NSW (DNSW) in August 2018, indicated strong support for the Festival to achieve Event Development Fund support (\$50,000) in 2020 as part of the Regional Flagship Events Program.

Given that the Festival will be in its final year of Flagship Funding for the 2019 event (\$30,000), it is imperative that the 2019 event achieves further growth to be able to qualify for the next level of funding for 2020. It should be noted that only three events received this level of funding from DNSW for 2018. The Oyster Festival will need to demonstrate a comprehensive strategy for future growth to achieve this next level of support, which demonstrates the continued development of its tourism potential to drive overnight visitation to the event.

Feedback from the stakeholder engagement process, undertaken by The Tilma Group in late August 2018 to inform the development of the Eurobodalla Event Strategy, clearly identified that the Narooma Oyster Festival should be recognised as a hallmark event that has significant potential to grow and develop as *the* signature event across Eurobodalla. The Events Strategy is due for completion early 2019.

Reaching this potential as Eurobodalla's signature event is now beyond the capacity of the volunteer organising committee and the small event management outfit currently employed. To be eligible for the DNSW Event Development Support (\$50,000), and to expand the festival into a Shire-wide event, greater professional support and experience is required to strategically plan and grow the event over the next year.

The organising committee has prepared an expanded scope of works to seek responses from event management specialists.

CONSIDERATIONS

Economic Development Employment Potential

The Narooma Oyster Festival is a key driver of the Eurobodalla visitor economy. It is estimated that the 2018 event contributed \$700,000 to the local economy and has the potential to achieve additional economic growth if its growth is further supported.

Financial

Council's Tourism and Event Unit supported the 2018 event with \$10,000 funding. \$10,000 has been set aside for the 2019 event from the Event Assistance Program 2018/19 budget. An additional \$10,000 can be sourced from this Event Assistance Program as no other funds have been allocated as yet. Further allocations will be informed by the Event Strategy.

An indicative budget for the 2019 Festival has been prepared that indicates an increase in the event management line item from \$16,500 to approximately \$25,000 for 2019. The additional \$10,000 sought from Council will be used specifically:

- To engage a professional event manager or team that is capable of undertaking a greater scope of works than the current consultants. The scope will be expanded from the current outsourced works to include: management of all stall holders, entertainment plus oversee and project manage the event. Importantly the organising committee is looking for a higher level of professional experience to advise on how to grow the festival as this is beyond the capability and expertise of a volunteer organising committee

PSR18/093 NAROOMA OYSTER FESTIVAL

E08.2294

- Engage a local accounting organisation to manage the event financials and
- Engage local administration assistance to support the Steering Committee.

An operating surplus of up to \$20,000 for the festival has been included in its forecast budget to cover contingencies, and support the growth of the Festival as a Shire-wide event for 2020. This is double the current Festival surplus.

Community and Stakeholder Engagement

Feedback on key directions of the draft Events Strategy will be sought from event organisers early in 2019. Early emerging findings of that draft Events Strategy identifies the Narooma Oyster Festival as an important hallmark event across Eurobodalla, with significant potential for growth.

CONCLUSION

The 2018 Oyster Festival attracted an estimated 4,000 paid attendees of which 59% were first time visitors to the event. Significantly 60% were from outside our Shire and stayed a number of nights to enjoy the Shire's attractions.

Consideration should now be given to the future of the Oyster Festival to encourage its continued growth and generation of increasing patronage and interest. It is therefore recommended that Council support the allocation of \$20,000 to support the Narooma Oyster Festival event for 2019.

**PSR18/092 MORUYA RECYCLING FACILITY AND THE CONTAINER DEPOSIT
SCHEME**

L.0599

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: Sustainable Living
Focus Area: 4.2 Targeted reduction of waste with an emphasis on resource recovery and waste minimisation
Delivery Program Link: 4.2.1 Provide sustainable waste services and infrastructure
Operational Plan Link: 4.2.1.2 Manage kerbside collection

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of a formal request for assistance from Suez, Council's recycling collections contractor, as a result of considerable lost revenues and a significant increase in fixed costs at the Moruya Materials Recycling Facility (MRF). These concerns have had a large impact on Council's collection contractor, Suez's kerbside recycling costs.

The reduced revenues are primarily a result of the impact that the China National Sword Policy has had on global recycling commodity prices.

In addition, the report discloses transitional funding available from the NSW Government, through the Return and Earn Container Deposit Scheme, for which Council is eligible, should it enter into a Refund Sharing Agreement (RSA) with Suez prior to 1 December 2018. These funds will not only offset these additional kerbside recycling collection costs but also provide monetary and recycling education benefits to the community.

RECOMMENDATION

THAT Council receive and note the report regarding the Moruya Recycling Facility and the Container Deposit Scheme.

BACKGROUND

Financial assistance for the materials recycling facility

Until recently, China was a large importer of recyclable materials, accepting more than 30 million tonnes of waste world-wide every year. At the start of January 2018, China began to stringently enforce restrictions on the importation of recycled materials under its National Sword Policy. This policy has impacted on the global market for recyclable material.

Whilst the majority of Eurobodalla Shire's kerbside recycling collected and processed at the Moruya MRF has generally found a market in Australia, this market has now been saturated and commodity prices have collapsed. Revenues at the MRF are currently achieving market rates at 51% of what they were in 2014, which was the last time that Suez requested a contract variation to ensure ongoing operations at the MRF.

**PSR18/092 MORUYA RECYCLING FACILITY AND THE CONTAINER DEPOSIT
SCHEME**

L.0599

Operational costs at the MRF have increased dramatically as a result of the China National Sword Policy, due largely to the fact that the final commodity leaving the MRF needs to be of a much higher standard than previously required, or will not be of an acceptable quality in the current market. Labour costs, as a result of more stringent manual sorting requirements, have increased by 21%, and additional new costs are now being recognised for storage of unsold commodities and an associated increase in insurance costs.

Electricity has independently risen by more than 40% over the same period. Overall, costs have increased by approximately 31% since the last variation was granted, resulting in operations not being sustainable.

Refund Sharing Agreement (RSA) and the Container Deposit Scheme (CDS)

Under the NSW Government's Return and Earn CDS, which commenced on 1 December 2017, MRFs may claim processing refunds for eligible containers that are collected through kerbside recycling services. In establishing this scheme, it was intended for these processing refunds to be shared with councils and the broader community. Due to various existing service arrangements that councils had in place at the commencement of the scheme, it has been determined that the best approach was for councils and MRFs to negotiate and enter into RSA's. These need to be concluded and forwarded to the NSW Environment Protection Authority (EPA) by 1 December 2018 to enable the relevant MRF and Council to qualify for claiming a processing refund.

CONSIDERATIONS

Financial assistance

Overall, projected revenues for Council's kerbside recycling commodities at the current market rates, are just over half what they were in 2014, whilst costs have increased by approximately 31% since the last variation was granted. The result of this is that operations at the Moruya MRF are not sustainable, with potential closure being a reality if assistance is not provided.

The net value of the assistance requested, is based upon a set amount for increased fixed costs and a further variable amount resulting from the lost revenues. The increased costs are being linked to floating commodity values that are to be assessed quarterly. Should commodity prices recover, the value of the additional charges (assistance) would decrease and vice versa. The total value of the financial assistance being requested for the current calendar year equates to \$344,902, or approximately \$0.30 per domestic waste collection service per week. This increase in annual cost will continue until the contract is no longer in force.

CDS Refund Sharing Agreement

Council's Waste Services management team and Suez, on behalf of the Moruya MRF, have engaged in various discussions and negotiations and have agreed to share the CDS processing refunds with a split of 10% of the applicable refund being allocated to the MRF, and the remaining 90% to Council. The 10% proportion to the MRF is to cover all administrative aspects of the claim and to ensure that the MRF continues to meet the EPA's administrative and operational requirements in this regard. This revenue stream will be backdated to 1 December

**PSR18/092 MORUYA RECYCLING FACILITY AND THE CONTAINER DEPOSIT
SCHEME**

L.0599

2017 to ensure that any CDS claims that the MRF submits for materials collected since that date, will be shared according to the agreed splits.

Should input volumes from the kerbside collection remain at the current rate, Council can expect to receive revenues in excess of \$700,000 per annum. These funds would offset the additional processing costs and can be put to further enhancing Eurobodalla Shire's recycling opportunities.

In order for Eurobodalla's recycling commodities to remain marketable, contamination rates of the yellow lidded bin need to decrease. Increased education is a means to achieving this and a portion of the CDS funding could be used to fund this and other benefits to the community.

Policy

The NSW Parliament passed amendments to the Waste Avoidance and Resource Recovery Act 2001 (NSW) (WARR Act) in October 2016 to establish the CDS and the Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017 was published in March 2017. The CDS commenced operation on 1 December 2017.

Environmental

Drink container litter currently makes up 44% of the volume of all litter in the State and costs more than \$162 million to manage. By participating in the CDS, and with increased education, Council and the community are in a better position to ensure that the EPA's Waste Avoidance and Resource Recovery Strategy of increasing recycling and reducing litter, is achieved.

Social Impact

There are various benefits to the community resulting from the provision of financial assistance and establishment of a refund sharing arrangement. The RSA has a net positive financial result for the community which can be used towards enhancing education and the provision of additional recycling opportunities.

Economic Development Employment Potential

The MRF employs numerous staff and ongoing operations would be bolstered for the life of the kerbside collections contract as a result of these actions.

Financial

The RSA and accompanying price variation have a net positive financial result. The amount depends on the recycling commodity prices at the time, but initial estimations for the current year depict net favourable revenues of approximately \$350,000.

Community and Stakeholder Engagement

In February 2015, the NSW Premier set a target to reduce the volume of litter in NSW by 40% by 2020. The Premier also made an election commitment to investigate the introduction of a container deposit scheme in NSW. The Premier's priority for 'Keeping our environment clean' by reducing the volume of litter in NSW by 40% by 2020, was one of 12 Premier's Priorities and 18 State Priorities for NSW.

**PSR18/092 MORUYA RECYCLING FACILITY AND THE CONTAINER DEPOSIT
SCHEME**

L.0599

The NSW Government undertook extensive consultation and analysis on a range of options to achieve the WARR Act objectives. The consultation included two discussion papers, a range of community forums, policy advice provided by independent consultants and advice from an advisory committee.

The CDS design has benefited from the feedback received during this consultation and the submissions confirmed that NSW residents are concerned that littering is a very important issue facing NSW. A 2016 survey identified that '86% of us think littering is a very important issue facing NSW'.

As a result of this work, the NSW Government has found that a CDS is an appropriate strategy to achieve the litter reduction target. Notably it was the only litter reduction mechanism identified that would achieve the target, because it positively incentivises behaviour change.

CONCLUSION

Council has submitted a CDS Refund Sharing Agreement to the EPA prior to the 1 December 2018 deadline. This will ensure that Council is eligible to receive transitional funding available from the Return and Earn Container Deposit Scheme (CDS).

Further, Council will formally accept the request for a variation to the current Collections Contract with Suez and enter into a formalised agreement, recognising the increase in fixed costs and variable lost revenues. Suez will then be required to invoice the relevant amount, quarterly to Council until the Collections Contract is no longer in force.

The above steps will enable Council to fund the additional costs associated with the collections process and ensure ongoing viability and sustainability thereof. This is a favourable result for Eurobodalla Shire and the community, with the funding being positive recognition of the good work that has been done with regards to recycling and maintaining the low levels of contamination.

PSR18/094 DRAFT TOURISM WAYFINDING AND SIGNAGE STRATEGY 2018

E16.0341

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

Attachments: 1. Under Separate Cover - draft Tourism Wayfinding and Signage Strategy

Outcome: Vibrant and Diverse Economy

Focus Area: 5.3 Focus on the development of sustainable tourism and quality events and visitor experiences

Delivery Program Link: 5.3.1 Work in partnership to continue to develop the tourism industry

Operational Plan Link: 5.3.1.1 Finalise and commence the implementation of the Eurobodalla Tourism Wayfinding and Signage Strategy

EXECUTIVE SUMMARY

The purpose of this report is to recommend adoption of the draft Eurobodalla Tourism Wayfinding and Signage Strategy (Strategy) attached under a separate cover. Council endorsed the draft Strategy for public exhibition at the Ordinary Council meeting of 25 September 2018 (PSR18/086).

Council engaged consultants with experience in tourism signage to help prepare a draft Strategy to ensure that current and future signage facilitates safe and positive journeys and help visitors find their way to the experiences and places in Eurobodalla.

Wayfinding is how people find their way around a place. Cues that help people find their way include clear and concise information on signs, and elements such as landmarks. Effective tourism signage creates visitor-friendly destinations and supports the tourism brand and marketing. It is one method visitors can use to learn about a destination and find their way around that also includes websites, printed materials and visitor information centres.

The draft Strategy provides a framework for Council to make decisions on the location and style of future tourism signage to enhance wayfinding in Eurobodalla. It includes principles and guidelines to help choose the right signage for particular circumstances, for locating signs and for further development of signage policies and processes to implement the Strategy.

As part of the engagement process, the draft Strategy was placed on public exhibition between 26 September and 31 October 2018.

RECOMMENDATION

THAT Council adopt the draft Eurobodalla Tourism Wayfinding and Signage Strategy 2018.

BACKGROUND

A report was presented to the Ordinary Meeting of Council held on 25 September 2018 with a recommendation to seek input via public consultation.

PSR18/094 DRAFT TOURISM WAYFINDING AND SIGNAGE STRATEGY 2018

E16.0341

The following Motion was moved:

THAT:

1. *Council publicly exhibit the draft Tourism Wayfinding and Signage Strategy 2018 for a period of 28 days.*
2. *A further report regarding the draft Tourism Wayfinding and Signage Strategy 2018 be provided to Council following the exhibition period.*

The draft Strategy was placed on public exhibition between 26 September and 31 October 2018. The exhibition period was promoted via a public notice in the local newspaper, a media release and Council's e-news and direct emails to tourism business and operators that subscribe to Council's tourism industry newsletter.

Seven submissions were received. Over 150 people accessed Council's webpage detailing the draft Strategy and the draft document was downloaded over 110 times.

The comments received in the submissions relate to specific signs and locations and/or local issues, rather than the Strategy and recommendations. These issues can be dealt with at the individual level during implementation of the Strategy and its recommendations. Therefore, no changes to the draft Strategy are recommended as a result of the submissions received.

Eurobodalla's visitor economy is worth in excess of \$370 million per annum and supports 25% of the workforce in Eurobodalla. The popularity of the region as a tourist destination means effective tourism wayfinding and signage is important to encourage visitors to stop and stay in Eurobodalla.

Council engaged consultants with experience in tourism signage to help prepare a draft Strategy to ensure that current and future signage facilitates safe and positive journeys and help visitors find their way to the experiences and places in Eurobodalla.

Wayfinding is how people find their way around a place. Cues that help people find their way include clear and concise information on signs, and elements such as landmarks. Effective tourism signage creates visitor-friendly destinations and supports the tourism brand and marketing. It is one method visitors can use to learn about a destination and find their way around that also includes websites, printed materials and visitor information centres.

Site analyses and feedback received during stakeholder workshops and an online survey were used to develop the draft Strategy with consideration of tourism NSW Government signage policies and guidelines.

The draft Strategy would address the objectives to:

1. Improve how visitors are made aware of, and guided to, the diverse experiences, attractions and tourism services across Eurobodalla and its towns and villages.
2. Improve access to Eurobodalla and its destinations particularly those with tours, products and experiences visitors can enjoy.
3. Enhance visitor experience

PSR18/094 DRAFT TOURISM WAYFINDING AND SIGNAGE STRATEGY 2018

E16.0341

4. Enhance the image of Eurobodalla as a tourism destination by encouraging consistent themes and innovative and distinctive signage across the Shire.

The draft Strategy provides a framework for Council to make decisions on the location and style of future tourism signage to enhance wayfinding in Eurobodalla. It includes principles and guidelines to help choose the right signage for particular circumstances, for locating signs and for further development of signage policies and processes to implement the draft Strategy. The draft Strategy includes recommendations or actions for:

- Improving tourism signage policies and practices, including clear communication to tourism operators and industry.
- Brown tourist attraction road signs
- Blue services and facilities road signs
- Tourist drives
- Boat ramp regulatory signage
- Tourism precinct signage
- Promotional billboards
- Entry Statements
- Visitor Information
- Temporary/event signage
- Interpretation

The draft Strategy would help address Action 8.4 of Council's *Eurobodalla Destination Action Plan 2018-2021* (adopted at Council's ordinary meeting on 31 July 2018 (PSR18/068)) and includes an action to prepare a signage strategy that aligns with the findings of the Tourism Brand Review currently being undertaken. A design and style guide will be developed once the Tourism Brand Review and Creative Marketing Strategy are completed. The Strategy identifies the types of destination signage that would be progressively rolled out in Eurobodalla once the design has been developed and as funding is sourced.

The draft Strategy is limited to tourism-related signage needed for visitors who are travelling in vehicles to find their way safely and efficiently to tourism destinations and attractions in Eurobodalla. It does not apply to pedestrian wayfinding, signage once at the destination, private/commercial signs, business identification signs or advertising.

CONSIDERATIONS

The draft Strategy was publicly exhibited between 26 September and 31 October 2018 and was promoted by:

- Direct emails to tourism related businesses and operators (27 September 2018)
- A media release (2 October 2018)
- Notification in local newspaper (3 October 2018)
- Council e-news (19 October 2018)

PSR18/094 DRAFT TOURISM WAYFINDING AND SIGNAGE STRATEGY 2018

E16.0341

Council's website was also updated with a summary of the draft Strategy. The draft Strategy was available for download or in hard copy at Council's libraries and Moruya customer service centre throughout the exhibition period.

Seven submissions were received and over 150 people accessed Council's webpage detailing the draft Strategy and the draft document was downloaded over 110 times.

No submissions were received from Local Aboriginal Land Councils, Roads and Maritime Services, Department of Primary Industries - Fisheries and Marine Parks, Destination NSW, Tourist Attraction Signposting Assessment Committee (TASAC), National Parks and Wildlife Service or NSW Forests. However, all agencies were consulted during preparation of the draft Strategy and have agreed to continue working with Council to implement the adopted Strategy. Local Aboriginal Land Councils have indicated acknowledgement of Aboriginal cultural heritage on signage would be appropriate and further liaison with elders that can speak for country and Council's Aboriginal Advisory Committee is essential.

Two submissions clearly stated support for the Strategy while the other five submissions made specific requests or general statements. The key issues raised in submissions and how they have been acknowledged or addressed is shown in Table 1.

The comments received in the submissions relate to specific signs and locations and/or local issues, rather than the Strategy and recommendations. These issues can be dealt with at the individual level during implementation of the Strategy and its recommendations. Therefore, no changes to the draft Strategy are recommended as a result of the submissions received.

Table 1: Issues raised by submissions and how they have been addressed by the draft Strategy or other actions by Council.

Issue	How addressed
Requests to retain signage that is already installed.	Eligibility for blue and white facilities signage is in accordance with Council's Fingerboard Signage Policy. Recommendations 1, 2 and 3 on page 16 of the draft Strategy include reviewing the Fingerboard Signage Policy and auditing fingerboard signs to ensure they are compliant. Compliant signage will be retained.
Request for intersection signage for Corkhill Drive and Princes Highway, Tilba.	An example of the signage requested is shown on page 26 of the draft Strategy. This intersection signage would be considered at all similar intersections, including the north and south intersections of Corkhill Drive with the Princes Highway.
Requests for RV friendly towns in Eurobodalla and more RV and caravan parking.	The draft Strategy relates to tourism signage. Consideration of identifying towns and RV friendly and providing additional parking is beyond the scope of a signage strategy but is an ongoing consideration of Council.
Provide signage for relevant trailer-style parking facilities.	Recommendation 10 in the draft Strategy is to clearly signpost facilities, especially those for RVs and caravans. An example of the type of signage recommended to help visitors find RV and caravan parking is on page 32.

PSR18/094 DRAFT TOURISM WAYFINDING AND SIGNAGE STRATEGY 2018

E16.0341

Issue	How addressed
Request to have the opportunity into the design of the destination signage	When Council's Tourism Brand Review and Marketing Strategy are available, design of the destination signage will take place. This will include further community engagement in accordance with Council's adopted Community Engagement Framework. This will include stakeholders such as local communities, businesses and Local Aboriginal Lands Councils.
Specific requests for signage in Mogo including: <ul style="list-style-type: none"> Town entry signs Directional signage to tourist attractions in Mogo 	Destination signage is being designed in the next phase of the Tourism Wayfinding and Signage Strategy project. Town entry signs in Mogo have been included as a priority area to consider for the pilot roll out of town entry signage. Recommendation 5 in the draft Strategy is to conduct a tourism product audit to identify key attractions eligible for brown tourist attraction signs and specifically mentions Mogo as a location for consideration.
Do not support the current Tourist Drive 7 route and recommend it is a loop back through Mogo.	Tourist Drives must meet RMS criteria. Tourist Drives are alternative routes to the main road (in Eurobodalla this is the Princes Highway) that reconnect. As Mogo is on the Princes Highway, most traffic passes through Mogo even though there is an alternative tourist drive route. Recommendation 9 of the draft Strategy includes participating in the development of an RMS tourist drive strategy which could include Council raising local issues.
Specific requests for signage in Moruya including: <ul style="list-style-type: none"> Temporary signage poles Blue and white services and facilities signage directing community gardens Brown tourist signs to direct visitors to Riverside Park 	These requests will be considered as part of: <ul style="list-style-type: none"> Recommendation 25 in the draft Strategy to develop a temporary signage policy and code of practice. Recommendation 1 to review Council's the Fingerboard Signage Policy. (Note that signage on the Princes Highway must be in accordance with RMS guidelines). Recommendation 5 to conduct a tourism product audit to identify key attractions eligible for brown tourist attraction signs.
Request that Riverside Park and the SAGE farmers markets are considered tourist products as part of the Tourism Product Audit (recommendation 5 in the draft Strategy).	The Tourism Product Audit would consider markets and recreational areas throughout Eurobodalla.
Consideration of Council funding large tourist drive signs where the Roads and Maritime is reluctant to install them due to cost.	Recommendation 8 is to provide advanced warning signs for Tourist Drive 7 (George Bass Drive). Section 5.1 states that actions will be rolled out progressively and that Council will seek funding opportunities to implement the Strategy including using existing resources and seeking grant opportunities. An adopted Strategy would support grant applications to implement its recommendations.

PSR18/094 DRAFT TOURISM WAYFINDING AND SIGNAGE STRATEGY 2018

E16.0341

Issue	How addressed
Ensure legal obligations of identifying tourist drives on roads that are not Council owned or potentially unsafe.	Considering opportunities for tourist drives and scenic routes (recommendation 9) would include safety and legal obligations.
Support for billboard signage.	Noted.

Legal

Implementing the draft Strategy would require compliance with Australian Standards and NSW Government *State Environmental Planning Policy 64 Advertising and Signage*.

Approval from Roads and Maritime Services and/or TASAC may be required for certain signs on regional roads as described in the draft Strategy.

Installation of signs must be in accordance with the NSW Environmental Planning and Assessment Act 1979 and the State Environmental Planning Policy (Infrastructure).

Policy

The draft Strategy recommends reviewing Council policies related to signage to ensure they align with the Strategy and roles and responsibilities are easily understood.

Environmental

The draft Strategy includes the principle that signage minimises impacts to the environment and visual amenity.

Asset

In most cases, new signage would become a Council asset that requires ongoing maintenance and renewal. Before signage is installed, the cost-effectiveness and maintenance requirements must be considered. This is included as a principle in the draft Strategy.

Economic Development Employment Potential

The popularity of the region as a tourist destination means effective tourism wayfinding and signage is important to encourage visitors to stop and stay in Eurobodalla. The draft Strategy is part of a suite of Council initiatives to support the visitor economy which employs 25% of the workforce in Eurobodalla.

Financial

The Australian Government is helping deliver this project through a grant under the Building Better Regions Fund that matches Council's funding commitment.

The draft Strategy identifies signage that would be progressively rolled out in Eurobodalla once the design has been developed and as funding is sourced. This would include using existing resources and seeking grant opportunities.

PSR18/094 DRAFT TOURISM WAYFINDING AND SIGNAGE STRATEGY 2018

E16.0341

Community and Stakeholder Engagement

Twenty-five participants attended four stakeholder workshops, and 60 people completed an online survey about tourism signage during May 2018.

Council consulted with Local Aboriginal Land Councils, Roads and Maritime Services, Department of Primary Industries - Fisheries and Marine Parks, Destination NSW, Tourist Attraction Signposting Assessment Committee (TASAC), National Parks and Wildlife Service, NSW Forests and Council's advisory committees while preparing the draft Strategy.

In August 2018, the emerging principles and actions that were being developed based on feedback was distributed to the people who live, visit, work and/or run a business in Eurobodalla.

The draft Strategy was publicly exhibited between 26 September and 31 October 2018 and was promoted by:

- Direct emails to tourism related businesses and operators (27 September 2018)
- A media release (2 October 2018)
- Notification in local newspaper (3 October 2018)
- Council e-news (19 October 2018)

Council's website was also updated with a summary of the draft Strategy. The draft Strategy was available for download or in hard copy at Council's libraries and Moruya customer service centre throughout the exhibition period.

Seven submissions were received and over 150 people accessed Council's webpage detailing the draft Strategy and the draft document was downloaded over 110 times.

CONCLUSION

Council engaged consultants with experience in tourism signage to help prepare a draft Eurobodalla Tourism Wayfinding and Signage Strategy. The draft Strategy provides a framework for Council to make decisions on the location and style of future tourism signage to enhance wayfinding in Eurobodalla. It includes principles and guidelines to help choose the right signage for particular circumstances, for locating signs and for further development of signage policies and processes to implement the Strategy.

As part of the engagement process, the draft Strategy was placed on public exhibition between 26 September and 31 October 2018. Seven submissions were received. The comments received in the submissions relate to specific signs and locations and/or local issues, rather than the Strategy and recommendations. These issues can be dealt with at the individual level during implementation of the Strategy and its recommendations. Therefore, no changes to the draft Strategy are recommended as a result of the submissions received.

It is recommended that Council adopts the draft Eurobodalla Tourism Wayfinding and Signage Strategy 2018 attached under a separate cover.

PSR18/095 PLANNING PROPOSAL - 3 BROWN CLOSE, MORUYA HEADS

E17.1328

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

Attachments: 1. Under Separate Cover - Planning Proposal - 3 Brown Close, Moruya Heads

Outcome: Responsible and Balanced Development

Focus Area: 6.1 Plan for growth and encourage increased investment and development outcomes

Delivery Program Link: 6.1.1 Investigate and communicate planning opportunities and impacts

Operational Plan Link: 6.1.1.1 Review housing and land supply

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council resolves to amend the *Eurobodalla Local Environmental Plan 2012* (LEP) Lot Size Map so that a minimum lot size of 1,500m² is applied to Lot 3 DP 701983, 3 Brown Close Moruya Heads.

The proposal was placed on public exhibition with one supporting submission being lodged and no objections. The opinion of the relevant government agencies was also sought with no issues being identified. No amendments to the original planning proposal have been necessary. The planning proposal is attached to this report.

In granting a Gateway Determination, the Minister delegated to Council the authority to make the plan. It is recommended that Council resolves to make the amendment to the *Eurobodalla Local Environmental Plan 2012* and to forward the proposal to Parliamentary Counsel to draft the amendment and to the NSW Department for Planning and Environment for reporting purposes.

RECOMMENDATION

THAT Council:

1. Resolves to make the amendment to the *Eurobodalla Local Environmental Plan 2012* Lot Size Map so that a minimum lot size of 1,500 square metres is applied to Lot 3 DP 701983, 3 Brown Close Moruya Heads.
2. Forwards the proposal to Parliamentary Counsel to draft the amendment and to the NSW Department for Planning and Environment for reporting purposes.
3. Notify in writing the people who have made a submission to the proposal and inform them of Council's decision.

BACKGROUND

On 12 December 2017 Council resolved to endorse the planning proposal and forward it to the Minister for Planning. A Gateway Determination was issued and the proposal was then placed on public exhibition for 28 days and the opinion of the NSW Rural Fire Service and the Office of Environment and Heritage were sought in accordance with the terms of the Gateway Determination.

PSR18/095 PLANNING PROPOSAL - 3 BROWN CLOSE, MORUYA HEADS

E17.1328

Delegation to make this amendment to the *Eurobodalla Local Environmental Plan 2012* was received in the Gateway Determination.

The property is currently zoned E4 Environmental Living under *Eurobodalla Local Environmental Plan 2012*, consistent with adjoining land to the south. Neighbouring residential land to the north, east and west is zoned R2 Low Density Residential. The land zoning of the site and surrounding land is shown in Figure 1 below.

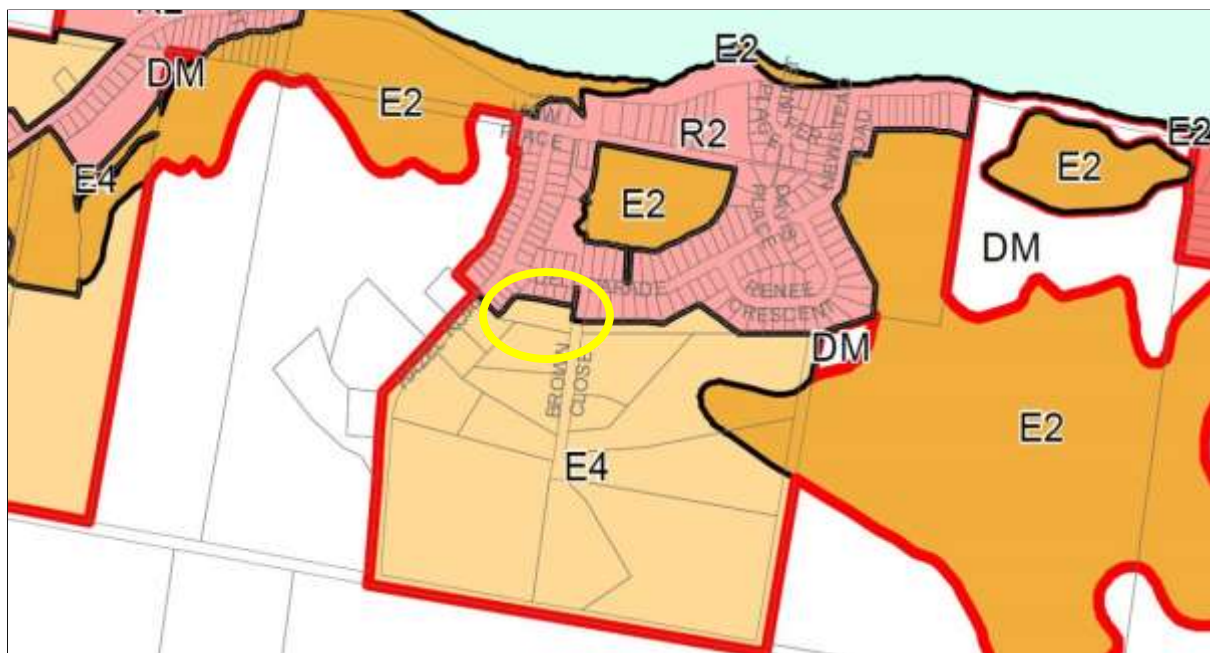


Figure 1: Extract from Eurobodalla LEP 2012 Land Zone Map with 3 Brown Close circled in yellow.

The planning proposal will retain the existing zone of E4 Environmental Living under the *Eurobodalla Local Environmental Plan 2012* and reduce the minimum lot size from 2ha to 1,500m².

The minimum lot size of 1,500m² proposed is consistent with some other instances of land in the area that are zoned E4 and adjoin land zoned R2.

CONSIDERATIONS

As the proposal provides for a transition between the 550m² minimum lot size residential land to the north and the 2ha minimum lot size rural residential land to the south, the proposal is considered consistent with the objectives of the Eurobodalla Settlement Strategy and the Moruya Structure Plan.

The applicant has provided information to demonstrate that the land is capable of supporting the proposed subdivision in terms of sewer, water, bushfire, access and other environmental considerations.

Council placed the planning proposal on public exhibition and no objections were received from the public and agency consultation process. One submission supporting the proposal was received from an adjacent property owner. Therefore, no changes to the exhibited planning proposal are required.

PSR18/095 PLANNING PROPOSAL - 3 BROWN CLOSE, MORUYA HEADS

E17.1328

The next step in the process is to forward the proposal to the Parliamentary Counsel's Office to draft the amendment and to the NSW Department for Planning and Environment for reporting purposes.

Legal

The proposed amendments were prepared in accordance with the processes prescribed in the *Environmental Planning and Assessment Act 1979*.

Policy

The planning proposal has been prepared in accordance with the Department of Planning and Environment's guidelines for preparing planning proposals and local environmental plans.

Community and Stakeholder Engagement

Council placed the planning proposal on public exhibition from 17 October until 14 November 2018. Copies were available for viewing on Council's website, at the Moruya Library and Moruya Administration Centre.

No objections were received as a result of the public and agency consultation process. One submission supporting the proposal was received from an adjacent property owner.

CONCLUSION

The proposal to amend the Minimum Lot Size Map to apply a minimum lot size of 1,500m² will provide a transition lot size from the R2 land to the north and west with a minimum lot size of 550m², and the E4 land to the south which has a minimum lot size of 2ha.

The proposal was placed on public exhibition from 17 October to 14 November 2018. No objections were received as a result of the public and agency consultation process. One submission supporting the proposal was received from an adjacent property owner.

Council sought and received delegation to finalise this planning proposal.

It is recommended that Council resolves to make the amendment to the *Eurobodalla Local Environmental Plan 2012* and to forward the proposal to Parliamentary Counsel to draft the amendment and to the NSW Department for Planning and Environment for reporting purposes.

PSR18/096 PLANNING PROPOSAL - RECLASSIFICATION OF COMMUNITY LAND (AMENDMENT 17) E16.0182

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

Attachments: 1. Under Separate Cover - Planning Proposal - Amendment 17
2. Under Separate Cover - Public Hearing - Report & Recommendation

Outcome: Responsible and Balanced Development

Focus Area: 6.1 Plan for growth and encourage increased investment and development outcomes

Delivery Program Link: 6.1.1 Investigate and communicate planning opportunities and impacts

Operational Plan Link: 6.1.1.1 Review housing and land supply

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of a new Planning Proposal (Amendment 17) to reclassify land at Lot 21 DP 547034, Batemans Bay, and reclassify and rezone a portion of Lot 574 DP 32008, Malua Bay.

The reclassification of land was originally part of the Rural Lands Planning Proposal. Upon submitting the Rural Lands Strategy Planning Proposal to the Department of Planning and Environment senior officers advised that keeping the reclassification in the planning proposal could complicate and extend the timeframe for making the plan. The reclassification of land has therefore been redacted (removed) from the original proposal. It is important to note that the reclassification of land is not related to any rural lands matter specified in the planning proposal and therefore removing it and treating the reclassification of land as a separate planning proposal is an appropriate measure.

Council has publicly exhibited the reclassification of land (as part of the exhibition period of Rural Lands planning proposal) from 9 May to 22 June 2018. During the public exhibition period, no submissions were received concerning the reclassification and rezoning of land at Malua Bay and Batemans Bay. In accordance with Section 29 of the *Local Government Act 1993*, a public hearing was advertised and held on Wednesday, 17 October 2018 from 2.00-3.00pm at the Council Chambers, Moruya. No one attended the hearing and the independent report recommends to continue proceeding with the reclassification of land.

This report includes:

- Public Hearing Report and Recommendation (urPlan Pty Ltd)
- Planning Proposal (Amendment 17) – reclassification of land

RECOMMENDATION

THAT Council:

1. Endorse the redaction of the reclassification and rezoning of land at Lot 21 DP 547034, Batemans Bay and rezoning of a portion of Lot 574 DP 32008, Malua Bay from the Rural Lands Planning Proposal.
2. Endorse the independent Public Hearing report and recommendation attached to the

**PSR18/096 PLANNING PROPOSAL - RECLASSIFICATION OF COMMUNITY LAND
(AMENDMENT 17)**

E16.0182

report.

3. Endorse the submission of new Planning Proposal for the reclassification and rezoning of land at Batemans Bay and Malua Bay.
4. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.

BACKGROUND

The reclassification process is to reclassify community land to operational land for the purpose of selling the land. The reclassification of public land is prescribed in Sections 29, 30, 32 and 34 of the *Local Government Act 1993*.

The reclassification and rezoning of community to operational land relates to Lot 21 DP 547034, Batemans Bay and a portion of Lot 574 DP 32008, Malua Bay.

Table 1 – Planning Proposal Summary

Lot and DP	Address	Area	Proposed Zoning	Proposed Minimum Lot Size	Proposed Maximum Building Height
Lot 21 DP 547034	6 North Street, Batemans Bay		Not applicable	Not applicable	18m
Lot 574 DP 32008	George Bass Drive, Malua Bay	127m ²	R2 – Low Density Residential	550m ²	8.5m

Lot 21 DP 547034, Batemans Bay

The subject land at Batemans Bay is a pedestrian laneway, via North Street (Figure 1). In accordance with development conditions in creating improved vehicular access and car parking arrangements into Bridge Plaza, the laneway is to be reclassified to operational land and sold to LIF Pty Ltd (owners of the Bridge Plaza development).



Figure 1 – Subject Land (Lot 21 DP 547034)

**PSR18/096 PLANNING PROPOSAL - RECLASSIFICATION OF COMMUNITY LAND
(AMENDMENT 17)**

E16.0182

The proposal is to reclassify the site to operational land and change the maximum building height to 18m. The existing B2 – Mixed Use zoning will be retained over the land.

The site is currently under the ownership and management of Eurobodalla Shire Council. Moreover, it has no identified trusts or dedications upon the land.

Lot 574 DP 32008, Malua Bay

The subject land is a small portion of land (127m²) on a larger parcel of land off George Bass Drive (Figure 2). The land is currently zoned E2 – Environmental Conservation. While the majority of the property is heavily vegetated, the subject land has been cleared for a significant period of time.

The proposal was a direct response from an adjoining land owner with the intent to reclassify the site to operational land and rezone it to R2 – Low Density Residential. The proposal will also look to apply a minimum lot size of 550m² and a maximum building height of 8.5m. The purpose of the reclassification is to sell the cleared site and sell it to an adjoining land owner.



Figure 2 – Subject Land (Lot 574 DP 32008)

The site is public land and categorised as a public reserve under the ownership and management of Eurobodalla Shire Council. In addition, it has no identified trusts or dedications upon the land. The proposal seeks to remove the public reserve category over the site.

While the planning proposal will require a new Gateway determination from the Department of Planning and Environment, Council will request that the Department not require public exhibition or a public hearing (as this has been achieved through the original planning proposal) allowing the proposal to proceed without delay. Council will also request delegation to make the plan in accordance with the Gateway determination.

CONSIDERATIONS

Council to consider endorsing the submission of the planning proposal to the Gateway, in keeping with the Department's advice that redacting the reclassification of land from the Rural Lands Planning Proposal, will simplify the process.

PSR18/096 PLANNING PROPOSAL - RECLASSIFICATION OF COMMUNITY LAND (AMENDMENT 17) E16.0182

Legal

The *Environmental Planning and Assessment Act 1979* outlines the process for making amendments to a Local Environmental Plan. The process requires Council to resolve to forward a planning proposal to the Minister for Planning for a Gateway Determination.

In preparing a planning proposal, Council is required to demonstrate how the proposal is consistent with the Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act. Where an element of a planning proposal is inconsistent with a S117 Direction, the inconsistency must be justified.

While a Gateway Determination usually enables Council to commence public exhibition, Council will request that the public exhibition is not necessary as it has already occurred and the planning proposal can immediately proceed to Making the Plan. This is consistent with advice from the Department.

Policy

The planning proposal has been prepared in accordance with Department of Planning and Environment guidelines for preparing planning proposals and Local Environmental Plans.

The planning proposal is minor in nature and all matters are consistent with relevant Council policies and strategies.

Environmental

The planning proposal provides detailed consideration to any potential environmental impacts. While the majority of Lot 574 DP 32008, Malua Bay is vegetated and zoned E2, the small portion of land to be reclassified and rezoned has been cleared of vegetation for a long period of time. The planning proposal will not lead to any removal of vegetation or loss of habitat.

Asset

In reclassifying community to operational land at Lot 21 DP 547034, Batemans Bay and a portion of Lot 574 DP 32008, Malua Bay, Council is selling surplus land that has little community value.

Social Impact

The planning proposal provides consideration to any potential social impacts. While the land considered in the proposal is community land, there is little social value in retaining the land as community land.

Economic Development Employment Potential

There is not likely to be any economic development opportunities or economic impacts associated with the reclassification and rezoning of land.

Community and Stakeholder Engagement

Council have provided extensive community engagement over the reclassification and rezoning of land during the public exhibition period from 9 May to 22 June 2018. There were no submissions received concerning the reclassification of land at Batemans Bay and Malua Bay.

**PSR18/096 PLANNING PROPOSAL - RECLASSIFICATION OF COMMUNITY LAND E16.0182
(AMENDMENT 17)**

In addition, a public hearing specifically relating to the reclassification of land was held on 17 October 2018 and no one attended the meeting.

We have informed the community of the public exhibition and public hearing through letters to land owners and through Council's Online News and through distributing a media release. Copies of the planning proposal and all other relevant material has been made available for viewing on Council's website, at the Batemans Bay and Moruya libraries and Moruya customer service centre.

CONCLUSION

The planning proposal was originally included in the Rural Lands planning proposal and has been removed to reduce complicating the Rural Lands Planning Proposal plan making process. The reclassification and rezoning of land in the new planning proposal are minor in nature and Council have not received any submissions during the public exhibition period from 9 May to 22 June 2018.

The proposal has been assessed in accordance with the Department of Planning and Environment's Guidelines for Planning Proposals. This includes an assessment of consistency with relevant State Environmental Planning Policies (SEPPs) and S117 Ministerial Directions. In the main, the planning proposal is consistent with relevant SEPPs and Ministerial Directions.

Consultation with the Department of Planning and Environment, the Office of Environment and Heritage and the Rural Fire Service has been undertaken in the preparation of the planning proposal and no comments were received in relation to the reclassification of land.

If Council endorses the planning proposal, it will be forwarded to the Department of Planning and Environment for a Gateway Determination.

**CCS18/060 REQUEST FOR TENDER NO. 2019/CCD022 - EUROBODALLA
SHELLFISH HATCHERY**

E18.1520

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

Attachments: 1. Under Separate Cover - Confidential - Tender - Eurobodalla Shellfish Hatchery

Outcome: Vibrant and Diverse Economy

Focus Area: 5.1 Diversify the region's economy, attract investment and target new and emerging employment sectors

Delivery Program Link: 5.1.1 Encourage and attract new business industry, investment and employment opportunities

Operational Plan Link: 5.1.1.5 Facilitate business, education and employment partnerships

EXECUTIVE SUMMARY

The Eurobodalla Shellfish Hatchery project has received Australian Government grant funding. The Eurobodalla Shellfish Hatchery project tender was advertised during September and October 2018 for the purpose of selecting a tenderer to design, build and operate the Hatchery.

This report outlines the evaluation of tenders received in response to Request for Tender (RFT) No. 2019/CCD022 – Eurobodalla Shellfish Hatchery and provides a recommendation that Council reject both the tenders received and enter into negotiations with the tenderer who scored best during the evaluation process.

As detailed in the report below, the basis of this recommendation is that neither tenderer provided sufficient information to enable Council to assess all the conditions of the tender but that one tenderer was better able to demonstrate this.

RECOMMENDATION

THAT Council

1. Reject the tenders received in response to Request for Tender (RFT) No. 2019/CCD022 – Eurobodalla Shellfish Hatchery.
2. Not invite fresh tenders because it does not believe this will achieve a better outcome for the project given the Tender Evaluation Panel's assessment of the tenders received and the delay in delivering the project if fresh tenders are called.
3. Enter into negotiations based on the conditions outlined in 'Request for Tender (RFT) No. 2019/CCD022 – Eurobodalla Shellfish Hatchery' with the tenderer identified in the confidential attachment to the Council report 'Request for Tender (RFT) No. 2019/CCD022 – Eurobodalla Shellfish Hatchery' because they ranked the highest of the tenders received.
4. Delegate to the General Manager to conclude these negotiations and if appropriate, enter into contracts with the tenderer identified in the Confidential Attachment to the Council report 'Request for Tender (RFT) No. 2019/CCD022 – Eurobodalla Shellfish Hatchery'

**CCS18/060 REQUEST FOR TENDER NO. 2019/CCD022 - EUROBODALLA
SHELLFISH HATCHERY**

E18.1520

BACKGROUND

The Eurobodalla Shellfish Hatchery project has received Australian Government grant funding. Eurobodalla Shire Council has been assisting the local oyster growers with plans to secure the future of their industry and the Hatchery will assist in ensuring a regular supply of shellfish spat.

RFT No. 2019/CCD022 was advertised on 18 September 2018 with a closing date of 29 October 2018. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan. Neither tender provided sufficient information to satisfy the evaluation panel that the requirements of the Request for Tender had been met in its entirety or that a contract could be entered into at this stage.

1. Sea Perfect Pty Ltd
2. Michael Bermudes

A summary of the evaluation including each tenderer's scoring against the evaluation criteria and pricing is provided in the Confidential Attachment.

CONSIDERATIONS

Legal

RFT No. 2019/CCD022 was advertised in accordance with *Local Government (General) Regulation 2005 REG 167* and *Local Government Act 1993*.

The tender was promoted via emails direct to industry contacts and via Council's Tenderlink web portal (www.tenderlink.com/eurobodalla).

Prior to release of the RFT a Tender Evaluation Plan was distributed amongst the Tender Evaluation Panel. Declarations of Confidentiality and Interest Forms were completed and signed by the Tender Evaluation Panel.

Council also engaged an independent Probity Advisor who developed a probity plan for this RFT.

With reference to section 3.17 of the Office of Local Government NSW Tendering Guidelines, following the review of tenders by the evaluation panel, a report to council must be prepared, to allow council to make the decision whether to accept a tender, or not accept any of the tenders under clause 178 of the Regulation.

Clause 178(3) of the *Local Government (General) Regulation 2005* states that a Council that decides not to accept any of the tenders, may amongst other options, '*enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.*'

Clause 178(4) of the *Local Government (General) Regulation 2005* states that if the Council decides to enter into direct negotiations, the Council resolution authorising this must include the reasons for declining to invite fresh tenders and the reasons for entering into direct negotiations.

**CCS18/060 REQUEST FOR TENDER NO. 2019/CCD022 - EUROBODALLA
SHELLFISH HATCHERY**

E18.1520

The recommendation for declining to invite fresh tenders and entering into direct negotiations with the highest scoring bidder is based on the following factors:

- 1) The advertised Request for Tender was developed following a comprehensive process, was publicly promoted and open for 40 days, well beyond the mandatory timeframe of 21 days. No extension to the timeframe was sought by any prospective bidder. This indicates limited potential to achieve further competition should a second tendering exercise be undertaken;
- 2) The highest scoring bidder, whilst not meeting the requirements of the Request for Tender in its entirety, has demonstrated the expertise, skill and capacity to meet the requirements of the proposed contract with further negotiation; and
- 3) The cost of undertaking a public tendering exercise is considerable for both Council and Industry. With limited participation in the previous exercise, it would not be efficient to unnecessarily undertake a tendering process, given the likelihood of minimal competition.

Policy

The procurement activity for which this tender 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 2005* and the *Local Government Act 1993*.

Environmental

One of the conditions of the tender was for the operator to maintain industry best standards in Biosecurity.

Asset

The project includes the building of assets which will be owned by Council and leased to the operator.

Economic Development Employment Potential

The hatchery will support the development of the local shellfish industry and create new jobs in the hatchery itself as well as facilitate employment growth within the industry more broadly as it helps ensure a regular supply of spat.

Financial

Funds have been sourced from an Australian Government grant.

The tender nominated annual rents and one of the tender criteria was to nominate a profit share percentage to Council.

Council requires further information to confirm that all the works required will be completed within the project budget.

**CCS18/060 REQUEST FOR TENDER NO. 2019/CCD022 - EUROBODALLA
SHELLFISH HATCHERY**

E18.1520

Community and Stakeholder Engagement

Press releases and other media promoted the fact that funding had been secured for a Shellfish Hatchery in Moruya. Following the announcement of funding, various meetings were held with industry members and project information has been available on Council's website.

A shellfish industry forum was established and consulted during the preparation of the tender documents.

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

CONCLUSION

The tender process has been conducted in accordance with mandatory Council and Local Government requirements and the decision to cancel the tender and enter into negotiations with the highest scoring tenderer has been through extensive evaluation, monitored by the independent probity advisor.

This report seek authority for the General Manager to conclude these negotiations in accordance conditions of the tender.

CCS18/061 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

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

Attachments: 1. Code of Conduct Complaints Statistics report

Outcome: Collaborative and Engaged Community

Focus Area: 8.3 Work together to enhance trust, participation and community pride

Delivery Program Link: 8.3.1 Promote and support effective representation of our Mayor and Councillors

Operational Plan Link: 8.3.1.1 Publish regular Mayoral message and communications

EXECUTIVE SUMMARY

The Office of Local Government (OLG) requires Council to submit a Code of Conduct Complaints Statistics report by the 30 November each year. Council submitted its Code of Conduct Statistics report to the OLG on 26 October 2018. A copy of the report is attached for Council information.

The report includes statistical information on Code of Conduct complaints relating to Councillors and the General Manager from 1 September 2017 to 31 August 2018. As part of this process the report must be presented to Council by 31 December 2018.

RECOMMENDATION

THAT Council receive and note the Code of Conduct Complaints Statistics Report.

BACKGROUND

When a Code of Conduct complaint is lodged with a conduct reviewer they will conduct a preliminary assessment for the purpose of determining how the complaint is to be managed.

The conduct reviewer may determine one or more of the following:

- to take no action, or
- to resolve the complaint by alternative and appropriate strategies such as counselling, training, mediation, informal discussion, negotiation or apology, or
- refer the matter back to the general manager for alternative and appropriate strategies such as, counselling, training, mediation, informal discussion, negotiation or apology, or
- to refer the matter to another agency or body such as, the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, the OLG or the Police, or
- to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

If the conduct reviewer believes the complaint needs to be investigated, the conduct reviewer may make one or more of the following recommendations on completion of the investigation:

- that the Council revise any of its policies and procedures

CCS18/061 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

- that the subject person undertake any training or other education relevant to conduct giving rise to the breach
- that the subject person be counselled for their conduct
- that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
- that finds of inappropriate conduct be made public
- in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act
- in the case of a breach by a councillor, that the Council resolves as follows:
 - that the Councillor be formally censured for the breach under section 440G of the LG Act, and
 - that the matter be referred to the office of Local Government for further action under the misconduct provision of the LG Act.

The Model Code Procedures (for administering the Model Code of Conduct) state that the following statistics must be reported to Council within three (3) months from the end of September each year, in relation to complaints made under the Code of Conduct:

- Total number of complaints received in the period about councillors and the General Manager.
- Total number of complaints finalised in the period about councillors and the General Manager.
- Number of complaints finalised at the outset by alternative means by the General Manager or Mayor.
- Number of complaints finalised referred to the Office of Local Government under a special complaints management arrangement.
- Number of complaints referred to a conduct reviewer.
- Number of complaints finalised at preliminary assessment by conduct reviewer.
- Number of complaints referred back to the General Manager or Mayor for resolution after preliminary assessment by a conduct reviewer.
- Number of finalised complaints investigated by a conduct reviewer.
- Number of finalised complaints investigated by a conduct review committee.
- Number of finalised complaints investigated where there was found to be no breach.
- Number of finalised complaints investigated where there was found to be a breach.
- Number of complaints referred by General Manager or Mayor to another agency or body such as ICAC, the NSW Ombudsman, the OLG or the Police.
- Number of complaints being investigated that are not yet finalised.

CCS18/061 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

E13.7162

- Total cost of dealing with Code of Conduct complaints relating to councillors and the General Manager, including staff costs.

CONSIDERATIONS

All complaints under the Code of Conduct that were received about Councillors and the General Manager in the reporting period from 1 September 2017 to 31 August 2018 have been included in this report.

There were twelve complaints received within the period and nine complaints finalised. Two complaints were determined by the conduct reviewer after a preliminary assessment to proceed to investigation. One of the complaints being investigated was terminated part way through. This complaint was determined by an alternate and appropriate strategy. The other complaint has not been finalised at the present time.

Legal

The Model Code for Procedures for administration of the Model Code of Conduct states that a Code of Conduct Complaints Statistics report must be presented to Council within three months from the end of September each year.

Policy

The Code of Conduct Complaints Statistics report is a requirement of the Model Code of Procedures for the administration of the Model Code of Conduct.

Social Impact

Enhancing transparency of Council Policy and procedures.

Financial

The total cost of dealing with code of conduct complaints relating to Councillors and the General Manager for the 2017-2018 period is \$12,698.00 compared to the 2016-2017 period of \$10,447.00.

CONCLUSION

The Code of Conduct Complaints Statistics report has taken into account all the requirements listed in the Model Code of Procedures for administration of the Model Code of Conduct. Council submitted the Code of Conduct Complaints Statistics report to the Office of Local Government on the 26 October 2018. It is recommended that Council receive and note the Code of Conduct Complaints Statistics report.

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2017 - 31 August 2018

Date Due: **31 December 2018**

To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2018.

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	Eurobodalla Shire Council
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Contact Name:	Jeff Phillips
Contact Phone:	44741267
Contact Position:	Divisional Manager Governance & Administrative Services
Contact Email:	jeff.phillips@esc.nsw.gov.au

All responses to be numeric.

Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au

Model Code of Conduct Complaints Statistics Eurobodalla Shire Council		
Number of Complaints		
1 a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	12
b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	9
Overview of Complaints and Cost		
2 a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
c	The number of code of conduct complaints referred to a conduct reviewer	11
d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	8
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	1
g	The number of finalised code of conduct complaints investigated by a conduct review committee	0
h	The number of finalised complaints investigated where there was found to be no breach	1
i	The number of finalised complaints investigated where there was found to be a breach	0
j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	1
k	The number of complaints being investigated that are not yet finalised	1
l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	12,698

Preliminary Assessment Statistics		
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action	8
b	To resolve the complaint by alternative and appropriate strategies	0
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies	0
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
e	To investigate the matter	2
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	0
Investigation Statistics		
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:	
a	That the council revise its policies or procedures	0
b	That a person or persons undertake training or other education	0
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
a	That the council revise any of its policies or procedures	0
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	0
c	That the subject person be counselled for their conduct	0
d	That the subject person apologise to any person or organisation affected by the breach	0
e	That findings of inappropriate conduct be made public	0
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach	0
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993	0
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action	0
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures	1

Categories of misconduct	
7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a General conduct (Part 3)	<input type="text" value="0"/>
b Conflict of interest (Part 4)	<input type="text" value="0"/>
c Personal benefit (Part 5)	<input type="text" value="0"/>
d Relationship between council officials (Part 6)	<input type="text" value="0"/>
e Access to information and resources (Part 7)	<input type="text" value="0"/>
Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	<input type="text" value="0"/>
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	<input type="text" value="0"/>

CCS18/062 NAROOMA MEN'S SHED

E15.9331

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

Attachments: 1. Confidential - Roads and Maritime Services - annual rental

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

Council has been assisting the Narooma Men's Shed (NMS) for some years in its attempts to find a long term home.

The Roads and Maritime Services (RMS) has agreed to lease land that is next to the Narooma Scout Hall, Lots 1 and 2, DP 1068027 to Council so it can be sublet to the NMS.

This report seeks Council approval to finalise negotiations and then proceed with a lease from RMS and sub-lease to NMS.

RECOMMENDATION

THAT Council

1. Approve a lease to Council from Roads and Maritime Services over Lots 1 and 2, DP 1068027, and a sub-lease to Narooma Men's Shed from Council over Lots 1 and 2, DP 1068027.
2. Delegate to the General Manager to finalise negotiations with Narooma Men's Shed and Roads and Maritime Services.
3. Take all other actions required to implement the leases including applying the Common Seal of Council to any lease documents.

BACKGROUND

Since 2012 the NMS has been leasing temporary facilities at 24 Glasshouse Rocks Road Narooma and this current lease is set to expire in 2019. The NMS has around 50 active members and they are extremely passionate about Council assisting them to find a long term site.

Council has been assisting the NMS for some years in its attempts to find a long term home. A number of sites have been investigated including multiple site visits by staff. The assistance on this particular site has involved correspondence with the Roads Minister, negotiations with RMS staff and the commissioning of a rental valuation for the site.

CCS18/062 NAROOMA MEN'S SHED

E15.9331

The RMS has agreed to lease land next to the Narooma Scout Hall, Lots 1 and 2, DP1068027, to Council so it can be sublet to the NMS. The land is adjacent to the corridor for a future Narooma bypass.

The NMS has welcomed this solution in principle however the full details of the leases and the responsibilities of the NMS are still to be finalised.

CONSIDERATIONS

The term offered by RMS is 15 years plus a 5-year option. NMS also require access over another parcel of RMS land to reach the lease area.

Conditions of the lease from RMS to Council would include:

- RMS grants permission for Council to sub lease to Narooma Men's Shed only.
- RMS will support a development application made to Council for the use and construction of Narooma Men's Shed.
- A six month break lease clause if RMS needs the property for Road construction purposes.

NMS will also need to come to an agreement with the Scouts NSW for the use of the adjoining Scout Hall as they wish to use their facilities. Council have been advised that discussions between NMS and Scouts are proceeding positively.



Proposed lease area - Lots 1 and 2 DP 1068027

CCS18/062 NAROOMA MEN'S SHED

E15.9331

Legal

NMS will need to get all other approvals required including a development consent and other approvals such as Native Title if applicable.

Social Impact

NMS provide a valuable service to the community, delivering activities which benefit the mental and physical health of members.

Financial

RMS require Council to pay RMS costs for the lease e.g. legal costs.

It is proposed that Council charges the NMS a lease/licence application fee as per the adopted Fees and Charges of \$168.00 and rent which includes:

- All Council's costs for setting up the lease amortised over the term of the lease
- The rent as per the confidential attachment charged to Council by RMS.

The NMS will remain free to make an application under the Smarty Grants program for financial assistance like any other community group.

Community and Stakeholder Engagement

Council has had many meetings and discussions with NMS over recent years and it supports these proposed leasing arrangements.

CONCLUSION

The Narooma Men's Shed has been searching for a more permanent home for a number of years with assistance from Council.

The proposed lease to Council from Roads and Maritime Services of land next to the Narooma Scout Hall, Lots 1 and 2, DP1068027 and sublet to the Narooma Men's Shed is a positive outcome.

**CCS18/063 LICENCES FOR OUTDOOR EATING AREAS - MARA MIA WALKWAY, 94.7308.D
BATEMANS BAY**

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

Attachments: 1. Confidential - Name of Business Proprietor

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The licence to the proprietor of a business at 4/3 Orient Street, Batemans Bay trading as Kohli's Indian Restaurant for an outdoor eating area and deck within the adjoining Lot 7035 DP 102950 being part Crown Reserve R96919 expires on 14 December 2018. The Licensee has expressed an interest in renewing the licence for five years.

The Licensee has also lodged an application for an additional outdoor eating area on Mara Mia Walkway, being Lot 323 DP 45828 within Crown Reserve R96919.

The intention to grant the licences was publicly notified from 24 October 2018 to 20 November 2018. No submissions were received.

It is considered reasonable and appropriate that a five-year licence and a one-year licence be granted to the proprietor of a business at 4/3 Orient Street, Batemans Bay named in the confidential attachment.

RECOMMENDATION

THAT:

1. A licence be granted to the proprietor of a business at 4/3 Orient Street, Batemans Bay for an outdoor eating area within Lot 7035 DP 102950 being part Crown Reserve R96919 with terms and conditions including:
 - (a) A five-year term.
 - (b) Payment of a rental fee in accordance with Council's fees and charges.
 - (c) Payment of an annual licence administration fee in accordance with Council's fees and charges.
 - (d) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
 - (e) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.
2. A licence be granted to the proprietor of a business at 4/3 Orient Street, Batemans Bay for an outdoor eating area adjacent to the shop boundary on Mara Mia Walkway, being

**CCS18/063 LICENCES FOR OUTDOOR EATING AREAS - MARA MIA WALKWAY, 94.7308.D
BATEMANS BAY**

Lot 323 DP 45828, Mara Mia Walkway within Crown Reserve R96919 with terms and conditions including:

- (a) A one-year term.
- (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
- (c) Payment of a rental fee in accordance with Council's fees and charges.
- (d) Payment of an annual licence administration fee in accordance with Council's fees and charges.
- (e) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
- (f) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.

BACKGROUND

At its meeting on 23 October 2012 Council resolved to grant a five-year licence over Lot 7035 DP 102950 being part Crown Reserve R96919 to the proprietor of a business at 4/3 Orient Street, Batemans Bay to operate an outdoor eating area with the Licensee to be responsible for maintenance of an existing fixed structure within the licence area. The business changed hands and the licence transferred to the new proprietor on 15 December 2017. The current licence expires on 14 December 2018 and the Licensee has expressed an interest in renewing the licence for five years.

The Licensee has also lodged an application for an additional outdoor eating area on Mara Mia Walkway, being Lot 323 DP 45828 within Crown Reserve R96919 adjacent to the premises and existing licence area.

**CCS18/063 LICENCES FOR OUTDOOR EATING AREAS - MARA MIA WALKWAY,
BATEMANS BAY**

94.7308.D

The sketch below shows the location of the current and proposed licence areas.



CONSIDERATIONS

Legal

Council has been appointed Crown Land Manager to manage Crown Reserves within the Shire under the provisions of Section 3.22 of the *Crown Land Management Act 2016*.

www.legislation.nsw.gov.au/#/view/act/2016/58/part3/div3.4/sec3.22

Council, as Crown Land Manager, can only issue a licence for a period up to five years after giving public notice and considering any submissions in accordance with Section 47A of the *Local Government Act 1993*.

www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div2/sec47a

**CCS18/063 LICENCES FOR OUTDOOR EATING AREAS - MARA MIA WALKWAY, 94.7308.D
BATEMANS BAY**

Lot 7035 DP 102950 and Lot 323 DP 45828 being part Crown Reserve R96919 Batemans Bay are under the control of Council as Crown Land Manager.

Under the *Crown Lands Management Act 2016* (the Act) the current licence can be renewed as an existing use. However, under the Act a new licence can only be granted for a maximum term of 12 months until such time as a Plan of Management has been prepared for this Crown Reserve R96919.

Policy

Council adopted its Footpath Trading Code in August 2010 which requires that a clear distance of 4.5 metres must be available for pedestrian access between outdoor eating areas and the granite strip on the water side of the Mara Mia Walkway.

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

The new licence is consistent with the Code. The existing (renewal) licence is subject to development consent DA 16/98 dated 3 February 1998 and DA 291/08 dated 4 December 2007.

Asset

It will be a condition of the licences that the Licensee keeps the licensed areas in a clean, tidy and hygienic condition.

Social Impact

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

Economic Development Employment Potential

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

Financial

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

Community and Stakeholder Engagement

The intention to grant a five-year licence within Lot 7035 DP 102950 and a one-year licence within Lot 323 DP 45828 to the proprietor of a business at 4/3 Orient Street, Batemans Bay to operate outdoor eating areas on Crown land was publicly notified from 24 October 2018 to 20 November 2018 in accordance with Section 47A of the *Local Government Act 1993* and Council's *Community Engagement Framework*. No submissions were received.

CONCLUSION

The current licence for the outdoor eating area within Lot 7035 DP 102950 expires on 14 December 2018. It is considered reasonable to renew the licence for a further five-years and to grant a new one-year licence within Lot 323 DP 45828.

CCS18/064 LICENCE FOR BUS SHELTER - MORT AVENUE, DALMENY

E02.6655

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: Nil
Outcome: Innovative and Proactive Leadership
Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision
Delivery Program Link: 9.1.3 Advocate and collaborate to advance the region and address local issues
Operational Plan Link: 9.1.3.3 Develop and maintain strategic partnerships

EXECUTIVE SUMMARY

Council is in the process of constructing a bus shelter at Mort Avenue, Dalmeny located partly within the road reserve and partly within the adjoining Lot 31 DP 618340, being Club Dalmeny. It is considered reasonable and appropriate that Council enter into a 20-year licence with the land owner of Lot 31 DP 618340.

RECOMMENDATION

THAT:

1. A licence for a bus shelter be entered into with the land owner of Lot 31 DP 618340 for a term of 20 years with conditions including:
 - (a) Licence fee of \$1 per annum payable in advance for the term of the licence.
 - (b) Termination by either party giving six months' notice.
 - (c) The infrastructure as built to remain in the ownership, care, control and maintenance of Council.
 - (d) With the exception of alcohol or gambling products, Club Dalmeny be allowed to attach advertising signs to the bus shelter side walls promoting the club's services.
 - (e) Council to install a blue fingerboard sign at its cost on Mort Avenue, Dalmeny adjacent to the Princes Highway, subject to compliance with the Eurobodalla Shire Council Fingerboard Signs Local Directional Policy, the text to read 'Bowling Club' or similar.
2. All surveying and legal costs associated with the licence be borne by Council.

BACKGROUND

Council is in the process of undertaking bus shelter construction works at various sites across the Shire, partly funded by NSW Country Passenger Transport grants.

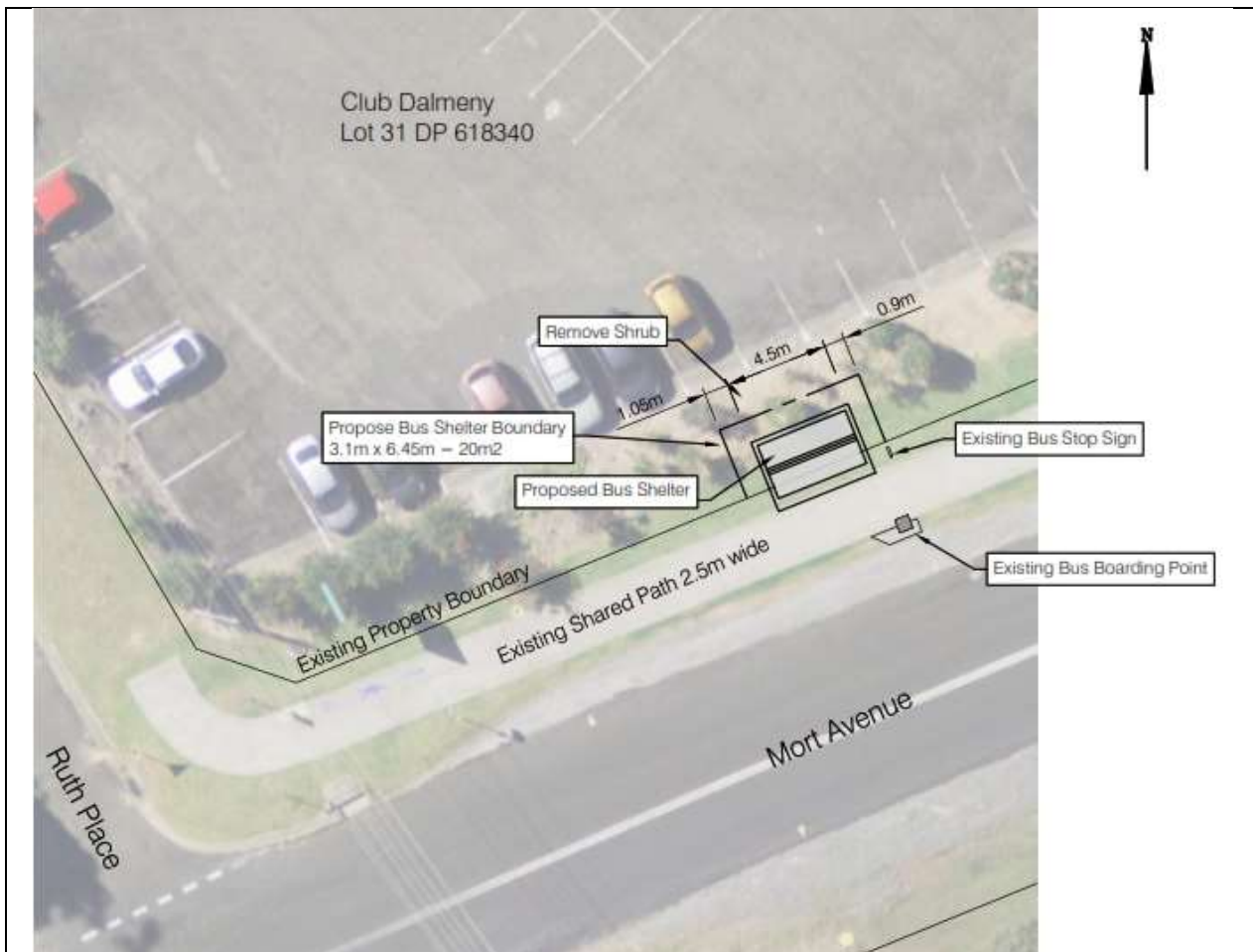
Members of the Dalmeny community have identified a need for a bus shelter at the western end of Dalmeny. There is an existing bus stop at Mort Avenue, Dalmeny adjacent to Club Dalmeny which Council has assessed as the optimum location for a new bus shelter. To fit a bus

CCS18/064 LICENCE FOR BUS SHELTER - MORT AVENUE, DALMENY

E02.6655

shelter at this location it is necessary to locate it partly within the adjoining Lot 31 DP 618340. The bus shelter will partially obscure two existing signs promoting the club's services.

The proposed licence area is shown in the sketch below.



CONSIDERATIONS

Legal

To secure legal tenure to construct a bus shelter within Lot 31 DP 618340 an easement, lease or licence is required. A 20 year licence is proposed which will give surety to the parties.

Following discussions with Council staff the land owner of Lot 31 DP 618340 has agreed to grant a licence to Council to enable the bus shelter to be constructed subject to the following conditions:

- Licence fee of \$1 per annum
- Termination by either party giving six months' notice
- The infrastructure as built to remain in the ownership, care, control and maintenance of Council
- With the exception of alcohol or gambling products, Club Dalmeny be allowed to attach advertising signs to the bus shelter side walls promoting the club's services

CCS18/064 LICENCE FOR BUS SHELTER - MORT AVENUE, DALMENY

E02.6655

- Council to install a blue fingerboard sign at its cost on Mort Avenue, adjacent to the Princes Highway, subject to compliance with the Eurobodalla Shire Council Fingerboard Signs Local Directional Policy, the text to read 'Bowling Club' or similar.

Asset

Once constructed infrastructure will remain in the ownership, care, control and maintenance of Council.

Social Impact

A public bus shelter in this location will be of benefit to the local community.

Financial

The licence fee will be \$1 per annum payable in advance for the term of the licence. All surveying and legal costs associated with the licence should be borne by Council.

Community and Stakeholder Engagement

The land owners of the property have been consulted and have consented in writing to the proposed licence. They do not wish to sell the land to Council but are happy with a licence.

CONCLUSION

The land owner of Lot 31 DP 618340 is assisting Council to provide a public bus shelter to benefit the local community and a 20-year licence to Council is the preferred option for securing legal tenure.

**CCS18/065 LICENCE FOR RED HOT SUMMER TOUR EVENT - MACKAY PARK,
BATEMANS BAY**

E15.9343

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

Attachments: 1. Confidential - Event Licence Fee

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

Regional Touring Pty Limited has successfully staged the Red Hot Summer Tour music event within Crown Reserve D580022 Mackay Park, Batemans Bay for the past three years and has lodged an event application to stage the event at Mackay Park in March 2019.

In line with the provisions of Council's Code of Practice - *Licensing of Council controlled Public Reserves and Associated Buildings*, as no other parties have expressed an interest in using the reserve during the same period it is appropriate the application be considered.

The intention to grant a five-day licence to Regional Touring Pty Limited is being publicly notified from 28 November 2018 for 28 days in accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework.

Subject to no objections being received during the notification period it is considered reasonable and appropriate that a five-day licence be granted to Regional Touring Pty Limited to stage the Red Hot Summer Tour within Crown Reserve D580022 Mackay Park, Batemans Bay.

RECOMMENDATION

THAT:

1. Subject to no objections being received during the notification period Council as Crown Land Manager grant a five-day licence in accordance with Section 2.20 of the *Crown Land Management Act 2016* to Regional Touring Pty Limited to stage the Red Hot Summer Tour event on Crown Reserve D580022 Mackay Park, Batemans Bay with terms and conditions including:
 - (a) The licence period be from 21 March 2019 to 25 March 2019 inclusive.
 - (b) The fee be the fee set out in the confidential attachment to the report *Licence for Red Hot Summer Tour Event – Mackay Park, Batemans Bay* dated 11 December 2018.
 - (c) Payment of a bond in the amount of \$3,000 to be made 30 days prior to the event.
 - (d) The provision of an event management plan acceptable to Council for the event.

**CCS18/065 LICENCE FOR RED HOT SUMMER TOUR EVENT - MACKAY PARK,
BATEMANS BAY**

E15.9343

- (e) Other conditions in line with previous licences for this event.
- 2. If any objections are received during the notification period a further report be presented to Council for consideration.

BACKGROUND

At its meeting on 28 November 2017 Council resolved to grant a licence to Regional Touring Pty Limited to stage the Red Hot Summer Tour music event at Mackay Park, Batemans Bay on 3 February 2018 with terms and conditions in line with other events held at this site. The event was a great success with approximately 4,000 patrons enjoying the live music experience.

Regional Touring Pty Limited has submitted an application to stage the Red Hot Summer Tour music event at Mackay Park, Batemans Bay on Saturday 23 March 2019. The licence request is for five days allowing for set up and set down.

All aspects of the event have been assessed and benefits to the Shire recognised including the provision of high quality entertainment in a safe environment for all patrons, the significant boost to the local economy having positive impact on local food, hospitality and trade services, the creation of economic opportunities for local community groups, and an increase in tourism visitation to the Shire.

The proposed open air concert will have a capacity of approximately 4,000 patrons. The gates will open at 1.30pm with the entertainment commencing at 3.00pm and concluding at 10.00pm. The promoters will require two days before and two days after the event for set up and set down.

**CCS18/065 LICENCE FOR RED HOT SUMMER TOUR EVENT - MACKAY PARK,
BATEMANS BAY**

E15.9343

A sketch of the licence area is set out below.



Crown Reserve D580022 Mackay Park, Batemans Bay

CONSIDERATIONS

Legal

Council has been appointed Crown Land Manager to manage Crown Reserves within the Shire under the provisions of Section 3.22 of the *Crown Land Management Act 2016*.

www.legislation.nsw.gov.au/#/view/act/2016/58/part3/div3.4/sec3.22

Council, as Crown Land Manager, can only issue a licence for a period up to five years after giving public notice and considering any submissions in accordance with Section 47A of the *Local Government Act 1993*.

www.legislation.nsw.gov.au/#/view/act/1993/30/chap6/part2/div2/sec47a

Crown Reserve D580022 Mackay Park, Batemans Bay is Crown Land under the control of Council as Crown Land Manager.

Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests.

Future event licences at Mackay Park will need to consider the impact of construction activities on the site.

Policy

In line with the provisions of Council's Code of Practice - *Licensing of Council controlled Public Reserves and Associated Buildings*, an Expression of Interest (EOI) was called in February 2018 for parties interested in seeking a licence for periods up to five years to use any Council owned or controlled public reserves.

**CCS18/065 LICENCE FOR RED HOT SUMMER TOUR EVENT - MACKAY PARK,
BATEMANS BAY**

E15.9343

www.esc.nsw.gov.au/inside-council/council/council-policies/codes/Licencing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

The event complies with Council's Events Policy.

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Events-Policy.pdf

Environmental

Decibel limits are in place to limit noise levels and the event finishes at 10.00pm.

Asset

It will be a condition of the licence that the Licensee is to repair and make good any damage occasioned by the Licensee's use of the licensed area during the event.

Social Impact

The event organizer advised the event is aimed at a diverse market of rock fans and music enthusiasts generally in the 25-year old plus demographic. The organizer is providing high quality entertainment to regional areas in a safe environment for all patrons.

Economic Development Employment Potential

The public advertising of the event carried out by Regional Touring Pty Limited has generated significant community interest and will increase the region's reputation as a vibrant destination. It generates a positive economic impact with local food, hospitality and trade services.

Financial

The proposed fee structure and other costs are set out in the Confidential Attachment to this report. A \$3,000 bond should be applied and provided 30 days prior to the staging of the event.

Community and Stakeholder Engagement

An EOI was called from interested parties wishing to conduct activities on Council controlled public reserves for a period of up to five years. No other party expressed an interest in using the reserve during the same period.

The intention to grant a five-day licence to Regional Touring Pty Limited within Crown Reserve D580022 Mackay Park, Batemans Bay is being publicly notified from 28 November 2018 for 28 days in accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework.

A licence for the Red Hot Summer Tour is consistent with the purposes of the reserve as identified in DA 235/16 which is a consent for the use of the land for temporary events and notes the Red Hot Summer Tour as part of that consent.

CONCLUSION

Regional Touring Pty Limited, the company which promotes the Red Hot Summer Tour, submitted an event application to hold the Red Hot Summer Tour event at Crown Reserve D580022 Mackay Park, Batemans Bay on Saturday 23 March 2019. This is a music event that has been touring regional areas in Australia for the past ten years.

CCS18/066 LEGALISATION OF CLOUDS ROAD, MOGENDOURA

**83.7035.B;
03.7105.B&D**

Responsible Officer: Anthony O'Reilly - Director Corporate and Commercial Services
Attachments: 1. Confidential - Legalisation of Clouds Road, Mogendoura
Outcome: Connected and Accessible Places
Focus Area: 7.1 Work in partnership to provide an integrated transport network
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network
Operational Plan Link: 7.1.2.1 Provide a safe efficient and integrated transport network

EXECUTIVE SUMMARY

Clouds Road has been maintained by Council for decades. Part of the existing formation of Clouds Road at Mogendoura is within private property and not contained within a legal road reserve.

The owners of adjacent properties have agreed to dedicate part of their property as public road in exchange for the closure and transfer of part of the road reserve not required. The land owners' details are set out in the confidential attachment.

The proposed road opening and closing action is the most appropriate means to legalise the road reserve within this section of Clouds Road.

RECOMMENDATION

THAT

1. Deeds of Agreement be entered into with the land owners of Lot 15 DP 1071577, Lot 1 DP 126080, Lot 20 DP 755946, Lot 21 DP 755946, Lot 2 DP 926143, Lot 22 DP 755946, Lot 19 DP 755946 and Lot 15 DP 755946 providing for the dedication of part of their land for public road purposes subject to Council taking all necessary action to have part of Clouds Road, Mogendoura closed, transferred and consolidated with the residue of the relevant lots and any relevant works to take place.
2. A proposal to close Council road reserve adjacent to Lot 15 DP 1071577, Lot 1 DP 126080, Lot 20 DP 755946, Lot 21 DP 755946, Lot 2 DP 926143, Lot 22 DP 755946, Lot 19 DP 755946 and Lot 15 DP 755946 be publicly notified in accordance with the provisions of the Roads Act 1993 for a period of 28 days.
3. Subject to no objections being received the closure of Council road reserve noted in 2. above proceed.
4. When closed the land be transferred to the land owners of adjoining lots noted in 2. above and consolidated with their relevant properties.
5. Where the existing maintained road passes through the Lots listed within this recommendation, a road reserve be created and be dedicated as public road, subject to 4 above. The public road reserve is to be created within Part Lot 15 DP 1071577, part Lot 1 DP 126080, part Lot 20 DP 755946, part Lot 21 DP 755946 and part Lot 22 DP 755946.

CCS18/066 LEGALISATION OF CLOUDS ROAD, MOGENDOURA

**83.7035.B;
03.7105.B&D**

6. All costs associated with the proposed road opening and closing including the land owners reasonable costs be borne by Council.
7. Consent be given to affix the Common Seal of Council to all relevant documentation.

BACKGROUND

Clouds Road at Mogendoura has been maintained by Council for decades. The road formation however is not fully contained within the legal road reserve.

At its meeting on 12 December 2017 Council resolved to close a separate section of Clouds Road in exchange for the dedication of part of Lot 1 DP 108612 for public road purposes.

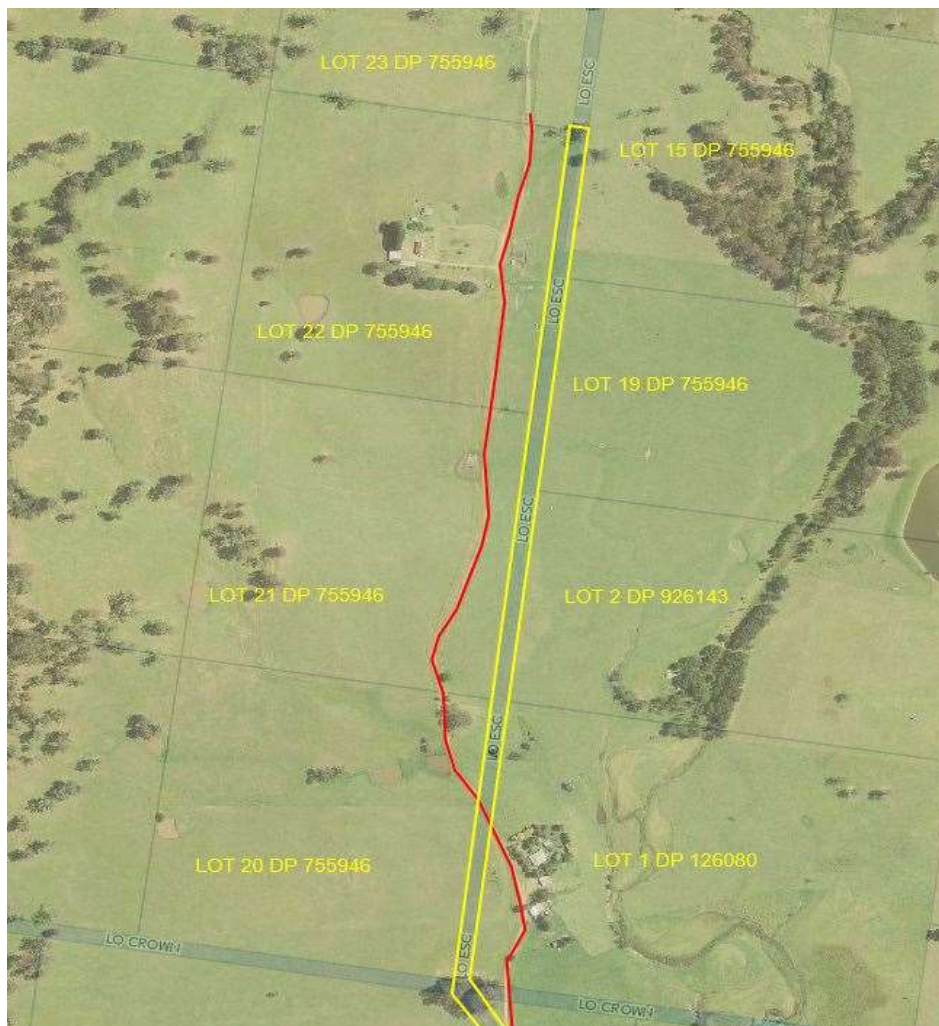
The remaining section of Clouds Road is the subject of this report and will proceed through the same process with the land owners adjoining the northern area of that road.

CONSIDERATIONS

Sketches showing the current location of Clouds Road and properties involved are below. The red line shows the current road structure to be formally opened and the yellow line shows road closure to be transferred to adjoining land owners.

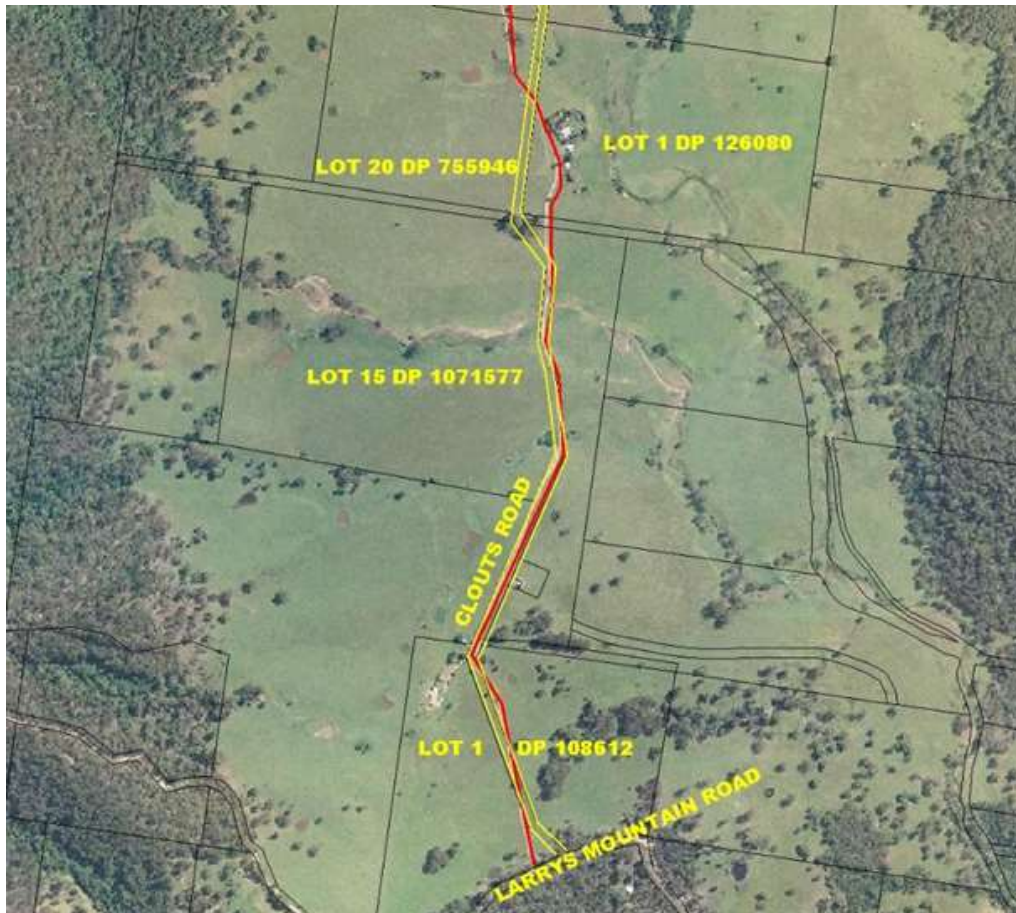
CCS18/066 LEGALISATION OF CLOUTS ROAD, MOGENDOURA

**83.7035.B;
03.7105.B&D**



CCS18/066 LEGALISATION OF CLOUDS ROAD, MOGENDOURA

**83.7035.B;
03.7105.B&D**



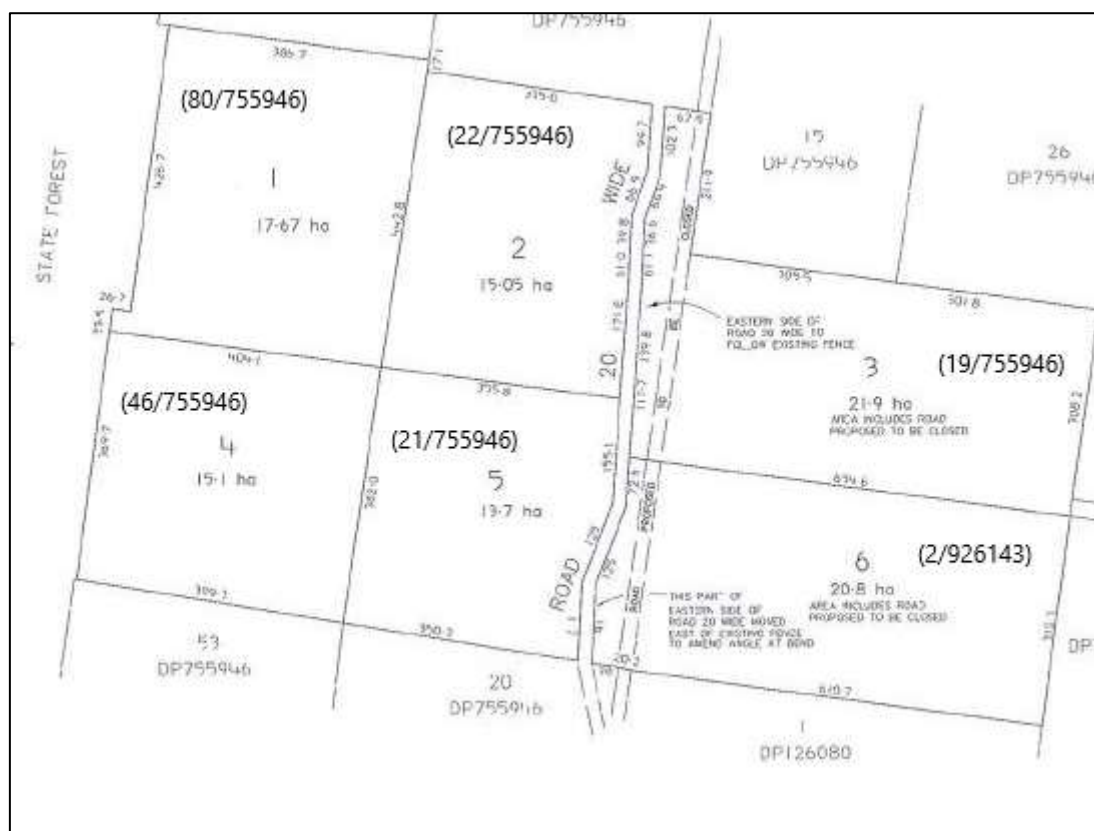
Sketch showing road open and close through each property.

*Red-road open *Yellow-road close

Lot 1 DP 108612 (closest to Larry's Mountain Road) has already been dealt with at a previous Council meeting of 12 December 2017.

CCS18/066 LEGALISATION OF CLOUDS ROAD, MOGENDOURA

**83.7035.B;
03.7105.B&D**



Sketch of lots with associated boundary adjustments as well as road open and close.

Legal

The process to locate Clouts Road within a legal road reserve and transfer part of the current road reserve to the adjoining registered proprietors is as follows:

- The proposed closure is advertised in the local press and statutory authorities notified allowing 28 days for submissions.
- A plan of survey is registered at the NSW Land Registry Services which will dedicate the relevant parts of land as road reserve (shown red in sketches above) and identify those parts of the road reserve proposed to be closed (shown yellow in sketches above).
- The road closure is then notified in the NSW Government Gazette.
- Title is issued for the parts of closed road in the name of Council.
- Transfers for the titles of the parts of closed road and a plan of consolidation of the parts of closed road with the respective residues of the relevant land following the dedication of road reserve is lodged for registration with the NSW Land Registry Services.

All land owners have agreed with the road closure and opening as set out in the sketches above and Deeds of Agreement are to be entered into between the land owners and Council to ensure land transfer, consolidation and any relevant works take place as required.

Due to some boundary adjustments related to the road opening and closing, agreement has been reached with the land owners of Lot 2 DP 926143, Lot 21 DP 755946, Lot 19 DP 755946 and Lot 22 DP 755946 for fencing and livestock loading ramp works to be carried out. Details of the works are set out in the confidential attachment. Boundary adjustments have also been

CCS18/066 LEGALISATION OF CLOUDS ROAD, MOGENDOURA

**83.7035.B;
03.7105.B&D**

agreed to with the same land owners and including their adjoining properties being Lot 80 DP 755946 and Lot 46 DP 755946 to ensure that the areas of the relevant lots are as similar in area as the original lots as possible.

Policy

The acquisition of land for road purposes will proceed in accordance with Council's *Land Acquisition and Disposal* Policy.

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf

Environmental

The proposed road opening and closing will have no environmental impact.

Asset

The cost to relocate that part of Clouds Road within the legal road reserve would be significant and certainly greater than the cost to undertake a road opening and closing procedure and associated works.

In accordance with Council's normal procedure involving closed road transfers, that part of Clouds Road closed and transferred should be consolidated with the residue parts of the adjoining properties following dedication of road reserve.

Financial

All costs associated with the opening and closing of parts of Clouds Road should be borne by Council including the reasonable legal costs incurred by the relevant land owners.

Survey and plan preparation can be carried out by Council staff and the registration and legal costs can be funded within allocated budgets.

Community and Stakeholder Engagement

As per usual road closure procedures, the proposed road opening and closing will be publicly notified through the local newspaper and on Council's website allowing 28 days for submissions and State statutory authorities will be notified also allowing 28 days for submissions.

CONCLUSION

Clouds Road at Mogendoura has been maintained by Council for decades. The road formation however is not fully contained within the legal road reserve.

A proposal to dedicate a public road over the physical formation in exchange for the closing of parts of the legal road reserve and transferring them to the adjoining properties has been agreed to by relevant land owners.

The proposed road opening and closing action is the most appropriate means to legalise the road reserve for Clouds Road.

CCS18/067 LEASE ACQUISITION - MINI GOLF

E96.0041

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

Attachments: 1. Confidential - Lease acquisition and valuation

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

Council is planning a new Regional Aquatic, Arts and Leisure Centre (Centre) on the southern end of the Mackay Park precinct in Batemans Bay.

The Batemans Bay Mini Golf (Mini Golf) is in the footprint of the proposed Regional Aquatic, Arts and Leisure Centre.

This report seeks approval for the acquisition of the lease of the Mini Golf. The preferred option is to acquire by agreement but the report includes acquisition by compulsory process if a negotiated outcome cannot be achieved.

RECOMMENDATION

THAT Council

1. Negotiates with the operator of the Batemans Bay Mini Golf to acquire its lease.
2. Delegates to the General Manager to conclude these negotiations and acquire the lease in accordance with the Confidential Attachment.
3. Seeks the consent of the Minister of Local Government and the Governor to issue a Proposed Acquisition Notice to acquire the lease by compulsory process if required.
4. Takes all other required actions to acquire the lease including applying the Council Seal to any documents if required.

BACKGROUND

Council is planning a new Regional Aquatic, Arts and Leisure Centre on the southern end of the Mackay Park precinct in Batemans Bay.

In March 2018, the NSW Government announced \$26 million towards the new facility. In October 2018, the Australian Government assigned \$25 million to the project.

Mini Golf has a lease from Council as Crown Land manager that commenced on 1 July 2012 and is due to expire on 30 June 2022. The current site of the Mini Golf is in the footprint of the

CCS18/067 LEASE ACQUISITION - MINI GOLF

E96.0041

proposed Centre and so acquisition of the lease allows the Centre development to proceed in the most efficient manner to deliver optimal community outcomes.

Council has been appraising the Mini Golf operators of the status of the Mackay Park project plans on a regular basis. The most recent discussions with the Lessee and business operator followed the announcement of potential funding from the Australian Government. The operators were informed that Council would be looking to acquire the lease by agreement.

The operators understand the importance of the Regional Aquatic, Arts and Leisure Centre development and have approached the matter with positive intent. They are a family run business involving a number of family members. Staff will continue to approach these discussions with sensitivity.

Because Mini Golf is an important local tourism attraction, the discussions have also included consideration of the possibility of an alternative site for the Mini Golf being feasible at Mackay Park, whether alternative Council sites might be available and the assistance through the development application process that Council could provide if the operator found an alternative site on private land.

All attempts will be made to agree on a negotiated outcome but it may become necessary to acquire the lease by compulsory acquisition. There are lengthy timescales and strictly regulated steps in such a process.

CONSIDERATIONS

Legal

Council has power under section 186 of the *Local Government Act 1993* to acquire land (or an interest in land) for public purposes.

Under section 187 of the *Local Government Act 1993*, the acquisition of the land must proceed in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Also, under section 187 of the *Local Government Act 1993*, the compulsory acquisition process requires the approval of the Minister for Local Government and the Governor to allow Council to issue a Proposed Acquisition Notice.

Section 10A (2) of the *Land Acquisition (Just Terms Compensation) Act 1991* states that Council must make a genuine attempt to acquire the land by agreement, for at least six months before issuing a Proposed Acquisition Notice.

If Council were not seeking to acquire the lease and it ran to its expiry on 30 June 2022, Council's options then would be to choose not to issue a new lease or to conduct a public and competitive process for a new lease.

CCS18/067 LEASE ACQUISITION - MINI GOLF

E96.0041

Policy

The acquisition of the Mini Golf lease will proceed in accordance with Council's Land Acquisition and Disposal Policy www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Land-Acquisition-and-Disposal-Policy.pdf

Asset

The new Regional Aquatic, Arts and Leisure Centre will be one of Council's largest assets and a flagship facility for the entire region.

Social Impact

Batemans Bay Mini Golf is a family run business involving a number of family members and has been a part of the local community for many years.

Economic Development Employment Potential

The Regional Aquatic, Arts and Leisure Centre will become a key part of the local economy providing an all-weather option for visitors.

Financial

In accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, Council will be responsible for all reasonable costs associated with the acquisition including survey and legal fees.

The acquisition cost will be determined in accordance with a valuation by a registered valuer and other experts as required. This cost will form part of the Regional Aquatic, Arts and Leisure Centre project budget.

Community and Stakeholder Engagement

The Regional Aquatic, Arts and Leisure Centre project involves extensive community consultation and concept designs outlining potential uses of the site will be placed on formal public exhibition.

Council is maintaining regular contact with the operators of the Mini Golf.

CONCLUSION

The new Regional Aquatic, Arts and Leisure Centre is a major project for Batemans Bay and the region.

To allow the project to proceed in the most efficient manner, it is necessary to acquire the Batemans Bay Mini Golf lease.

This report seeks Council authorisation of the acquisition of the lease, including by compulsory process if this is required.

CCS18/068 LEASE - MORUYA AIRPORT

E89.2941

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

Attachments: 1. Confidential - Lease - Moruya Airport
2. Under Separate Cover - Confidential - Moruya Airport Draft Lease

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

Subject to acceptance by Council, lease negotiations are nearing conclusion with the operator of an aircraft avionics business at Moruya Airport.

This report recommends the lease be granted in accordance with the confidential draft lease attached to this report.

RECOMMENDATION

THAT

1. Council take all necessary actions to grant a lease over part Lot 12 DP 1244089 for a term of 25 years plus a 25 year option, to the business named, and subject to conditions and rent as outlined in the Confidential Attachments to the report 'Lease - Moruya Airport' of 11 December 2018.
2. Consent be given to affix the Common Seal of Council to all necessary documents associated with the lease.
3. Costs associated solely with this lease be borne by the Lessee.

BACKGROUND

Council obtained grant funding from the NSW and Australian Governments to deliver elements of the Moruya Airport Master Plan. Together, with Council's financial contribution, the project has commenced.

As part of the grant application process, in July 2015 Council sought expressions of interest from people interested in securing a lease. The operators of the aircraft avionics business expressed an interest in securing a lease at that time.

To assist in stimulating economic activity at the airport, Council discussed generic lease terms with potential Lessees and developed a new template lease. Amended terms agreed at that time included a 25 year term, plus 25 year option (exercisable at a complying Lessee's discretion, not Council), fewer market rent assessments to make future lease costs more predictable, and that all the Lessee's improvements would remain the Lessee's property at the conclusion of the lease.

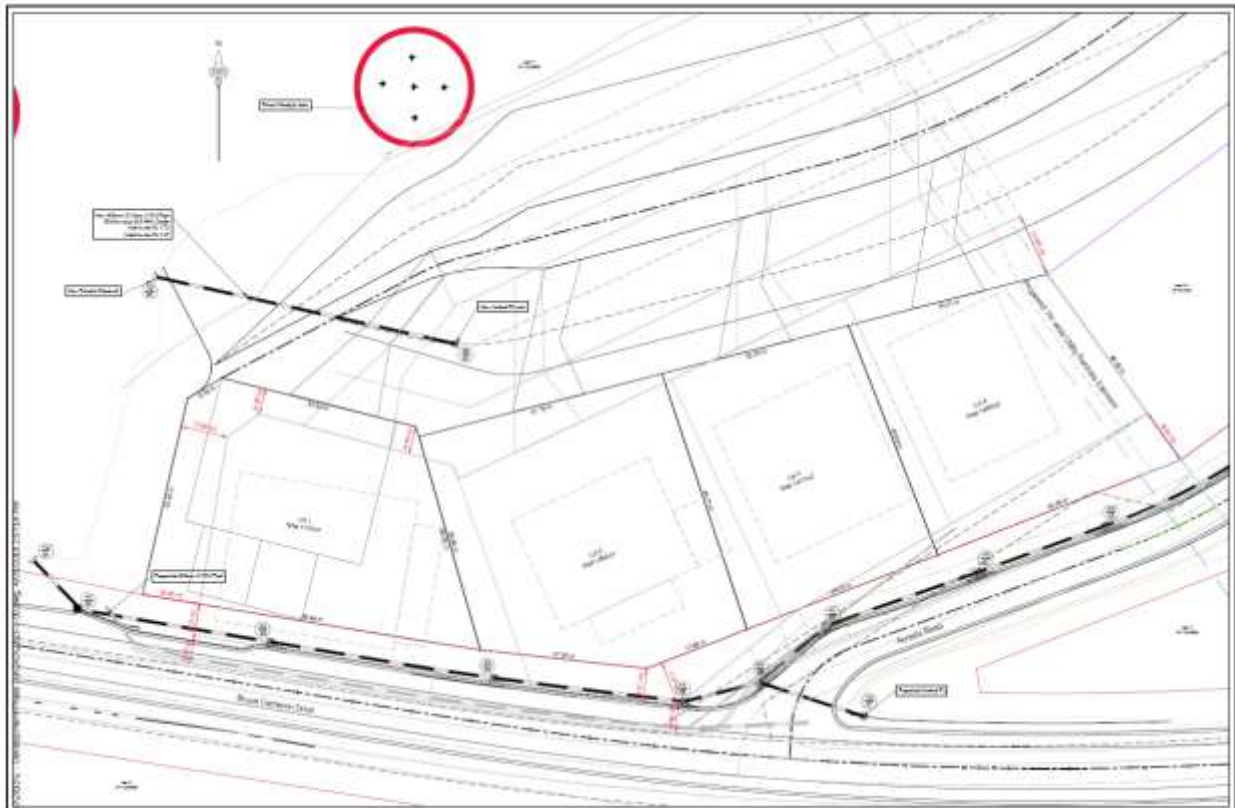
CCS18/068 LEASE - MORUYA AIRPORT

E89.2941

CONSIDERATIONS

The lease negotiated is for a 25 year term with a 25 year option which is at the Lessee's discretion if they have complied with the terms of the lease.

The lease is Lot 3 on the draft plan below and is the third lot in the new development to be leased.



Legal

Lot 12 DP 1244089 is operational land and is being subdivided for lease purposes. There is no legal impediment to granting a lease for this facility.

Policy

The Moruya Airport Master Plan was endorsed by Council on 24 May 2015.

Economic Development Employment Potential

The aircraft avionics business will be a new business created at Moruya Airport and create new employment in Eurobodalla. It may also stimulate interest from other businesses considering relocation.

Financial

The lease for the new site will return a proposed rent which is set out in the Confidential Attachment once the lease commences and works on and around the site are completed.

In addition, the new Lessee will pay Council rates.

CCS18/068 LEASE - MORUYA AIRPORT

E89.2941

Community and Stakeholder Engagement

In 2015, Council conducted an expression of interest process for people interested in securing leases at Moruya Airport and this proposed lessee expressed an interest.

Moruya Airport is operational land and there are no legal requirements for consultation in relation to this matter. The Moruya Airport Master Plan was also placed on public exhibition prior to its endorsement.

CONCLUSION

A lease to a new business locating itself at Moruya Airport will stimulate interest in the overall development of the airport. It is considered appropriate to consider granting such a lease.

CAR18/040 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

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

Attachments: 1. Under Separate Cover - Draft Mackay Park Plan of Management

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

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

EXECUTIVE SUMMARY

The purpose of this report is to recommend the public exhibition of the draft Plan of Management (POM) for Mackay Park, Batemans Bay for 63 days from 12 December 2018 until 12 February 2019.

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

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

The draft POM for Mackay Park includes the following sections:

- A description of Mackay Park, its current uses, its natural environment, its history and current planning. For the purposes of the draft POM, Mackay Park consists of the land currently containing the playing fields, swimming pool, mini-golf facility and associated access roads, car parking and grassed areas. The former bowling club site, being Council freehold owned operational land, is not part of the Mackay Park POM.
- The legislative and policy framework that governs use and development of Mackay Park.
- Issues raised in preliminary consultation with user groups.
- A plan for the ongoing management of Mackay Park, including how Mackay Park will be categorised under the NSW *Local Government Act 1993*, objectives and options for future management and development, and authority for the potential future issuing of leases or licences over parts of Mackay Park for certain activities.
- A Management Action Plan.

Mackay Park currently has an interim category of 'park', consistent with the original Crown Land purpose of 'public recreation'. The draft POM for Mackay Park proposes to re-categorise

CAR18/040 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

the land as 'general community use'. Despite the change in category, no change is proposed in the draft POM to the existing primary uses of Mackay Park, being for a range of public recreation purposes and events.

However, the proposed category best reflects the existing and planned uses of Mackay Park that include visitor information services and a Regional Aquatic, Arts and Leisure Centre while providing maximum flexibility for design options.

Community consultation is an important process in the development of POMs. Community input provides detailed local knowledge that adds value to the plan. In this way, issues that are of importance to the local community are reflected in the POM.

A draft POM is required to be placed on public exhibition and an independently chaired public hearing is required to seek community input. During the public exhibition period, Council will consult with key interest groups. As the public exhibition period does not coincide with scheduled meetings of Council's advisory committees, the following alternate consultation methodologies are recommended.

1. A structured online survey accompanied by a Frequently Asked Questions fact sheet.
2. A focus group session upon request from an advisory committee.
3. An independently chaired public hearing.

RECOMMENDATION

THAT:

1. The draft Mackay Park Plan of Management be endorsed for the purpose of public exhibition for 63 days from 12 December 2018 until 12 February 2019.
2. The category of 'general community use' for the reserve be recommended for consideration by the Minister for Local Government.
3. A further report, detailing the results of the public hearing and any submissions received, be presented to Council following the conclusion of the exhibition period.

BACKGROUND

As Crown Reserve, Mackay Park has been used for many decades for a range of public recreation purposes, including lawn bowls, tennis, field sports, swimming, mini-golf and passive recreation. With the exception of the land that was used for lawn bowls (which does not form part of this Plan of Management), it remains Crown land and continues to be used for public recreation purposes including field sports, swimming, mini-golf and passive recreation.

Council has been developing Mackay Park as a major events precinct over many years, including through the provision of event related infrastructure. Council is currently planning a new Regional Aquatic, Arts and Leisure Centre at Mackay Park to replace the existing Batemans Bay

CAR18/040 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

swimming pool. The land is also used for car parking associated with recreation activities and events, and as overflow parking for the Batemans Bay Town Centre in peak periods.

As Crown Land, a POM was not required to be developed for the Mackay Park land until the new *NSW Crown Lands Management Act 2016* came into force on 1 July 2018. Under the legislation, Councils have three years from 1 July 2018 to implement POMs for Crown Land for which Council has been appointed the Crown Land Manager. This includes Mackay Park.

CONSIDERATIONS

The Draft POM for Mackay Park:

- outlines the role that Mackay Park plays as a significant open space asset in Batemans Bay
- recommends a categorisation of 'general community use'
- defines the objectives for management of Mackay Park, and
- describes future development outcomes.

Role of Mackay Park

Mackay Park is and will continue to play a significant role in providing recreational, cultural and social opportunities for the Batemans Bay community and the wider region. The availability of a large area of open space immediately adjoining the Batemans Bay Town Centre presents enormous opportunities for community activities associated with the social and economic development of the town. This potential will be significantly enhanced through improved physical and visual links from the town centre to Mackay Park.

The primary activities currently undertaken at Mackay Park are rugby league, swimming and events. Other sporting activities, including touch football, cricket and athletics have used Mackay Park as a venue from time to time. A small portion of the site is currently leased for a mini-golf facility.

Swimming activities will be enhanced, while arts, cultural and other leisure activities will be introduced as primary activities at Mackay Park through the development of the Regional Aquatic, Arts and Leisure Centre. The inclusion of visitor information services in this development provides opportunities for the exploration of a range of educational opportunities across Mackay Park, including local Aboriginal cultural heritage, European settlement heritage and environmental studies.

Greater opportunities for informal recreation will be explored. This potentially includes greater access both physically and visually to the adjoining wetlands and the environmental and educational opportunities that provides. The future of mini-golf at Mackay Park will be determined through negotiation with the operator as part of the detailed design phase of the Regional Aquatic, Arts and Leisure Centre proposal.

Subject to availability, capacity and a demonstrated need, Mackay Park may continue to be an alternative venue for other sporting activities. The role of Mackay Park as an overflow car

CAR18/040 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

parking area for the Batemans Bay town centre will be reviewed as part of a broader integrated land use and transport study.

Community and Stakeholder Engagement

A draft POM is required to be placed on public exhibition and an independently chaired public hearing is required to seek community input. It is recommended that public exhibition commence following Council's endorsement of the draft POM and run for a period of 63 days until 12 February 2019. The extended exhibition period is proposed due to the Christmas and New Year period. The public hearing is proposed for February 2019. During the public exhibition period, Council will consult with the following key interest groups.

- the Mackay Park Sunset Committee
- Mackay Park user groups
- Council's Advisory Committees (Youth, Aboriginal, Disability, Sports Forum and Public Art)
- local indigenous groups
- local business groups
- relevant government agencies
- the general community.

As the public exhibition period does not coincide with scheduled meetings of Council's advisory committees, the following alternate methodologies are recommended for these committees.

1. A structured online survey accompanied by a Frequently Asked Questions fact sheet.
2. A focus group session upon request from an advisory committee.
3. An independently chaired public hearing.

Legislation

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

Categorisation of Mackay Park

A POM is required to define the category of community land under the NSW *Local Government Act 1993*.

Mackay Park is currently categorised a 'park' under the NSW *Local Government Act 1993*. This report recommends the re-categorisation of the land as 'general community use'.

CAR18/040 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

While the 'park' category fits a range of existing and proposed sporting and recreation activities at Mackay Park, it is considered that the 'general community use' category is a better fit for the whole of Mackay Park. This is supported by legal advice that the 'general community use' category can support a range of existing and proposed activities including public recreation purposes, events, the provision of visitor information services and a Regional Aquatic, Arts and Leisure Centre.

The core objectives under the *Local Government Act 1993* for management of community land categorised as 'general community use' are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

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

The proposed re-categorisation does not affect the provision of existing activities such as rugby league and events.

Objectives for management of Mackay Park

The following objectives for management of Mackay Park reflect the core objectives for 'general community use' referred to above and additional objectives that respond to local identified issues and opportunities (social, economic, environmental, cultural and asset).

- To enhance the role Mackay Park plays as a significant open space asset adjacent to the regional centre of Batemans Bay and as a central hub for the provision of visitor information services and education about Batemans Bay and the Eurobodalla Shire.
- To ensure that Mackay Park is well connected to the Batemans Bay town centre and is understood by the community to be an integral component of the town.
- To explore how existing sport and recreation facilities, other than the existing pool, can be improved to integrate with new development, both at Mackay Park and on the adjoining former bowling club site, and with the Batemans Bay town centre.
- To explore opportunities to enhance Mackay Park as a regional event centre to attract appropriate major events.
- To explore opportunities to physically and visually connect Mackay Park to the wetlands of McLeods Creek while continuing to improve the environmental values of the wetlands and other important native vegetation with high conservation values on the fringes of Mackay Park.
- To ensure new development at Mackay Park reflects and is sympathetic to its surroundings and location as the northern gateway to Eurobodalla Shire and an important public space at the edge of the Batemans Bay town centre.

CAR18/040 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

- To enable new development at Mackay Park to be undertaken in a manner that minimises impacts, where possible, to existing facilities and activities and to the environment.
- To ensure new development at Mackay Park takes into consideration public safety and provides appropriate access, facilities and services to protect life and assets in the event of an emergency or disaster.
- To balance competing interests for the use of Mackay Park now and into the future.
- To facilitate, where appropriate, the use of leases and licences for the operation and management of certain facilities at Mackay Park.
- To provide certainty for current and future development and potential leases and licences.
- To maintain the land and its facilities to agreed service standards.

Future development outcomes for Mackay Park

The draft POM outlines the future development outcomes as including:

- Mackay Park will continue to have a mix of sporting, recreational, cultural and social activities and events.
- Mackay Park will continue to be used for large and small events and the amenities and grandstand building will continue to be available for functions and other activities.
- Mackay Park will continue to be available as an alternative venue for a range of sporting activities and be open to the general public for passive recreation when not in use for scheduled sports and events.
- At least three (3) months prior to the agreed closure of the existing Batemans Bay swimming pool, Council will advise the current pool contract manager that the existing contract for management of Council's three swimming pools at Batemans Bay, Moruya and Narooma will be amended to delete all references to the Batemans Bay swimming pool.
- The Batemans Bay swimming pool will be demolished and replaced with a Regional Aquatic, Arts and Leisure Centre.
- During the detailed design of the Regional Aquatic, Arts and Leisure Centre, Council will work with the operator of the Mini-Golf facility to determine the future of this facility.
- In any redevelopment of Mackay Park or the adjoining former bowling club site, the availability of overflow car parking for the Batemans Bay town centre will be considered, should this be determined to be appropriate following a broader integrated land use and transport study of the Batemans Bay town centre.
- Electric vehicle charging stations will be considered for installation at Mackay Park.
- Council will continue to undertake environmental works along the fringes of Mackay Park as part of implementing the Batemans Bay and Clyde River Estuary Management Plan (2005).

CAR18/040 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

- Council will continue to undertake general improvements to landscaping at Mackay Park to improve visual amenity as well as providing shade in appropriate locations.
- Council will investigate opportunities for the implementation of public art and other installations, including information boards and other facilities to tell the story of Mackay Park and Batemans Bay.

Legal

Subject to normal statutory approvals, the draft POM authorises Council to continue to enter into temporary or long-term licences with operators of commercial events at Mackay Park.

The draft POM authorises Council to investigate and enter into the most appropriate management arrangements for the Regional Aquatic, Arts and Leisure Centre. The draft POM also authorises Council to enter into negotiations regarding the existing, and where appropriate, new leases and licences with community or commercial operators for one or all of the following components of the new centre (subject to the outcomes of the detailed design process and following a tender process):

- Aquatic centre
- Café and retail space
- Front entrance and foyer space
- Auditorium
- Gallery and exhibition space
- Wet and dry arts workspaces
- Rehearsal/dance studio
- Meeting rooms
- Kitchen and storage facilities
- Outdoor public plaza and leisure spaces
- Gymnasium
- Wellness and health rooms
- Occasional child care facilities.

The draft POM also authorises Council to enter into leases or licences, where appropriate (and also subject to the outcomes of the detailed design process for the Regional Aquatic, Arts and Leisure Centre) for the following activities:

- Mini-golf
- Electric vehicle charging stations
- Other activities that are consistent with the *Local Government Act 1993*.

CAR18/040 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

Mackay Park Plan of Management - draft Action Plan

To meet the objectives for management of Mackay Park and facilitate the future development outcomes, the Draft POM contains the following Action Plan:

Issues		Actions	
A	Maintain and grow the primary uses of Mackay Park: <ul style="list-style-type: none"> • Rugby League • Events • Aquatic, Arts and Culture 	Subject to the findings and recommendations of a detailed Mackay Park Master Plan, Council may assess, prioritise and seek external funds for the following assets:	
		A1	Upgraded floodlighting.
		A2	External portable tiered seating and bench seats.
		A3	Permanent line marking of underground services.
		A4	Additional power and water outlets.
		A5	Upgrade of amenities in the grandstand building.
B	Manage competing interests (as an alternative venue for other sports) and managing congestion at peak periods	A6	Development of the Regional Aquatic, Arts and Leisure Centre.
		B1	Council will maintain a booking system to ensure activities are undertaken at appropriate times to avoid conflict.
		B2	Council will ensure operators of major activities have adequate evacuation plans in place.
C	Defining roles and responsibilities with user groups	B3	Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre takes into consideration all safety requirements.
		C1	Council will ensure that the future management arrangements for all or designated components of the Regional Aquatic, Arts and Leisure Centre clearly define and outline the roles and responsibilities of the management entity(s) appointed by Council.
D	Maintain and increase public access and use of Mackay Park	D1	Council will increase public awareness of opportunities for public access and use of Mackay Park.
		D2	Council will ensure the design and management of the Regional Aquatic, Arts and Leisure Centre supports the objectives of this Plan of Management.
		D3	Council will undertake a review of waste disposal facilities at Mackay Park to ensure adequate services are provided for events and other activities.

CAR18/040 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

Issues		Actions	
E	Improve vehicular and pedestrian access to Mackay Park and provide sufficient car parking, including long-vehicle parking	E1	Council will undertake an Integrated Land Use and Transport Plan (ILUTP) for the Batemans Bay Town Centre that takes into consideration vehicular and pedestrian access to Mackay Park and car parking, including for long-vehicles. The ILUTP will consider sufficient road reserve width into Mackay Park and adequate room for bus and other long-vehicle maneuvering and parking, amongst other matters.
		E2	Council will seek funding, or other means, to implement relevant recommendations of the ILUTP relating to access to Mackay Park.
F	Integrate existing facilities with the Regional Aquatic, Arts and Leisure Centre	F1	Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre provides opportunities for integration with existing facilities at Mackay Park, other than the existing pool, with potential future development of the former bowling club site and Batemans Bay town centre.
G	Install public art and signage within Mackay Park	G1	Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre incorporates and provides opportunities for public art and signage that is sensitive to the location of Mackay Park, its history and its use as an important public open space asset.
		G2	Council will review existing corporate sponsorship signage at Mackay Park.
		G3	Council will install "Smoking Prohibited" and "responsible dog ownership" notices as part of 'grouped' signage in spectator areas in Mackay Park.
H	Improve the visual presentation of Mackay Park from other public spaces, and improve visual and physical connections with the surrounding wetlands, while protecting environmental values	H1	Council will ensure the design of the Regional Aquatic, Arts and Leisure Centre has a strong visual presence when viewed from all vantage points, including from the new Batemans Bay bridge, Princes Highway, Beach Road and from within Mackay Park.
		H2	Council will investigate opportunities for increasing public access to and awareness of the adjoining wetlands.
		H3	Council will continue to implement weed and pest control management programs on Mackay Park and adjoining land, as required and as funding is available.
		H4	Council will ensure that landscaping at Mackay Park uses native drought-resistant plants, where appropriate.

CAR18/040 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

Issues		Actions	
I	Manage flooding and adapting to climate change	I1	Council will ensure that any new development at Mackay Park takes into account the potential impacts of flooding and climate change and is designed appropriately having regard to the safety of users.
J	Manage disruption during construction of Regional Aquatic, Arts and Leisure Centre	J1	Council will ensure plans are in place to minimise disruption to users of Mackay Park and the general public during construction of the Regional Aquatic, Arts and Leisure Centre.
K	Manage public safety in the event of an emergency or disaster	K1	Council will ensure relevant emergency management plans are in place and regularly updated and tested.
L	Leases and licences are issued for specific uses	L1	<p>Council will ensure appropriate management systems (in-house leases, licences or other arrangements) are in place to facilitate, where required and appropriate, the following types of activities and uses at Mackay Park:</p> <ul style="list-style-type: none"> • Mini-golf • Commercial events • Aquatic centre • Café and retail space • Front entrance and foyer space • Auditorium • Gallery and exhibition space • Wet and dry arts workspaces • Rehearsal/dance studio • Meeting rooms • Kitchen and storage facilities • Outdoor public plaza and leisure spaces • Gymnasium • Wellness and health rooms • Occasional child care facilities • Electric vehicle charging stations • Other activities that are consistent with the Local Government Act 1993.
M	Clarify the boundaries	M1	Council will undertake a full survey of Mackay Park and prepare a new Deposited Plan or Plans in accordance with

CAR18/040 MACKAY PARK DRAFT PLAN OF MANAGEMENT

E96.0041

Issues		Actions	
	of Mackay Park		Crown Land requirements.
		M2	Through the survey process, Council will rectify any encroachments onto the former bowling club site and any encroachments into Mackay Park from the former bowling club site, such as through boundary adjustments, easements or rights of way.

CONCLUSION

A plan of management (POM) has been drafted for Mackay Park, Batemans Bay in accordance with the requirements of the NSW Crown Lands Management Act 2016 and the NSW Local Government Act 1993.

The draft POM outlines how the land can be used, developed and managed, how leases and licences or other interests are granted and determines the scale and intensity of current and future use and development on the land.

This report recommends the category of 'general community use' for the whole site. This recommendation is to support the existing and proposed primary uses of Mackay Park, being for a range of public recreation purposes, events, visitor information services and a Regional Aquatic, Arts and Leisure Centre.

This report recommends that the draft POM be placed on public exhibition for 63 days from 12 December 2018 to 12 February 2019. During the public exhibition period, Council will consult with key interest groups and conduct an independently chaired public hearing to seek community input into the draft POM.

Following public exhibition, a final POM, taking into consideration the results of the public hearing and issues raised in submissions, will be prepared and submitted to a Council meeting in March 2019.

DR18/006 NATIONAL GENERAL ASSEMBLY

E91.3255

Responsible Officer: Ctrs Anthony Mayne, Jack Tait and Phil Constable
Attachments: Nil
Outcome: Innovative and Proactive Leadership
Focus Area: 9.1 Provide strong leadership and work in partnership to strategically plan for the future and progress towards the community vision
Delivery Program Link: 9.1.2 Implement effective governance
Operational Plan Link: 9.1.2.4 Provide professional development opportunities for Councillors

EXECUTIVE SUMMARY

Councillors Jack Tait, Phil Constable and Anthony Mayne represented Eurobodalla Shire Council at the 2018 National General Assembly which was held on the 18 to 20 June 2018 in Canberra.

RECOMMENDATION

THAT the delegates report from Councillors Jack Tait, Phil Constable and Anthony Mayne be received and noted.

BACKGROUND

The 2018 National General Assembly (NGA) of Local Government annual conference was held in Canberra. The Eurobodalla Shire Council was represented by Councillors, Jack Tait, Phil Constable and Anthony Mayne.

The conference theme this year was "Australia's Future: Make it Local." Held at the National Convention Centre, Canberra, the National General Assembly (NGA) of Local Government is the peak annual event for Local Government and attracted Australia wide in excess of 800 Mayors and Councillors.

The conference attracts presenters from the federal and local levels of government, along with representatives from peak bodies and the business community, including a speech from the Opposition Leader, Hon. Bill Shorten, and a dinner speech from the then Prime Minister, the Hon. Malcolm Turnbull. As a local council it is a unique opportunity to engage directly with the Federal Government, to develop national policy and to influence the future direction of our councils and our communities.

In addition to the numerous presentations, each Council is able to vote on the various resolutions. On each vote, the three Eurobodalla Councillors conferred, before allocating its vote. This year the Conference used an electronic voting system, which provided for real time outcomes for the motions.

A number of very engaging presenters made for a very informative three day conference. Presentations included those from David O'Loughlin, ALGA President's Opening Speech, Bernard Salt sharing his insights on Population and the Policy Imperative, Professor Ron Bartsch, Balancing Innovation and the Public Interest - Drones in Society Presentation, The Hon. Dr John McVeigh, The Hon. Stephen Jones, Virginia Haussegger, The Case of Gender Diversity

DR18/006 NATIONAL GENERAL ASSEMBLY

E91.3255

and Local Government, Max Spedding, Recycling and Waste Concurrent Session, Brooke Donnelly, Recycling and Waste Concurrent Session, The Hon. Bill Shorten, The Hon. Malcolm Turnbull, Dinner Address, The Hon Dr John McVeigh, David Cull, Dealing with Major Disasters, Resilience and Economic Challenges and Mark Groote, Creating Community Resilience.

Numerous resolutions flowed from the Conference, including many with the ambition to try and influence at a Federal Government level. These includes resolutions to call on the Commonwealth Government to initiate a timely process for the development and conduct of a national referendum on constitutional recognition of Local Government within 5 years and that this process should be cognisant and respectful of Indigenous people and not impede any process that recognises indigenous people. That the National General Assembly endorses the constitutional acknowledgement of Indigenous Australians as the first peoples of this land. Furthermore, the National General Assembly call on Federal Parliament to allow a national referendum for Australians to make a determination on this matter. In terms of financial support it was resolved to advocate on behalf of local government that Financial Assistance Grants should be increased to at least 1% of national taxation revenue at the 2019/2020 budget. There was also a resolution to call on the Federal Government to endorse regulation and a licensing scheme for short term holiday letting of properties through businesses like Air BnB and Stayz, in addition to a resolution calling on the Federal Government to commence an enquiry into the future of the waste and recycling sector in Australia, to review the current practices of waste to landfill and recyclables being sent overseas which are no longer sustainable or viable.

In addition to the opportunity to vote on such matters, the Conference enables Councillors the chance to network, share ideas, visit numerous presenters stands, ranging from recycling car tyres to solar panelled street lights.

17. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

In accordance with Section 10A(4) of the Local Government Act 1993 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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