



# **AGENDA**

**Ordinary Meeting of Council**

**24 November 2020**



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

**ON TUESDAY 24 NOVEMBER 2020**

**COMMENCING AT 11.00AM**

**AGENDA**

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

<b>1. WELCOME</b>	
<b>2. ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>3. APOLOGIES</b>	
Nil	
<b>2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>	
2.1 Ordinary Meeting held on 10 November 2020	
<b>3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA</b>	
(Declarations also to be made prior to discussions on each item)	
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**DR CATHERINE DALE  
GENERAL MANAGER**

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**NOM20/007 RECLASSIFICATION OF LAND**

S012-T00026

Responsible Officer: Anthony Mayne - Councillor

Attachments: Nil

Councillor Anthony Mayne has given notice that at the Ordinary Meeting of Council on Tuesday 24 November 2020, he will move the following motion.

**MOTION**

THAT:

1. the land on which the Batemans Bay Community Centre, currently zoned B4-Mixed use and classified as operation, be reclassified to Community.
2. a planning proposal be prepared to amend Schedule 4, Part 3 of the Eurobodalla Local Environment Plan 2012 to reclassify the Batemans Bay Community Centre from operational to community and that the planning proposal be submitted to Council for consideration.

**BACKGROUND**

Such a reclassification would provide continuity and surety to the Centre's current users, while alleviating any community concern about a possible future sales of its facility.

At present there are a number of organisations that currently hire the community centre. Fifteen (15) community groups hire a room at the BBCC on a weekly basis. These groups are Meals on Wheels, a Tai Chi provider, U3A, Shugyo Martial Arts, South Coast Stompers, Goshin Ryu Karate, a Speech Pathology provider, South Coast Colleges, AA Wednesday Group, The Legacies Group (AA), Mystery Bay School of Music, ESC Embracing Babies Program, Batemans Bay Line Dancers and a Dance class provider. Other community groups are expected to recommence their monthly booking sometime in the post-Covid future. These groups are Tollgates Probus, Dementia Australia, and CAE Book discussion group. There are other organisations that book on an adhoc basis.

Last year Council received a petition presented by Dr Sue McKenzie, on behalf of Perfex, raising concerns about the future use of the Centre. A recent public meeting at the Community Centre equally raised concerns about the current proposal from Council to seek out EOI to lease out the Centre.

The land is currently zoned B4-Mixed use and is classified as operational land having been reclassified by Council from community land in 2012 after a comprehensive process involving extensive consultation and a public hearing. Any change in land use zone or classification would require a planning proposal to amend the Eurobodalla LEP. For this to occur Council would need to resolve that a planning proposal be prepared setting out the changes desired by Council. And that in the meantime, Council advise parties that have made unsolicited requests, who wish to lease the property, that this option is not available.

The Batemans Bay Community Centre was paid for by community funds and is highly valued by the community. Over 120 groups used the Centre last year. The facility provides a centrally located combination of amenities grouped in a way nowhere else in the town, with a good-sized kitchen, · freezer space, · sprung floor · level and ready access, · affordability, · easy

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**NOM20/007 RECLASSIFICATION OF LAND**

**S012-  
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parking · close proximity to services and the CBD · and, importantly clean and safe and accessible public toilets.

The Batemans Bay Community Centre is clearly valued, utilised and appreciated by our community. We have an opportunity with this motion to ensure community usability now and into the future.

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**QON20/008      COUNCIL'S ROLE FOR COMMERCIAL AND DOMESTIC FIRE RESPONSE**

S012-T00024

Responsible Officer: Maureen Nathan - Councillor

Attachments:      Nil

The following question on notice was received from Councillor Maureen Nathan:

**Question**

This year has brought many challenges to our community with the bushfires, multiple floods, Covid-19 as well as fires impacting businesses in Narooma. Our Council teams have worked closely with communities to successfully mitigate adverse impacts on our community, often going beyond the norm to help.

Our community continues to learn and seek information on roles and responsibilities so I ask these questions:

1. Where fires destroy commercial and/or private properties, who is responsible to 'make safe' to mitigate potential hazards to neighbours and/or public spaces?
2. What are the timelines to address matters such as safety to public pathways and for shutting off services (eg water, sewer)?
3. What powers of authority does Council have to ensure timely action is taken to keep neighbours and the public safe?

**Response**

The following is provided in answer to the questions above:

1. The landowner is responsible for making their property safe following a fire, whether bushfire or property fire. This will often involve the insurer, who may take action on behalf of the landowner to make safe. This typically follows initial assessment. During the response to the bushfires, Council did assist in some instances, to help protect the public and lower anxiety levels in fire affected areas. For instance Council assisted with the temporary fencing of some properties along the Princes Highway in Mogo.
2. Timelines obviously vary depending on a range of factors, complexity (eg ability to gain access) and the potential risk of harm. The aim is to make safe as soon as practical and Council will determine an appropriate response depending on the nature of the situation e.g. 24hrs to 7days.
3. Where public health and safety concerns are raised regarding fire affected buildings on private property that require urgent attention, Council can issue notices or orders that require actions to be undertaken to ensure that land, or premises are placed or kept in a safe and healthy condition. Notices and Orders can be issued under various legislation depending on the circumstances and may require actions to make buildings and/or property safe, including clean-up of a site. Penalty infringement notices are available for non-compliance.

More generally the arrangements for managing emergencies were outlined in Council's submissions to the NSW Bushfire Inquiry and the Royal Commission in Natural Disasters which

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**QON20/008 COUNCIL'S ROLE FOR COMMERCIAL AND DOMESTIC FIRE  
RESPONSE**

**S012-  
T00024**

can be found on Council's web page at: <https://www.esc.nsw.gov.au/living-in/about/emergency-information/bushfire-recovery/bushfire-inquiries>

**RECOMMENDATION**

THAT the response to the question regarding Council's role for commercial and domestic fire response raised by Councillor Maureen Nathan be received and noted.



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**QON20/009      TECHNOLOGYONE SYSTEM IMPLEMENTATION**

S012-T00024

Responsible Officer: Patrick McGinlay - Councillor

Attachments:      Nil

The following question on notice was received from Councillor Patrick McGinlay:

**Question**

In regard to the purchase and implementation of Council's new Tech One IT system;

1. What have been the costs to date for this project?
2. What other budgetary commitments have been made to date?
3. In terms of original planned budget, delivery and timelines approved by Councillors in 2016, what is the current status of the project?
4. What is the estimated end-date for full completion and operational implantation of the project?
5. What are the estimated further, (beyond already expended or committed) funds that will be required to finalise this project.
6. In light of all of the above, what is Council's best estimate of the final total cost of this project.

**Response**

1. *Expended costs for the project to 30 September 2020 are \$7.07m*
2. *The FY2021 budget includes \$890,000 for the TechnologyOne implementation. There is also \$1.328m allocated but not spent from previous years. The total allocated amount is not expected to be expended fully in this financial year due to a review of resources.*
3. *Delivery, timelines and budget are linked and need to be considered together. In terms of original planned budget, delivery and timelines approved by Councillors in 2016, the current status of the project is as follows.*

The **Objectives** of the Corporate Business System implementation of TechnologyOne, are:

*For the Community      provide wider **access** to our services including remote 24/7 access with many functions to be automated or electronic with improved responsiveness and communication;*

*For Council staff      improve business processes and **effectiveness** as well as providing staff with greater control over the way that business is performed, leading to service excellence through continual improvement and greater job satisfaction;*

*For management      provide easier and quicker access to **information** to enable effective decision making;*

*For the organisation      ensure enduring organisational **sustainability** through more efficient processes, products, people and decisions through the use of technology.*

**QON20/009 TECHNOLOGYONE SYSTEM IMPLEMENTATION**

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The **Scope** of the Corporate Business System implementation of TechnologyOne, is to replace ESC systems supporting the following business functions:

- Finance, including
- Budgeting and
- Procurement;
- Human Resource Management /Payroll;
- Integrated Planning and Reporting, (IP&R);
- Financial Assets;
- Operational asset management;
- Graphical Information System, (GIS);
- Property (P&R) – Regulatory;
- Property (P&R) – Rating;
- Enterprise Cash Receipting (ECR);
- Customer Request Management (CRM);
- Electronic Content Management (ECM);
- Strategic Asset Management (SAM).

The implementation project is structured into three concurrent Phases:

Phase 1	<ul style="list-style-type: none"> <li>• Finance (including Budgeting and Procurement)</li> <li>• HR/Payroll</li> <li>• Integrated Planning and Reporting (IP&amp;R)</li> <li>• Financial Assets</li> <li>• Geographic Information System (GIS)</li> </ul>
Phase 2	<ul style="list-style-type: none"> <li>• Maintenance Management</li> <li>• Mobile Maintenance Management, including,</li> <li>• Geographic Information System (GIS)</li> </ul>
Phase 3	<ul style="list-style-type: none"> <li>• Property and Rating (P&amp;R) – Regulatory</li> <li>• Property and Rating (P&amp;R) – Rating</li> <li>• Enterprise Cash Receipting (ECR)</li> <li>• Enterprise Content Management (ECM)</li> <li>• Customer Request Management (CRM)</li> <li>• Strategic Asset Management (SAM)</li> </ul>

**Phase 1**

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**QON20/009 TECHNOLOGYONE SYSTEM IMPLEMENTATION**

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*Seven functions went live in TechnologyOne in October 2017:*

- 1. Finance, including*
- 2. Budgeting and*
- 3. Procurement;*
- 4. Human Resource Management/Payroll;*
- 5. Integrated Planning and Reporting (IP&R);*
- 6. Financial Assets;*
- 8. Geographical Information System (GIS).*

*This first phase provided the foundation upon which subsequent implementations are built. There were tangible benefits to Council following this initial implementation, e.g.*

- Outdoor staff are able to record their time on electronic timesheets with no need for supervisors to bring them into the office each week;*
- Staff are able to record plant usage against work orders in the Works System so that a clear picture of expense is available;*
- Reduction in effort associated with processing timesheets which had been previously entered manually to both the Payroll and Financial systems;*
- Remote access to a range of HR functions e.g. leave requests, requests for training, approvals to recruit.*

**Phase 3**

*Four further functions went live in TechnologyOne in July and November 2019:*

- 9. Property and Rating (P&R) – Regulatory;*
- 10. Property and Rating (P&R) – Rating;*
- 11. Enterprise Cash Receipting (ECR);*
- 13. Electronic Content Management (ECM) – Nov 2019.*

*Implementing these four functions in TechnologyOne provided a range of benefits and achieved against the objectives:*

- |                          |  |
|--------------------------|--|
| <i>For the Community</i> | <i>provide wider access to our services e.g. since e-Services went live in August 2019 there have been 3509 applications submitted and paid for online, representing 65.2% of the 5380 applications submitted;</i>             |
| <i>For Council staff</i> | <i>improve business processes and effectiveness; e.g. Mobile technology enables access to plans and development applications while on site for inspections;</i>  |
| <i>For management</i>    | <i>provide easier and quicker access to information; e.g. ESC management were able to respond to a detailed Councilor query with the precise details of the number of dual occupancy DAs approved on rural land in FY2019;</i> |

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*For the organisation ensure enduring organisational sustainability; e.g. Critical processing has been migrated from in house developed Regulatory systems that rely upon a key individual to support and maintain; workflows have been implemented that eliminate sections of the old process.*

**ESTABLISHING THE BUDGET**

*In early 2016 as part of Council's procurement process TechnologyOne provided information about typical implementation timescales.*

*Council consulted a number of councils, regarding their experience implementing TechnologyOne, including the timescales and resource requirements. The councils consulted did not provide complete information about effort expended.*

*An estimate of the total effort to implement TechnologyOne at ESC was derived from these different sources of information (e.g. 4 FTE for 9 months represents 3 person years of effort). The effort estimate was apportioned to the different functions for implementation (e.g. Finance, HRP), and an approach for phasing the implementation developed.*

*A budget for the total implementation was developed on the basis of implementation effort inferred from other councils' experience and other anticipated expenses (e.g. software purchase and maintenance, TechnologyOne consulting costs, other consultant costs, travel expenses).*

*Detailed planning was performed based on the effort estimates and a detailed budget for ESC effort prepared for the financial years during which implementation was in progress.*

*The budget was \$6.26M, excluding contingency funding which had been placed in reserve, approved at Council meeting in June 2016.*

**ANTICIPATED CONTINGENCY FUNDING**

*As previously indicated, the following 7 functions went live in TechnologyOne in October 2017:*

- 1. Finance, including:*
- 2. Budgeting and*
- 3. Procurement;*
- 4. Human Resource Management/Payroll;*
- 5. Integrated Planning and Reporting (IP&R);*
- 6. Financial Assets;*
- 8. Geographical Information System (GIS).*

*Following the implementation of Phase 1 a review of the progress against effort and time was completed in February 2018.*

*There were a number of outcomes from this review:*

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**QON20/009 TECHNOLOGYONE SYSTEM IMPLEMENTATION**

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- Asset Management: *The data migration effort was more than anticipated – the main reason for this were relate to the inconsistency in data structures between the ESC in house developed systems and TechnologyOne. It was determined that the data migration effort will be double what had been anticipated and that there would be additional effort required to establish Asset Financial Management in TechnologyOne, with additional \$205,000 required.*
- Regulatory: *Councils whose information about project resource and timescales were used to derive effort estimates by Council had not disclosed that a significant part of their business operations were not migrated to TechnologyOne during their implementation but remained as manual processes using systems without integrity (e.g. Excel spreadsheets). As a result, the effort estimates and budget derived by ESC were for only a portion of the complete scope of ESC project and inadequate for the scope of ESC Regulatory implementation. At that time, it was anticipated that there would be an additional 735 person days effort required by ESC staff to implement the Regulatory aspects of ESC operations within TechnologyOne. It was anticipated that an additional 25 knowledge transfer consulting days would be required from an external consultant to assist with the Regulatory implementation to go live mid 2019. Total additional funding required was anticipated to be \$375,000.*
- Customer Request Management: *The scale of effort involved in the implementation of Customer Request Management (CRM) within TechnologyOne was not highlighted by councils upon whose information ESC had relied in preparation of a budget. As a consequence ESC's budget was inadequate for the scope of our CRM implementation. The review identified that there would be an additional 800 person days effort required by ESC resources to implement the CRM aspects of ESC operations within TechnologyOne. It was anticipated that an additional 25 knowledge transfer consulting days would be required from an external consultant to assist with the CRM implementation. Total additional funding required was anticipated to be \$347,000.*
- Project Resources *The extended timescales required additional expenditure of \$385,000 on the project resources working across the different streams.*

*The need to use contingency funding of \$1.31M was identified and briefed to the Audit Risk Improvement Committee (ARIC) in May 2018.*

*The contingency funding was included within the Operational Plan 2018-19 adopted by Council following notification to Councillors in April 2018.*

**UNANTICIPATED FUNDING**

*A further review was conducted in August 2019 which highlighted:*

- Property & Rating: *implementing all processes within TechnologyOne that ensured process integrity and consistency absorbed significantly more internal effort than had*

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**QON20/009 TECHNOLOGYONE SYSTEM IMPLEMENTATION**

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*been anticipated. This was a function of the lack of process rigour imposed by the legacy system which enabled process inconsistency; as a consequence, there was significant rework required throughout the configuration of TechnologyOne as processes were agreed iteratively within Council.*

- *Enterprise Content Management (ECM): the effort estimates developed at the commencement of the project did not reflect the effort required to implement ECM. The software available for implementation contained features that were not in earlier versions which provided benefit for users (e.g. enhanced workflow capability) but required more than anticipated effort to configure.*
- *Operational Asset Management: Council staff involved in Operational Asset Management currently use Android/iOS devices for a variety of functions that are not compatible with the Windows based TechnologyOne software available at the time the procurement decision was finalised. Resolving this incompatibility requires additional unforeseen effort/investment by Council to implement the latest TechnologyOne offering ("Field App") and deploy on the existing fleet of devices, but with a prerequisite technology platform upgrade for software that has already been implemented (Works system, Financial Assets), and which is also required for the implementation of Strategic Asset Management (refer below).*
- *Strategic Asset Management: given Council's experience that the effort required to implement each module of TechnologyOne has been higher than anticipated it is reasonable to expect that experience in implementing Strategic Asset Management (SAM) will be similar. There is a prerequisite technology platform upgrade for software that has already been implemented (Works system, Financial Assets), prior to the implementation of SAM.*

*The use of additional funds was approved as part of quarterly budget review at Council meeting in November 2019 (\$730k) and as part of the Operational Plan 2020-21 approval by Council in June 2020 (\$890k); this is not expected to be expended due to a resource review in progress.*

*In summary, it should be noted that the Corporate Business System implementation of TechnologyOne is replacing systems that are not integrated and rely on the skills of limited staff members to maintain integrity. This places Council at a very high risk. The introduction of the TechnologyOne Corporate Business System is a whole of organisation cultural change as well as requiring new ways of conducting the business of Council. The technically low base and the significant cultural change required, has very likely impacted on the time that has been required to systematically and successfully implement Technology One. This may also be a factor as to why in some instances other Councils that already had an integrated or partly integrated system were able to implement Technology One in a shorter timeframe.*

*It should be noted that not all Councils we consulted tracked all internal costs and treated some costs such as backfilling of staff as 'business as usual'. In comparison, staff have documented all resources that have been required to implement the project and have been totally transparent.*

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**QON20/009 TECHNOLOGYONE SYSTEM IMPLEMENTATION**

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4. *The estimated end-date for full completion and operational implementation of the project is December 2021*
5. *The estimate, beyond already expended or committed, required to finalise this project is \$692k for FY2022.*
6. *In light of all of the above, Council's estimate of the final total cost of this project is \$9.886m.*

**RECOMMENDATION**

THAT the response to the question regarding Council's Technology One implementation raised by Councillor McGinaly be received and noted.

**GMR20/033 ANNUAL REPORT 2019-20**

**E08.2166**

Responsible Officer: Dr Catherine Dale - General Manager  
 Attachments: 1. Under Separate Cover - Annual Report 2019-20  
 Outcome: 9 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 Assist the Council in meeting its statutory obligations and roles

**EXECUTIVE SUMMARY**

Section 428 of the *Local Government Act (LG Act) 1993* requires Council to prepare an Annual Report within five months from the end of the financial year, detailing Council's implementation of its Community Strategic Plan, Delivery Program and Operational Plan.

The Annual Report is one of the key accountability mechanisms between a council and its community. The Annual Report 2019-20 provides a summary of Council's progress during the year reported against the budgets, activities and actions set out in the Delivery Program 2017-21 and Operational Plan 2019-20, which implement key strategies set out in the Community Strategic Plan.

In the Operational Plan 2019-20, Council committed to delivering 184 actions across 31 services, with 89 services outputs in place to assess performance. The performance against these one-year actions and service outputs demonstrates Council's progress in implementing the Delivery Program 2017-21. During 2019-20, bushfires and the pandemic impacted some actions and service output results. These instances have been highlighted in the Annual Report.

Of the 184 actions, 182 (98.91%) were complete and two were deferred.

Objective	Complete	Deferred
<b>1. Strong Communities, Desirable Lifestyle</b>	26	
<b>2. Celebrated Creativity, Culture and Learning</b>	17	
<b>3. Protected and Values Natural Environment</b>	22	1
<b>4. Sustainable Living</b>	17	
<b>5. Vibrant and Diverse Economy</b>	19	1
<b>6. Responsible and Balanced Development</b>	14	
<b>7. Connected and Accessible Places</b>	17	
<b>8. Collaborative and Engaged Community</b>	11	
<b>9. Innovative and Proactive Leadership</b>	39	
<b>Total</b>	<b>182</b>	<b>2</b>



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**GMR20/033 ANNUAL REPORT 2019-20**

**E08.2166**

**Some of Council's 2019-20 highlights include:**

- A \$6.75 million surplus of the consolidated budget result (net operating result before capital revenue).
- Partnership role throughout the bushfire disaster. Council actively worked with the community, all levels of government, contractors and relevant agencies to provide support where needed, restore service quickly and assist whenever possible during the emergency response.
- Leadership role throughout the recovery phase. Working with the community, government, business associations, private entities and not-for-profit organisations to lead the recovery response for the community. Including setting up and running the Recovery Centres in Batemans Bay and Narooma, organising outreach services, advocating for streamlined processes to assist with rebuilding, waiving of rates and charges for affected properties and increased mental health support.
- Our ongoing commitment to enhancing community infrastructure, with the completion of the Mogo Playground, North Rosedale stairs and new toilets in Tuross. Developed a comprehensive masterplan for Bill Smyth Oval and progressed the Batemans Bay Regional Aquatic, Arts and Leisure Centre to the final design.
- Launched 'All Kinds of Natural', a joint funded tourism campaign with NSW Government. The campaign and new brand are integral to Council's fresh approach to tourism including destination marketing, events and nature-based tourism.
- Delivered a \$40.7 million capital program across all Council services. This was lower than budgeted due to revised timing of major projects including the Batemans Bay Regional Aquatic, Arts and Leisure Centre (BBRAALC), Airport Redevelopment, Shellfish Hatchery, recreational reserve works and water and sewer infrastructure works. Deferred scheduled works at the Eurobodalla Regional Botanic Gardens due to bushfire impacts.
- \$26.1 million grant funds received. This demonstrates Council has the necessary structures, systems, resources and capability to deliver key initiatives and infrastructure projects for the community.
- Council provided \$159,312 in donations and grants to support community groups, schools, and local cultural and sporting organisations under section 356 of the *Local Government Act 1993*.

The Annual Report also includes any information required by the *Local Government Act 1993*, the *Local Government (General) Regulations 2005*, the Integrated Planning and Reporting Guidelines and any other statutory requirements.

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**GMR20/033 ANNUAL REPORT 2019-20**

**E08.2166**

Due to COVID-19, the Office of Local Government extended the deadline for the lodgement of the Audited financial statements. The figures contained in the Annual Report 2019-20 are based on unaudited financial information and maybe subject to change as the Financial Statements are finalised.

The Annual Report 2019-20 presented to Council complies with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

**RECOMMENDATION**

THAT:

1. The Annual Report 2019-20 be received.
2. A copy of the Annual Report 2019-20 be placed on Council's website, Council libraries, the Moruya Administrative building in Moruya and a copy forwarded to the Minister of Local Government.

**BACKGROUND**

Council is required, under the *Local Government Act 1993* Section 428 and *Local Government (General) Regulation 2005* Section 217, to prepare an Annual Report within five months from the end of the financial year.

**CONSIDERATIONS**

There is no standard format for the Annual Report under the Integrated Planning and Reporting framework or guidelines. To assist the community better understand Council's implementation of its Delivery Program against the Community Strategic Plan, Council's Annual Report is presented in a number of sections:

- ***Our year in review:*** details events, business and Council awards, high level financial performance information, service results, capital program and the Community and Transport Infrastructure program.
- ***Our organisation:*** includes information on how Council operates, meetings and decision making, Councillor details including committee representation and allowances and expenses, advocacy, donations, community engagement and staff profile.
- ***Our achievements:*** provides detailed performance reporting on Delivery Program 2017-21 activities and Operational Plan 2019-20 actions and service outputs.
- ***Statutory and other information:*** provides additional information required to be reported including the Disability Inclusion Action Plan (DIAP).

This year, our Annual Report includes pages dedicated to outlining the response to the bushfires and COVID-19, highlighting how these events impacted on the year and Council's response.

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**GMR20/033 ANNUAL REPORT 2019-20**

**E08.2166**

**Legal**

The Annual Report 2019-20, with exception of the audited financial statements, complies with the *Local Government Act 1993*, *Local Government (General) Regulations 2005* and reporting requirements in relation to special rate variation determinations by the Independent Pricing and Regulatory Tribunal (IPART).

**Asset**

The Annual Report includes a Statement of the Condition of Public Works in the financial statements as required under 428(2d) of the *Local Government Act 1993*. It also includes a progress update on the implementation of the Community and Transport Infrastructure program funded by the rate variation and progress against the full adopted capital program. The total capital program expenditure for 2019-20 was \$40.7 million.

**Financial**

The annual financial statements have been referred to audit at this meeting. The figures contained in the Annual Report are based on unaudited financial information and maybe subject to change as the Financial Statements are finalised. The complete annual Financial Statements will be attached to the report once audited.

**Community and Stakeholder Engagement**

The Annual Report 2019-20 will be available on Council's website and as a hard copy document on display at Council libraries and the Moruya Customer Service Centre.

**CONCLUSION**

The Annual Report 2019-20, including statutory, other information, for the year ended 30 June 2020 complies with the *Local Government Act 1993* (excluding the audited financial statements) and is presented to be received.

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**PSR20/025 COUNCIL-OWNED BIODIVERSITY CREDITS**

**SO17-  
T00011**

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services  
Attachments: Nil  
Outcome: 9 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: 9.2.2.2 Facilitate property sales and development

**EXECUTIVE SUMMARY**

The purpose of this report is to inform Councillors of the current opportunities to sell Council-owned biodiversity credits and to provide an overview of the process under relevant legislation, if Council decides to pursue. The report recommends that Council sell all uncommitted biodiversity credits at a reasonable market value in accordance with Section 55 of the *Local Government Act 1993*.

Council owns uncommitted biodiversity credits that Council can retain, sell or retire under the NSW Biodiversity Offsets Scheme, a framework for biodiversity assessment and management under the *Biodiversity Conservation Act 2018*. Council's uncommitted biodiversity credits range in price, but are estimated to have a current market value of about \$1.9M in total.

Proceeds from retiring or selling Council's biodiversity credits are deposited into the Total Fund Deposit for the conservation area owned and managed by Council (the Broulee Biobank Site 153). The Biodiversity Conservation Trust is the trustee of the Total Fund Deposit and will make annual payments to Council to manage the conservation area when the Total Fund Deposit reaches 80%. When the Total fund Deposit is exceeded, all proceeds from further biodiversity credit sales are returned to Council.

The Total Fund Deposit required for Broulee Biobank Site 153 is \$3,217,644 and it has reached approximately 20% through the mandatory sale or retirement of credits associated with offsetting development on biodiversity certified land at Broulee, Moruya Airport and the racecourse. Eventually the Total Fund Deposit will be exceeded when development in these areas is completed. However, if Council solely relies on only selling/retiring the committed biodiversity credits, the Total Fund Deposit is expected to only reach approximately 40% in the foreseeable future. If Council successfully sold all uncommitted credits, the Total Fund Deposit would immediately reach at least 80%. If development proceeds as expected *and* all uncommitted credits are sold, the Total Fund Deposit would be reached resulting in proceeds from further biodiversity credit sales being returned to Council.

Council has received an offer from the Australian Government to buy 85 uncommitted biodiversity credits. This offer, if accepted, would significantly add to the Total Fund Deposit.

For the purposes of *Section 55 Requirements of Tendering of the Local Government Act 1993* the credits are defined as property and the provisions of that section of the Act prevail.

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**PSR20/025 COUNCIL-OWNED BIODIVERSITY CREDITS**

**SO17-  
T00011**

Selling the uncommitted biodiversity credits will make reaching and exceeding the Total Fund Deposit more likely in the foreseeable future and makes more biodiversity credits available on the market.

**RECOMMENDATION**

THAT Council

1. Sells all uncommitted biodiversity credits at a reasonable market value in accordance with Section 55 of the *Local Government Act 1993*.
2. Authorises the General Manager to negotiate the sale of 85 ecosystem biodiversity credits of class 'SR536/Coastal freshwater lagoons of the Sydney Basin Bioregion and South East Corner Bioregion' to the Australian Government for an amount not less than 10% below the Biodiversity Offset Payment Calculator set by the Department of Planning, Industry and Environment.

**BACKGROUND**

The Biodiversity Offsets Scheme under the *Biodiversity Conservation Act 2018* has two key elements:

1. Developers and landholders who undertake development or clearing, are required to offset their activity by buying and retiring biodiversity credits or making a direct payment to the Biodiversity Conservation Trust.
2. Landholders may establish conservation areas on their land, generating biodiversity credits enabling them to sell to developers or landholders who require those credits.

Biodiversity certification under the *Biodiversity Conservation Act 2018* is a strategic biodiversity assessment process for development areas. The process identifies development areas and offset measures. Where land is biodiversity certified, development may proceed without the usual requirement for site-by-site biodiversity assessment because it has already been completed.

Council owns and manages a conservation area (Broulee Biobank Site 153). The conservation area generated 5519 biodiversity credits. However, 4,582 of the biodiversity credits must be sold to offset development on biodiversity certified land in Broulee, Moruya Airport and the racecourse.

**CONSIDERATIONS**

Proceeds from retiring or selling Council's biodiversity credits are deposited into the Total Fund Deposit for the conservation area owned and managed by Council (Broulee Biobank Site 153). The Biodiversity Conservation Trust is the trustee of the Total Fund Deposit and will make annual payments to Council to manage the conservation area when the Total Fund Deposit reaches 80%. Management measures include weed control; management for fire conservation; management of human disturbance; pest management, and management of the threatened White-footed Dunnart.

When the Total Fund Deposit is exceeded, all proceeds from further biodiversity credit sales are returned to Council.

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**PSR20/025 COUNCIL-OWNED BIODIVERSITY CREDITS**

**SO17-  
T00011**

If Council solely relies on only selling/retiring the committed biodiversity credits (ie for Broulee, Moruya airport and the Racecourse) it is unlikely the Total Fund Deposit will reach 80% in the foreseeable future. However the remaining uncommitted biodiversity credits can be:

1. Retired (for example as part of Council developments or projects) or
2. Sold to third parties (such as developers seeking to offset their development under the Biodiversity Offsets Scheme) or
3. Retained (for example to use on future projects or as a potential investment to sell when the market price may be higher).

Retiring credits

Ten uncommitted biodiversity credits have been retired to offset a Council development at Gregory Street, in accordance with a Council resolution on 24 February 2015 to apply to subdivide land and undertake all necessary action to enact consent if granted (minute 15/31).

The Eurobodalla Southern Storage project will require offsetting and Council could retire the relevant uncommitted biodiversity credits to partly offset that project.

Selling credits

No uncommitted credits have been sold to date.

Council has received an offer from the Australian Government, as represented by the Department of Infrastructure, Transport, Regional Development and Communications to buy 85 uncommitted biodiversity to partly offset the Western Sydney Airport Development. The offer is at least market price and would significantly add to the Total Fund Deposit.

A key role of the Biodiversity Conservation Trust is to secure biodiversity offsets on behalf of development proponents who have opted to make direct payments to meet a biodiversity credit offset obligation. There will be further opportunities to sell biodiversity credits to the Biodiversity Conservation Trust in December when they commence a fixed price offer process.

Retaining credits

The potential advantages of retaining credits for future Council projects that might require credits are marginal. Few Council projects or developments require significant offsets via biodiversity credits and the nature of credit requirements (type and number) are unknown far in advance. This would also occur relatively slowly such that the Total Fund Deposit is not reached in the foreseeable future.

The current estimated market value of credits is high enough that the Total Fund Deposit would eventually be exceeded. Retaining credits as a potential investment to sell if credits prices increase does not result in the Total Fund Deposit being reached or exceeded in the foreseeable future.

Estimating market value

The market demand (and therefore price) for any type of biodiversity credits may increase (as more developments have credit obligations requiring that credit type) or decrease (as more credits are generated and increases supply). The value of credits continually changes with market demand and supply.

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**PSR20/025 COUNCIL-OWNED BIODIVERSITY CREDITS**

**SO17-  
T00011**

Each of Council's uncommitted biodiversity credit types range in value but are estimated to have a total market value of about \$1.9M. The estimated market value is calculated by considering:

1. The reasonable equivalence of credits generated prior to the *Biodiversity Conservation Act 2018* with credits generated under the Biodiversity Offsets Scheme
2. Current competition/market surplus (i.e. how many other people looking and how many other people selling the same credit type)
3. Assumptions about future demand (i.e. understanding of likely future development requiring offsets and increasing demand in the foreseeable future)
4. Past sale price and transactions for credits within the same trading class
5. The Biodiversity Offset Payment Calculator that provides guidance on the cost to make a direct payment to the Biodiversity Conservation Trust for the same credit type. This calculator is administered by the NSW Department of Planning, Industry and Environment.

**Legal**

Council must dispose of property, including biodiversity credits under the *Biodiversity Conservation Act 2018*, in accordance with *Section 55 Requirements of Tendering of the Local Government Act 1993*. Exemptions to the requirement of a tender include a contract entered into by a council with the Crown.

Some credits are already committed to offset the biodiversity certified land at Broulee, Moruya Airport and the racecourse in accordance with existing Biocertification Agreements created under the repealed *Threatened Species Conservation Act 1995* and now considered under the *Biodiversity Conservation Act 2018*.

**Environmental**

Reaching at least 80% of the Total Fund Deposit for Broulee Biobank Site 153 will result in annual payments to Council to manage this conservation area in perpetuity.

**Economic Development Employment Potential**

Economic development and employment potential are unlikely to be affected by selling Council's uncommitted biodiversity credits although it makes more biodiversity credits available on the market for local developments.

However, there are opportunities for Council and private landholders to generate more biodiversity credits in the future. This may result in diversified income streams for landholders, more local job opportunities related to land management e.g. fencing or bush regeneration.

**Financial**

When the Total fund Deposit is exceeded, all proceeds from further biodiversity credit sales are returned to Council.

Council should consider retiring any uncommitted biodiversity credits for future Council projects, as they arise. Retiring Council-owned credits is better value for Council than a direct

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**PSR20/025 COUNCIL-OWNED BIODIVERSITY CREDITS**

**SO17-  
T00011**

payment to the Biodiversity Conservation Trust and increases the Total Fund Deposit. This then leads to annual payments to Council to manage the conservation area and proceeds from further biodiversity credit sales returned to Council when the Total Fund Deposit is exceeded.

Further, there are opportunities for Council to generate credits on Council land in the future either to offset Council projects or to take advantage of potential opportunities under the biodiversity offsets scheme.

**CONCLUSION**

Council owns uncommitted biodiversity credits that Council can retain, sell or retire. Selling the uncommitted biodiversity credits will make reaching and exceeding the Total Fund Deposit for Broulee Biobank Site 153 more likely in the foreseeable future and makes more biodiversity credits available on the market for local developments.



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**PSR20/028 COASTAL AND ENVIRONMENT MANAGEMENT ADVISORY  
COMMITTEE NOMINATIONS**

**S017-  
T00012**

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

Attachments: 1. Confidential - Nominations Summary  
2. Confidential - Submissions

Outcome: 8 Collaborative and Engaged Community

Focus Area: 8.1 Encourage an informed community

Delivery Program Link: 8.1.2 Proactively communicate information on Council services, activities and events

Operational Plan Link: 8.1.2.1 Assist to develop and implement communication strategies for key projects

### **EXECUTIVE SUMMARY**

The purpose of this report is to present the nominations received by Council in relation to representation on the Coast and Environment Management Advisory Committee (CEMAC) with a recommendation that Council accept all the nominees.

At the Ordinary Meeting of Council on 11 August 2020 (Minute 20/140) it was resolved to advertise for Expressions of Interest (EOI) to appoint a new Coast and Environment Management Advisory Committee. In accordance with this direction, staff called for EOI to fill all voting seats on the CEMAC. The EOI period has now closed and nominations for the majority of the seats have been received by Council.

Confirmation of the nominations will allow the CEMAC to be re-established, having a broad representation from the community and a diverse skill set to advise Council about coastal, environmental and flood management matters, and review Council's open coast and estuaries Coastal Management Programs and flood studies.

### **RECOMMENDATION**

THAT Council:

1. Appoint the recommended nominees to the Coast and Environment Management Advisory Committee, as contained in Confidential Attachment.
2. Notify nominees of the outcome of the decision with a request to sign a Confidentiality Agreement in accordance with the Terms of Reference.
3. Make public, the list of members of the Coast and Environment Management Advisory Committee as determined by Council.

### **BACKGROUND**

The purpose of the CEMAC is to provide advice to Council through appointed representatives from community groups, tourism and business, government agencies and the scientific community.

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**PSR20/028 COASTAL AND ENVIRONMENT MANAGEMENT ADVISORY  
COMMITTEE NOMINATIONS**

**S017-  
T00012**

The CEMAC was initially established on 27 October 2015 for a three-year term. The purpose of the Committee was to advise Council on coastal, environmental and flooding matters and has previously played an important role in reviewing coastal reports and flood studies before these documents were adopted or progressed by Council. Due to a period where progress on the open coast Coastal Management Program (open coast CMP) stalled, the term for the CEMAC lapsed and not re-established until there was certainty on when the open coast CMP would recommence.

A report was presented to Council on 11 August 2020 (PSR20/018) where the following resolution was passed (Minute 20/140):

*“THAT Council advertise for Expressions of Interests to appointment a new Coast and Environment Management Advisory Committee”.*

The Committee is now being re-established to support and review a number of upcoming significant coastal and flood programs, including the open coast CMP, an estuaries CMP for Moruya, Mummaga and Wagonga and the Batemans Bay Urban Creeks Flood Study.

Consistent with the Terms of Reference of the CEMAC, the Committee should have two Councillors (to be determined by Council), nine community members, one representative from the Aboriginal Advisory Committee and two science professionals. The CEMAC will include the relevant Council staff, NSW Government agency representatives and a representative from Bega Valley Shire Council to provide technical advice.

On 24 August 2020, expressions of interests were called for the following twelve vacant positions:

- Aboriginal Advisory Committee: 1 position
- Natural Resource Management (Landcare): 1 position
- Business and Tourism: 1 position
- Primary Industry: 1 position
- Recreation: 1 position
- North (North of Clyde River): 1 position
- Batemans Bay (CBD to Malua Bay): 1 position
- North Central (Rosedale to Moruya River): 1 position
- South Central (South Head to Potato Point): 1 position
- South (Dalmeny to Akolele): 1 position
- Science: 2 positions

The call to fill the positions was closed on 28 September 2020.

### **CONSIDERATIONS**

Council received thirteen nominations for the twelve positions (as listed below) on CEMAC. Unfortunately, no nominations were received for the recreation and business and tourism positions.

- Natural Resource Management (Landcare): 1 nomination
- Aboriginal Heritage Advisory Committee: 1 nomination

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**PSR20/028 COASTAL AND ENVIRONMENT MANAGEMENT ADVISORY  
COMMITTEE NOMINATIONS**

**S017-  
T00012**

- Primary Industry: 1 nomination
- North (North of Clyde River): 2 nominations
- Batemans Bay (CBD to Malua Bay): 1 nomination
- North Central (Rosedale to Moruya River): 1 nomination
- South Central (South Head to Potato Point): 1 nomination
- South (Dalmeny to Akolele): 2 nominations
- Science: 3 nominations

Following evaluation of the nominees, Council staff propose appointing all nominees to the CEMAC, as it provides broad community representation and a diverse skill set to advise Council. This means that in the North, South and Science categories there will be one more position than contained in the Terms of Reference. While not strictly abiding by the CEMAC Terms of Reference, the appointment of all nominees will ensure diverse community representation on CEMAC.

It is also acknowledged that a number of the community nominations were self-nominated and were not nominated from a specific community group, however; it is recognised that this is sometimes difficult to achieve.

A summary of the nominations and recommendation for appointment are contained in a Confidential Attachment to this report.

### **Legal**

The committee has an advisory role and does not have any delegated authority to make decisions or expenditure on behalf of the Council.

### **Policy**

There is an obligation under the Floodplain Development Code for Councils to establish, or utilise an existing management committee to review any new floodplain management plans. At present, Council does not have an active committee that could provide this role.

In addition, the Coastal Management Manual recommends the inclusion of a community-based committee during the preparation of a Coastal Management Program. The CEMAC will play a crucial role in advising and progressing the open coast CMP and estuaries CMP.

### **Environmental**

The CEMAC provides a point of contact with the community to discuss coastal, flood and environmental issues such as the development of policies and plans, delivery of on-ground works and the preparation of submissions to the NSW Government on environmental issues. The CEMAC provides an important focus group on environmental issues in addition to providing Council with specialist knowledge and community views.

### **Community and Stakeholder Engagement**

A call for Expressions of Interest (EOI) to fill all positions on the CEMAC was issued on 24 August 2020 and closed on 28 September 2020. The EOI was announced through a media release, advertised on the council website, through local radio, in local newspaper and through Council's notice board. The EOI was also sent out through the Eurobodalla Landcare newsletter

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**PSR20/028 COASTAL AND ENVIRONMENT MANAGEMENT ADVISORY  
COMMITTEE NOMINATIONS**

**S017-  
T00012**

in August. In addition, previous serving members of CEMAC were contacted by email and encouraged to reapply.

**CONCLUSION**

From an assessment of the nominations, a list of suitable candidates have been recommended to fill the majority of vacant seats of the CEMAC for the 2020-2023 term. If council accepts the nominations as put forward, nominees will be contacted and informed of the status of their nomination.

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**PSR20/027 REQUEST FOR TENDER NO 20/21-001 EUROBODALLA'S OPEN-COAST COASTAL MANAGEMENT PROGRAM**

**S017-  
T00013,  
S014-  
T00007**

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

Attachments: 1. Confidential - Recommended tender

Outcome: 3 Protected and Valued Natural Environment

Focus Area: 3.1 Respond to our changing environment and build resilience to natural hazards

Delivery Program Link: 3.1.1 Manage coastal use and hazards

Operational Plan Link: 3.1.1.1 Prepare the Eurobodalla Coastal Management Program

### **EXECUTIVE SUMMARY**

This report outlines the tenders submitted in response to Request for Tender (RFT) No. 20/21-001, for preparing and finalising Eurobodalla's Open Coast Coastal Management Program (Open Coast CMP) and provides a recommendation that Council reject all tenders received and enter into negotiations with the preferred tenderer.

The basis for this recommendation is that two tenders were not compliant. The other tenderer was higher than the pre-tender estimate, however there are options to negotiate to achieve a value for money proposal.

### **RECOMMENDATION**

THAT Council:

1. Reject the tenders received in response to 'Request for Tender (RFT) No. 20/21-001 - Eurobodalla's Open Coast Coastal Management Program'.
2. Not invite fresh tenders, as this is unlikely to achieve a better outcome for the project, given the Tender Evaluation Board's assessment of the tenders received.
3. Enter into negotiations based on the conditions outlined in Request for Tender (RFT) No. 20/21-001 with the preferred tenderer identified in the Confidential Attachment to the Council report 'Request for Tender (RFT) No. 20/21-001' due to demonstrated capability to deliver the Open Coast Coastal Management Program.
4. Provide delegations to the General Manager to conclude these negotiations and if appropriate, enter into a contract with the tenderer identified in the Confidential Attachment to the Council report 'Request for Tender (RFT) No. 20/21-001'.

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**PSR20/027 REQUEST FOR TENDER NO 20/21-001 EUROBODALLA'S OPEN-  
COAST COASTAL MANAGEMENT PROGRAM**

**S017-  
T00013,  
S014-  
T00007**

**BACKGROUND**

The Open Coast CMP has been a longstanding project that sets out the long-term strategy for managing the Eurobodalla coastline. Due to changes to the scope of the project since its inception, Council has sought to end the previous contract and retender the work to complete the preparation of the Open Coast CMP through to certification.

Request for Tender (RFT) No. 20/21-001 - Eurobodalla's Open Coast CMP was advertised on 15 September 2020 with a closing date of 7 October 2020. Tenders were received from the following and assessed in accordance with the Tender Evaluation Plan:

1. Rhelm Pty Ltd
2. Water Technology Pty Ltd
3. Advisian Pty Ltd

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

Two of the three tenders were deemed to be incomplete or did not comply with all of the requirements as set out in the technical brief.

In reviewing the preferred tender, the Tender Evaluation Board (TEB) noted that one particular component of the tender far exceeded the requirements of the brief and identified this as the primary reason the tendered offer was considerably higher than the pre-tender estimate. Accordingly, the tender was unable to demonstrate value for money however, the TEB recognised that by negotiating with the preferred tender, a better outcome could be achieved.

**Legal**

Request for Tender (RFT) No 20/21-001 was advertised in accordance with *Local Government (General) Regulation 2005 REG 167* and *Local Government Act 1993*.

The tender was advertised on Council's noticeboard page, in one local newspaper, in the Sydney Morning Herald and at Council's Tenderlink web portal. ([www.tenderlink.com/eurobodalla](http://www.tenderlink.com/eurobodalla)).

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

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**PSR20/027 REQUEST FOR TENDER NO 20/21-001 EUROBODALLA'S OPEN-COAST COASTAL MANAGEMENT PROGRAM**

**S017-  
T00013,  
S014-  
T00007**

the reasons for declining to invite fresh tenders and the reasons for entering into direct negotiations.

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

- 1) The advertised Request for Tender was developed following a comprehensive process, was publicly promoted and open for 28 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) One tenderer 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 report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, *Local Government (General) Regulation 2005* and the *Local Government Act 1993*.

### **Environmental**

A primary objective of the Open Coast CMP is to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience.

### **Social Impact**

Other important objectives of the Open Coast CMP are to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety. Once finalised, it will give the community certainty in how the Eurobodalla coastline will be managed moving forward.

### **Financial**

Council received additional funding through the Minister for Local Government to finalise the Open Coast CMP.

In addition, a certified CMP will enable Council to have access to funding allocated under the NSW Coastal Management Program Fund. This funding is only available for projects identified in a certified CMP.

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**PSR20/027 REQUEST FOR TENDER NO 20/21-001 EUROBODALLA'S OPEN-  
COAST COASTAL MANAGEMENT PROGRAM**

**S017-  
T00013,  
S014-  
T00007**

### **Community and Stakeholder Engagement**

The tender was advertised locally through a local newspaper and via TenderLink.

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

### **CONCLUSION**

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

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



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**IR20/018 REQUEST FOR TENDER NO 2020ISD023 SEWAGE PUMPING STATION  
M021 MORUYA AIRPORT**

**S029-  
T00004**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services  
Attachments: 1. Confidential - Tender 2020ISD023 Sewage Pumping Station M021  
Moruya Airport  
Outcome: 4 Sustainable Living  
Focus Area: 4.1 Maximise the efficient use and reuse of our water resources  
Delivery Program Link: 4.1.1 Provide a safe, reliable and sustainable town water supply and  
sewerage services  
Operational Plan Link: 4.1.1.2 Build, renew, operate and maintain sewerage systems

### **EXECUTIVE SUMMARY**

This report outlines the evaluation of offers submitted in response to Request for Tender No. 2020ISD023 for the provision of a Sewage Pumping Station to service Moruya Airport, and provides a recommendation for the preferred tenderer.

### **RECOMMENDATION**

THAT Council:

1. Endorses the selection of the preferred tenderer listed for Tender No 2020ISD023 for the provision of a Sewage Pumping Station to service Moruya Airport; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

### **BACKGROUND**

A requirement exists for the provision of a Sewage Pumping Station at Moruya airport as a continuation of the overall airport development which will provide water and sewer services to new and existing properties.

RFT No. 2020ISD023 was advertised on 1 September 2020 with a closing date of 23 September 2020.

Offers were received from the following six (6) tenderers and assessed in accordance with the Tender Evaluation Plan:

1. QMAX Pumping Systems Pty Ltd
2. COMDAIM Infrastructure Pty Ltd
3. Murphy McCarthy & Associates Pty Ltd
4. EMT Pty Ltd
5. RD Miller Pty Ltd
6. Precision Civil Infrastructure Pty Ltd

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**IR20/018 REQUEST FOR TENDER NO 2020ISD023 SEWAGE PUMPING  
STATION M021 MORUYA AIRPORT**

**S029-  
T00004**

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

**CONSIDERATIONS**

**Legal**

Request for Tender (RFT) No. 2020ISD023 was advertised in accordance with clause 167 of the Local Government (General) Regulation 2005 and the Local Government Act 1993.

The tender was advertised on Council's noticeboard page, in local newspapers, in the Sydney Morning Herald, and through the NSW Government tendering website (<https://tenders.nsw.gov.au>).

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB).

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council due to tendered pricing, experience and WHS Management System.

**Policy**

Procurement was undertaken in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2006 and the Local Government Act 1993.

**Financial**

Tendered pricing is within the current operational budget.

**Community and Stakeholder Engagement**

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

**CONCLUSION**

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

This report recommends the preferred tenderer for the Sewage Pumping Station M021 Moruya Airport.

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**IR20/019 PRO RATA SEASONAL HIRE FEE**

**S011 -  
T00005;  
S026 -  
T00009**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: Nil

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.3 Encourage and enable healthy lifestyle choices

Delivery Program Link: 1.3.2 Plan for and provide a safe and accessible network of recreation and community facilities

Operational Plan Link: 1.3.2.3 Build, renew, operate and maintain recreation and community facilities

### **EXECUTIVE SUMMARY**

This report outlines the current winter seasonal hire arrangements and proposes a pro rata application of seasonal hire fees in response to a request from clubs, in line with the reduced playing season due to COVID-19.

### **RECOMMENDATION**

THAT Council applies a pro rata application of seasonal hire fees for community sporting clubs in line with the reduced playing season during 2020 due to COVID-19.

### **BACKGROUND**

Council has seasonal hire agreements with many of our community sporting clubs. Under the arrangement clubs pay a per player fee as opposed to hiring grounds and amenities at an hourly rate. The fees for junior and senior players are set at \$14 and \$40 respectively, as per Council's 2020-21 Fees and Charges. In a normal year, Council would receive approximately \$40,000 for winter sport seasonal hire.

Due to COVID-19, all winter sporting competitions have conducted short seasons. In some cases, the competitions weren't able to commence. In addition COVID-19 delaying the start of competitions a number of other factors have impacted winter sports this year including localised cases of COVID-19, COVID testing clinics at recreation facilities, floods, limited fundraising opportunities, and teams outside of our shire forfeiting games due to the perceived threat of COVID-19 in our community. In response to the reduced competition length and reduced club revenues, a number of sports have requested fee relief.

### **CONSIDERATIONS**

The fees collected from seasonal hire sport are a part cost recovery to help offset the cost of maintaining Eurobodalla's sporting grounds.

In a normal year, Council can expect to receive approximately \$40,000 through seasonal hire fees from the winter season. The expected figure would be lower this year, as senior Rugby

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**IR20/019 PRO RATA SEASONAL HIRE FEE**

**S011 -  
T00005;  
S026 -  
T00009**

League (among other sports) did not proceed. Most clubs have also indicated that their overall membership is down.

With the current seasonal hire fees reflecting a six month season, Council believes a pro-rata fee that reflects the actual duration of each sports season would be a fair outcome for this unprecedented year. Although we will not know the exact income under this proposed pro rata arrangement until clubs submit their membership numbers and season length, a pro rata income of approximately \$12,000 is projected.

**CONCLUSION**

This report outlines the current winter seasonal hire arrangements and recommends a pro rata application of seasonal hire fees in response to a request from clubs, in line with the reduced playing season due to COVID-19.

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**CCS20/044 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30 SEPTEMBER  
2020**

**S011-  
T00003**

Responsible Officer: Amanda Jones - Acting Director Corporate and Commercial Services  
Attachments: 1. Under Separate Cover - September Quarterly Budget Review  
Outcome: Innovative and Proactive Leadership  
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations  
Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status  
Operational Plan Link: 9.2.4.3 Provide financial management and reporting

**EXECUTIVE SUMMARY**

This Budget Review reports on Council's performance against the current Operational Plan budget for the quarter ending 30 September 2020. Major variations are highlighted.

The original Operational Plan budget, on a consolidated basis (which includes all of Council's funds), for 2020-21 forecasts were:

- Income Statement surplus, before capital revenue, of \$5.55 million
- Income Statement surplus, after capital revenue, of \$78.47 million
- Use of \$7.21 million of unrestricted funds.

The proposed revised budgets after the quarter ending 30 September 2020 are:

- Income Statement surplus, before capital revenue, of \$2.55 million
- Income Statement surplus, after capital revenue, of \$76.56 million
- Use of \$9.53 million of unrestricted funds.

The proposed revised, consolidated 2020-21 budget is impacted by the carry forward of ongoing projects from the 2019-20 year. This is primarily due to the timing of grants received and ongoing capital works. Further detail is provided in this report.

The result of bringing these projects from last financial year into the 2020-21 year is:

- Unfavourable income statement impact of \$4.38 million before capital revenue
- Use of \$0.37 million of unrestricted funds.

The current year, September Review, adjustments result in a favourable variation for the income statement, before capital revenues, of \$1.38 million and an increase in the amount of unrestricted funds to be used of \$1.94 million as per the Consolidated Fund Flow Statement.

There are no material concerns at the quarterly review about Council meeting budget targets for 2020-21.

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**CCS20/044 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
SEPTEMBER 2020**

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T00003**

**RECOMMENDATION**

THAT:

1. The budget review report for the quarter ended 30 September 2020 be received and noted.
2. The unfavourable variations to the Income Statement after capital revenue of \$1.91 million and \$2.32 million per the Consolidated Fund Flow Statement be adopted.

**BACKGROUND**

Council reviews its performance and financial results against the adopted Operational Plan quarterly, authorises adjustments to budget items, and highlights variations from its original budget strategy.

It should be noted that the results referred to in this report are unaudited.

**The attachments to this report are as follows:**

**Financial reports (Attachment 1)**

These reports provide information on Council's performance against its financial objectives contained in the Operational Plan, presented for the consolidated entity.

Financial reports include:

- a) Consolidated Fund Flow Statement – This report shows the impact of operating, financing and investing activities on Councils unrestricted working capital.
- b) Consolidated Income Statement – Provides sources of income and expenditure, including depreciation, per Council service areas.
- c) Consolidated Capital Program Statement – Provides capital expenditure information for each program area and associated services.
- d) Projected Funds Balance Statement – Provides information on the movements in both unrestricted and restricted fund accounts.
- e) Budget Amendment Report – Provides details of proposed significant adjustments to budgets.
- f) SRV capital program – Provides capital expenditure information for each of the projects in the SRV program of works for 2020-21.

**Consultancy, Legals and Contractors Report (Attachment 2)**

This attachment provides information on major contracts entered into, legal fees incurred and consultancy costs for the quarter ended 30 September 2020.

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**Key Financial Indicators (Attachment 3)**

This attachment provides information about key financial indicators designed to assist in monitoring Council's financial sustainability. The indicators are for the consolidated entity.

**Mayoral and Councillor Expenses (Attachment 4)**

Provides information about Mayoral and Councillor expenditure for the quarter ended 30 September 2020.

**CONSIDERATIONS**

**Consolidated Fund flow Statement (Attachment 1(a)):**

Council requires sufficient funds to pay for its debts as and when they fall due. The Fund Flow Statement shows the change in Council's freely available funds or working capital.

It includes all transactions having an impact on Council's funds i.e. income and expenses from its operating activities, capital program and borrowing activities. It also includes the transfer into, or use of restricted funds for capital or non-recurrent projects. Depreciation is not included as it does not represent a cash flow.

The net fund flow shows the amount of unrestricted funds that will be used to deliver the agreed Operational Plan outcomes for 2020-21. The consolidated original budget forecast a \$7.21 million use of unrestricted funds. The impact of proposed carry forward items from last financial year and the September 2020 quarterly review amendments result in a projected use of unrestricted funds of \$9.53 million for 2020-21. See table 1.1 and graph 1.1 below.

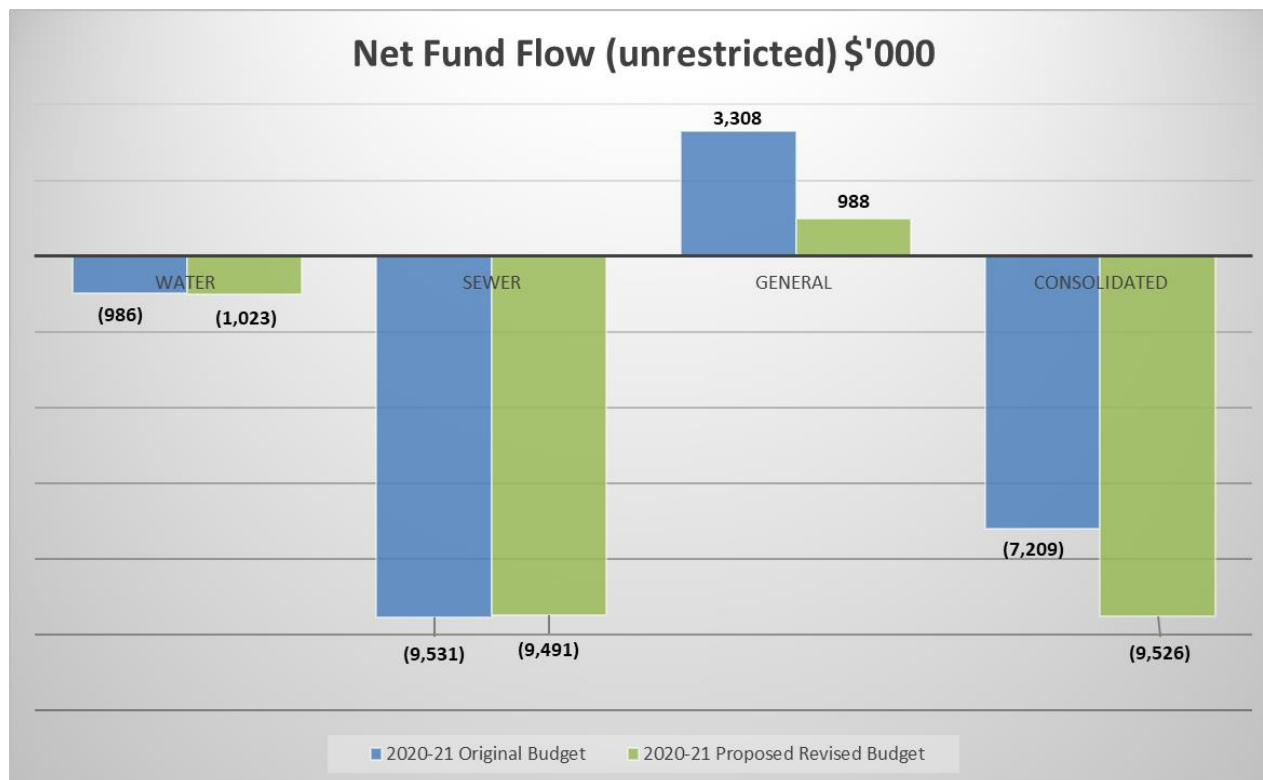
*Table 1.1 Net Increase (decrease) in unrestricted funds, per fund, \$'000*

	<b>2020-21 Original Budget</b>	<b>Proposed Carry Overs</b>	<b>Proposed Adjustments</b>	<b>2020-21 Proposed Revised Budget</b>
Water	(986)	0	(37)	(1,023)
Sewer	(9,531)	0	40	(9,491)
General	3,308	(372)	(1,948)	988
<b>Consolidated</b>	<b>(7,209)</b>	<b>(372)</b>	<b>(1,945)</b>	<b>(9,526)</b>

**CCS20/044 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
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*Graph 1.1 Net fund flow (unrestricted)*



**Consolidated Income Statement (Attachment 1(b)):**

The Consolidated Income Statement shows the types of income, and expenditure per council service areas. This result can indicate whether Council is able to raise sufficient revenue to cover the operational cost (including depreciation which measures the wear and tear of Council assets) of delivering services to the community before considering its capital revenue.

The proposed revised budget, incorporating the carry forward items from 2019-20 and September Review adjustments is a surplus of \$2.55 million before capital revenues (per table 1.2 and graph 1.2 below).

*Table 1.2 Net Surplus/ (deficit) before capital revenue, \$'000*

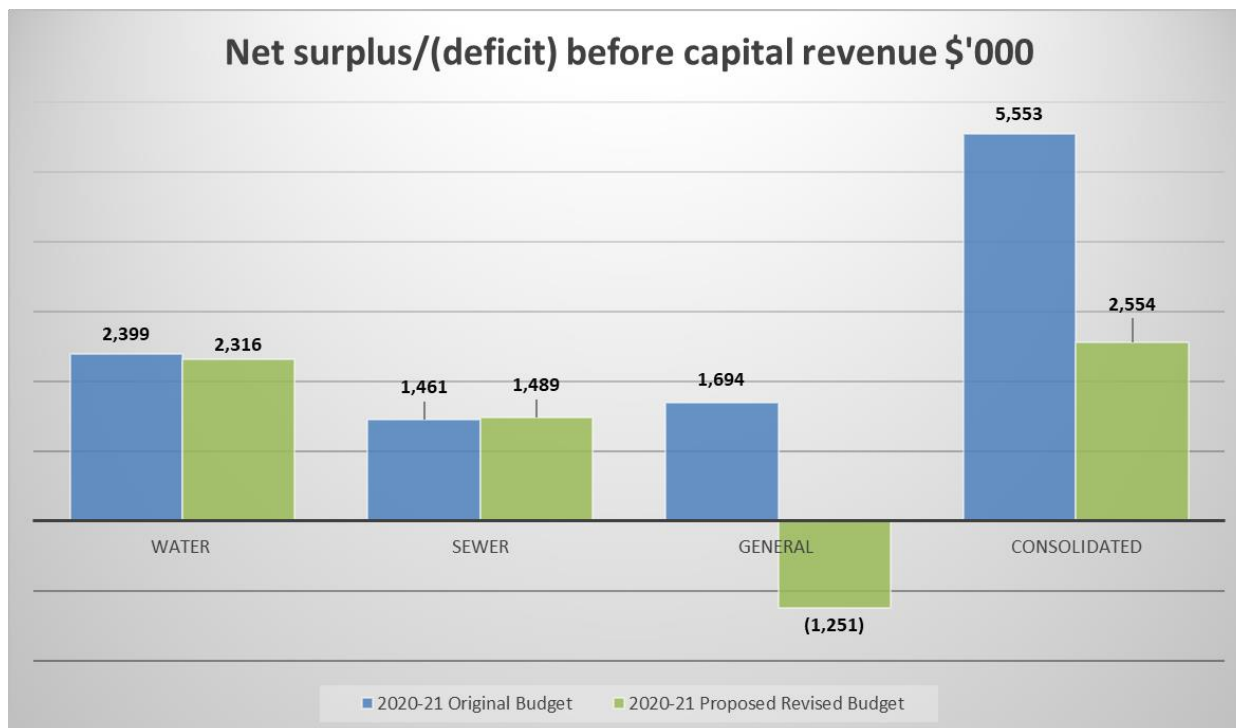
Fund	2020-21 Original Budget	Proposed Carry Overs	Proposed Adjustments	2020-21 Proposed Revised Budget
Water	2,399	0	(82)	2,316
Sewer	1,461	0	28	1,489
General	1,694	(4,384)	1,439	(1,251)
<b>Consolidated</b>	<b>5,553</b>	<b>(4,384)</b>	<b>1,385</b>	<b>2,554</b>



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Graph 1.2 Net surplus/ (deficit) before capital revenue



**Carry overs (operational)**

The operating result has been impacted by the proposed carry forward of ongoing projects from the 2019-20 financial year. The result of bringing these projects from last financial year into the 2020-21 is an unfavorable income statement impact of \$4.38 million before capital revenue. The majority of projects carried forward into 2020-21 were funded by grants and contributions received in prior years with associated works to continue across financial years.

Significant carried forward operational items include:

- 1.62 million grant funded Bushfire Disaster Recovery Relief works (including the Mogo Village Rebuild Project)
- 1.06 million Environmental Management works including grant funded Bushfire affected Waterways Programs to be introduced across multiple years
- 0.70 million Community Care and Children's Services programming including Community Transport
- 0.52 million Community, Development, Library and Cultural Services including Yuin Country and various community programs including Youth Employment Strategy
- 0.30 million Strategic Development work including Coastal Flood management works
- 0.10 million WHS system and compliance ongoing works

**CCS20/044 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
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- various other funded programs across Council

**September Review adjustments (operational)**

The proposed September Review adjustments to the originally adopted Operational Plan budget for 2020-21 result in a favourable variation of \$1.38 million to the operating surplus before capital.

Significant adjustments to operational revenue items include:

- 1.66 million grant funded Bushfire Recovery Support Service and implementation of the Bushfire Community Recovery Officer Programs
- 1.10 million profit on sale of Council owned land during the quarter including sale of the Moruya Racecourse site
- 0.60 million grant funded community programs including Y Drive and Eurobodalla Youth Employment strategies
- 0.30 grant funded continuation of the various Coastal Management Programs
- 0.50 million favourable movement in employee expenditure as a result of the Local Government State Award 2020 increase being lower than budgeted (a movement from 2.7% to 1.5%)
- 0.20 million offset by increased IT software licenses as a result of 'working from home' initiatives bought about by COVID-19 and revised interest expenditure as a result of loan borrowings taken as at 30 June 2020

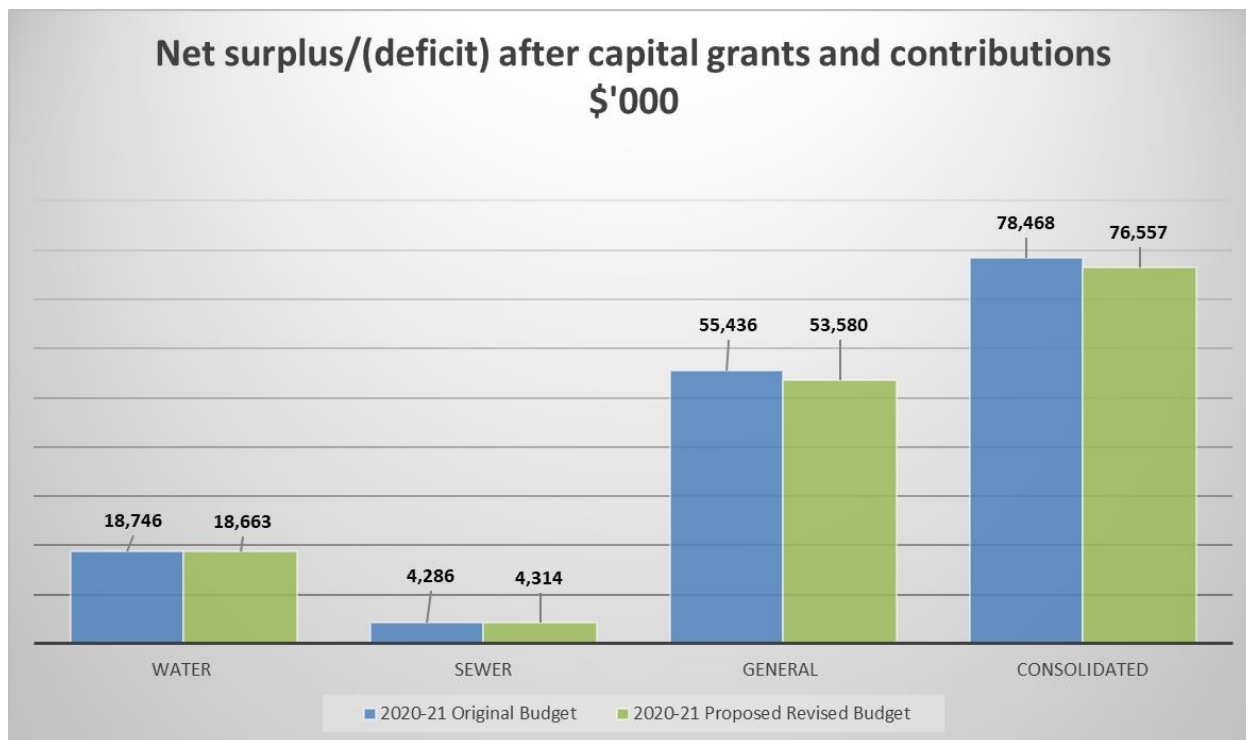
*Table 1.3 Net surplus/(deficit) after capital revenue, \$'000*

<b>Fund</b>	<b>2020-21 Original Budget</b>	<b>Proposed Carry Overs</b>	<b>Proposed Adjustments</b>	<b>2020-21 Proposed Revised Budget</b>
Water	18,746	0	(82)	18,663
Sewer	4,286	0	28	4,314
General	55,436	(4,330)	2,474	53,580
<b>Consolidated</b>	<b>78,468</b>	<b>(4,330)</b>	<b>2,420</b>	<b>76,557</b>

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Graph 1.3 Net surplus/(deficit) after capital revenue



**Consolidated Capital Program Statement (Attachment 1(c)):**

**Capital Program**

The original capital expenditure budget for 2020-21 was \$123.3 million. The proposed revised budget, incorporating carry forward items and September variations is \$135.1 million (per table 1.4 and graph 1.4 below).

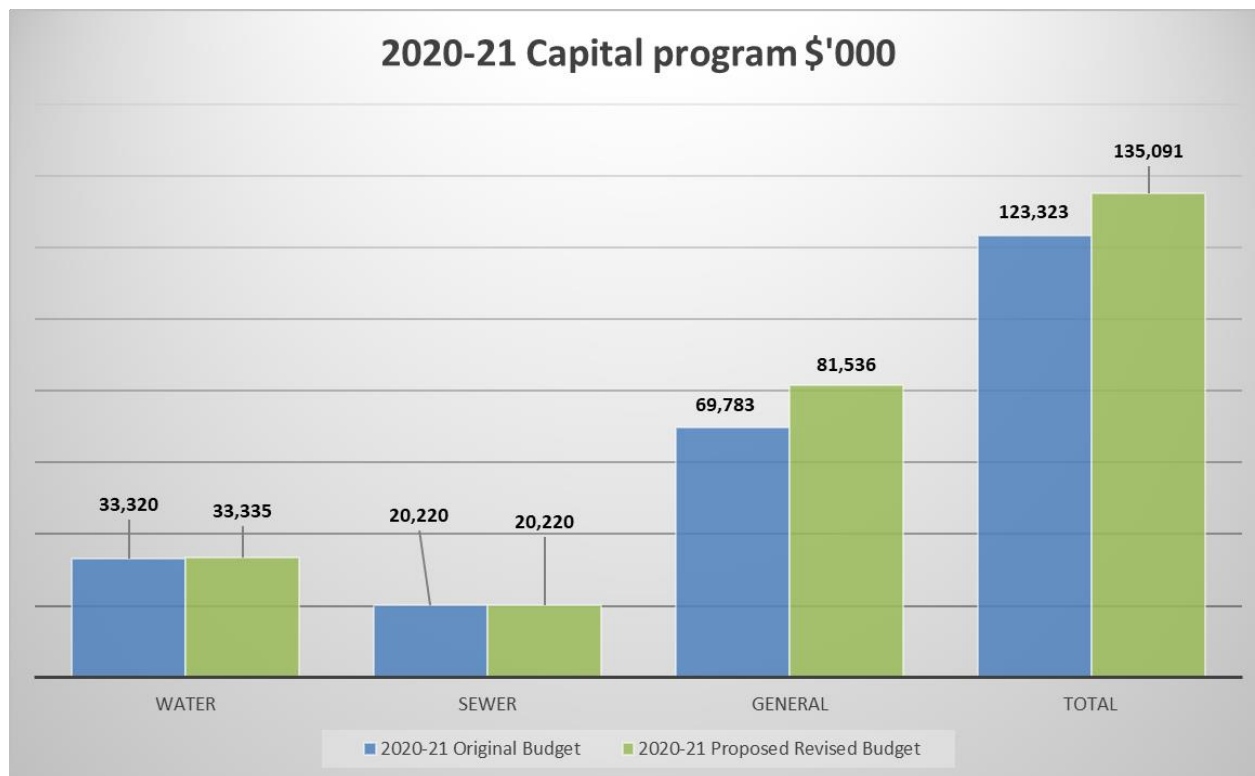
Table 1.4 Capital Program per fund, \$'000

Fund	2020-21 Original Budget	Proposed Carry Overs	Proposed Adjustments	2020-21 Proposed Revised Budget
Water	33,320	0	15	33,335
Sewer	20,220	0	0	20,220
General	69,783	5,048	6,705	81,536
<b>Consolidated</b>	<b>123,323</b>	<b>5,048</b>	<b>6,720</b>	<b>135,091</b>

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*Graph 1.4 Capital program per fund*



**Carry Overs (Capital)**

Significant carried forward capital items include:

- 3.10 million funded works to continue at the Batemans Bay Regional Aquatic, Arts and Leisure Centre
- 0.67 million of ongoing transport works including footpath improvements at Moruya (South Head Drive) and Durras, bridge works at Garlandtown and McGregors Creek, continued boat ramp improvements at Durras Lake and Nelligen and various road works including Narooma and Tuross Head
- 0.50 million of ongoing funded works recreational works including continued lighting upgrades at council reserves, Burri Point works, Moruya Showground works and various park upgrades commenced in 2019-20
- 0.33 million for the purchase of new vehicles to be delivered in 2020-21
- 0.19 million ongoing works for implementation of the E-Connect project

**CCS20/044 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30  
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- 0.10 million continued works at the Eurobodalla Regional Botanic Garden which were delayed as a result of fire events

**September Review Adjustments (capital)**

Capital budget adjustments totaling \$6.72 million have been made during the September quarter and affect the current year's capital program. Significant variations increasing the originally adopted capital works program include:

- 2.70 million for the continued development work at the Moruya Airport (partially grant funded)
- 1.33 million grant funded Transport works including Tomakin Road, Nerrigundah Mountain Road, Cody's Bridge and Dunn's Creek Road
- 1.32 million Sporting and Oval reserve upgrades and installation of the lift at the Moruya Administration Building deferred at March 2020
- 0.50 million revised timing of the Shellfish Hatchery
- 0.30 million for plant/ fleet critical replacement program
- 0.20 million for upgrades to the Shire's Evacuation Centre's as part of the Bushfire Disaster Recovery program

***Special Rate Variation (SRV) – progress update (Attachment 1 (f)):***

2020-21 is the fifth year of the SRV program and over \$7.00 million of infrastructure works for the year are underway. \$2.39 million of SRV designated funds are being utilised on these works. At the September review, approximately 11.97% of the programmed SRV works for this year have been expensed.

*Attachment 1 (f)* reports the detailed progress of the capital program showing individual project budgets and expenses with updates as at 30 September 2020. Total expenditure on the SRV designated projects as at 30 September 2020 is \$0.84 million (per Table 1.5 below).

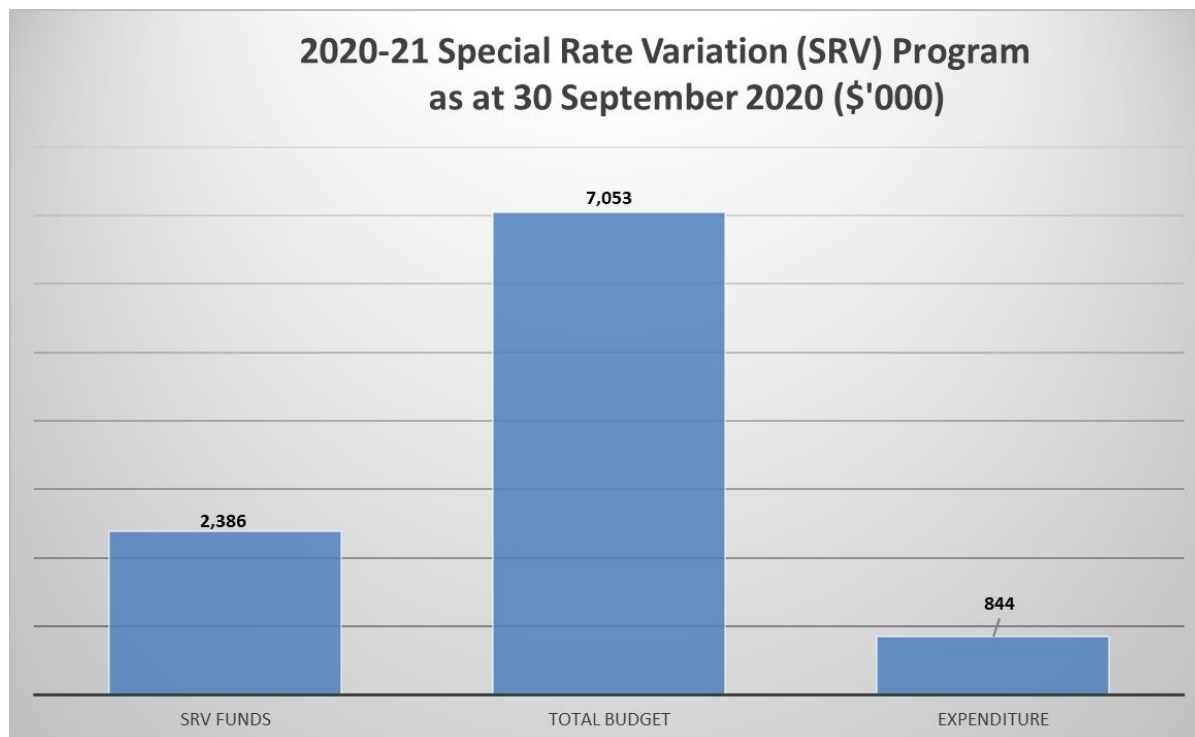
*Table 1.5 2020-21 Special Rate Variation Capital Program*

<b>2020-21 Special Rate Variation (SRV) Capital Program</b>	<b>\$</b>
SRV Funds	2,386,177
Total Budget	7,053,081
Expenditure to 30 September 2020	844,025
Percentage spent	11.97%

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*Graph 1.5 2020-21 Special Rate Variation Capital Program*



**Legal**

This review is based on the Quarterly Budget Review Statement Guidelines issued December 2010, pursuant to the provisions of the *Local Government Act 1993* relating to integrated planning.

**Policy**

The accounting policies being used are based on those detailed in the financial statements for the year ended 30 June 2020.

“Variations” in the Fund Flow Statement are changes in the funding requirements where “funds” are net current assets (working capital) excluding both internal and externally restricted funds.

**CONCLUSION**

There are no material concerns at this quarterly review about meeting budget targets for 2020-21.

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

*As the Responsible Accounting Officer, it is my opinion that the September Quarterly Budget Review for Eurobodalla Shire Council indicates that Council’s projected financial position as at 30 June 2021 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2020-21 financial year.*

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**CCS20/045 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE  
2020 - REFERRAL TO AUDIT**

**S011-  
T00002**

Responsible Officer: Amanda Jones - Acting Director Corporate and Commercial Services

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

### **EXECUTIVE SUMMARY**

The purpose of this report is to bring the draft Annual Financial Statements for the year ended 30 June 2020 to Council to consider referral to Audit which is being undertaken by the NSW Audit Office. The referral to audit is a statutory requirement. The draft Financial statements were distributed to the Audit, Risk and Improvement Committee and Councillors on 16 November 2020.

### **RECOMMENDATION**

THAT:

1. The Draft Annual Financial Statements for the year ended 30 June 2020 be referred to audit.
2. The statement by Councillors and Management be made pursuant to section 413(2)(c) of the *Local Government Act 1993* (as amended) and signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer at the Council meeting on 24 November 2020.
3. The audited Financial Statements, together with the Auditor's report and financial Commentary, be presented to the public at the Council meeting of 8 December 2020.

### **BACKGROUND**

*The Local Government Act 1993* (as amended) requires Council to prepare financial statements for each year and refer them for audit as soon as practicable after the end of that year.

A council's financial statements must include:

- (a) A General Purpose Financial Statement;
- (b) Any other matter prescribed by the regulations, and
- (c) A statement in the approved form by the Council as to its opinion on the General Purpose Financial Statement.

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**CCS20/045 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE  
2020 - REFERRAL TO AUDIT**

**S011-  
T00002**

The Annual Financial Statement Approval and Audit Process is largely governed by the requirements of *the Local Government Act 1993* (as amended) having regard to the timing of Council meetings.

**CONSIDERATIONS**

Section 413 of the *Local Government Act 1993* (as amended) requires the Council to form an opinion as to whether Council's Annual Financial Statements have been drawn up in accordance with the *Local Government Act 1993* and associated Codes and Australian Accounting Standards as prescribed by the Regulations. The statements have been reviewed by Council's Auditors and are presented to Council for an opinion to be formed. Subsequent to these Statements being signed, Council's Auditor will present its Audit Report to Council on 8 December 2020.

Following the signing of opinions and receiving the Auditor's Report, a copy of the Audited Financial Statements will be submitted to the Office of Local Government in accordance with Section 417(5) of the *Local Government Act 1993* (as amended).

The Council must give Public notice of the date of the meeting at which the Audited Financial Statements and Auditor's Report will be presented. An advertisement will be included in Council's Noticeboard which is made available on Council's website on Monday 30 November 2020. Copies of the Audited Financial Statements and the Auditor's reports will be made available on Council's website, at Council's three libraries and at the main Administration Building in Moruya.

Section 420 of the *Local Government Act 1993* provides that any person may make submissions to Council with respect to the Financial Statements and/or the Auditor's reports and those submissions must be made in writing and lodged with the Council within seven days of the public meeting. Any submissions received are to be provided to Councilors and the Auditor for consideration.

**Legal**

Legal requirements include:

- Adherence to the Local Government Code of Accounting Practice and Financial Reporting (which is based on generally accepted accounting practice).
- Annual Financial Statements must be referred to audit as soon as practicable after the end of the financial year.
- Audited statements must be lodged with the Office of Local Government (OLG) by 30 November 2020.
- Seven days public notice of the 'presentation' of audited financial statements is required.

**Policy**

The principal accounting policies used in the preparation of these consolidated financial statements are disclosed in No. 1 of the draft statements. These policies have been consistently applied to all the years presented, unless otherwise stated.



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**CCS20/045 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE  
2020 - REFERRAL TO AUDIT**

**S011-  
T00002**

**Financial**

The Annual Financial Statements are required to be prepared in accordance with the *Local Government Act 1993* (as amended), the Local Government Code of Accounting Practice and Financial Reporting and the Australian Accounting Standards. Council has professionally qualified staff to ensure compliance with the reporting requirements.

No matters or occurrence have come to attention that would materially affect the Financial Statements or disclosures therein, or which are likely to materially affect the future results or operations of the Council. Additionally, staff have not been advised by the external Auditor of any significant issues that need separate or additional disclosure during the audit process.

The draft Financial Statements were distributed to the Audit, Risk and Improvement Committee and Councillors on 16 November 2020.

**Community and Stakeholder Engagement**

The audited Financial Statements will be presented at the 8 December 2020 Council meeting. The statements will be an attachment to the public agenda for this meeting and made available seven days prior to the meeting on Council's website, at Council's three libraries and at the main administration building in Moruya. Submissions may be made to Council for a minimum of seven days after they are presented to the public as per the *Local Government Act 1993* (as amended), s418(2). Submissions will close 15 December 2020. The external auditor will be available to present the audited financial statements via a pre-recorded video.

**CONCLUSION**

The Annual Financial Statements have been drafted and can now be endorsed and referred to audit, and if so endorsed the statements can be signed by the Mayor, Deputy Mayor (of Councillor), General Manager and Responsible Accounting Officer.

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**CCS20/046 LEASE OF BATEMANS BAY COMMUNITY CENTRE**

**LAND ID:  
29439**

Responsible Officer: Amanda Jones - Acting Director Corporate and Commercial Services

Attachments: 

1. Under Separate Cover - Confidential - Submitted EOIs
2. Under Separate Cover - Confidential - EOI Community Scorecard
3. Under Separate Cover - Confidential - Submissions
4. Under Separate Cover - Confidential - EOI Overview

Outcome: 9 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: 9.2.2.3 Strategic management and review of Council operational land

### **EXECUTIVE SUMMARY**

Council has received a number of unsolicited enquiries from parties interested in leasing the Batemans Bay Community Centre (BBCC).

In response to enquiries, acting in accordance with section 9.2.2 of Council's adopted delivery program, Council staff investigated the potential leasing of the Batemans Bay Community Centre. On 18 August 2020, Councillors were briefed on an EOI process, which has now been undertaken.

The EOI process and the proposed responses to community input provide an opportunity to meet the needs of user groups with alternate venues at the same time as supporting the expansion of social services locally.

Due to the level of community interest in retaining the Community Centre for community use, the EOI was only open to groups who could establish a community benefit rather than a purely commercial one. The EOI was for a lease only, not for the sale of BBCC.

Council has received a number of submissions from members of the community about the potential leasing of the community centre and this report includes responses addressing the matters raised.

In particular, responses to address matters raised by the community include:

- That the Meals on Wheels food services program will remain in the Community Centre with this becoming a requirement in the conditions of any lease
- A commitment to relocated users that they will receive 3 months usage in the new Council venue at no cost and a guarantee that they will not pay more for a comparable space than they currently pay
- A detailed analysis of the features of the principal Batemans Bay venues that users would be relocated to which shows that facilities and features are comparable

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**CCS20/046 LEASE OF BATEMANS BAY COMMUNITY CENTRE**

**S023-T00015**

**Land ID: 29439**

Two EOIs were received and have been assessed against the selection criteria. Both are considered to be suitable lessees.

Council is now in a position to decide whether to issue a lease for the BBCC and if a decision to lease is made, who to issue the lease to.

**RECOMMENDATION**

THAT:

1. Council approve entering into a lease with the preferred candidate.
2. The General Manager be given delegated authority to conclude negotiations with that preferred candidate, or with the alternative candidate if the preferred candidate does not proceed.
3. Council approve an amended fee structure for relocated users which include 3 months of no charge and ongoing fees at the new venue which match what they currently pay.

**BACKGROUND**

Council has previously publicly indicated the intent to review the future use of the Batemans Bay Community Centre (BBCC).

Council has received unsolicited enquiries from a number of parties interested in leasing the BBCC. In response to the enquiries, acting in accordance with section 9.2.2 of Council's adopted delivery program, Council staff investigated the potential leasing of the Batemans Bay Community Centre.

Councillors were briefed on an EOI process to lease BBCC on 18 August 2020 and that process has been undertaken.

Because of the level of community interest in retaining the community centre for community use, the EOI was only open to groups who can establish a community benefit rather than a purely commercial one. The EOI was for a lease only.

**CONSIDERATIONS**

**EOI assessment**

Two EOIs were received, one from South Eastern Aboriginal Regional Management Service (SEARMS) and one from South Coast Colleges (SCC).

The EOIs were assessed against the selection criteria by a panel. A preferred candidate was identified but both lessees were considered suitable.

**Existing Users**

There are around 15 regular hirers of the community centre and other, more periodic users. Their needs have been key considerations in this matter.

Council has recently engaged with existing users about relocating to other venues when it was thought that the Bushfire Recovery Centre was going to be at BBCC for an extended period and when Headspace were asking to lease BBCC. Alternative sites were also arranged for current users with minimal impact when the community centre was needed for elections.

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**CCS20/046 LEASE OF BATEMANS BAY COMMUNITY CENTRE**

**S023-T00015**

**Land ID: 29439**

### **Comparison of alternative venues**

The main alternative venues for users relocating from BBCC would be:

- Hanging Rock Function Centre
- Mackay Park Function Centre
- Batemans Bay Basketball Stadium
- Malua Bay Community Centre
- Batemans Bay Child & Family Day Care Centre
- Batemans Bay Library

The tables below compare the features available at these venues to those in the equivalent room at BBCC.

The utilisation data comes from the venue booking system and is based on bookings being available from 7am to 9pm. Data from 2019 has been used due to bookings in 2020 being disrupted due to COVID-19.

The three tables compare the various rooms at BBCC to the most likely alternative venues. The tables show that there are a range of alternatives to the BBCC room. The tables compare the three main areas of the BBCC, that being the Main Hall (Table 1), Room 3 (Table 2) and Rooms 1 and 2 (Table 3). Often these alternative venues are at a lower cost or offer more features than the BBCC.

Research also identified that the alternate venues are under utilised - only being occupied between 10% and 33% of the time.

CCS20/046 LEASE OF BATEMANS BAY COMMUNITY CENTRE

S023-T00015

Land ID: 29439

**BBCC Main hall compared to alternatives  
(Table 1)**

Criteria	Batemans Bay Community Centre Hall (BBCC)	Hanging Rock Function Centre (HRFC)	Mackay Park Function Centre (MPFC)	Batemans Bay Basketball Stadium (BBBS)
Current utilisation (7am-9pm)	29%	27%	18%	27%
Price per hour	\$53.00	\$37.00	\$37.00	\$29.00
Floor space (m2)	200	148	259	420
Accessible entrance	✓	✓	✓	✓
Accessible toilets	✓	✓	✓	x
A/V equipment	x	✓	✓	x
Commercial kitchen	✓	✓	✓	x
Fridges	✓	✓	✓	x
Cool room	✓	x	x	x
Storage	✓	x	✓	✓
Tables & chairs	✓	✓	✓	x
Heating/cooling	✓	✓	✓	x
Timber floor	✓	x	x	✓

**BBCC Room 3 compared to alternatives  
(Table 2)**

Criteria	Batemans Bay Community Centre Hall Room 3 (BBCC)	Mackay Park Function Centre (MPFC)	Malua Bay Community Centre (MBFC)	Batemans Bay Child & Family Day Care Centre (C&FDC)
Current utilisation (7am-9pm)	16%	18%	12%	10%
Price per hour	\$36.00	\$37.00	\$23.00	\$23.00
Floor space (m2)	48	259	110	76
Accessible entrance	✓	✓	✓	✓
Accessible toilets	✓	✓	✓	✓
A/V equipment	✓	✓	x	x
Commercial kitchen	x	✓	x	x
Fridges	✓	✓	✓	✓
Storage	✓	✓	✓	✓
Tables & chairs	✓	✓	✓	✓
Heating/Cooling	✓	✓	✓	✓

CCS20/046 LEASE OF BATEMANS BAY COMMUNITY CENTRE

S023-T00015

Land ID: 29439

**BBCC Rooms 1 and 2 compared to alternative  
(Table 3)**

Criteria	Batemans Bay Community Centre Room 1 (BBCC)	Batemans Bay Community Centre Room 2 (BBCC)	Batemans Bay Library (BB Lib)	
Current utilisation (7am-9pm)	12%	32%	33%	
Price per hour	\$20.00	\$12.00	\$21.00	
Floor space (m2)	23	13	36	
Accessible toilets	✓	✓	✓	
Accessible toilets	✓	✓	✓	
A/V equipment	✓	✓	✓	
Commercial kitchen	x	x	x	
Fridges	x	x	✓	
Storage	✓	x	x	
Tables & chairs	✓	✓	✓	
Heating/cooling	✓	✓	✓	

### Policy

In response to the enquiries, acting in accordance with section 9.2.2 of Council's adopted delivery program, Council staff investigated the potential leasing of the Batemans Bay Community Centre.

### Legal

The land on which the Community Centre is located is Council owned operational land.

### Social

Council has a role in the provision of facilities and services that support participation and community connectedness, as well as a role advocating for local access to social supports and services that improve outcomes for residents.

Groups who expressed an interest in response to the EOI are providing valuable services to the community.

Existing user groups may initially be inconvenienced by being relocated however there are alternative Council venues available at similarly discounted rates that provide similar facilities.

### Financial

A valuation has been undertaken by a registered valuer. As part of its lease negotiations, Council will use this valuation and consider Council's published Fees and Charges, when concluding the negotiations on rent for any lease.

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**CCS20/046 LEASE OF BATEMANS BAY COMMUNITY CENTRE**

**S023-T00015**

**Land ID: 29439**

In terms of existing user groups, where alternative venues are comparable, fees for the new facilities will be comparable. Council will ensure where existing users switch to another venue, they are offered a comparable venue at the same price they have paid at the community centre (or a lower price if that is available).

It is recommended that Council give relocated bookings a three-month fee-free period as they transition to a new venue.

**Community and Stakeholder Engagement**

There is no legal requirement to advise the community through public notice, or to or seek feedback through public exhibition for dealings in operational land.

Nevertheless, input from the community was sought and submissions were received from around 35 parties. Those submissions are attached to this Council report as confidential attachments and are summarised below.

The main concern of many of the submissions was that there would be increased costs to community groups and Not-for-Profits (NFPs) however, because Council has suitable alternate venues at comparable prices, this should not be the case. The preferred respondent from the EOI process also specified that community and NFP use will continue at rates in-line with Council's adopted fees.

The future of Meals on Wheels (MoW) was also raised but both responders to the EOI have indicated they can be accommodated within BBCC into the future. It will be a condition of the lease that MoW can continue to licence space remain at the community centre if MoW wishes. Others submitters were concerned that the Community Centre is for sale which it is not.

Should Council decide to lease the Community Centre, the large majority of users at BBCC will be relocated to Hanging Rock Function Centre, Mackay Park Function Centre, and the Batemans Bay Library meeting room. The Batemans Bay Child and Family Centre, Hanging Rock Basketball Stadium and Malua Bay Community Hall will also be utilised, although to a lesser extent.

These venues have significant spare capacity to absorb the relocated user groups.

**CCS20/046 LEASE OF BATEMANS BAY COMMUNITY CENTRE**

**S023-T00015**

**Land ID: 29439**

The following table summarises the submissions received, issues raised and Council's response:

<b>Concern raised</b>
<p>Future of U3A usage of Batemans Bay Community Centre (BBCC)</p> <ul style="list-style-type: none"> <li>▪ Concern over the loss of their core venue</li> <li>▪ U3A could not continue without the use of the Community Centre</li> <li>▪ No other venue with the same features</li> <li>▪ Concern over loss of accessible venue</li> <li>▪ Negative effect on U3A</li> </ul>
<b>Council response</b>
<ul style="list-style-type: none"> <li>• Council has a number of alternate venues in Batemans Bay to cater for existing users.</li> <li>• All of the alternate venues are comparable in price and amenity to the venues currently being hired at the BBCC.</li> <li>• U3A have utilised a variety of Council facilities including Tomakin Hall &amp; Malua Bay Hall. Of the 12 programs booked for the second half of 2020, the BBCC was requested for only 41% of them (5 programs).</li> <li>• In July 2020 correspondence with U3A identified Hanging Rock Function centre, Batemans Bay Basketball, and Batemans Bay Library as the options for the five programs operating at the BBCC.</li> <li>• Alternative Council venues are accessible. Hanging Rock Function Centre (HRFC) has disability access with a lift and others have ramp access. The space inside HRFC is comparable to the size of the BBCC hall and houses a commercial kitchen. Hire of the function centre is substantially cheaper than the BBCC Hall.</li> </ul>

<b>Concern raised</b>
<p>Cost and availability</p> <ul style="list-style-type: none"> <li>▪ Cost and availability of alternative venues</li> <li>▪ Concern over displacement of existing users</li> </ul>
<b>Council response</b>
<ul style="list-style-type: none"> <li>• Council has a number of alternate venues in Batemans Bay to cater for existing users.</li> <li>• All of the alternate venues are comparable in price and amenity to the venues currently being hired at the BBCC.</li> <li>• All Not for Profit discounts at the BBCC will be recognised at other Council venues.</li> <li>• The space inside Hanging Rock Function Centre (HRFC) is comparable to the BBCC hall and houses a commercial kitchen. Hire of the function centre is substantially cheaper than the BBCC Hall at \$37 per hour compared to \$53 per hour at the BBCC.</li> <li>• HRFC has disability access via a lift, so this alternate venue is accessible.</li> <li>• It is recommended that Council approve an amended fee structure for relocated users which include 3 months of no charge, and ongoing fees at the new venue</li> </ul>



**CCS20/046 LEASE OF BATEMANS BAY COMMUNITY CENTRE**

**S023-T00015**

**Land ID: 29439**

which match what they currently pay.

**Concern raised**

Future of Meals on Wheels at BBCC

- Concern for continuity of the Meal on Wheels service
- One letter attaches an attendance sheet with 122 signatures of people who attended a rally at BBCC

**Council response**

- Meals on Wheels is a valued service to the community as recognised by Council in the EOI and the respondents' submissions have stated they can work with Meals on Wheels to accommodate them.
- It is recommended to include the use by Meals on Wheels of BBCC as a condition in any lease.

**Concern raised**

Retention of Community Use

- Retention of community centre for community / not for profit use
- Concern over impact on Arts sector
- Community centre belongs to Batemans Bay
- Vacant commercial space exists for commercial use

**Council response**

- The Community Centre is being retained for community use since that is a condition of the EOI. Alternative venues are available for existing users (including the arts sector) and the EOI respondents have indicated other community use of the centre may be possible.
- The Community Centre is not being sold or leased for commercial use.
- Council has alternate venues in the short term to support a range of art groups, with highly targeted solutions proposed as part of the BBAALC

**Concern raised**

Other General comments

- Against consolidating council assets to offset costs and requesting information on how decisions will be made
- Concern about commercial leasing of BBCC
- Object to the leasing centre to fund aquatic arts centre

**Council response**

- Council has responsibility to use assets efficiently and has a number of alternate venues in Batemans Bay to cater for existing users.
- A decision will be made in an open Council meeting following consideration of EOIs

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**CCS20/046 LEASE OF BATEMANS BAY COMMUNITY CENTRE**

**S023-T00015**

**Land ID: 29439**

and community comments
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Council will continue to have contact with all existing users to outline what other facilities are available, and to develop a plan to transition them to other Council venues should Council decide to approve a lease.

### **CONCLUSION**

Council has received enquiries from multiple organisations who are interested in leasing the Batemans Bay Community Centre (BBCC). An EOI was conducted and two suitable lessees expressed an interest in leasing BBCC.

Council has received community input about the lack of alternative venues for BBCC and Council has compared facilities at a number of venues to highlight that there are comparable alternatives.

A lease condition protecting Meals on Wheels and a 'no fee increase' commitment are also proposed in response to community input.

This report recommends Council considers approving a lease with the General Manager delegated to conclude negotiations with the preferred candidate. Should those negotiations not result in a satisfactory outcome, then negotiations will be held with the other candidate.

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**CCS20/043 LEASE TO EUROBODALLA WOODCRAFT GUILD**

**S023-  
T00015**

Responsible Officer: Amanda Jones - Acting Director Corporate and Commercial Services

Attachments: Nil

Outcome: 9 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 approached by the Eurobodalla Woodcraft Guild ('Woodies') and other community groups, some of whom were formally located at the Gold Rush Colony at Mogo, seeking assistance to find them a new home after the bushfires destroyed their existing location.

One site in Mogo, Lot 7300 DP1134456 on the corner of Tomakin Road and the Princes Highway, and one site at Bimbimbe at the Hot Fire Centre on the Princes Highway, Lot 11 DP1029531, have been identified as possible sites.

Both sites require further investigation so in order to give surety to the Woodies, it is proposed that Council approve entering into a lease but with the final location to be determined.

In regard to the Mogo site, Lot 7300 DP1134456, the timing of any decision to offer a lease at this location would be dependant on the outcomes from the Mogo Place Activation Plan.

**RECOMMENDATION**

THAT:

1. Council enter into a lease with the Eurobodalla Woodcraft Guild,
2. Consent be given to affix the Common Seal of Council, if required, to all relevant documentation,
3. The General Manager be given delegated authority to negotiate the specific location of the lease.

**BACKGROUND**

Council has been approached by various community groups, some of whom were formally located at the Gold Rush Colony, seeking assistance to find them a new home after the bushfires destroyed their existing location.

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**CCS20/043 LEASE TO EUROBODALLA WOODCRAFT GUILD**

**S023-  
T00015**

The Eurobodalla Woodcraft Guild 'Woodies' have been the most active group approaching Council. Council has been looking at the Hot Fire Training Centre on the Princes Highway at Bimbimbie, Lot 11 DP1029531, as a possible location. Following pre-lodgement advice received by the Woodies, a site in Mogo, Lot 7300 DP1134456 on the corner of Tomakin Road and the Princes Highway, is also being considered.

In order to provide greater surety to the Woodies, it is proposed that Council approve entering into a lease with the final site to be decided as plans are developed.

Council has also become aware of interest from representatives of other community groups including the Moruya Antique Tractor Association (MATAMA). Discussions with these groups are ongoing and include a proposal for a community hub including MATAMA on the same site in Mogo behind the Rural Fire Service (RFS) shed that has been discussed with the Woodies.

In the main, discussions have been with the Woodies. They have indicated they will only be able to pay a minimum rental, but they have agreed to allow the parking that they build to be used by other groups.

The part of the RFS Hot Fire Centre being considered housed an unused building that was destroyed during the fires and has its own access from Bimbimbie Road.

**CONSIDERATIONS**

Council has undertaken a master planning exercise with the Mogo business owners of the properties destroyed by bushfire. This process has seen a collaboration with the businesses to develop a study, The Mogo Rebuild Study - to provide guidance on how the destroyed premises can be rebuilt.

Evolving from this piece of work, Council recognised that to support Mogo in the medium to longer term the town would benefit from a whole of Mogo Place Activation Plan. Council will be embarking on a new placemaking process in the coming weeks to develop strategies and actions that will further activate the local economy, strengthen community resilience, and reinforce Mogo as a key destination after the 2019-20 bushfires.

This plan will expand on the key principles and identified opportunities established in first stage of the project (Mogo Rebuild Study), around:

- Improved pedestrian connectivity, legibility and safety
- Create a cohesive and attractive streetscape
- Reinforce Mogo as a tourism destination
- Identify opportunities for community and event spaces
- Celebrate the natural beauty of Mogo

Another key project in rebuilding the local economy is the Mogo Adventure Trail Hub project which needs to be an important consideration in development of the Mogo Village Place Activation Plan. The plan will need to include how best to develop Mogo village as a premier trail hub, identifying the relevant issues and actions required. The Mogo Village Place Activation Plan needs to provide the Mogo community with a clear vision on how they can move forward after the 2019-20 bushfires.

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**CCS20/043 LEASE TO EUROBODALLA WOODCRAFT GUILD**

**S023-  
T00015**

The site location for Eurobodalla Woodcraft Guild should be considered as part of this broader strategic plan so that Council can work collaboratively to get the best overall outcome for Mogo. The project will commence early in 2021, once suitable placemaking, urban design and planning consultants have been appointed.

The constraints of both sites are being investigated with both having their restrictions. At the Hot Fire Centre, the impact of the need for a significant Asset Protection Zone and the juxtaposition of this with overhead power lines is being considered.

**Legal**

Council owns Lot 11 DP1029531 on the Princes Highway south of Mogo as operational land being the Hot Fire Centre.

The land in Mogo behind the RFS station is Crown Land under Council's management and the approval requirements for this are still being investigated.

**Social Impact**

This proposal will support important community groups.

**Financial**

All costs associated with developments by community groups would be borne by them.

However, there may be other costs like potential subdivision costs and fencing of the site for which funding will need to be determined.

Rents are agreed on the basis that community groups will share facilities like car parking with other user groups where possible and the rents are proposed to be in line with other similar leases.

**Community and Stakeholder Engagement**

Discussions directly with various community groups have occurred. There is no legal requirement to advise the community through public notice, or to or seek feedback through public exhibition for a lease on operational land.

Council will encourage proponents to engage with a range of other community groups to maximise shared use of the site.

**CONCLUSION**

This report to Council proposes to approve a lease to the Woodies.

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**CCS20/047 LICENCE FOR STORAGE CONTAINERS, MORUYA**

**S023-  
T00017**

Responsible Officer: Amanda Jones - Acting Director Corporate and Commercial Services

Attachments: 1. Confidential - Agreed licence fees

Outcome: 9 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**

Woolworths Limited (Woolworths) previously held a licence to occupy an area within the Council owned carpark at the rear of its supermarket in Moruya to locate storage containers over the summer period. The licence expired on 29 February 2020.

Woolworths has now requested a further five year licence be granted to store the containers in the carpark from 1 December through to 28 February each year for a period of five years.

Previous licences to locate storage containers within the carpark to supplement Woolworths in-store storage facility over the summer period have occurred since 2009. Occupying two car spaces, the licence has not caused a major issue in past years.

It is considered reasonable and appropriate that Council support Woolworths Moruya in granting a further licence.

### **RECOMMENDATION**

THAT a licence be granted to Woolworths Limited to store containers within Lot 2 DP 1116130 Moruya during the period December through to February each year commencing on 1 December 2020 and expiring on 29 February 2025 with terms and conditions including:

1. Provision of evidence of public liability insurance cover in the amount of at least \$20 million
2. Conditions generally in line with the previous licence
3. The General Manager be given delegated authority to issue further licences.

### **BACKGROUND**

Due to the increased demand over the summer period, Woolworths does not have the capacity within its own property in Moruya to store sufficient stock for its supermarket.

At its meeting on 10 October 2017 Council resolved to grant a licence to Woolworths to store containers within Lot 2 DP 1116130 from mid-December to mid-February each year. The licence has expired and Woolworths has requested a new licence be granted.

CCS20/047 LICENCE FOR STORAGE CONTAINERS, MORUYA

S023-  
T00017

## CONSIDERATIONS

The licence area is shown in the sketch below.



### Legal

The carpark is located on Lot 2 DP 1116130 Moruya which is Council owned land classified as operational land and therefore there is no legal impediment to granting a licence.

### Environmental

The licensee is to keep the licensed area in a clean, tidy and hygienic condition.

### Asset

The storage of containers within the carpark will result in the loss of two car spaces. This has not presented a major issue in past years and is unlikely to create a problem within the lease periods.

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**CCS20/047 LICENCE FOR STORAGE CONTAINERS, MORUYA**

**S023-  
T00017**

**Social Impact**

The maintenance of a consistent food supply for local residents and tourists alike is important over this busy period.

**Economic Development Employment Potential**

Increased storage will allow Woolworths to fulfil consumer demand from visitors.

**Financial**

Given the commercial nature of the licence, the commercially based fee set out in the Confidential Attachment is considered appropriate.

**Community and Stakeholder Engagement**

Council's Community Engagement Framework and relevant legislation has been considered to guide the best approach to engagement on this matter. There is no legal requirement to advise the community through public notice, or to seek feedback through public exhibition for land dealings within operational land.

Given this is the renewal of an existing licence, and no complaints have been received, the community will be informed via a public report.

**CONCLUSION**

Previous licences to locate storage containers within the carpark to supplement Woolworths in-store storage facility over the summer period have occurred since 2009 and it is considered reasonable to grant a further licence.

It is considered reasonable and appropriate for Council to approve the issuing of a licence to Woolworths which will also give Council flexibility to enter into future licences with Woolworths.



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**CAR20/018 HANGING ROCK, CORRIGANS BEACH AND OBSERVATION POINT  
RESERVES DRAFT PLAN OF MANAGEMENT**

**OP0015-  
S001**

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

Attachments: 1. Under Separate Cover - Hanging Rock, Corrigans Beach and Observation Point Reserves Draft Plan of Management

Outcome: 9 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 Assist the Council in meeting its statutory obligations and roles

### **EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of the draft Plan of Management (POM) for Hanging Rock, Corrigans Beach and Observation Point Reserves, and recommends that Council send the draft POM to the NSW Department of Planning, Industry and Environment – Crown Lands, as the land owner, seeking consent to exhibit the draft POM.

This POM comprises Crown Reserve number 66122 Hanging Rock Reserve, which also includes the Batemans Bay Beach Resort and Corrigans Beach Reserve, and Crown Reserve number 60913 Observation Point Reserve. These Reserves are Crown Land under the control and management of Eurobodalla Shire Council.

The NSW *Crown Land Management Act 2016* (CLM Act) came into force on 1 July 2018 and as the appointed land manager, Council is required to prepare a new POM for the Reserves as if they were community land under the NSW *Local Government Act 1993* (LG Act).

A POM is a planning document that outlines how the land can be used, developed and managed, how leases and licences or other interests are granted on community land and determines the scale and intensity of current and future use and development on the land. Possible future developments are illustrated in landscape masterplans provided at Appendix A of the POM.

In sending the draft POM to Crown Lands, Council is meeting Section 39 of the LG Act in seeking the consent of the NSW Minister for Water, Property and Housing as the land owner to publicly exhibit the draft POM.

The POM also includes landscape master plans illustrating proposed developments as supported by the POM for Hanging Rock Sporting Complex, Corrigans Beach Reserve and Observation Point. These landscape master plans complete recommended actions N17, N21 and N23 in the Recreation and Open Space Strategy 2018.

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**CAR20/018 HANGING ROCK, CORRIGANS BEACH AND OBSERVATION POINT RESERVES DRAFT PLAN OF MANAGEMENT DP0015-S001**

Stakeholder and community engagement is an important process in the development of POMs and landscape masterplans. Since September 2019, Council and project consultants have undertaken extensive engagement with the Reserve user groups and sporting clubs, local business and tourism operators, Local Aboriginal Land Councils and Elders group, community members and groups, the general public, various State Government organisations and Council technical specialists.

**RECOMMENDATION**

THAT:

1. In accordance with Section 39 of the NSW Local Government Act 1993, Council send an electronic copy of the Hanging Rock, Corrigans Beach and Observation Point Reserves draft Plan of Management (POM) to the NSW Minister for Water, Property and Housing and seek the Minister's consent to exhibit the draft POM.
2. Subject to the decision of the NSW Minister for Water, Property and Housing with respect to recommendation 1, and in accordance with Section 38 of the NSW Local Government Act 1993, Council publicly exhibits the Hanging Rock, Corrigans Beach and Observation Point Reserves draft Plan of Management for a period of not less than 28 days with a total specified period of not less than 42 days after the date on which the draft POM is placed on exhibition during which submissions may be made to Council.

**BACKGROUND**

Hanging Rock Reserve (Crown Reserve number 66122), which also includes the Batemans Bay Beach Resort and Corrigans Beach Reserve, and Observation Point Reserve (Crown Reserve number 60913), are Crown Land under the control and management of Eurobodalla Shire Council. The existing POM for Hanging Rock Reserve was adopted 19 January 1999. Observation Point Reserve has not previously been documented in an adopted Plan of Management.

The CLM Act came into force on 1 July 2018 and as the appointed land manager, Council is now required to prepare a new POM for the Reserve as if it were community land under the LG Act.

Council engaged Localé Consulting and Ayling Drury Landscape Architecture to prepare the POM and landscape masterplans in conjunction with Council staff.

**CONSIDERATIONS**

**Legal**

Council was previously appointed the Reserve Trust Manager for Crown Reserves 66122 and 60913. When the CLM Act came into force on 1 July 2018, Council was appointed the Crown Land Manager of the Reserves. In line with this legislation, the Reserves must be managed as community land under the LG Act, noting that ownership of the land will remain with the State.

Future use of the land shall generally be consistent with the relevant land use zone, being RE1 - Public Recreation (Hanging Rock Reserve, including Corrigans Beach Reserve), RE2 - Private Recreation (Holiday Park area of Hanging Rock Reserve) and E2 - Environmental Conservation (Observation Point Reserve).

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**CAR20/018    HANGING ROCK, CORRIGANS BEACH AND OBSERVATION    OP0015-S001**  
**POINT RESERVES DRAFT PLAN OF MANAGEMENT**

Crown Reserve 66122 was gazetted as Public Recreation/Resting Place on 17 July 1936 and Crown Reserve 60913 was gazetted as Public Recreation on 25 January 1929.

The Reserves have been classified as "Community" land consistent with the LG Act. In accordance with CLM Act requirements, Council will be submitting an application to Crown Lands, with a copy of this POM, for van sites at the Batemans Bay Beach Resort with permanent residents to be reclassified as "Operational" and not subject to this Plan of Management.

In accordance with Section 3.23 of the CLM Act, Council as Crown Land Manager, is required to assign a category(s) to Crown reserves classified as Community Land. Council received written Ministerial consent on 14 March 2019 for the interim categorisation of Hanging Rock Reserve as General Community Use and Park, and for Observation Point Reserve as Park. After community consultation these categories were confirmed as the most appropriate for these Reserves, so no change in categorisation will be requested.

### **Management of the Reserves**

In accordance with Section 36(3) of the LG Act, the draft POM contains a Management Action Plan (Section 7, pages 47-52) that identifies objectives and performance targets, the means by which Council proposes to meet the POM's objectives and targets and the manner in which these actions will be monitored.

Key management objectives addressed by the Management Action Plan for the Reserves are as follows:

1. Maintain and grow formal and informal sporting use
2. Integrate shared access for all users to and within the reserves
3. Maintain and grow events and visitation
4. Integrate, protect and enhance natural and cultural features
5. Promote linkages within and beyond the reserves
6. Improve existing infrastructure for a variety of user groups
7. Manage user groups.

The draft POM includes landscape master plans for Hanging Rock Sporting Complex (including Council Operational land within this precinct), Corrigans Beach Reserve and Observation Point Reserve (Appendix A). These illustrate proposed developments for the sites, based on consultation outcomes, which can be pursued for funding and implementation over the life of the POM. These landscape master plans also address Recreation and Open Space Strategy 2018 Actions N17, N21, and N23.

Key proposed developments as illustrated in the landscape master plans include.

*Hanging Rock Sporting Complex*

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**CAR20/018 HANGING ROCK, CORRIGANS BEACH AND OBSERVATION POINT RESERVES DRAFT PLAN OF MANAGEMENT DP0015-S001**

- Relocating the old amenities building on soccer field 3 to the perimeter of the field, with supporting car parking, allowing for future additional use of the field for cricket or athletics
- Upgrades to the function centre to support wider and inclusive use
- Ancillary facility upgrades, including lighting, spectator seating, ball netting, cricket nets, car parking and shade trees
- Opportunities to increase appropriate sports storage and grey water for irrigation
- Tennis court and clubhouse upgrades
- Expansion of the skate park to create a more inclusive recreation space
- RV dump point (near boat ramp parking).

*Corrigans Beach Reserve*

- Pedestrian and recreation improvements with a loop path connecting the whole reserve with supporting shade trees, picnic shelters/furniture and optional exercise stations
- Improved infrastructure and open spaces to support events, including covered stage and event-related camping options
- Consolidation of beach access paths to improve accessibility and dune rehabilitation
- Additions to the playground in support of inclusive use, within the playground area
- Improved signage, including wayfinding and interpretive elements
- Landscaping including shade trees, boundary planting and levelling of the ground surface
- Relocation of RV dump point away from playground area.

*Observation Point*

- Construction of a viewing platform at the eastern point with compacted gravel shared access path from car park
- Designated viewing areas to the north and west with safety balustrading
- Regeneration of eastern existing car park and conversion to picnic area incorporating shelters, furniture, directional signage and a cultural interpretive element (eg, sculpture or signage)
- Formalisation of western existing car park and establishment of long vehicle/bus parking area
- Upgraded entry access road with entry signage and traffic calming device
- Pedestrian connectivity to existing Corrigans Beach access stairs and opportunity for future connection to Caseys Beach.

**Policy**

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**CAR20/018 HANGING ROCK, CORRIGANS BEACH AND OBSERVATION POINT RESERVES DRAFT PLAN OF MANAGEMENT OP0015-S001**

Outcomes for the Reserve are consistent with the community's objectives and Council's corporate objectives, as outlined in the Eurobodalla Community Strategic Plan and the Council's Delivery Program 2017-21.

All event organisers are required to comply with Council's Events Policy and the Eurobodalla Event's Guide while dog owners will be required to adhere to the Companion Animal Management Plan.

### **Environmental**

The reserves encompass a large portion of foreshore, including beachfront and headland areas. The Hanging Rock Reserve area is generally flat with gently sloping topography and dunes along the beachfront. The site slopes gently down to Joes Creek where the riparian corridor is vegetated with remnant local native bushland, providing an attractive backdrop of nature for both the Hanging Rock Sporting Complex and Corrigans Beach Reserve areas.

Observation Point on the other hand is highly vegetated across most of the site outside of the vehicle access/ car parking areas. The topography of the reserve rises gently along the Observation Avenue access with the height once within the reserve providing filtered views to the bay and steep embankments to the water.

Key site-specific controls associated with the site under Eurobodalla LEP 2012, as well as associated natural hazard constraints, include:

- Wetlands: A small area of the Hanging Rock Reserve near Joes Creek which extends into the Plan of Management area
- Bushfire prone land: Areas which correspond to vegetation along Joes Creek and the dunes in the north of Hanging Rock, as well as parts of Observation Point Reserves
- Heritage: An Aboriginal Place of Heritage Significance is located within the study area, covering approximately 2.3ha in the vegetated area to the north east of Hanging Rock Reserve
- Acid sulfate soils: Including areas where there is a risk of acid sulfate soils being close to the ground surface and which may become unstable when exposed to the air
- Riparian land and watercourse: Corresponds to the Joes Creek area of Hanging Rock Reserve
- Terrestrial Biodiversity: Incorporating areas along the northern edge of Joes Creek and extending along the dunes.

The area is also subject to storm surges and tidal events, the frequency and intensity of which is anticipated to increase over the longer term. The Hanging Rock Reserve is identified within the Batemans Bay Urban Creeks Flood Study which is currently underway to inform the draft Flood Planning Map associated with proposed Eurobodalla LEP 2012.

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**CAR20/018 HANGING ROCK, CORRIGANS BEACH AND OBSERVATION DP0015-S001  
POINT RESERVES DRAFT PLAN OF MANAGEMENT**

A key management objective for the Reserves is to integrate, protect and enhance natural and cultural features. Actions within the implementation action plan reinforce appropriate management of environmental features as outlined above.

**Asset**

The Reserves contain a broad range of Council assets. These include a function centre, sporting amenities buildings and clubhouses at Hanging Rock Sporting Complex and a range of sporting infrastructure such as field lighting, irrigation systems, cricket nets and fencing. The buildings are generally in variable condition and some upgrades and renewals are recommended in the draft POM.

The Batemans Bay Beach Resort is a fully functioning holiday park which includes a variety of styles of holiday cabins, powered camping sites and a range of accommodation support and recreation facilities.

Corrigans Beach Reserve contains a regionally-significant inclusive playground, changing places toilet facility and a range of picnic furniture and shelters. These facilities are new or almost new and in good condition. Additional connecting footpaths, picnic shelters, furniture, exercise stations and possible additions to the playground are proposed in the POM.

Formal car parks, shared paths and footpaths service each of the key sites within Hanging Rock Reserve.

Observation Point Reserve contains minimal existing assets, mainly some informal car parking and access. The POM proposes substantial addition of paths, car parking, viewing and picnicking assets to this reserve to improve access, tourism and recreation benefit as outlined above and described in the landscape master plan.

**Social Impact**

As Crown land, the reserves have been used by the Eurobodalla community for almost a century for public recreation purposes, and the sites have strong significance to the Aboriginal community, stretching back generations. In more recent times, Council and various user groups, have worked to activate spaces, support clubs and events, and enhance the accessibility and functionality of the Reserves.

No significant change is anticipated to the existing and future primary uses of the Reserves, being for a range of formal and passive public recreation purposes and events.

The draft POM outlines the following social impact and development outcomes for the Reserves.

- The Reserves will continue to have a mix of formal sporting, recreational, cultural and social activities

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**CAR20/018 HANGING ROCK, CORRIGANS BEACH AND OBSERVATION OP0015-S001  
POINT RESERVES DRAFT PLAN OF MANAGEMENT**

- Parts of the Reserves will continue to be available for large and small events with selected buildings available for functions and other activities
- The Reserves will be open to the general public for passive recreation when not in use for scheduled sports and events
- The Reserve will continue to support tourism through the operation of the Batemans Bay Beach Resort, the regionally significant Variety Inclusive Playground, and opportunities to connect with nature and locations of cultural significance
- Council will seek funding to further develop and improve the sites and facilities to better service community needs in alignment with the POM landscape master plans.

**Economic Development Employment Potential**

Objectives within the POM seek to increase use of existing facilities and provide improvements that would support a wider range of community and regional functions and events to those already held on the Reserves.

Ongoing operation of the Batemans Bay Beach Resort provides a range of employment opportunities and both Reserves contribute to tourism activities in the region.

**Financial**

All non-regulatory actions in the draft POM's Management Action Plan and accompanying landscape master plans of a capital or renewal basis are subject to demand and the availability of internal and/or external funds.

**Community and Stakeholder Engagement**

Community input collected in the period 2019-2020 has provided detailed local knowledge about the history, usage and desired future of the Reserves. This project also drew on consultation outcomes captured during the development of the Recreation and Open Space Strategy adopted in 2018 as well as targeted engagement activities in 2019-20. The project was paused for the first half of 2020 as a result of impacts of bushfire and COVID-19, and later consultation activities were adapted to meet COVID safety requirements.

Information gathered through consultation activities identified issues and opportunities that have been incorporated into the draft POM, as listed under 'Management of the Reserves' above.

The methods of engagement used specifically in the drafting of the POM included:

- Face to face meetings with stakeholder groups (sporting, community and business)
- Drop in session for the general public at Corrigans Beach Reserve
- Letter box drop and door knock meetings with Batehaven businesses and Observation Avenue residents
- Survey of residents and businesses

**CAR20/018 HANGING ROCK, CORRIGANS BEACH AND OBSERVATION POINT RESERVES DRAFT PLAN OF MANAGEMENT DP0015-S001**

- Mailout to identified 140+ stakeholders welcoming input to the draft landscape masterplans
- Follow up online stakeholder meetings to discuss the draft landscape masterplans
- In-depth consultation with Council Divisions and a number of briefings with Councillors.

**Leases and licences**

Leases or licences may only be granted where they are consistent with the Reserve categories and purposes nominated by section 46(1)(b) of the LG Act. The draft POM expressly authorises the maintenance of the following existing leases and licences on the Reserves.

<b>Crown Reserve number</b>	<b>Lot and Deposited Plan</b>	<b>Type of agreement</b>	<b>Expiry Date</b>	<b>Activity</b>	<b>Lessee or Licensee</b>
66122	Lot 7 DP1041103	Licence	30 Jun 2021	Exercise/ Tai Chi classes	Southern NSW Local Health
66122	Lot 7 DP1041103	Licence	13 Mar 2021	Markets (third Sunday of month)	Rotary Club of Batemans Bay Inc
66122	Lot 7 DP1041103	Licence	30 Jun 2023	Markets (first Sunday of month)	Marine Rescue NSW
66122	Lot 7 DP1041103	Licence	22 Oct 2022	Jet ski hire	Southern Watersports and Jet Ski Hire
66122	Lot 7 DP1041103	Licence	30 Sep 2021	Commercial watersports operator	The Kite Bus
66122	Lot 7 DP1041103	Licence	30 Nov 2021	Carnival	Bell's Amusement Hire Pty Ltd

**Table 1: Existing Lease and Licence Holders**

The draft POM also authorises Council to enter into leases or licences with community or commercial operators in accordance with Sections 46 and 47 of the LG Act.

**Expressed authorisations**

In line with the LG Act, the draft POM authorises activities and events to occur that are consistent with the Reserve's gazetted public purpose and categorisation. In doing so, the POM streamlines approval processes for legitimate activities that may not specifically be covered by a lease or licence. Note that all activities of the Reserve must still comply with the relevant



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**CAR20/018 HANGING ROCK, CORRIGANS BEACH AND OBSERVATION POINT RESERVES DRAFT PLAN OF MANAGEMENT OP0015-S001**

Council policies and State and Federal legislation of the day, with the current policies and legislation summarised in Section 3 of the draft POM.

The draft POM expressly authorises the following activities to occur on Hanging Rock Reserve:

- Council to enter into the most appropriate management arrangements for Hanging Rock Reserve
- Leases or licences with community or commercial operators, including but not limited to:
  - Food and drink related facilities
  - Associated administration building facilities
  - Café and/or food related outlet/s
  - Tourist kiosk or similar
  - Health and well-being related facilities
  - Hire of goods, including but not limited to water sports equipment, e-bikes and other goods and services generally associated with the enjoyment of the reserve and adjoining waterways
  - Meeting rooms or any other related building facilities
  - Overnight camping that is temporary in nature and associated with events on, or in the vicinity of the Reserve
  - Accommodation offerings within the area of the existing Batemans Bay Beach Resort
  - Electric vehicle charging station/s.

For Observation Point Reserve, the draft POM expressly authorises Council to enter into the most appropriate management arrangement, with consideration of leases or licences only being granted where they are consistent with the core objectives as specified in the LG Act (section 46(1)(b)), specifically public recreation activities or activities supporting the physical, cultural, social and intellectual welfare or development of persons.

### **CONCLUSION**

A draft POM and accompanying landscape master plans for Hanging Rock Sporting Complex, Corrigans Beach Reserve and Observation Point headland have been prepared following community consultation and a determination on the issues and opportunities for the Reserves.

This report recommends that Council sends the draft POM to the NSW Department of Planning, Industry and Environment – Crown Lands to seek the consent of the NSW Minister for Water, Property and Housing for public exhibition of the draft POM.

Subject to the decision of the Minister, this report also recommends the immediate public exhibition of the POM in accordance with Section 38 of the LG Act. Following the public exhibition and submission period, a final POM, taking into consideration issues raised in submissions, will be presented for adoption to a subsequent Council meeting in 2021.

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**CAR20/019 NAROOMA SPORT AND LEISURE PRECINCT PLAN OF  
MANAGEMENT**

**OP0053-  
S006**

- Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services
- Attachments:
1. Under Separate Cover - Narooma Sport and Leisure Precinct Plan of Management Summary of Submissions and Responses Attachment 1
  2. Under Separate Cover - Narooma Sport and Leisure Precinct Plan of Management Public Hearing Report Attachment 2
  3. Under Separate Cover - Narooma Sport and Leisure Precinct Plan of Management Attachment 3
  4. Under Separate Cover - Confidential - Narooma Sport and Leisure Precinct Plan of Management - original submissions Attachment 4
- Outcome: 1 Strong Communities, Desirable Lifestyle
- Focus Area: 1.3 Encourage and enable healthy lifestyle choices
- Delivery Program Link: 1.3.2 Plan for and provide a safe and accessible network of recreation and community facilities
- Operational Plan Link: 1.3.2.6 Prepare Plans of Management for Council managed Crown Reserves

### **EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the results of the public exhibition for the draft Plan of Management (POM) for the Narooma Sport and Leisure Precinct, with a recommendation to adopt the final POM, including a change of land category for two land parcels from Park/General Community Use to Natural Area.

The Narooma Sport and Leisure Precinct comprises the Bill Smyth Oval Reserve and the Narooma Tourist Information Centre Oval (NATA) Reserve. NATA Oval Reserve also incorporates the Narooma Leisure Centre, Swimming Centre, Narooma Easts Holiday Park and the Wagonga Inlet foreshore north to the Narooma Bridge. These Reserves are Crown Land under the control and management of Eurobodalla Shire Council.

The draft POM was prepared in 2019 and after endorsement by Council in November 2019 was sent to the NSW Minister for Planning, Industry and the Environment – Crown Lands as the land owner for consent to publicly exhibit the draft POM. Consent from the Minister was received in July 2020.

The draft POM was open for public comment for 42 days, from 12 August to 23 September 2020 and an independently facilitated Public Hearing regarding the proposed change of category was held on 26 August 2020.

A total of 30 external submissions were received from individuals, community groups and clubs. The majority of these were opposed to the proposal to realign the fencing of NATA Oval and add landscaping to create a more 'park-like' feel. As a result of all submissions, a number of

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**CAR20/019 NAROOMA SPORT AND LEISURE PRECINCT PLAN OF  
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minor amendments were made to the draft POM and accompanying landscape master plans as described in this report.

The NSW Minister for Planning, Industry and the Environment – Crown Lands and the results of the independently chaired Public Hearing support the proposed change of category for Lot 7026 DP 1020248 and Lot 476 DP 752155 from Park/General Community Use to Natural Area.

**RECOMMENDATION**

THAT:

1. In accordance with Section 3.23(6) of the Crown Land Management Act 2016 and pursuant to Section 40 of the Local Government Act 1993, Council adopt the Narooma Sport and Leisure Precinct Plan of Management (POM) including the amendments made to the draft POM, and the change of category of Lot 7026 DP 1020248 (Crown Reserve 80515) and Lot 476 DP 752155 (Crown Reserve 63051) from Park/General Community Use to Natural Area.
2. An electronic copy of the adopted Narooma Sport and Leisure Precinct Plan of Management, the relevant council minute and the report from the independently chaired Public Hearing into the proposed change of category be forwarded to the NSW Minister for Planning, Industry and the Environment – Crown Lands as the land owner.
3. All contributors to the Narooma Sport and Leisure Precinct draft Plan of Management be thanked in writing.

**BACKGROUND**

The *NSW Crown Land Management Act 2016* (CLM Act) came into force on 1 July 2018 and as the appointed land manager, Council is required to prepare a new POM for Crown Reserves as if they were community land under the *NSW Local Government Act 1993* (LG Act).

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

The POM for the Narooma Sport and Leisure Precinct includes Crown Reserve 80515 (Bill Smyth Oval Reserve) and Crown Reserve 63051 (Narooma Tourist Information Centre Oval (NATA) Reserve), which comprises NATA Oval, the Narooma Leisure Centre, Swimming Centre, Narooma Easts Holiday Park and the Wagonga Inlet foreshore north to the Narooma Bridge. The previous POM was drafted by Council and adopted by the NSW Department of Lands on 27 February 2008.

Possible future developments for the Reserves are illustrated in landscape master plans provided at Appendix A of the POM. The landscape master plan for Bill Smyth Oval also meets the recommendation of the Recreation and Open Space Strategy 2018, Action S3.

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In March 2019 Council engaged Localé Consulting and Ayling Drury Landscape Architecture to prepare the POM and accompanying landscape master plans, alongside Council staff, after a competitive selection process from Council's Professional Services Panel.

The draft POM was prepared in 2019 and after endorsement by Council in November 2019 was sent to the NSW Minister for Planning, Industry and the Environment – Crown Lands as the land owner for consent to publicly exhibit the draft POM. Council was requested to make a number of minor changes to the POM before it could be publicly exhibited, and consent from the Minister was received in July 2020.

The draft POM was open for public comment for 42 days, in accordance with Section 38 of the LG Act, from 12 August to 23 September 2020. A Public Hearing regarding the proposed change of category was independently facilitated by the Principal Planner from Localé Consulting on 26 August 2020, in accordance with Section 40A of the LG Act. Public exhibition of the independent report into the proposed change of category also occurred, in accordance with Section 47G(3) of the LG Act.

## **CONSIDERATIONS**

Crown Reserve 80515 was gazetted as Public Recreation/Resting Place on 23 March 1958, and Crown Reserve 63051 was gazetted as Public Recreation/Resting Place on 13 November 1931 and the additional purpose of Community Purposes was later authorised under Section 121A of the *Crown Lands Act* 1989.

In accordance with the LG Act, the POM has been drafted to support the efficient day to day management of the Reserves and to facilitate identified development initiatives. The Implementation Action Plan at Section 7 of the POM (pages 61-66) contains eight management objectives and 27 actions with corresponding performance targets and measures.

Management Objectives addressed by the Management Action Plan for the Reserves are as follows:

1. Maintain and grow tourism and events users
2. Maintain and grow formal sporting use
3. Facilitate increased passive recreation and public access
4. Improve usage of underutilised infrastructure
5. Define roles and responsibilities of user groups
6. Integrate signage, public art and wayfinding devices
7. Integrate, protect and enhance natural and cultural features
8. Manage user group leases and licences.

## **Legal**

Under transitional arrangements of the CLM Act, the interim category of Park/General Community Use was applied to the land under Section 36G of the LG Act. As a result of

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**CAR20/019 NAROOMA SPORT AND LEISURE PRECINCT PLAN OF  
MANAGEMENT**

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S006**

stakeholder consultation, the draft POM proposed that the category of Natural Area be applied to Lot 7026 DP 1020248 (Bushland category) and Lot 476 DP 752155 (Foreshore category).

The former of these lots comprises the vegetated hill on the south-eastern side of Bill Smyth Oval, which also forms part of a designated Aboriginal Heritage Conservation Area. The latter is a small area currently below the high tide line of Wagonga Inlet on the northern side of the foreshore.

In justifying the proposed change of category, Council provided Crown Lands with relevant supporting information from stakeholder consultation, the LEP and 2008 Aboriginal Heritage Study, along with the draft POM.

On 15 July 2020, a delegate of the NSW Minister for Planning, Industry and the Environment – Crown Lands, granted consent to Council’s application to alter the categorisation of Lot 7026 DP 1020248 and Lot 476 DP 752155 to Natural Area.

No objections to this recategorisation were received at the independently chaired public hearing held on 26 August 2020, in accordance with Section 40A of the LG Act. The Report of Public Hearing is at Attachment 2. The Report was public exhibited on Council’s website in accordance with Section 47G(3) of the LG Act.

#### *Native Title*

In accordance with the *Native Title Act 1993* and the CLM Act, Council’s Native Title Manager notified Native Title Services Corporation (NTS Corp) on 13 August 2020 regarding the Narooma Sport and Leisure Precinct Plan of Management. Council received no response during the stated public exhibition period, which indicates that the activities and actions proposed in this POM are not likely to impact Native Title at Bill Smyth Oval and Narooma Tourist Information Centre Oval (NATA) Reserves.

#### **Policy**

Outcomes for the Reserve are consistent with the community’s objectives and Council’s corporate objectives as outlined in the Eurobodalla Community Strategic Plan and the Council’s Delivery Program 2017-21.

All event organisers are required to comply with Council's Events Policy and the Eurobodalla Event’s Guide while dog owners will be required to adhere to the Companion Animal Management Plan.

#### **Environmental**

The majority of the Precinct is zoned as RE1 – Public Recreation in the Eurobodalla Local Environment Plan 2012 (LEP). The Narooma Easts Holiday Park, Lot 916 DP823230, within Crown Reserve 63051 is zoned RE2 – Private Recreation.

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Management Objective 7 - *Integrate, protect and enhance natural and cultural features* (page 65), is supported by four actions that serve to protect water quality, native vegetation and biodiversity while offering environmental safeguards for new developments and targets for reduced consumption of energy, water and waste.

**Asset**

The following Management Objectives (pages 62-64) are supported by 18 actions that serve to maintain and enhance Reserve assets, supporting a range of current and future activities and events.

- Management Objective 1 - *Maintain and grow tourism and events users*
- Management Objective 2 - *Maintain and grow formal sporting use*
- Management Objective 3 - *Facilitate increased passive recreation and public access*
- Management Objective 4- *Improve usage of underutilised infrastructure*
- Management Objective 6 - *Integrate signage, public art and wayfinding devices.*

The landscape master plans at Appendix A of the POM illustrate developments proposed for the Reserves in realising the intent of the POM. New assets proposed are subject to funding availability, detailed design and required approvals.

**Social Impact**

As Crown land, the Precinct has been used by the Eurobodalla community for almost a century for public recreation purposes. The area also has strong Aboriginal cultural significance. In more recent times, Council and various user groups, have worked to activate spaces, support clubs and events, and enhance the appeal and functionality of the Reserves.

The POM continues to support and further enhance the multitude of uses and activities at the Reserves, outlining the following social impact and development outcomes.

- The Reserves will continue to have a mix of formal sporting, recreational, cultural and social activities
- Parts of the Reserves will continue to be available for large and small events with selected buildings available for functions and other activities
- The Reserves will be open to the general public for passive recreation when not in use for scheduled sports and events
- The Reserves will continue to support tourism through the leased or contracted operation of the Narooma Easts Holiday Park, Swimming Centre and Visitors Information Centre building
- Council will seek funding to further develop and improve the sites and facilities to better service community needs in alignment with the POM landscape master plans.

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MANAGEMENT**

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### **Economic Development Employment Potential**

Management Objectives within the POM seek to increase use of existing facilities and provide improvements that would support a wider range of community and regional functions and events to those already held on the Reserves.

Ongoing leasing/contracting of the Narooma Easts Holiday Park, Swimming Centre and Visitors Information Centre provides a range of employment opportunities and contributes to tourism activities in the region.

### **Financial**

As a statutory document, the POM has few new financial implications for Council or other stakeholders. All non-regulatory actions in the draft POM's Management Action Plan and accompanying landscape master plans of a capital or renewal nature are subject to demand and the availability of internal and/or external funds.

### **Community and Stakeholder Engagement**

Community input collected in the period 2017-2020 has provided detailed local knowledge about the history, usage and desired future of the Reserves for the preparation of the POM and landscape master plans.

Stakeholder engagement undertaken during this period included:

- Repeated workshops and meetings with Reserve user sporting and interest groups
- Workshops and meetings with business and tourism operators
- Meetings with representatives of the Wagonga LALC onsite and at the LALC office
- Community drop-in session and community survey, accessible online and in paper copy
- Conversations with State Government organisations
- Liaison with Council's Youth, Aboriginal, Public Art, Disability Inclusion and Heritage Advisory Committees
- Articles on social media, in Council's newsletter, Community Noticeboard and on Council's website
- 42 days of public exhibition of the draft POM
- A Public Hearing into the proposed change of category.

In accordance with Council Motion 19/025 (26 November 2019) and consent from Crown Lands, the draft POM was placed on public exhibition for 42 days from 12 August to 23 September 2020. The Public Hearing on 26 August 2020 was run online and in person in accordance with the COVID-19 Legislation Amendment (Emergency Measures) Bill 2020 and Environmental Planning and Assessment Amendment (COVID-19 Planning Bodies) Regulation 2020. The results of the Public Hearing supported Council's proposal to change the category of Lot 7026 DP 1020248 and Lot 476 DP 752155.

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**CAR20/019 NAROOMA SPORT AND LEISURE PRECINCT PLAN OF  
MANAGEMENT**

**OP0053-  
S006**

***Submissions and changes to the draft plan***

During the public exhibition period, 30 external submissions and five internal submissions were received on the draft POM. The external submissions were received from individuals, community groups and clubs. The majority of these (25) were opposed to the proposal to realign the fencing of NATA Oval and add landscaping to create a more 'park-like' feel, citing the use of the whole existing site for dog training activities as well as the site's use for emergency evacuation during the 2019-20 bushfires.

A summary of submissions and responses is provided at Attachment 1 and the original submissions are provided as confidential Attachment 4.

Changes from the draft POM as a result of submissions are as follows:

1. Addition of a specific action (4B) regarding the determination of future opportunities for the Visitor Information Centre building as separate from the action relating to the Swimming and Leisure Centres (pages 3, 63)
2. Amendment of action 7A to further strengthen appropriate assessment and management of natural areas (pages 3, 65)
3. Addition of references to the use of the Leisure Centre and NATA Oval as emergency evacuation points during the 19-20 bushfires (pages 23-24, 28-29)
4. Addition of a recommended list of plant species for use along the foreshore (page 45, master plans)
5. Addition of a reference to existing interpretive signage (page 49) and note shared heritage history of the area (pages 50-51)
6. Removal of references to adding park-like facilities and realigning the fence around NATA Oval (page 54) and corresponding changes to the NATA Oval landscape masterplan.
7. Replacing specific reference to future use of the Visitors Information Centre building as a local art space (noting that this will not preclude this as a possible future use) with more general tourism, recreation or community purposes (page 54)
8. Amendment of typographical errors, as well as minor adjustments to formatting and some text to improve consistency and clarity (throughout).

**CONCLUSION**

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

The draft POM for the Narooma Sport and Leisure Precinct for Bill Smyth Oval Reserve (Crown Reserve number 80515) and the Narooma Tourist Information Centre Oval (NATA) Reserve (Crown Reserve number 63051) and accompanying landscape master plans have been prepared with significant consultation over 2019-20.



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**CAR20/019 NAROOMA SPORT AND LEISURE PRECINCT PLAN OF  
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**OP0053-  
S006**

The draft POM has been endorsed by NSW Minister for Planning, Industry and the Environment – Crown Lands as the land owner, including the proposal to change the category of Lot 7026 DP 1020248 (Reserve 80515) and Lot 476 DP 752155 (Reserve 63051) from Park/General Community Use to Natural Area. The results of an independently chaired Public Hearing also support the proposed change of category for the two land parcels from Park/General Community Use to Natural Area.

The draft POM was open for public comment for the required 42 days from 12 August 2020. Thirty external and five internal submissions were received resulting in a number of minor amendments to the draft POM and landscape master plans as described in this report.

The Narooma Sport and Leisure Precinct Plan of Management is now recommended for adoption.

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**CAR20/020 REQUEST FOR TENDER NO 2021-012 – CAPTAIN OLDREY NETBALL  
COURT UPGRADE**

**S004-  
T00001**

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

Attachments: 1. Confidential - Captain Oldrey Netball Court Upgrade Tender

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.3 Encourage and enable healthy lifestyle choices

Delivery Program Link: 1.3.1 Activate and motivate our community to embrace healthy lifestyles

Operational Plan Link: 1.3.1.1 Support community and recreation groups to manage and develop their clubs

### **EXECUTIVE SUMMARY**

This report outlines the price structure of the tenders received in response to Request for Tender (RFT) No 2021-012 – Captain Oldrey Netball Court Upgrades and provides a recommendation that Council approve the submission of the preferred tenderer as identified in the confidential attachment.

### **RECOMMENDATION**

THAT:

1. Council endorse the selection of the preferred tenderer listed for RFT 2021-012 Captain Oldrey Netball Court within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

### **BACKGROUND**

Through extensive consultation during the Recreational and Open Space Strategy 2018 and the Captain Oldrey Masterplan, there was an identified need to improve the existing netball courts and increase the number of playing courts at Captain Oldrey Reserve, Broulee. Council subsequently sought, and was successful in achieving a grant of \$475,000 through the Australian Government, Australian Sports Commission, community sport infrastructure grant program to upgrade netball courts at our regional facility.

Council consulted with the Netball Association to understand the needs and impacts of the works, and subsequently developed design specifications to incorporate into tender documentation.

RFT 2021-012 was advertised from 29 September 2020 with a closing date of 27 October 2020.

One submission was received from the following tenderer and was assessed in line with the nominated evaluation method:

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**CAR20/020 REQUEST FOR TENDER NO 2021-012 – CAPTAIN OLDREY  
NETBALL COURT UPGRADE**

**S004-  
T00001**

1. Court Craft (AUST) PTY LTD

The submission received detailed similar work which had been undertaken for many local governments across the country, as well as private contracts for sport surface resurfacing. The company is well regarded within the industry and is recommended by Netball NSW.

**CONSIDERATIONS**

Whilst only one tender was received for this project, the submission received complies with all requirements for tender, is within the allocated budget for the project, and is from an organisation with a very good history in delivering similar projects.

**Legal**

Request for Tender (RFT) No. 2021-012 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

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

The offer submitted by the preferred tenderer has been assessed as representing good value for money for Council due to the skillset and quality of product delivered by the contractor.

**Policy**

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the Local Government Act 1993.

**Environmental**

Council has completed a Review of Environmental Factors (REF) and received an Aboriginal Heritage Impact Permit (AHIP) to undertake the works associated with this tender.

A condition of tender is the requirement to have and maintain an environmental management plan for the duration of the works.

**Social Impact**

There are approximately 500 registered netball players who compete at our regional netball courts at Captain Oldrey Reserve in Broulee every weekend during the winter season.

The upgrade of existing netball courts, and construction of 2 new courts, will allow a higher grade of netball competition at our regional netball facility, and better meet current and future demands. The surfacing specified as part of this tender is a high grade competition standard, suitable for all ranges of play.

**Financial**

The project of Captain Oldrey Netball Upgrade is grant funded through the Australian Government, Australian Sports Commission, community sport infrastructure program. The

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**CAR20/020 REQUEST FOR TENDER NO 2021-012 – CAPTAIN OLDREY  
NETBALL COURT UPGRADE**

**S004-  
T00001**

awarded grant funding is sufficient to undertake the works through this tender process, with no Council funds required.

**Communication / Consultation**

The following stakeholders were consulted in the development of the Request for Tender.

As part of the tender process, Council consulted with the Captain Oldrey sporting groups including Soccer, Rugby Union and specifically the Netball association. Council staff have had a number of meetings with the Netball association to ensure they are engaged with the process and outcomes.

Council also sought advice from Netball NSW in relation to the upgrades.

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

**CONCLUSION**

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

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

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**CAR20/021 REQUEST FOR TENDER NO 2021-015 – CAPTAIN OLDREY  
AMENITIES UPGRADE**

**S004-  
T00001**

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

Attachments: 1. Confidential - Confidential Attachment - Captain Oldrey Amenities Upgrade Tender

Outcome: 1 Strong Communities, Desirable Lifestyle

Focus Area: 1.3 Encourage and enable healthy lifestyle choices

Delivery Program Link: 1.3.1 Activate and motivate our community to embrace healthy lifestyles

Operational Plan Link: 1.3.1.1 Support community and recreation groups to manage and develop their clubs

### **EXECUTIVE SUMMARY**

This report outlines the price structure of the tenders received in response to Request for Tender (RFT) No 2021-015 – Captain Oldrey Amenities Upgrade and provides a recommendation that Council approve the submission of the preferred tenderer as identified in the confidential attachment.

### **RECOMMENDATION**

THAT:

1. Council endorse the selection of the preferred tenderer listed for RFT 2021-015 Captain Oldrey Amenities Upgrade within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report

### **BACKGROUND**

Through extensive consultation during the Recreational and Open Space Strategy 2018 and the Captain Oldrey Masterplan, there was an identified need to improve the existing amenities at the site. This includes improvements to the existing changerooms and toilets, and the provision of additional changerooms, primarily directed at female participants of netball, but also available for all sporting users at Captain Oldrey Reserve, Broulee.

Council subsequently sought, and was successful in achieving a grant of \$353,000 through the New South Wales Stronger Country Communities fund to upgrade the sporting amenities and netball facilities at our regional netball facility in Broulee. In addition to this, Council allocated an additional \$200,000 from the Bushfire Relief Fund to support the project to complete all of the required works.

Council consulted with the key stakeholders and user groups with positive responses received from all participants.

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**CAR20/021 REQUEST FOR TENDER NO 2021-015 – CAPTAIN OLDREY  
AMENITIES UPGRADE**

**S004-  
T00001**

RFT 2021-015 was advertised through Tenderlink from 7 October 2020 with a closing date of 27 October 2020.

Four submissions were received from the following tenderers and these were assessed in line with the nominated evaluation method:

1. Monarch Building Solutions
2. Bay & Coast Plumbing
3. Hammertime Constructions
4. Brown Building Services

### **CONSIDERATIONS**

The submissions received were all compliant tenders from reputable contractors. The preferred tender, as identified in the confidential attachment, is priced within the allocated budget for this project, and all works will be completed within grant timeframe requirements.

#### **Legal**

Request for Tender (RFT) No. 2021-015 was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and Local Government Act 1993.

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

The offers submitted by the tenderers have been assessed as compliant tenders. The tender identified in the confidential attachment as the preferred tenderer has been assessed as representing best value for money.

#### **Policy**

The procurement activity for which this report applies has been conducted in accordance with Council's Procurement Policy, Code of Practice – Procurement, Code of Practice – Tendering, the Local Government Procurement Guidelines, Local Government (General) Regulation 2005 and the Local Government Act 1993.

#### **Environmental**

Council has completed a Review of Environmental Factors (REF) and received an Aboriginal Heritage Impact Permit (AHIP) to undertake the works associated with this tender.

A condition of tender is the requirement to have and maintain an environmental management plan for the duration of the works.

#### **Social Impact**

The upgrade of existing sporting amenities at Captain Oldrey Reserve will provide for a better quality sporting and spectator experience for all users. The additional changerooms will provide a safe and secure change area for female participants of netball during competition, and will be available for use by the wider community whenever netball competition is not underway.

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**CAR20/021 REQUEST FOR TENDER NO 2021-015 – CAPTAIN OLDREY  
AMENITIES UPGRADE**

**S004-  
T00001**

These works, together with the upgrade of the netball courts and upgrade of the sporting playing surface, which is due for completion in November 2020, will create a quality sporting hub that meets current and future demands.

**Financial**

The project of Captain Oldrey Amenities Upgrade is part grant funded to \$353,000 through the New South Wales Stronger Country Communities fund and part funded \$200,000 from Council's Bushfire Relief fund. The total allocation of funding is sufficient to undertake the works through this tender process.

**Community and Stakeholder Engagement**

The following stakeholders were consulted in the development of the Request for Tender.

As part of the tender process, Council consulted with the Captain Oldrey sporting groups including Soccer, Rugby Union and specifically the Netball association. Council staff have had a number of meetings with the key stakeholders to ensure they are engaged with the process and outcomes.

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

**CONCLUSION**

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

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

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## 15. 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.



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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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

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

## AGENCY ADVICE

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

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

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

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

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

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

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

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

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

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.

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

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<b>Acronym</b>	<b>Meaning</b>	<b>Description</b>
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.