



# **AGENDA**

**Ordinary Meeting of Council**

**26 March 2019**



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

**ON TUESDAY 26 MARCH 2019**

**COMMENCING AT 10.00AM**

**AGENDA**

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

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|--|-----------------|
| <b>1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY &amp; EVACUATION MESSAGE</b>     |                 |
| <b>2. APOLOGIES</b>  |                 |
| Nil  |                 |
| <b>3. PUBLIC FORUM (AGENDA ITEMS ONLY)</b>                                 |                 |
| <b>4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>                      |                 |
| 4.1 Ordinary Meeting held on 12 March 2019                                 |                 |
| <b>5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA</b>                |                 |
| (Declarations also to be made prior to discussions on each item)           |                 |
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Nil

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**18. CONFIDENTIAL MATTERS**

**DR CATHERINE DALE  
GENERAL MANAGER**

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**NOM19/002 COAST SNAP MONITORING PROGRAM**

E09.3154

Responsible Officer: James Thomson - Councillor

Attachments: Nil

Councillor James Thomson has given notice that at the Ordinary Meeting of Council on 26 March 2019 he will move the following motion.

**MOTION**

THAT Council

1. Establish a CoastSnap Beach Monitoring Program at Broulee and Melville Point.
2. Provide an initial budget of \$15,000 to establish the CoastSnap Beach Monitoring Program inclusive of equipment, site setup, initial survey calibration and data processing for the first year of operation.
3. Provide an annual budget of \$8,000 for data collection and processing.
4. Contact the Water Research Laboratory to initiate a contract to provide services to establish and maintain a CoastSnap Beach Monitoring Program at Broulee and Melville Point.

**BACKGROUND**

On 18 September 2018, Councillors were briefed on the outcomes of my original Notice of Motion (NOM17/014) in regard to the CoastSnap Beach Monitoring Program inclusive of an estimate of the associated budget requirements and identification of potential monitoring sites.

Council's support is now sought to fund the installation and maintenance of CoastSnap beach monitoring stations at two locations (Broulee and Melville Point) in Eurobodalla.

The program provides opportunities for the members of the community to further engage with the coastline and become citizen beach scientists by capturing and sharing a photo with a mobile device using innovative CoastSnap precision photo-points. The photo-point is simple technology consisting of a purpose built, stainless steel bracket fixed to existing beach infrastructure such as a viewing platform. Participants place their mobile device onto the bracket, take a photo and upload it to the program's Facebook page or the Office of Environment and Heritage (OEH) website. By controlling the position and angle of the camera, it is possible to measure beach features in the photos, providing an accurate record of the beach state and shoreline position at the time of capture. The Water Research Laboratory (UNSW Sydney) operate a service to establish and maintain the program.

A photograph of the equipment has been attached below. Details of the program can be viewed on the OEH website:

<http://www.environment.nsw.gov.au/research-and-publications/your-research/citizen-science/digital-projects/coastsnap>

The shared photos taken from fixed locations will be used to measure change in the shoreline position and beach width. Over time, the CoastSnap community beach monitoring database will

**NOM19/002 COAST SNAP MONITORING PROGRAM**

**E09.3154**

provide new insights on beach response to changing wave conditions and storms, which will help communities to understand and manage our dynamic coast.

The program provides multiple benefits to our local community and visitors by providing an opportunity to participate in local coastal science. Broulee has three schools that will also benefit through installing a CoastSnap station that can be easily accessed and provide a valuable educational tool. In addition, the program will link local young people to a broader scientific community outside of the Eurobodalla. The program will position Eurobodalla as an area of global scientific interest and build on over 40 years of continuous beach monitoring at Broulee Beach, which is the longest continual beach profile monitoring site in the world.



Figure 1: CoastSnap bracket mounted on existing Council infrastructure (source, OEH)



Figure 2: Detail of CoastSnap bracket (source, OEH)

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**QON19/004      BATEMANS BAY COMMUNITY CENTRE**

E17.1041

Responsible Officer: Anthony Mayne - Councillor

Attachments:          Nil

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

**Question**

The Batemans Bay Community Centre, with its dividable hall, large and small meeting rooms, rentable office space and a commercial scale kitchen has been a hub of community activity for many years. With the Mackay Park development, a number of residents have raised questions about the future of the Community Centre. In these discussions it appears that a number of people are not aware as to how the Centre's functions are proposed to be integrated into the Mackay Park development. The purpose of this question on notice is to help shed further light on this issue.

At present a variety of activities are undertaken in the Community Centre, including:

- U3A has some 40 bookings a week there (including weekend talks);
- there is a youth café;
- dance classes;
- a food and crafts market;
- social outreach events,
- activity classes,
- Meals on Wheels

It is:

- easily accessible
- has plentiful parking
- has a sense of ownership by the community
- a carpark between it and the Museum that can easily be sectioned off for outdoor markets, festivals and events
- access to the Water Gardens &
- includes public toilets.

What is the planned future, including timeframe, of the Batemans Bay Community Centre in Museum Street, Batemans Bay?

Could Council outline the process utilised to engage the community about this future direction of the Centre. What is the identified social impact of the proposed sale?

Why is the sale of the Centre necessary? What impact will the sale of the Centre have on the Mackay Park business case?

Is it possible to maintain the community centre and also realise the Mackay Park project?

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**QON19/004 BATEMANS BAY COMMUNITY CENTRE**

**E17.1041**

What is the history of the Community Centre and who owns it?

**Response**

*Prior to answering the specific questions, it is necessary to respond to some of the comments made in the background.*

*Mackay Park is as accessible, and in the case of many potential users, more accessible than the Batemans Bay Community Centre (BBCC). In particular residents from Nelligen, North Batemans Bay, Surfside, Long Beach, Maloneys Beach and South Durras would drive past Mackay Park to access the BBCC.*

*By way of background, the Batemans Bay Community Centre was booked by 112 organisations in 2018, 45 of which were one off users. The main regular users of the facility during that time were the Batemans Bay Growers and Farmers market, Council's Youth Café and martial arts groups. Meals on Wheels and U3A were also regular users, with U3A averaging around 4 bookings per week.*

*Further, the proposed Aquatics, Arts and Leisure Centre will include toilets for the public, will have over 200 car spaces (including designated car spaces for people with a disability and facilities for the recharging of electric cars), in addition to the spaces adjoining and adjacent to the former Bowling Club site, and set down areas. People will also have access to the green space and the landscaped gardens in and around Mackay Park.*

*Council has not made a decision to sell the existing BBCC. It has been identified that it could possibly be sold or leased, to offset construction and/or ongoing operational costs associated with the proposed Aquatics, Arts and Leisure Centre. Council has, through the Frequently Asked Questions (FAQs), available on Council's web site and circulated in hard copy, advised that the sale or lease of the Visitor Information Centre (VIC) and BBCC are potential sources of funding to meet the cost of the proposed facility.*

*The business case prepared by Otium and adopted by Council, is based upon funds currently used to operate the BBCC and VIC, being redirected to meet operating costs of the Aquatic, Arts and Leisure Centre and to calculate the net operational cost to Council and therefore the community of that facility.*

*The concept plans provide meeting and multi-purpose spaces, in excess of the capacity provided at the BBCC. It also contains food handling/service area, dance and rehearsal area, and flat floor area in the theatre, plus the 350 seat capacity of the theatre. This is significantly more capacity seating than exists at the BBCC, which requires seating to be set up and packed up for and after each event. Additionally, Council has a number of other facilities, Mackay Park and Hanging Rock functions rooms and the Malua Bay Community Centre, which have the capacity to handle additional activities.*

*Council has engaged with a range of user groups of the BBCC (including the U3A) prior to the design stage and again in conjunction with NBRs Architecture to review the three concept plans.*

*If Council were to maintain the BBCC, it would increase the net operating cost of the Aquatic, Arts and Leisure Centre, and the overall operational costs. In addition, maintaining the existing facility would remove potential sale or lease options, and the potential revenue arising from such, further increasing the costs to the community.*



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**QON19/004 BATEMANS BAY COMMUNITY CENTRE**

**E17.1041**

*Council would not be in a position to vacate the BBCC until the Aquatic, Arts and Leisure Centre has been constructed and is operational.*

*The centre was opened on 30 June 1996 and has operated as a community centre as described in the Notice of Motion. The BBCC is owned by Council and is located on operational land, meaning that it can be sold or leased should Council resolve to do so.*

**RECOMMENDATION**

THAT the response to the question regarding Batemans Bay Community Centre raised by Councillor Anthony Mayne be received and noted.

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**GMR19/005 DRAFT CODE OF MEETING PRACTICE**

**E06.0429**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Appendix A  
2. Under Separate Cover - draft Code for public exhibition

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

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

**EXECUTIVE SUMMARY**

The purpose of this report is to present the draft Code of Meeting Practice for public exhibition for a period of 42 days.

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

Council endorsed a submission to the Office of Local Government's (OLG) Draft Consultation Code of Meeting Practice on 13 March 2018. OLG released the prescribed Model Meeting Code on 14 December 2018.

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

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

*The Model Meeting Code was released with two elements:*

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

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**GMR19/005 DRAFT CODE OF MEETING PRACTICE**

**E06.0429**

Staff have reviewed Council's current Code of Meeting Practice against the new proposed Model Meeting Code to ascertain which practice notes and Clauses from its current Code should be included into the draft Code. This information is highlighted in yellow. The draft Code has been developed to ensure that it does not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

While Council's current Code of Meeting Practice incorporates many of the mandatory and non-mandatory provisions contained in OLG's model code, there are a number of changes including meeting principles, mayoral minutes, public forum, rescission motions and authority to cancel a meeting in emergency situations.

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

**RECOMMENDATION**

THAT:

1. Council endorse the draft Code of Meeting Practice for public exhibition for a period of not less than 42 days.
2. Public submissions be invited on the draft Code of Meeting Practice from 3 April 2019 to 15 May 2019.
3. A further report be presented to Council on 11 June 2019 to consider adoption of the draft Code of Meeting Practice.

**BACKGROUND**

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

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

Irrespective of whether councils have adopted a code of meeting practice based on the Model Meeting Code, all councils (but not joint organisations) will be required to webcast meetings of the council and committees of which all members are councillors from 14 December 2019. The

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**GMR19/005 DRAFT CODE OF MEETING PRACTICE**

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webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website. Council commenced webcasting on 10 February 2015.

Before adopting a new code of meeting practice, under section 361 of the Local Government Act, councils are required to exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code. It is recommended that Council place its draft Code on public exhibition for 42 days.

**CONSIDERATIONS**

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

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

All mandatory provisions are listed in black in the draft Code of Meeting Practice. These provisions cannot be changed.

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

**GMR19/005 DRAFT CODE OF MEETING PRACTICE**

**E06.0429**

Given that the non-mandatory provisions are OLG benchmarks, careful consideration on the removal of such provisions has occurred and the table in Appendix A, outlines the provisions that are NOT included in the draft Code of Meeting Practice and the reasons for non-inclusion or the proposed replacement text.

The draft Code includes a number of changes to the Council's current code. These recommended changes reflect OLG's benchmarks for best practice.

**Key Changes in Model Meeting Code**

There are a number of changes and new elements made to the Model Meeting Code. Council's current Code of Meeting Practice, adopted in 2014, is a comprehensive document that covered a number of the key changes proposed by the Model Meeting Code.

The following table highlights the key differences and Council's response to those changes:

Elements	Staff response
<b>Part 1 - Meeting principles</b>	
Clause 1.1	This is a new mandatory provision.
<b>Part 2 - Before the Meeting</b>	
Clause 2.2 (3) Meeting commencement time	Meetings to commence at 11.00am.
Clause 2.18 Timing for giving notice of Notice of Motion	Councillors to give notice of a Notice of Motion by 12.30pm on the Friday proceeding the distribution of the agenda for that Council meeting.
Clause 2.24 Timing for giving notice of Question with notice	Councillors to submit Question on Notice by 12.30pm on the Friday proceeding the distribution of the agenda for that Council meeting.
Clause 2.52 – 2.56 Optional rules for pre-meeting Councillor briefing	Staff support this optional rule. This replaces the briefing section of the current Meeting Code.
<b>Part 3 - Public Forum</b>	
Clause 3.1-3.24 Optional rules for public forums	Staff support this optional rule that Public Forum is not part of the Council meeting. See further details in the report detailed below.
<b>Part 4 - Coming Together</b>	
Clause 4.16 Cancellation of meeting in case of an emergency	This provides for the cancellation of a meeting where there is a safety concern due to a natural disaster
<b>Part 8 – Consideration of Business at Council Meeting</b>	

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Clause 8.9 New rules limiting the use of mayoral minutes without notice to cases of urgency	This is a mandatory provision.
<b>Part 12 – Dealing with Items by Exception</b>	
Clause 12.1 – 12.7 Optional rules allowing items to be adopted in block	Staff support the inclusion of this section. This is a standard practice for this Council.
<b>Part 13 - Closure of Council Meeting to the Public</b>	
Clause 13.11 Time to notify Council of request to address Council	Representation regarding closure at the meeting for confidential items on the agenda by 12.00noon the business day prior to the Council meeting.
Clause 13.13 Options for the number of speakers	No more than 10 speakers to make representations regarding closure of the meeting to consider items listed on the Agenda.
Clause 13.14 Process for managing speakers	This provides a process if there are more than 10 speakers.
Clause 13.16 Options for the number of speakers	No more than 10 speakers to make representations regarding closure of the meeting if items are to be considered in confidential during the meeting.
Clause 13.17 Time limit of speakers	Representation in this section to be limited to two minutes.
<b>Part 16 – Decisions of the Council</b>	
Clause 16.14 - 16.19 Optional rules allowing rescission motions to be dealt with at the same meeting in cases of urgency and allowing to be recommitted to correct an error	Staff support the inclusion of this section. This provides for a rescission motion at the same Council meeting, if a great urgency or to correct an error, ambiguity or imprecision.
<b>Part 17 – Time limits on Council Meetings</b>	
Clause 17.1-17.3 Optional rules placing time limits on meetings	Staff support the inclusion of this section. This is a standard practice for this Council.

The most significant change is in relation to Public Forum. OLG states that

*‘Public forums **should not** be held as part of a Council or committee meeting. Council or committee meetings should be reserved for decision-making by the Council or committee of Council. Where a public forum is held as part of a Council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of*

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*Council and committee meetings*'. (Pg 16 of OLG's Model Code of Meeting Practice for Local Councils in NSW)

OLG further strongly recommend: *'The provisions governing public forums contained in the Model Meeting Code reflect what OLG sees to be best practice and have been informed by the following considerations:*

- *Councils should have a comprehensive community engagement strategy in place to ensure that the views of affected persons and (where relevant) the community as a whole are considered in council decision making. This will soon be a statutory requirement. Public forums at council meetings are not an appropriate substitute for effective community consultation and councils need to be mindful that the views expressed at public forums will not necessarily be representative of the views of other affected parties or the broader community.*
- *Public forums should operate as an input into council decision-making at meetings. This means that they should be focussed on the matters under consideration at a council meeting and not permit free ranging discussion of other matters that are not being dealt with at the meeting.*
- *In the interests of ensuring informed decision making, there should be a gap between the public forum and the meeting to allow councillors the time to properly consider matters raised at the public forum and, if necessary, to seek further input and guidance from staff before being required to make a decision on those matters.*
- *Council meetings should operate as a forum for debate and decision making by the community's elected representatives. Public forums should not operate in a way that displaces this as the principal purpose of council meetings nor operate as a platform for others to participate in debate with elected officials on matters under consideration at a meeting.*
- *Participation in a public forum is a privilege not a right. It should be within the discretion of a council to withdraw this privilege where a person fails to respect meeting rules or engages in disorderly conduct.'* (OLG FAQ attached to Circular 18-45).

In the context of those provisions, Council has an adopted Community Engagement Framework, which guide how projects, both Shire wide and local, engage the community in order to provide feedback from interested parties prior to Council making a decision.

In addition staff:

- Provide a full copy of all submissions to Councillors.
- Summarise key issues and provide a staff response to concerns or suggestions in regard to changes to the recommendations or why no change has been recommended.
- Provide a pre-meeting briefing on all issues that have been raised by the community and any policy or legal ramification.

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Community members can also contact Councillors directly to express their views.

To ensure that Council's draft Code aligns with the OLG benchmark, it is proposed that Public Forum will be held at 9.30am for one hour prior to the Council meeting, with a possible extension of 15 minutes. This will enable members of the public to present to Council during the decision forming stages of the democratic process and not during the decision making process, which is the Council meeting.

In the infrequent situation where it is known in advance that Council is developing a policy or planning instrument, such as a major change to the Local Environment Policy, that has a significant impact across Eurobodalla, Council can determine to have a dedicated Public Forum session to hear submissions.

By facilitating the Public Forum session prior to the Council meeting, community members can raise issues with Councillors for consideration prior to making the decision.

It is proposed that Public Forum will not be live streamed as it is not part of the decision making process, which is the Council meeting. It is important to note that the objectives of the Model Meeting Code is to promote, *'as the principal object of meetings, the making of decisions by the governing bodies of councils that are in the best interests of the council and the community as a whole and to promote more accessible, orderly, effective and efficient meetings and to provide councils with the tools to achieve these outcomes'*. (OLG FAQ attached to Circular 18-45). By following the OLG benchmark and facilitating a Public Forum session before the Council meeting allows Council meetings to be solely for decision making.

The proposed timeline for Council meeting days is as follows:

9.30am Councillors hear submissions on agenda items with a 15 minute possible extension.

10.30am Councillors have a break to consider submissions.

11.00am Council meeting commences.

It is recommended that speakers be limited to five minutes with no extension. In accordance with OLG guidelines questions from Councillors and answers from speakers must be direct, succinct and without argument. Provisions for managing more speakers than the time allocated for Public Forum is covered in the draft Code and follows OLG's provisions.

It is proposed that presenters send their presentations to Council by 12.00noon on the business day prior to the meeting. Currently presenters are required to provide their presentations at the Council meeting, so this brings that requirement back by one business day. These submissions will be forwarded to Councillors for their information and consideration prior to the Public Forum session.

It is also proposed that Public Access not occur. By way of background, Public Access was developed to enable the community to connect with Councillors. Since its implementation, the way we communicate has evolved and Councillors are now more connected with their



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community. Councillors can be contacted via email or mobile with all contact details published on Council's website.

All provisions highlighted in yellow have been transferred from Council's current Code of Meeting Practice to the draft Code. OLG have indicated that councils can provide additional provisions as long as they do not contradict the mandatory provisions. Additional Clauses on disclosure and misuse of Information, council seal and Appendices from the current Code have also been incorporated into the draft Code.

**Legal**

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

**Policy**

Once adopted, the draft Code of Meeting Practice will become Council's policy for the conduct of its meetings. The draft policy will be placed on public exhibition for a period of not less than 42 days. After the exhibition period, a report will be presented to Council, along with the submissions received for Council consideration.

**Community and Stakeholder Engagement**

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

The final document will be presented for adoption on 11 June 2019.

**CONCLUSION**

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

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

The draft Code of Meeting Practice will be placed on public exhibition for a period of not less than 42 days from 3 April 2019 to 15 May 2019.

The final document will be presented for adoption on 11 June 2019.

## APPENDIX A

The following table highlights the provisions that will NOT be included in the draft Code of Meeting Practice and the reasons for non-inclusion or the proposed replacement text

	Non-mandatory provisions not included	Reasons or replacement text
2.19	A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either: (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the Council, or (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report.	Clause 2.20 enables the General Manager to prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by Council. Clause 2.20 covers this clause.
3.0	<b>PART 3 – PUBLIC FORUMS</b>	
3.4	A person may apply to speak on no more than [number to be specified by the Council] items of business on the agenda of the Council meeting.	No limit necessary to limit the number of topics. Presenters will have five minutes to put their case on any number of topics.
3.7	No more than [number to be specified by the Council] speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.	Replaced with ' <i>No more than one hour will be allocated to public forum prior to Council meeting with a possibility for extension for a further 15 minutes</i> '.
3.8	If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate is to determine who will address the Council at the	Replaced with ' <i>If more speakers apply, than can be dealt with in the allocated time, the General Manager or their delegate may request that up to three (3) speakers for and against to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager will</i>

	public forum.	<i>draw the names from a ballot'.</i>
3.9	If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may, in consultation with the Mayor or the Mayor's nominated Chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.	Replaced with ' <i>If there are more speakers register than time permits, Council could defer the commencement of the Council meeting for 15 minutes only and potentially limit the number of speakers to three to speak 'for' or 'against' any item of business.'</i> <b>and</b> <i>'If more speakers apply, than can be dealt with in the allocated time, the General Manager or their delegate may request that up to three (3) speakers for and against to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager will draw the names from a ballot.'</i>
3.10	Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs no more than [number to be specified by the Council] days before the public forum. The General Manager or their delegate may refuse to allow such material to be presented.	Replace with ' <i>Approved speakers at the public forum are to provide a written copy of their address to the Council by 12.00noon the business day prior to the meeting via email to <a href="mailto:council.meetings@esc.nsw.gov.au">council.meetings@esc.nsw.gov.au</a> or hard copy at Council's main office in Moruya or Batemans Bay or Narooma libraries'</i> .
3.11	The General Manager or their delegate is to determine the order of speakers at the public forum.	Replaced with ' <i>The order of speakers at the public forum is determined by the order of the agenda.'</i>
3.17	The General Manager or their nominee may, with the concurrence of the Chairperson, address the Council for up to [number to be specified by the Council] minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.	Questions to staff or responses by staff can be made during the Council meeting.
6.0	<b>PART 6 – MODES OF ADDRESS</b>	
6.1	If the Chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.	Replace with ' <i>If the Chairperson is the Mayor, they are to be addressed as 'Mayor'.'</i>
6.4	A Council officer is to be addressed by their official designation or as Mr/Ms [surname].	Replace with ' <i>A Council officer is to be addressed by their official designation'</i> .

<b>7.0</b>	<b>PART 7 – ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS</b>	
<b>7.1</b>	At a meeting of the Council, the general order of business is as fixed by resolution of the Council.	Delete and use Clause 7.2
<b>7.2</b>	<p>The general order of business for an ordinary meeting of the Council shall be: <b>[Councils may adapt the following order of business to meet their needs]</b></p> <p>01 Opening meeting  02 Acknowledgement of country  03 Apologies and applications for a leave of absence by councillors  04 Confirmation of minutes  05 Disclosures of interests  06 Mayoral minute(s)  07 Reports of committees  08 Reports to Council  09 Notices of motions/Questions with notice  10 Confidential matters  11 Conclusion of the meeting</p> <p><b>Note: Councils must use either clause 7.1 or 7.2.</b></p>	<p>Replace with: <i>'The general order of business for an ordinary meeting of the Council shall be:</i></p> <p><i>01 Welcome, Acknowledgement of Country and Evacuation Message</i>  <i>02 Apologies and applications for a leave of absence by councillors</i>  <i>04 Confirmation of minutes</i>  <i>05 Disclosures of interests</i>  <i>06 Mayoral minute(s)</i>  <i>07 Notices of motions</i>  <i>08 Questions with notice</i>  <i>09 Petitions</i>  <i>10 Reports to Council</i>  <i>11 Delegate Reports</i>  <i>12 Urgent Business</i>  <i>13 Confidential matters</i>  <i>11 Conclusion of the meeting'.</i></p>
	<i>Mayoral Minutes</i>	
<b>8.10</b>	Where a Mayoral Minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Mayoral Minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the recommendation if adopted.	Clause 2.20 covers this clause.
	<i>Motions requiring the expenditure of funds</i>	
<b>9.10</b>	A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that	Clause 2.20 covers this clause.

	is the subject of the motion. If the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.	
	<i>Voting at council meetings</i>	
10.10	All voting at Council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded. <b>Note: If clause 10.10 is adopted, clauses 10.5 – 10.8 and clause 10.12 may be omitted.</b>	A Councillor can call for a division at any time as per Clause 251(2) of Local Government Regulations: <i>'If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes'.</i>
	<i>Representations by members of the public</i>	
13.11	Where the matter has been identified in the agenda of the meeting under clause 2.37 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 13.9, members of the public must first make an application to the Council in the approved form. Applications must be received by <b>[date and time to be specified by the Council]</b> before the meeting at which the matter is to be considered.	12.00noon the business day prior
13.13	No more than <b>[number to be specified by the Council]</b> speakers are to be permitted to make representations under clause 13.9.	10 speakers
13.16	Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 2.37 as a matter that is likely to be considered when the meeting is closed to the public, the Chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The Chairperson is to permit no more than <b>[number to be specified by the Council]</b> speakers to make representations in such order as determined by the Chairperson.	10 speakers
13.17	Each speaker will be allowed <b>two (2)</b> minutes to make representations, and this time limit is	Two minutes

	to be strictly enforced by the Chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.	
	<i>Expulsion from meetings</i>	
14.16	All Chairpersons of meetings of the Council and committees of the Council are authorised under this code to expel any person, including any councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act.	Clause 14.17 has been included which requires a resolution to expel a Councillor.
	<i>Rescinding or altering Council decisions</i>	
16.10	A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager no later than [Council to specify the period of time] after the meeting at which the resolution was adopted.	Delete. It is considered that once a development application has been dealt with, the decision should not be changed.
16.11	Subject to clause 16.6, in cases of urgency, a Motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where: (a) a Notice of Motion signed by three Councillors is submitted to the Chairperson, and (b) a Motion to have the Motion considered at the meeting is passed, and (c) the Chairperson rules the business that is the subject of the Motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.	Delete. Not supported.
16.12	A motion moved under clause 16.1 (b) can be moved without notice. Despite clauses 9.20 – 930, only the mover of a motion referred to in clause 16.11(b) can speak to the motion before it is put.	Delete. Not supported.
16.13	A motion of dissent cannot be moved against a ruling by the Chairperson under clause 16.11 (c)	Delete. Not supported.
17.0	PART 17 – TIME LIMITS ON COUNCIL	

	MEETINGS	
17.1	Meetings of the Council and committees of the Council are to conclude no later than [2.00pm].	2.00pm
17.2	If the business of the meeting is unfinished at [2.00pm], the Council or the committee may, by resolution, extend the time of the meeting to 3.00pm.	3.00pm

16.12	A Motion moved under clause 16.11(b) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a Motion referred to in clause 16.11(b) can speak to the Motion before it is put.
16.13	A Motion of dissent cannot be moved against a ruling by the Chairperson under clause 16.11(c).

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<b>GMR19/006</b>	<b>MEMORANDUM OF UNDERSTANDING WITH BEGA VALLEY SHIRE COUNCIL</b>	<b>E10.4139; E12.6443</b>
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Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.3 Advocate and collaborate to advance the region and address local issues

Operational Plan Link: 9.1.3.3 Develop and maintain strategic partnerships

### **EXECUTIVE SUMMARY**

At its meeting on 8 December 2015, Council endorsed the Memorandum of Understanding (MoU) between Eurobodalla Shire Council and Bega Valley Shire Council.

The purpose of the MoU was to strengthen the current partnerships with Bega Valley by implementing a more formal level of cooperation between the two Councils.

At this time, Bega Valley Shire Council was not a member of the former Canberra Region Joint Organisation.

At its meeting on 13 February 2018, Council resolved to join a Joint Organisation comprising Bega Valley, Goulburn Mulwaree, Hilltops, Queanbeyan Palerang, Snowy Monaro, Upper Lachlan and Yass Valley.

On Friday 11 May 2018, the proclamation to create 11 Joint Organisations and the supporting regulations was published on the NSW Legislation website. Council is now mandated as a member of Canberra Joint Organisation (CRJO) by proclamation. Since this proclamation, Snowy Valleys Council has also been proclaimed as a member of the CRJO.

Joint Organisations were a key component of the local government reform process and have established the way in which the NSW Government and local governments collaborate, plan, set priorities and deliver important projects on a regional scale to support local communities.

Eurobodalla Shire Council is an active member of the CRJO and is now focusing many of its joint activities with all CRJO members and association member councils. It is important to note that Bega Valley Shire Council and Eurobodalla form a natural sub-region of the CRJO and have been operating strategically together for some time.

At its meeting on 13 March 2019, Bega Valley Shire Council resolved as follows:

*THAT:*

- 1. Council formally dissolve the Memorandum of Understanding with Eurobodalla Shire Council.*
- 2. Council note the work undertaken as part of the Memorandum of Understanding with Eurobodalla Shire Council.*



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<b>GMR19/006</b>	<b>MEMORANDUM OF UNDERSTANDING WITH BEGA VALLEY SHIRE COUNCIL</b>	<b>E10.4139; E12.6443</b>
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3. *Council write to the Mayor of Eurobodalla Shire Council advising of them of the Resolution to formally dissolve the Memorandum of Understanding and acknowledging their contribution and support over the past four years.*

Given the formalization of the CRJO and noting the resolution of Bega Valley Shire Council, it is considered that Eurobodalla Shire Council should also formally resolve to cease the MoU with Bega Valley Shire Council. This does not prohibit Eurobodalla and Bega Valley councils to continue to work together independent of the CRJO on joint projects and collaboration.

### **RECOMMENDATION**

THAT Council:

1. Formally dissolve the Memorandum of Understanding with Bega Valley Shire Council.
2. Write to the Mayor of Bega Valley Shire Council noting their resolution to formally dissolve the Memorandum of Understanding and acknowledging their contribution and support over the past four years.

### **BACKGROUND**

At its meeting on 8 December 2015, Council endorsed the MoU between Eurobodalla Shire Council and Bega Valley Shire Council. At the time of this endorsement, Bega Valley Shire Council was not a member of the former Canberra Region Joint Organisation.

The intention of the MOU was to strengthen the partnership which already existed between the two councils by implementing a more formal level of cooperation. Since its endorsement, this strategic partnership has achieved cooperative arrangements and established greater efficiencies for both councils in a number of areas including:

- Council Election and Induction Processes
- Airport planning
- Tourism opportunities with Canberra and Singapore Airlines
- Planning process review and information sharing
- Community services, libraries and swimming pool management exchange of documents and policies.

The current CRJO composition aligns with the boundaries and the organisation is recognised in NSW government planning documents, tourism and communiques. It has been labelled the South East and Tablelands, by the NSW Government

With the formalisation of the CRJO, this entity focuses on regional strategic planning, intergovernmental collaboration and regional leadership and advocacy and enables councils to create efficiencies through joint panel arrangements and joint projects. This organisation provides a platform for member councils to share ideas and issues through regular working group meetings.

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<b>GMR19/006 MEMORANDUM OF UNDERSTANDING WITH BEGA VALLEY SHIRE COUNCIL</b>	<b>E10.4139; E12.6443</b>
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At its meeting on 13 March 2019, Bega Valley Shire Council resolved as follows:

*THAT:*

4. *Council formally dissolve the Memorandum of Understanding with Eurobodalla Shire Council.*
5. *Council note the work undertaken as part of the Memorandum of Understanding with Eurobodalla Shire Council.*
6. *Council write to the Mayor of Eurobodalla Shire Council advising of them of the Resolution to formally dissolve the Memorandum of Understanding and acknowledging their contribution and support over the past four years.*

Given the proclamation of the CRJO, and Bega Valley now being a member of the joint organisation and the recent resolution of the Bega Valley Shire Council, it is considered that the current MoU with Bega Valley Shire Council should formally cease.

#### **CONSIDERATIONS**

Eurobodalla Shire Council and Bega Valley Shire Council have successfully collaborated in a number of areas including joint tendering and program delivery, sharing policies and other documentation, regular management meetings and economic planning for key facilities (e.g. Moruya and Merimbula airports).

The Joint Organisation now provides a formal process to undertake similar joint projects, planning and collaboration at a broader context.

Given the role of the joint organisation, it is recommended that Council dissolve the formal MoU. This does not prohibit Eurobodalla and Bega Valley councils to continue to work together independent of the CRJO on joint projects and collaboration.

#### **Legal**

On 11 May 2018, the proclamation to create Joint Organisations and the supporting regulations was published on the NSW Legislation website. Following the proclamation, the Joint Organisations formally exist as entities.

#### **CONCLUSION**

Eurobodalla Shire Council and Bega Valley Shire Council have successfully collaborated in a number of areas including joint tendering and program delivery, sharing policies and other documentation, regular management meetings and economic planning for key facilities (e.g. Moruya and Merimbula airports).

The Joint Organisation now provides a formal process to undertake similar resource sharing and collaboration at a broader context.

Given the role of the joint organisation, it is recommended that Council dissolve the formal MoU with Bega Valley Shire Council. This does not prohibit Eurobodalla and Bega Valley councils to continue to work together independent of the CRJO on joint projects and collaboration.

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**IR19/005 REQUEST FOR TENDER NO. 2019/ISD049 - TRANSPORT AND  
RESUSE/RECYCLING OF BIOSOLIDS**

**E14.8391**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - Transport and Reuse/Recycling of Biosolids Conf Attach

Outcome: 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 (RFT) No. 2019/ISD049 for the reuse or recycling of biosolids produced from Council's sewage treatment processes, and provides a recommendation for the preferred tenderer.

### **RECOMMENDATION**

THAT

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. 2019/ISD049 Transport and reuse/recycling of Biosolids 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**

Council's sewage treatment processes produce biosolids. The bulk biosolids are currently accepted and stockpiled at the Surf Beach Waste Management Facility before transport to Sydney. The biosolids are received either from drying beds or directly from the treatment plant after dewatering via a centrifuge.

Biosolids are classified depending on the chemical composition which also determines how they might need to be managed to allow re-use for beneficial purpose. Generally, the biosolids from our treatment fall into class C due to higher levels of metals specifically copper and zinc. This requires further treatment and blending prior to re-use to meet the requirements to safeguard the environment. To ensure these outcomes are achieved, it is necessary for Council to tender the transport of the biosolids to facilitate this outcome, outside of Council's own operations.

The successful tenderer will be required to test and classify the biosolids in accord with the requirements of the NSW Environmental Protection Authority (EPA).

RFT No.2019/ISD049 was advertised on 15 January 2019 with a closing date of 6 February 2019. The tender is for a one year period with an option of a further year at Council's discretion.

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**IR19/005 REQUEST FOR TENDER NO. 2019/ISD049 - TRANSPORT AND  
RESUSE/RECYCLING OF BIOSOLIDS**

**E14.8391**

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

- Arkwood Organic Recycling.
- Australian Native Landscapes Pty Ltd.
- Carbon Mate Pty Ltd.
- Loop Organics Pty Ltd.

A summary of the evaluation including each tenderer's scoring against the evaluation criteria and pricing is provided in the confidential attachment to this report.

**CONSIDERATIONS**

**Legal**

Request for Tender (RFT) No. 2019/ISD049 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)).

A Tender Evaluation Plan (TEP) was prepared to assess the Request for Tender.

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

**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**

Contracting the transport and reuse/recycling of biosolids produced from Council's sewage treatment processes will comply with NSW EPA's Environmental Guidelines on Use and Disposal of Biosolids Product.

**Financial**

Tendered pricing is within current operational budget.

**Community and Stakeholder Engagement**

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

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**IR19/005 REQUEST FOR TENDER NO. 2019/ISD049 - TRANSPORT AND  
RESUSE/RECYCLING OF BIOSOLIDS**

**E14.8391**

**CONCLUSION**

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

This report recommends the preferred tenderer.

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**IR19/007 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2018-19**

**E16.0002**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services  
Attachments: Nil  
Outcome: Connected and Accessible Places  
Focus Area: 7.1 Work in partnership to provide an integrated transport network  
Delivery Program Link: 7.1.2 Provide a safe efficient and integrated transport network  
Operational Plan Link: 7.1.2.5 Coordinate the Local Traffic Committee

**EXECUTIVE SUMMARY**

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

The minutes of the Eurobodalla Local Traffic Committee meeting are included in this report for Councillors' review. The main issues covered at the Eurobodalla Local Traffic Committee meeting held 7 March 2019 were as follows:

- Signage and Line marking – One Way designation of Campbell Street (Princes Highway) service road at the intersection of Bowen Street, Narooma
- Special Event Application – Rotary Youth Driver Awareness Program (RYDA) – Donnelly's Drive, North Moruya
- Special Event – ANZAC Day Marches, Various Locations
- Special Event Application – Narooma Oyster Festival
- Special Event Application – Mogo Easter Gala.

**RECOMMENDATION**

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 8 for 2018-19 be received and noted.
2. Council Plan No. 5156 Set BB Sheet 13 detailing the signage and line marking to designate the service road that runs parallel to Campbell Street (Princes Highway) at the intersection of Bowen Street, Narooma, be approved.

**BACKGROUND**

The Eurobodalla Local Traffic Committee Meeting No 8 for 2018-19 was held on 7 March 2019. The meeting was attended by Danielle Brice (representative for the Hon Andrew Constance MP), Jesse Fogg (Roads and Maritime Services RMS), Senior Constable Scott Britt (NSW Police Force), Dave Hunter (Traffic Coordinator), Kate McDougall (Road Safety Officer), and Matt Cormick (Administrative Support).

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**IR19/007 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2018-19**

**E16.0002**

**APOLOGIES**

Councillor Anthony Mayne. The Traffic Coordinator Chaired the meeting in Councilor Mayne's absence.

**DEPUTATIONS**

Nil

**MINUTES OF PREVIOUS MEETING**

The minutes of the Eurobodalla Local Traffic Committee Meeting No 7 for 2018-19 held on 31 January 2019 were confirmed and accepted.

**OUTSTANDING ITEMS FROM PREVIOUS MEETING**

The Committee discussed the traffic management for the 2019 Sorry Day Moruya Bridge Walk. At the 31 January 2019 meeting a deputation from the Mens to Boys Aboriginal Group discussed the Traffic Management and Control Plans necessary. The Committee agreed that documentation needs to be presented to the next Committee meeting to allow time for the event to be undertaken at the advised time in May 2019.

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT FOR DETERMINATION**

**2019.RT.017 Signage and Line marking – One Way designation of Campbell St (Princes Highway) service road at the intersection of Bowen Street, Narooma**

A request has been received to designate as one way, the service road that runs parallel and to the north of Campbell Street (Princes Highway) near of the intersection of Bowen Street, Narooma.

A majority of this service lane is less than 5 metres wide and is not suitable for 2 lane, 2 way traffic.

The vast majority of traffic currently use this as a one way service lane now. Formalising this arrangement by designating the service lane as one way from the north-west to south-east will improve traffic flow and lower the risk of crashes.

Plan No. 5156 Set BB Sheet 13 detailing the signage and line marking associated with the proposed one way on the Campbell Street (Princes Highway) service road was reviewed by the Committee.

Recommendation:

That Council Plan No. 5156 Set BB Sheet 13 detailing the signage and line marking to designate the service road that runs parallel and to the north of Campbell Street (Princes Highway) near the intersection of Bowen Street, Narooma, be approved.

**INFORMAL ITEMS FOR DISCUSSION**

**2019.SE.010 Special Event Application – Rotary Youth Driver Awareness Program**

A Traffic Management and Control plan has been received for the running of the annual Rotary Youth Driver Awareness (RYDA) Program on 1 and 2 April 2019 using Donnelly Drive, Moruya.

The Rotary Club of Batemans Bay is again facilitating a two day event to be held around the Moruya Racecourse grounds for the ninth consecutive year. RYDA is aimed at educating Year

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**IR19/007 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2018-19**

**E16.0002**

11 students about various road safety issues and students from all five high schools in the Eurobodalla Shire will be participating.

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

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

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

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

Closing the road for up to 30 minutes for each demonstration over a two day period will result in minimal disruption to the residents' lifestyle and/or business activities. The organisers will notify the affected residents prior to the day.

Recommendation:

That the 2019 Rotary Youth Driver Awareness Program to be conducted using Donnelly Drive, Moruya on 1 and 2 April 2019, based upon the submitted Traffic Management and Control plan, be approved.

**2019.SE.011 Special Event Application – ANZAC Day Marches, Various Locations**

ANZAC Day marches will be conducted in the following locations on 25 April 2019:

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

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

Council will assist the event organisers to submit applications for Road Occupancy Licenses to the RMS for the Moruya and Narooma marches, as they require the use of the Princes Highway.

Traffic Management and Control Plans were reviewed by the Committee.

Recommendation:

That the Traffic Management and Control Plans for the ANZAC Day marches for Batemans Bay, Moruya and Narooma as submitted, subject to approval by the NSW Police and lodgment of a Road Occupancy License to Roads and Maritime Services for the Moruya and Narooma events, be approved.

**2019.SE.012 Special Event Application – Narooma Oyster Festival**

Traffic Management and Control Plans have been received for the 2019 Narooma Oyster Festival to be conducted in the vicinity of Quota Park on Riverside Drive, Narooma on Friday 3 and Saturday 4 May 2019. A special event application has not been submitted yet.



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**IR19/007 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2018-19**

**E16.0002**

The event is comprised essentially of stalls and conducted around the foreshore area in Riverside Drive. Parking will be in the various on-street and off-street areas available in the vicinity of Quota Park.

Road closures of a section of Riverside Drive on Friday 3 May and Saturday 4 May 2019 are proposed.

The proposed traffic arrangements, including closures and detours are the same as those used during the May 2018 Oyster Festival. Road closures will be in place from 6am Friday 3 May until 10pm Saturday 4 May 2019 (and include time to allow appropriate event setup and pull down). The event will be conducted on Friday 3 May from about 4pm until 10pm and Saturday 4 May 2019 from about 10am to 6pm.

The Traffic Control, depicted in Plan No 5156 Set N Sheet 01, was reviewed by the Committee.

This is a class 2 event on Council Roads. An RMS Road Occupancy Licence is not required.

Recommendation:

That the submitted Traffic Management Plan and associated Traffic Control Plan No 5156 Set N Sheet 01 for the Narooma Oyster Festival to be conducted on Riverside Drive on Friday 4 and Saturday 5 May 2018, be approved.

**2019.SE.013 Special Event Application – Mogo Easter Gala**

A special event application has been received from the Mogo Village Business Chamber to conduct an Easter Gala Day on Sunday 21 April 2019.

It is proposed to close off Annett Street and provide stalls and entertainment. Children's activities including a jumping castle and petting zoo will be included, with a visit from Santa to hear children's wishes. The organisers propose the event will promote community vibrancy and showcase this historic village and the many interesting shops.

The event will start at 11:00am and finish at 3:00pm. Annett Street will be closed from 9.00am to 5.00pm. A small section at the northern end of the Charles Street carpark will also be closed to accommodate portable toilets and emergency vehicles.

The road closure will have a minimal impact on the community as Annett Street has limited parking and with parking available in other sections of Mogo, including the Charles Street off-street carpark.

The submitted Event Management Plan, including Appendix 7 – Traffic Management Plan and Council Plan No. 5156 Set BM Sheets 01, detailing the Traffic Control, was reviewed by the Committee.

Recommendation:

That the Mogo Village Business Chamber Easter Gala Day to be held on Sunday 21 April 2019, based upon the submitted Traffic Management Plan and associated Traffic Control Plan No. 5156 Set BM Sheets 01, be approved.

**GENERAL BUSINESS**

- The representative for NSW Police and the representative for Andrew Constance MP raised several issues relating to matters on the Princes Highway. These issues are not within the

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**IR19/007 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2018-19**

**E16.0002**

remit of the Committee. The RMS representative briefly explained the matters and offered to provide additional information to the representatives.

- The representative for NSW Police raised concerns with motorists performing U-turns along Sunshine Bay Road during school drop-off and pickup periods. The Traffic Coordinator and Road Safety Officer will investigate this driver behavior issue, including consulting with the school principal and Department of Education school safety officer.

**NEXT MEETING**

The next meeting of the Eurobodalla Local Traffic Committee will be held on Thursday 4 April 2019 in Council's Committee Room.

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**CCS19/009 INVESTMENTS MADE AS AT 28 FEBRUARY 2019**

**E99.3517**

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

Attachments: Nil

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.2.4 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:

- certify that Council's investments in financial instruments have been made in accordance with legal and policy requirements
- provide information and details of investments
- raise other matters relevant to investing.

### RECOMMENDATION

THAT the certification that the investments as at 28 February 2019, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

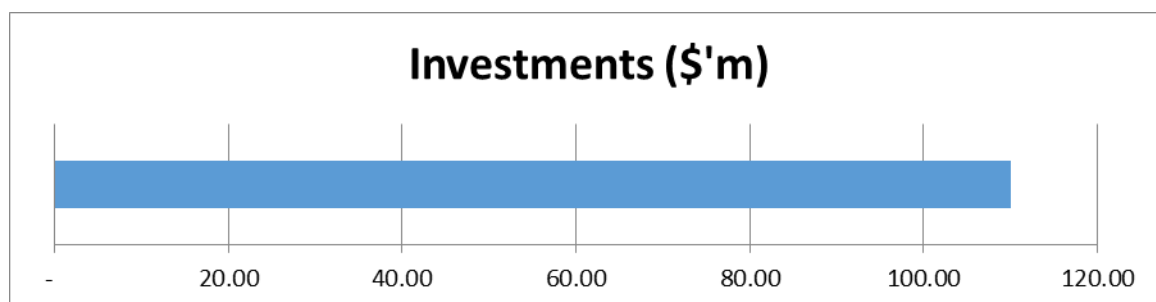
### CONSIDERATIONS

#### Policy

The portfolio is compliant with Council's amended Investment Policy that was adopted by Council on 31 July 2018 (Minute 18/182).

#### Financial

##### Council investing overall



**CCS19/009 INVESTMENTS MADE AS AT 28 FEBRUARY 2019**

**E99.3517**

Council has 100% (\$110.00m) invested in Bank Deposits. The Bank Deposits are held in banks rated A or greater, or covered by the AAA rated Government Guarantee, except for \$30.5m invested in banks rated below A, and in the 'some limited risk' category of the policy.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 27.73% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.75m and represents 1.59% of the portfolio.

There are \$52m (47.27%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 2.67%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (2.21%).

Collateralised Debt Obligation (CDO)

Funded legal action against one agency is continuing.

Summary investment information

The following table summarises investment categories and balances at month end.

CATEGORY	(\$)
At Call Deposit	3,004,068
Term Deposits	105,250,000
Term Deposits Government Guaranteed	1,750,000
	<b>110,004,068</b>
<i>Weighted average interest %:</i>	2.67%
<i>Average 90 day BBSW + 0.25%</i>	2.21%

Policy and liquidity risk

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

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.59	1.59	100.00
Near risk free	70.68	70.68	100.00
Some limited risk (BBB+)	27.73	27.73	30.00

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**CCS19/009 INVESTMENTS MADE AS AT 28 FEBRUARY 2019**

**E99.3517**

<b>Grand total</b>	<b>100.00</b>	<b>100.00</b>	
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The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2018 is 2.51:1. Council therefore has approximately \$2.51 of current assets for each \$1 of current liabilities.

**CONCLUSION**

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

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**CAR19/004 MACKAY PARK DRAFT PLAN OF MANAGEMENT**

**E96.0041**

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

Attachments: 1. Appendix 1 Mackay Park consultation results  
2. Appendix 2 Public Hearing Report  
3. Mackay Park Plan of Management edits  
4. Under Separate Cover - Draft Mackay Park Plan of Management revised

Outcome: Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.2 Implement effective governance

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

**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of input to the Mackay Park draft Plan of Management and recommendations to progress the revised draft plan. This will include a second period of public exhibition to ensure compliance with legislative requirements.

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

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

Both the original and revised Mackay Park draft POMs propose a category change from 'park' to 'general community use'. The category change supports the existing and proposed primary uses of Mackay Park, being for a range of public recreation purposes and events, visitor information services and the Regional Aquatic, Arts and Leisure Centre.

Council resolved on 27 November 2018 to place the first draft POM for Mackay Park on a 63 day period of public exhibition. This first exhibition period concluded on 12 February 2019 and was 21 days longer than the legislative requirement, given the Christmas and New Year period.

During the exhibition period, Council conducted a structured online survey accompanied by a Frequently Asked Questions fact sheet, an information session for Mackay Park user groups and Council Advisory Committees held on 21 January 2019, and a community drop-in session held at the Village Centre Batemans Bay on 6 February 2019.

In addition, an independently chaired public hearing was held on 6 February 2019 into the proposed change of category in accordance with sections 40A (1) and 47G of the LG Act.

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**CAR19/004 MACKAY PARK DRAFT PLAN OF MANAGEMENT**

**E96.0041**

Community consultation results, obtained during the first public exhibition period, and the independent report from the public hearing support the proposed category change.

In addition, written departmental consent from the NSW Department of Industry - Crown Lands, as the land owner, was obtained on 1 March 2019 granting consent to the alteration of the land to be used for the additional purposes of 'general community use'.

The results of the first public exhibition period and the independent report from the public hearing are provided as Appendix 1 and Appendix 2 respectively.

Key changes to the Mackay Park draft Plan of Management (revised) are summarised below, while a full account detailed as Appendix 3.

- New actions that promote energy and water efficiency in all developments and uses of Mackay Park
- Revised actions to reflect cooperative work between Council and NSW Department of Industry – Crown Lands, in undertaking a full survey of Mackay Park that may lead to boundary amendments, new Deposited Plan(s) and the appointment of a land owner/manager by the Crown
- New map and actions identifying
  - the land that the draft POM applies
  - the six southernmost lots of the Mackay Park Reserve that form a wetland, which will be incorporated in the generic Natural Areas and Undeveloped Reserves POM rather than the Mackay Park POM
- Additional information detailing Council's approach to community engagement and the results of public consultation, including the public hearing that supports the proposed change of category
- In accordance with Section 46(1) (b) of the LG Act, there is clarification in the draft POM on expressed authorisations for specific leases and licences at Mackay Park as summarised in the legal section of this report.

**RECOMMENDATION**

THAT:

1. In accordance with Section 38 of the *NSW Local Government Act 1993*, the Mackay Park draft Plan of Management (revised) be endorsed by Council for a 28 day period of public exhibition from 27 March 2019, with a public notice specifying a period of 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to Council;
2. Council responds to and thanks submission writers and other contributors to the first draft plan of management; and
3. A further report, detailing the results of the second public exhibition period and any submissions received, be presented to Council at the conclusion of the second exhibition period.

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**CAR19/004 MACKAY PARK DRAFT PLAN OF MANAGEMENT**

**E96.0041**

**BACKGROUND**

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

Council has been developing Mackay Park as a major events precinct, including the provision of recreation, sport and event related infrastructure. This includes planning a Regional Aquatic, Arts and Leisure Centre to replace the existing Batemans Bay swimming pool. The land is also used for car parking associated with recreation activities and events, and as overflow parking for the Batemans Bay Town Centre in peak periods.

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

**CONSIDERATIONS**

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

**Legislation**

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. With respect to the interim categorisation of Mackay Park as 'park', written departmental consent was obtained on 14 December 2018 to enable Council to progress to the drafting of a plan of management for this Crown reserve.

The original and the revised draft POMs recommend the category of 'general community use'. This decision is supported by legal advice that the 'general community use' category underpins a range of existing and proposed activities, including public recreation purposes, events and visitor information services. Community consultation results obtained during the first public exhibition period and the independent report from the public hearing conducted on 6 February 2019, supports the proposed category change.

Written departmental consent was obtained on 1 March 2019 granting consent, under ministerial delegation, to the alteration of the land (being Lots 1-2 DP 1049123 and Lots 30-31 DP 755902) to be used for the additional purposes of 'general community use', and noted Council's commitment to including the balance of lots in Crown Reserve 580022 (being Lot 1 DP 118964, Lot 7036 DP 1020368, Lot 7038 DP 1054706, Lot 2 DP 624610, Lot 5 DP 633943 and Lot 7012 DP 1020708) in a forthcoming generic plan of management for Natural Areas and Undeveloped Reserves.



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**CAR19/004 MACKAY PARK DRAFT PLAN OF MANAGEMENT**

**E96.0041**

**The core objectives for management of community land categorised as general community use**  
(Section 36I NSW Local Government Act 1993)

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

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

**Legal**

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

An adopted POM for Mackay Park will authorise Council to investigate and enter into the most appropriate management arrangements for the Regional Aquatic, Arts and Leisure Centre including new leases and licences with community or commercial operators, where appropriate (subject to the outcomes of the detailed design process and following a tender process) for purposes that are consistent with land categorized as 'general community use'.

**Aboriginal land claims on Mackay Park Crown reserve**

In correspondence from the New South Wales Aboriginal Lands Council (NSWALC) received by Council on 1 March 2019, NSWALC and Batemans Bay Local Aboriginal Lands Council (BBLALC) have elected to exclude Lots 1 and 2 DP 1049123, Lots 30, 31 and 259 DP 755902 (Mackay Park) from Aboriginal Land Claims (ALC) 42451 and 42487 plus the withdrawal of ALC 27036.

As a result of these decisions, the NSWALC and BBLALC no longer have an 'interest' in the abovementioned parcels and Council may manage these Crown lands without future reference to the Land Councils with respect to these claims.

**Community and Stakeholder Engagement**

The *NSW Local Government Act 1993* requires community engagement activities be undertaken in the preparation of plans of management, including public exhibition of a draft plan and opportunities for the community to comment.

Specifically, *Section 38 NSW Local Government Act 1993* sets out that:

- *a council must give public notice of a draft plan of management for a period of not less than 28 days.*

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**CAR19/004 MACKAY PARK DRAFT PLAN OF MANAGEMENT**

**E96.0041**

- *The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council.*
- *The council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood. All documents referred to in a plan of management should be displayed at the same time as the draft plan of management.*

The first Mackay Park draft POM was placed on public exhibition from 28 November 2018 to 12 February 2019. The exhibition period was 21 days longer than the legislative requirement given the Christmas and New Year period and included an independent public hearing, held on 6 February 2019, into the proposed category change.

As the public exhibition period did not coincide with scheduled meetings of Council's advisory committees, the following alternate methodologies were endorsed by Council and implemented during the first exhibition period (the number of participants who engaged with each methodology is provided in brackets):

1. a structured online survey accompanied by a Frequently Asked Questions fact sheet (19)
2. an information session for Mackay Park user groups and Council Advisory Committees held on 21 January 2019 (6)
3. a community drop-in session held at the Village Centre Batemans Bay on 6 February 2019 (41).

In accordance with section 40A (1) of the LG Act, an independently chaired public hearing was held on 6 February 2019 into the proposed change of category from 'park' to 'general community use'. Nine community members attended the public hearing. Two of the nine attendees made verbal submissions to the independent chair. The independent report from the public hearing supports the proposed category change.

In accordance with Section 47G of the LG Act, hard copies of the independent report from the public hearing have been available for viewing at libraries and Council's administration centre as well as in soft copy on Council's website since 14 February 2019.

In addition to the engagement activities summarised above, two written submissions were received during the first public exhibition period. The contents of each submission and Council's recommended responses are provided as part of Appendix 1.

Recommended edits to the draft POM, including those as a result of written submissions, are provided as Appendix 3 and the independent report from the public hearing is provided as Appendix 2.

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**CAR19/004 MACKAY PARK DRAFT PLAN OF MANAGEMENT**

**E96.0041**

Council has also received input on and consent to exhibit and adopt a POM for Mackay Park from the NSW Department of Industry - Crown Lands as the land owner.

For the public exhibition of the draft POM (revised), Council will use the following methods of engagement to inform the community about its contents and objectives and to seek community input.

- Council briefing, report and motion to public exhibit the draft plan for 28 days and accept submissions for a minimum period of 42 days from 27 March 2019
- Council Noticeboard Page in the local press
- Council's website – 'On Exhibition' section
- Media Release
- Written notice to user groups, Council Advisory Committees, Aboriginal and business groups
- Hard copy drafts made available at libraries and at Council's administration centre.

**Recommended edits to the Mackay Park draft Plan of Management**

The results of community consultation, the public hearing and departmental advice has led to the revised draft of the Mackay Park POM.

The most significant edits to the draft POM for Mackay Park are summarised below while a full account of the edits is supplied as Appendix 3.

- New Actions that promote energy and water efficiency in all developments and uses of Mackay Park
- Revised Action Plan to reflect cooperative actions between Council and NSW Department of Industry – Crown Lands, in undertaking a full survey of Mackay Park that may lead to boundary amendments, new Deposited Plans (DPs) and the appointment of a land owner/manager by the Crown
- New map and actions identifying
  - the extent of the land that the draft POM applies
  - the six southernmost lots of the Mackay Park Reserve that form a wetland and will be incorporated into the generic Natural Areas and Undeveloped Reserves POM rather than the Mackay Park POM
- A flow chart has been inserted to describe the plan's development process
- Additional information detailing the methodology and results of public events, including the public hearing, that were conducted during the first public exhibition period to seek submissions and input from the community
- In accordance with Section 46(1) (b) of the LG Act, there is clarification in the draft POM on expressed authorisations for specific leases and licences at Mackay Park.

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**CAR19/004 MACKAY PARK DRAFT PLAN OF MANAGEMENT**

**E96.0041**

**Mackay Park draft Plan of Management - draft Action Plan**

To meet the minimum requirements for plans of management as set out in Section 36(3) of the LG Act, the draft POM for Mackay Park contains a Management Action Plan with objectives and performance targets for management of Mackay Park. The draft Action Plan also states the means by which the Council proposes to achieve and assess the POM's objectives.

The Management Action Plan is provided as Section 6.11 in the draft POM for Mackay Park.

**CONCLUSION**

A draft Plan of Management (POM) for Mackay Park (revised) has been prepared following extensive community consultation, an independently chaired public hearing and State Government input.

Should Council endorse the exhibition of the Mackay Park draft Plan of Management (revised), it will be placed on public exhibition for 28 days from 27 March 2019 with a further 14 days allocated to receive public submissions in accordance with Section 38 of the *NSW Local Government Act 1993*.

Following the public exhibition and submission period, a final POM, taking into consideration issues raised in submissions, will be prepared and presented to a subsequent Council meeting in 2019.

**Appendix 1 - Mackay Park draft Plan of Management  
 Consultation results and recommended responses**

This document summarises the results of community engagement from the public exhibition period for the Mackay Park draft Plan of Management that was conducted from 28 November 2018 to 12 February 2019. The results are provided in four sections:

1. Questionnaire
2. Written submissions
3. Information session for Mackay Park user groups and Council advisory committees
4. Community drop-in information stall

In addition to the above, a public hearing into the proposed category change from 'park' to 'general community use' was held at the Mackay Park Function Centre on Thursday 6 February 2019. Nine community members attended the public hearing and the independent report by Mr Garret Barry is provided as Appendix 2.

**1. Questionnaire**

A link to an online questionnaire was sent to 36 individuals representing Mackay Park user groups, Council Advisory Committees, Batemans Bay Local Aboriginal Lands Council and the Batemans Bay Business and Tourism Chamber. The questionnaire was completed by 19 people, some of whom represented more than one group. The results are presented below.

Question 1: Which group/s are you a member of?	
Community response (bracketed numbers refer to the number of respondents from the group)	Council response
<ul style="list-style-type: none"> <li>• Aboriginal Advisory Committee (3)</li> <li>• Batemans Bay Junior Rugby League Club</li> <li>• Batemans Bay Touch Football Club</li> <li>• Eurobodalla Athletics (2)</li> <li>• Disability Inclusion Advisory Committee (2)</li> <li>• Business and Tourism Advisory Committee</li> <li>• Batemans Bay Swimming Club</li> <li>• Batemans Bay Indoor Aquatic Centre Committee (2)</li> <li>• Mackay Park Sunset Committee (6)</li> <li>• Youth Committee</li> <li>• Public Art Advisory Committee (5)</li> <li>• U3A University of the Third Age (2)</li> <li>• Friday Exercise Class</li> <li>• The Beagle</li> <li>• The Horticulture Club</li> </ul>	Noted

**Appendix 1 - Mackay Park draft Plan of Management  
 Consultation results and recommended responses**

<p><b>Question 2:</b>                      The draft Plan of Management proposes to recategorise Mackay Park from 'park' to 'general community use'. This change will support all current uses at Mackay Park and provide more flexibility for future uses. Do you agree with the proposed categorisation of 'general community use'?</p>	
Community response	Council response
<ul style="list-style-type: none"> <li>• Yes (17)</li> <li>• No (2): Eurobodalla Athletics and Aboriginal Advisory Committee</li> </ul> <p>One of the Yes respondents agrees <i>'on condition it remains a facility/area for the whole community and is not hived off for the benefit of a small section of the community only'</i></p>	<p>Noted.</p> <p>For the two respondents who answered no to this question, no reason was provided and they did not identify themselves for follow up.</p>

**Appendix 1 - Mackay Park draft Plan of Management  
 Consultation results and recommended responses**

Question 3: The Action Plan sets out a list of management issues (reproduced below). Are there any other issues you would like to see included?	
Community response	Council response
<ul style="list-style-type: none"> <li>• Yes (1)</li> <li>• No (6)</li> <li>• No response (12)</li> </ul>	Noted
<b>Yes response - Manage noise tolerance issues within the park and new Arts/Aquatic centre – “I guess a detail which is for the more detailed design, but must be a consideration and that is noise control ie. design of the theatre in terms of sound escaping to neighbours. The bowling club venue was basically closed by complaints from the retirement home down on the river, the pub the same from retirement apartments at Stocklands. I can see the council selling the bowling site in a few years for apartments or a commercial and apartment complex, if that’s the case the performing arts centre will come up against noise abatement complaints. It must be designed to contain performance noise.”</b>	The design principles for the Regional Aquatic, Arts and Leisure Centre will address future noise management
No major issues apart from the list below. The only thing I would like to see is a 10-20 year plan for other sports who use Mackay Park to whether it is upgraded to cater for big athletic events or a transition plan to an Athletics specific venue in Batemans Bay.	Council is undertaking broader strategic planning for sporting groups as a separate exercise.
Maximise use of renewable energy for all park uses. The aquatic and arts centres in particular should be carbon neutral in operation.	Environmentally sustainable design is included as a principle for the design of the Regional Aquatic, Arts and Leisure Centre.
Prepare a physical plan to adapt to sea level rise.	Council is currently preparing a coastal Zone Management Program.
Install a 355 committee of key stakeholders and users to ensure that there is continued open and transparent review and assessment of the precinct.	It is not proposed to establish a 355 Committee to exercise the functions of Council in managing Mackay Park.
Incorporate tourism centre.	Visitor information services are proposed to be included in the Regional Aquatic, Arts and Leisure Centre.



**Appendix 1 - Mackay Park draft Plan of Management  
 Consultation results and recommended responses**

<b>Question 4:</b> <b>In the Action Plan, the column headed "Means of Achievement of Objectives" identifies actions to address each of the listed management issues. Are there any actions you would add or change?</b>	
<b>Community response</b>	<b>Council response</b>
<ul style="list-style-type: none"> <li>No (8)</li> <li>No response (11)</li> </ul>	Noted
There is no 'Management issue' for energy and energy management. Surely if this facility is to be relevant into the next few decades it should be using 100% renewable energy. The only energy use I can find is electric car charging stations which are fine but not the main game.	The Plan of Management has been amended to include actions relating to energy and water efficiency.
The art works section only has 'opportunities' for art works. The art works themselves should be integrated and part of the whole design theme. The park and buildings design processes should address this.	The management action relating to public art has been strengthened.
"Integrate existing facilities with Regional Aquatic, Arts and Leisure Centre" - this requires clarity as the Mini Golf is indeed an existing facility within the precinct and it is now apparent that the Mini Golf will not be given a lease renewal should discussions go ahead that are favourable to both parties. Presently they "exist" and will continue to "exist" until there is resolution.	The Plan of Management is clear in relation to the future of the mini golf facility being subject to the outcomes of the detailed design process for the Regional Aquatic, Arts and Leisure Centre and that Council will work with the operator of the facility to determine its future.
See above point. There is a great info ambivalence about the Mini Golf- is it remaining or going? When is Council going to be up front about the reality of this?	



**Appendix 1 - Mackay Park draft Plan of Management  
 Consultation results and recommended responses**

<b>Question 5:                      Are there any other comments you would like to make about the draft Plan of Management for Mackay Park?</b>	
<b>Community response</b>	<b>Council response</b>
<ul style="list-style-type: none"> <li>No (4)</li> <li>No response (15)</li> </ul>	Noted
I am looking forward to the completion.	Noted
Ensure that the operational needs of user groups that will be using the Aquatic centre are taken under advisement by the ESC as Management for the MacKay Park. As swimming is a lifesaving skill that we at the swimming club would like to see further developed in this coastal community. But to do this we need a facility and proper management to make this successful. The argument for a 50m or 25m pool is over, it is now about moving forward with the council's decision to create a sporting venue that is going to support our club growing and supporting the swimming community. This can be achieved with a positive relationship between the swimming club and council representatives.	The operational needs of user groups of the Regional Aquatic, Arts and Leisure Centre will be considered in relation to decisions about both the design and management of the facility, in consultation with user groups.
Very disappointing to now be shown this Survey & email received today outlining the McKay Park precinct action plan that has had no consultation with the ESC McKay Park Sunset Committee, that a number of us have provided advise on the whole of project, but were told that at this stage we only have to consider the new pool and its bits and add-ons. Now we are not consulted only engaging as relative outsiders.	Noted
The planning and integration into the CBD seems to be poorly addressed.	Council has undertaken transport and parking studies with actions to improve pedestrian and transport options for the Batemans Bay town centre. Consideration is being given to additional access and egress points to provide alternative options for movement of people in the event of an emergency
Only that it services the needs for the greater community and that the community assets be managed by experts so that this asset becomes a lifelong and valuable attraction for the area, to incorporate increases in tourism and thus making the town flourish.	Noted

**Appendix 1 - Mackay Park draft Plan of Management  
Consultation results and recommended responses**

**2. Individual written submissions**

Submission No. 1

1. The sports complex is ideally placed on the main road (connect existing noise, light and traffic generation sources plus a much better view coming into town from the new bridge than looking at a carpark (loud events=main road noise)

**Council response** – The existing sports ovals and amenities buildings are located in the western part of the site. Given recent improvements to the ovals, it is not considered to be financially prudent to relocate these activities closer to the Princes Highway frontage. The design of the Regional Aquatic, Arts and Leisure Centre will address the visual impact of the development and car parking areas from all public areas, including the Princes Highway frontage and the new bridge over the Clyde River. The design process will also address noise, light and traffic issues.

2. The pool would be much better served by being located towards the back of the site, connect it with views through to the Clyde River if possible (connect the two water recreation activities geographically, links to previous water use of the site and Indigenous heritage). This connection to the river is currently blocked in the advertised concept. If more artefacts are found they could become key parts of the new Aquatic Centre building and landscaping. (quiet activities=away from main roads)

**Council response** - The design principles for the Regional Aquatic, Arts and Leisure Centre include physical and visual connections to the surrounding wetlands and the incorporation of relevant heritage, including indigenous heritage. This can happen in the location it is currently proposed.

3. I would place the carparking and access in and out of the site to the south (to avoid further congesting the Stocklands intersection, already difficult but imagine it with thousands of extra cars for a big event. Plus looking at a big carpark as you come into town is not ideal. Better to put it further down the site when you can come in and out more safely (also learning the lesson from the dangerous Bunnings entrance/exit on Cranbrook Road).

**Council response** - Primary access to the site is currently from a signalised intersection providing for safe and comprehensive access from all directions. Relocating the access would require the provision of a new signalised intersection to maintain the safe and comprehensive access currently available. It is unlikely that this would be supported by the NSW Roads and Maritime Services. Consideration is being given however to additional access and egress points to provide alternative options, particularly to facilitate safe egress from the site in the event of an emergency or disaster. As noted above, the design of the Regional Aquatic, Arts and Leisure Centre will address the visual impact of the development and car parking.

**Appendix 1 - Mackay Park draft Plan of Management  
Consultation results and recommended responses**

Submission No. 2

1. As Mackay Park is now to be managed as “community land”, why is there no mention of a ‘Community Engagement Strategy’ in the draft” This is required under the new Crown Lands Management Act.

**Council response** – Section 5 of the draft POM is called Community and Stakeholder Consultation. The section has been updated and strengthened to include engagement principles and issues raised in relation to the public exhibition of the draft plan. .

2. I note the phrase, “This plan of management authorises Council to ....,” occurs often; but there is no mention of the community ever being able to have any input regarding proposed activities.

**Council response** - The authorisations in the Draft POM relate to the issuing of leases and licenses. Council will comply with relevant legislation, including public exhibition requirements, prior to the issue of any lease or license.

3. The Draft Plan reads as though Mackay Park is council land, not community land.

**Council response** - The Draft POM has been prepared in accordance with the relevant guidelines for Preparing Plans of Management for Community Land.

4. The Draft Plan makes no attempt to address the issues causing much disquiet/controversy within the community regarding the various costly concept plans for the Mackay Park development.

**Council response** - The design of the Regional Aquatic, Arts and Leisure Centre is a separate process to the preparation of a Plan of Management for the land. The purpose of the Plan of Management is to ensure all of the proposed activities within the new centre are permitted on the land.

**Appendix 1 - Mackay Park draft Plan of Management  
 Consultation results and recommended responses**

**3. Information session for Mackay Park user groups and Council Advisory Committees**

Held at Batemans Bay Community Centre

4.00pm – 5.30pm 21 January 2019

Six community members attended representing the following groups. Public Arts Advisory Committee, swimming groups, PERFEX, South Coast Music Society.

Question from the floor	Response	Include in FAQs
How will the POM address connectivity between the park and the CBD?	POM objective 6.5 (c) advocate that Mackay Park is well connected to the Batemans Bay town centre. The strategy will address the connectivity question.	No
Can a multi-story car park be built at Mackay Park?	Yes the land category allows for car parking, however, the height and scale of such a structure will be determined by a development application that will examine, among other planning documents, the POM and Eurobodalla Local Environment Plan 2012 (LEP). The full suite of relevant legislation is provided in the draft POM. The capacity of the land to cater for the weight of such a structure may also determine a development application.	No
What leases and licences can be granted?	The draft POM spells out the leases and licences plus the activities that are permissible on the reserve.	No
Has the NRMA been granted a licence for managing electric vehicle charging stations?	Yes	No
Who is responsible for the wetlands?	NSW Government Departments generally have jurisdiction over waterways.	No
Can the POM strengthen the operational needs of aquatic centre user groups?	This can be considered as part of the further development of the POM.	No
Who will own the POM?	Following endorsement by the Minister, the community and Council will own the POM.	No
Will Council develop a budget to implement the POM?	Future master plans will provide cost estimates and detailed plans for capital improvements and management of assets.	Yes
Will the \$51 million [for the Regional Aquatic, Arts and	In relation to developing the POM, no. The NSW Government has contributed	Yes



**Appendix 1 - Mackay Park draft Plan of Management  
 Consultation results and recommended responses**

Question from the floor	Response	Include in FAQs
Leisure Centre] be used to develop or implement the POM?	\$77K towards the cost of the three year project for development of 12 POMs by Council. In relation to implementing the POM, the funds allocated to the Regional Aquatic, Arts and Leisure Centre will be used for that development. Council will seek other funding to implement other recommendations of the POM.	
Is there going to be a meeting about the design of the Regional Aquatic, Arts and Leisure Centre?	Yes, public engagement about the Regional Aquatic, Arts and Leisure Centre concept designs is occurring until 17 February 2019. The concept designs currently address the internal layout. Further consultation will occur with user groups when the designs are reviewed and refined.	No
Were any artefacts found on the site?	The Aboriginal Heritage Due Diligence Assessment Report 2018 cited in the draft POM, describes the one artefact found. Given the location of the find, the report states that there is a likelihood that artefact was transported to the site with fill used to raise the level of the playing fields.	No
What about Dr Mackay's house, was there any evidence of that being found?	No	No
What is the actual area of the site?	The actual size of the site will be determined by a survey of the reserve. Once the design of the Regional Aquatic, Arts and Leisure Centre is agreed, a breakdown of the various site elements can be calculated too. In the meantime, the POM can provide an estimate of the area of the reserve and the various areas of the reserve.	No
Will the functions of a community centre be supported by the 'General Community Use' category?	Yes	No

**Appendix 1 - Mackay Park draft Plan of Management  
 Consultation results and recommended responses**

Question from the floor	Response	Include in FAQs
What are the land classifications of the current Batemans Bay Visitor Information Centre (VIC) and Community Centre. What is proposed for those sites?	Both the VIC and the Community Centre in Batemans Bay are located on Operational land. The future of those sites is a separate matter for Council to consider should the uses on those sites be transferred to the Regional Aquatic, Arts and Leisure Centre.	No
Is Mackay Park part of the flood zone?	Yes	No
What input can the public have about a town wide plan?	There will be community consultation as part of future town planning for Batemans Bay	No
Has the ILUTP started?	We believe so. As this project is being administered by Strategic Services you may speak with that unit for an update.	No

**4. Community drop-in information stall**

The drop-in information stall was held at the Village Centre Batemans Bay between 10.00am and 2.00pm on Thursday 6 February 2019. The drop-in stall had the following objectives.

- To inform the community about the draft POM and respond to their questions
- To encourage people to make a submission to the draft POM
- To invite people to attend the public hearing into the proposed category change.

During the period of the drop-in session, 41 people stopped and spoke with Council staff about the draft POM. Conversations about the draft POM were measured and positive.

**REPORT OF THE PUBLIC HEARING  
OF 6 FEBRUARY 2018 INTO THE  
PROPOSAL BY EUROBODALLA SHIRE  
COUNCIL TO RECATEGORISE MACKAY  
PARK FROM “PARK” TO “GENERAL  
COMMUNITY USE”.**



Garret Barry Planning Services Pty Ltd

13 February 2019

## **Summary**

Council has exhibited a draft Plan of Management for Mackay Park which is in the town of Batemans Bay, on the west side of Vesper Street. A copy of that exhibited Draft Plan is an attachment to this report.

Included in the proposals of the draft Plan is that the categorisation of the Park be changed from the current category of "Park" to that of "General Community Use".

As required under the crown lands and local government legislation, a public hearing into the proposal was held at the Function Centre at Mackay Park on 6 February 2018, commencing 5 pm. Garret Barry of Garret Barry Planning Services, conducted the hearing as an independent Chair.

Two submissions were made to the hearing. The main issue from both submissions relates to concerns as to how all facilities might remain accessible to the general community. This concern is discussed in the following report with a conclusion drawn that mechanisms exist to ensure Council can ensure general community access to all current and proposed facilities.

The Consultant therefore considers Council is able to re-categorise Mackay Park to General Community Use.

## **1 Statutory requirements**

Under the Local Government Act 1993, Community Land requires a Plan of Management and all parcels of Community land are required to be placed in one of 5 categories:

- Natural Area
- Sports ground
- Park
- Area of Cultural Significance
- General Community Use.

Mackay Park is Crown Reserve R580022 and comprises Lots 30,31 and 259 of DP 755902 and Lots 1 and 2 DP 1049123.

The Crown Lands Management Act 2016 requires Councils who have been appointed the manager of a crown reserve, to manage that land as if it were council owned community land under the Local Government Act 1993. Eurobodalla Shire Council is the appointed manager of Mackay Park. At the time of the coming into effect of the new Crown Lands Management Act in July 2018, Mackay Park was given the category of Park.

Further, under the Local Government Act, Section 40 (A), should a Council wish to change the category of Community land, it must first conduct a Public Hearing and consider the report of such hearing before making any resolution to re-categorise the land.

The proposal for the hearing must be given public notice.



Best practice guidelines suggest that the Chair of a Public Hearing should be independent from the Council.

Following the hearing, the chairperson must report to Council and Council must make such report publicly available.

## **2 Report of the hearing**

Garret Barry, a Registered Town Planner, of Garret Barry Planning Services was engaged by Council to conduct the hearing.

Notice of the proposed public hearing was given by Council in the local press, on Council's web page, Facebook, direct mail to reserve user groups and promoted at several community meetings that Council conducted to present the draft Plan of Management.

I, (Garret Barry) attended the Function Centre at Mackay Park on 6 February 2018 and formally opened the public hearing at 5 pm. In attendance were 9 members of the community plus Council representatives including the Divisional Manager, Recreation Services Mark Upson and Recreation Planner Steve Picton. Consultant Planner for the Plan of Management process Mark Hitchenson of Navigate Planning also attended.

I have reviewed the draft Plan of Management and Council's documentation relating to public notice and I am satisfied all notification requirements have been met.

After opening the hearing, I gave a summary of the requirements for the hearing and the rights of the community to make a submission. Mark Hitchenson then gave an overview presentation on the Plan of Management.

Two of the members of the community gave notice they wished to address the hearing.

**Submission One: Nina Poulton**, made the following points:

- M/s Poulton sought clarification on the current and proposed uses of the reserve and this was detailed by staff.
- M/s Poulton also sought clarification on the range of leases Council is empowered to grant for specified uses in the reserve and this was detailed including the requirement to also obtain the Crown Lands Minister's concurrence for long term leases that involved part of a Crown reserve like Mackay Park.
- General discussion then ensued as to the differences between what might be possible under the categories of Park versus General Community Use with both definitions from the Local Government Regulation being discussed.
- M/s Poulton's principle concern seemed to be that the general community not be denied access to any facilities in the Reserve as an outcome of any leasing or other indirect management of services Council may elect to approve. The example was made of a physiotherapist who may take a room in the proposed aquatic centre and provisions to make sure such services related to the Reserve and were accessible to the general community.

**Submission Two: Trish Hellier made the following points:**

- M/s Hellier also sought assurances that potential private management structures such as leases did not compromise general community access to any reserve facility. She was not convinced that commercial operation of reserve facilities would be as accessible to the general public as a Council direct management model.
- She sought assurances any income from leases and licences would go to Council and not the State. I am advised in the case of the likely uses of Mackay Reserve, Council would receive any lease income.
- In general discussion it was pointed out by staff and consultants that there were several community checks in the process of Council considering any private supplier of community services in the reserve:
  - The Plan of Management had to approve such uses.
  - Often development application was required or other Council reporting involving opportunity for community submission and input.
  - Long term proposals triggered a need for concurrence of the Crown Lands Minister.
- M/s Hellier also raised several issues relating to the proposals in the Plan of Management and was requested to ensure she made submission to that process on those items.

**Analysis of Submissions**

The main concern in both submissions centred on mechanisms to ensure any private provider of services to the Reserve was bound to allow general community access. While such concern is reasonable and the principle of public access to the Reserve very important, I feel there are enough checks and balances to address this concern.

Firstly, the plan of management has to propose the uses and go through community consultation and input. For example, an aquatic centre is part of the proposals in the current draft plan of management for Mackay Reserve and is the subject of current community input as to its detail, function and type of management.

Often DA or related assessment is needed for specific works and usually involves community consultation.

Most proposed leases, licences and other mechanisms for allowing private management of reserve facilities / services require a tender process and reporting to the Council and that in turn allows public scrutiny. The option of some private service providers in Community reserves is now commonplace in local government and in many cases seems to provide additional benefits, if managed well.

Elements of public reserves, especially sports fields require some controlled use. For example, one local football club may be allocated a particular field by a council as its home ground and another reserve provide a field for a competitor. The main pool at an aquatic centre would be a public pool but at times may be needed for specific groups ranging from hydro-therapy to water polo matches.

The Community land status ensures all the uses of such land must be for community benefit.

**Conclusion**

The issue of management of potential private service providers can be reasonably addressed through the plan of management processes and normal Council leasing requirements.

Widening the category for Mackay Reserve to that of General Community Use will ensure all the proposed facilities in the draft Plan of Management can be accommodated.

No person at the public hearing spoke against the proposed re-categorisation of Mackay Park from "park" to "general community use".

Re-categorisation of Mackay Park to General Community Use appears supportable.

Garret Barry

MPIA, RP

Hearing chairman

13 February 2018.

**Appendix 3 – Recommended edits to the Mackay Park draft Plan of Management (POM) following community consultation**

<b>Page and section of POM</b>	<b>Recommended edit or addition to POM</b>	<b>Source of edit</b>
Cover and inside cover pages	Change of public exhibition dates	New public exhibition period
Page 6 Executive Summary	Inserted paragraph to identify the land that the draft POM applies, noting that the southernmost lots that form a wetland will be included in the Natural Areas and Undeveloped Reserves POM rather than the Mackay Park POM	NSW Department of Industry – Crown Lands
Page 7 Executive Summary	Inserted paragraph linking the POM to Council's Integrated Planning and Reporting Framework	Peer review
Mackay Park Action Plan Page 8 Executive Summary and Action Plan on page 54	New Issue G – Promote energy and water efficiency in all development and use of Mackay Park New Actions G1, G2,G3 Revised Issue H and Action H1 to strengthen a commitment to integrating public art and signage at Mackay Park	Submission via questionnaire from Mackay Park Sunset Committee representative
Mackay Park Action Plan Page 9 Executive Summary and Action Plan on page 57	Revised Action M1 to change the term 'gymnasium' to 'health and fitness facilities'.	Peer review
	Revised Action N1 to reflect cooperative actions between Council and NSW Department of Industry – Crown Lands, in undertaking a full survey of Mackay Park leading to boundary amendments, new Deposited Plan(s) and the appointment of a land owner/manager by the Crown.	NSW Department of Industry – Crown Lands
	New Action N3 signalling that Council will include the six lots at the southern extent of Mackay Park in a generic Natural Areas and Undeveloped Reserves POM	NSW Department of Industry – Crown Lands
Pages 10-11 Introduction Section 2.2	Inserted paragraph to identify the land that the draft POM applies, noting the six southernmost lots (lot and DP numbers) that form a wetland will be included in the Natural Areas and Undeveloped Reserves POM rather than the Mackay Park POM.	NSW Department of Industry – Crown Lands

**Appendix 3 – Recommended edits to the Mackay Park draft Plan of Management (POM) following community consultation**

Page and section of POM	Recommended edit or addition to POM	Source of edit
Mackay Park Action Plan on page 9 Executive Summary and on page 57. Also pages 37 (sections 4.22, 4.23, 4.24) and on page 48 section 6.6	Remove references and actions to undertake an Integrated Land Use and Transport Plan as Council has already undertaken transport and parking studies with actions to improve pedestrian and transport options for the Batemans Bay town centre.  Consideration is being given in planning of the Regional Aquatic, Arts and Leisure Centre to additional access and egress points to provide alternative options for movement of people in the event of an emergency	Peer Review
Page 11 Figure 1	New map identifying the land that the draft POM applies, plus the six southernmost lots (lot and DP numbers) that form a wetland and not included in the draft POM.	NSW Department of Industry – Crown Lands
Page 12 Section 2.3	New sentence to clarify that the POM does not require or lead to the reclassification of any part of Mackay Park.	Peer Review
Page 12 New sections 2.5 and 2.6	Inserted paragraph linking the POM to Council's Integrated Planning and Reporting Framework and a commitment to review the POM.	Peer Review
Pages 12-13 New section 2.7 and Figure 2	Flow chart to denote the POM's development process.	NSW Department of Industry – Crown Lands
Page 24 Section 3.8	Deletion of the reference to Figure 14.	Peer Review
Figure 14	Deletion of Figure 14: Mackay Park Regional Aquatic, Arts and Leisure Centre Concept Plan as it is no longer current.	Peer Review
Page 38 New section 5.1	The new section provides an overview of Council's engagement principles and a summary of consultation activities undertaken by Council in line with the NSW Local Government Act 1993 and the NSW Crown Land Management Plan Act 2016.	Peer Review. Also responds to Submission 2

**Appendix 3 – Recommended edits to the Mackay Park draft Plan of Management (POM)  
 following community consultation**

<b>Page and section of POM</b>	<b>Recommended edit or addition to POM</b>	<b>Source of edit</b>
Pages 40-42 New entries	A new entry in this section details the public events, including the public hearing, that were conducted during the public exhibition period to seek submissions and input from the community.	Update post public exhibition 1
Page 42 New section 5.6	New section to summarise consultation events and results from the second public exhibition period	Update post public exhibition 1
Page 44 New section 6.4	A commitment by Council for the ongoing administration and implementation of the adopted POM.	Peer review
Pages 49-50 Section 6.7	Expressed authorisation with respect to the leases and licences with respect to s46(1)(b) NSW Local Government Act 1993	NSW Department of Industry – Crown Lands

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## **17. DEALING WITH MATTERS IN CLOSED SESSION**

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

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

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

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

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

#### ETHICAL DECISION MAKING

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

#### CONFLICT OF INTEREST

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

#### THE TEST FOR CONFLICT OF INTEREST

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

#### IDENTIFYING PROBLEMS

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



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

## AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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