

AGENDA

Ordinary Meeting of Council

22 June 2021

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

ON TUESDAY 22 JUNE 2021

COMMENCING AT 11.00AM

AGENDA

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

1. WELCOME

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Ordinary Meeting held on 8 June 2021

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

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

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6. MAYORAL REPORTS

Nil

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8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

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17. CONFIDENTIAL MATTERS

**DR CATHERINE DALE
GENERAL MANAGER**

NOM21/001 MORUYA BYPASS COMMUNITY FEEDBACK

S012-T00026

Responsible Officer: Lindsay Brown - Councillor

Attachments: Nil

Councillor Lindsay Brown has given notice that at the Ordinary Meeting of Council on Tuesday 22 June 2021, he will move the following motion.

MOTION

THAT Council write to the NSW Government urging them to take into consideration the community feedback in regard to the economic impact of the preferred route for the proposed Moruya Bypass on the agricultural sector, noting the concerns that have been expressed by a number of landowners and residents.

BACKGROUND

I have been approached by several affected ratepayers as well as residents expressing concerns about proposed route of the Moruya Bypass.

I have confidence that the NSW Government has undertaken a comprehensive community engagement process and the relative staff have been very approachable.

This is an important community issue and the final decision will have a significant impact for decades to come. There is a diversity of views regarding the location of the bypass and it will be challenging to accommodate all perspectives.

NOM21/002 APPLICATION FOR GATE PERMIT - COOPERS ISLAND ROAD

S012-T00026

Responsible Officer: Phil Constable - Clr

Attachments: Nil

Councillor Phil Constable has given notice that at the Ordinary Meeting of Council on Tuesday 22 June 2021, he will move the following motion.

MOTION

THAT Council:

1. Refuse to issue a public gate permit under s128 of the *Roads Act 1993 (NSW)* to the owner of the land adjoining Coopers Island Road ('the adjoining landowner') for the erection of a public gate across Coopers Island Road where it meets the Princess Highway.
2. Direct the adjoining landowner to remove the gate that is currently erected across Coopers Island Road at that location within 21 days of this resolution.
3. Upon the adjoining landowner complying with the Council direction to remove the gate, issue to the adjoining landowner a 7 day notice of intention to issue Order No. 7 under s124 of the *Local Government Act 1993 (NSW)* requiring the adjoining landowner to fence its land along the length of Coopers Island Road to the Princes Highway road reserve, on the basis that it is satisfied that public safety renders it necessary that the land adjoining Coopers Island Road is fenced.'
4. Contribute 50% of the cost of the fence as a one-off contribution.

BACKGROUND

This motion is attempting to provide the best outcome for the whole of the community, including the landowners and the public that access Coopers Island Road.

I consider that a closed gate, even with a sign stating that this is a public road gate can be a deterrence for people accessing the road.

Approval of the gate permit could result in people leaving the gate open. If it could be determined categorically that a third party opened and did not close the gate which caused cattle to cause an accident on the Highway, the third party may have some form of liability.

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T00029**

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: 1. Under Separate Cover - 2017-22 Delivery Program and 2021-22 Operational Plan
2. Under Separate Cover - 2021-22 Fees and Charges

Outcome: 9 Innovative and Proactive Leadership

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

Delivery Program Link: 9.1.1 Undertake sound, best practice long term community and corporate planning

Operational Plan Link: 9.1.1.1 Review Council's Delivery Program and prepare the Operational Plan

EXECUTIVE SUMMARY

The purpose of this report is to seek adoption of Council's revised Delivery Program 2017-22 and Operational Plan 2021-22, incorporating the Budget, Fees and Charges, Revenue Policy and the making of the general rate and water, sewer, waste, stormwater and liquid trade waste charges.

Under NSW Integrated Planning and Reporting legislation, councils are required to prepare a Community Strategic Plan, Delivery Program and Operational Plan for each term of council. Council's Community Strategic Plan 2017 was adopted on 13 June 2017. Council's Delivery Program 2017-21, developed through an extensive community and stakeholder engagement, was adopted on 27 June 2017.

Due to the COVID-19 pandemic, the Local Government elections were postponed by the NSW Government for 12 months. As per Office of Local Government circular 20-15 (1 May 2020) Council's existing Delivery Plan 2017-21 is to be extended for a further 12 months and include the Operational Plan 2021-22.

The NSW Integrated Planning and Reporting legislation requires councils to review their Delivery Program on an annual basis. The revision included Councillor and staff workshops. The revised draft Delivery Program 2017-22 and Operational Plan 2021-22 was exhibited for 28 days between 28 April and 25 May 2021 and the community was invited to provide feedback.

Five submissions were received and considered in the final version of the Delivery Program 2017-22 and Operational Plan 2021-22 and the 2021-22 Fees and Charges (attached).

The Delivery Program 2017-22 sets out the activities that Council aims to deliver in its current five-year term and the measures used to track its progress. The Operational Plan 2021-22 shows the actions, key projects, capital works and infrastructure renewals and maintenance that Council plans to deliver in the year ahead. The aim is to meet the needs of our community in a financially responsible way while focusing on building a sustainable future for Eurobodalla.

The annual Ordinary Rates for 2021-22 are in accordance with the rate peg set by IPART of 2%.

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To meet the statutory requirement for Council to endorse its budget by 30 June 2021, the revised Delivery Program 2017-22 and Operational Plan 2021-22, incorporating the Budget, Capital Works program, Statement of Revenue Policy and Fees and Charges for 2021-22 is reported to Council for adoption, incorporating amendments since exhibition as outlined in this report.

RECOMMENDATION

THAT:

1. Council make the annual Ordinary and Special Rates for 2021-22 in accordance with the rate peg set by IPART which is 2%, as contained in the table in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2021-22 in accordance with the Revenue Policy and the charges as contained in the tables in the report.
3. Council make each fee and charge for 2021-22 in accordance with the Revenue Policy and Fees and Charges as attached to the report.
4. Council adopt the Delivery Program 2017-22 and Operational Plan 2021-22 attached to the report as per the statutory requirements with implementation to commence 1 July 2021.
5. Council thank the community members who made a submission and provide them with a response.

BACKGROUND

The *Local Government Act 1993* requires all NSW councils to prepare a Community Strategic Plan, Delivery Program and Operational Plan.

The Community Strategic Plan is the highest level Plan that Council prepares and is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's long-term aspirations, priorities and vision. Council's Community Strategic Plan 2017 was adopted on 13 June 2017.

The Delivery Program details the activities that the Council will deliver over its term and the strategies it will implement in consultation with the community and contained in the Community Strategic Plan. Council's Delivery Program 2017-21 was adopted on 27 June 2017.

Due to the COVID-19 pandemic, the Local Government elections were postponed by the NSW Government for 12 months. As per Office of Local Government circular 20-15 (1 May 2020) council's existing Delivery Plan 2017-21 is to be extended for a further 12 months and include the Operational Plan 2021-22.

The Operational Plan details the actions to be undertaken during the next financial year and includes the annual budget and fees and charges for the year ahead.

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At the close of the exhibition period there were five submissions. Councillors received a copy of all submissions received. A summary of the public submissions is provided under the Community Engagement section of this report.

CONSIDERATIONS

The Delivery Program 2017-22 and Operational Plan 2021-22 has been developed with the aim of building a sustainable future. The Delivery Program 2017-22 and Operational Plan 2021-22 will enhance Council's ability to meet ongoing financial sustainability, while maintaining a focus on meeting identified community needs and aspirations.

The Delivery Program 2017-22 and Operational Plan 2021-22 continues to focus on building a sustainable future for Eurobodalla and delivering services, key projects, capital works and infrastructure maintenance to support the community in its daily activities, economic development and employment growth. It also systematically implements strategies and plans that Council has adopted following extensive community engagement. Examples include the Recreation and Open Space Strategy, Eurobodalla Pathways Strategy, Creative Art Strategy, Batemans Bay Waterfront Masterplan and Activation Strategy, Tourism and Way Finding Strategy, Mogo Adventure Trail Hub Strategy and Local Strategic Planning Statements.

This year the Operational Plan also includes an update on the bushfire recovery phase that continues to involve the whole community, government, business associations, private entities and not-for-profit organisations. We have highlighted throughout the plan (using a leaf symbol), the activities that will include bushfire recovery elements.

Legal / Financial

The Office of Local Government's Integrated Planning and Reporting Manual and Integrated Planning and Reporting Guidelines are comprehensive tools which have been used in the development of the Delivery Program 2017-22 and Operational Plan 2021-22.

The combined Delivery Program 2017-22 and Operational Plan 2021-22 has been prepared in accordance with the *Local Government Act 1993*.

- Section 404 requires Council to have a Delivery Program to implement the strategies established in its Community Strategic Plan within the resources available.
- Section 405 requires Council to have an Operational Plan which details the activities to be engaged in by the Council during the year as part of the Delivery Program. The Operational Plan must include a statement of the Council's revenue policy for the year covered by the Plan. The statement of revenue policy must include the statements and particulars required by the regulations.
- Section 535 requires a council resolution to make a rate or charge.

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The following presents the rates and charges as detailed in the Revenue Policy and Fees and Charges Schedule for making:

General Revenue Increase

The General-Purpose rate income will increase 2% in accordance with the rate peg amount approved by IPART.

In accordance with Section 494 of the *Local Government Act 1993*, it is recommended that Council makes the following Ordinary Rates for 2021-22:

Ordinary Rate Name	Rate (cents in \$)	Base Charge (\$)	Base Charge as a % of total Ordinary Rate
Residential	0.2273	537.00	49.82
Business	0.9891	537.00	14.16
Farmland	0.1598	537.00	32.87
Business Inactive	0.2273		

Interest Charges on Overdue Rates and Charges

The Minister for Local Government has determined the maximum rate of interest that may be charged on overdue rates and charges for 2021-22 will be 6%.

In accordance with Section 566(3) of the *Local Government Act 1993*, it is recommended that Council resolves to adopt the maximum interest rate allowed.

Domestic Waste Management Charges

Council provides a waste collection and management service to the community. Waste management charges are designed to recover costs from people who actually benefit from the availability or the use of Council's waste management system. Waste collection charge has been increased by 2%.

In accordance with Section 496 of the *Local Government Act 1993*, it is recommended that Council makes the following Domestic Waste Management Charges for 2021-22:

Domestic Waste Charge	Total Charge (\$)
Domestic waste availability charge	19.60
Domestic waste collection service charge	243.80
+Additional service 240L recycling bin	71.50
+Additional service 240L garden organics bin	71.50
Waste management charge	55.45

Stormwater Management Service Charges

In 2006-07 Council introduced a Stormwater Charge on all developed urban properties. A special 'Stormwater Fund' was established as part of the General Fund to record and report the income and expenditure related to this charge.

Stormwater charges will remain the same as 2020-21.

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In accordance with Section 496A of the *Local Government Act 1993*, it is recommended that Council makes the following Stormwater Management Service Charges for 2021-22:

Stormwater Management Service Charge		Total Charge (\$)
Land categorised as residential		25.00
Residential strata (per lot)		12.50
Land categorised as business	25.00 (for land up to 1,050 square metres)	
	50.00 (for land 1,051 to 2,100 square metres)	
	75.00 (for land 2,101 to 3,150 square metres)	
	100.00 (for land greater than 3,150 square metres)	
	The charge for business strata is for the business divided by the number of units	

Environment

In 1996-97 Council introduced an Environmental Levy to provide funds to assist with the preservation and protection of the environment. A separate fund, the Environment Fund, was established for the levy to ensure that monies collected are accounted for separately from other activities of Council.

The Environment Levy will increase 2% in accordance with the rate peg amount approved by IPART.

In accordance with Section 495 of the *Local Government Act 1993*, it is recommended that Council makes the following Environmental Levy for 2021-22:

Category	Rate (cents in \$)	Base charge (\$)	Base Charge as a % of total Environment Levy
Environmental Levy	0.008665	21.00	49.50

Water

Supplying water to the community is one of the major activities of Council. To pay for this supply, Council collects revenue from people who benefit from the availability and use of the water supply. All consumers are charged a fixed availability charge and a water consumption charge. The charges have been balanced to maintain best practice established by the NSW Office of Water.

The water consumption charge will increase by 1.3% to maintain best practice pricing. The water availability charge will increase by 2.9%.

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In accordance with Sections 502 and 552 of the *Local Government Act 1993*, it is recommended that Council makes the following Water Charges for 2021-22:

Water Availability	Charge (\$)
Residential connection – metered, unmetered, strata unit	350.00
Business and multi residential (non-strata flats)	
Meter size (mm) - 20	350.00
25	560.00
32	910.00
40	1,400.00
50	2,205.00
65	3,710.00
80	5,600.00
100	8,750.00

Water Consumption		
Category	Usage charge	Charge (\$)
Residential and business	Meter size	3.80 per kL
A service fee of \$10.00 applies to all accounts 0-2kL		

Sewer

Council is responsible for the sewerage services within the Shire. Sewerage charges collect revenue from people who actually benefit from the availability or use of Council's sewerage system.

The sewer availability charge will increase by 2%.

In accordance with Sections 502 and 552 of the *Local Government Act 1993*, it is recommended that Council makes the following Sewer Charges for 2021-22:

Residential	Charge (\$)
General service – metered, unmetered, strata unit	1,010.00
Turlinjah general service (85%)	858.50
Dual occupancy single meter (assessed at a single 25mm availability charge)	1,616.00

Business and Multi Residential (non-strata flats) Availability		
Water meter size (mm)	Availability factor	Charge (\$)
20	1.0	1,010.00
25	1.6	1,616.00
32	2.6	2,626.00
40	4.0	4,040.00
50	6.3	6,363.00

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65	10.6	10,706.00
80	16.0	16,160.00
100	25.0	25,250.00
vacant	1.0	1,010.00
strata	1.0	1,010.00

Category	Usage charge	Charge (\$)
Business	meter size	2.00 per kL

Special Sewer Charges

In accordance with Sections 501 and 552 of the *Local Government Act 1993*, it is recommended that Council makes the following Special Sewer charges for 2021-22:

Category	Charge (\$)
Residential general service	1,010.00
Business	Meter size
Business	Trade waste

Liquid Trade Waste charges

Dependent on the type of business listed on the schedule, properties are charged a usage fee discounted by a discharge factor. The liquid trade waste discharge factor is the ratio of the volume of liquid trade waste discharged into the sewerage system divided by the volume of water consumed.

Liquid trade waste charges will increase by 2.6%.

In accordance with Sections 502 and 552 of the *Local Government Act 1993*, it is recommended that Council makes the following Liquid Trade Waste Charges for 2021-22:

Liquid trade waste annual fee	\$108.00
Liquid trade waste annual fee (large discharger)	\$580.00
Discharge	\$1.60/kL
Discharge (without appropriate treatment)	\$15.00/kL

Proposed Amendments

During the public exhibition period, minor amendments and reallocations to the exhibited Delivery Program 2017-22, Operational Plan 2021-22 and Budget were identified resulting in an unfavourable consolidated cash variation of \$6,316. This is considered to be a non-significant movement.

Additional minor editorial amendments to the documents have been made to phrasing, punctuation and format to improve the quality and clarity of the documents.

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Asset

The Delivery Program 2017-22 and Operational Plan 2021-22 (the Plan) has a focus on working with peak bodies to advocate to the NSW and Australian governments for enhanced funding models to better support regional communities across NSW.

The maintenance allocations are indexed to account for cost escalation for materials supply, wages and plant hire costs. Additionally, focus is being placed on grant applications with a substantial renewal component.

The Capital Program included in the Plan has a focus on sustaining community infrastructure through the renewal of assets, particularly short-lived assets. The Program includes the provision of new infrastructure to meet demand from growth and progressively address network deficiencies.

Social Impact

The Community Strategic Plan provides an overarching framework for all other Council plans and policies. The purpose of the Community Strategic Plan is to identify the community's priorities and aspirations for the future and plan strategies to achieve them. The Delivery Program 2017-22 and Operational Plan 2021-22 are Council's response to the Community Strategic Plan and provide a range of programs, services and infrastructure projects to meet identified community needs.

Economic Development Employment Potential

The Delivery Program 2017-22 and Operational Plan 2021-22 focus on building a sustainable future for Eurobodalla and delivering services, key projects, capital works and infrastructure maintenance that support economic development and employment growth within the Eurobodalla.

Attracting people to live, work, invest and visit Eurobodalla will be supported by the implementation of Advancing Eurobodalla and other related strategies, which will include a focus on providing, renewing and maintaining assets and infrastructure, managing environmental change, planning for sustainable development and growth in population, business and tourism.

The Delivery Program 2017-22 and Operational Plan 2021-22 set out the activities that support Council's role in helping to grow the local economy and employment potential.

The activities will support Council to:

- advocate for funding for major projects, and legislation to support growth
- provide and maintain public infrastructure
- promote the tourism industry
- promote and support business investment and employment growth
- partner with business and industry to attract funding and investment
- provide support services, networking and training opportunities

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- partner with industry to develop opportunities for job growth
- provide opportunities for cadetships, apprenticeships and work experience.

Community and Stakeholder Engagement

Council's original Delivery Program 2017-21 was developed through an extensive community and stakeholder engagement. The Delivery Program 2017-22 and Operational Plan 2021-22 were revised through Councillor and staff workshops. It also systematically implements strategies and plans that Council has adopted following extensive community engagement. Examples include Recreation and Open Space Strategy, Eurobodalla Pathways Strategy, Creative Art Strategy, Batemans Bay Waterfront Masterplan and Activation Strategy, Tourism and Way Finding Strategy, Mogo Adventure Trail Hub Strategy and Local Strategic Planning Statements.

The revised Delivery Program 2017-22 and Operational Plan 2021-22 was endorsed for public exhibition from 28 April to 25 May 2021. Council continued to engage the community during this period by:

- making the revised draft Delivery Program 2017-22 and Operational Plan 2021-22 available for the community to read on Council's website,
- informing the community about the public exhibition and inviting the community to have their say through information on Council's website, Eurobodalla News - Council's online newsletter, media release and advertisement in local newspapers
- notifying and inviting community associations and groups to have their say
- consulting the community by considering and acknowledging submissions received and providing the community's feedback to Council prior to any decisions being made about the Delivery Program 2017-22 and Operational Plan 2021-22.

Five public submissions were received during the exhibition period. Councillors received all submissions in the final combined document. The table below provides a summary of the issues raised in the submissions and Council's response.

Issue	Response
Condition of Toragy Headland	Council is preparing a Plan of Management for Developed Areas during 2021-22. This includes the land parcel that contains Toragy Point. This process will provide an opportunity to engage with the community on future plans for the area including environmental works and remediation of the site going forward.
Connecting Cullendulla communities via a footbridge	The agency responsible for the construction and maintenance of the crossing is NSW National Parks and Wildlife Service, and they would need to seek permission from NSW Crown Lands as the landowner. Additionally, there are a range of agencies that would need to be involved from a regulatory perspective, including Marine Parks, NSW Fisheries and the Office of Environment and Heritage. Undertaking any works over the Marine Park at this location is challenging from an approval perspective.

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	<p>Council staff have contacted National Parks and Wildlife Services (NPWS) to investigate their willingness to undertake this project and have been advised that the crossing is not a current priority and their planning and delivery resources are being directed elsewhere. Any grant application would require their support and any assessment or study would require their oversight.</p> <p>Council has amended the draft DPOP 2021-22 to include an action to advocate the relevant agencies to construct a footbridge across Cullendulla creek (action 7.2.1.3).</p>
<p>Bushfire preparedness and Neighbourhood Safe Places</p> <p>Community facilities and infrastructure such as a footbridge, footpaths, bus shelters, dangerous trees, sunshades, a community hub and vegetation control</p>	<p>Bushfire Preparedness</p> <p>The following statement is provided by the NSW Rural Fire Service.</p> <p><i>'Neighbourhood Safer Places (NSP) are places of last resort during a bushfire emergency. They are to be used when all other options in your bushfire survival plan cannot be put into action safely.</i></p> <p><i>Please note that travelling to or sheltering in a neighbourhood safer place does not guarantee your safety.'</i></p> <p>These sites are selected by the NSW Rural Fire Service. Further information on NSPs is available on the RFS website at Neighbourhood Safer Places - NSW Rural Fire Service.</p> <p>Residents are encouraged to prepare and maintain their properties well and to develop their own bushfire survival plan. Further information on bushfire survival plans is available on the RFS website at Bush fire survival plan - NSW Rural Fire Service.</p> <p>Council works closely with the Rural Fire Service to prioritise fire mitigation activities such as slashing, grooming, tree work and/or hand clearing works on Council controlled lands to minimise bushfire risk. These works must be undertaken in accord with the NSW Rural Fire Service Bush Fire Environmental Assessment Code 2006. The following link is provided to the Code which is also publicly available on the RFS website at Bush Fire Environmental Assessment Code - NSW Rural Fire Service.</p> <p>In respect to lands under the control of other parties, the bushfire mitigation response is coordinated by the Rural Fire Service through the Eurobodalla Bushfire Risk Management Plan (EBFRMP) taking a non-tenure approach. Each agency and landowner are responsible for managing lands under their control in accord with that plan. Council does have representation on the Eurobodalla Bushfire Risk Management Committee and does advocate for appropriate hazard reduction on all land tenures, including State Forests and National Parks.</p> <p>The EBFRMP plan is submitted by the RFS to the NSW Bushfire Coordinating Committee for approval. The current plan (2019) is available on the RFS website at the following link:</p>

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https://www.rfs.nsw.gov.au/data/assets/pdf_file/0017/2366/Eurobodalla-BFRMP.pdf.

Council has undertaken significant upgrade works along Cullendulla Drive to improve road safety and resilience of this key distributor road into and out of Long Beach/Maloneys Beach.

Council will continue to advocate to Transport for NSW to improve the resilience of the Princes Highway, with a particular focus on the highway between Durras Drive and Batemans Bay.

Action 3.1.3.4 of Council's DPOP 2021-22 involves *advocating for the implementation of the recommendations made in Council's submissions to the NSW Bushfire Inquiry and Royal Commission*. Council's submissions can be found at the following link:

[Bushfire inquiries and Eurobodalla Council submissions | Eurobodalla Shire Council \(nsw.gov.au\)](#)

Footpaths and footbridge

Council is currently building sections of the Northcove Road footpath in stages as funding becomes available.

A further section of footpath along Northcove Road will be considered by Council in the 2021-22 financial year when the pathway program is submitted to Council for determination.

Council's adopted pathway strategy can be found on our website at [Eurobodalla-Pathway-Strategy-2017.pdf \(nsw.gov.au\)](#). Council continues to advocate to both the NSW and Australian Governments to provide grant funding to support delivery of pathways across Eurobodalla.

Council has amended the draft DPOP 2021-22 to include an action to advocate to the relevant agencies to construct a footbridge across Cullendulla creek (action 7.2.1.3).

Trees

Council notes the concerns expressed regarding trees overhanging footpaths in Sandy Place reserves and the access road to Maloneys Beach. The risk posed by trees is assessed in accord with our Tree Risk Management on Council Controlled Land policy and within the context of the available budget. The policy can be found at [Tree Risk Management on Council Controlled Land policy \(nsw.gov.au\)](#).

Council also undertake tree work through routine maintenance activities to maintain sight lines, provide for road safety, protect infrastructure from damage and provide appropriate asset protection zones for bushfire mitigation purposes. The policy relating to bushfire risk mitigation can be found at [Bushfire Risk Management policy \(nsw.gov.au\)](#).

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	<p>A customer service request has been raised to allow assessment of the trees outlined in the submission in Sandy Place reserve and at the entrance to Maloneys Beach on Northcove Road. Works will only be undertaken if the trees are assessed as presenting a high risk to the community or infrastructure and in accord with the NSW legislative framework.</p> <p>The removal of fallen trees outside of the asset protection zone required for bushfire mitigation purposes is beyond Council's resources to achieve.</p> <p>Bus shelters</p> <p>If a new bus shelter can be justified with evidence, Council will work with the submitter and the local bus company to seek grant funding for a new shelter at an appropriate location.</p> <p>Boardwalk and jetties</p> <p>The provision of boardwalks and jetties around Reedy Lagoon is considered to be beyond Council's ability to fund the upfront capital and ongoing whole of life costs.</p> <p>Playground Sunshades</p> <p>Council is preparing an action plan to priorities shade sails at playgrounds where natural shade is limited. Sandy Place Reserve playground will be considered in this process.</p> <p>Community Hub</p> <p>Community land on the corner of Blairs Road and Cullendulla Drive has been retained for future community use. There are no immediate plans for this site.</p> <p>Vegetation maintenance</p> <p>Council will continue to support Landcare efforts in regard to weeds and invasive species.</p>
<p>Financials and proposed capital spend</p> <p>Transparency, openness and outdated document</p>	<p>Budgets</p> <p>The key financial objective when preparing the budget is to ensure a balanced net operating result from all of Council's funds. All funds project an Operating Surplus after capital grants and contributions. The use of cash and level of unrestricted cash reserves are closely managed to ensure Council remains in a strong position to meet its obligations when they fall due.</p> <p>Council continues to advocate for grant funds throughout the year and only known, successful grant funds are included in the budget when specific timing and costings can be determined. The details of all successful grants received are reported in the Annual Report.</p>

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**S004-T00028,S004-
T00029**

	<p>Transparency, openness and outdated document</p> <p>The <i>Local Government Act NSW (1993)</i> (the Act) and Integrated Planning and Reporting (IPR) Framework requires each council to prepare a Community Strategic Plan covering a minimum ten-year period, a Resourcing Strategy and a Delivery Program (for the duration of a councils elected term) and Operational Plan.</p> <p>The Act requires these IPR documents are reviewed and re-established:</p> <ul style="list-style-type: none"> • Section 402 (5) Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new community strategic plan, as appropriate to ensure that the area has a community strategic plan covering at least the next 10 years. • Section 404 (3) The council must establish a new delivery program after each ordinary election of councillors to cover the principal activities of the council for the 4-year period commencing on 1 July following the election. <p>Council's existing Community Strategic Plan 2017 and Delivery Program 2017-2021 were extended for a further 12 months, in line with the delayed 2020 council elections. These existing plans will be in place until 30 June 2022.</p> <p>At the 25 May 2021 Council meeting, Council approved the Community Engagement Strategy for the review of its Integrated Planning and Reporting suite of documents scheduled to commence in October 2021. The strategy will guide the community engagement activities for involving the Eurobodalla community and stakeholders.</p> <p>During the review, Council will be engaging with the community and asking, 'How do you see Eurobodalla in 30 years' time?' as the plans are built from the community's input, to record our aspirations on where we want Eurobodalla to be in the future.</p>
On-site sewage management fee	<p>Council's on-site sewage management (OSSM) inspection fee is charged under Section 608 of the <i>Local Government Act 1993</i>. The fee covers the inspection fee and an approval to operate, is based on full cost recovery pricing methodology and covers reasonable costs.</p> <p>The current fee includes all the costs incurred by Council in providing the service including:</p> <ul style="list-style-type: none"> • staff time (inspections, administration support, reporting, correspondence educational material)

**GMR21/030 ADOPTION OF THE REVISED 2017-22 DELIVERY
PROGRAM AND 2021-22 OPERATIONAL PLAN**

**S004-T00028,S004-
T00029**

	<ul style="list-style-type: none">• vehicle, tools and equipment• overheads (office space, stationary, telephones, computers)• water sampling where deemed necessary. <p>Council's current OSSM fee is considerably lower when benchmarked against other comparable coastal councils.</p> <table><tr><th>Council</th><th>Total</th></tr><tr><td>Eurobodalla Shire Council</td><td>\$134.00</td></tr><tr><td>Shoalhaven City Council</td><td>\$299.00</td></tr><tr><td>Lake Macquarie City Council</td><td>\$320.00</td></tr><tr><td>Central Coast Regional Council</td><td>\$278.00</td></tr><tr><td>Midcoast Council</td><td>\$310.00</td></tr><tr><td>Kempsey Shire Council</td><td>\$239.00</td></tr></table>	Council	Total	Eurobodalla Shire Council	\$134.00	Shoalhaven City Council	\$299.00	Lake Macquarie City Council	\$320.00	Central Coast Regional Council	\$278.00	Midcoast Council	\$310.00	Kempsey Shire Council	\$239.00
Council	Total														
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Midcoast Council	\$310.00														
Kempsey Shire Council	\$239.00														

Council received and noted one late submission that was not able to be considered in the Operational Plan 2021-22. The submitter was informed of an opportunity to participate and provide input regarding their issues into Operational Plan Action 4.4.1.1 – Implement actions that reduce CO2 emissions and increase climate resilience. Their submission will be considered as part of this project during 2021-22.

CONCLUSION

The revised Delivery Program 2017-22 and Operational Plan 2021-22 has been developed taking into account the various inputs and responses provided by stakeholders and community members. This included five submissions received during the public exhibition period 28 April to 25 May 2021.

Council is required to adopt the Delivery Program 2017-22, Operational Plan 2021-22 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges by 30 June 2021.

GMR21/031 DIVIDENDS FROM WATER AND SEWER FUNDS

S011-T00022

Responsible Officer: Dr Catherine Dale - General Manager

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.4.3 Collect rates and charges

EXECUTIVE SUMMARY

The NSW Government encourages best practice by all Local Water Utilities (LWUs). The purpose of best practice management is:

- to encourage the effective and efficient delivery of water supply and sewerage services; and
- to promote sustainable water conservation practices and water demand management throughout NSW.

Eurobodalla Shire Council demonstrates best practice management by implementing the outcomes of the NSW Government's Best-Practice Management (NSW BPM) of Water Supply and Sewerage guidelines – August 2007.

The Water and Sewer funds are expected to be in a sound financial position to pay a dividend to transfer funds to the General Fund, based upon:

- the final Water and Sewer fund operating results for 2019-20 (as per the audited Special Purpose Financial Statements),
- subject to an audit as conducted by Deloitte Touché Tohmatsu (Deloitte) to confirm achievement of substantial compliance of best practice management, and
- approval from the Department of Primary Industries, Water (DPIW).

The dividend will be paid once the audit is completed and DPIW sign off is received.

Guidelines for Best-Practice Management of Water Supply and Sewerage encourage continuing improvement in performance and identify six criteria for best-practice management of water supply and sewerage.

The guidelines also set out the outcomes the NSW local government Local Water Utilities (LWU) need to achieve in order to be eligible for payment of dividend from the surplus of their water supply or sewerage businesses, including effective and sustainable water supply and sewerage businesses. Additionally, best-practice management of these businesses as well as their compliance with *National Competition Policy* and the *National Water Initiative* needs to be demonstrated.

Any local government LWU wishing to pay a dividend from the surplus of its water supply and sewerage businesses are required to demonstrate achievement against these outcomes through substantial compliance with these guidelines for each of the six criteria.

GMR21/031 DIVIDENDS FROM WATER AND SEWER FUNDS

S011-T00022

RECOMMENDATION

THAT Council resolve that subject to achieving substantial compliance with each criterion contained in the *Guidelines for Best-Practice Management of Water Supply and Sewerage*, Council take up dividends from the Water and Sewer funds of \$594,548 and \$439,713 respectively based upon 2019-20 audited results and approval from the Department of Primary Industries, Water (DPIW).

BACKGROUND

Council's water supply and sewerage businesses are permitted to pay an annual dividend from its water supply or sewerage business surplus.

The NSW Government encourages best-practice by all LWUs. The purpose of best-practice management is:

- to encourage the effective and efficient delivery of water supply and sewerage services; and
- to promote sustainable water conservation practices and water demand management throughout NSW.

Guidelines for Best-Practice Management of Water Supply and Sewerage encourage continuing improvement in performance and identify six criteria for best-practice management of water supply and sewerage:

1. Strategic Business Planning
2. Pricing (including Developer Charges, Liquid Trade Waste Policy and Approvals)
3. Water Conservation
4. Drought Management
5. Performance Reporting
6. Integrated Water Cycle Management.

The guidelines also set out the outcomes that local government LWUs must achieve in order to be eligible for payment of a dividend from the surplus of their water supply or sewerage businesses, including effective and sustainable water supply and sewerage businesses. Additionally, best-practice management of these businesses as well as their compliance with *National Competition Policy* and the *National Water Initiative* needs to be demonstrated.

Any local government LWU wishing to pay a dividend from the surplus of its water supply and sewerage businesses are required to demonstrate achievement against these outcomes through substantial compliance with these guidelines for each of the six criteria.

In order to make a dividend payment from a surplus, an LWU must:

- Demonstrate best-practice management compliance through an independent compliance audit report; and
- Obtain an unqualified financial audit report for its water supply and sewerage businesses; and

GMR21/031 DIVIDENDS FROM WATER AND SEWER FUNDS

S011-T00022

- Resolve in a council meeting open to the public that it has achieved 'substantial compliance' with each criterion in the guidelines.

Each dividend must be calculated and approved in accordance with the DPIW guidelines and must not exceed:

- i. 50% of this surplus in any one year, or
- ii. The number of water supply or sewerage assessments at 30 June 2020 multiplied by \$30 (less the payment for tax equivalent charges, not exceeding \$3 per assessment).

In accordance with the DPIW guidelines, a Dividend Payment Form, Statement of Compliance, Unqualified Independent Financial Audit Report and Compliance Audit Report are required to be submitted to the DPIW.

The proposed transfer of funds from the Water and Sewer funds to the General Fund are based upon 2019-20 audited results in the Water and Sewer funds, and subject to a satisfactory compliance of best practice audit and approval from the DPWI.

CONSIDERATIONS

Financial

The Water and Sewer Funds are in a sound financial position and have capacity to transfer the full dividend amounts. They had operating surpluses (before capital revenue) of \$1.67 million (Water) and \$1.26 million (Sewer) in 2019-20. Payment of these dividends will assist Council to continue to meet its Fit for the Future ratios in accordance with Council's adopted Fit for the Future Strategy.

Community and Stakeholder Engagement

The 2019-20 Financial Statements, which included Water and Sewer Funds, were referred to audit on 17 November 2020 and publicly exhibited on 30 November 2020 prior to being presented to Council for adoption at the Ordinary Meeting of Council held on 8 December 2020.

CONCLUSION

Based upon 2019-20 audited results in the Water and Sewer Funds, and subject to achievement of substantial compliance of best practice audit and approval from the Department of Primary Industries, Water, it is appropriate to seek the endorsement of Council to transfer Dividends of \$594,548 (Water) and \$439,713 (Sewer) Funds to the General Fund.

GMR21/032 INVESTMENTS MADE AS AT 31 MAY 2021

**S011-T00006,
S012-T00025**

Responsible Officer: Dr Catherine Dale - General Manager
Attachments: Nil
Outcome: 9 Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status
Operational Plan Link: 9.2.4.2 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 31 May 2021, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

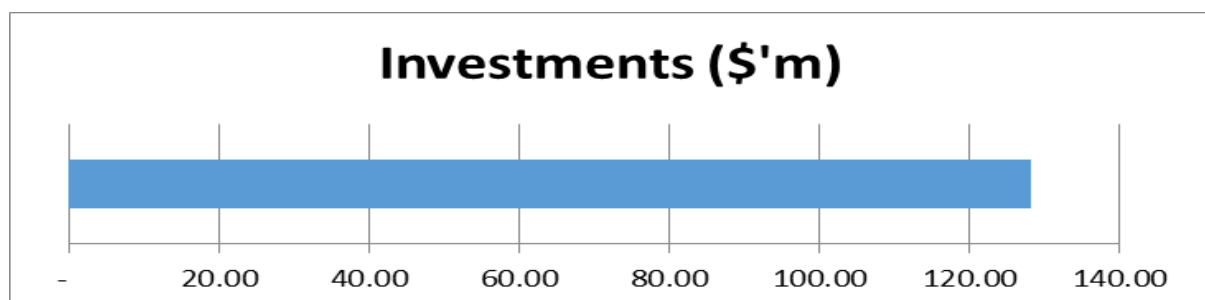
CONSIDERATIONS

Policy

The portfolio is compliant with Council's investment policy adopted by Council on 31 July 2018 (Minute 18/182).

Financial

Council investing overall



GMR21/032 INVESTMENTS MADE AS AT 31 MAY 2021

**S011-T00006,
S012-T00025**

Council has \$128.10M (100%) 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 \$36.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments were stable during May 2021.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 28.49% invested in BBB+. Investment in Government guaranteed deposits is \$1.75M representing 1.37% of the portfolio.

There are \$50.0M (39.03%) of funds invested in claimed fossil fuel free institutions.

The weighted average return for all investments for the month is 0.58%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (0.29%).

Summary investment information

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

CATEGORY	(\$)
At call deposit	12,851,228
Term deposits	113,500,000
Term deposits Government guaranteed	1,750,000
	128,101,228
<i>Weighted average interest %:</i>	0.58%
<i>Average 90 day BBSW + 0.25%</i>	0.29%

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	1.37	1.37	100.00
Near risk free	70.14	70.14	100.00
Some limited risk (BBB+)	28.49	28.49	30.00
Grand total	100.00	100.00	

GMR21/032 INVESTMENTS MADE AS AT 31 MAY 2021

**S011-T00006,
S012-T00025**

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 2020 is 3.47:1. Council therefore has approximately \$3.47 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.

PSR21/020 PUBLIC ART - BAY PAVILIONS

S023-T00024

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

Attachments: 1. Emergence
2. Rockpool

Outcome: 5 Vibrant and Diverse Economy

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

Delivery Program Link: 5.1.3 Plan for the development of the Batemans Bay Mackay Park Precinct

Operational Plan Link: 5.1.3.1 Begin construction of the Regional Aquatic, Arts and Leisure Centre Batemans Bay, subject to all Council and Development Application approvals

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council the artworks to be placed in the theatre forecourt and western forecourt (main entrance) of Bay Pavilions.

The selected artworks and artists are:

- Fenella Richards from Everlon with the artwork 'Emergence' to be placed in the theatre forecourt.
- Cathy Drew from McClelland and Drew with the artwork 'Rockpool' to be placed in the western forecourt (main entrance).

The procurement process was a two-stage approach with an initial Expression of Interest followed by a shortlist of artists provided with an opportunity to develop their final concept. The artworks selected by the panel have also been endorsed by the Public Art Advisory Committee (PAAC) on 7 June 2021.

The artworks are scheduled to be in place prior to the opening of the Bay Pavilions, currently scheduled for early 2022.

PSR21/020 PUBLIC ART - BAY PAVILIONS

**S023-
T00024**

RECOMMENDATION

THAT Council:

1. Endorse the Evaluation Panel and the Public Art Advisory Committee's recommendation from their meeting on 7 June 2021:
 - a. to install the sculpture titled 'Emergence' by Fenella Richards from Everlon in the Bay Pavilions theatre forecourt and
 - b. to install the sculpture titled 'Rockpool' by Cathy Drew from McClelland and Drew in the Bay Pavilions western forecourt (main entrance).

BACKGROUND

Council is commissioning public artworks as part of the \$69 million Bay Pavilions project.

Artists were offered the choice of offering a single piece for either the theatre forecourt or the western forecourt (main entrance). Artists were encouraged to consider submitting two responses that links the artwork to both the theatre forecourt and the western forecourt, thus compelling visitors to examine and explore the story that ties the two pieces together.

The Expression of Interest (EOI) process was the first stage of a two-stage process. The objective of the EOI process was to identify and pre-register a number of respondents who would then be provided with an opportunity to develop their concept.

Five (5) artists were shortlisted from a field of over twenty (20) and invited to submit a final concept. The five (5) shortlisted artists presented their final concepts to the panel members on 12 May 2021.

Fenella Richards from Everlon with her artwork entitled 'Emergence' (Attachment 1) was the selected piece for the theatre forecourt.

This work was inspired by the form of bird eggs in the local area. The work is comprised of a number of 'eggs' that can be laid at different angles to reveal their unique designs. This artwork links with the theme of the wetlands and encapsulates the abundant collection of colourful and artistic imagery of wildlife. The overall form of the artwork uses a light aggregate concrete which compliments the materiality of the building and also links into the breakwaters across the Shire.

Within each of the 'eggs' would be a laser-cut image that will be backlit at night.

Cathy Drew from McClelland and Drew with her artwork entitled 'Rockpool' (Attachment 2) was the selected piece for the western forecourt (main entrance).

The concept proposed was based around a rockpool that encourages people to sit together, in direct contact with the artwork. The looping shape of the work enables up to ten people to sit on and appreciate the artwork. The overall design of the artwork aligns well with the ideas of place and community that were key components of the initial design of the building. The proposed artwork will amplify this as well as becoming a real talking point for the precinct. The artwork fits the overall brief very well as it provides artwork that is large enough to create an impact but also brings an intimacy of scale. One other key component of the design was the use of programmable lighting that creates a tidal effect with a slow rising and falling of internal lighting projecting onto the surrounding ground plane. Overall, the proposed artwork has

PSR21/020 PUBLIC ART - BAY PAVILIONS

**S023-
T00024**

strong historical and cultural links and demonstrated strong links against the original artist brief.

Both artworks were reviewed by the PAAC for their comment and recommendation who were unanimous in their support to accept the selected concept designs for the Bay Pavilions.

Upon Council endorsement, the artists will be contracted and work on the respective artworks will commence. Both artworks are scheduled to be in place prior to the formal opening of Bay Pavilions.

CONSIDERATIONS

A thorough assessment of each of the artworks has been undertaken by the evaluation panel which included representatives from NBR Architecture and ADCO Constructions (non-voting rights) and the PAAC. Both the evaluation panel and the PAAC were able to meet with the artists to troubleshoot potential issues that may arise and are satisfied by the quality of the concept designs, the appropriateness of the work to the locations they will be installed, the ability of the artists to deliver the work and the processes that have been undertaken to bring the works to Council for consideration.

The evaluation panel and the PAAC took into consideration the following when assessing the artworks:

- The impact of the artwork within the surrounds of Bay Pavilions.
- The individual sculpture's structural and conceptual merits.
- The level of ongoing maintenance required by Council.
- Any physical, financial or other risk to the community.

Legal

Contracts for the artwork will be based on the standard commissioning agreement from Artslaw.

Asset

The evaluation panel and PAAC are satisfied that both artists were fully briefed about the intended location of the work, have considered all engineering prerequisites and are capable of delivering the work presented in the concept design. Both works represent significant additions to Council's sculpture assets and will assist in the promotion of the arts component of Bay Pavilions.

Financial

The overall cost of the artwork is estimated to be \$238,318 and the funds will be drawn for the overall \$69 million project budget. These costs are inclusive of design, build and delivery. The project team will work with NBR Architecture and ADCO Constructions to ensure the footings and other electrical requirements are in place as part of the overall installation requirements.

The indicative project budget for the artworks was \$200,000. It is proposed to adopt a budget variation of \$38,318 to meet the costs of the recommended artworks. This cost will be met from within the overall project budget.

PSR21/020 PUBLIC ART - BAY PAVILIONS

**S023-
T00024**

The artworks will require minimal maintenance. The main requirement will be the replacement of the LED lighting on an 'as required basis'. The rockpool artwork will require a protective coating to be re-applied on a recurring ten-year cycle.

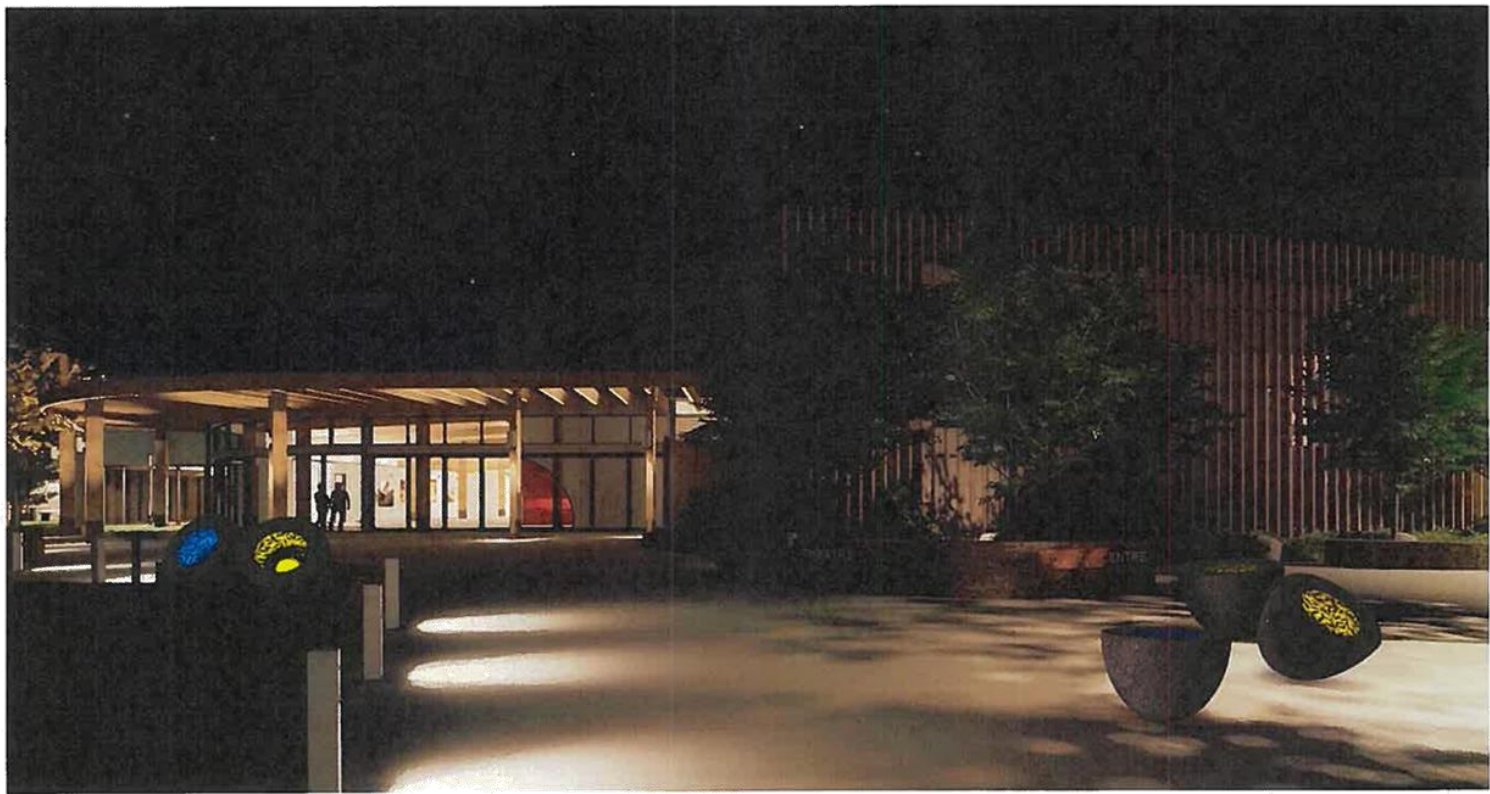
Community and Stakeholder Engagement

Key stakeholders including NBRS Architecture, ADCO Constructions and the PAAC were all consulted in the early formation of the initial specification to ensure key aspects such as the interface to the overall building design, proposed location of the artwork and broader community views were all clearly specified.

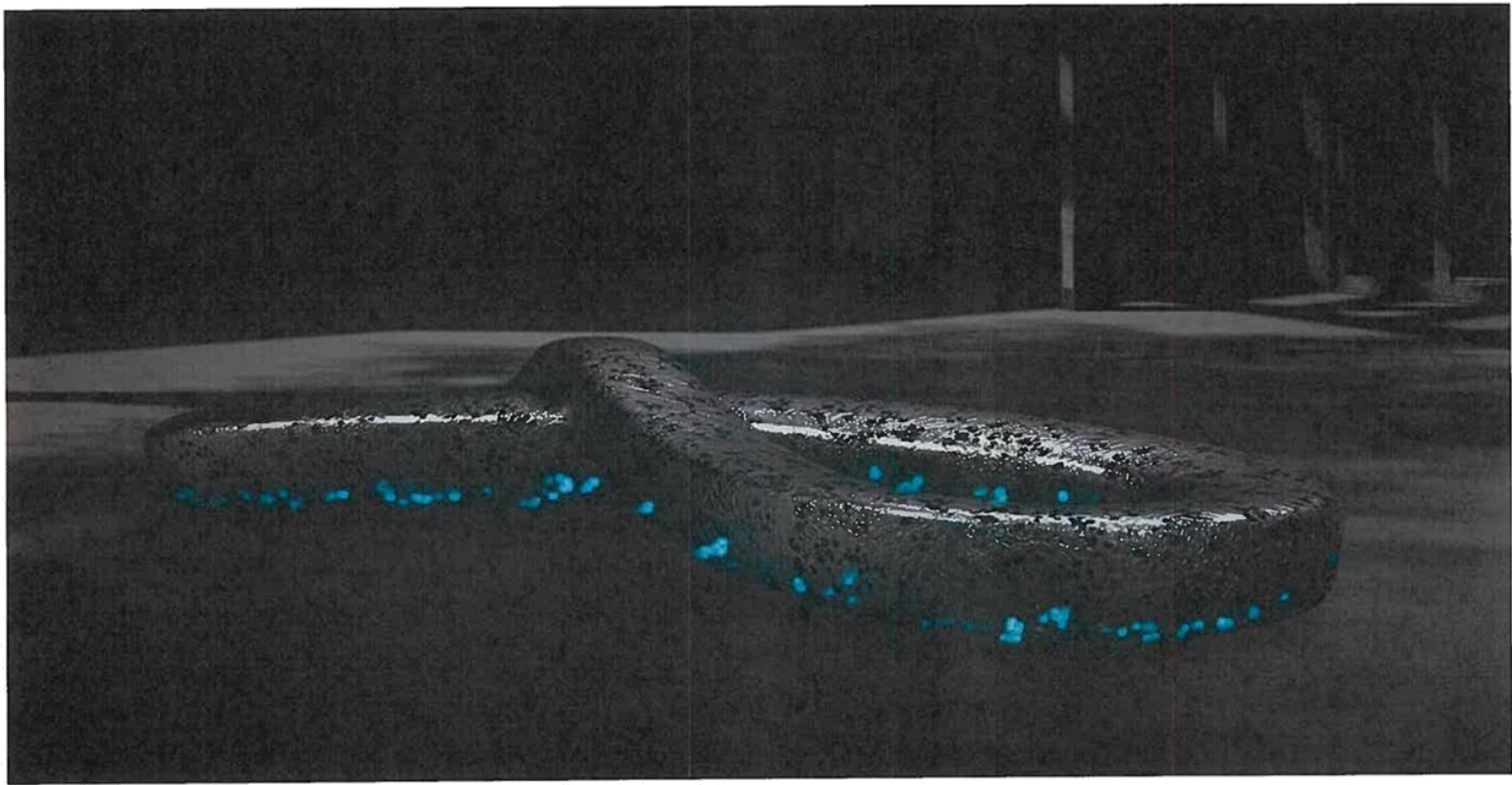
CONCLUSION

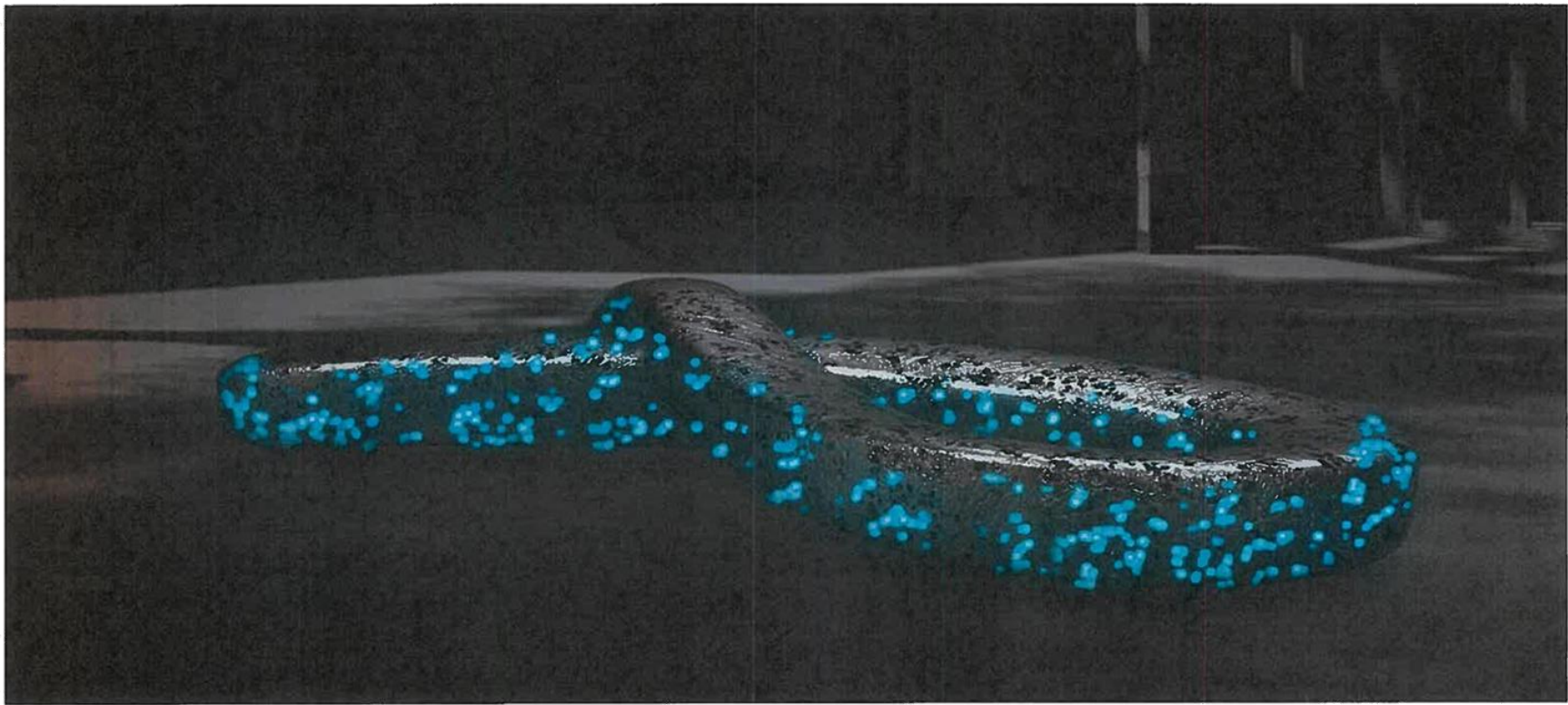
The evaluation panel and the PAAC recommends the acceptance of the selected concept designs for Bay Pavilions, Emergence by artist Fenella Richards from Everlon and Rockpool by artist Cathy Drew from McClelland and Drew.











PSR21/021 LEASE RENEWAL - THELMORE RIFLE RANGE, MORUYA

S023-T00015

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: 9 Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community
Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to recommend renewal of a lease to Thelmore Range Pty Limited (the Club).

The Club have expressed their interest in renewing their lease to operate an indoor shooting range within a World War II bunker adjacent to the Moruya Racecourse for a further ten years. The current term is due to expire on 31 December 2021.

The range continues to be extensively used by the Club and attracts shooters from outside our Shire thus providing economic benefit to local businesses. The range is located at Lot 42 DP 1036166, 38 Donnelly Drive, Moruya and is situated on Council-owned Operational land.

It is recommended that Council grants a further ten-year lease to the Thelmore Range Pty Ltd, for continued use of the site.

RECOMMENDATION

THAT

1. Council grant a 10 year lease to Thelmore Range Pty Limited within Lot 42 DP 1036166, 38 Donnelly Drive, Moruya commencing on 1 January 2022 and expiring on 31 December 2032 including the following conditions:
 - a. The rental fee be in line with similar licences, increased annually in line with the CPI.
 - b. The provision of evidence of public liability insurance cover to the amount of at least \$20 million.
 - c. Conditions generally in line with similar leases.
2. The General Manager be given delegated authority to negotiate further leases.

BACKGROUND

Thelmore Range Pty Limited is a company established for the sole purpose of leasing land and controlling the activities of the Thelmore Pistol Club. The Club has been in operation at Thelmore Rifle range since 2002. The Club conducts its activities in a World War II bunker located at Lot 42 DP 1036166, 38 Donnelly Drive, Moruya which was converted into an indoor shooting range.

PSR21/021 LEASE RENEWAL - THELMORE RIFLE RANGE, MORUYA

**S023-T00015
LAND ID: 30558**

The current lease expires on 31 December 2021 and the Club has requested that Council renew their lease for the use of the site.

A further ten-year lease with renewals, is proposed for the Club for Lot 42 DP 1036166, 38 Donnelly Drive, Moruya.

CONSIDERATIONS

Conditions of the lease should generally be in line with similar leases granted to similar organisations.

The lease area is shown in the sketch below.



Lot 42 DP 1036166 Donnelly Drive, Moruya

Legal

Lot 42 DP 1036166, 38 Donnelly Drive, Moruya, is Council owned Operational land and therefore there is no legal impediment to granting a lease for this facility.

PSR21/021 LEASE RENEWAL - THELMORE RIFLE RANGE, MORUYA

**S023-T00015
LAND ID: 30558**

Policy

In line with the provisions of Council's Code of Practice – Licensing of Council Controlled Public and Associated Buildings, an Expression of Interest (EOI) was called in February of 2021 for parties interested in seeking a licence for periods of up to five years to use any Council owned or managed public reserves. No other parties expressed an interest in using the same part of this land.

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0018/144225/Licencing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

Asset

The bunker being an all-weather shooting range, has provided a unique sporting facility in the area.

Social Impact

The existence of this indoor range is well known within the shooting fraternity and people from all over the country have come to use this unique facility.

Economic Development Employment Potential

The range continues to be extensively used by the Club and attracts shooters from outside our Shire so providing economic benefit to local businesses.

Financial

The proposed commencement rental would be \$2,314.65 pa with annual CPI increases. In accordance with Council's adopted fees and charges an annual lease administration fee would be charged.

Community and Stakeholder Engagement

An EOI was called in February of 2021 from interested parties wishing to conduct activities on Council-managed land and public reserves for a period of up to five years. No other party expressed an interest in using the same part of this land.

There is no legal requirement to advise the community through public notice, or to seek feedback through public notice, or to seek feedback through public exhibition of dealings concerning Operational land. As this is the renewal of an existing lease, and no complaints have been received, the engagement method will be to 'inform'.

CONCLUSION

The lease to Thelmore Range Pty Limited expires on 31 December 2021.

It is recommended that Council grant a further 10 year lease to Thelmore Range Pty Ltd, for continued use of the site.

PSR21/022 LEASE RENEWAL - MORUYA AND DISTRICT HISTORICAL SOCIETY

**S023-
T00015**

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

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to recommend renewal of the lease to the Moruya and District Historical Society (Historical Society) for the display of the Abernathy & Co Stonemason's Lathe at Campbell Street, Moruya. The current five-year lease is due to expire on 30 June 2021.

The Abernathy & Co Stonemason's Lathe, which has historical significance to the Eurobodalla Shire, sits within Lot 1 DP 1161705, Campbell Street, Moruya on Council-owned Operational land.

It is recommended that Council grants a further five-year lease to the Moruya and District Historical Society, for continued use of Lot 1 DP 1161705, Campbell Street, Moruya for the display of the Abernathy & Co Stonemason's Lathe.

RECOMMENDATION

THAT

1. Council grant a five year lease to Moruya and District Historical Society for the display of the Abernathy & Co Stonemason's Lathe at Lot 1 DP 1161705, Moruya, including the following conditions:
 - a. A peppercorn lease fee of \$1.00 per annum
 - b. Provision of evidence of public liability insurance cover to the amount of at least \$20 million
 - c. Conditions generally in line with similar leases.
2. The General Manager be given delegated authority to negotiate further leases.

BACKGROUND

The Historical Society currently hold a lease for the purpose of displaying the Abernathy & Co Stonemason's Lathe. The current five-year lease expires on 30 June 2021 and the Historical Society has requested that Council renew the lease.

A further five-year lease with renewals, is proposed for the Historical Society for Lot 1 DP 1161705, Campbell Street, Moruya.

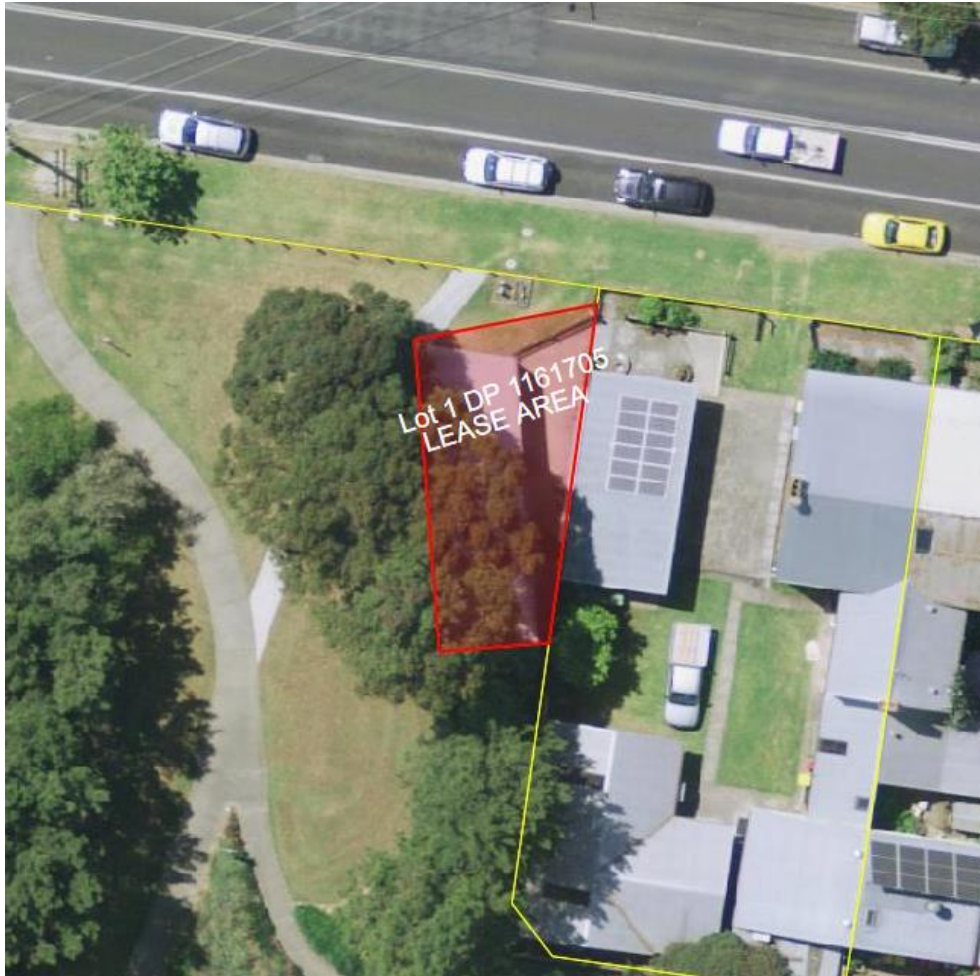
**PSR21/022 LEASE RENEWAL - MORUYA AND DISTRICT HISTORICAL
SOCIETY**

**S023-T00015
LAND ID: 35107**

CONSIDERATIONS

Conditions of the lease should be generally in line with similar leases granted to similar organisations.

The lease area is shown in the sketches below.



**PSR21/022 LEASE RENEWAL - MORUYA AND DISTRICT HISTORICAL
SOCIETY**

**S023-T00015
LAND ID: 35107**



Lot 1 DP 1161705 Campbell Street, Moruya

Legal

Lot 1 DP 1161705 Campbell Street, Moruya, is Council owned Operational land and therefore there is no legal impediment to granting a lease for this facility.

Policy

In line with the provisions of Council's Code of Practice – Licensing of Council Controlled Public and Associated Buildings, an Expression of Interest (EOI) was called in February of 2021 for parties interested in seeking a licence for periods of up to five years to use any Council owned or managed public reserves. No other parties expressed an interest in using the same part of this land.

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0018/144225/Licensing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

Financial

A peppercorn rent has previously been charged under this lease as the Historical Society is storing the lathe on behalf of Eurobodalla Shire Council. Council owns the Abernathe & Co Stonemason's Lathe and the Historical Society is providing an important service to the community by caring for an item of significant historical value. A peppercorn rent is appropriate to continue.

**PSR21/022 LEASE RENEWAL - MORUYA AND DISTRICT HISTORICAL
SOCIETY**

**S023-T00015
LAND ID: 35107**

Community and Stakeholder Engagement

An EOI was called in February of 2021 from interested parties wishing to conduct activities on Council managed land and public reserves for a period of up to five years. No other party expressed an interest in using the same part of this land.

There is no legal requirement to advise the community through public notice, or to seek feedback through public exhibition of dealings concerning Operational land. As this is the renewal of an existing lease, and no complaints have been received, the engagement method will be to 'inform'.

CONCLUSION

The current lease to the Moruya and District Historical Society expires on 30 June 2021.

It is recommended that Council renew the lease to the Moruya and District Historical Society to display the Abernathy & Co Stonemason's Lathe within Lot 1 DP 1161705 Campbell Street, Moruya, with subsequent renewals to be considered by the General Manager.

PSR21/023 LICENCE RENEWAL - BATEMANS BAY RADIO CONTROL CLUB

**S023-T00017;
LAND ID 35233**

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

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to recommend renewal of the licence to the Batemans Bay Radio Control Club Inc. (the Club).

The Club has expressed interest in renewing their licence for a further five years. The current five-year licence expired on 30 April 2021. The Club has been operating since 2016 on a track constructed on Hanging Rock Reserve.

The Club provides the opportunity for members of the public to participate in recreational activities using remote control cars including competitive racing and attracts visitors to our Shire through competitions and events that it organises.

Public notice was undertaken and no submissions were received.

It is recommended that Council grants a further five-year licence and renewals to the Batemans Bay Radio Control Club Inc. for continued use of the remote control car track at Hanging Rock Reserve.

RECOMMENDATION

THAT:

1. Council grant a five-year licence to Batemans Bay Radio Control Club Inc. to operate remote control car club activities within Lot 2 DP 1171024, Hanging Rock Reserve, including the following conditions:
 - a. The licence fee be in line with the Statutory Crown minimum increased annually in line with the CPI
 - b. The licence area is to be left clean and tidy after use, and any damage caused is to be rectified by the licence holder
 - c. Provision of evidence of public liability insurance cover to the amount of at least \$20 million
 - d. Conditions generally in line with the previous licence.
2. The General Manager be given delegated authority to negotiate further licences.

PSR21/023 LICENCE RENEWAL - BATEMANS BAY RADIO CONTROL CLUB

**S023-T00017;
LAND ID 35233**

BACKGROUND

The Club has been in operation at Hanging Rock Reserve for a number of years. The Club has increased in size over the years and has many members ranging from young children to adults of all ages.

At its Ordinary Meeting of 23 February 2016, Council resolved to grant a five-year licence to the Club. This five-year licence expired on 30 April 2021 and the Club has requested that Council renew their licence for the use of the track at Hanging Rock Reserve. A further five-year licence and renewals is proposed.

The intention to grant a five-year licence to the Club to conduct recreational activities within the Hanging Rock Reserve has been publicly notified for a period of up to 28 days and no submissions were received.

CONSIDERATIONS

Conditions for the licence should be generally in line with similar licences granted to clubs.

The Licence area is shown in the sketch below.



Lot 2 DP 1171024, Batemans Bay – Hanging Rock Reserve 66122

PSR21/023 LICENCE RENEWAL - BATEMANS BAY RADIO CONTROL CLUB

**S023-T00017;
LAND ID 35233**

Legal

Lot 2 DP 1171024 being part Crown Reserve 66122 for Public Recreation/Resting Place is under the management of Council as Crown Land Manager.

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

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

Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal Land Rights and Interests.

Policy

In line with the provisions of Council's Code of Practice – Licensing of Council Controlled Public and Associated Buildings, an Expression of Interest (EOI) was called in February of 2021 for parties interested in seeking a licence for periods up to five years to use any Council owned or managed public reserves. No other party expressed an interest in using the same part of this reserve.

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0018/144225/Licensing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

Social Impact

The Club provides the opportunity for members of the public to participate in the recreational activity of remote control cars including competitive racing.

Economic Development Employment Potential

The competitions organised by the Club attract visitors from outside the Eurobodalla adding to the Shire's economy.

Financial

As the Club will be responsible for repair and maintenance of the licensed facilities, Council's minimum licence fee in line with the Crown lands statutory minimum which is currently \$507 plus GST, increased annually by CPI, is considered appropriate.

Community and Stakeholder Engagement

An EOI was called in February 2021 for interested parties wishing to conduct activities on Council managed public reserves for a period of up to five years. No other party expressed an interest in using the same part of this reserve.

In accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework the intention to grant licences to the Club over Council managed reserves has been publicly notified for 28 days and no submissions received.

CONCLUSION

The licence to the Batemans Bay Radio Control Club expired on 30 April 2021. It is recommended that Council renew the licence for the Batemans Bay Radio Control Club Inc. at

PSR21/023 LICENCE RENEWAL - BATEMANS BAY RADIO CONTROL CLUB

**S023-T00017;
LAND ID 35233**

Hanging Rock Reserve, Batemans Bay for a further five years. Public notification has taken place and no submissions received.

PSR21/024 LICENCE - SURF INSTRUCTION DALMENY

S023-T00017

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

Attachments: Nil

Outcome: 9 Innovative and Proactive Leadership

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

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

Operational Plan Link: 9.2.2.1 Manage leases and licences

EXECUTIVE SUMMARY

The purpose of this report is to recommend the granting of a licence to Dalmeny Surf Academy (DSA) for a surfing school.

DSA wish to establish a surfing school operating from a number of Crown and Council managed reserves between Dalmeny and Narooma. DSA have requested a licence for this use.

The operator of DSA aims to provide a well-organised, structured and safe environment for the development of surfers in the area.

Public notice was undertaken and no submissions were received.

It is recommended that an initial 12-month licence be granted to Dalmeny Surf Academy to operate from these locations, with renewals considered upon successful completion of the initial term.

RECOMMENDATION

THAT

1. Council grant an initial 12 month licence to Dalmeny Surf Academy (DSA) to establish a surfing school within Lot 7030 DP 1006874 Dalmeny Beach Reserve; Lot 1 DP 255138 Yabbara Beach Headland; Road reserve adjacent to Lot 3 DP 255138 Dalmeny Drive; Lot 7019 DP 1024286 Lions Park, Dalmeny Drive; Lot 429 DP 31234 Foreshore Reserve and Lot 7034 DP 1073302 Apex Park, Centenary Drive including the following conditions:
 - a. The licence fee be in line with similar licences, increased annually in line with the CPI
 - b. The licence area is to be left clean and tidy after use and any damage caused is to be rectified by the licence holder
 - c. Provision of evidence of public liability insurance cover to the amount of at least \$20 million.
 - d. Conditions generally be in line with similar licences
2. The General Manager be given delegated authority to negotiate further licences.

BACKGROUND

Monthly surfing events have been successfully hosted by Dalmeny Boardriders Inc from various locations since 2017. Dalmeny Boardriders Inc currently make use of the locations on weekends

PSR21/024 LICENCE - SURF INSTRUCTION DALMENY

S023-T00017

only. The operator of the proposed Dalmeny Surf Academy (DSA) is a founding member of Dalmeny Boardriders Inc.

DSA propose to operate between 7:00am and 3:00pm on weekdays, running one hour coaching sessions. Only one location would be used at any time, depending on weather and surfing conditions.

The proposed locations are:

- (a) Crown Reserve R86046 Lot 7030 DP 1006874 Dalmeny Beach Reserve, McMillan Crescent, Dalmeny
- (b) Council owned community land Lot 1 DP 255138 Yabbara Beach Headland, Dalmeny Drive, Dalmeny
- (c) Road reserve adjacent to Council owned community land Lot 3 DP 255138, Dalmeny Drive, Dalmeny
- (d) Crown Reserve R90979 Lot 7019 DP 1024286 Lions Park, Dalmeny Drive, Kianga
- (e) Council owned community land Lot 429 DP 31234 Foreshore Reserve, Dalmeny Drive, Kianga and
- (f) Crown Reserve R79308 Lot 7034 DP 1073302 Apex Park, Centenary Drive, North Narooma.

An initial 12-month licence is proposed, with further renewals upon successful completion of the initial licence period. The intention to grant a licence for surfing activities at the listed locations has been publicly notified for a period of up to 28 days and no submissions were received.

CONSIDERATIONS

Conditions for the licence should be generally in line with similar licences granted to comparable businesses.

The proposed licence areas are shown on the sketches below.

PSR21/024 LICENCE - SURF INSTRUCTION DALMENY

S023-T00017



Lot 7030 DP 1006874 Crown Reserve R86046 Dalmeny Beach Reserve, McMillan Crescent, Dalmeny



Lot 1 DP 255138 Yabbara Beach Headland, Dalmeny Drive, Dalmeny- community land

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S023-T00017



Road Reserve adjacent to Lot 3 DP 255138, Dalmeny Drive, Dalmeny



*Lot 7019 DP 102486 Crown Reserve R90979 Lions Park
Dalmeny Drive, Kianga*

PSR21/024 LICENCE - SURF INSTRUCTION DALMENY

S023-T00017



Lot 429 DP 31234 Foreshore Reserve, Dalmeny Drive, Kianga- community land



*Lot 7034 DP 1073302 Crown Reserve R79308 Apex Park,
Centenary Drive, North Narooma*

PSR21/024 LICENCE - SURF INSTRUCTION DALMENY

S023-T00017

Legal

Lot 1 DP 255138 Dalmeny and Lot 429 DP 31234 Kianga are Council public reserves classified as community land and the area adjacent to Lot 3 DP 255138 is road reserve.

Lot 7030 DP 1006874 being part Crown Reserve R86046, Lot 7019 DP 1024286 being part Crown Reserve R90979 and Lot 7034 DP 1073302 being part Crown Reserve R79308 are under the management of Council as Crown Land Manager.

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

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

The water sports activities require a Marine Park permit to conduct commercial water sport activities issued in accordance with the *Marine Estate Management (Management Rules) Regulation 1999*.

<https://www.legislation.nsw.gov.au/#/view/regulation/1999/102/part1/div3/sec1.32>

The granting of a licence would be subject to the licensee obtaining the relevant maritime approvals.

Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal Land Rights and Interests.

Policy

In line with the provisions of Council's Code of Practice – Licensing of Council Controlled Public and Associated Buildings, an Expression of Interest (EOI) was called in February of 2021 for parties interested in seeking a licence for periods of up to five years to use any Council owned or managed public reserves. No other party expressed an interest in using these locations during the proposed hours Dalmeny Surf Academy would operate.

https://www.esc.nsw.gov.au/_data/assets/pdf_file/0018/144225/Licencing-of-council-controlled-public-reserves-and-associated-buildings-code-of-practice.pdf

Asset

It will be a condition of the licence that the reserves are left clean and tidy at the end of the day.

Social Impact

DSA provides a well-organised, structured and safe environment for the development of surfers across all age and gender groups. Granting a licence to DSA to provide surf instruction to local and visiting surfers, will develop the sport in the area and provide a safe and well-coordinated experience in the sport.

Economic Development Employment Potential

DSA will provide an additional surf option for tourists and locals to enjoy.

PSR21/024 LICENCE - SURF INSTRUCTION DALMENY

S023-T00017

Financial

It is considered appropriate that the licence fee be in line with similar licences being \$1,242.00 plus GST per annum increased annually by CPI.

Community and Stakeholder Engagement

An EOI was called in February 2021 for interested parties wishing to conduct activities on Council managed public reserves for a period of up to five years. No other party expressed an interest in using these locations during the proposed hours that Dalmeny Surf Academy would operate.

In accordance with Section 47A of the *Local Government Act 1993* and Council's Community Engagement Framework the intention to grant licences for surfing activities over a number of Council managed reserves has been publicly notified for 28 days and no submissions received.

CONCLUSION

A 12-month licence is recommended for Dalmeny Surf Academy (DSA) to operate within a number of Council managed public reserves in the Narooma and Dalmeny area. DSA propose to operate between 7:00am and 3:00pm on weekdays, running one hour coaching sessions. Only one location would be used at any time, depending on weather and surfing conditions. Public notification has been undertaken and no submissions were received.

**PSR21/025 PROPOSED SALE OF OPERATIONAL LAND - TATIARA STREET,
DALMENY**

S023-T00014

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: 9 Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community
Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the sale of Council-owned land being part Lot 2 DP 1151341, 16 Tatiara Street, Dalmeny.

The land proposed for sale is classified as Operational land and part of the Dalmeny Urban Release Area. The land has been zoned for residential development for over 30 years.

The land is zoned for residential development and the sale of the Operational land would enable the land to be developed consistent with the adopted strategic and land use zone for the land. This will facilitate an increase in housing supply at a time when there is a critical shortage (rental and owner occupied).

RECOMMENDATION

THAT:

1. The General Manager be given delegated authority to negotiate the sale of part Lot 2 DP 1151341 in accordance with Council's *Land Acquisition and Disposal Policy*.
2. All actions necessary be taken to enact the sale of part Lot 2 DP 1151341.
3. Council consent be given to affix the Common Seal of Council, if required, to all necessary documents associated with the transfer and sale of the property.

BACKGROUND

Lot 2 DP 1151341 is an undeveloped parcel of undulating land. It is accessible from various streets within the coastal township of Dalmeny and is zoned R2 (Low Density Residential).

The land has been zoned for residential development for over 30 years. Previously it was 'Zone 10 Urban Expansion Zone' under Rural Local Environmental Plan (LEP) 1987 and the current zoning is R2 as part of the introduction of the Standard Instrument Eurobodalla Local Environmental Plan (ELEP) in July 2012 together with the Urban Release Special Provision (Clause 6.2).

Lot 2 DP 1151341 is classified as part Operational and part Community. The proposal is to sell the Operational portion of the lot.

It is proposed to prepare the lot for sale.

**PSR21/025 PROPOSED SALE OF OPERATIONAL LAND - TATIARA STREET,
DALMENY**

**S023-T00014
LAND ID:
34741**

CONSIDERATIONS

The real estate market within the Eurobodalla is experiencing strong growth, along with other areas of NSW and Australia. This has placed pressure on the supply of residential land, impacting on affordability. The demand for residential land and housing is expected to continue, fueled further by major infrastructure proposals including the Moruya Bypass and Eurobodalla Regional Hospital. As the owner of the land, Council has the opportunity to make the land available to the development sector to assist in meeting demand.

Sale of the land now will also facilitate the orderly planning of the release area in coordination with adjoining land parcels, currently being considered for development.

The land proposed to be sold is outlined in red below.



Part Lot 2 DP 1151341, 16 Tatiara Street, Dalmeny

Council could develop the land itself however, Council is not resourced to undertake land development of this scale, nor is it best placed to manage the development risks associated with development of this nature. It is considered the private sector is best placed to develop the land to meet market demand, hence the recommendation to sell the land.

PSR21/025 PROPOSED SALE OF OPERATIONAL LAND - TATIARA STREET,
DALMENY

S023-T00014
LAND ID:
34741



Whole of Lot 2 DP 1151341, 16 Tatiara Street, Dalmeny

Legal

The land proposed to be sold is classified as Operational land and as such there is no impediment to its sale.

Policy

All actions in respect of the sale of this land will be in accordance with Council's Land Acquisition and Disposal Policy.

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

Pursuant to the Eurobodalla LEP 2012, the land is part of the urban expansion area of Dalmeny. This zoning and intent for this land to accommodate urban development has been in place for over 30 years.

**PSR21/025 PROPOSED SALE OF OPERATIONAL LAND - TATIARA STREET,
DALMENY**

**S023-T00014
LAND ID:
34741**

Environmental

Environmental factors will be considered with the future development applications for this property.

Asset

The land the subject of this report, is zoned for urban development. Any development proposed would require a masterplan for the provision of infrastructure across this and adjoining lands.

This would include masterplanning for roads, pathways, stormwater, water, sewer, power, recreation and telecommunications. Appropriate engineering studies (eg traffic) would need to accompany any masterplan. The proposed road layout and traffic study would be referred to the Local Traffic (Development) Committee as part of that process.

The preferred main road access to this land once development commences is to provide an access road approximately opposite Binalong Street so that excessive construction or on-going traffic is not diverted into existing local roads. Once the masterplan is prepared by any proponent, there may need to be a further report to Council to obtain a road reserve access to facilitate that outcome.

Any additional infrastructure resulting from this development would be constructed by the developer at their cost. Council would need to adjust maintenance and renewal budgets in line with the growth of infrastructure.

Social Impact

This land will assist in ensuring there is an adequate supply of land into the future and reduce pressure on housing affordability.

Factors supporting the release of more land to increase housing supply include:

- The median housing rental for properties in Eurobodalla is 29% higher than the rest of NSW.
- Supply shortages are evidenced by extremely strong growth in residential property prices and feedback from real estate agents, who state that housing stock has not been in this short supply in decades
- The Bushfire Recovery Service indicates that bushfire impacted families are reporting a shortage of housing for rent or purchase in Eurobodalla.

Economic Development Employment Potential

A significant residential land release in Eurobodalla will boost residential construction. This land sale would support employment development in the south of our Shire.

Financial

The land would be marketed by a commercial real estate agent. A valuation report from a registered valuer has been obtained and this will be used to guide sale price negotiations in accordance with Council's Land Acquisition and Disposal Policy.

**PSR21/025 PROPOSED SALE OF OPERATIONAL LAND - TATIARA STREET,
DALMENY**

**S023-T00014
LAND ID:
34741**

Community and Stakeholder Engagement

Council's Engagement Planning Tool and relevant legislation have been used to guide the best approach to engagement on this matter. There is no legal requirement to advise the community through public notice or to seek feedback through public exhibition of land dealings concerning operational land. The community has been consulted via past landuse planning and Local Environment Plan processes that have resulted in the land's current zoning.

CONCLUSION

Part Lot 2 DP 1151341, 16 Tatiara Street, Dalmeny is classified as Operational land. The proposal is to sell the land in accordance with Council's Land Acquisition and Disposal Policy.

**IR21/018 REQUEST FOR TENDER NO. 2021-057 SEWER REHABILITATION AND
MAINTENANCE PROGRAM 2021-2025**

**S004-
T00008**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential: RFT 2021-057 Sewer Rehabilitation and Maintenance Program 2021-2025

Outcome: 4 Sustainable Living

Focus Area: 4.1 Maximise the efficient use and reuse of our water resources

Delivery Program Link: 4.1.1 Provide a safe, reliable and sustainable town water supply and sewerage services

Operational Plan Link: 4.1.1.2 Build, renew, operate and maintain sewerage systems

EXECUTIVE SUMMARY

A requirement exists for a number of specific services to undertake rehabilitation and maintenance on Council's sewer and stormwater networks to ensure the ongoing functionality of these networks and minimise disruption to customers throughout the Shire.

Request for Tender (RFT) No. 2021-057 Sewer Rehabilitation and Maintenance Program 2021-2025 was advertised on 31 March 2021 with a closing date of 21 April 2021. Upon close of tender offers were received from eleven (11) tenderers.

This report outlines the evaluation of offers submitted in response to RFT No. 2021-057 and provides a recommendation for the preferred tenderer(s). On 8 June 2021 one tenderer requested to be withdrawn.

RECOMMENDATION

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 2021-057 Sewer Rehabilitation and Maintenance Program 2021-25.

BACKGROUND

A request for tenders has been sought to engage either a single supplier or a number of suppliers for a fixed period to provide sewer pipe and manhole rehabilitation and other associated services, including stormwater, with a combined budget in the order of \$1.0 million to \$1.5 million per annum and identified individually as Parts below:

- Part A: Sewer Relining
- Part B: Sewer & Stormwater CCTV & Report
- Part C: Sewer & Stormwater Asset Pressure Cleaning
- Part D: Manhole Refurbishment
- Part E: Smoke Testing & Property Inspections.

The initial period of the contract is for two (2) years from contract award with an option at the sole discretion of Council, based on the performance of the successful Contractor/s during each year for the completed Scope of Works during that year, to extend the contract by a maximum further period of two (2) years.

Request for Tender (RFT) No. 2021-057 Sewer Rehabilitation and Maintenance Program 2021-2025 was advertised on 31 March 2021 with a closing date of 21 April 2021. Offers were

**IR21/018 REQUEST FOR TENDER NO. 2021-057 SEWER REHABILITATION AND
MAINTENANCE PROGRAM 2021-2025**

**S004-
T00008**

received from the following eleven (11) tenderers and assessed in accordance with the Tender Evaluation Plan (TEP):

- Abergeldie Complex Infrastructure
- Cleanaway Waste Management Limited
- Fenech Group Pty Ltd
- Fitt Resources Pty Ltd
- GMA Environmental Services Limited
- Insituform Pacific Pty Limited
- Interflow Pty Ltd
- Rangedale Drainage & Industrial Services
- Schafer Associated Holdings Pty Ltd
- Strive Industrial Services Pty Ltd (withdrew tender 8 June 2021)
- Total Drain Cleaning Services Pty Ltd.

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

CONSIDERATIONS

Legal

RFT No. 2021-057 Sewer Rehabilitation and Maintenance Program 2021-2025, was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and *Local Government Act 1993*.

The tender was advertised on Council's Tenderlink web portal at www.tenderlink.com/eurobodalla.

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the four (4) Tender Evaluation Committee (TEC) members. Declarations of Confidentiality and Interest Forms were completed and signed by the TEC. Due to personal leave TEC member 2 was not available for assessment of Parts A, B and C. The remaining three (3) TEC members undertook the assessment of these parts.

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council.

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

The Rehabilitation and Maintenance Program will improve the reliability and efficiency of the sewerage system within the Shire, reducing the risk of spills to the environment.

**IR21/018 REQUEST FOR TENDER NO. 2021-057 SEWER REHABILITATION AND
MAINTENANCE PROGRAM 2021-2025**

**S004-
T00008**

Asset

This program will identify and rehabilitate assets within the sewer and stormwater networks that require replacement or rehabilitation. By undertaking routine preventative maintenance across the network, which increases the life of the assets, Council avoids the compounding maintenance burden that an ageing unmaintained network presents into the future.

Economic Development Employment Potential

A well maintained, functioning and reliable sewerage system is vital in supporting economic growth and future development potential.

Financial

The project is predominantly funded from the Water and Sewer operational budget, while the comparatively small portion of stormwater network works are funded from the stormwater renewal budget. As permitted under the Contract, the Scope of Works will be issued based on operational budgets, not the assessed tender amount, which is based on assumed works for the purpose of tender assessment.

Community and Stakeholder Engagement

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

CONCLUSION

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

The preferred tenderer(s) as identified in the Confidential Attachment is therefore recommended for the awarding of a contract for the requirement.

**IR21/019 REQUEST FOR TENDER NO. 2021-056 TRANSPORTATION AND
REUSE/RECYCLING OF BIOSOLIDS**

**S004-
T00008**

Responsible Officer: Warren Sharpe OAM - Director Infrastructure Services

Attachments: 1. Confidential - RFT 2021-056 Transport and Reuse/recycling of Biosolids

Outcome: 4 Sustainable Living

Focus Area: 4.1 Maximise the efficient use and reuse of our water resources

Delivery Program Link: 4.1.1 Provide a safe, reliable and sustainable town water supply and sewerage services

Operational Plan Link: 4.1.1.2 Build, renew, operate and maintain sewerage systems

EXECUTIVE SUMMARY

A requirement exists for the transportation and reuse/recycling of biosolids from Council's sewage treatment process over the next contract period, proposed to be for an initial two year period with a potential option to extend the contract for another two year period. Council is not able to transport or process this material. The transportation and reuse/recycling must be in accordance with the NSW EPA Biosolids Guidelines: Use and Disposal of Biosolids Products (1997).

Request for Tender (RFT) No. 2021-056 Transportation and Reuse/Recycling of Biosolids was advertised on 31 March 2021 with a closing date of 21 April 2021. Upon close of tender four (4) tenders were received.

This report outlines the evaluation of offers submitted in response to RFT No. 2021-056 and provides a recommendation for the preferred tenderer.

RECOMMENDATION

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 2021-056 Transportation and Reuse/Recycling of Biosolids.

BACKGROUND

Council's sewage treatment process produces biosolids, which are received either from drying beds or directly from the sewage treatment plant, after they are dried through a centrifuge. Council is not able to transport or process this material into a reusable product and therefore requires the transportation and reuse/recycling of the biosolids on an ongoing basis. The transportation and reuse/recycling must be in accordance with the NSW EPA Biosolids Guidelines: Use and Disposal of Biosolids Products (1997).

The wastewater treatment plant located in Surf Beach, known as the Batemans Bay Sewage Treatment Plant (STP) generates approximately 1800 tonnes of biosolids per year from the wastewater treatment process. There is very restricted stockpiling capacity at the treatment plant, thus the biosolids need to be removed at regular intervals.

The quality of the biosolid material makes it suitable for reuse/recycling. The beneficial uses include agricultural land application and land rehabilitation works, where the material is applied as a soil conditioner or nutrient supplement following processing. Council does not have the capacity or resources to transport or process the material.

**IR21/019 REQUEST FOR TENDER NO. 2021-056 TRANSPORTATION AND
REUSE/RECYCLING OF BIOSOLIDS**

**S004-
T00008**

RFT No. 2021-056 Transportation and Reuse/Recycling of Biosolids, was advertised on 31 March 2021 with a closing date of 21 April 2021. Offers were received from the following tenderers and assessed in accordance with the Tender Evaluation Plan:

- Arkwood Organic Recycling
- Carbonmate
- Conhur
- Topsoil Organics.

The initial period of the contract is for two (2) years from contract award with an option at the sole discretion of Council, based on the performance of the successful Contractor during each year for the completed Scope of Works during that year, to extend the contract by a maximum further period of two (2) years.

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

CONSIDERATIONS

Legal

Request for Tender (RFT) No. 2021-057 Transportation and Reuse/Recycling of Biosolids, was advertised in accordance with Local Government (General) Regulation 2005 REG 167 and *Local Government Act 1993*.

The tender was advertised on Council's Tenderlink web portal
www.tenderlink.com/eurobodalla.

Upon release of the RFT a Tender Evaluation Plan (TEP) was distributed amongst the Tender Evaluation Board (TEB). Declarations of Confidentiality and Interest Forms were completed and signed by the TEB.

The offer submitted by the preferred tenderer has been assessed as representing best value for money for Council.

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

The reuse/recycling of the biosolid material will be undertaken in accordance with the NSW EPA Biosolids Guidelines: Use and Disposal of Biosolids Products (1997). This will ensure a beneficial use of the sewage treatment byproduct which will result in a positive environmental outcome. Disposal of this material at a landfill site would be environmentally irresponsible and reduce the viable life of the receiving landfill site.

Asset

The Batemans Bay Sewage Treatment Plant does not have sufficient capacity onsite to store substantial quantities of biosolid material, transportation offsite is the only available option.

**IR21/019 REQUEST FOR TENDER NO. 2021-056 TRANSPORTATION AND
REUSE/RECYCLING OF BIOSOLIDS**

**S004-
T00008**

Council does not have the resources to undertake the service requirements requested under the RFT.

Financial

The project will be funded from Water and Sewer operational budgets.

Community and Stakeholder Engagement

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

CONCLUSION

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

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

15. DEALING WITH MATTERS IN CLOSED SESSION

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

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

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

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

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

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

CONFLICT OF INTEREST

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

THE TEST FOR CONFLICT OF INTEREST

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

IDENTIFYING PROBLEMS

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

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

AGENCY ADVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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