



Ordinary

Meeting Notice and Agenda

An Ordinary Meeting of the Bega Valley Shire Council will be held at Council Chambers, Biamanga Room Bega Valley Commemorative Civic Centre Bega on **Wednesday, 7 August 2019** commencing at 2.00 pm to consider and resolve on the matters set out in the attached Agenda.

To:

Cr Kristy McBain, Mayor
Cr Mitchell Nadin, Deputy Mayor
Cr Tony Allen
Cr Robyn Bain
Cr Jo Dodds
Cr Russell Fitzpatrick
Cr Cathy Griff
Cr Sharon Tapscott
Cr Liz Seckold

Copy:

General Manager, Ms Leanne Barnes
Director, Assets and Operations, Mr Anthony McMahon
Director, Community, Environment and Planning, Dr Alice Howe
Director, Business and Governance, Mr Graham Stubbs
Executive Manager People and Governance, Ms Nina Churchward
Acting Communications and Events Manager, Mr Justin Welsford
Minute Secretary, Ms Kelly McDowall

Live Streaming of Council Meetings

Council meetings are recorded and live streamed to the Internet for public viewing. By entering the Chambers during an open session of Council, you consent to your attendance and participation being recorded.

The recording will be archived and made available on Council's website www.begavalley.nsw.gov.au. All care is taken to maintain your privacy; however as a visitor of the public gallery, your presence may be recorded.

Publishing of Agendas And Minutes

The Agendas for Council Meetings and Council Reports for each meeting will be available to the public on Council's website as close as possible to 5.00 pm on the Thursday prior to each Ordinary Meeting. A hard copy is also made available at the Bega Administration Building reception desk and on the day of the meeting, in the Council Chambers.

The Minutes of Council Meetings are available on Council's Website as close as possible to 5.00 pm on the Monday after the Meeting.

1. Please be aware that the recommendations in the Council Meeting Agenda are recommendations to the Council for consideration. They are not the resolutions (decisions) of Council.
2. Background for reports is provided by staff to the General Manager for presentation to Council.
3. The Council may adopt these recommendations, amend the recommendations, determine a completely different course of action, or it may decline to pursue any course of action.
4. The decision of the Council becomes the resolution of the Council, and is recorded in the Minutes of that meeting.
5. The Minutes of each Council meeting are published in draft format, and are confirmed by Councillors, with amendments if necessary, at the next available Council Meeting.

If you require any further information or clarification regarding a report to Council, please contact Council's Executive Assistant who can provide you with the appropriate contact details

Phone (6499 2104) or email execassist@begavalley.nsw.gov.au.

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 1993* and Office of Local Government
- *Non-pecuniary* – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

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?

Local Government Act 1993 and Model Code of Conduct

For more detailed definitions refer to Sections 442, 448 and 459 of the Local Government Act 1993 and Bega Valley Shire Council (and Model) Code of Conduct, Part 4 – conflicts of interest.

Agency advice

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned. 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
Bega Valley Shire Council	(02) 6499 2222	council@begavalley.nsw.gov.au	www.begavalley.nsw.gov.au
ICAC	8281 5999 Toll Free 1800 463 909	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Office of Local Government	(02) 4428 4100	olg@olg.nsw.gov.au	http://www.olg.nsw.gov.au/
NSW Ombudsman	(02) 8286 1000 Toll Free 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Section 451(1) of the *Local Government Act 1993* (pecuniary interests) and Part 4 of the Model Code of Conduct prescribed by the Local Government (Discipline) Regulation (conflict of interests) it is necessary for you to disclose the nature of the interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

The following form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed:

Council meeting held on _____ **(day)** / _____ **(month)** / _____ **(year)**

Item no & subject	
Pecuniary Interest	<input type="checkbox"/> In my opinion, my interest is pecuniary and I am therefore required to take the action specified in section 451(2) of the <i>Local Government Act 1993</i> and or any other action required by the Chief Executive Officer.
Significant Non-pecuniary conflict of interest	<input type="checkbox"/> – In my opinion, my interest is non-pecuniary but significant . I am unable to remove the source of conflict. I am therefore required to treat the interest as if it were pecuniary and take the action specified in section 451(2) of the <i>Local Government Act 1993</i> .
Non-pecuniary conflict of interest	<input type="checkbox"/> In my opinion, my interest is non-pecuniary and less than significant . I therefore make this declaration as I am required to do pursuant to clause 5.11 of Council's Code of Conduct. However, I intend to continue to be involved with the matter.
Nature of interest	Be specific and include information such as : <ul style="list-style-type: none"> • The names of any person or organization with which you have a relationship • The nature of your relationship with the person or organization • The reason(s) why you consider the situation may (or may be perceived to) give rise to a conflict between your personal interests and your public duty as a Councillor.
If Pecuniary	<input type="checkbox"/> Leave chamber
If Non-pecuniary (tick one)	<input type="checkbox"/> Disclose & vote <input type="checkbox"/> Disclose & not vote <input type="checkbox"/> Leave chamber
Reason for action proposed	Clause 5.11 of Council's Code of Conduct provides that if you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide an explanation of why you consider that conflict does not require further action in the circumstances
Print Name	I disclose the above interest and acknowledge that I will take appropriate action as I have indicated above.
Signed	

NB: Please complete a separate form for each Item on the Council Agenda on which you are declaring an interest.

Agenda

Statement of Commencement of Live Streaming

Acknowledgement of Traditional Owners of Bega Valley Shire

1 Apologies and requests for leave of absence

RECOMMENDATION

That the leave of absence from 30 June 2019 to 18 August 2019 requested by Cr Dodds be accepted.

That the leave of absence from 1 August 2019 to 10 September 2019 requested by Cr Allen be accepted.

2 Confirmation Of Minutes

Recommendation

That the Minutes of the Ordinary Meeting held on 26 June 2019 and the Ordinary Meeting held on 17 July 2019 as circulated, be taken as read and confirmed.

3 Declarations

Pecuniary, Non-Pecuniary and Political Donation Disclosures to be declared and tabled.
Declarations also to be prior to discussion on each item.

4 Public Forum – report by Mayor of deputations heard prior to the meeting

5 Petitions

6 Mayoral Minutes

7 Urgent Business

8 Staff Reports – Planning and Environment

Nil Reports

9 Staff Reports – Community, Culture and Leisure

9.1	Establishment of Bega Eden Merrimans Aboriginal Liaison Committee	10
9.2	Bega Valley Shire Council Library Services Strategic Plan 2020-2025	22

10 Staff Reports –Economic Development and Business Growth

Nil Reports

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15 Rescission/alteration Motions

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18 Confidential Business

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Statement of Cessation of Live Streaming for the period of the Closed Session.

Statement of Re-Commencement of Live Streaming

19 Noting of Resolutions from Closed Session

20 Declassification of reports considered previously in Closed Session

Staff Reports – Community, Culture and Leisure

7 August 2019

9.1	Establishment of Bega Eden Merrimans Aboriginal Liaison Committee	10
9.2	Bega Valley Shire Council Library Services Strategic Plan 2020-2025	22

9.1. Establishment of Bega Eden Merrimans Aboriginal Liaison Committee

This report seeks to establish a new Bega, Eden and Merrimans (BEM) Aboriginal Liaison Committee under section 355 of the *Local Government Act 1993*, to support implementation of Council's Memorandum of Understanding with the Eden, Bega and Merrimans Local Aboriginal Land Councils.

Director Community Environment and Planning

Officer's Recommendation

1. That Council amends the Memorandum of Understanding with the Eden, Bega and Merrimans Local Aboriginal Land Councils as identified in Attachment 1.
2. That Council adopts Guidelines for the BEM Liaison Committee (Attachment 2).
3. That Council nominates the Mayor and an alternate to represent Council on the BEM Liaison Committee.

Executive Summary

The current Memorandum of Understanding (MoU) between Bega Valley Shire Council (BVSC) and the three Local Aboriginal Land Councils (LALCs) requires that the parties to the MoU meet at least twice each year. These meetings are to progress the Action Plan established under the MoU.

At the April 2019 meeting, LALC representatives requested formal representation by Councillors at these meetings and some minor amendments to the wording of the MoU. This report responds to those requests. The name "BEM Liaison Committee" was chosen by the LALC representatives and stands for 'Bega, Eden and Merrimans'.

Background

Council first entered into an MoU with LALCs in 2001. The intent of the MoU is to support reconciliation and the advancement of Aboriginal people within Bega Valley. The MoU has been periodically revised and updated, generally in alignment with Council terms; however, it may be updated at any time with the agreement of all parties.

Options

The options available to Council are to:

1. Amend the MoU as requested by LALCs. This is the recommended option.
2. Retain the current MoU.
3. Make an alternative amendment to the MoU. Councillors would need to identify proposed changes.

Community Engagement

Consultation undertaken

This proposal was suggested by LALCs during the regular meeting with Council to progress the MoU. Proposed amendments, which include formally establishing a Committee of Council to

progress the MoU Action Plan, recognition of original inhabitation of air and sea (in addition to land and water), and minor typographical corrections, are supported by LALC representatives.

Consultation Planned

The MoU is to be formally reviewed in line with the Local Government election cycle. This review will involve extensive engagement with local Aboriginal people in 2020.

Financial and resource considerations

There are no direct financial implications associated with the recommendation. Resourcing to administer a new s355 Committee is available within existing budgets, as Council officer's time is already allocated to support implementation of the MoU. [Legal /Policy](#)

There are no direct legal implications associated with the recommendation, and it is consistent with Council's adopted Policy to support reconciliation with Aboriginal people.

Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

The recommendation is consistent with the following goals in Council's Community Strategic Plan:

Goal 1: We are co-operative, caring and enjoy a culturally rich community life.

Goal 3: Our economy is prosperous, diverse and supported by innovative and creative businesses.

Goal 4: We have meaningful employment and learning opportunities for people in all stages in life.

Goal 5: Our air and water is pristine and our natural environment and rural landscapes are protected.

Environmental

The proposal does not have direct environmental implications. Indirect environmental benefits flow from engagement with local Aboriginal people in management of country.

Economic

The MoU seeks to promote economic self-determination for local Aboriginal people. The recommendation for closer involvement with the elected Council in the implementation of the MoU is likely to support economic outcomes for Aboriginal people and the Shire more generally.

Risk

There are no direct risks associated with the proposal, as involvement of Councillors in section 355 committees is part of the routine business of Council.

Social / Cultural

The proposal seeks to enhance delivery of Council's adopted MoU with LALCs within the Shire. The MoU aims to improve recognition of the Shire's rich cultural history, and advance reconciliation between Aboriginal and non-Aboriginal people.

Attachments

1. [Proposed amendments to Memorandum of Understanding with Local Aboriginal Land Councils](#)
2. [Guidelines for BEM Liaison Committee](#)

Memorandum of Understanding (MOU) between

Bega, Eden and Merrimans Local Aboriginal Lands Council
("the Lands Council's")

Draft 1 AUGUST 2019



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Introduction

1. Bega Valley Shire Council acknowledges that Aboriginal people are the original inhabitants and custodians of all [airspace](#), land and water in the Bega Valley Shire [and connecting sea country](#), and respects their continued connection with it.
2. The Bega Valley Shire Council and Land Councils accept that in order to address the issues and effects of colonisation, which continue to have effect on Aboriginal people in the Shire today, we must first acknowledge the past, to further respect, protect and advance the continuing rights and interests of all people in the Shire Council area.
3. Bega Valley Shire Council acknowledges and respects the traditions of the Aboriginal people and respects their continued special relationship with the land and water of the Shire.
4. The Land Councils and Bega Valley Shire Council acknowledge that there is between them a mutual obligation to give effect to the spirit of this Memorandum of Understanding and for all parties to work together towards the success of this Memorandum of Understanding as part of the journey of Aboriginal, Local Government and community reconciliation.

Undertakings

5. As part of the recognition of the status of Aboriginal people, Bega Valley Shire Council commits itself to:
 - i. Recognising that the sum of the Cultural Heritage of the Aboriginal people of the Bega Valley Shire is not confined to archaeological sites and artefacts, but includes natural values such as flora, fauna, landforms, waters and other natural resources.
 - ii. Flying the Aboriginal Flag together with the Australian flag in front of the Shires main office, Council Chambers and at appropriate civic events.
 - iii. Celebrating appropriate Aboriginal ceremonies and events including Reconciliation and NAIDOC Weeks.
 - iv. Assisting, encouraging and promoting employment opportunities for Aboriginal people both in its own workforce and in the broader community workforce.
 - v. Making available dedicated employment positions for Aboriginal people in numbers which bear (as a minimum commitment) the same proportion of its total workforce as the Aboriginal community does to the total population of the Shire as per the current Census population statistics. Post this target being met, there will be continued sustainable Aboriginal employment opportunities actively explored.
6. As part of working in partnership, the Land Councils and Bega Valley Shire Council commit themselves to:
 - i. Developing greater community understanding of Aboriginal culture in the Shire and increasing opportunities for cultural tourism.

- ii. Providing ongoing support in identifying areas of land within the Shire which are of cultural significance to Aboriginal people or the subject of joint management arrangements, and recognising that, subject to legislation, Aboriginal interests require special recognition and protection.
- iii. Acknowledging and respecting the need of the Lands Councils to have the ability to develop their lands to help overcome social and economic problems and to achieve social and economic growth, and to work together to identify development opportunities for their lands to achieve this growth.
- iv. Reviewing and maintaining mechanisms and processes which guarantee that appropriate consultation takes place in relation to Development Applications and Councils civil works to ensure that Aboriginal culture and heritage are taken into account as part of the assessment/planning phase. The mechanisms and processes are to give effect to both the statutory requirements and the spirit of the National Parks and Wildlife Act.
- v. Undertaking appropriate community planning to address social, economic or cultural disadvantage experienced by local Aboriginal people in the Shire.
- vi. Promoting and supporting the needs of young Aboriginal people in the Shire and encouraging community involvement and the retention of Aboriginal people in school.
- vii. Developing an action plan which will be a working document to identify and address relevant issues, demonstrating an ongoing commitment to reconciliation and the Memorandum of Understanding.
- viii. Developing other appropriate processes/protocols as a part of the MOU Action Plan.
- ix. Establishing a Council Committee, comprised of representatives of Local Aboriginal Land Councils, the elected Council and Council staff. This Committee will meet~~Meeting~~ together a minimum of twice a year to review the MOU Action Plan and at other times by mutual agreement. The responsibility for setting the agenda and chairing the biannual MOU review meetings will rotate between the Shire's three Lands Councils.

Review of Memorandum of Understanding

- 7. The Memorandum of Understanding will be formally reviewed in line with the Local Government election cycle each four years. The Land Councils and Bega Valley Shire Council agree that the Memorandum of Understanding can be amended within that cycle when all parties agree that it is required.



Section 355 Committee BEM Liaison Committee

Adopted by Council XX 2019



PO Box 492, Bega NSW 2550
P. (02) 6499 2222
F. (02) 6499 2200
E. council@begavalley.nsw.gov.au
W. begavalley.nsw.gov.au
ABN. 26 987 935 332
DX. 4904 Bega

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1. Introduction

- 1.1 Bega Valley Shire Council acknowledges that Aboriginal people are the original inhabitants and custodians of all airspace, land and water in the Bega Valley Shire and connecting sea country, and respects their continued connection with it.
- 1.2 Bega Valley Shire Council acknowledges and respects the traditions of the Aboriginal people and respects their continued special relationship with the land, water, sea and air of the Shire.
- 1.3 Council has entered into a Memorandum of Understanding with the Eden, Bega and Merrimans Local Aboriginal Land Councils, which establishes the BEM Liaison Committee to advance the cultural, environmental and economic interests of local Aboriginal people.
- 1.4 These Guidelines detail the status of the Committee, as well as the roles and responsibilities of Committee members.

2. Legal definition of the committee and its appointment

- 2.1 Under the Local Government Act 1993, councils are given extensive functions in respect to the operation of a wide range of community facilities.
- 2.2 Section 355 of the Local Government Act provides that a function of a Council may be exercised by a Committee of the Council. Council has created the Committee under this section as a way of incorporating the local Aboriginal community in the conduct of Council's affairs.
- 2.3 Under the terms of Section 355:
 - a) Council is solely responsible for the appointment of Committee members;
 - b) A register of members shall be maintained by Council; and
 - c) Council may at any time dissolve a Committee without notice.
- 2.4 It is important to be mindful that whilst acting in their capacity as Council committee members, individuals are representing their community and the Council. Maintaining and improving public confidence in local government must remain of the highest priority.

3. Role and responsibilities of the BEM Liaison Committee

- 3.1 The Committee is a formal advisory body of Council for the purposes of considering, discussing and advising on the implementation of the Memorandum of Understanding between Council and Local Aboriginal Land Councils.

4. Committee structure

- 4.1 The Committee is a strategic level committee to work in partnership with Council to advance the cultural, environmental, social and economic interests of local Aboriginal people
- 4.2 The Committee will be comprised of up to a total of nine (9) members consisting of two (2) representatives from each Local Aboriginal Land Council, one (1) the Mayor or representative and two (2) members of Council staff.
- 4.3 At each meeting three youth representatives, one appointed by each LALC Board may attend as observers.
- 4.4 From time to time working groups may be formed on specific projects or tasks that need additional focus. These working groups will report back to the Committee at each meeting.
- 4.5 A person will be appointed to the Committee for the term of Council.

5. Governance and Accountability

- 5.1 The responsibility for the facilitation of the Committee is the Director Community, Environment and Planning, who will ensure that minutes and agendas are prepared and actions tracked.
- 5.2 Minutes will be taken by a Council staff member and copies will be provided to all members and posted on Council's website – www.begavalley.nsw.gov.au
- 5.3 Members of the Committee may be called on to vote on certain matters. Only a member may vote. In the case of a tied vote the Chair has a casting vote.
- 5.4 Any Committee member who absents themselves without apology for three (3) consecutive meetings shall automatically cease to be a member. The Director Community, Environment and Planning will attempt to make contact following two absences without apology.
- 5.5 In the case of a Councillor vacancy on the Committee, Council shall appoint a replacement. In the case of a LALC representative vacancy, the chair of the LALC for which there is a vacancy will appoint a replacement.
- 5.6 Committee members will be reimbursed for out-of-pocket expenses including fuel, for any Committee related activities; however, these must be clearly related to actions discussed at meetings or by approval of the Director Community, Environment and Planning.
- 5.7 All members must adhere to the Bega Valley Shire Council's Code of Conduct. Alleged breaches of the code by Committee members will be investigated by the Director Community, Environment and Planning in line with Council policy and procedures

6. Meeting Schedule

- 6.1 Meetings will be held at least biannually.
- 6.2 The day and times of the meeting will be determined by the Committee members.
- 6.3 In the event that a working group is established, the meeting schedule will be determined by its members.

7. Meeting Procedure

- 7.1 Notice of Meetings are to be given to all members of the BEM Liaison Committee at least five (5) working days before the intended date of the meeting unless a time and date for meetings has been established by resolution of the BEM Liaison Committee.
- 7.2 The Committee will be chaired by a member of the LALC, as described in the MoU.
- 7.3 The Chair shall preside at all meetings of the Committee.
- 7.4 The Chair shall in the case of equality of voting at any meeting be entitled to a casting vote.
- 7.5 The Quorum of a meeting shall be a majority of members of the Committee. A quorum will consist of five (5) members, including at least one representative from each LALC.
- 7.6 Each member present at a meeting of the Committee is entitled to one vote and any matter before the Committee shall be determined by a majority of the votes of members present.

8. Restrictions on the Committee

- 8.1 Section 377 of the Local Government Act provides the following restrictions on committees:
 - a) The making of any fees or charges for use of Council facilities;
 - b) The borrowing of money;
 - c) The purchase or sale of any property, or granting the lease of any land or building;
 - d) Acceptance of tender; or
 - e) The adoption of a financial statement.

- 8.2 Council also imposes the following restrictions on the Committee:
- a) The employment of staff without Council approval; or
 - b) Entering into any contract without Council approval.

9. Code of conduct – Conflict of interest and pecuniary interests

- 9.1 Council recognises the importance of committees as being transparent in all its dealings, and has adopted a Code of Conduct, which shall be observed by all Council committees.
- 9.2 A full copy of the Code is available for all Committee members, which details the full obligation of members should a conflict of interest or pecuniary interest arise.
- 9.3 In order to assist members Conflict of Interest and Pecuniary Interest are defined below:
- a) A **Conflict of Interest** exists when a Committee person has to deal in a matter in their public capacity, which is also a matter where the person:
 - has a private interest arising out of kinship, friendship, membership of an association, society or trade union, or involvement or interest in an activity; or
 - could reasonably be perceived by others as one in which a conflict of interest could possibly exist.
 - (b) A **Pecuniary Interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom that person is associated.
- 9.4 If a Committee member feels that they may have a Conflict of Interest or Pecuniary Interest, it is their obligation to ensure that they comply with the Council Code of Conduct that has been submitted to all members.

10. Correspondence and communication

The following guidelines have been developed in relation to correspondence and communication (from the Committee to other organisations or individuals) or supporting and/or implementing Council policy.

- 10.1 The Committee is able to write to any person, body, organisation or agency on any other matters within the Committee's purview.
- 10.2 The Committee shall not correspond in a manner that has the potential to be derogatory, unseemly, not in the public interest or likely to erode public confidence in the Council.
- 10.3 All correspondence or other communication in connection with the business of the Committee should be authorised by the Committee, wherever circumstances permit, and would generally be distributed under the signature of the Chair.

9.2. Bega Valley Shire Council Library Services Strategic Plan 2020-2025

The 28-day Public Exhibition of the Draft Bega Valley Shire Library Service Strategic Plan 2020-2025 has now concluded, and the revised Plan is presented to Council for consideration.

Director Community Environment and Planning

Officer's Recommendation

1. That Council resolve to adopt the Bega Valley Shire Library Service Strategic Plan 2020-2025 (Attachment 1).
2. That the Bega Valley Shire Library Service Strategic Plan 2020-2025 be made publicly available.

Executive Summary

The Bega Valley Shire Library Service Strategic Plan 2020-2025 will guide the direction of our library services over the next five years. The Plan is informed by feedback from library users, community partners and Council officers. It has also been informed by an analysis of the changing demographics of Bega Valley Shire, and by the performance of the Bega Valley Shire Council (BVSC) Library Service against other libraries in NSW.

At the Council meeting of 12 June 2019, Council resolved to publicly exhibit the Draft Bega Valley Shire Library Service Strategic Plan 2020-2025. The Public Exhibition period has now closed, and submissions have been considered.

Community Engagement

Consultation undertaken

Prior to the formal exhibition period, to guide the drafting of the Plan, feedback on potential improvements to our collections, spaces, programs, technology and future opportunities was sought through:

- Online user survey (August 2018), with 1,387 responses received
- partner survey to gain feedback on program delivery
- staff survey
- library team planning day/workshops.

Over the formal 28-day exhibition period the draft Plan was promoted:

- on Bega Valley Shire Council's 'Have Your Say' page
- via social media
- via library members newsletter and Council News
- by seeking direct feedback from Library partners
- by seeking direct feedback from Bega Valley Shire Council officers

- through an internal workshop with members of the Community, Environment and Planning Directorate leadership team.

Consultation planned

Regular informal consultation with library partners and users will continue over the life of the Plan to ensure annual work programs, guided by the Plan, are meeting the needs of library users.

Council consideration of input

In total, four submissions were received; two internal and two external submissions. Two external submissions raised the following:

- A request for extension of opening hours at libraries.
- Consideration of consistency in language, with reference to Council's terminology 'branch libraries'.

Both submissions were considered. The extension of library hours has previously been trialled and found to result in no material increase in library patronage but significant increase in service delivery cost. It remains an area for future investigation, particularly in relation to potential future co-location of TAFE, university and BVSC Library Services. The terminology around library branches has been removed from the draft Plan to reduce any concerns about the relative value of each library.

Two internal submissions and the internal workshop raised ideas for greater collaboration between the Library Service and other areas of Council. These included expanding utilisation of library services to:

- communicate with the Bega Valley community;
- provide professional development opportunities and skill sharing, and
- improve the sharing of resources.

This feedback is consistent with the strategic direction of the Plan and will be used to inform library services at an operational level. Internal feedback also highlighted areas for greater consistency in language in the draft Plan and these comments have been incorporated into the final version.

Financial and Resource Considerations

On adoption, the Plan will guide the direction of the Library Service. Annual Budgets and work programs will be developed to support the actions outlined in the Plan.

The anticipated cost of running the Library Service in 2019/20 is \$1,514,940. Corresponding income sources are set out in Table 1.

Table 1 – Library Service Funding Sources

Funding source		Amount
General Fund	\$	1,053,721
Special rate variation	\$	204,000
Subsidy funding (State Government)	\$	70,000
Technology training (State Government)	\$	7,500

Funding source		Amount
Local Priority project (State Government)	\$	20,000
University of Wollongong Agreement	\$	40,000
Department of Human Services Access Point (Bermagui)	\$	4,991
Fees and Charges	\$	26,228
E Resources – South East Consortium contribution	\$	88,500
Total	\$	1,514,940

Legal /Policy

Under Section 22 of the *Local Government Act 1993*, councils may have functions conferred or imposed on them by other Acts, inclusive of the *Library Act 1939*.

NSW public libraries are managed by councils that have adopted the *Library Act 1939*; BVSC is such a council. In accordance with the Act, public libraries are eligible for a range of services administered by the State Library and the Library Council of New South Wales. These include support and consultancy, library subsidy funding and other financial assistance.

In accordance with the *Library Act 1939*, public libraries are required to provide services free of charge, inclusive of core educational and information services.

Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

The Plan addresses the following elements of BVSC's Community Strategic Plan (CSP) and Revised Delivery program.

Outcome 4: Liveable Places; Goal 4: We have meaningful employment and learning opportunities for people in all stages of life.

Revised Delivery Program 2017-2021 Actions: Expand the provision of services, information and education resources for the community and students in line with the Library Services Strategic Plan.

Actions to progress the Plan have been included in the Library Services section of the 2019-20 Operational Plan.

Environmental / Sustainability

The Plan identifies sustainability as one of five strategic priorities. The definition of sustainability covers our environmental responsibilities and the ongoing social and economic evolution of the Library Service.

Risk

The Plan supports the effective management of the Library Service over the next five years. By understanding library trends and anticipating future demands on services, BVSC can effectively plan for future services, minimising financial and other risks.

Social / Cultural

The Library Service makes a valuable contribution to the social and cultural life of the community. It provides inclusive community spaces that are well utilised by people of all ages, backgrounds and abilities across the Shire. Libraries foster education, life-long learning, and community participation and play an increasingly important role in providing access to

emerging technologies and bridging the digital divide. The Plan sets out a comprehensive agenda to ensure BVSC's Library Service continues to meet community needs over the next five years.

Attachments

- 1 [!\[\]\(d6c4cc9a92381c8dd8bec5ce712ee2af_img.jpg\) Bega Valley Shire Library Service Strategic Plan 2020-2025](#)



Bega Valley Shire
library

Bega Valley Shire Library Strategic Plan 2020–2025

Acknowledgment

The Bega Valley Library Service acknowledges the traditional owners of the lands and waters of the Shire, the people of the Yuin nations, and show our respect to elders past, present and emerging.

Message from our Mayor



Welcome to the Draft Bega Valley Shire Library Service Strategic Plan 2020- 2025.

In developing this plan we have listened to our community's aspirations and ideas for what our libraries could 'look like, feel like and be like' into the future.

People of all ages come together in libraries to connect and share with others. Libraries provide access to technology, a range of creative and innovative programs, meetings and study spaces and opportunities to engage in a host of activities.

Our libraries are dedicated to bridging the digital divide to ensure that no one is left behind. For some, this will mean learning to set up an email account, accessing online services, learning about social media and digital safety. For others, it will mean learning how to code, build robotics or tinker with electronics projects.

Our libraries also have a critical role to play in providing accessible and resource

rich environments that evoke a love of reading. Literacy is an essential life skill for everyone, fundamental to all learning, a building block of education and integral to economic and social participation within society. Research shows that reading, not only for information but for pleasure, is good for you, benefiting an individual's health and wellbeing.

The feedback gained through our consultation has emphasised how much our community values the libraries we have now. As Mayor of Bega Valley Shire Council, I am proud of the commitment that Council has made to acknowledging and further strengthening the role our libraries play in our community. I thank everyone who has contributed their thoughts and ideas to shape the Bega Valley Shire Library Service Draft Strategic Plan 2020- 2025, and look forward to your continued participation in our library services.

Cr Kristy McBain, Mayor
Bega Valley Shire Council

Our Vision

To enrich the community through creative, future focused library services, supporting lifelong learning and strong community connections.

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Executive Summary

Bega Valley Shire Library Service is highly valued by our local and visiting community. Alongside our expected services and our tailored collections of books and other resources, our libraries offer a range of cultural, creative and learning opportunities, and are places where the community can come together and connect.

Community needs and industry best practice in the library space are constantly changing. Libraries throughout Australia, and internationally, have been redefining their role and their services to meet changing needs. In the Bega Valley, our libraries are responding to growing demands for technology services, new approaches to learning, an increased focus on inclusion and accessibility, and the community's desire to actively participate in programs and activities. Walk into any of the Shire's libraries on any day and you might find yourself immersed in an author's talk, a design workshop, an exhibition by local artists, a yoga class, story telling activities, or a guided local history exhibition. Our libraries are also reaching beyond the library walls to engage new users and promote new learning opportunities.

The Bega Valley Shire Library Service Strategic Plan 2020-2025 will lead the direction of the library services over the next five years. The plan is informed by feedback from library users, our community partners and library staff who know and understand our customer needs well. It is also informed by peer review and research into the library sector, an analysis of our changing demographics and of the performance of the Library Service against other libraries in NSW.

The Bega Valley Shire Library Service Strategic Plan 2020-2025 sets out our overall vision and five key priority areas. The Library Service is in a strong position to deliver on its vision and aspirations, with Council support, via the strategic priorities outlined in this document.

To ensure accountability, this plan includes a range of performance indicators against which the Library Service will measure itself during the implementation of the Plan.

Our Vision

To enrich the community through creative, future focused library services, supporting lifelong learning and strong community connections.

Our Strategic Priorities

Active Connections	To build participation through strong collaborations and the creation of inclusive community hubs.
Inspiring Spaces	To foster innovation through cutting edge technologies, multipurpose spaces and functional design.
Dynamic Collections	To provide contemporary and relevant collections for all users.
Lifelong Learning and Creativity	To stimulate a culture of lifelong learning, exploration and creativity.
Sustainability	To demonstrate sustainable practices across all aspects of the library service.

Our Library Service

The Bega Valley Shire Library Service is a valued and important community asset operated by the Bega Valley Shire Council. With four locations; Bermagui, Bega, Tura Beach and Eden, and with a range of outreach and online services, the Library Service plays a vital role in the learning, creativity and connectivity of our communities.



Library Snapshot 2017-2018



197,321

visits to
our libraries



29,994

members of Bega
Valley Libraries



252,158

items loaned
from our libraries



11,457

attendances at
programs/events



135,200

information
requests received



312

events
held



71,702

collection
size



16,219

computer
bookings



110,837

Wi-Fi
logins

A valued community service

The Library Service routinely adjusts its services based on the regular feedback from library users and community partners. Evaluations regularly reflect a high level of satisfaction, particularly in relation to customer experience.

In November 2016, an Independent Customer Satisfaction survey was held across all Council service areas to measure the level of importance and level of satisfaction by service area. Responses were collected through telephone surveys, with data weighted to provide a representative sample of the region in terms of demographic profile (gender and age) and the region's national population figures. The survey showed that 76% of the 755 respondents ranked the importance of our Library Service as high, and 69% of respondents ranking a high level of satisfaction in library services.

Feedback from community partners in 2018 reflected a high level of satisfaction in our outreach programs and a strong desire to build on previous programs into the future.

Key achievements from 2015 to 2018

The Bega Valley Shire Library Service's first Strategic Plan was developed in 2015 and has set a strong foundation for the current library service. The key outcome areas from that plan were:

- Well utilised library services, programs and spaces that connect, inform and inspire
- Customer focused, innovative library staff working as an integrated team
- A culture of innovation and continuous improvement
- Good governance

Under this framework key achievements in the last four years have included:

- The introduction of collection tracking and evidence-based collection management
- The establishment of the new Tura Marrang Library and Community Centre
- New public spaces and meeting rooms in Tura Marrang and Bermagui Libraries
- Increased collaboration with Council's Customer Service, the Bega Valley Regional Gallery, Waste Services and Communications teams and increased co-design of community engagement activities
- New partnerships with local history groups and digitisation projects
- Increased volunteering in a range of library programs and operations
- Growing new services for increasing numbers of University of Wollongong students
- Developing clear library branding to promote services and provide cohesion to our physical and virtual spaces
- The implementation of self-serve check-out across all four libraries
- The implementation of a new collection plan and new collection management tools
- Establishment of a multi-skilled library leadership team and a staffing structure which enhances service equity across the Shire
- The development and implementation of a Library Technology Plan
- The expansion of IT equipment and programs; 3D printers; sound and video production tools
- Increased technology training options delivered across the Shire
- New partnerships with schools and community partners to deliver a range of outreach programs

This Plan aims to build on these achievements as we look forward to our priorities over the next five years.

Developing our Strategic Priorities

Community Strategic Plan

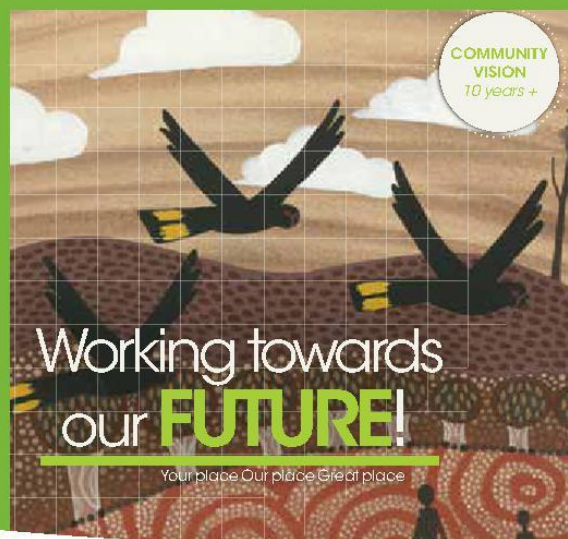
The starting point for the development of this plan is through Council's adopted Community Strategic Plan.

The Bega Valley Shire Community Strategic Plan 2040 is a long-term visionary plan that defines our community's priorities and vision for the future. It is the main strategic and aspirational document for our community and its purpose is to help build a stronger and better Bega Valley Shire.

The six outcome areas of the Community Strategic Plan are:

- Active and Healthy Communities
- Employment and Learning Opportunities
- Sustainable Living
- Liveable Places
- Connected Communities
- Strong Consultative Leadership

This Library Strategic Plan responds to the community aspirations across a range of theme areas. It has a particular focus in the theme areas of Employment and Learning Opportunities and Liveable Places.



Consultation

Feedback from stakeholders on potential improvements to our collections, spaces, programs, technology and future opportunities has been vital to the development of our future priorities. Input came from:

- User feedback was obtained via an online library member survey completed in August 2018, program evaluations and feedback garnered through suggestion boxes in all libraries. In total, 1,387 responses were received.
- Feedback from community partners was gained through a short survey, an analysis of program evaluations and interviews with key partners.
- An online survey to all permanent and casual staff. 25 responses were received, representing 100% staff
- Library staff planning days in 2018. These days provided staff the opportunity to contribute ideas to the strategy, respond to the outcomes of the staff and user surveys and contribute to priority themes.
- Input from other service areas of Council at team meetings.

Research

Background research and peer review have played an important role in the development of this Strategic Plan. Research has been largely divided into two key areas:

- Our community profile – understanding our current community demographics and population forecasts through Australian Bureau of Statistics
- Best practice benchmarks – reviewing our own data and benchmarking against State Library NSW reports and guidelines, comparative information about other NSW public library services and national peak bodies such as Australian Library and Information Association (ALIA) and Global Guidelines such as United Nations Sustainable Development Goals



Bringing it together

In response to staff and community feedback, our demographic analysis and research into best practice in libraries, five main strategic themes have emerged which will be the focus of the development of the Library and its services for the next five years.

Checking in

This draft Library Service Strategic Plan will be placed on public exhibition for broader community comment, with feedback incorporated into the final plan to be presented to Council.



What we heard



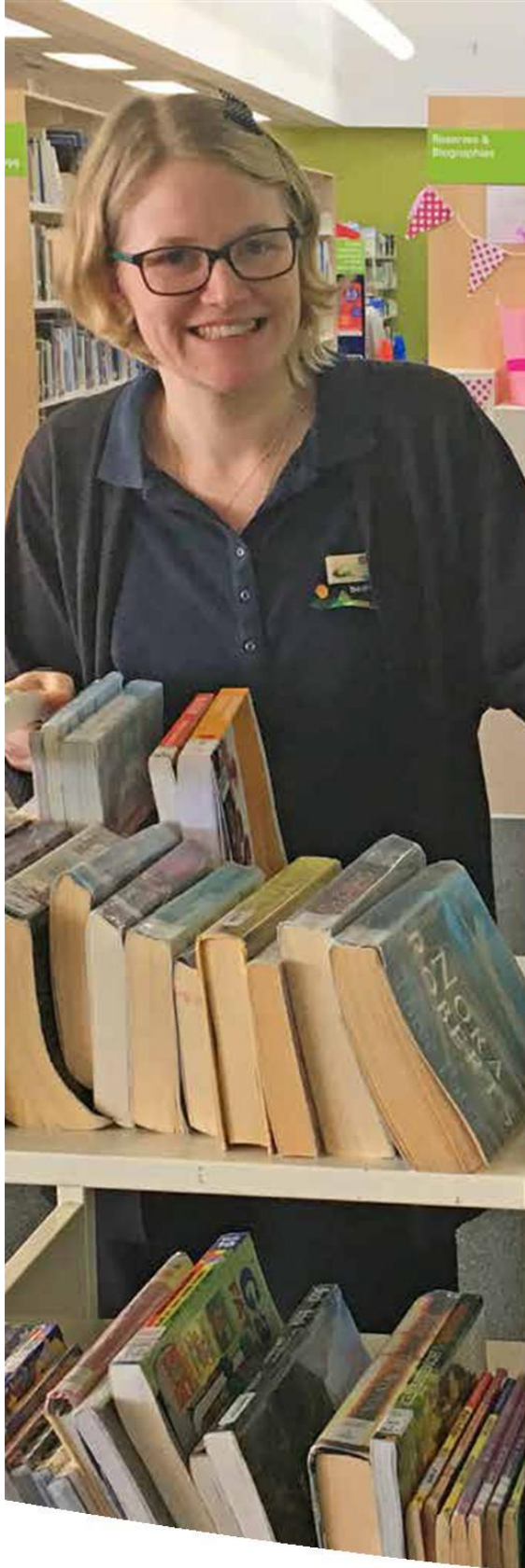
What we heard from our library users and partners

Every year we have over 197,000 visits to our Library Service and an active membership of over 11,000 people, almost one third of the Shire's population. Users are actively involved in all aspects of our libraries, and regularly provide feedback on what's working well, and what improvements they would like to see in the library space. Our library users and partners have told us that:

- Communities have strong ownership of library spaces
- Our libraries connect communities and reduce social isolation



- Our libraries are valued as an engagement /contact point for Council services and to hear about what's happening in local communities
- Our book collections remain a high priority
- Libraries are technology hubs and relied on as an access point to new technologies
- Accessible spaces are important for an ageing population
- Library spaces need to cater for a variety of uses and community members; some people value quiet spaces to relax, others want to see more activity in spaces
- Programs, collaborations and partnerships are highly valued
- Partners are keen to build and increase activities delivered within and outside libraries



Feedback and advice from our library staff

Our staff are the face of libraries and are passionate about delivering best practice services. They have a deep insight into customer needs, they engage library users daily and adapt services in response to customer feedback. In developing this plan, staff contributed ideas on programs, technology, operational matters and opportunities for future improvements.

Staff identified a range of priorities and potential opportunities including:

- Creating effective and inviting community spaces
- New ideas for program planning to ensure we continue to engage new people
- Readiness to cater for community demands for technology assistance in and outside of libraries
- The role the library has in supporting our community to learn and connect
- The importance of a local history collection plan
- The importance of outreach services

- Improvements to working spaces, work flows and the adoption of new equipment to manage resources
- The importance of sustainable practices and the expansion of our profile as a sustainable business
- The changing use of libraries e.g. the increase in people working remotely from library spaces

Feedback and advice from other Council service areas

Our feedback tells us that the connections between libraries and other areas of Council have grown over the past five years. From other areas of Council, we have heard:

- The integration of the Community Development team in library spaces increases engagement in both areas
- The library has successfully been used as a place to promote Council services e.g. FOGO and see the potential to build on these engagement opportunities
- There is potential for increased collaboration between libraries, Bega Valley Regional Gallery, Bega Valley Commemorative Civic Centre, and Bega Valley Regional Learning Centre
- Staff would like to increase opportunities to work across all of the libraries
- Communication could be improved between libraries and other Council areas in relation to Council activity in localities

This internal consultation will continue through the public exhibition period of this plan. In order to identify future collaboration opportunities to enhance the libraries role as an information and engagement point for Council services.

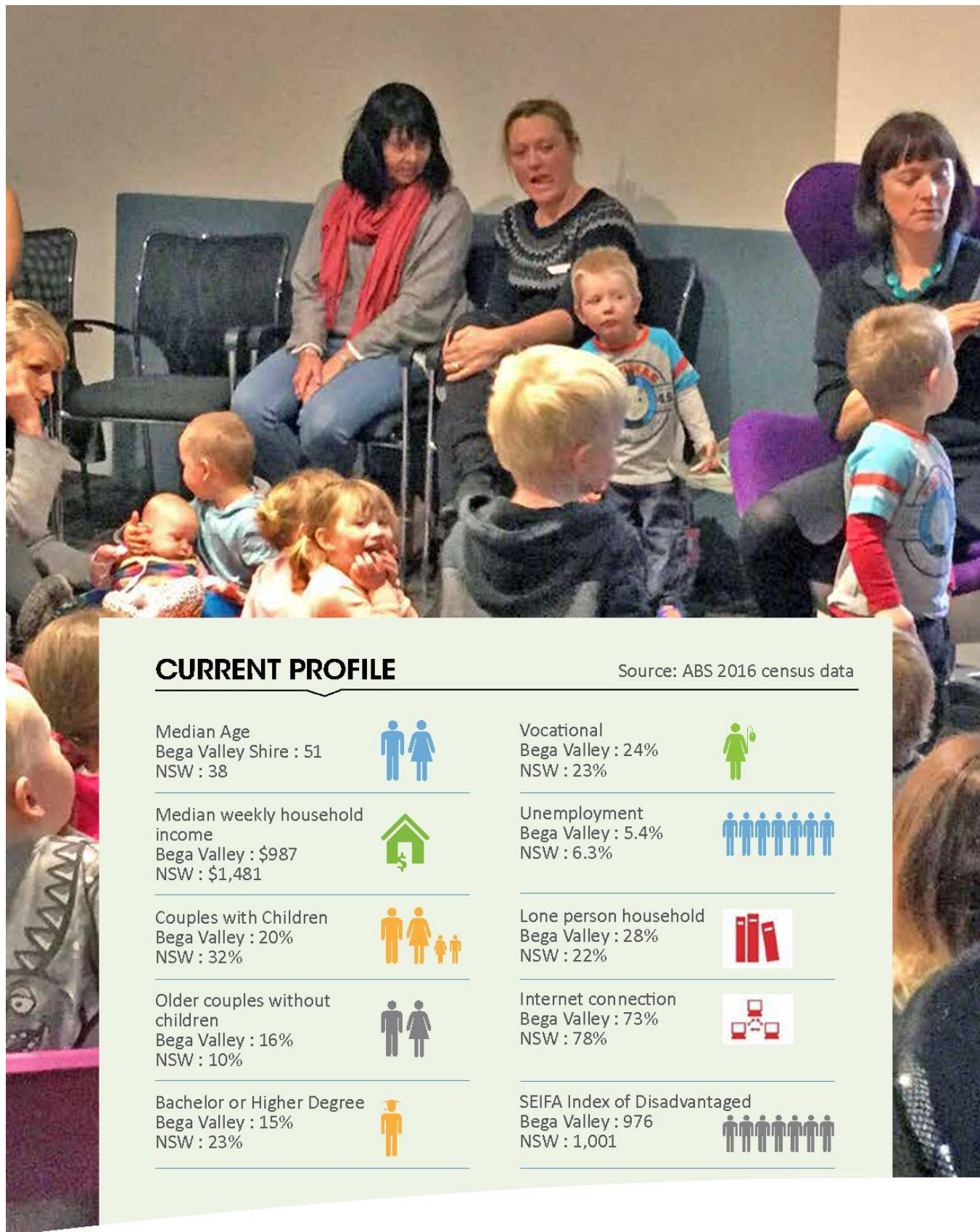
What research tells us

Community Demographics

Bega Valley's estimated resident population for 2018 is 34,356 and is forecast to grow to 38,138 by 2036. This represents an average annual change of 0.58%

The Bega Valley community (compared to Regional NSW as a whole) is characterised as follows:





CURRENT PROFILE

Source: ABS 2016 census data

Median Age
Bega Valley Shire : 51
NSW : 38



Vocational
Bega Valley : 24%
NSW : 23%



Median weekly household
income
Bega Valley : \$987
NSW : \$1,481



Unemployment
Bega Valley : 5.4%
NSW : 6.3%



Couples with Children
Bega Valley : 20%
NSW : 32%



Lone person household
Bega Valley : 28%
NSW : 22%



Older couples without
children
Bega Valley : 16%
NSW : 10%



Internet connection
Bega Valley : 73%
NSW : 78%

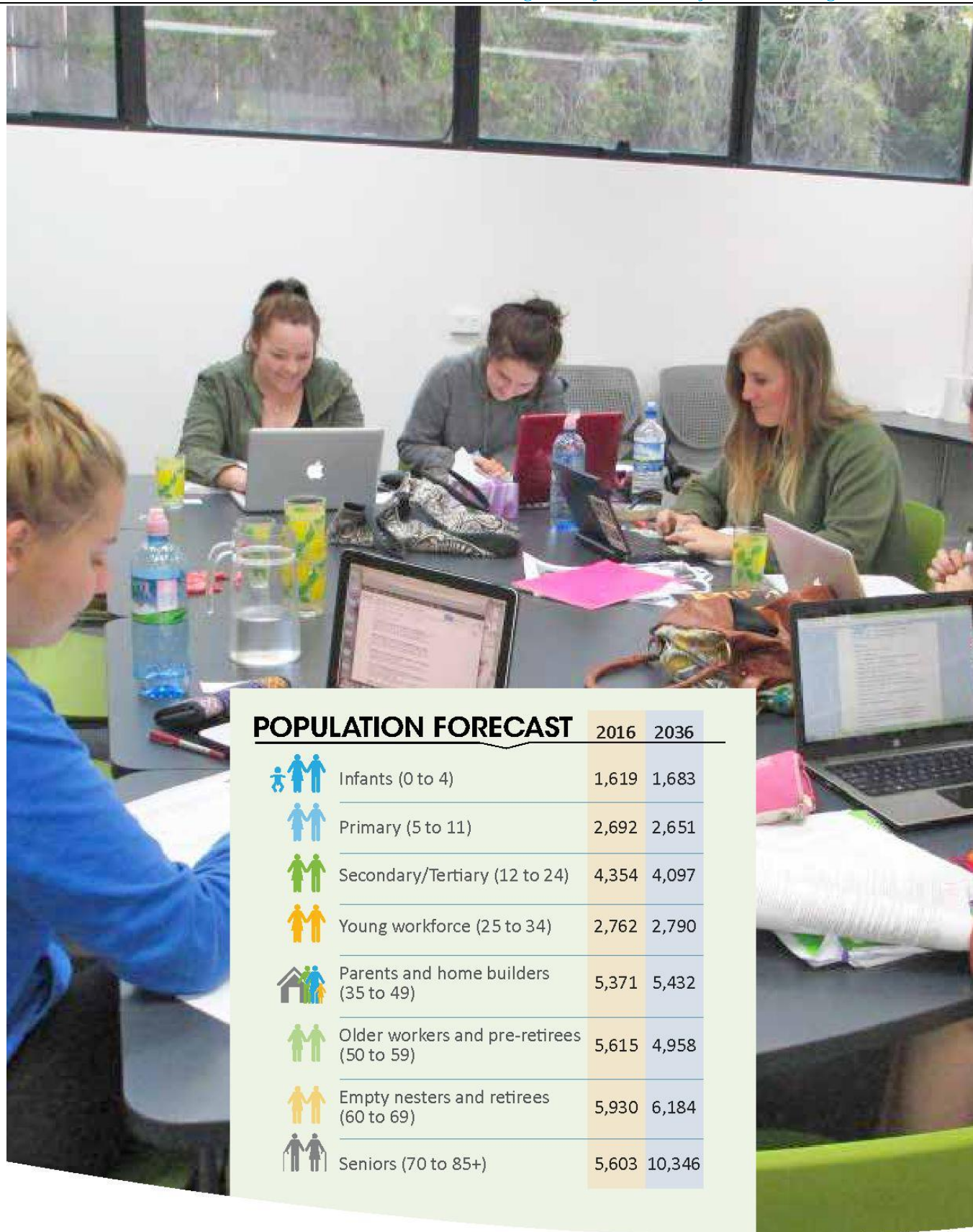


Bachelor or Higher Degree
Bega Valley : 15%
NSW : 23%











SEIFA Index of Disadvantaged
Bega Valley : 976
NSW : 1,001





POPULATION FORECAST

	2016	2036
 Infants (0 to 4)	1,619	1,683
 Primary (5 to 11)	2,692	2,651
 Secondary/Tertiary (12 to 24)	4,354	4,097
 Young workforce (25 to 34)	2,762	2,790
 Parents and home builders (35 to 49)	5,371	5,432
 Older workers and pre-retirees (50 to 59)	5,615	4,958
 Empty nesters and retirees (60 to 69)	5,930	6,184
 Seniors (70 to 85+)	5,603	10,346

What our demographic profile means for our Library Service

The current and projected characteristics of the Bega Valley community indicate some specific areas of focus for Libraries planning:

- Ageing of the population indicates a need for services and programs for older people who are both “ageing well” and those who are facing health and mobility challenges – for example tailored programs, an increased focus on large print and audio-visual items in the collection, response to anticipated increases in demand for home library services and learning options to provide technology skills for seniors.
- An increase in the number of people who will require assistance for core activities of daily living points to a need for increased online access and the creation of accessible spaces, with adaptive technologies.
- Higher levels of community disadvantage indicate a need for services that are free, inclusive and accessible to all members of the community and that provide opportunities for lifelong learning. Staff need to be responsive to a range of customer needs and expectations.
- Lower levels of internet access in people’s homes indicate the importance of maintaining and expanding technology services, free public computers, Wi-Fi access and technology learning and skills support.
- Lower levels of car ownership, combined with limited public transport infrastructure and the geographic characteristics of the Bega Valley Shire underline the importance of a library service that is dispersed across a number of localities and that meets State Library of NSW guidelines for per capita service provision, proximity and access.
- The forecast increases in lone person households highlight the importance of our libraries to provide space and a place for local individuals, groups and communities to visit, spend time and to feel a sense of ownership and belonging.

Library Benchmarks

We monitor our statistics against the latest State Library NSW Benchmarks. This helps us to understand how we are tracking against industry best practice, and to identify areas for further focus. For the purpose of this plan, Bega Valley Shire Council is in the cohort of 'Urban Small'. Categories are based on population sizes. Capita is based on the Bega Valley Shire's 2018 population figures of 34,356.

	BVSC Libraries	Benchmark for Urban Small	Benchmark for NSW
Total expenditure per capita	\$40.03	\$59.35	\$51.10
Membership % of population	32.45%	43.73%	40.9%
Visits per capita	5.74	4.28	4.15
Library material per capita	2.39	2.18	1.93
Expenditure of library materials per capita	\$2.79	\$5.42	\$4.82
Acquisitions per capita	0.18	0.24	0.21
Circulation per capita	6.92	5.57	5.05
% of library collection purchased in the last 5 years	55%	45.9%	49.2%
% of library collection purchased in the last 10 years	77.7%	75.17%	76.8%



	Current Floor Space	Benchmark for current population	Benchmark for population forecast 2031
Floor space - Bega Population catchment from profile ID areas- Bega District, Bega Rural, Tathra and Kalaru *Note- Bega Library is categorised as the Shire's Central Library	505m ²	1,038m ²	1,100m ²
Floor space - Bermagui Population catchment from profile ID areas- Bermagui Coast, Wapengo District and Rural North	424m ²	335m ²	359m ²
Floor space - Tura Marrang Population catchment from profile ID areas- Pambula District, Merimbula and Millingandi, Tura Beach and Mirador	615m ²	810m ²	883m ²
Floor space - Eden Population catchment from profile ID areas- Eden Coast and Rural West	230m ²	457m ²	480m ²



Strategic Priorities

In response to what our community told us, our demographic analysis, and research into library best practice, five key strategic priorities have emerged which will guide our library services over the next five years.

The strategic priorities are:

- Active Connections
- Inspiring Spaces
- Dynamic Collections
- Lifelong Learning and Creativity
- Sustainability

Actions on strategies are identified with an indicative timeframe for their implementation.

- **Short term actions** will be undertaken in 2020
- **Medium term actions** will be completed between 2020 and 2023
- **Long term actions** will be completed over the 5 year life of this plan.

It is acknowledged that progress against many of these actions will occur on an ongoing basis.



Vision

To enrich the community through creative, future focused library services, supporting lifelong learning and strong community connections.

Strategic Priorities

Inspire
Create
Discover
Explore
Connect
Innovate
Learn
Share

Active Connections

To build participation through strong collaborations and the creation of inclusive community hubs.

Inspiring Spaces

To foster innovation through cutting edge technologies, multipurpose spaces and functional design.

Dynamic Collections

To provide contemporary and relevant collections for all users.

Lifelong Learning and Creativity

To stimulate a culture of lifelong learning, exploration and creativity.

Sustainability

To demonstrate sustainable practices across all aspects of the library service.



Active Connections

Objective:

To build participation through strong collaborations and the creation of inclusive community hubs.

We aim to ensure our Library Service provides vital hubs for connection and collaboration. Many people come to the library to connect with other people. For some, this might be the alone-together intimacy of reading in the company of others, while others want to meet like-minded people, share skills, knowledge and conversation.

We create library experiences designed around people. To do this, we are committed to providing best practice services. Key to this are our professional networks with the State Library NSW, Australian Libraries and Information Association and the Public Library Network.

We will continue to reach out across the community to partner and work with other groups and organisations, to find ways to deliver our services beyond the library walls. We will also search for new partnerships and work together with community organisations, service providers, local business, commercial sector, different levels of government and volunteers. We will seek to increase collaborations in what we do to bring the best to our community.

Through increased connections within Council, we aim to be an accessible contact point for people across the Shire seeking information on broader Council services and to facilitate Council's engagement with local communities.

Short Term Actions

- Review our home library service to improve access to library services.
- Utilise emerging communication technologies to promote library services to library users and new audiences.
- Implement cultural awareness training for all library staff.
- Maintain and develop professional networks with the State Library of NSW, Australian Library and Information Association, Public Libraries Network to ensure our libraries meet best practice standards.
- Expand opportunities for groups to use libraries as meeting places after library hours.

Medium Term Actions

- Grow our internal and external partnerships to enhance library offerings.
- Grow connections with our local Aboriginal communities and implement signage in all libraries to share and celebrate our cultural heritage.
- Develop a program of community participation and customer feedback, utilising this feedback to enhance our services.
- Work with the Community Development team to build the capacity of community members to develop and run their own programs and activities in library spaces.

Long Term Actions

- Increase our community networks to provide more opportunities for the community to connect and be well informed.

Performance Indicators

- ★ Increase in membership % of population
- ★ Increase in the number of library users (of collections, resources, space and online)
- ★ Increase in partnerships with Council teams and community groups
- ★ Increase in community satisfaction based on Council's customer service survey
- ★ Increase visits per capita
- ★ Increased reach through social media as measured through increased interaction



Inspiring spaces

Objective:

To foster innovation through cutting edge technologies, multipurpose spaces and functional design.

Our centrally located libraries bring life and activity to our towns and play an important role in activating public spaces. By planning and designing our libraries well, we know we can attract new users and foster innovation and ideas. Our libraries are welcoming, safe and inclusive spaces which reflect the needs of all our user groups and foster our communities' sense of identity.

Our customers tell us they want our libraries to cater for a range of purposes and age groups including children, young people and older residents. We will respond to this by creating accessible and flexible spaces which provide public access to our range of resources, and which also allow exhibitions, displays and interaction with others.

We recognise that technology will also drive changes in our library spaces and we will adjust to support new ways of learning by enhancing public Wi-Fi, supporting virtual work spaces, and Makerspaces.

By building on opportunities provided by our co-location with other organisations, and by seeking new opportunities for redevelopment, we aim to ensure the floorspace of our libraries meets current and emerging community needs.

Short Term Actions

- Review existing floor plans and layouts to identify options for improvement .
- Involve the community in the co-design and prioritisation of space upgrades, ensuring we listen and respond to local needs across the community.
- Review and update the Library website, including:
 - reviewing customer satisfaction and current usage,
 - maximising usability and attractiveness of design, and
 - identifying innovative web-based technology that delivers effective, relevant features.
- Create spaces to showcase new technologies.
- Develop a 2-year technology plan to guide the purchase of new technologies.
- Increase movable shelving and furniture to maximise flexible spaces.
- Explore opportunities to reduce duplication and maximise opportunities through co-locating with other organisations.

Medium Term Actions

- Investigate new sites or renovation opportunities for Bega, Eden and Bermagui branch Libraries.
- Activate the outside courtyard at Tura Marrang Library.
- Upgrade Wi-Fi access in Bermagui, Eden and Bega libraries.

Performance Indicators

- ★ Increase in specific-use spaces
- ★ Growth in room bookings
- ★ Increased floor space for Bega, Tura Marrang and Eden libraries





Dynamic Collections

Objective:

To provide contemporary and relevant collections for all users.

Our collections underpin everything we do. They continue to evolve so we can respond to diverse community needs and open doors to new and exciting ways to learn and share. In order to curate inspired collections our library service must understand what inspires our community. We encourage feedback about what our communities want to see and use in our libraries.

Changes to the publishing industry and technological advances will continue to increase the information formats that we offer our customers. eBooks have been introduced and embraced by many customers, while others prefer traditional formats for their reading. The Library Collections Strategy will monitor these trends and balance customer preferences as new technologies emerge. We will continue to look at innovative ways to maximize our collections through consortiums and other arrangements with our public library networks.

The Library Service has an important role to play as a collector and creator of local content. We aim to increase our commitment to local history by creating better access to our current collections, leading the active collection of new content, creating linkages with local history groups and museums, and by providing the community opportunities to showcase artefacts and tell their stories.

Short Term Actions

- Streamline processes to enable customers to recommend purchase of titles for the library collection using online software.

Medium Term Actions

- Revise collection management plan to procure, manage and maintain our collections in accordance with best practice.
- Identify digital content that enhances, rather than replaces, traditional physical collections, forming a complementary suite.
- Increase our collection of items of local community and cultural significance.
- Explore further collaborative opportunities for resource sharing with library services and public library networks.

Long Term Actions

- Provide a balance of the various resource formats, underpinned by evidence-based planning.
- Seek new opportunities to collect, preserve and share historical and cultural heritage of the Bega Valley in innovative ways.

Performance Indicators

- ★ Maintain or grow library material per capita
- ★ Increase circulation of collections
- ★ Maintain or grow circulation per capita
- ★ Maintain or increase acquisitions per capita
- ★ 50% of library collection purchased in the last five years
- ★ Expansion of range of relevant formats and resources
- ★ Increase in Local Studies collection access and use
- ★ Increase in collection of items of local community and cultural significance





Lifelong Learning and Creativity

Objective:

To stimulate a culture of life-long learning, exploration and creativity.

Our libraries are dedicated to supporting the community's learning needs at all stages of life and in bridging the digital divide. From creative play to scheduled learning activities, and basic to advanced skill levels, everyone can find an opportunity to learn and grow.

Our libraries will have a critical role to play in providing accessible and resource rich environments that encourage everyone to improve literacy skills and evoke a love of reading and learning throughout their lives. We will continue to provide one-on-one support for individuals with low literacy, and/or low digital literacy skills, to navigate eGovernment platforms, fill out forms, apply for jobs online, access social media and improve their digital safety.

By partnering with other educational institutions, our libraries will improve opportunities for training and education in the Shire. Over the next five years we plan to strengthen our partnerships with tertiary institutions schools and other training organisations to foster new learning opportunities.

We see a growing demand in the Science, Technology, Engineering and Mathematics (STEM) area. To meet these challenges, we will focus resources on innovative and engaging programs that support STEM learning outcomes.

Medium Term Actions

- Provide relevant technologies to support learning opportunities and improve digital literacy in our community.
- Introduce new programs and activities that attract new target audiences and non-traditional library users.
- Provide adequate and flexible resources to stimulate independent learning and creative exploration both inside and outside of the physical library.
- Grow partnerships with schools and tertiary education providers including the University of Wollongong Innovation Hub.
- Grow activities that engage young people in the library space.
- Partner with others to promote learning opportunities in STEM areas.

Long Term Actions

- Develop our library's collection to support identified learning and creative needs of the community.
- Deliver programs, activities and events for people at all stages of life to learn, play and explore.

Performance Indicators

- ★ Increased numbers of students serviced through the Memorandum of Understanding (MOU) with University of Wollongong (UOW)
- ★ Increased loans of UOW materials
- ★ Increased local history projects
- ★ Increased partnerships with education providers
- ★ Increase in the number of targeted programs
- ★ Increased number of activities engaging young people in library services





Sustainability

Objective:

To demonstrate sustainable practices across all aspects of the library service.

Our definition of sustainability covers both our environmental responsibilities and the ongoing social and economic growth and evolution of the Library.

Our library services are intrinsically grounded in environmentally sustainable practices, through our core business of sharing resources. We are proud that our collection rates have a higher circulation rate per capita (6.92) than the NSW average (5.05) and that we maximise our resources to ensure our equipment and services are shared across multiple users. The Australian Library and Information Association (ALIA) has also outlined how public libraries support and contribute the UN Sustainable Development Goals 2018.

The consumption of finite resources and sustainable development are key concerns of our community and therefore high priority in our library. We will build on our environmentally friendly platform – developing further, innovative ways to manage resources, provide information and education, and role model environmentally sustainable practices.

We will ensure that our business practices and technologies are fit for purpose and able to adapt and evolve, seeking opportunities to ensure we are financially sustainable over the long term. The introduction of technological tools and streamlined processes will support staff to focus on creating great customer experiences through “front of house” service duties. Ensuring our staff and volunteers have appropriate training and development will be essential to the future success of our Library Service.

Short Term Actions

- Provide opportunities to the wider community to be actively involved in sustainable thinking through the hosting of special events (e.g., film screenings and panel discussions about sustainability and environmental topics) and raising awareness of sustainability practices.
- Reduce physical waste in library services through control of printings and increasing use of renewable and recycled materials.

Medium Term Actions

- Develop workforce development plans to ensure library staff and volunteers have the skills required to deliver quality library services including, addressing skills gaps, planning for emerging skills and linking to organisational imperatives.
- Identify potential risks to the Library's business continuity taking steps to ensure technology assets are adequately resourced.
- Seek opportunities to increase external funding sources to supplement core library services.

Long Term Actions

- Maintain and renew facilities and equipment to be fit for purpose, with consideration given to environmental impact.
- Optimise staffing structure and resources to enable the strategic direction.
- Review recruitment and retention of library volunteers to ensure match is achieved between volunteer and library needs.

Performance Indicators

- ★ Increase in participation in professional development activities among library workforce
- ★ Increased staff satisfaction as measured by Council staff satisfaction survey
- ★ Increased use of self-service options
- ★ Increased expenditure of library materials per capita
- ★ Reduction in electricity charges
- ★ Increase volunteer numbers across library services

Monitoring and Evaluation

The evaluation of our progress against this plan will occur on an annual basis as part of Council's business planning cycle. Performance indicators will be measured on a quarterly basis, reported annually to the State library of NSW, and published in Bega Valley Shire Council's Annual Reports and on Council's website.

References

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Office Use - Document Control

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Bega Valley Shire Council

PO Box 492, Bega NSW 2550

P. 02 6499 2222

F. 02 6499 2200

E. council@begavalley.nsw.gov.au

W. begavalley.nsw.gov.au

ABN: 26 987 935 332

DX 4904 Bega



Zingel Place, Bega

M. PO Box 492 Bega P. 02 6499 2222 F. 02 6499 2200 ABN. 26 987 935 332 DX. 4904 Bega



BegaValleyShire



begavalleyshirecouncil



www.begavalley.nsw.gov.au



council@begavalley.nsw.gov.au

Staff Reports – Infrastructure Waste And Water

7 August 2019

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11.1. Approval for new road names: Wumbalwarra Drive, Barrumbarra Place, Gurabarr and Peters

A Development Application (DA) has been approved for a new subdivision in Bega and Council has received an application from the developer to formally name two new roads associated with the subdivision.

A further request is being made for additional names: Gurabarr and Peters, to be added to Council's pre-approval list of road names for future use.

Director Assets and Operations

Officer's Recommendation

1. That Council receive and note the report.
2. That Council approve the proposal to name two new roads off recently named Spanish Oaks Drive as Wumbalwarra Drive and Barrumbarra Place.
3. That Council advertise the proposed road names on its website, inviting submissions to the proposal.
4. That if no objections are received within the submission period, Council officers proceed with the road naming proposals without subsequent referral to Council.
5. That authority be delegated to Council officers to submit the names Gurabarr and Peters to the Geographical Names Board of New South Wales for pre-approval and reservation for future use within the Bega Valley Local Government Area, as approved by the Council Delegate.

Executive Summary

Council has received an application to formally name two new roads associated with an approved subdivision under DA (DA 2010.379). In accordance with Council's Road Naming Procedure 4.04.1, all new road naming proposals are to be reported to Council seeking approval to advertise the proposed use of the road name.

Council approval is also being sought for the names Gurabarr and Peters to be submitted to the Geographical Names Board of New South Wales for pre-approval and reservation on Council's pre-approved list of road names for future use within the Bega Valley Local Government Area.

Background

The two new roads proposed under this DA will serve as access to subdivided land parcels located off the newly named, Spanish Oaks Drive in Bega.

The roads will be dedicated to Council upon registration of the plan of subdivision and Council will take over care and control of the roads once constructed by the developer, and the mandatory maintenance period has been completed.

The names proposed are: Wumbalwarra Drive and Barrumbarra Place, Bega. Both of these names comply with Council's Road Naming Procedure 4.04.1 under Road Naming Criteria (a)(i) Local Aboriginal heritage.

Suggested Name	Background
Wumbalwarra	<ul style="list-style-type: none"> Aboriginal word from the local Dhurga language Means River Oak
Barrumbarra	<ul style="list-style-type: none"> Aboriginal word from the local Dhurga language Means Peppermint
Gurabarr	<ul style="list-style-type: none"> Aboriginal word from the local Dhurga language Means white box.

Council's Aboriginal Liaison Officer in consultation with the Bega Local Aboriginal Land Council have reviewed both names and provided approval for use of the Aboriginal words for road naming purposes. The Geographical Names Board (GNB) has also reviewed both names under GNB Guidelines for the naming of roads and there is no objection to their use.

Council's Aboriginal Liaison Officer provided officers and the developer with a copy of the Yuin-Bangguri Mountain Parks Plan of Management which includes an appendix of local Dhurga words relevant to our area.

The developer selected three names being: Wumbalwarra; Barrumbarra; and Gurabarr for potential use. They have now settled on Wumbalwarra Drive and Barrumbarra Place for their proposed new road names but have requested pre-approval of the name Gurabarr for future use within the Shire.

As outlined in the attached report to Council dated 18 May 2010, approval was granted to formally name a Crown Reserve in Tathra as "Peter's Park" subject to a public advertising period of 30 days.

As the Reserve bound by Kianinny and Yuppara Streets and Panamuna Road, Tathra is under the care and control of Crown Lands, consultation has recently been undertaken with Crown Lands and the NSW Geographical Names Board to confirm whether the naming process was ever finalised.

Unfortunately, Council has received advice from Crown Lands that the required public advertising never commenced and a search of Council records has not been able to prove otherwise. The NSW Geographical Names Board has also advised they have no record of the Reserve name.

As the Reserve known as Lot 7317 DP 1164437 is under the care and control of Crown Lands, Council must obtain their formal consent to any proposed actions undertaken in relation to the Reserve. As such, Council has consulted with Crown Lands in relation to progressing the naming of the Reserve as "Peter's Park". The advice received from Crown Lands is as follows:

- Lot 7317 DP 1164437 is part of a large parish reserve known as R750236;
- Reserve R750236 is currently reserved for the purpose of future public requirements therefore, Crown Lands have advised the use of "Park" is not consistent with the Reserve purpose;
- Crown Lands does not support the naming of the whole Reserve R750236 as "Peter's Park" as this Reserve consists of a large number of Crown holdings unrelated to Lot 7317 DP 1164437;
- Crown Lands does however support Council's Resolution to name Lot 7317 DP 1164437 (being part of Reserve R750236) as "Peter's Park";
- Lot 7317 DP 1164437 is subject to an undetermined Aboriginal Land Claim. Consequently, consent from the NSW and Local Aboriginal Land Councils must be obtained prior to formalising the naming process;

- Lot 7317 DP 1164437 is also subject to an undetermined Native Title Claim currently lodged in the Federal Court;
- Crown Lands is not in a position to create a Reserve over Lot 7317 DP 1164437 for the purpose of “park” whilst the Native Title status and Aboriginal Land Claim remains undetermined.

Although it is possible to consult with the NSW and Local Aboriginal Land Councils regarding the undetermined Aboriginal Land Claim, until the Native Title Claim has been determined in the Federal Court it is not appropriate to progress the naming of Crown reserves under claim across the Shire, due to cultural sensitivities and the unknown outcome of these Claims.

Council is in the process of developing a Reserve Naming Procedure that will formally document Council’s position in relation to reserve naming and the effect of the Aboriginal Land Claim and Native Title Claim which is registered over all Crown Reserves in our Shire.

It is suggested the name “Peters” be added to Council’s pre-approved list of road names for use in the Tathra area as an alternative, to commemorate the Peters family as outlined in the attached report to Council from 2010.

Options

The proposed road names comply with GNB Guidelines and Council’s Road Naming Procedure 4.04.1 and as such there is no impediment to using these names, however Council does have the option not to accept the applicant’s suggested road names or grant pre-approval for the future use of the names Gurabarr and Peters if they wish.

Community Engagement

Consultation undertaken

Council officers have consulted with the applicant, Council’s Aboriginal Liaison Officer and Bega Local Aboriginal Land Council approval and GNB regarding the proposed road names of Wumbalwarra Drive, Barrumbarra Place and Gurabarr.

Consultation with applicants regarding the use of the name Peters in the Tathra area has also been undertaken by Council officers.

Consultation Planned

The proposed road names of Wumbalwarra Drive and Barrumbarra Place will be advertised on Council’s website, allowing a period of 14 days for submissions to be received. If no objections are received, the GNB will be advised to arrange Gazettal. If any objections are received, a further report will be presented to Council.

Financial and resource considerations

Under Council’s Fees and Charges, the road naming application fee has been paid by the developer which covers all costs associated with the road naming process. Council’s Property officers will be required to complete the public notification process.

Legal /Policy

In accordance with Council’s Road Naming Procedure 4.04.1 the naming of the Shire’s roads is pursuant to the provisions of Section 162 of the *Roads Act 1993 (NSW)* and the GNB NSW Address Policy adopted in March 2015.

In accordance with Division 1 clause 7 of the *Roads Regulation (2018)* which commenced on 1 September 2018, Council is now able to publish notice of a road naming proposal on the Council’s website rather than in a local newspaper.

Attachments

1. [Council report 18 May 2010 regarding proposed naming of reserve in Tathra](#)

GOVERNANCE & STRATEGY COMMITTEE
18 May 2010

8. Proposed naming of reserve in Tathra

Council has received a request to name a reserve in Tathra. In keeping with Council procedure the request is provided for the consideration of the Council.

Group Manager, Community and Relationships

BACKGROUND

10 Council has received a request to name a reserve in Tathra 'Peters Park'. The subject land is wholly bounded by Kianinny and Yuppara Streets and Panamuna Road. This forms a 4,000 square meter triangle of Crown land identified as reserve R750236 being for 'Future Public Requirement.' The land is predominantly grassed with a few large native trees.

In the original submission the Peters Family were identified as having:

'...a lifetime connection with Tathra and were one of the pioneer families that settled the town about 130 years ago....Frank Peters was the first Captain of the Tathra Rugby League Football Club in 1926.'

Frank Peters had four sons: Tony, Max, Paddy and Mickey who were all involved in the development of Lawrence Park sporting ground in Tathra.

20 'The whole Peters family were gifted in all types of sport such as tennis, Hockey, golf and especially football. Most members were active in the Tathra Fire Brigade and were always there to help out whenever there was an emergency of any kind.'

The submission goes on to say:

'Max Peters, who is in retirement at Tathra, was a wonderful member of the Council's Tathra town gang for many years and frequently mowed the grass and cared for the Park which we now recommend to be called 'Peters Park'. There are still many members of the Peters Family residing in the Bega Valley Shire Council area.'

The submission was signed by three local residents.

ISSUES

Legal

30 As this reserve is under Council jurisdiction, Council has the legal right to resolve a name for it.

Policy

Council's policy for the naming of reserves is implemented as an extension of its Road Naming Policy 2.2.1 (b). This policy includes specific reference to the naming of roads

GOVERNANCE & STRATEGY COMMITTEE
18 May 2010

and public places. The policy also identifies criteria for the selection of names and the naming procedure to be followed.

The road naming criteria identifies names that will not be considered and this includes at point (vii b) Names of living persons.

Councillors will need to consider the use of a family name where the members of that family for who the original request was received are still resident in the immediate area.

Asset

The following picture identifies the subject reserve.



Consultation

If the Council resolves, the proposed name Peters Park will be placed on public advertisement for a period of 30 days, as required by policy. If there are no objections, the General Manager will advise the NSW Geographical Names Board. If there are objections the matter will be subject to a further report to Council.

CONCLUSION

The application of Council's naming policy in this instance centres on the use of the family name 'Peters', where members of that family still reside in the Shire.

GOVERNANCE & STRATEGY COMMITTEE
18 May 2010

RECOMMENDATION

1. That Council consider the name 'Peters Park' for the reserve bounded by Kianinny and Yuppara Streets and Panamuna Road Tathra, identified as reserve R750236.
2. That if the name 'Peters Park' is resolved for consideration advertising for the purposes of public consultation be undertaken.
- 70 3. That if there are no objections, the General Manager forward this resolution to the NSW Geographical Names Board.
4. That if objections are received, the matter be further reported to Council.

11.2. Rock Fishing Safety Act 2016

This summary report provides an overview of the *Rock Fishing Safety Act 2016*.

Director Assets and Operations

Officer's Recommendation

1. That the information in the report and attachments be received and noted
2. That noting the resourcing implications and practicalities of enforcing the *Rock Fishing Safety Act 2016* across the Bega Valley Shire Council (BVSC) coastline areas, Council **not** 'opt in' to enforcing the legislation.
3. That Council officers investigate other options and opportunities to work with the NSW Department of Primary Industries (DPI) and other agencies to improve rock fishing safety.
4. That Council officers assess the merits of installing 'Angel Rings' with a view to developing a program of installation at popular sites known to be high risk areas, where inspection and maintenance programs can link with existing regular asset servicing programs.

Executive Summary

The NSW Government has implemented the *Rock Fishing Safety Act 2016* (the Act) to improve rock fishing safety. The Act provides the opportunity for local Council areas to 'opt in' and be listed as areas where lifejackets are mandatory for rock fishers (similar to the Randwick Local Government area where a trial of mandatory lifejackets was recently completed in 2018).

While the initiative to improve safety is very much supported, the challenge for regional Councils that cover significant coastline areas, is the policing and enforcement of the Act. This is acknowledged through the option to 'opt in'. However, in a practical sense many local Councils simply do not have the resources to effectively police and enforce the Act.

However, there are options for local Councils to work with the NSW Department of Primary Industries (DPI) to improve rock fishing safety in local government areas, through initiatives such as the installation of general information and safety signage at popular rock fishing areas.

The purpose of this report to Council is to inform Councillors of the Act and issues related to Bega Valley Shire Council (BVSC) in implementing the 'opt in' option, and to formalise Council's position.

Options

1. Opt in to the Act – this option would require significant additional resources to enforce and monitor this legislation across the BVSC coastline areas.
2. **Not** 'opt in' and investigate other options to work with the DPI to improve rock fishing safety.
3. Do nothing.

Community Engagement

Consultation undertaken

BVSC has not undertaken consultation on the development and implementation of the Act. The NSW DPI have consulted with local councils and held information sessions in Sydney, which due to workloads and costs BVSC officers did not attend.

Consultation Planned

If Council selects option two (2) above, officers will liaise with local surf clubs and fishing clubs to confirm popular rock fishing sites for installation of general information and warning signs.

Financial and resource considerations

BVSC has not allocated funding to this project. Officers will work with the NSW DPI and other agencies to source external funds to implement additional safety measures.

Legal /Policy

Each year there are, on average, eight rock fishing fatalities in NSW. In 2015, a Coronial Inquiry recommended lifejackets be made mandatory for rock fishers in NSW. The Act, which has been implemented by the NSW Government to improve rock fishing safety, is the legislative means to implement the recommendation of the Coronial Inquiry.

Council has an option to 'opt in' as an enforcement agency. However, that would require significant additional BVSC resources to implement effectively. The NSW DPI Fisheries Information Sheet is attached to this report.

Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

The following Community Strategic Plan (CSP) goals and actions are relevant as they relate to Beach (ocean) Safety and Recreation Asset Management.

Goal 2: We are an active, healthy community with access to good quality recreation and sporting facilities, and medical health care

Plan and manage recreation facilities, swimming pools and the Sapphire Aquatic Centre, sporting facilities, boating infrastructure and public toilets

Goal 7: Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live

Improve safety for residents and tourists on the Shire's beaches

The adopted BVSC Leisure and Recreation Policy 1.08 encourages development of fit for purpose, well used assets that 'provide access and enable people to enjoy the environment we live in'.

Economic

Fishing is a popular activity and is related to tourism in the area. Supporting fishing activities can have a positive economic benefit across the Shire.

Risk

Many recreational activities come with inherent risk. These are managed by various means by relevant agencies within their resourcing capabilities and by individuals themselves by being aware of their environment, risks associated with recreation activities and their personal capabilities.

'Angel Rings' can also be an important safety aid in known high risk areas in times of need. The purpose of these assets is for them to be available in times of need, which means they cannot be locked. As such these types of assets can be removed or vandalized. If they are installed,

there is an expectation they will be maintained. Keeping up with a high number of replacements can be difficult and costly.

There is an opportunity to provide better information to individuals through general information signage at key sites to make users more aware of risks associated with rock fishing and the hazards of the environment they are in.

Asset Management

Installation of additional assets such as information signs and 'Angel Rings' will create additional assets that will need to be managed and replaced as required. Typically, this is done by reactive maintenance, as Council becomes aware of damaged or missing signs.

While the benefits of 'Angel Rings' and signs have been noted, for the reasons stated above they should only be installed in areas they can be actively managed. These are areas where there are existing regular maintenance programs, where they can be well monitored and maintained as required which are also high-risk and high use areas. Example sites where 'Angel Rings' are currently installed are Tathra and Merimbula Wharves, and Bar Beach which are high use, known to be high risk, and have public amenities that require regular servicing.

Social / Cultural

Apart from the difficulties to Council is resourcing the requirements under the Act there will also be social issues regarding enforcement and likely negative response from the community, through the perception of additional enforcement of activities that have not previously been enforced.

Attachments

1. [Rock Fishing Safety Act 2016 Information Pack FINAL](#)
2. [Rock Fishing Safety Act 2016](#)



Department of
Primary Industries



Rock Fishing Safety Act Information Pack

www.dpi.nsw.gov.au

Rock Fishing Safety Act Information Pack

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Rock Fishing Safety Act Information Pack

Introduction

Following recommendations from two Coronial inquiries that lifejackets be made mandatory for rock fishers in NSW, and noting an ongoing trend showing an average of eight rock fishers die in NSW every year, the NSW Government introduced the *Rock Fishing Safety Act 2016* (RFSA), on 1 December 2016.

The RFSA requires people who are rock fishing in a declared high risk location and anyone who is assisting them, including children under 12 in their care, to wear an appropriate lifejacket.

Following the consideration of advice from a working group comprising representatives from government and non-government organisations, recreational fishers and academics, the NSW Government determined that the Randwick Local Government Area (LGA) would be the site for a trial of the new rock fishing lifejacket legislation. This location was chosen as it is the area with the highest number of rock fishing related fatalities and near drownings in NSW.

The RFSA was implemented in the Randwick LGA on 1 June 2018.

NSW DPI has since been tasked with managing rock fishing safety in NSW and recently invited coastal councils to implement the RFSA in their LGAs in order to improve rock fishing safety across the State.



Image: Luderick are a key species targeted by rock fishers in NSW.

Rock Fishing Safety Act Information Pack

Context

Rock fishing is a popular and productive form of recreational angling, with a long history and significant cultural importance to the recreational fishing community.

Like many sports undertaken in dynamic environments, rock fishing can be risky, especially if participants do not comply with basic safety requirements.

Statistics indicate that the majority of rock fishing related deaths in Australia occur in NSW. At the time of writing, since 2005 there have been 100 rock fishing related drownings in NSW. In nearly every case, the rock fisher that drowned was not wearing a lifejacket.

The safety benefits of wearing lifejackets are clear: they increase the likelihood that someone who is swept into the water can be rescued, by allowing them to stay afloat until help arrives.

Rock fishers who are wearing lifejackets are also easier to rescue, reducing the danger that rescuers place themselves in whenever they rescue someone who has been washed into dangerous surf.

Although lifejackets are a key factor influencing survival rates of fishers who are washed into the water, a central motivation driving the NSW Government's rock fishing safety initiative is based on ensuring anglers avoid situations which place themselves or others at risk.

Collaborative approach

DPI understands some councils will require different levels of support. DPI wishes to reassure councils that the RFSA is not designed to transfer local responsibility for rock fishing safety to councils. Rather, DPI is committed to working collaboratively with councils to implement and manage the Act and will provide all the necessary ongoing support and assistance.

Fast Facts: The *Rock Fishing Safety Act 2016*

What is the *Rock Fishing Safety Act 2016*?

The RFSA requires people rock fishing, or anyone assisting someone rock fishing, in high-risk locations to wear a lifejacket. It is not enough that a person is carrying a lifejacket. If the person is rock fishing or assisting someone rock fishing in a declared area, they must be wearing a lifejacket.

The law commenced on 1 December 2016 with an 18 month trial in the Randwick Local Government Area (LGA). There was a moratorium on fines under the Act in place in Randwick until 31 May 2018.

From 1 June 2018, the RFSA imposes a \$100 fine for anyone rock fishing while not wearing an appropriate lifejacket in a declared high risk area (currently only Randwick LGA).

The legislation permits the NSW Police Force to take the lead role in enforcing lifejacket requirements, assisted, where resources allow, by DPI Fisheries, the National Parks and Wildlife Service (NPWS) and local Council officers.

Rock Fishing Safety Act Information Pack

How was the law initially rolled out?

From 1 December 2016, enforcement officers from the NSW Police Force, Randwick City Council, NPWS and DPI commenced issuing warnings to rock fishers in Randwick not wearing a lifejacket.

The NSW Government, in partnership with Randwick City Council, also ran a rock fishing safety and awareness campaign involving enforcement patrols, leaflets, social media, website content including fact sheets and a safety video, visits by the Old4New lifejacket exchange van to popular rock fishing spots, and a series of free rock fishing workshops where participants heard information on rock fishing safety and received a free lifejacket.

Rock fishing safety and awareness materials were translated into Arabic, Korean, Chinese (simplified and traditional) and Vietnamese. Translators were also provided for non-English speakers at rock fishing workshops.

What were the outcomes of the Randwick trial?

An independent evaluator considered data collected during the trial including observational research and data collected by enforcement officers; fatality and rescue data; a multilingual face-to-face survey; and more than 700 public submissions and online survey responses. The evaluator recommended that the law should be expanded to other locations in close consultation with local councils.

How will the rollout to new areas work?

As detailed above, local councils have been invited to opt-in to the law. Those who do will be provided with support from DPI, including a grant of up to \$30,000 from the NSW Government's Water Safety Fund. Expenditure of the grant can be flexible depending on the needs of Council and level of support from DPI. The grant could, for example, be put toward installing signage, training, and other rock fishing safety, education and awareness measures and other operational activities. DPI would enter into a funding agreement with local councils to administer the \$30,000 grant.

It is envisaged that DPI would work closely with councils in regards to planning, promoting and running workshops, providing material for online advertising and social media promotion, managing and evaluating any surveys and designing, printing and disseminating promotion material, including media releases, advertising and signage.



Image: A rock fisher wearing an inflatable yoke style lifejacket and non-slip boots.

Rock Fishing Safety Act Information Pack

What types of lifejackets comply with the Act?

There are a wide range of lifejackets suitable for rock fishing that comply with the Act. DPI is currently liaising with manufacturers who are responding to this evolving market by designing and promoting lifejackets specifically designed for rock fishing.

DPI is also in the process of preparing advisory material detailing how anglers can select the right life jacket for their needs and budget.

A key message will be “There Is A Lifejacket For Every Rock Fisher”.

Educational material will be made available across a range of media and publicity platforms. It is expected this material will provide information on the various products and styles currently available, including closed cell foam buoyancy aids, floatation clothing (including specialist buoyancy wetsuits), belt-based products and manual and auto inflating lifejackets.



Vest style jacket



Yoke style jacket

DPI is currently working other stakeholders to order to provide fishers the right product for their



with Transport for NSW and review lifejacket standards in with even more choice to select needs and budget.

Belt or bum bag lifejacket

Further information can be found at:

<http://maritimemanagement.transport.nsw.gov.au/lifejackets/lifejacket-law/index.html>

Fast Facts: Data and Evaluation

Stakeholder Consultation

DPI will be on hand to establish and manage consultation with a range of internal and external stakeholders prior to and throughout the implementation of RFSA in your local area.

It is suggested that stakeholder consultation would be undertaken with the following:

- Local rock fishers
- Fishing tackle shop owners
- Organisations representing recreational fishers
- NSW Police Force
- Surf Life Saving NSW
- Volunteer Marine Rescue NSW
- Royal Life Saving NSW
- National Parks and Wildlife Service

Further Information

For Royal Life Saving – Australia fatal drowning statistics, visit:
www.royallifesaving.com.au/facts-and-figures/research-and-reports

For Surf Life Saving NSW rescue statistics, visit:
www.sls.com.au/publications

For a Coastal Public Safety Risk Assessment Report by local area, visit:
www.watersafety.nsw.gov.au/Pages/Resources/project-blueprint

Fast Facts: Communication and Community Awareness

What Rock Fishers Need to Know About the RFSA

DPI is developing a comprehensive communications plan which will assist councils publicise key milestones surrounding the implementation of the RFSA, requirements under the Act and any accompanying safety awareness campaigns.

The DPI communications plan will focus on delivering key messages to the local rock fishing sector, including:

- When the Act will come into effect in additional LGAs
- What is required under the Act
- Which lifejackets meet the required safety standards
- Safe rock fishing practices
- Which areas are included in the declared high risk location
- What the penalty is for rock fishing without an appropriate lifejacket
- When the issuing of fines will commence
- Who will enforce the Act

Print news, radio, TV, online media, social media, signage and leaflets can be used to deliver key messages.

Key Messages

As mentioned earlier, DPI to aims complement the RFSA with an education campaign delivering a suite of messages aimed at improving and maintaining rock fishing safety.

The RFSA and an accompanying safety campaign is aimed at increasing awareness of rock fishing safety including wearing appropriate clothing and footwear, utilising additional safety equipment, fishing with friends and avoiding dangerous weather and surf conditions.

To encourage a culture of safer rock fishing in a declared high risk location, the community needs to be informed of the full scope of risks associated with rock fishing. This will include promoting a clear understanding of the reasons for implementing the legislation and mandating the wearing of a lifejacket while rock fishing.

Key safety messages that should be promoted via a rock fishing safety campaign include:

- Always wear a lifejacket
- Wear appropriate non-slip footwear and light clothing
- Stay alert to the weather conditions
- Know how to swim
- Plan an escape route in case you are washed in
- Never turn your back on the ocean
- Do not jump in if someone is washed into the water - call 000 or go and get help
- Never fish alone

Rock Fishing Safety Act Information Pack

Target Audiences

The two groups most at risk of fatality or injury while rock fishing are males 25-54 years of age and members of Culturally and Linguistically Diverse (CALD) communities.¹ CALD communities most prevalently featured in rock fishing fatalities include persons from Chinese, Korean and Vietnamese speaking backgrounds.²

In recognition of this, DPI will ensure communication strategies include engagement materials produced not only in English, but also in languages highly represented in the CALD rock fishing community. Ads and information should also be placed in media and social media channels that appeal most to CALD communities, rather than just mainstream outlets. These steps will ensure that CALD community members will have access to all the resources they need to make an informed decision about their safety while rock fishing.



Image: A rock fisher assesses conditions before deciding if it's safe to fish.

¹ Matthew Jones, *Investigation into the coronial files of rock fishing fatalities that have occurred in NSW between 1992 and 2000*, September 2003, 5.

² Ibid.

Fast Facts: Rock Fishing Workshops

Purpose and target audience

The rock fishing workshop format originally developed by Randwick City Council has proven to be a popular and effective means of engaging with beginner and intermediate anglers about rock fishing safety.

A DPI Stakeholder Engagement officer with significant experience in organising and running workshops will develop, promote and organise workshops in your area.

Expert anglers and representatives from angling organisations may also be available to assist in staging workshops.

It is important to note that rock fishing workshops provide the means to deliver important rock fishing safety messages in a way that is both interesting and enticing to anglers.

Workshops provide key safety information while also providing participants with a free rock lifejacket. This improves anglers' safety, provides them with the means to comply with the mandatory lifejacket law and increases the number of anglers wearing lifejackets – assisting in making lifejacket wear a normal part of rock fishing practice.

The primary purposes of the workshops are to:

- Target rock fishers most at risk (i.e. those already fishing the rocks without lifejackets)
- Educate rock fishers about rock fishing safety
- Provide rock fishers who successfully complete the workshop with a complimentary rock fishing appropriate life jacket
- Entice participation by offering coaching, tips and advice from rock fishing experts
- Target a range of rock fishing styles including live baiting, spinning and bait fishing.

Fast Facts: Signage and site improvements

Rock Fishing Safety Act signage

Depending on an individual council's preference, DPI can facilitate rock fishing safety signage design, production and installation or can simply provide advice and/or resources.

It is important that rock fishers are made aware where lifejackets are mandatory as failure to wear a lifejacket in the area can result in a fine. Most importantly however, increasing lifejacket wear rates will increase safety and reduce rock fishing fatalities.

Signage should be erected in prominent, unobscured locations close to, or at key access points to popular rock fishing spots.

Rock Fishing Safety Act Information Pack

Shock signage

Councils might also consider working with DPI to install a series of 'shock signs'. These are large multilingual red signs featuring skulls and crossbones installed at a fishing location with the number of fatalities displayed like a scoreboard. Installation of these signs in rock fishing blackspots was a recommendation arising from a coronial inquest.

Again, DPI will be able to manage design and installation of these signs, depending on your council's preference.

The rationale behind the signs was to reinforce to those fishing the rocks just how many deaths have occurred and attempt to influence the behaviour of rock fishers for the better. In a recent survey of rock fishers in Randwick, over three quarters of those surveyed said that shock signage was likely to influence their behaviour while rock fishing.



Image: Randwick City Council was the first to introduce 'shock signs' informing rock fishers of the number of rock fishing related deaths in each area.

Angel Rings

Angel Rings are life buoys installed at popular ocean rock fishing spots across NSW. Angel Rings are also installed on wharves, fishing platforms and along bushwalking tracks.

A rock fisher who unintentionally enters the water can be thrown an Angel Ring to stay afloat until help arrives.

The Angel Ring program is managed by the Australian National Sportfishing Association (ANSA). More information on Angel Rings, including locations and how to apply to have them installed within your local government area. Information can be found at <http://angelrings.com.au/>

Fast Facts: Compliance and Enforcement

Enforcement agencies and operations

Enforcement officers provide a key link with the community – not only to promote and enforce compliance with the law, but also as a means of engaging with rock fishers about safety.

Enforcement officers can be provided with leaflets to hand to rock fishers setting out key rock fishing safety advice. Designs for leaflets can be provided by DPI and can be tailored to the needs of each local government area.

The NSW Police Force Marine Area Command can work with local enforcement agencies to provide a training briefing and assist in coordinating the collection of data from operations.

Managing risks to enforcement officers

Conducting compliance operations on rock platforms exposes enforcement officers to a range of risks. The NSW Police Force has developed an operational risk assessment which should be completed prior to carrying out enforcement operations.

Standard Operating Procedures (SOPs)

The NSW Police Force has developed SOPs that are already in use by enforcement officers. These can be made available to enforcement officers responsible for conducting operations in each declared area.



Image: A rock fisher wearing a lifejacket prepares his tackle in a safe location away from waves and water.

Attachment 1: Lifejacket Standards

A Level 100+ lifejacket must conform to at least one of the following standards:

- AS 4758 - Level 275
- AS 4758 - Level 150
- AS 4758 - Level 100
- ISO 12402-2: 2006 - Lifejackets, performance level 275
- ISO 12402-3: 2006 - Lifejackets, performance level 150
- ISO 12404-4: 2006 - Lifejackets, performance level 100
- Any of the following standards provided they are certified by a recognised appraiser:
 - AS 1512-1996, Personal flotation devices - Type 1 (or any previous version of that standard)*
 - EN 399-1993 Lifejackets 275N*
 - EN 396-1993 Lifejackets 150N*
 - EN 395-1993 Lifejackets 100N*
 - CAN/CGSB-65.11-M88 (for adults)*
 - CAN/CGSB-65.15-M88 (for children)*
 - Underwriters Laboratories Standards UL 1180 - Fully Inflatable Recreational Personal Flotation Device
 - New Zealand Standards NZ5823: 2005 Type 401
 - New Zealand Standards NZ5823: 2001 Type 401*.

Note: in this context, a recognised appraiser means:

- A certifying body accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ), or
- A laboratory with National Association of Testing Authorities (NATA) accreditation, or
- A notified body in accordance with the European Union Maritime Equipment Directive, Module B (MED-B), or
- A body approved by Roads and Maritime Services.

A Level 50 lifejacket must conform to at least one of the following standards:

- AS 4758 – Level 50
- AS 1499-1996, Personal flotation devices - Type 2 (or any previous version of that standard)*
- ISO 12402-5: 2006 - Buoyancy aids (level 50)
- EN 393-1993 Lifejackets 50N*

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A Level 50S lifejacket must conform to at least one of the following standards:

- AS 4758 – Level 50S
- AS 2260-1996, Personal flotation devices - Type 3 (or any previous version of that standard)*
- ISO 12402-5: 2006 - Buoyancy aids (level 50)
- EN 393-1993 Lifejackets 50N*
- AS 4758 – Level 50
- AS 1499-1996, Personal flotation devices - Type 2 (or any previous version of that standard)*
- ISO 12402-5: 2006 - Buoyancy aids (level 50)
- EN 393-1993 Lifejackets 50N*

*Note: lifejackets manufactured to this standard should be replaced, as this lifejacket standard has been superseded and will be phased out.

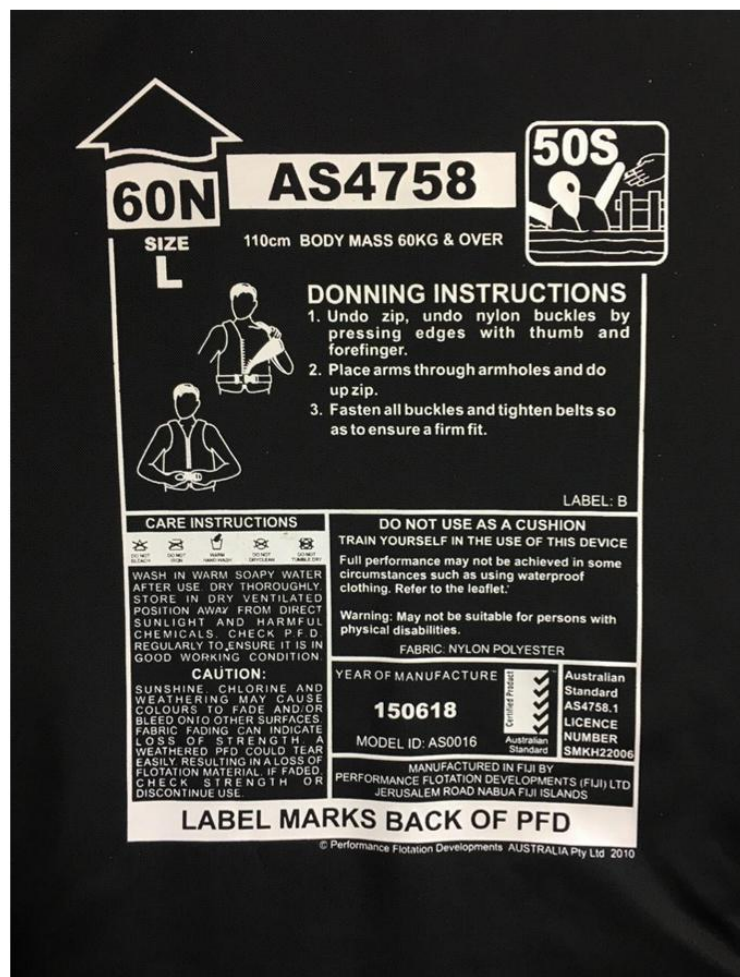


Image: A sample lifejacket label clearly showing the AS4758 standard and other relevant information

Rock Fishing Safety Act Information Pack

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More information

Jim Harnwell

jim.harnwell@dpi.nsw.gov.au

Phone 4424 7407

www.dpi.nsw.gov.au

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (June 2019). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.



New South Wales

Rock Fishing Safety Act 2016 No 66

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New South Wales

Rock Fishing Safety Act 2016 No 66

Act No 66, 2016

An Act to require persons to wear appropriate lifejackets when fishing at declared high risk rock fishing locations; and for related purposes. [Assented to 23 November 2016]

Rock Fishing Safety Act 2016 No 66 [NSW]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Rock Fishing Safety Act 2016*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Definitions

(1) In this Act:

appropriate lifejacket means a lifejacket of a kind prescribed by the regulations.

Note. Clause 3 of Schedule 1 prescribes certain lifejackets as appropriate lifejackets until the regulations make other provision.

authorised officer means the following:

- (a) a fisheries officer within the meaning of the *Fisheries Management Act 1994*,
- (b) a person employed by a local council, or subject to its control or direction, who is an authorised person (within the meaning of the *Local Government Act 1993*) for the purposes of section 679 (Penalty notices for certain offences) of that Act, but only within the local government area of the local council concerned,
- (c) an officer of the Service within the meaning of the *National Parks and Wildlife Act 1974*,
- (d) a police officer.

child means a person who is under the age of 12 years.

fish has the same meaning as in the *Fisheries Management Act 1994*.

high risk rock fishing location—see section 4.

Recreational Fishing (Saltwater) Trust Fund means the Recreational Fishing (Saltwater) Trust Fund established under Division 3 of Part 8 of the *Fisheries Management Act 1994*.

take fish has the same meaning as in the *Fisheries Management Act 1994*.

wear, in relation to a lifejacket, means wear with all closing or fastening devices such as zippers, buckles and tapes correctly secured as specified by the manufacturer.

Note. The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

(2) Notes included in this Act do not form part of this Act.

4 High risk rock fishing locations

- (1) The Minister may, by order published in the Gazette, declare an area to be an area where high risk rock fishing takes place (a **declared area**).
- (2) In this Act, a **high risk rock fishing location** is a naturally occurring rock platform or other rock formation exposed to ocean swell within a declared area.
- (3) The Secretary of the Department of Justice is to cause the following to be published on the www.watersafety.nsw.gov.au website and any other website that the Secretary considers appropriate:
 - (a) each declared area, and
 - (b) a description and map that identify the high risk rock fishing locations within the declared area.

Rock Fishing Safety Act 2016 No 66 [NSW]

5 Rock fishing without lifejacket at high risk locations

- (1) A person must not take fish by means of a rod and line or handline, or assist a person to take fish in that manner (for example, by using a handheld net to assist the person to land fish), at a high risk rock fishing location unless the person is wearing an appropriate lifejacket.
Maximum penalty: 50 penalty units.
- (2) A person must not permit a child in the person's care or supervision at a high risk rock fishing location to take fish by means of a rod and line or handline, or assist a person to take fish in that manner, unless the child is wearing an appropriate lifejacket.
Maximum penalty: 50 penalty units.

6 Authorised officer may demand name and address

- (1) An authorised officer may require a person whom the authorised officer suspects on reasonable grounds to have committed, or to be committing, an offence against this Act or the regulations to state the person's full name and residential address.
- (2) A person must not fail to comply with a requirement made by an authorised officer under subsection (1).
Maximum penalty: 50 penalty units.
- (3) A person is not guilty of an offence under this section unless it is established that the authorised officer:
 - (a) warned the person that failure to comply with the requirement is an offence, and
 - (b) identified himself or herself to the person as an authorised officer.

7 Nature of proceedings for offences

Proceedings for an offence under this Act or the regulations may be dealt with summarily before the Local Court.

8 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.
Note. The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

9 Fines to be paid into Recreational Fishing (Saltwater) Trust Fund

The following amounts are to be paid into the Recreational Fishing (Saltwater) Trust Fund:

- (a) all amounts of penalties recovered with respect to offences under this Act, and

Rock Fishing Safety Act 2016 No 66 [NSW]

- (b) all amounts recovered by means of penalty notices for any such offences issued under this Act.

10 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may create an offence punishable by a penalty not exceeding 10 penalty units.

Rock Fishing Safety Act 2016 No 66 [NSW]
Schedule 1 Savings, transitional and other provisions

Schedule 1 Savings, transitional and other provisions

Part 1 Preliminary

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.
- (4) Any such provision has effect despite anything to the contrary in this Schedule.
- (5) The regulations may make separate savings and transitional provisions or amend this Schedule to consolidate the savings and transitional provisions.

Part 2 Provisions consequent on enactment of this Act

2 Moratorium on prosecution for offence of rock fishing without lifejacket

(1) Initial moratorium for 12 months

A person may not be convicted of an offence against section 5 (or issued with a penalty notice for that offence) in relation to an activity that occurs within 12 months after the commencement of that section.

(2) Moratorium by regulation for newly declared high risk rock fishing locations

The regulations may provide that a person may not be convicted of an offence against section 5 (or issued with a penalty notice for that offence) in relation to an activity at a place that occurs within 12 months after the declaration of the place as a high risk rock fishing location.

3 Transitional provision—appropriate lifejackets

- (1) Until the regulations otherwise provide, an *appropriate lifejacket* for the purposes of this Act is a lifejacket that:
 - (a) in relation to a child—meets performance level 100 or greater of Australian Standard AS 4758, *Lifejackets* (as in force from time to time) that complies with the requirements set out in Schedule 7 to the *Marine Safety Regulation 2016* for that lifejacket, or
 - (b) in any other case—meets performance level 50S or greater of Australian Standard AS 4758, *Lifejackets* (as in force from time to time) that complies with the requirements set out in Schedule 7 to the *Marine Safety Regulation 2016* for that lifejacket.

Rock Fishing Safety Act 2016 No 66 [NSW]
Schedule 1 Savings, transitional and other provisions

- (2) Despite subclause (1), a lifejacket is not an *appropriate lifejacket* for the purposes of this clause if:
 - (a) the lifejacket relies solely on oral inflation for buoyancy, or
 - (b) the lifejacket is not the correct size for the wearer, or
 - (c) the lifejacket is not in good condition.
- (3) Despite subclause (1), an inflatable lifejacket is not an *appropriate lifejacket* for the purposes of this clause unless:
 - (a) the lifejacket was purchased or otherwise acquired new by the current owner no more than 12 months ago, or
 - (b) the lifejacket has been serviced:
 - (i) at intervals of 12 months or less, or
 - (ii) at least at such longer intervals as are indicated by the manufacturer's instructions (if any) provided for the lifejacket.

4 Transitional provision—penalty notices: section 8

Until the regulations otherwise provide:

- (a) an offence under section 5 is taken to be an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is \$100.

[Second reading speech made in—
Legislative Assembly on 8 November 2016
Legislative Council on 17 November 2016]

11.3. Road opening/closing of a portion of Council public road reserve on Reedy Swamp Road, Bega

Council has received a request from the owners of Lot 108 DP 750190 to progress a road opening/closing of a portion of Reedy Swamp Road, Bega to rectify the current road alignment encroachment issues.

Director Assets and Operations

Officers Recommendation

1. That Council approve in principle the proposal received from the applicants for the opening/closing of the Council public road reserve through their landholding being Lot 108 DP 750190 at Reedy Swamp Road, Bega.
2. That Council Officers commence assessment of the road closure application under Division 3 of the *Roads Act 1993* (NSW) and that the proposal be publicly advertised for a period of 28 days.
3. That if any objections are received, a further report be prepared for Council's consideration.
4. That if no objections are received Council, by notice published in the Government Gazette, formally close the surplus public road reserve concerned.
5. That the General Manager and Mayor be authorised to execute the necessary documentation to affect the road closing and subsequent land swap with the applicant for the creation of a new Reedy Swamp Road reserve reflecting the current position of the road for nil compensation.
6. That Council cover their own legal costs capped at \$3,500 with all other costs associated with the road opening/closing processes to be borne by the applicants.

Executive Summary

The section of road reserve proposed for road opening/closing is located within the property boundaries of Lot 108 DP 750190 on Reedy Swamp Road, Bega. As noted on the attached plans, the constructed road is set outside the dedicated road corridor and there is a building encroaching the dedicated road corridor, which needs to be rectified.

Council approval is being sought to commence the road opening/closing assessment process under Division 3 of the *Roads Act 1993* (NSW) to rectify this issue.

Background

The applicants originally approached Council in 2017 to progress a road opening/closing of the portion of Reedy Swamp Road, Bega traversing through their land holding, to rectify the road alignment encroachment issues. At the time Council officers advised the applicants that a formal identification survey from a registered surveyor would be required to formally identify the exact location of the building within the road corridor.

In November 2018 the applicants provided Council with a formal identification survey identifying the exact location of the building within the road corridor and requested the road opening/closing be progressed. The section of road corridor was formally transferred to Council's responsibility via Government Gazette dated 21 December 2018.

Council officers engaged registered surveyors, to prepare a centre line survey plan for the section of road corridor within Lot 108 DP 750190 which is attached for the information of Councillors, to confirm the road alignment encroachment issues through the entire parcel. A status search of the road reserve has also been conducted to confirm the dedication as Council public road reserve.

A diagram of the section of road corridor within Lot 108 DP 750190 appears below for the information of Councillors.



From 1 July 2018, all NSW Councils were given power to close a Council public road, pursuant to Part 4 Division 3 of the *Roads Act 1993* (NSW) (Act), however the vesting of Council roads on closure process remains unchanged by the amendments to the Act. When a constructed Council public road is closed, it remains vested in Council and Council may facilitate the subsequent sale of the land and receive the proceeds of sale.

As the NSW Department of Industry – Lands and Water (the Department) no longer has the power to close unconstructed Council roads, Councils are required to process the closure of suitable unconstructed Council public roads even though the roads will vest in the Crown upon closure.

In this case it is Council officers' intention to provide the Department with written declaration of road construction within the road corridor, to allow a land swap arrangement with the applicants for the portions of their land parcel burdened by the track in use, and required for formal road opening. Council has full maintenance responsibility for Reedy Swamp Road, Bega which will continue into the future.

Options

The options available to Council are:

1. Council approve the proposal received from the applicants for the opening/closing of the section of road corridor within Lot 108 DP 750190 at Reedy Swamp Road, Bega to rectify the current road alignment encroachment issues; OR
2. Council advise the applicant that the proposed road opening/closing is not supported.

Community Engagement

Consultation undertaken

Council Property officers have consulted with the applicant regarding the formal road opening/closing process and have referred the application to internal officers to determine the suitability of the road opening/closing.

Registered surveyors have been engaged to prepare a centreline survey plan of the road formation of Reedy Swamp Road, Bega which is attached for the information of Councillors.

Consultation Planned

Under section 38B of the Act, notification of the proposal to close a Council public road must be published in a local newspaper and be given to all owners of land adjoining the road, and all notifiable authorities as prescribed by the Regulations.

The notice must identify the road that is proposed to be closed and must state that any person is entitled to make submissions to the Council with respect to the closing of the road, and must indicate the manner in which and the period (being at least 28 days) within which, any such submission should be made.

Financial and resource considerations

When the applicants originally approached Council, in 2017, regarding the road opening/closing request they were advised that a recommendation would be made to Council to cover our own legal costs in this matter. Given this advice was given to the applicants, officers are recommending Council honour this agreement and cover our own legal costs capped at \$3,500.

The applicants will be responsible for all other costs associated with the road opening/closing process, subsequent transfer and their own legal costs incurred to finalise this matter.

Legal /Policy

If consent is granted to the proposed road opening/closing, Council's Property officers will complete the road closure assessment process under Division 3 of the Act and by notice published in the Government Gazette, formally close the sections of public road reserve traversing through the private land parcel. A plan of first title creation will be prepared and registered at Land Registry Services, with title transferred to the applicant.

The sections of road reserve over the current track in use will be formally opened as Council public road via registration of a road opening plan to rectify the encroachment issues on this section of Reedy Swamp Road.

The applicants will be required to execute a formal Deed of Agreement which details the land swap agreement and provides that upon transfer, the portions of closed road will be consolidated with the applicant's adjoining parcel of land.

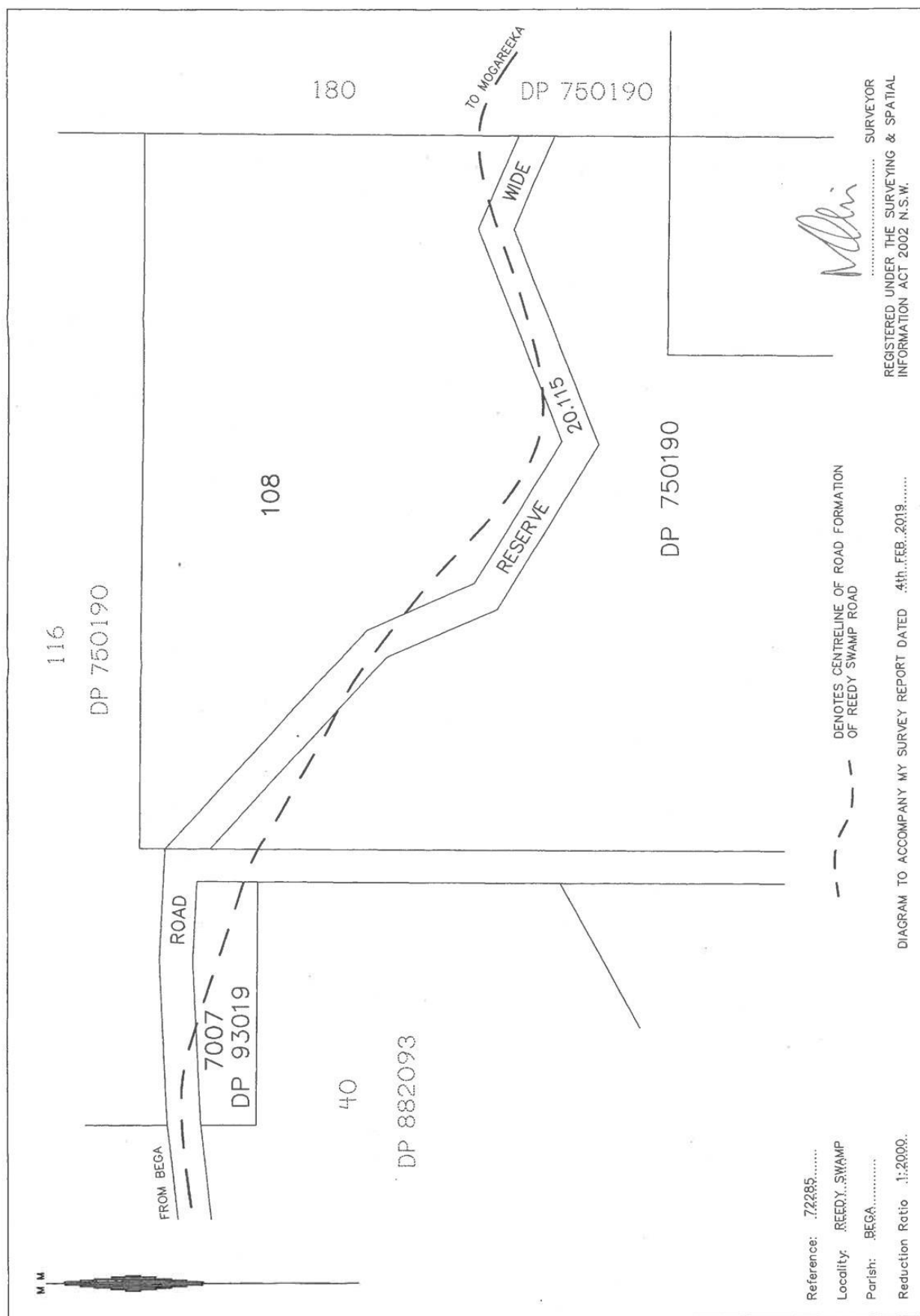
Impacts on Strategic/Operational/Asset Management Plan/Risk

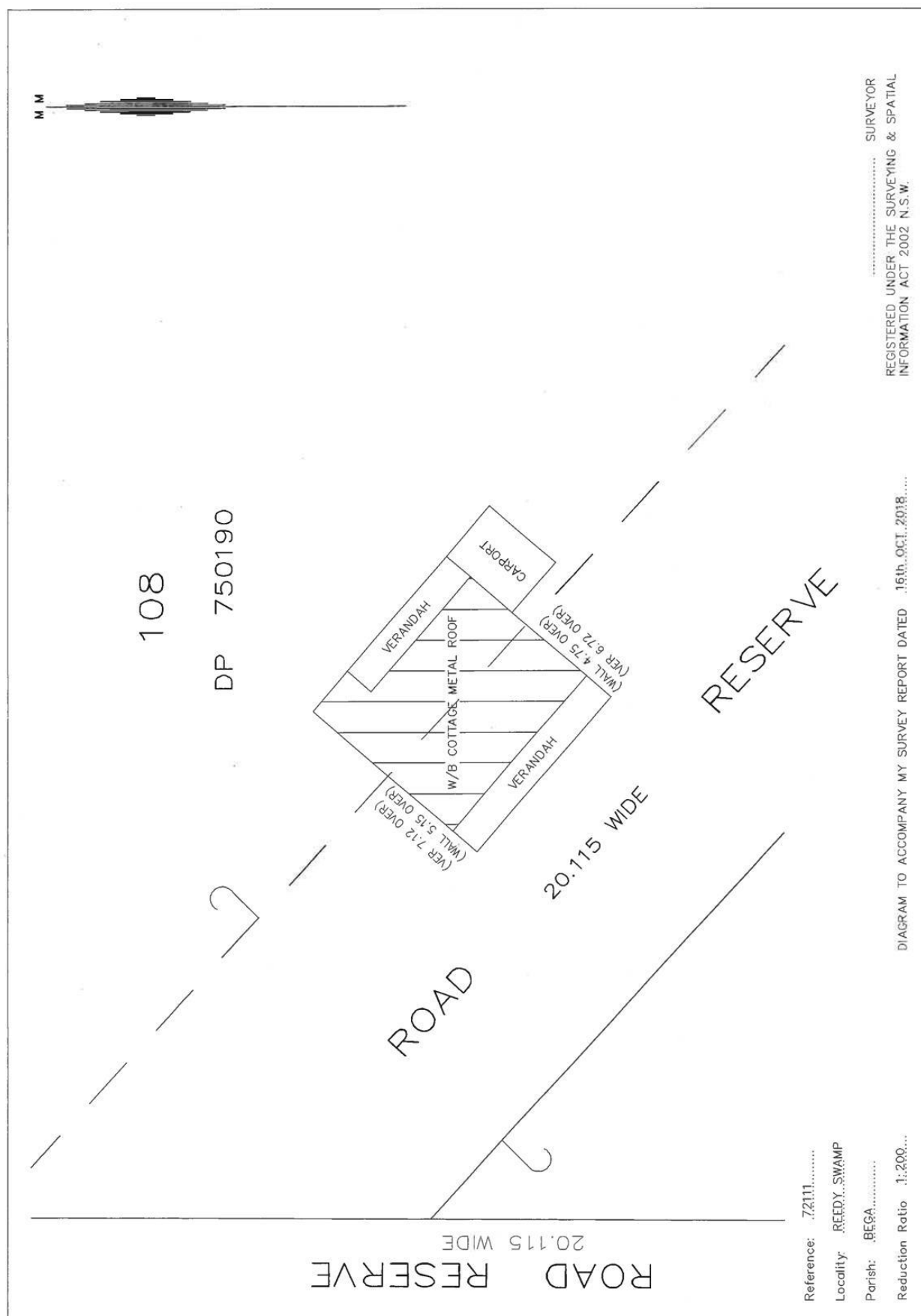
Risk

Public road encroachments onto private land can pose many problems and diminish Council's ability for good governance and increase liability risks for Council and the public. Although there are numerous encroachments throughout the Shire this situation is relatively unique in that a permanent structure has been constructed within the road reserve.

Attachments

1. Reedy Swamp Road plans





11.4. Bega Valley Local Traffic Committee

This report recommends Council adopt the recommendations of the Bega Valley Local Traffic Committee from the meeting held on 3 July 2019.

Director Assets and Operations

Officers Recommendation

That Council adopt the following recommendations of the Bega Valley Local Traffic Committee: [Eden Whale Festival, 1-3 November 2019](#)

1. That, subject to conditions, Imlay Street, Eden be temporarily closed between the intersections of Bass Street and Chandos Street between 9.00am and 10.00am on Saturday, 2 November 2019 for the Eden Whale Festival Street Parade.
2. That, subject to conditions, Bass Street, Eden be temporarily closed between the intersections of Imlay Street and Calle Calle Street from 10.00am on Saturday, 2 November 2019 for the Eden Whale Festival Street Parade.
3. That, subject to conditions, Hosies Road, Eden between the intersections of Bass Street and Aslings Beach Road and Aslings Beach Road, Eden between the intersections of Hosies Road and Mitchell Street, be temporarily closed from 10.30am on Saturday, 2 November 2019 for the Eden Whale Festival Street Parade.
4. That, subject to conditions, Aslings Beach Road, Eden be temporarily closed between the intersections of Mitchell Street and Barclay Street from 10.45am on Saturday, 2 November 2019 for the Eden Whale Festival Street Parade.
5. That, subject to conditions, Barclay Street, Eden be temporarily closed between the intersections of Aslings Beach Road and Wave Street from 11.00am to 1:00pm on Saturday, 2 November 2019 for the Eden Whale Festival Street Parade.
6. That, subject to conditions, Imlay Street, Eden be temporarily closed between the access lane to the public carpark and the intersection of Chandos Street between 8.00am and 12.00pm on Sunday, 3 November 2019 for the Eden Whale Festival Hot Rod Show and Shine car display.
7. That the proposed events be deemed Class 2 Special Event and be conducted under approved Traffic Control Plans, in accordance with the Roads and Maritime Services (RMS) Traffic Control Manual.
8. That persons involved in the preparation and implementation of the Traffic Control Plans must hold the appropriate RMS accreditation.
9. That organisers fully implement an approved Special Event Transport Management Plan.
10. That organisers have approved public liability insurance of at least \$20 million indemnifying Council, Police and RMS by name for the event.
11. That organisers have written Police approval prior to conducting the event.
12. That the event achieves all conditions of Council's Use of Public Land approval.

Intersection of Imlay Street and Bramble Street, Eden – No Stopping Zone

1. That Council approve the installation of a “No Stopping” zone on the eastern side of the intersection of Imlay Street and Bramble Street, Eden commencing at the intersection point, for a distance of 32 metres along Bramble Street and commencing at the intersection point for a distance of 20 metres northerly along Imlay Street.
2. That Council approve the installation of an “Entry/No Exit” sign at the entry point to Rotary Park off Bramble Street, Eden.
3. That Council approve the installation of a “Give Way” sign at the intersection of Imlay Street and Bramble Street, Eden (western leg).

Zingel Place, Bega – Pedestrian Crossing

That Council approve the installation of a pedestrian crossing in the vicinity of the access to the Bega Valley Shire Council Administration Building, Zingel Place, Bega.

Executive Summary

The Local Traffic Committee is primarily a technical review committee and is not a Committee of Council. Local Traffic Committees operate under delegation from NSW Roads and Maritime Services (RMS) who are responsible for traffic control on all New South Wales roads. Their role is to advise Council on traffic control matters that relate to prescribed traffic control devices or traffic control facilities for which Council has delegated authority.

It is a requirement for Council to formally adopt the recommendations from this Committee prior to action being taken.

The recommendations relating to the Eden Whale Festival and No Stopping Zone at the intersection of Imlay and Bramble Streets, Eden were supported unanimously by the Committee.

The Zingel Place Pedestrian Crossing recommendation had majority support from the Committee, with NSW RMS electing not to support an informal pedestrian crossing. The Committee discussed that it was difficult to meet the RMS Warrants for installation of an approved zebra crossing in regional areas. Council is proposing to install the informal pedestrian crossing as a trial and its effectiveness will be monitored.

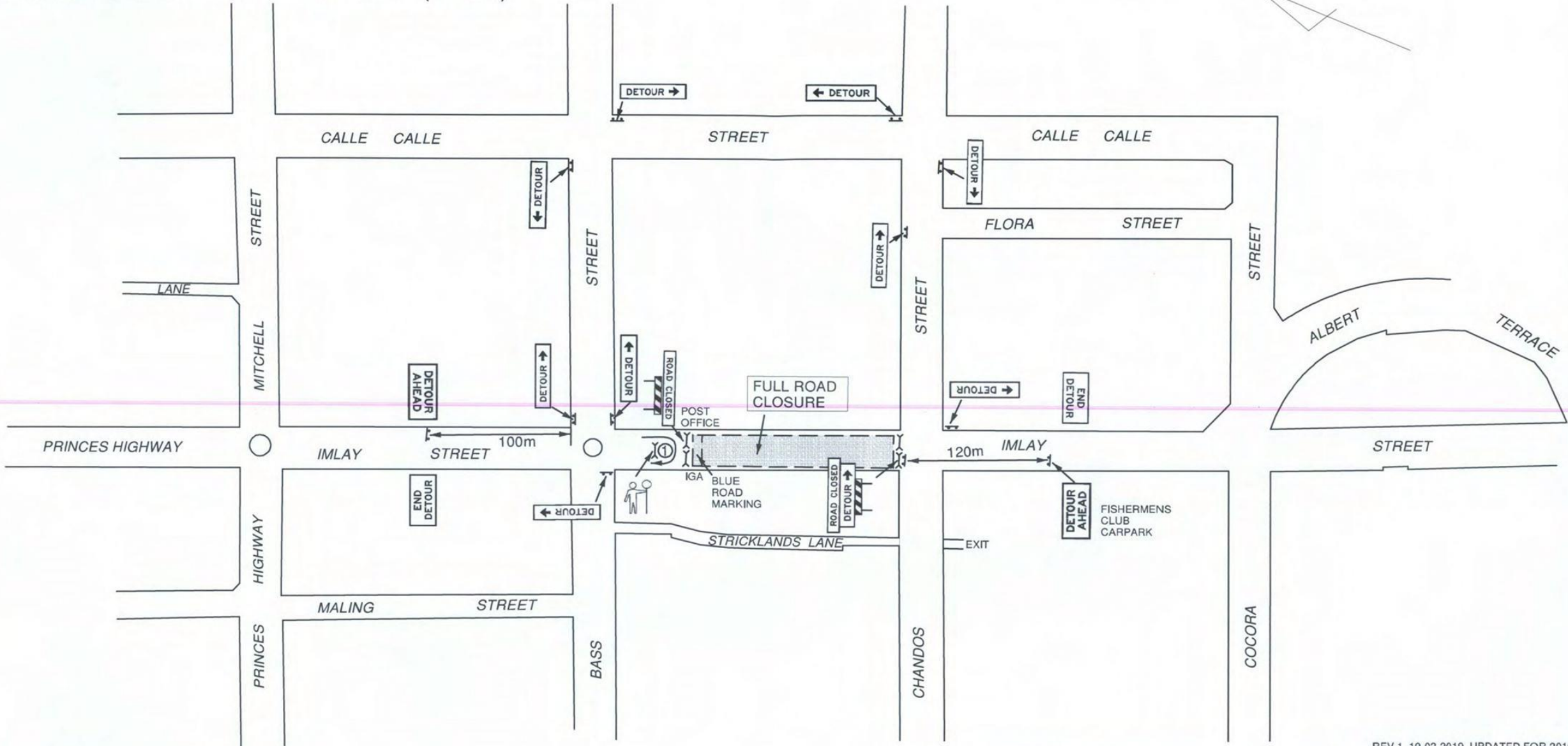
The recommendations in this report are a direct reflection of the recommendations from the Bega Valley Local Traffic Committee.

Attachments

1. [Eden Whale Festival Street Parade Traffic Control Plans](#)
2. [Eden Whale Festival Hot Rod Show and Shine Traffic Control Plan](#)
3. [Intersection of Imlay Street and Bramble Street, Eden Plan and Photographs](#)
4. [Zingel Place Pedestrian Crossing Plan](#)

FOR CLOSURE OF IMLAY STREET
BETWEEN BASS AND CHANDOS STREETS
PRIOR TO START OF PARADE (9 AM)

"A"



① DENOTES MANNED BARRICADE
BARRICADE TO BE SUITABLY PLACED
TO ALLOW CARS TO U TURN

ALL VOLUNTEERS AND TRAFFIC CONTROLLERS
TO WEAR HIGH VISIBILITY CLOTHING

STREET CLOSURE WILL BE FROM
9AM TO 10AM ON SATURDAY
2nd NOVEMBER 2019 FOR
EDEN WHALE FESTIVAL PARADE

Plan prepared in accordance with Traffic Control at work sites guidelines

REV 1 19-02-2019 UPDATED FOR 2019
REV 0 15-08-2018 ORIGINAL ISSUE

PO BOX 639
35 FLINDERS STREET
EDEN NSW 2551
PHONE: (02) 6496 3418
E-MAIL: eden.nsw@veris.com.au

Veris Australia Pty Ltd
ABN: 53 615 735 727

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WITH
CONFIDENCE

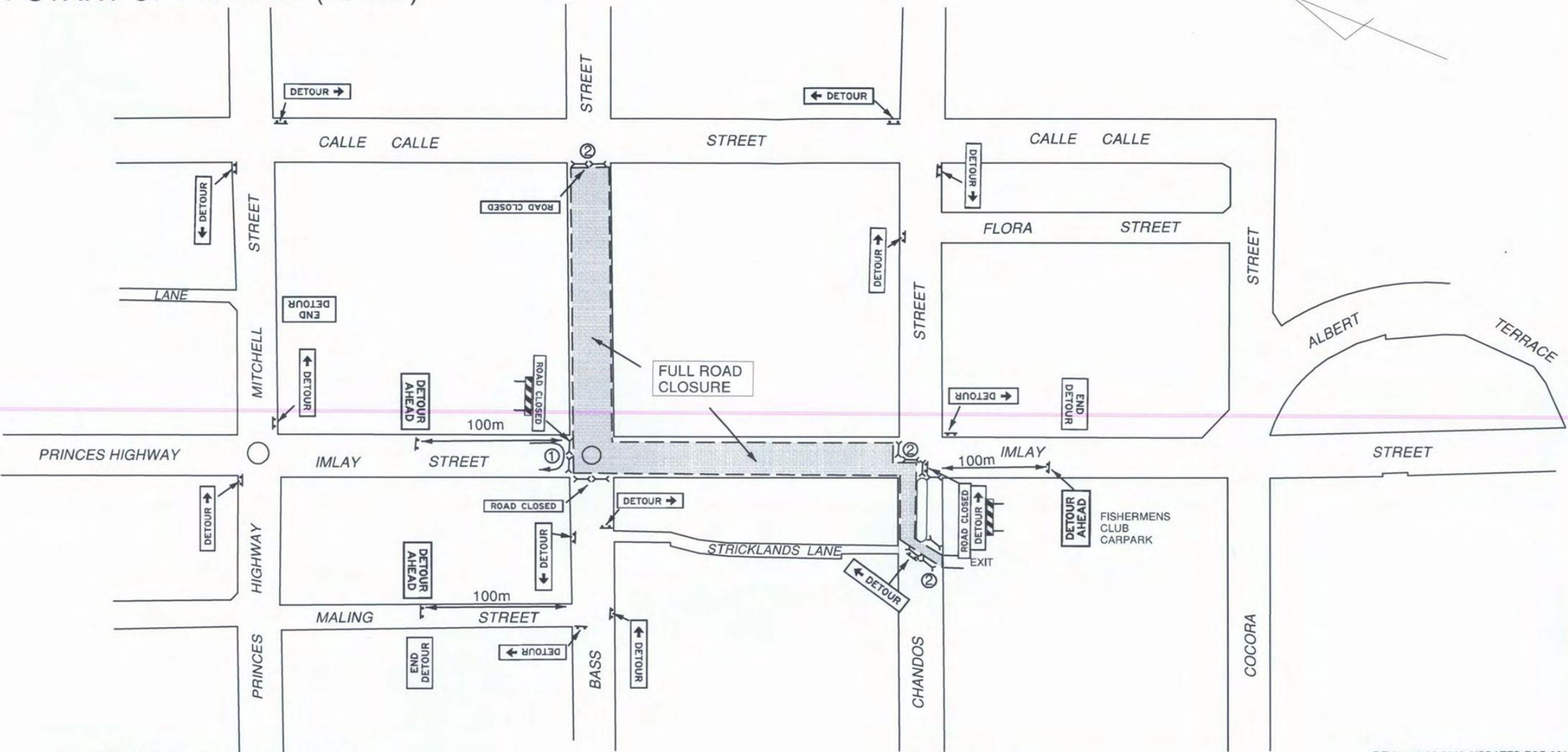


S. Boulter
Stephen Boulter
Card No. 00322166980
Expiry Date: 29-06-2019

SCALE 1:3000	DATE 19-02-2019	DRN. SB	CHK. JW	SIZE A3
REFERENCE/DRAWING NAME 1764 C				REV. 1

FOR CLOSURE OF CHANDOS STREET,
IMLAY STREET AND BASS STREET
AT START OF PARADE (10 AM)

"B"



- ① DENOTES MANNED BARRICADE
BARRICADE TO BE SUITABLY PLACED
TO ALLOW CARS TO U TURN
- ② DENOTES MANNED BARRICADE

ALL VOLUNTEERS AND TRAFFIC CONTROLLERS
TO WEAR HIGH VISIBILITY CLOTHING

VOLUNTEERS TO REMOVE BARRICADES AND
SIGNAGE AFTER PARADE HAS PASSED

STREET CLOSURES WILL BE FROM
10AM UNTIL PASSING OF PARADE ON
SATURDAY 2nd NOVEMBER 2019 FOR
EDEN WHALE FESTIVAL PARADE

Plan prepared in accordance with Traffic Control at work sites guidelines

REV 1 19-02-2019 UPDATED FOR 2019
REV 0 15-08-2018 ORIGINAL ISSUE

PO BOX 639
35 FLINDERS STREET
EDEN NSW 2551
PHONE: (02) 6496 3418
E-MAIL: eden.nsw@veris.com.au

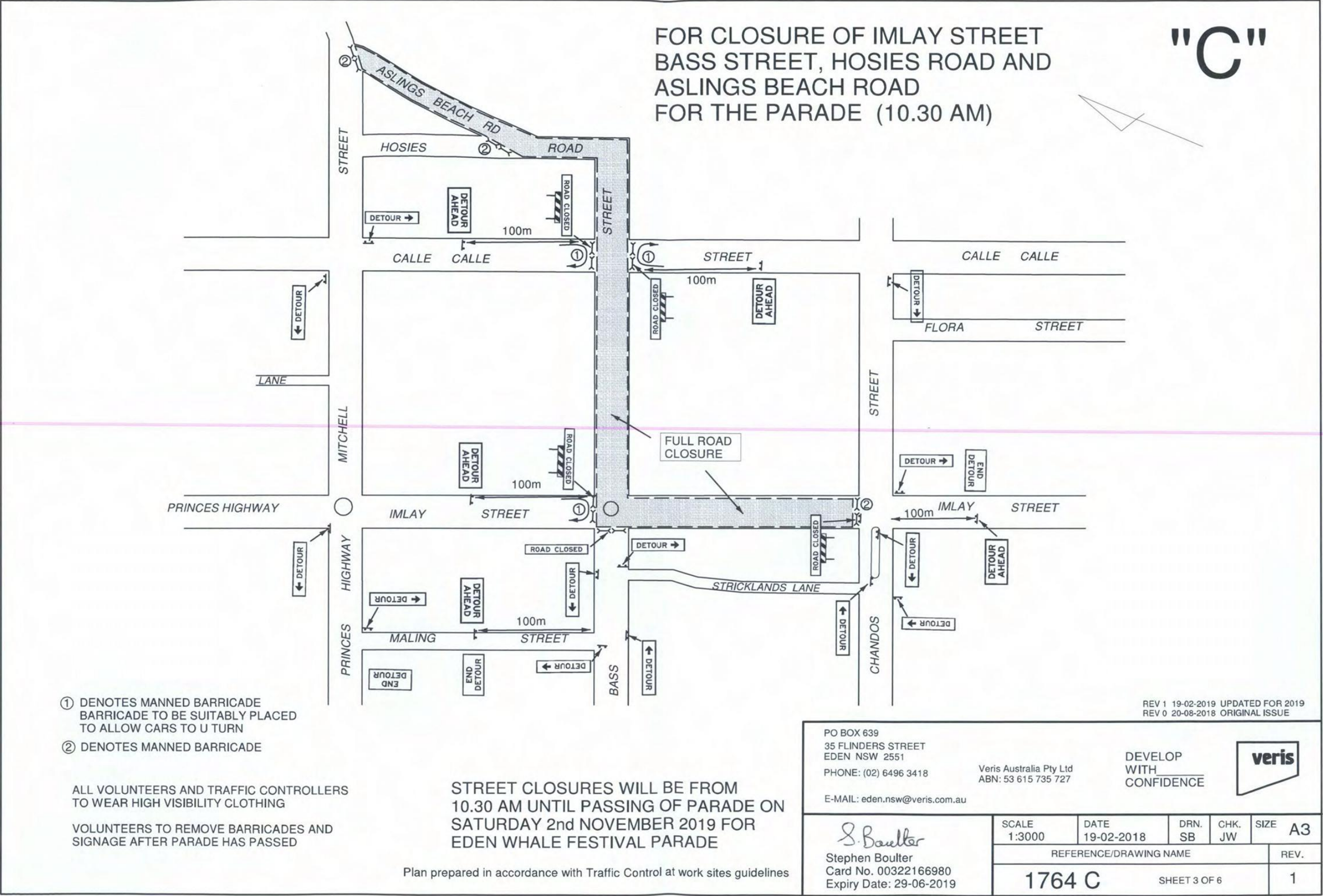
Veris Australia Pty Ltd
ABN: 53 615 735 727

DEVELOP
WITH
CONFIDENCE

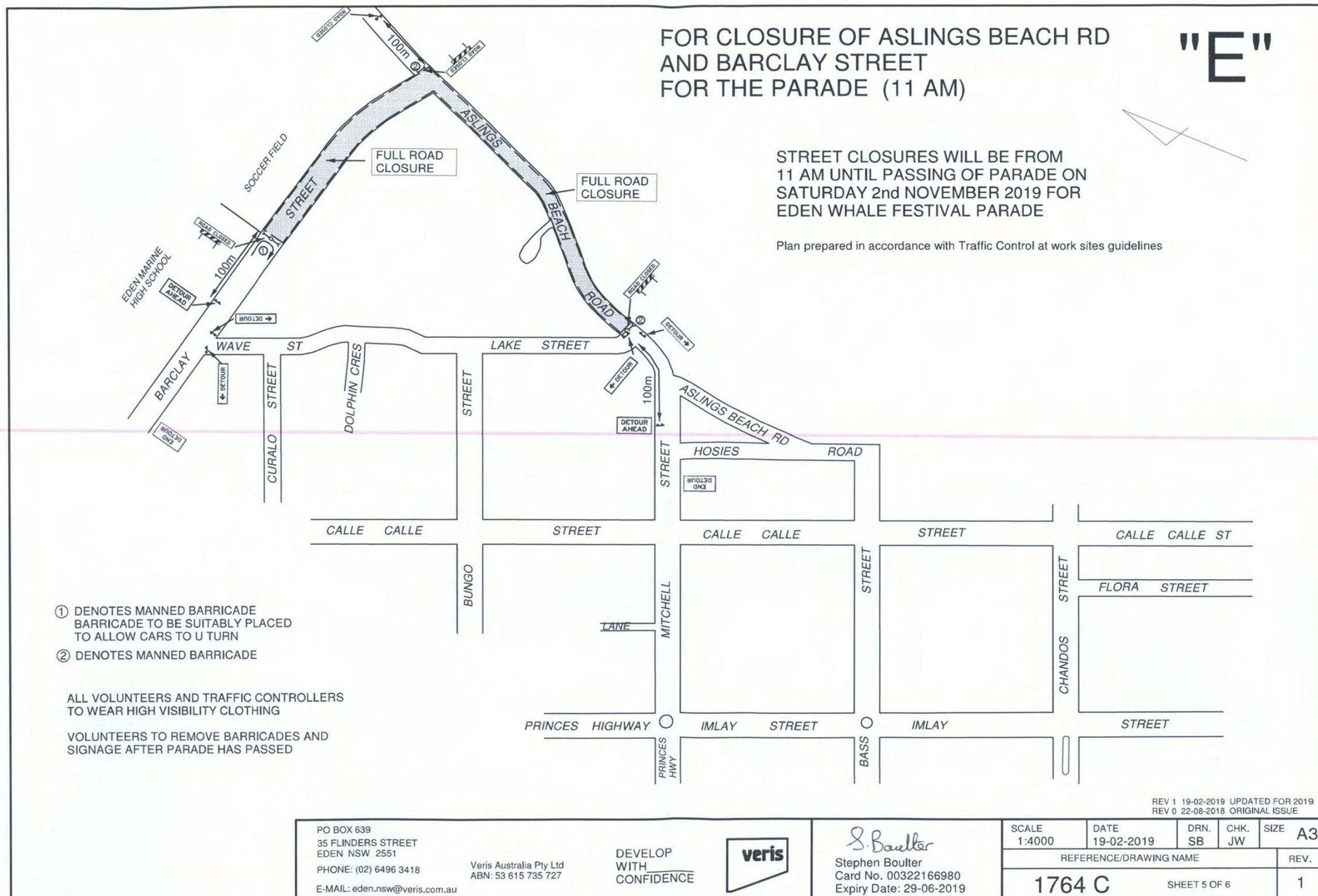


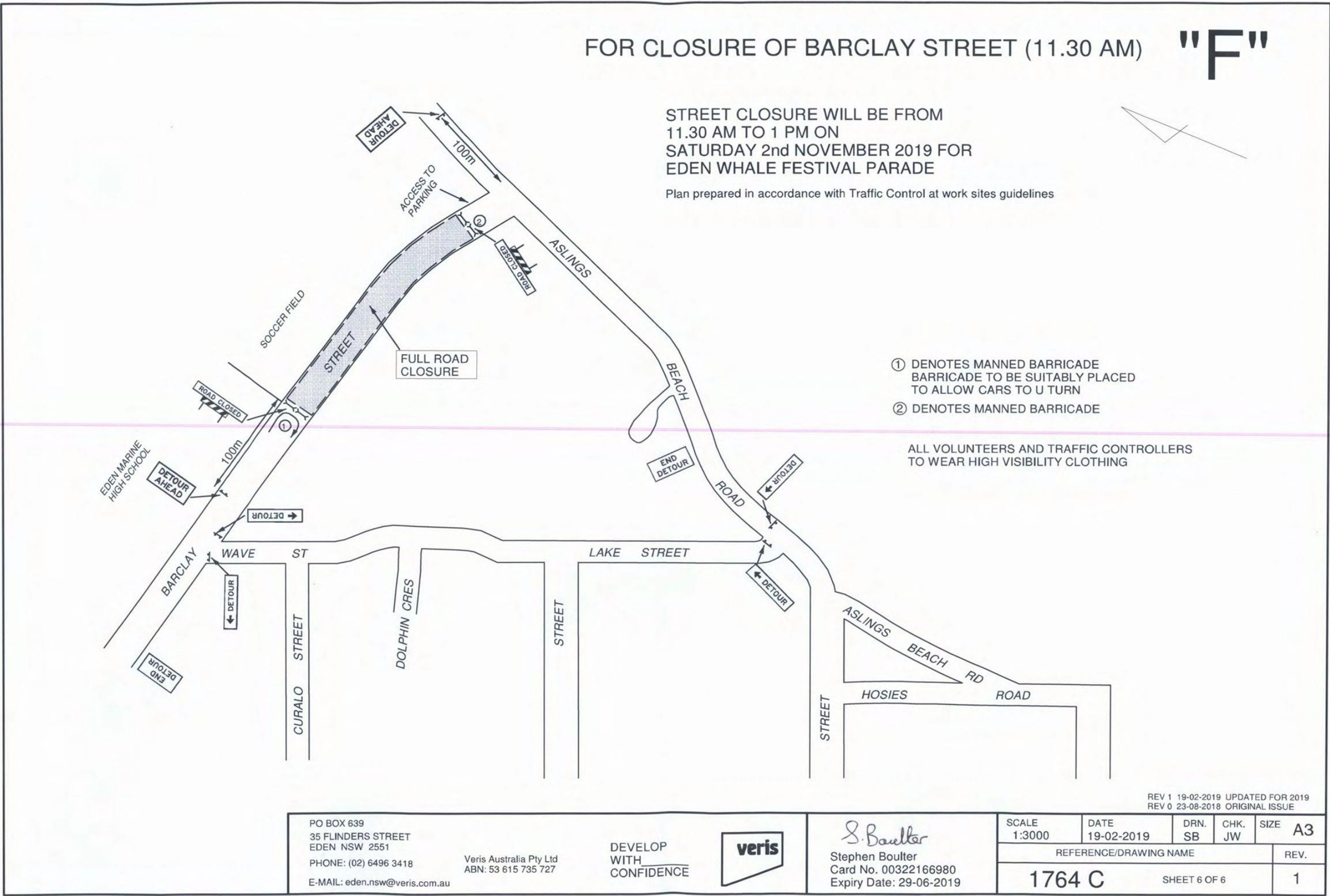
S. Boulter
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Card No. 00322166980
Expiry Date: 29-06-2019

SCALE 1:3000	DATE 19-02-2019	DRN. SB	CHK. JW	SIZE A3
REFERENCE/DRAWING NAME				REV.
1764 C				1
SHEET 2 OF 6				

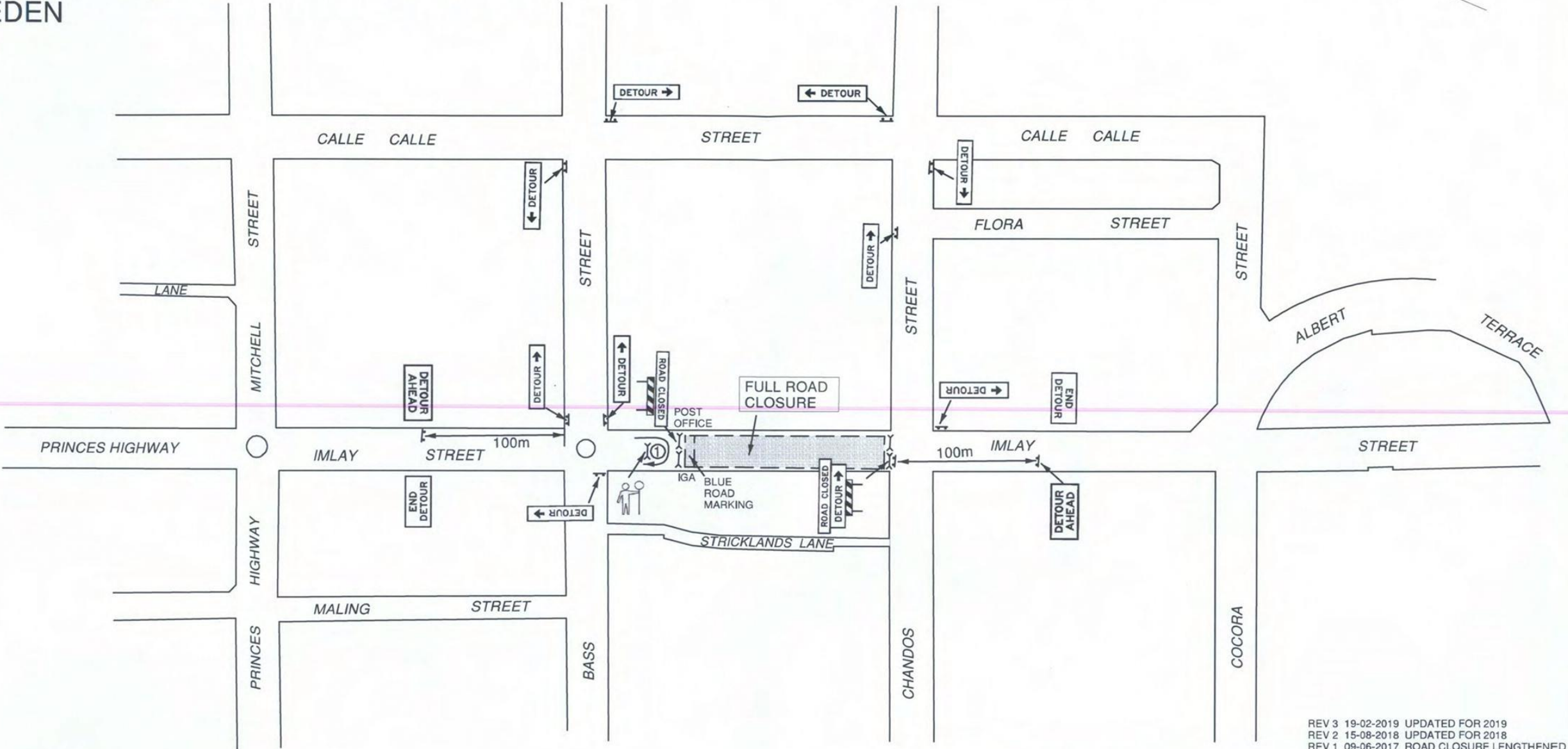









TRAFFIC CONTROL PLAN
FOR CLOSURE OF IMLAY STREET
BETWEEN BASS AND CHANDOS STREETS
EDEN



 ① DENOTES MANNED BARRICADE
BARRICADE TO BE SUITABLY PLACED
TO ALLOW CARS TO U TURN

ALL VOLUNTEERS AND TRAFFIC CONTROLLERS
TO WEAR HIGH VISIBILITY CLOTHING

STREET CLOSURE WILL BE FROM
8AM TO 12 NOON ON SUNDAY
3rd NOVEMBER 2019 FOR
EDEN WHALE FESTIVAL
HOT ROD SHOW & SHINE

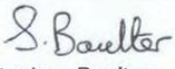
Plan prepared in accordance with Traffic Control at work sites guidelines

PO BOX 639
35 FLINDERS STREET
EDEN NSW 2551
PHONE: (02) 6496 3418
E-MAIL: eden.nsw@veris.com.au

Veris Australia Pty Ltd
ABN: 53 615 735 727

DEVELOP
WITH
CONFIDENCE




Stephen Boulter
Card No. 00322166980
Expiry Date: 29-06-2019

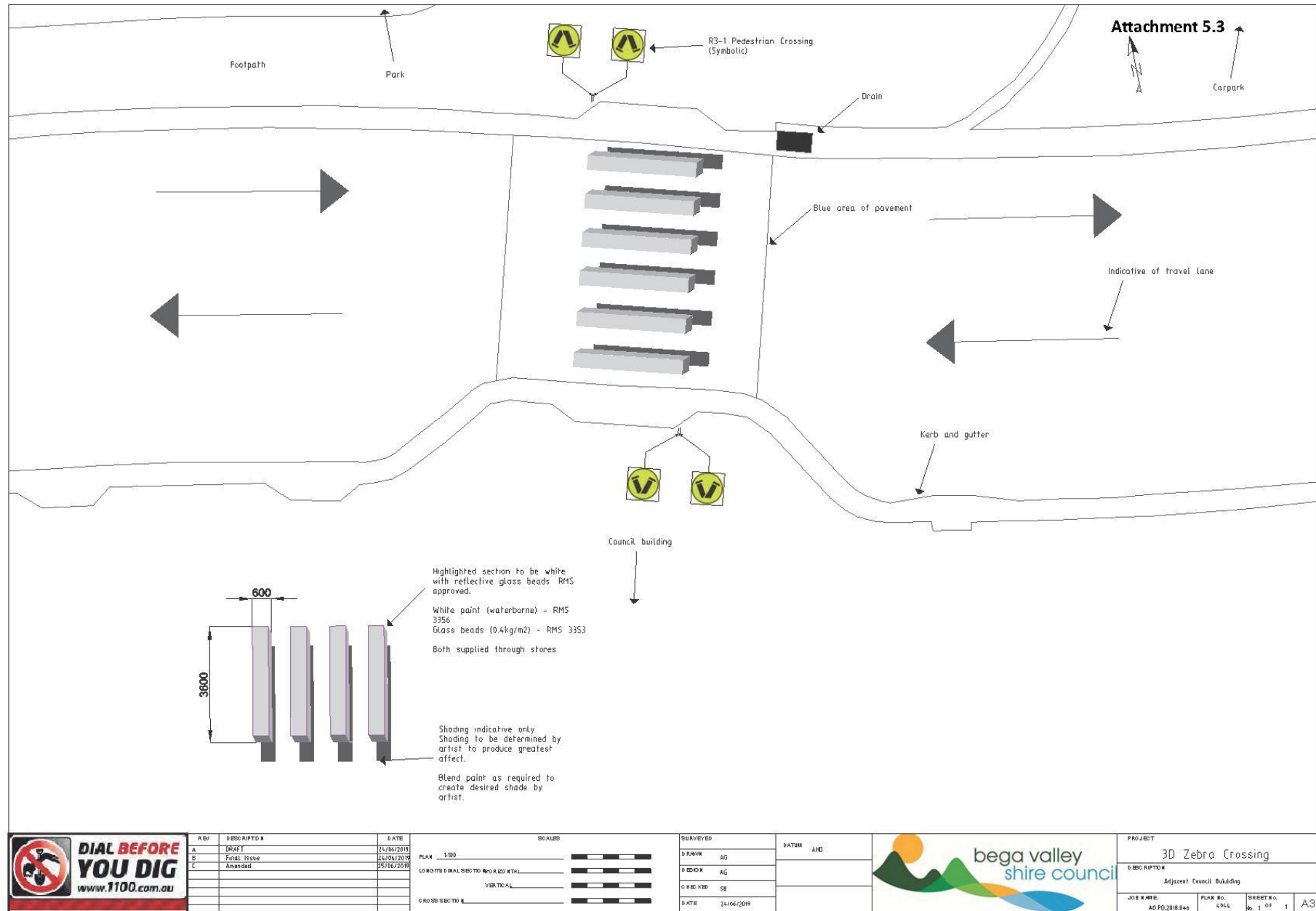
SCALE 1:3000	DATE 19-02-2019	DRN. SB	CHK. JW	SIZE A3
REFERENCE/DRAWING NAME				REV.
1764 B				3
SHEET 1 OF 1				

Intersection of Imlay Street and Bramble Street, Eden – No Stopping Zone



Intersection of Imlay Street and Bramble Street, Eden – No Stopping Zone





11.5. Hanscomb Creek and Johnson Creek Bridges, Garfields Road, Numbugga.

This report provides a further update and recommendations to Council in response to an earlier deputation by Mr Phillip Chadwick on 29 May 2019, representing the property owners affected by the Council Resolution to handover responsibility of the assets (Hanscomb Creek Bridge and Johnson Creek Bridge) from Council to private landowners.

Director Assets and Operations

Officer's Recommendation

1. That Council note the review of the options presented to Council and the high level cost estimates.
2. That Council resolve to proceed with the implementation of Option four (4) - dispose of the existing Johnson Creek Bridge and replace it with a low level causeway and new approaches on the correct road alignment (requiring cadastral surveying).
3. That Council note that Option four (4) does not provide all weather access in a flood event, the low level causeway bridge may result in a road closure until flooding subsides.
4. That Council approve in principle the proposal for the opening/closing of the Council public road reserve through Lot 7 DP 819196 at Garfields Road, Numbugga.
5. That Council officers commence assessment of the road closure application under Division 3 of the *Roads Act 1993* (NSW) and the proposal be publicly advertised for a period of 28 days.
6. That if any objections are received, a further report be prepared for Council's consideration.
7. That if no objections are received Council, by notice published in the Government Gazette, formally close the surplus public road reserve concerned.
8. That the General Manager and Mayor be authorised to execute the necessary documentation to affect the proposed road opening/closing as outlined in Option four (4) below.
9. That all costs associated with the road opening/closing processes, payment of compensation in accordance with a formal market valuation for the sections of road reserve over the current track in use, will be payable by Council.

Executive Summary

A deputation on 29 May 2019 by Mr Philip Chadwick, requested a further option be investigated by Council officers for the Hanscomb Creek and Johnson Creek Bridges, Garfields Road which was considered and supported by a Council Resolution.

This report provides a review and high level cost estimate of options for Council's consideration which includes the high level concrete box culvert option, as requested by Mr Chadwick.

A number of supporting Recommendations are also made for Council to formally resolve the matter of maintaining infrastructure (Hanscomb Creek Bridge and Johnson Creek Bridge) outside the road reserve at this location.

Upon review of the options available which are discussed further in this report, and on the basis Council did not support the earlier Council officers' recommendations in previous Council reports, it is therefore recommended that Option four (4), dispose of the existing Johnson Creek Bridge and replacement with low level causeway, is adopted.

It is considered that Option four (4) addresses the issues as raised by Mr Chadwick on behalf of the affected landowners in his deputation other than the all-weather access requirement, which in flood event would result in a road closure until flooding subsides and provides the best whole of life cost benefits to Council.

Should Council determine that the reduced level of service to the Bridge in a flood event is an unacceptable outcome, either Option one (1) or Option two (2) would address the all-weather access issue but come at a greater capital outlay impost to Council.

Any commitment to expenditure in excess of the \$300,000 currently allocated in the 2020 *Bridges Program – Garfields Road bridge work*, would need to be funded from alternative sources, or other 2020 programmed bridge works would need to be deferred.

Background

Major maintenance and repairs are required to Johnson Creek Bridge and Hanscomb Creek Bridge.

Sections of the Garfields Road formation are located on private property and are not contained within a road reserve. These boundary alignments date from the late 1800s to the early 1900s and bear little relationship to the existing location of the road and bridge infrastructure within current property boundaries.

The Johnson Creek Bridge provides access to two properties that can also be accessed via the Snowy Mountains Highway and the eastern section of Garfield Road. The Hanscomb Creek Bridge approaches are not within a road reserve and the Bridge itself is located wholly upon private land, this being Lot 7 DP 819196.

At the Council meeting of 13 December 2017, Council considered a report on the Scheduled Maintenance of Hanscomb Creek Bridge and Johnson Creek Bridge, Garfields Road. Council resolved:

1. *Handover responsibility of the assets from Council to private landowners, which would include:*
 - a. *Discontinue maintenance on the private Section of Garfields Road between the driveways of Lots 221 and 222 in DP 1038247 and the western driveway of Lot 7 in DP819196.*
 - b. *Dispose of Johnson Creek Bridge, by dissembling and abandoning.*
 - c. *Gift Hanscomb Creek Bridge to the owner of Lot 7 in DP819196.*
 - d. *Close the section of Garfields Road, from the private section to west of Johnson Creek Bridge and dispose to adjoining landowner.*
2. *Re-allocate the funding to other priority projects in the 2019 Timber Bridge Renewal Programme.*
3. *That the motion carried to the Ordinary Meeting be:*

That the recommendation of the Closed Session be noted and that discussion with private landowners be undertaken by Council staff.

Council officers have since met with the affected landowners and received their correspondence objecting to the Council Resolution.

A report was prepared for the Council meeting of 29 May 2019 and in response to the report Mr Phillip Chadwick, representing the property owners affected by the proposal, made a deputation to Council.

Council subsequently resolved:

That the matter be deferred for a further report to Council with the report to include an outline of the implications of implementing the proposals addressing the matters raised in the deputation provided at 29 May 2019 Ordinary Council meeting.

Council officers have reviewed the matters raised in the deputation and the feasibility of an all-weather, single lane box culvert option, as proposed by Mr Chadwick, at Johnson Creek Bridge with the closing of Hanscomb Creek Bridge by gating to the east of that bridge.

The proposed box culvert alignment would need to be on either the location previously identified for the low level causeway, or on the current alignment and ensure heavy vehicles can access both owners' properties and is a feasible option for consideration by Council although it would be a considerable financial implication when compared to other options.

Options

Council officers have reviewed the options available for Council consideration which are summarised below:

Option 1: Replace the existing Johnson Creek Bridge with a high level concrete box culvert structure

This was the option requested by Mr Chadwick to be considered by Council. While no hydraulic design has been undertaken, a four-span structure with openings 3.6m wide x 3.6m high has been considered appropriate for this location.

This should provide a flood capacity similar to the existing Bridge and would provide a nominal 100 year asset life. This structure could be constructed in the existing road reserve and has a concept cost estimate of \$511,000.

As the catchment is substantially cleared, there would be less risk of tree debris surcharging and damaging a box culvert structure, making it an acceptable option.

If this option was adopted, it would require a full hydraulic design to be completed in order to provide a more robust cost estimate.

Smaller box culverts would be a cheaper option, but there is a risk these may not achieve the 'all-weather' requirement. The existing Bridge has a significant approach embankment which will require maintenance and was therefore not considered further as a viable option.

This option would require:

- That Council formally closes the existing road by gating to the east of Hanscomb Creek Bridge.
- That Council authorises the survey and adjustment of boundaries in accordance with available legislation, including payment of compensation, where appropriate.

Option 2: Replace the existing Johnson Creek Bridge with a concrete bridge structure

This option was reviewed as it has a comparable cost with the new box culvert. It forms the same desire of an all-weather access and has a concept cost estimate of \$522,000.

This structure would provide a nominal 100 year asset life and lessen the risk of tree debris surcharging.

This option would require:

- That Council formally closes the existing road by gating to the east of Hanscomb Creek Bridge.
- That Council authorises the survey and adjustment of boundaries in accordance with available legislation, including payment of compensation, where appropriate.

Option 3: Maintain the existing Johnson Creek Bridge

Option 3, as reported in the Council on the 29 May 2019, is a course of action to maintain Johnson Creek Bridge and gift Hanscomb Creek Bridge to the landowner of Lot 7 DP 819196.

Renewal estimates of Johnson Creek Bridge are \$150,000 but would require ongoing maintenance for the life of the asset and result in a higher whole of life costs than a full bridge renewal.

Road tenure would need to be addressed in this option for the road between the Snowy Mountains Highway to, and including, Johnson Creek Bridge.

This option addresses the land tenure issue for Council and ensures access is maintained to the landowners via Johnson Creek Bridge.

It addresses the landowners' concerns that Council provide and maintain an all-weather, heavy vehicle, access to the landowners.

Option 4: Replace Johnson Creek Bridge with low level causeway

Option 4 was reported to Council on the 29 May 2019. This option is to dispose of the existing Johnson Creek Bridge and replace it with a low level causeway and new approaches on the correct road alignment (requiring cadastral surveying).

This option would provide for a longer life of the Council asset than maintaining the existing Bridge, while maintaining access to the landowners however, it would be subject to minor flooding.

Anecdotal Council officers' knowledge of the drainage systems suggests the flooding only lasts for a small number of hours before subsiding.

This upgrade is estimated at \$200,000 and would be subject to detailed geotechnical investigation.

This option addresses the tenure issue for Council and ensures access is maintained to the landowners via the Johnson Creek causeway. It addresses the landowners' concerns that Council provide and maintain a heavy vehicle access to their properties.

However, it does not provide an all-weather access as requested by the adjacent property owners. In flood event it would result in a road closure during flood events for a number of hours until flooding subsides.

From 1 July 2018, Councils were given power to close a Council public road, pursuant to Part 4 Division 3 of the *Roads Act 1993* (NSW) (the Act), however the vesting of Council roads on closure process remains unchanged by the amendments to the Act. When a constructed Council public road is closed, it remains vested in Council and Council may facilitate the subsequent sale of the land and receive the proceeds of sale.

As the NSW Department of Industry – Lands and Water (the Department) no longer has the power to close unconstructed Council roads, Councils are required to process the closure of suitable unconstructed Council public roads even though the roads will vest in the Crown upon closure. In this case as the section of road corridor to the east of Johnsons Creek bridge is unconstructed it would vest in the Crown upon closure and the landowners would be required to negotiate a sale with the Crown. A status search of the road reserve within the property boundaries will need to be undertaken to confirm the road dedication and whether the creek is considered to be under the jurisdiction of the Crown as a water way.

Option 5: Handover full responsibility of the assets from Council to private landowners

This option as originally proposed by Council officers in 13 December 2017 and includes:

- Discontinue maintenance on the private Section of Garfields Road between the driveways of Lots 221 and 222 in DP 1038247 and the western driveway of Lot 7 in DP819196.
- Dispose of Johnson Creek Bridge, by disassembling and abandoning.
- Gift Hanscomb Creek Bridge to the owner of Lot 7 in DP819196.
- Close the section of Garfields Road, from the private section to west of Johnson Creek Bridge and dispose to adjoining landowner.

This option would provide the least overall cost/financial impact to Council however has implications upon the property owners and was the subject of deputation by Mr Chadwick and was not previously supported by Council in the previous Council Reports.

Option 6: Do Nothing

This is not a viable option as both Johnson Creek Bridge and Hanscomb Creek Bridge require major maintenance and repairs.

Community Engagement

Consultation undertaken

Consultation has been undertaken with the two effected property owners and Essential Energy.

To date, there has been no wider community engagement on this matter.

Consultation Planned

Under section 38B of the Act, notification of the proposal to close a Council public road must be published in a local newspaper and be given to all owners of land adjoining the road, and all notifiable authorities as prescribed by the Regulations.

The notice must identify the road that is proposed to be closed and must state that any person is entitled to make submissions to the Council with respect to the closing of the road and must indicate the manner in which, and the period (being at least 28 days) within which any such submission should be made.

Financial and resource considerations

The 2020 Bridges Program currently has \$300,000 allocated to non-specific Garfields Road bridge works, pending Council Resolution.

Any commitment to expenditure in excess of the \$300 000 currently allocated, would need to be funded from alternative sources or other 2020 programmed bridge works would need to be deferred or form part of the Quarterly Budget Review (QBR) process.

Legal /Policy

Hanscomb Creek and Johnson Creek Bridges and approaches are not within the road reserve designated as Garfields Road.

This tenure issue impacts on Council's operations as it is undertaking activities on private land. It is necessary to determine a course of action to address potential risks to Council, under the *Civil Liability Act 2002*, if no action is taken to address road tenure on Garfields Road.

If consent is granted to the proposed road opening/closing, Council's Property officers will complete the road closure assessment process under Division 3 of the Act and by notice published in the Government Gazette, formally close the sections of public road reserve traversing through the private land parcel. A plan of first title creation will be prepared and registered at Land Registry Services, with the land owners being required to negotiate a sale with Crown for the portions of closed road.

The sections of road reserve over the current track in use will be formally opened as Council public road via registration of a road opening plan to rectify the encroachment issues on this section of Reedy Swamp Road. A formal market valuation will be required to be obtained and Council will need to pay the land owners compensation for the portions of land required for the road opening.

The applicants will be required to execute a formal Deed of Agreement which details the agreement and provides that upon transfer, the portions of closed road will be consolidated with the landowner's adjoining parcel of land.

Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

There is no adopted strategy for this particular issue. It should also be noted there is a broader issue regarding the significant amount of Council's transport infrastructure which may not be located in the Road Reserve throughout the Shire.

Economic

Lifecycle or whole of life costing should be taken into consideration when deciding on the best option for asset renewal.

The Option one (1) and Option two (2) presented in this report have capital cost estimates of around \$500k with Option three (3) and Option four (4) having lower capital cost estimates but have several pros and cons which should be considered, including ongoing maintenance liability and reduce level of service in flooding events.

Risk

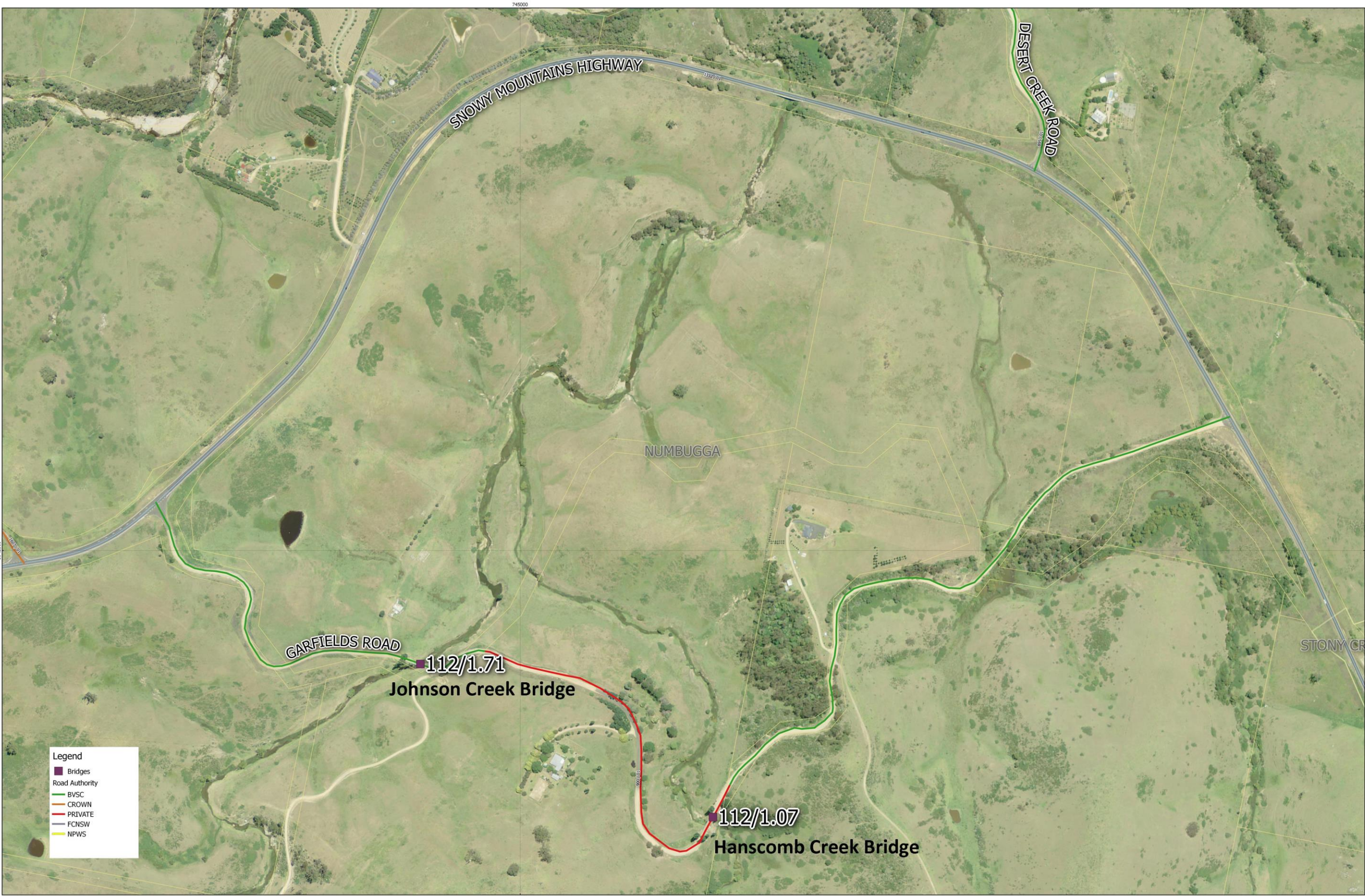
Both the Johnson Creek and Hanscomb Creek Bridges generate risk for Council in that as best can be determined without a boundary definition survey, they are both located on private property with no formal land tenure arrangement in place to protect the asset.

If the issue around tenure is unresolved, Council may be at risk of public liability claim action from the landowner if an incident were to occur with a Council asset being located on private land and noting that both bridges are in need of major maintenance and repair work.

Council is also currently undertaking operational works on land that is privately owned with no formal agreements in place.

Attachments

- 1 [!\[\]\(2976e44ea2c352d6ae4fdd5b90255389_img.jpg\)](#). View 1 Hanscomb Creek Bridge and Johnson Creek Bridge Numbugga map of locations bridges and garfields road
- 2 [!\[\]\(ee3a9c47f175f99dae47c1080ca23a44_img.jpg\)](#). View 2 Hanscomb Creek Bridge and Johnson Creek Bridge Numbugga map of locations bridges and Garfields Road
- 3 [!\[\]\(0dcab697e27c3d383218d44fcf2e0d44_img.jpg\)](#). Attachment 1
- 4 [!\[\]\(e84615f472e54e80e49c9433145ca6aa_img.jpg\)](#). Attachment 2





Bega Valley Shire Council
Zingel Place, Bega
PO Box 492, Bega NSW 2550

To whom it may concern,

Re: Matters Relating to Garfields Road Numbugga

On 8th March, 2018, Bega Valley Shire council wrote to the owners of Properties, Belmont and Claremont, asking to meet regarding "Matters Relating to Garfields Road Numbugga", which is where we live and our farms are located.

On 13th April, 2018, Barry and Nola Hergenhan of Belmont, and Philip Chadwick of Claremont met with Council officers Peter Newton and Jason Deller.

At that meeting we were verbally advised that Council intended to abandon maintenance on Garfields Road, and the bridges on it (crossing Hanscombe Creek and Jonson Creek).

We were not provided with any written statement of intent by Council, but we were asked to provide written feedback.

This is our response to that request.

Council's position, as indicated by the minutes of the meeting of 13th December, 2017, obtained under GIPA, indicate a resolution that the bridge on Hanscombe Creek be gifted to the land owner, and the bridge on Jonson Creek be demolished.

Conversation with Council officers in the meeting of 13th April, indicated that:

- it appears that the physical route of Garfields Road deviates significantly from the gazetted road;
- Johnson Creek bridge appears to be located on Claremont;
- Hanscombe Creek bridge appears to be located on Claremont;
- the formed road between Johnson and Hanscombe appears to be located on Claremont; and
- the formed road to the east of Hanscombe Creek runs through, pretty much entirely on, various private properties.

The verbal proposal made by Council officers at that meeting differed from the Council resolution. The verbal proposal was that both bridges and the portion of Garfields Road to the west of the Johnson Creek bridge be gifted to the land holder (of Claremont).

These bridges already suffer from lack of adequate maintenance, and both have a 10 tonne load limit signed. This is having a major operational impact on road users, with entirely inconvenient limits being placed on the movements of stock, fertilisers, farm equipment, and other service vehicles (e.g. Essential Energy maintenance crews and Rural Fire Service fire engines).

The bridges are clearly in danger of failing. Passing them into private ownership will inevitably remove them from public access, as without publicly funded maintenance they can be expected to fail sooner rather than later. It's also not unreasonable to expect that a privately owned bridge might be locked up with a view to extend its operational life and it would be within the Owners right to do so.

Garfields Road and the bridges on it facilitate:

- essential access for multiple local land holders -- to their homes, their places of work, and for the transport of stock, farm equipment, and goods;
- access for maintenance of high voltage power transmission infrastructure;
- emergency access for fire brigades, as so eloquently demonstrated in the recent Numbugga fires, where Belmont, Claremont and multiple adjoining properties burned with threat to life and property.

The loss of both bridges would have major impacts, including:

- Claremont would be split in two, without road access from one side to the other, seriously compromising daily operations of the farm;
- both Belmont and Claremont would suffer profound and permanent loss of capital value;
- Essential Energy would not be able to gain heavy truck access to maintain poles, transformers, and high voltage power lines which transit both properties (and service electricity consumers as far away as Bemboka);
- fire brigades would not be able to gain access to protect property and lives from the threat of fire; and
- neighbours would become flood bound when low lying parts in the eastern section of Garfields road become impassable in wet weather.

We are utterly astounded that Council could adopt such a conspicuously unfair, unreasonable, and legally precarious position.

An almost complete lack of clear written communication on the matter from Council to date is also regrettable, as it discourages community engagement.

There are many parties with vital interest at stake who deserve to be consulted and given voice on the matter. These include neighbours who regularly use Garfields Road, Essential Energy, the Rural Fire Service, and the wider community. Their position on the privatization of the bridges is essential.

Our position is that:

- we, and our community, require permanent all-weather access to our properties and the assets (both public and private) on them;

- this access includes the requirement for entry and egress of heavy vehicles such as stock trucks, fertiliser trucks, agricultural equipment, Essential Energy service trucks, and Rural Fire Service heavy fire engines; and

- if Council has been negligent in maintaining proper gazettals and has failed to take steps to ensure that Council owned roads remain on Council owned land, then as such rectification will require the use of and likely damage to our Properties we will seek to cooperate in order to rectify that problem causing as less impact as possible to our land.

We are willing to negotiate, in good faith, within that framework.

We await your early reply.

RECEIVED
19 FEB 2019

"Claremont"
129 Garfields Road
Numbugga NSW 2550
15th February, 2019

Attn: Mr Jason Deller
Bega Valley Shire Council
PO Box 492
Bega NSW 2550

BY:

Dear Sir

Re: Garfields Road Numbugga and the Bridges on it

I would like to thank you and Mr Newton for taking the time to meet with the Hergenahns, from "Belmont", and myself at Numbugga on 8th February, 2019.

I understand that the purpose of the meeting was to progress matters relating to Garfields Road and the bridges on it, which had laid in abeyance for some months since previous actions, including:

- Council's *in-camera* resolution of 13th December, 2017, which I believe broadly seeks to relieve itself of the requirement to maintain (parts of) Garfields Road and the two wooden bridges on it;
- the meeting, at the invitation of Council officers, on Friday 13th April, 2018, at Zingel Place, Bega, where the Hergenahns and I were informed that Council's *in-camera* resolution had occurred;
- action by our solicitor, David Griffiths, under "Government Information (Public Access) Act 2009" (GIPA) to determine the exact nature of Council's *in-camera* resolution;
- our (Barry and Noela Hergenahns, and Phil Chadwick's) email response to verbal requests by Council officers to respond to Council's position; and
- the previous meeting at Numbugga with Council representatives and the Hergenahns (which I could not attend).

At the 8th February meeting, Mr Newton stated that Council had no obligation to provide public access to my farm house because the paddock containing my shearing shed (which is separated from my farm house by Johnson Creek) already had public access. I strongly believe that I am entitled to expect public access to my house, and I expect that you will proceed with your deliberations on that basis.

I have discussed the issues raised with the Hergenahns and our position remains as we expressed in detail in the above-mentioned email response last year, and is that we expect and require Council to continue to provide and maintain all-weather, heavy vehicle, access to our homes and our farms (for ourselves, emergency services, utility services, farm services, and the general public).

We are not asking for anything that we did not have for decades prior to Council's recent imposition of a 10 ton limit on the bridges.

Our access requirements were confirmed most eloquently during the recent Numbugga fires when both "Belmont" and "Claremont" burned, with extensive loss of fences and pasture. However the extended risk to property and life (all over the district) was averted specifically because emergency services were able to establish containment lines on multiple properties, which required repeated traversal of Garfields Road and the bridges on it.

Page 1 of 2

We appreciate your offer to keep us abreast of developments at Council in a timely fashion.

Yours faithfully

Philip Chadwick

Cc: Barry & Noela Hergenhan

11.6. Proposed new road name: Jacaranda Place

The purpose of this report is to detail the outcome of the Public Exhibition process recently undertaken regarding the proposal to name a new road located off Mirador Drive in Mirador.

Director Assets and Operations

Officer's Recommendation

1. That Council approve the proposal to name the new road off Mirador Drive as Jacaranda Place.
2. That the Geographical Names Board of NSW be requested to formally Gazette the new road name as Jacaranda Place.
3. That Council advise all affected property owners and those who made a submission regarding the naming proposal.

Executive Summary

Council received an application to formally name a new road associated with an approved subdivision under Development Application (DA 1989.1180). The proposed name was selected from Council's list of pre-approved road names and was processed in accordance with Council's Road Naming Procedure 4.04.1 and advertised on Council's website. One submission was received which requires the matter be reported to Council for determination.

Background

Development Application (DA 1989.1180) has been approved for a subdivision off Mirador Drive in Mirador and Council received a request from the developer to formally name a new road associated with the subdivision. The new road proposed under this Development Application will serve as the main point of access to the subdivided land parcels located off Mirador Drive in Mirador.

The road name proposed by the developer was selected from Council's list of pre-approved road names and under Council's Delegation Register, the Director Assets and Operations approved the proposed road name. The name was then placed on Public Exhibition for a period of 14 days as per Council's Road Naming Procedure 4.04.1 and at the conclusion of the Public Exhibition period, one submission was received.

The submission received was as follows:

Submission

This submission suggests the name is a botanical name for a tree but holds no relevance or association to Australia or Mirador.

The writer quoted from Captain James Cook and Joseph Banks and has offered the suggestion of Joseph Banks as an alternate road name.

Options

The options available to Council are:

1. Proceed with the road naming of Jacaranda Place as proposed by the developer;
2. Proceed with an alternate name as selected by the developer.

In accordance with Council's Road Naming Procedure 4.04.1, the use of first names in conjunction with a surname is not acceptable for road naming, therefore Council is unable to proceed with the name as suggested by the submission.

Furthermore, Banks Street already exists within the Bega Valley Shire Council Local Government area, so Council is unable to proceed with this road name as an alternate suggestion.

Community Engagement

Consultation undertaken

Letters were provided to adjoining and adjacent landowners regarding the road naming proposal and the proposal was advertised on Council's website for a period 14 days as per Council's Road Naming Procedure 4.04.1.

Financial and resource considerations

Property officers have already spent considerable time preparing the original proposal for advertisement including liaising with the developer and both adjoining and adjacent landowners.

Readvertising the road naming proposal with an alternate name will require additional officer resources and will delay the naming process for the developer, hence Property officers are suggesting continuing with the naming of this road as Jacaranda Place.

Legal /Policy

Naming of Public Roads is authorised under Section 162 of the *Roads Act 1993* (NSW) and Council's Road Naming Procedure 4.04.1.

Attachments

1. [Road Naming Submission Jacaranda Place - Redacted information](#)
2. [Map showing the location of proposed new Jacaranda Place](#)

Tamatea, Brooke

From:
Sent: Thursday, 11 July 2019 1:59 PM
To: RecordsMailbox
Subject: Attention Property Services

In regard to the proposed name of Jacaranda Place for the new road in the new subdivision of Mirador.

Jacaranda is a botanical name for a tree but holds no relevance or association to Australia (native to South America) and especially Mirador.

When the Endeavour sat in the coastal waters off Long Point on Friday April 20th 1770. Captain James Cook and Joseph Banks looked back to the land and wrote in his journal "View the Country which had a very agreeable and promising Aspect the land is of moderate height diversified with hills, ridges, planes and Vallies with some few small lawns, but for the most part the whole was cover'd with wood, the hills and ridges rise with a gentle slope, they are not high neither are there many off them".

This means where they were positioned they were looking to what is now Tura Beach and Mirador. This is why we feel Jacaranda is inappropriate and offer the suggestion of Joseph Banks Place/Close/Court.

We hope you give this consideration to your thought process.

- 134 -

11.7. Feedback from Candelo Community Meeting

This report outlines feedback from community meeting held in Candelo regarding the future of the Candelo Town Hall/Café building on Wednesday 17 July 2019.

Director Assets and Operations

Officer's Recommendation

That Council note the contents of the report and the community views and the key outcomes and actions by Council officers.

Executive Summary

A community meeting attended by approximately 85 people was held in Candelo on Wednesday 17 July 2019 regarding the future of the Candelo Town Hall/Café building in accordance with Council Resolution from the Council meeting of 29 May 2019.

The community meeting was advertised via various media channels including flyers, Bega Valley Shire Council (BVSC) Facebook page, Bega District News and 2EC and ABC radio.

The meeting was mostly a positive one, with excellent community participation and attended by various Council officers and the Deputy Mayor along with several Councillors.

Background

A report to Council on the 29 May 2019 sought approval to terminate the lease for the Town Hall Café and make an application to Crown Lands and Department of Premier and Cabinet to modify the Town Hall/Café building for future use by the community.

Following a deputation by a member of the public, Council subsequently resolved:

- *That Council approve the termination of the current Lease pursuant to section 39(c) of the Retail Leases Act 1994 (NSW) and proceed with debt recovery action for the rental arrears owing.*
- *That Council make an application to Crown Lands and the Department of Premier and Cabinet for approval to modify the Town Hall/Café building for future use by the community.*
- *That Council authorise the General Manager and Mayor to execute the necessary documentation to formalise the above course of action.*
- *That a community meeting be held in Candelo to discuss additional uses of the Town Hall/Café building, opportunities of uses of the bowling club and traffic movements in the town.*

In accordance with the Resolution termination of the Lease has now been finalised and pursuant to clause 23.4 of the Lease assets that remained in the café have now reverted to Council. Council can deal with these items by way of sale or disposal and this has been accepted by the Lessee. Council officers will commence debt recovery action to recover all arrears prior to deciding how to deal with these assets.

The resolved community meeting was held in Candelo on Wednesday 17 July 2019.

Community Engagement

Consultation undertaken

A community meeting attended by approximately 85 people was held in Candelo on Wednesday 17 July 2019.

The community meeting was advertised via various media channels including flyers, BVSC Facebook page, Bega District News and 2EC and ABC radio.

The meeting mostly a positive one, with an excellent community participation and attended by various Council officers and the Deputy Mayor along with several Councillors.

Below are the key outcomes from the community meeting:

1. Town Hall/Café

The management of the Café and Hall to be managed by the Hall Committee on behalf of the community.

- a. The view is the Café space can be flexible in order to serve the community, needs and be a potential additional source of revenue for the Hall Committee through bookings.
- b. The existing Funding Deed scope for the Kitchen Refurbishment needs to be varied to relocate existing kitchen and move to committee room, store room and existing café kitchen (these spaces are to be combined into a larger more flexible space).
- c. The existing Funding Deed timeframe extension to be requested - it was suggested a 6 months extension be applied for to allow adequate planning and ensure best results for the community can be realised.
- d. It was noted the existing State funding may not be able to cover the entire scope of the kitchen refurbishment. The Hall Committee advised they have some funds to contribute and will approach other groups in the community to assist for any shortfall.
- e. It was noted a separate project to address the drainage subsoil issues of the building is a critical project and its funding is subject to a separate Grant submission which is due to be determined in August 2019.
- f. There were no negative comments raised on the future use of the Hall and Café by any in attendance at the meeting.

2. Candelo Bowling Club

- a. The future of the Bowling Club was not discussed at the meeting and will be the subject of a separate meeting in August 2019.

3. Traffic Movements

- a. The community understood that Black Spot funding was being sought by Council to look at improving safety on William Street in Candelo, the Candelo Bega Road and the Candelo Wolumla Road. Currently there is no funding in place and any future works will be dependent upon securing this funding.

- b. Providing a safe access for the school into the park was a large issue for the community and seen as a priority to address.
- c. The community was supportive of slowing traffic on William Street and accepted the idea of Wombat Crossings and other line marking measures to achieve this as an outcome.
- d. The community raised concerns over the Candelo Bega Road and the Candelo Wolumla Road being used as a 'rat run' to bypass the Princes Highway for heavy vehicle and tourist/commuters.
- e. The community raised concerns about the speed of vehicles using the back streets as an alternative route to the Candelo Wolumla Road.
- f. The community raised concerns over lack of connectivity of footpaths to the showground and other outlying streets in the township.
- g. The community raised concerns over Heavy Vehicle usage and the weight limits on the roads with some conflicting opinions within the community. However, the consensus was local business heavy vehicle usage was acceptable but long haulage vehicles moving through the town was not an acceptable outcome.
- h. The community understood there is a legislative issue that needs to be changed by RMS to enable Council to address this issue. Whilst they understood this issue they did not necessarily accept it.

Key Outcomes and Actions

Council officers will commence working with the Hall Committee to progress an application to Crown Lands and Department of Premier and Cabinet to modify the Town Hall/Café building for future use by the community.

Council officers will commence working with the Hall Committee to modify the current Funding Agreement scope and deadlines to relocate existing kitchen and combine the committee room, store room and existing café kitchen into a larger more flexible kitchen space.

Council officers will continue to look at the long term traffic issues and concerns as raised by the community. Any future works to the traffic network will be dependent upon Black Spot Funding outcome or be incorporated into future years Capital Works Programs noting no work is currently programmed for the 2019/20 year in the Candelo township.

Attachments

Nil

11.8. Short Point Headland Seating and Signage

This report provides an update on the Short Point Coastal Accessibility project specifically related to feedback from the project stakeholder group notification on the element of the headland seating, interpretive signage and sunlounge seating.

Director Assets and Operations

Officer's Recommendation

1. That Council receive and note the information in the report.
2. That Council endorse the design for the Short Point headland seating and interpretative signage and installation of sunlounge elements subject to the amendments recommended in the summary table in the report.
3. That Council endorses the approach for officers to inform and work with identified project stakeholder groups as project design work progresses and consider and balance feedback in the context of the membership of stakeholder group and the project deliverables.

Executive Summary

The plans for the Bega Valley Shire Council (BVSC) Coastal Accessibility Projects for Short Point, Bruce Steer Pool and Pambula Beach Reserve have been adopted by Council. The Plans are an example of master planning and provide guideline on the mix of facilities and general layout to balance the project objectives at each site.

This type of planning, identifying and balancing key user needs and opportunities at each site, has proven effective and has resulted in significant grant funding to deliver the works identified in the Plans. Copies of the Plans are available on Council's website.

The endorsed Plans provide an agreed concept at the time they were completed. Some elements are relatively straight forward, and some other elements require more detailed site assessment and planning prior to construction.

For each site there is a stakeholder group representing key user and community groups and neighbours. These stakeholder groups are informed and consulted with on design elements as projects progress.

In progressing with the detailed design work and stakeholder notification, it is noted feedback on design appearance can sometimes be subjective, in that people have differing tastes. It is often difficult to accommodate the preferences of all stakeholders and still achieve project timeframes and budgets.

If there is consistent feedback from a significant proportion of the stakeholder group, Council officers will certainly take that on board. If there is limited feedback or feedback from a relatively small number from the stakeholder group, it is generally an indication of general acceptance of what has been proposed, or limited interest in that element.

The key in implementing the endorsed plans, is balancing 'fit for purpose' functionality, aesthetics and cost to deliver the identified project outcomes within agreed timeframes. A summary table of feedback is included in the report relating to the design of the Short Point Headland seating and signage aspect of the Short Point project.

Background

The proposal is based on providing simple functionality, a seating area and interpretive information. Clear feedback from the consultation during the endorsement of the Coastal Accessibility Plan was to not over develop and keep elements simple. The aim is to provide simple facilities, seating and interpretive signage to improve visitor experience at the popular ocean lookout area.

The basic elements needed include:

- hard stable surface in what will be a higher use area;
- a seat; and
- interpretive signage.

Another important consideration is to acknowledge that the area is culturally sensitive and to ensure excavation into natural ground is kept to a minimum.

The attached simple design was developed by Council officers and drafted by a qualified draftsman.

Simple materials and shapes have been planned in keeping with elements used elsewhere on the site. These include hardwood timber box seating and grey coloured concrete slab. The size is related to accessibility clearances around the seating, the shape is related to the recently completed timber viewing platform. A summary of the reasons for use of elements and materials is provided below:

Concrete: Concrete is consistent, level, flat, durable, low maintenance and cost effective. Concrete is recommended for consistency, durability, useability, lower excavation (at this site) and cost. It has been and will be used elsewhere in the project.

Interpretive blade sign: The whale information sign provides interesting, educational information very relevant to the site. It will add to and improve experience for users. The vertical 'blade' type sign is able to be read by multiple people from different sides at one time. The 'fin' shape is a good example of an interpretive element, reflecting a relationship between the sign shape and content.

Timber box seat: The box timber seating element is consistent with the recently completed timber viewing platform.

Sunlounge seating: The proposed seats are an available, off the shelf product to replace the existing ones which are in need of renewal. Materials match recently installed path seating and this design considers the backs of the seats will be a visible element. The product is a cost effective option and has a 25-year structural manufacturers' warranty.

Community Engagement

Consultation undertaken

The Short Point stakeholder group includes representatives from Short Point Caravan Park; Merimbula Beach Holiday Park; Merimbula Chamber of Commerce; Merimbula Special Events; Merimbula Tourism Inc; Merimbula Rotary; Sapphire Coast Boardriders; BVSC Access Committee; and the Local Aboriginal Land Council.

The group represents a very broad community membership with a wide range of interests in the site. The proposal was forwarded to the stakeholder group with an overview of the key points noted. The email also included information on replacement sunlounges for the area in the front of the carpark. The information was also forwarded to all Councillors. In all the

information was distributed to more than 25 people representing a broad section of the community.

Council consideration of input

Feedback from five (5) people from the stakeholder group was received. In addition, comments were received from one Councillor. A summary of items, times they were raised, officers' comments and recommended amendments is provided below.

Summary - Short Point Headland Seating and Signage Feedback		
Item / Theme	Times raised	Council Officers Comment / Recommendation
Request information on materials - Timber species and steel.	1	Materials are selected considering and balancing whole of asset life, capital cost, available budget and product warranties provided by manufacturers. Box bench timber is ironbark. Seating frames are powder coated alloy with stainless vandal proof fixings (lifetime structural warranty) same as already used along the path. No change recommended.
Sunlounge accessibility. Consider height and grab rail.	2	Feedback is noted, and thought will be given to options to improve ease of use where practical; noting that sunlounges are not intended to be an 'accessible' element. The Plan includes accessible compliant seating on promenade viewing areas.
Seat size too large. Suggest lesser profile seat. Alternate seat design.	3	Comment noted. Bench height is as per seating and accessibility standards. Refer to the attached seating mock up photos. Due to the downward aspect of the approach, the seat will have little effect on the predominant view. Amending design to not have timber to the ground will give the bench less 'bulk'. Examples of lower-profile curved seats are attached. Recommend similar to proposed in design, with reduced scale / profile.
Thanks for the info and update.	3	Noted
Need and reasoning for blade sign.	3	The whale information sign provides interesting, educational information very relevant to the site. The vertical 'blade' type sign is able to be read by multiple people from different sides at one time. The 'fin' shape is good example of an interpretive element reflecting a relationship between the sign shape and content. While it will be seen, in the scale and context of the site it will have very limited impact on views. It will add to and improve experience for users.
Don't over-do it. Keep it simple.	2	The proposal is based on providing simple functionality, a seating area and interpretive information. The basic elements needed include hard stable surface in what will be a higher use area, a seat and interpretive signage. The aim is to provide these facilities in a simple way, consistent with other elements on site.

Concrete pad seems overkill. Suggest alternate material - Diamond grid.	2	Concrete is recommended for use in high wear areas as it is consistent, level, flat, durable, low maintenance and cost effective. It has already been and will further be used elsewhere in the project. Grey colouring is used to lessen visual impact. Diamond grid can be a useful product but not recommended in this instance and in certain applications can wash out in the top, as people (i.e. on walkers) can trip on the exposed plastic grid edges. Example is a path in Fishpen. A stable fill material (i.e. decomposed granite) will compact and water can get caught and pool in the grids. Concrete is recommended for consistency, durability, useability.
Suggest increase sculptural quality	1	There was no intent to make a sculptural statement with these works. There is direction to keep design simple and not over develop. There is opportunity for more sculptural elements in the promenade area.
Seating plan is disjointed	1	Seating is simple and reflects the adopted Plan. Multiple seating areas are intended to give space between seating areas.
Sunlounge Suggest no slab / alternate material under.	1	These will be popular items and high wear areas. Concrete is recommended. Grey colouring is used to lessen visual impact. Could trial decomposed granite (material used in headland path) noting comments above, noting there is a risk and may need concrete if issues arise. Recommend the use of concrete as base material.

Consultation Future

Continuing to update, inform and receive feedback from stakeholder groups is an important part of project delivery. It is important to understand, however, that it is not possible to include all ideas and comments at all steps in a project like this. For projects to progress in terms of all deliverables, feedback needs to be considered and balanced in the context of the membership of stakeholder group (representing the broader community) and all project deliverables.

Financial and resource considerations

Option Cost		Amount
Works as proposed	\$	7,500
Works inc. alternate curved seating (Street Furniture Australia)	\$	10,000
Works inc. custom piece of sculptural park furniture suited to location. (est)	\$	12,000

In addition to the above direct infrastructure costs, considerable Council officers time has been involved in liaising with interested parties on the design. As a consequence Council officers are impacted in their ability to deliver on ground actions. It is intended this report will provide clear direction to move forward.

Legal /Policy

The adopted BVSC Leisure and Recreation Policy 1.08 encourages development of fit for purpose, well used assets that *'provide access and enable people to enjoy the environment we live in'*.

Short Point is a culturally significant site. As such an Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared and an Aboriginal Heritage Impact Permit (AHIP) obtained via the Office of Environment and Heritage (OEH).

Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

The delivery of the Coastal Accessibility Plans is referred to in the adopted Community Strategic Plan (CSP). The following CSP goals actions are relevant.

Goal 2: We are an active, healthy community with access to good quality recreation and sporting facilities, and medical health care

Goal 7: Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live

Related actions:

- *Plan and manage recreation facilities, swimming pools and the Sapphire Aquatic Centre, sporting facilities, boating infrastructure and public toilets*
- *Construct and maintain recreation facilities, swimming pools and the Sapphire Aquatic Centre, public toilets, boating infrastructure and sporting grounds and facilities*
- *Advocate, support and deliver sustainable tourism and visitor experiences to maximise the benefit to the community*

Asset Management

Installation of the bench and viewing areas will create additional assets that will need to be managed and replaced as required. It is a highly exposed area and the type of facility and materials needs to reflect this and balance the benefits these types of facilities have for locals and visitors.

Materials are selected considering and balancing whole of asset life, capital cost and available budget and product warranties provided by manufacturers.

Environmental / Sustainability

Protection and restoration of the coastal environment is one of the key objectives the Coastal Accessibility Plans, looking to manage and balance along with accessibility, heritage and recreation use. Defining paths and viewing areas is an important aspect of reducing unwanted access to sensitive areas.

Economic

Implementing the Coastal Accessibility Plans links strongly with improving facilities related directly to tourism. This project provides particularly for the increasing market area of accessible tourism. Provision of quality recreation infrastructure at Short Point directly aligns with the coastal access project component of Council's Infrastructure Prospectus; the Prospectus supports NSW's target to double overnight visitor expenditure by 2020.

Risk

Budget – Increased design and specification for bespoke cultural items will inevitably lead to increased cost.

Program - With grant funding, there is a need to progress with the projects. Halting or delaying works can create uncertainty in project delivery and future grant applications.

Delivery – It was intended to undertake and complete works in conjunction with the works on the recently completed timber viewing platform. Due to need for additional reporting, the

opportunity to complete the works has passed and works will need to be re quoted and re programmed.

Expectations – Notification and consultation processes can raise expectations that Council will be able to deliver all suggested changes/desired outcomes to all different groups. Balanced consideration of constructive feedback to see improvements and enhancement across all objectives is the aim of the planning and notification process.

Construction - Standard construction risks which will be captured in the appointed contractors WHS documentation. No unusual or unreasonable risks are posed by the project.

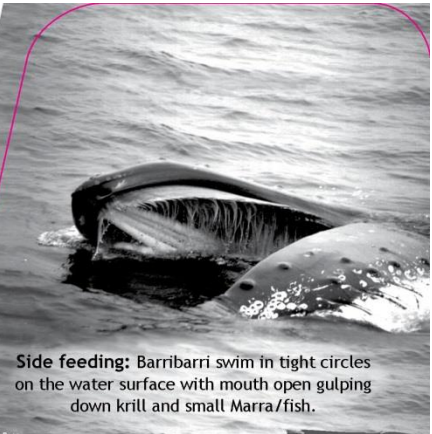
Social / Cultural - Short Point is a culturally significant site. As such an Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared and an Aboriginal Heritage Impact Permit (AHIP) obtained via the Office of Environment and Heritage (OEH). The conditions of the AHIP cover the works proposed in the Short Point Coastal Accessibility Plan. The headland area is identified as a culturally sensitive area. Construction methods to minimise excavation in natural ground are to be applied.

Options

1. Progress with the design for the Short Point Headland Seating and Interpretative Signage and installation of Sunlounge elements subject to the amendments recommended in the summary table in the report.
2. As per option 1 progress with the use an alternative off the shelf curved seat design.
3. Begin a design process for a custom piece of sculptural park furniture.
4. Defer work pending detailed landscape design of the carpark promenade area.

Attachments

1. [Short Point Signage Draft 5 - FINAL Sign 5 \(Whale Side 1\)](#)
2. [Short Point Signage Draft 5 - FINAL Sign 5 \(Whale Side 2\)](#)
3. [Example sunlounge \(unisite wave seat\)](#)
4. [Short Point Headland Bench and Signage Mock Up](#)
5. [BVSC SHORT POINT HEADLAND pad and bench 06.05.19](#)
6. [Curved seats examples](#)



Side feeding: Barribarri swim in tight circles on the water surface with mouth open gulping down krill and small Marra/fish.

R. Butt

Barribarri/Humpback Whale (*Megaptera novaeangliae*)

The Australian East Coast Humpback Whale, also known as Barribarri, received protection from the Australian Government in 1963 and have recovered the best of all the whale species.

1828: Eden's first whaling station was established at Twofold Bay followed by others including Davidson Whaling Station in 1866. Processed whale blubber produced valuable oil for lighting and lubrication and whale baleen was used to make corsets, whips and umbrellas. They were hunted close to extinction by the demands of the whaling industry.

2004: After years of protection the Barribarri population was growing by 11% per annum and was thought to be around 30,000 animals (NDAD MJ ET AL., 2004).


Today: Barribarri numbers continue to increase. East Coast Barribarri are different from those that travel up the West Coast of Australia. The males of each population have a distinctly different song used to attract mates. Each year Barribarri journey 2500 km from the Antarctic waters to the Australian mainland. Some travel further up the East Coast to breed in the warmer waters of Hervey Bay and the Great Barrier Reef.

June: Barribarri first appear off Short Point during their northern migration.

August: Start of their return journey south.

Non-breeding males and females are first to return, followed by pods of larger bulls and females with calves traveling south as late as November.

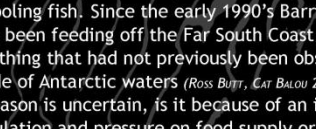
As Barribarri/Humpback whale slowly migrate south look for these behaviours:



Breaching: Barribarri leaping from the water then crashing back into the ocean showering water everywhere.



Chin slaps: Lifting their head out of the water while swimming forward then slapping their chin onto the water.



Feeding: Barribarri use their baleen plates to sift krill, sardines, mackerel, anchovies and other small schooling fish. Since the early 1990's Barribarri have been feeding off the Far South Coast of NSW, something that had not previously been observed outside of Antarctic waters (ROSS BUTT, CAT BALOU 2012). The reason is uncertain, is it because of an increase in population and pressure on food supply or is it a change in water temperature?



Lunge feeding: Barribarri erupt from depth with mouth agape engulfing a huge amount of water and its intended prey.



Tail flicks: Barribarri use a peduncle throw to smash its tail down in front of escaping prey to get it to bunch so it can lunge or side feed through the mass.



Tail slaps: Barribarri lifting their tail from the water and slapping it down on the surface.

For further information visit:
Eden Killer Whale Museum
184 Inlay Street, 6496 2094
Davidson Whaling Station
Call National Parks &
Wildlife Service, 6495 5000
Merimbula Tourist
Information Centre,
4 Beach Street, 6495 1129



NSW Office of Environment & Heritage
bago valley shire council

other Sapphire Coast whales and dolphins

courtesy of Collette



Southern Right Whale and calf

“Dolphins came when the whales came. The dolphins would work as a team and round up the tailor and salmon and bringing them close to shore. Djiringanj people today know when fishing for tailor that the salmon will be caught next.”

DJIRINGANJ ELDER AUNTY COLLEEN DIXON, 2018



Bottlenose Dolphins
(*Tursiops truncatus*) live and hunt in family groups called pods. Our coastal pods live within well-defined boundaries and never leave their home range. The pods that live in the vast oceans roam freely but retain their family group. Occasionally they join with other family groups to form super pods.

Bottlenose Dolphins can live up to 45 years and can swim at speeds of 35km per hour. They are often seen surfing along local beaches. Although their numbers are abundant today, increased competition for resources may see them decline.

No dorsal fin



Blow: When the whale exhales breath, mist is blown into the air as two spouts in a V-shape.

Southern Right Whale (*Eubalaena australis*) was considered the ‘right’ whale by whalers. At 18 metres long and 80 ton in weight they were a large, slow moving whale that stayed close to shore. This made them easy to harpoon and tow back to base. Their blubber produced huge amounts of oil and their mouths supplied lots of baleen. Whaling of them started in 1820 and by 1840, 75 percent of their population had been taken causing the industry to collapse. They were finally given protection in 1935.

Currently, they start their northern migration to the North Coast of NSW in May and begin their return in August. Unlike Barribarri their recovery has been slow and their numbers are still low.

L. Hayward

Humpback Whale (*Megaptera novaengliae*) also known as Barribarri has a dorsal fin.





Killer Whale/Orca (*Orcinus orca*) can be 8 metres and the largest toothed whale. They have a distinctive black and white patterning and males are larger than females. The male’s black, upright dorsal fin is easy to identify.

Killer Whales live in family groups or pods like their relative the Bottlenose Dolphin and roam freely around the world. Being an apex predator they feed on fish, sharks, seals and whales. Sightings along the south coast have increased and this may be because of increased seal and whale numbers.

W. McCutcheon



Bottlenose Dolphins



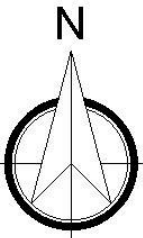
NSW **Office of Environment & Heritage**

bega valley shire council

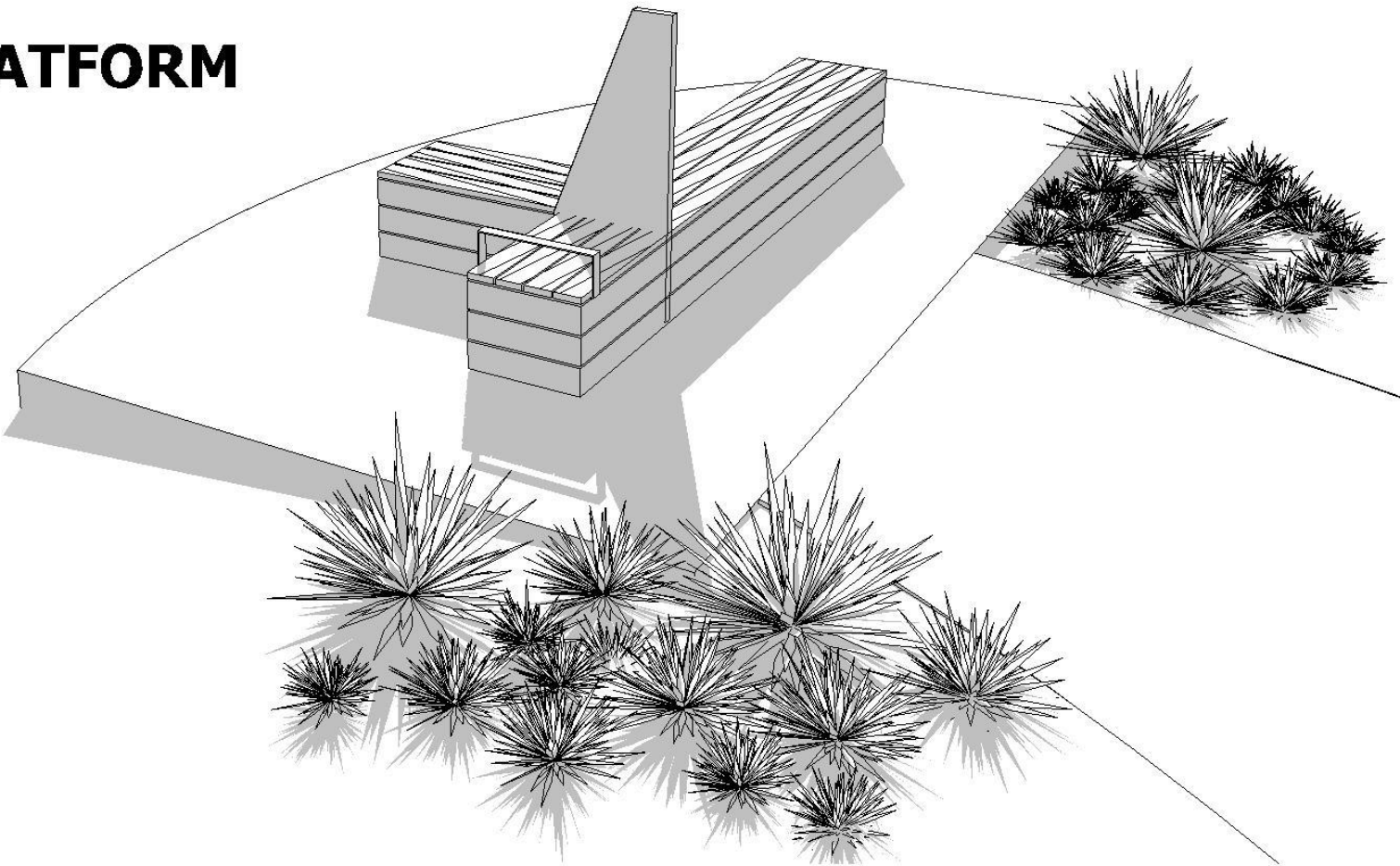


Short Point Headland Bench and Signage Mock Up





PROPOSED NEW VIEWING PLATFORM SHORT POINT, MERIMBULA NSW



SITE

LOCATION

RICHE McNEIL DESIGN
13/22 MARKET STREET
P.O. BOX 609
MERIMBULA
NSW 2548

bdag
BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA

PHONE (02) 64953616
EMAIL richem@acr.net.au

CLIENT
B.V.S.C
**PROPOSED VIEWING PLATFORM
AT SHORT POINT, MERIMBULA**

DATE	6/05/2019
DRAWN	
DESIGN	
CHECKED	R. McNEIL
SHEET No	JOB No
1.1	R1850



SFA Arc Seat



SFA Curved Mall Bench



11.9. Proposed acquisition of land for Merimbula Service Road Extension

This report provides an update and details relating to land acquisition needs for the proposed Merimbula service road extension and seeks Council's support to proceed with execution of a formal Deed of Agreement with the owners of Lot 123 DP 1250503 at Merimbula.

Director Assets and Operations

Officer's Recommendation

1. That Council authorise the acquisition by private agreement of part Lot 123 DP 1250503 at Merimbula for the construction of the roadworks as detailed in the attached Deed of Agreement, for the purpose of the proposed Merimbula service road extension.
2. That upon acquisition, Council's intention will be to dedicate section B, shown in red colour on the sketch plan in the report to Council of 7 August 2019, as public road reserve and classify section C, shown in purple colour on the same sketch plan, as Operational Land which will be the subject of a further report to Council.
3. That the Mayor and General Manager be authorised to execute all necessary documentation.

Executive Summary

A further Resolution of Council is being sought to allow the General Manager and Mayor to execute a formal Deed of Agreement setting out the proposed acquisition of land from Merimbula-Imlay Bowling Club Limited for the Merimbula service road extension.

Background

This matter was originally reported to Council's Confidential Closed Session Meeting on 30 August 2017 and a further report was presented to Council's Ordinary Meeting of 8 May 2019, where Council resolved as follows:

- 1. That Council reconfirm its position to take all necessary steps to construct an extension of the service lane currently under development, servicing the planned Aldi development running parallel to Main Street in Merimbula; noting that it will now terminate west of the end of Lot 1 DP 521571 owned by Club Sapphire.*
- 2. That Council delegate the General Manager to undertake all necessary land exchange and/or acquisition arrangements including parcel creation to facilitate the extension.*
- 3. That a further separate report be brought to Council to address consideration of transfer of additional land as referred to in the report.*

Following the Resolution of Council, officers have been liaising with representatives from Merimbula-Imlay Bowling Club Limited and legal representatives to action the Resolution of Council.

As the current resolution of Council does not allow for the execution of a Deed of Agreement, a Resolution is being sought to delegate authority to the General Manager and Mayor to execute a formal Deed of Agreement on this basis.

A sketch plan identifying the proposed subdivision of Lot 123 DP 1250503 is shown below for the information of councillors:

- Section A (Green) – to retained by the Merimbula-Imlay Bowling Club,
- Section B (Red) – to be acquired for the purpose of creating a Public Road,
- Section C (Purple) – to be acquired by Council as Operational Land.



Options

The options available to Council in relation to this matter are outlined in the attached Report to Council of 8 May 2019, however Council does have the option not to accept the terms of the draft Deed of Agreement and resolve accordingly.

Community Engagement

Consultation undertaken

Council officers met with representatives of Merimbula-Imlay Bowling Club Limited and legal representatives to discuss the terms of the draft Deed of Agreement and Council officers have advised that a further Resolution of Council will be sought to execute the proposed Deed of Agreement.

Financial and resource considerations

Merimbula-Imlay Bowling Club Limited shall be responsible for all costs associated with the Development Application including application fees, surveyors and legal costs and registration fees.

As outlined in the attached report of 8 May 2019 and further detailed in the attached draft Deed of Agreement, Council will be responsible for the cost of the design and construction of the service road extension, as depicted in the attached preliminary *Service Road 2 Extension – Stage 1 – Revision D*.

Ongoing Council officer time will be required to implement the Resolution of Council.

Legal /Policy

In accordance with Council's Acquisition and Disposal of Land Procedure, Council have several options available for acquisition of property.

In this instance it is suggested that standard conveyancing procedures should apply rather than compulsory acquisition under the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).

As outlined in the attached draft Deed of Agreement Merimbula-Imlay Bowling Club Limited will seek Development Consent for subdivision of Lot 123 DP 1250503 splitting the land parcel into three (3) sections as shown in the sketch plan above.

Council's solicitor will be engaged to facilitate the purchase of sections B and C via a Contract for Sale of Land with Section B being acquired for the purposes of creating a Public Road and Section C being acquired as Operational Land.

Impacts on Strategic/Operational/Asset Management Plan/Risk

Risk

In determining its direction, Council should consider reputational risk in relation to this matter due to the previous Council Resolutions.

Attachments

1. [Download](#) Draft Deed of Agreement for Merimbula service road extension
2. [Download](#) Council report regarding Merimbula Service Lane dated 8 May 2019
3. [Download](#) Merimbula service road extension plans

DEED OF AGREEMENT

THIS DEED made this day of Two thousand and
nineteen

BETWEEN

BEGA VALLEY SHIRE COUNCIL of Zingel Place, Bega in the State of New South Wales
(hereinafter referred to as “Council”) of the one part, and

MERIMBULA-IMLAY BOWLING CLUB LIMITED (ACN 001 064 008) of 109 Main Street,
Merimbula (hereinafter referred to as “Landowner”) of the second part

WHEREAS

- A. The Landowner is the registered proprietor of Lot 123 in DP 1250503 (the ‘Land’).
- B. The Landowner proposes to obtain development consent for subdivision of the Land into three (3) lot as depicted in the sketch plans attached as Annexure ‘A’ (‘proposed subdivision’).
- C. Subject to a grant of development consent for the subdivision in B above, with conditions acceptable to the Landowner, the Landowner will register the subdivision including the dedication of proposed lot 2 to Council as public road and the transfer of the proposed lot 3 to Council for the consideration of \$1 and the construction of the roadworks as detailed in this agreement.
- D. Council has obtained all necessary approvals and consents required to permit the construction of the road to commence and has provided a copy of such approvals to the Club’s satisfaction.
- E. Council has agreed to carry out certain works including construction of the road extension in accordance with the terms of this Deed.

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NOW THIS AGREEMENT WITNESSETH that in pursuance of the aforesaid Agreement and in consideration of the mutual undertakings by the parties, Council, the Landowner and the Leaseholder agree as follows:

Council's works

1. Council shall carry out the works set out in Annexure A and the engineering drawings notated as Annexure B (the 'Works'), at Council's full cost.
2. The Works shall include the relocation of the Rising Water Main, notated in red on Annexure B, if required and constructing the Haul Road onto the club's residue lot to a standard adequate for heavy construction traffic.
3. The Landowner shall within 28 days of the date of this deed make application for a 3 Lot subdivision ("the development application") in accordance with Annexure A.
4. The Landowner shall be responsible for all costs of the development application including application fees, surveyors and legal costs and registration fees.
5. Council may commence the Works as soon as practicable after the date of this Deed.
6. Council shall complete the Works within two years of the date of this deed.
7. Council may serve a notice or notices extending the date for completion of the Works if construction of the Works is delayed in whole or in part because of any cause, matter or thing beyond the control of Council.

Access

8. The Landowner will allow Council full and free right of access to the Land for Council, its agent's servants and workmen and every person authorised by it to go, pass and repass at all times and by any means to and from the Land or any such part thereof from the date of this Deed and for the purpose of carrying out the Works.
9. The Landowner is also the owner of Lots 1 and 2 DP 521571. The Landowner agrees that until the development on Lot 946 DP 604076 and Lot 949 DP 810986 is complete and for a maximum period of two years from the date of this Deed, the Landowner will allow public pedestrian access through Lots 1 and 2 DP 521571 to and from the existing Merimbula Creek footbridge and Merimbula Main Street or any such part thereof via a pathway the route of which must be approved by the Landowner (such approval not to be unreasonably withheld). Lots 1 and 2 DP 521571 and Lot 946 DP 604076 and Lot 949 DP 810986 are highlighted on the plan annexed as Annexure 'D'.
10. Council indemnifies the Landowner from any loss or injury arising in relation to the public accessing the public pedestrian access set out in clause 8 above, such indemnity to exclude any loss or injury caused, or contributed to, by the Landowner.

Design and Construction Standard

11. Before commencing the Works, Council shall submit all design and construction plans for the Works to the Landowner for approval, such approval not to be unreasonably withheld.
12. The Landowner will be exempt from the payment of any planning or infrastructure contributions in relation to the Works.
13. Council shall ensure the Works are completed to the construction standard set out in Annexure B.

14. General

15. For the purposes of the transfer to Council of the proposed Lot 3 the solicitor for Council shall prepare the Contract for Sale of Land with consideration of \$1.00 for submission to the solicitors for the landowner.
16.
 - (a) All the terms and conditions hereof shall be binding on and continue for the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
 - (b) Where any party consists of more than one person, the liability inter se of such persons as comprise that party to the other party shall be joint and several.
 - (c) The right to strict performance of this Agreement shall not be affected by any indulgence, waiver or course of dealing, and any waiver shall be deemed not to be a continuing waiver.
 - (d) If any provision of this Agreement should, for any reason, be invalid or unenforceable, the validity and enforceability of all other provisions shall be in no way affected thereby.
 - (e) Any agreement not to do something includes an agreement not to permit it to be done.
 - (f)
 - (i) Service of any notice or document under or relating to this Agreement may be effected as provided in Section 170 of the *Conveyancing Act 1919*, New South Wales, and shall be sufficient service on a party if effected on that party's solicitor in any manner provided in that Section.
 - (ii) A notice given or document signed and served on behalf of any party hereto by that party's solicitor shall be deemed to have been given or served by that party personally.
 - (g) This Deed shall be governed and construed in accordance with the laws for the time being of the State of New South Wales.
 - (h) This Deed may be executed in counterparts.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals on the day and month of the year first hereinbefore written.

SIGNED for and on behalf of the

BEGA VALLEY SHIRE COUNCIL

in the presence of:

.....
General Manager

.....
Mayor

.....
Signature of Witness:

.....
Name of Witness:

SIGNED by the said

EXECUTED for and on behalf of
MERIMBULA-IMLAY BOWLING CLUB
LIMITED (ACN 001 064 008) in
accordance with Section 127(1) of the
Corporations Act 2001:

.....
Signature of Director/Secretary

.....
Signature of Director

.....
Name of Director/Secretary

.....
Name of Director

Annexure 'A'

Proposed three lot subdivision of Lot 123 DP 1250503

DRAFT

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Annexure 'B'

Plan showing 'road extension'

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Doc ID 0232983

12.13. Merimbula Service Lane

This report has been prepared to provide an update in relation to progress of the planning and construction of a rear service lane running north of, and parallel to, Main Street, Merimbula.

Director Assets and Operations

Officer's Recommendation

1. That Council reconfirm its position to take all necessary steps to construct an extension of the service lane currently under development, servicing the planned Aldi development running parallel to Main Street in Merimbula; noting that it will now terminate west of the end of Lot 1 DP 521571 owned by Club Sapphire.
2. That Council delegate the General Manager to undertake all necessary land exchange and/or acquisition arrangements including parcel creation to facilitate the extension.

10 Executive Summary

At its meeting 30 August 2017 Council resolved to acquire approximately 5,500m² of land from Club Sapphire.

Council adopted the Resolution in closed session.

As explained in this report, the implementation of a full-length service road assumed feasible at the time of the original Resolution, is no longer viable.

Background

20 Council had previously resolved to acquire a parcel of land from Club Sapphire for the purpose of extending a service lane adjacent to Merimbula Creek, running parallel to, and north of Main Street, Merimbula. As part of the arrangement, Council had agreed to construction of an initial section of road to extend part Lot 9 DP 855433 owned by Club Sapphire, in exchange for the full parcel required to construct a service lane further east that could potentially, in the future, provide a connection back to Main Street through further Council managed land.

The first section of the service road over land owned by Club Sapphire will soon be constructed by the proponents of the Aldi development, with Club Sapphire having given Land Owners Consent on the basis of Council's previous Resolution to further extend the service road and acquire necessary land from Club Sapphire.

30 At the time of the Aldi Development Application being assessed, the Application was referred to Department of Primary Industries Water (DPI Water) as the development was in the vicinity of a waterway. The draft concepts for the full eastern extending service road were referred to DPI Water and although they did not object to it being extended to the rear of the Aldi development, they noted they would not support construction of the full proposed extension east. The reason for DPI Water's concern was that the future service road would encroach toward the watercourse, the further east the road extended.

Although there has not been any further re-engagement to date with DPI Water, Council officers believe there may be further justification for extending the service lane further with

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adequate engineering and environmental controls in place, although construction for the originally proposed extent is extremely unlikely.

Options

40 There are four realistic options considered available to Council, each option is briefly described and assessed below:

Option 1 – Do nothing

As it stands, Club Sapphire have provided Land Owners Consent to Aldi to extend the service lane over their land to service the needs of the Aldi development. Club Sapphire have made it clear they provided this Consent in good faith, on the basis of the previous Council Resolution stating Council would extend the service road further. Should Council support this option, it comes with considerable reputational risk and is not recommended by Council officers.

Option 2 – Compulsorily acquire the section of new service road to the rear of the Aldi development

50 Council does have the legal ability to compulsorily acquire the section of Club Sapphire owned land to be utilised to service the Aldi development as a public road. This is again not recommended by Council officers for the same reason as identified in Option 1 above.

Option 3 – Seek a review of the DPI Water assessment to support the full extent of the proposed service road

60 Council officers do not recommend this option as it is unlikely it will be supported, given the obvious environmental constraints the further east the service road extends. Council officers do not consider the likely cost and time associated with attempting to negotiate an extension and the potential engineering costs associated if an agreement could be reached provided positive benefit relative to cost. Although this option was originally considered desirable, officers believe there is likely to be other alternate future traffic reconfigurations arrangements in the Merimbula Central Business District (CBD) that would provide better benefit relative to cost.

Option 4 – Undertake appropriate steps to extend the service road slightly further east to deliver upon Council's previous commitment to Club Sapphire

This option is recommended by Council officers as it minimises potential reputational risk to Council and delivers upon its previous intent as understood by Club Sapphire, at an expected reduced cost.

Community Engagement

Consultation undertaken

70 Council officers have met with representatives of Club Sapphire and corresponded with them on several occasions to explain changes that have occurred since the previous Council Resolution and to gain a clear understanding of the Club's position. The Club has also offered further land to Council, the west of the service road area running adjacent to the Creek, however Council officers are not currently supportive of acquiring this land which would result in an additional maintenance liability.

Financial and resource considerations

Council had previously considered a budget allocation of \$400,000 for the next stage of the service lane extension. It is anticipated the cost to implement the Recommendation in this report would be within that budget.

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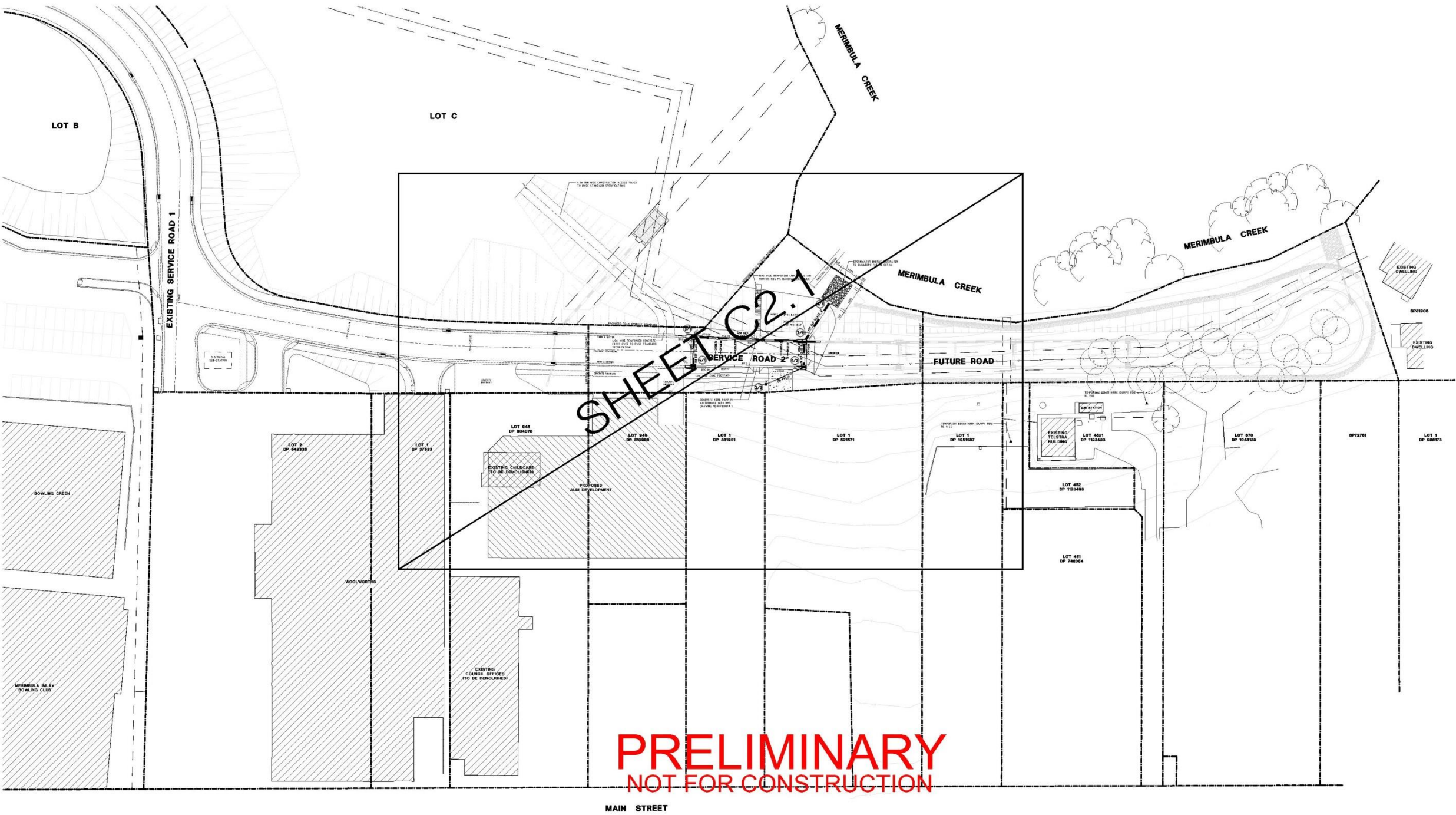
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Attachments

Nil

SERVICE ROAD 2 EXTENSION - STAGE 1

FOR BEGA VALLEY SHIRE COUNCIL



Rev.	Description	Eng.	Date	Rev.	Description	Eng.	Date	<div>ANDREW MARSHMAN ENGINEERS</div> <div>ANDREW MARSHMAN & ASSOCIATES PTY LTD ABN 86 064 689 694 35a Main Street (P.O. Box 768) Merimbula NSW 258 PH: 02 6495 1670 FAX: 02 6495 3456 andrewmarshmanengineers.com.au</div>	<div>CONSULTING STRUCTURAL CIVIL</div>	PROJECT	TITLE				
-	PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	23.04.18							SERVICE ROAD 2 EXTENSION - STAGE 1 FOR B.V.S.C. LOT 912 DP855433, MERIMBULA	COVER SHEET				
A	PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	05.06.19												
B	STAGE 1 PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	07.06.19												
C	STAGE 1 PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	11.06.19												
D	STAGE 1 PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	20.06.19												
										Copyright © Andrew Marshman & Associates Pty Limited (2009). All rights reserved. This document and all works comprised in it are copyright and no part of it may in any form or by any means (including without limitation, electronic, mechanical, microcopying, photocopying, recording, scanning or otherwise) be reproduced, modified, sorted in a retrieval system, published, distributed or any part of these works is granted to any person without the express prior written consent of Andrew Marshman & Associates Pty Limited and any implied licence to use any part of these works is expressly excluded.	DESIGN A. MARSHMAN	DRAWN D. ELCOAT	APPROVED ANDREW MARSHMAN <small>BE (HONGKONG) ME Aust (388076) CPEng (NSW) Chartered Engineer</small>		
											SCALE 1:500 (A1), 1:1000 (A3)	DATE APRIL 2018	JOB No. AJS392	SHEET No. C1.1	REV D

NOTES

GENERAL NOTES

- G1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION RELEVANT ARCHITECTURAL & OTHER CONSULTANTS DRAWINGS / SPECIFICATIONS & ANY OTHER WRITTEN INSTRUCTIONS BEFORE PROCEEDING WITH WORK, CLARIFY ANY DISCREPANCIES & VERIFY ALL SET OUT DIMENSIONS.
- G2. DO NOT OBTAIN DIMENSIONS BY SCALING THESE DRAWINGS. ONLY PRINCIPAL STRUCTURAL DIMENSIONS ARE SHOWN. ALL DIMENSIONS ARE IN MILLIMETRES.
- G3. WORKMANSHIP & MATERIALS TO BE IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS, BUILDING CODE OF AUSTRALIA (BCA), NATIONAL CONSTRUCTION CODE (NCC) REQUIREMENTS OF THE RELEVANT STATUTORY AUTHORITIES & WORK HEALTH & SAFETY ACT OR EQUIVALENT IN THE RELEVANT STATE.
- G4. PROVIDE THE ENGINEER WITH 48 HOURS NOTICE OF BEING READY FOR INSPECTIONS. DO NOT ORDER CONCRETE UNTIL REINFORCEMENT IS APPROVED.
- G5. PROPRIETARY ITEMS EG PURLINS, BOLTS, BONDEK ETC TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS UNO.
- G6. BUILDING TO BE PROTECTED FROM SUBTERRANEAN TERMITE ATTACK IN ACCORDANCE WITH LOCAL COUNCIL & BCA REQUIREMENTS.
- G7. WHERE APPLICABLE ALL WORK TO COMPLY WITH AS 3599 'CONSTRUCTION OF BUILDINGS IN BUSHFIRE-PRONE AREAS', LOCAL COUNCIL & BCA REQUIREMENTS IF STRUCTURAL MEMBERS & OR DETAILS SHOWN DO NOT SATISFY THE LEVEL OF BUSHFIRE CONSTRUCTION REQUIRED ENGINEER TO BE NOTIFIED & DESIGN ALTERED ACCORDINGLY.
- G8. CLIENT TO BE FAMILIAR WITH CSIRO PUBLICATION BTF 18 'FOUNDATION MAINTENANCE AND FOOTING PERFORMANCE - A HOMEOWNER'S GUIDE' & GENERAL DRAINAGE REQUIREMENTS IN AS 2870 A COPY MAY BE OBTAINED FROM THIS OFFICE.
- G9. RETAINING WALL EXTENTS SHOWN ON THIS PLAN ARE INDICATIVE ONLY. HEIGHTS RETAINED TO BE DETERMINED SUBSEQUENT TO SITE EXCAVATION & FOOTING SIZES CONFIRMED BY REFERRING TO RETAINING WALL TYPICAL SECTIONS.
- G10. UNLESS NOTED OTHERWISE, ALL RETAINING WALLS ARE DESIGNED WITH 0 kPa SURCHARGE LOAD ALLOWANCE.
- G11. 'SEALANT' REFERS TO EXTERNAL GRADE FLEXIBLE WATERPROOF SEAL INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.

LOADING NOTES

- L1. MAINTAIN THE STRUCTURE IN A STABLE CONDITION DURING CONSTRUCTION. DO NOT EXCEED THE DESIGN IMPOSED ACTIONS SHOWN OR CAUSE ANY ELEMENT TO BE OVER STRESSED.
- L2. DESIGN IMPOSED ACTIONS IN ACCORDANCE WITH AS 1170.
- L3. DESIGN WIND ACTIONS
WIND VELOCITY $V_{ref} = 40m/sec$
STRUCTURE IMPORTANCE LEVEL = 2
TERRAIN CATEGORY = II
OTHERS = N3.

FOUNDATION NOTES

- F1. SITE CLASSIFICATION IN ACCORDANCE WITH AS 2870. REFER NOTE FS2, THIS SHEET. FOUNDATION MATERIAL: CLAY.
- F2. FOOTINGS DESIGNED FOR AN ALLOWABLE BEARING PRESSURE OF 250 kPa OBTAIN ENGINEERS APPROVAL OF THE RELEVANT FOUNDATION MATERIAL UPON COMMENCEMENT OF EXCAVATION.
- F3. DESIGN ONLY APPLIES FOR GROUND & FOUNDATION LEVELS AS SHOWN ON THE DRAWINGS.
- F4. BACK FILL FOUNDATION WALLS SO LEVEL OF FILL ON ONE SIDE OF THE WALL IS NEVER MORE THAN 450 ABOVE THE LEVEL ON THE OTHER SIDE, EXCEPT WHERE DETAILED RETAINING WALLS ARE USED.
- F5. NO EXCAVATION TO OVERHANG UNLESS NOTED OTHERWISE, TRENCHES, EXCAVATION BATTERS & EMBANKMENTS GREATER THAN 1000 IN VERTICAL HEIGHT ARE TO BE BATTERED IN ACCORDANCE WITH BCA, VOLUME 2, PART 31 UNLESS APPROVED ON SITE UPON COMMENCEMENT OF EXCAVATION BY ENGINEER.
- F6. UNLESS NOTED OTHERWISE, ALL EXPOSED PERMANENT BATTERS ARE TO BE STABILISED BY VEGETATION OR SIMILAR WORKS TO PREVENT SOIL EROSION.

CONCRETE NOTES

- C1. CONCRETE WORKS TO BE IN ACCORDANCE WITH AS 3600, ACSE CONCRETE SPECIFICATION & THE BCA.
- C2. PROVIDE CONCRETE WITH A STRENGTH OF $f'c = 20$ MPa. FOOTINGS 25 UNO MPa SLABS / INTERNAL 40 MPa SLABS / EXTERNAL. MAXIMUM SLUMP OF 80. MAXIMUM AGGREGATE SIZE 20. CEMENT TYPE A. NO ADMIXTURES OR BRECIA.
- C3. SIZES OF CONCRETE ELEMENTS DO NOT INCLUDE THICKNESS OF APPLIED FINISHES.
- C4. BEAM DEPTHS ARE WRITTEN FIRST & INCLUDE SLAB THICKNESS.
- C5. DO NOT MAKE ANY CONSTRUCTION JOINTS, HOLES OR CHASES IN THE CONCRETE ELEMENT UNLESS SHOWN OR APPROVED BY THE ENGINEER.
- C6. DO NOT PLACE PIPES OR CONDUITS WITHIN THE CONCRETE COVER TO REINFORCEMENT.
- C7. DO NOT BUILD BRICK OR BLOCK WORK ON SUSPENDED WORK UNTIL ALL SHORING HAS BEEN REMOVED.
- C8. PROP ALL CANTILEVER SLABS & BEAMS FROM A FIRM SUPPORT FOR A MINIMUM OF 28 DAYS.
- C9. REINFORCEMENT IS SHOWN DIAGRAMMATICALLY & NOT NECESSARILY IN TRUE POSITION.
- C10. CONCRETE SHALL BE PLACED & CURED IN ACCORDANCE WITH SECTION 19 OF AS 3600. WHERE CURING COMPOUND IS USED IT MUST BE APPLIED (A) ONTO SLAB WITHIN 2 HRS. OF FINISHING OPERATION (B) ONTO WALLS & COLUMNS IMMEDIATELY AFTER REMOVAL OF FRAMEWORK.
- C11. HORIZONTAL FRAMEWORK SHALL BE STRIPPED WHEN APPROVED BY ENGINEER.
- C12. SLABS & BEAMS SHALL BEAR ON ONLY THE BEAMS, WALLS, ETC SHOWN ON DRAWINGS. ALL OTHER BUILDING ELEMENTS SHALL BE KEPT 15mm CLEAR FROM SOFFITS OF STRUCTURE.
- C13. INSTALL SAW CUTS IN SLABS AS SHOWN WITHIN 12 HOURS OF FINISHING OPERATION.
- C14. ALL CONCRETE TO BE CURED FOR A MINIMUM OF 28 DAYS BEFORE LOADING OR STRIPPING UNO.
- C15. RETAINING WALLS ARE NOT TO BE BACKFILLED AGAINST UNTIL CONCRETE HAS CURED FOR 28 DAYS.

REINFORCEMENT NOTES

- R1. PROVIDE CLEAR CONCRETE COVER TO REINFORCEMENT AS FOLLOWS UNO.

ELEMENTS	INTERIOR	EXTERIOR	EXTERIOR AGAINST GROUND
FOOTINGS	-	40	40
COLUMNS, PEDESTALS	35	40	75
SLABS, WALLS	25 & 30	45	30 ON MEMBRANE
BEAMS	25	-	25
BLOCKWORK	50 FROM APPROPRIATE OUTSIDE FACE		

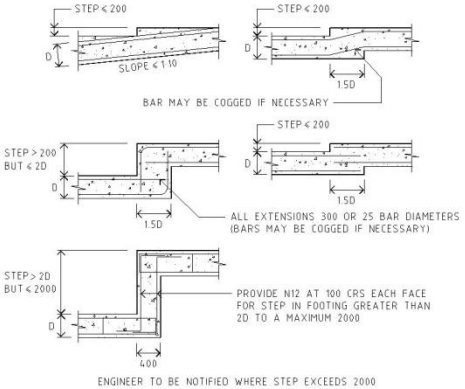
- R2. CHAIR SPACING TO BE MAXIMUM 600 CENTRES FOR SUPPORTING BARS & 800 FOR FABRIC.
- R3. PROVIDE LAPS ONLY AT LOCATIONS SHOWN UNLESS OTHERWISE APPROVED BY THE ENGINEER.
- R4. FOR RECTANGULAR FABRICS, PLACE TOP FABRIC MAIN WIRES UPPERMOST & BOTTOM FABRIC MAIN WIRES LOWERMOST IN DIRECTION OF ARROWS.
- R5. SUPPLY & LAY FABRIC IN FLAT SHEETS. OVERLAP FIRST & SECOND CROSS WIRES OF SHEETS AT LAPS.
- R6. DO NOT WELD REINFORCEMENT UNLESS SHOWN OR APPROVED BY ENGINEER.
- R7. TIE ALL UNSUPPORTED BARS TO SUPPORTED REINFORCEMENT AT 450 CENTRES MAX & AT ALL LAPS.

REINFORCEMENT NOTATION

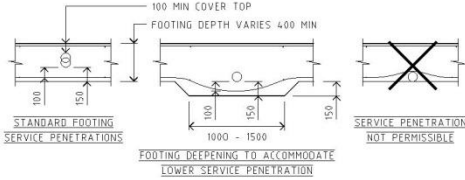
- N -GRADE 500 DEFORMED BAR TO AS 1302
L -HARD DRAWN WIRE REINFORCING FABRIC TO AS 1304
R -GRADE 230 R HOT-ROLLED PLAIN BARS TO AS 1302
S -GRADE 230 S HOT-ROLLED DEFORMED BARS TO AS 1302
W -HARD DRAW PLAIN WIRE TO AS 1303
T -TOP OF ELEMENT
B -BOTTOM OF ELEMENT
EW -EACH WAY
UNO -UNLESS NOTED OTHERWISE
C/S -COURSES
EXAMPLE: 8-N16-200-T DENOTES 8 DEFORMED BARS OF 16 DIAMETER AT 200 CENTRES PLACED IN THE TOP OF THE ELEMENT

FOOTING & SLAB NOTES

- FS1. FOOTING & SLAB WORKS TO BE IN ACCORDANCE WITH AS 2870, AS 2159 & THE BCA.
- FS2. FOOTING TO BEAR ONTO FOUNDATION OF EQUAL BEARING CAPACITY. REFER NOTE F1 IF ROCK FOUNDATION ENCOUNTERED ENGINEER TO BE NOTIFIED & FOOTING DESIGN ALTERED ACCORDINGLY.
- FS3. TRENCH MESH REINFORCEMENT MAY BE REPLACED BY THE EQUIVALENT REINFORCING BAR.
- FS4. TRENCH MESH SHALL BE FULL WIDTH OF FABRIC ACROSS JUNCTION AT 'T' & 'L' INTERSECTIONS & LAPPED 500 AT SPLICES.
- FS5. REINFORCING BARS SHALL BE FULL WIDTH OF REINFORCING ACROSS JUNCTION AT 'T' INTERSECTIONS AT 'L' INTERSECTIONS ONE OUTER BAR MUST BE BENT & CONTINUE 500 MM AROUND CORNER OR A BENT 'L' BAR 500 LONG EACH LEG BE PROVIDED & LAPPED 500 AT SPLICES.
- FS6. STEPPING OF FOOTINGS
THE BASE OF A STRIP FOOTING SHALL BE HORIZONTAL OR AT A SLOPE OF NOT MORE THAN 1 IN 10 & THE FOOTING SHALL BE STEPPED IN ACCORDANCE WITH ONE OF THE FOLLOWING METHODS SHOWN.

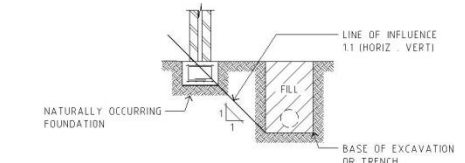


- FS7. SERVICE PENETRATIONS SHALL BE PERMITTED THROUGH THE MIDDLE THIRD OF THE FOOTING THE EFFECT OF OTHER FOOTING PENETRATIONS SHALL BE TAKEN INTO ACCOUNT BY THE PROVISION OF EXTRA DEPTH OF REINFORCEMENT REFER TYPICAL DETAIL BELOW.



- FS8. IF CUT/FILL LINE VARIES FROM THAT SHOWN ON SLAB PLAN ENGINEER TO BE NOTIFIED & SLAB DESIGN ALTERED ACCORDINGLY.

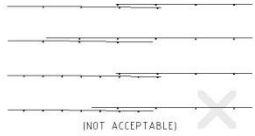
- FS9. BASE OF SLAB, SLAB RIB OR FOOTING TO PENETRATE BELOW LINE OF INFLUENCE OF EXISTING, PROPOSED OR FUTURE EXCAVATION, TRENCHES OR SERVICE TRENCHES (INCLUDING SEWER, DRAINAGE, SUBSOIL DRAINAGE, WATER MAIN ETC) AS SHOWN BELOW, ELSE ENGINEER TO BE NOTIFIED TO PROVIDE PIER OR UNDERPINNING INSTRUCTION.



- FS10. ANY EXISTING, PROPOSED OR FUTURE EXCAVATION, TRENCHES OR SERVICES TRENCHES LOCATED BENEATH THE STRUCTURE NOT SHOWN ON THIS PLAN TO BE TREATED SIMILAR TO NOTE FS9.

- FS11. METHODS OF LAPPING SLAB MESH, TWO OUTERMOST WIRES LAPPING.

ALTERNATIVE METHODS OF LAPPING SLAB MESH (IF FABRIC)



NOTE: WIRE ORIENTATION IS AN ALTERNATIVE METHOD

MASONRY NOTES

- M1. MASONRY WORKS TO BE IN ACCORDANCE WITH AS 3700, AS 2733, AS 4773 & THE BCA.
- M2. MORTAR SHALL CONSIST OF A MIXTURE OF CEMENT, SAND & WATER WITH THE ADDITION OF LIME & ADDITIVES (IF SPECIFIED) REFER AS 3700 CLAUSE 12.2.4 FOR MORTAR TYPE & MIXES.
- M3. ALL PERPENDS, EXCEPT WHERE REQUIRED FOR WEEP HOLES ARE TO BE FULLY FILLED WITH MORTAR.
- M4. BOTTOM COURSE OF BLOCKS TO HAVE INSPECTION OPENINGS TO ALL CORES TO BE GROUTED THOROUGHLY. CLEAN ALL CORES PRIOR TO REINFORCEMENT PLACING.
- M5. GROUT ALL CORES WITH 20 MPa CONCRETE GROUT 150 SLUMP. MAXIMUM FREE DROP IN ANY ONE POUR TO BE 1200. STOP POUR 50 BELOW TOP OF BLOCK.
- M6. PROVIDE VERTICAL CONTROL JOINTS IN REINFORCED BLOCKWORK WALLS AT MAXIMUM 6000 CENTRES UNO BY THE BCA AT A LESSER SPACING.
- M7. WHERE INDICATED BY * ON SLAB PLAN & OVER JOINTS IN SLAB PROVIDE FULLY TIED VERTICAL ARTICULATION JOINT IN MASONRY.
- M8. WHERE A CONCRETE SLAB IS SUPPORTED BY A MASONRY WALL, A 'SLIP JOINT' SHALL BE PROVIDED TO ALLOW FOR DIFFERENTIAL MOVEMENT (SLIP JOINT TO BE 2 LAYERS OF DPC UNO AT INTERFACE).

STRUCTURAL STEEL NOTES

- SS1. STRUCTURAL STEEL WORKS TO BE IN ACCORDANCE WITH AS 4100, AS/NZS 4680 & THE BCA.
- SS2. FSW INDICATES FULL STRENGTH BUTT WELD. 6 CFW INDICATES 6mm CONTINUOUS FILLET WELD.
- SS3. BOLTS TO BE 4.6 METRIC HEXAGON COMMERCIAL BOLTS TO AS 1111 UNO H5 BOLT. DENOTES GRADE 8.8 HIGH STRENGTH BOLTS TO AS 1252. BOLTING CATEGORY 8.8/5 = SNUG FIT, 8.8/1 = FULLY TENSIONED.
- SS4. ALL COLUMNS IN OR ADJACENT TO TIMBER FRAME OR MASONRY WALLS TO BE TIED AT 400 CRS MAXIMUM VERTICALLY TO TIMBER FRAME OR MASONRY WALL TIES TO BE GUN FIXED TO COLUMNS ALL OTHER DETAILS TO BE IN ACCORDANCE WITH THE BCA.
- SS5. ALL STEELWORK TO BE TREATED IN ACCORDANCE WITH AS 2312 & BCA. WE RECOMMEND ALL EXTERNAL STEELWORK BE HOT DIP GALVANIZED IN ACCORDANCE WITH AS 4680 & THE BCA, OR EQUIVALENT TREATMENT IN ACCORDANCE WITH AS 2312 TO OWNER AND ARCHITECTURAL DESIGNER REQUIREMENTS.
- SS6. BASE PLATE GROUT TO BE RAMSEY 'PREMIER GROUT MP' OR EQUIVALENT.
- SS7. STRUCTURAL GRADE IFy 250 MPa QUALITY STEEL SHALL BE USED THROUGHOUT UNLESS NOTED OTHERWISE.
- SS8. SUBMIT ALL SHOP DRAWING TO ENGINEER FOR APPROVAL OF GENERAL ARRANGEMENT OR STRUCTURAL ELEMENTS BEFORE COMMENCING FABRICATION.
- SS9. STEEL WORK NOT TO BE INCISED OR NOT OTHERWISE NOTED SHALL BE GIVEN ONE COAT OF APPROVED METALLIC PRIMER AT LEAST 48 HOURS BEFORE DESPATCH.
- SS10. STEEL WORK TO BE ENCASED IN CONCRETE SHALL NOT BE PAINTED BUT SHALL BE GIVEN ONE COAT OF CEMENT WASH. MEMBERS TO BE WRAPPED WITH SL62 OR 5mm WIRE AT 150mm PITCH & ENCASED IN 20 MPa CONCRETE WITH MINIMUM 50mm COVER.
- SS11. THE CONTRACTOR SHALL PROVIDE & EMPLOY ANY ADDITION TEMPORARY BRACING ETC. NECESSARY TO ADEQUATELY & SAFELY HOLD STEEL WORK IN POSITION DURING CONSTRUCTION.
- SS12. UNLESS NOTED OTHERWISE USE:
- 10mm THICK GUSSET, FIN & END PLATES, FULLY WELDED.
- 6mm THICK CONTINUOUS FILLET WELD MADE WITH GENERAL PURPOSE STEEL ELECTRODES IN ACCORDANCE WITH AS 1554.
- M20 DIA BLACK BOLTS.
- SS13. CHIP ALL WELDS FREE FROM SLAG.
- SS14. DO NOT GROUT UNDER BASED PLATES UNTIL FIRST LEVEL STEEL WORK IS PLUMB & FIXED BY WELDING OR BOLTING.
- SS15. ALL COLD FORMED STEEL TO BE IN ACCORDANCE WITH AS 1538.

TIMBER FRAMING NOTES

- TF1. TIMBER FRAMING WORKS (INCLUDING NAILED, SCREWED & BOLTED CONNECTIONS) TO BE IN ACCORDANCE WITH AS 1720, AS 1684 & THE BCA.
- TF2. PROVIDE DOUBLE JOISTS UNDER LOAD BEARING TIMBER FRAME WALLS UNO.
- TF3. EXTERNAL ABOVE GROUND STRUCTURAL TIMBER TO BE DURABILITY CLASS 2 OR H3 PRESERVATIVE TREATED MIN.

STEEL FRAMING NOTES

- S1. STEEL FRAMING WORKS TO BE IN ACCORDANCE WITH AS 4100, AS/NZS 4680, AS 3623, NASH & THE BCA.

BRACING & TIE DOWN NOTES

- B1. BRACING & TIE DOWN WORKS TO BE IN ACCORDANCE WITH AS 1684 & THE BCA.
- B2. BRACING SHOWN IS FOR WIND ONLY. ADDITIONAL FRAME BRACING MAY BE REQUIRED DURING CONSTRUCTION FOR OVERALL STRUCTURAL STABILITY.
- B3. BRACING UNITS TO BE FULL HEIGHT OF WALL FRAME.
- B4. IN ADDITION TO THE DOWN FIXING SHOWN PROVIDE NOMINAL FIXING IN ACCORDANCE WITH AS 1684.
- B5. ENSURE TOP PLATE IS STRAP FIXED TO ROOF BEAMS AT 900 CRS MAX & ROOF BEAMS FIXED TO ALL STUDS AT SUPPORTS WITH STUD TIES OR EQUIVALENT.
- B6. TYPICAL STRAP FIXING TO BE 30 x 0.8 GALVANIZED STEEL STRAP TENSIONED & FIXED EACH END WITH 4/50 LONG x 2.8 DIA HDG FH NAILS.
- B7. BRACING PANELS TO BE FIXED TO FLOOR IN ACCORDANCE WITH AS 1684.
- B8. IF CEILING HEIGHTS ARE VARIED TO THOSE SPECIFIED ON PLAN, ENGINEER TO BE NOTIFIED & WALL BRACING DESIGN TO BE REASSESSED.
- B9. TYPICAL CROSS BRACE TO BE 30 x 0.8 GALVANIZED STEEL STRAP TENSIONED & FIXED EACH END WITH 4/50 LONG x 2.8 DIA HDG FH NAILS, FIX TO EACH INTERMEDIATE MEMBER WITH 2 NAILS.

DESIGN STATEMENT

THIS CIVIL ENGINEERING DESIGN AS PREPARED BY ANDREW MARSHMAN AND ASSOCIATES PTY LTD FOR THE PROJECT AS DESCRIBED BELOW IS IN ACCORDANCE WITH THE DEFINED REQUIREMENTS OF BEGA VALLEY SHIRE COUNCIL. ANY VARIATIONS TO THOSE ELEMENTS SHOWN ON THESE PLANS (INCLUDING NATURALLY OCCURRING FOUNDATION TYPES/LEVELS AND ANY EXISTING CONSTRUCTION) DISCOVERED PRIOR TO AND/OR DURING CONSTRUCTION ARE TO BE REFERRED IMMEDIATELY TO THIS OFFICE FOR DESIGN COMPLIANCE APPRAISAL AND SUBSEQUENT APPROVAL. ALL ASPECTS OF THE DESIGN IMPLEMENTATION AND CONSTRUCTION INCLUDING CONTRACT, GENERAL BUILDING SPECIFICATION, PROPRIETARY ITEM SPECIFICATIONS, CONSTRUCTION METHODS, USE OF CONSTRUCTION MATERIALS AND TOOLS, SUPERVISION/CERTIFICATION AND OCCUPATIONAL HEALTH AND SAFETY, ARE TO BE IN ACCORDANCE WITH FORMALLY DETAILED AND APPROVED REQUIREMENTS OF THE RELEVANT STATUTORY AUTHORITIES, IN NSW - WORKCOVER CONSTRUCTION WORK CODE OF PRACTISE 3842 - REFER: www.safework.nsw.gov.au

DRAWING SCHEDULE

SHEET No.	TITLE	REVISION
C11	COVER SHEET	0
C12	NOTES	0
C21	GENERAL PLAN	0
C31	SERVICE ROAD 2 LONGITUDINAL SECTION	0
C41	SERVICE ROAD 2 CROSS SECTIONS	0

Rev.	Description	Eng.	Date	Rev.	Description	Eng.	Date
-	PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	23.04.18				
A	PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	05.06.19				
B	STAGE 1 PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	07.06.19				
C	STAGE 1 PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	11.06.19				
D	STAGE 1 PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	20.06.19				

ANDREW MARSHMAN
ENGINEERS

CONSULTING
STRUCTURAL
CIVIL

ANDREW MARSHMAN & ASSOCIATES PTY LTD ABN 86 064 689 694
35a Main Street (P.O. Box 768) Merimbula NSW 258
PH: 02 6495 1670 FAX: 02 6495 3456
andrewmarshmanengineers.com.au

PROJECT
SERVICE ROAD 2 EXTENSION - STAGE 1
FOR B.V.S.C. LOT 912 DP855433, MERIMBULA

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SHEETS IN SET: 5

TITLE
NOTES

DESIGN	DRAWN	APPROVED	ANDREW MARSHMAN
A. MARSHMAN	D. ELCOAT	BE (HONOR) ME Aust (1989/76) CPENG (HER) Chartered Engineer	
SCALE	DATE	JOB No.	SHEET No.
-	APRIL 2018	AJ5392	C12
			REV
			0





PAVEMENT CROSS SECTION

SCALE:
1:200 HORIZ 1:100 VERT (A1)
1:400 HORIZ 1:200 VERT (A3)



PAVEMENT CROSS SECTION

SCALE:
1:200 HORIZ 1:100 VERT (A1)
1:400 HORIZ 1:200 VERT (A3)

PRELIMINARY
NOT FOR CONSTRUCTION

Rev.	Description	Eng.	Date	Rev.	Description	Eng.	Date	<div>ANDREW MARSHMAN ENGINEERS</div> <div>CONSULTING STRUCTURAL CIVIL</div> <div>ANDREW MARSHMAN & ASSOCIATES PTY LTD ABN 86 064 689 694 354 Main Street (PO Box 768) Merimbula NSW 258 PH 02 6495 1670 FAX: 02 6495 3456 andrewmarshmanengineers.com.au</div>	PROJECT	TITLE			
	PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	23 04 18						SERVICE ROAD 2 EXTENSION - STAGE 1	SERVICE ROAD 2 CROSS SECTIONS			
A	PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	05 06 19						FOR B.V.S.C. LOT 912 DP855433, MERIMBULA				
B	STAGE 1 PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	07 06 19							DESIGN	DRAWN	APPROVED	
C	STAGE 1 PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	11 06 19							A. MARSHMAN	D. ELCOAT	ANDREW MARSHMAN	
D	STAGE 1 PRELIMINARY ISSUE - NOT FOR CONSTRUCTION	A.M.	20 06 19								BE (HONSU) ME Aust (1880761) (PEng) NEER Chartered Engineer		
									SCALE	DATE	JOB No.	SHEET No.	REV
									AS SHOWN	APRIL 2018	C4.1	D 1	

11.10. NSW Boating Now, Round 2 Projects - Concept Consultations

This report contains a summary of the public consultation process undertaken following concept design development for Council's NSW Boating Now Round 2 Projects, namely Bermagui River Boat Ramp, Blackfellows Lake Boat Ramp and Quarantine Bay Pontoon.

Director Assets and Operations

Officer's Recommendation

1. That Council endorse the outcomes of the completed community consultation process.
2. That Council notes the General Manager, or their delegate will proceed with detailed design development incorporating, where practical, those constructive suggestions tabled throughout the community consultation process and summarised in this report.

Executive Summary

Council, in collaboration with the appointed marine design consultant, Advisian, developed three (3) concept designs for the following recreational boating facilities:

- Bermagui River Boat Ramp, Bermagui;
- Blackfellows Lake Boat Ramp, Kalaru; and
- Quarantine Bay Pontoon, Eden.

The concepts were presented for public consultation to gain feedback on the designs, this included:

- A community drop-in session at each boating facility;
- "Have Your Say" page on Council's website;
- Issue to the program funding partner NSW Roads and Maritime Services (RMS); and
- Presentation to the Coastal Planning and Management Committee.

The concepts specifically target the objectives of the NSW Boating Now Agreement. These objectives consider a whole of site approach informed by Council's Maritime Infrastructure Plan (February 2014). These are outlined in the Background section below.

Background

Council was successful in securing grant funding under the RMS "NSW Boating Now" Program (Round 2). A Funding Deed was signed and executed in February 2018.

The three (3) boating facilities were identified from undertaking a review of Council's Maritime Infrastructure Plan, developed through 2013 and published February 2014.

This Plan identified both short term and medium/long term scopes of work for each facility; these scopes subsequently informed the grant applications, resulting in the following deliverables to be designed and constructed within environmental and heritage constraints at each facility:

Bermagui River Boat Ramp, Bermagui:

- Replacement of the existing boat ramp with a new reinforced concrete double boat ramp;
- Installation of a finger pontoon jetty;
- Upgrade and sealing of the informal parking area; and
- Upgrade of lighting.

Blackfellows Lake Boat Ramp, Kalaru:

- Replacement of the existing gravel boat ramp with a new reinforced concrete boat ramp;
- Upgrade (widening and sealing) of 600m of access road, including shoulder parking and car / trailer turnaround points;
- Installation of lighting; and
- Installation of a finger pontoon jetty.

Quarantine Bay Pontoon, Eden:

- Renewal and extension of the finger pontoon jetty; and
- Decommissioning of the original timber jetty as a mooring location.

A Request for Quotation (RFQ) process to select a preferred marine design consultant (RFQ 38/18 Design of Boat Ramps and Pontoons – Bermagui, Kalaru, Eden) was undertaken with a preferred consultant chosen from a competitive list of contractors.

Advisian were selected as the preferred consultant and appointed in August 2018.

Community Engagement

Consultation undertaken

Council's "Have Your Say" web page was used to undertake an online consultation program. The online consultation ran from 11 June 2019 to 2 July 2019 and included a brief scope overview for each facility together with links to the concept designs and project pages for additional information.

During the consultation period, concepts were presented to the Coastal Planning and Management Committee on Friday 14 June 2019 and further consultation was conducted via on site drop-in sessions held at each boating facility on Saturday 22 June 2019.

An overview of the consultation process completed for each site is attached to this report.

Common Themes

There were several common themes raised for each facility throughout the consultation process. These were:

For Bermagui River Boat Ramp, Bermagui:

- Retaining a second entry point for vehicles to access the facility;
- Orientation of the new floating pontoon;
- Location of derigging / boat wash area;
- Orientation and quantity of vehicle / trailer parking;
- Location of fish waste bins;

- Consideration of permeable paving for additional carparks being created;
- Consideration of restricting the expansion of the existing paved area; and
- Retention of grassed areas (foreshore and roadside).

For Blackfellows Lake Boat Ramp, Kalaru:

- Provision of parking away from the foreshore manoeuvring area;
- Provision of signage for maximum recommended vessel size;
- Provision of a kayak-friendly launching area; and
- Consideration of existing site amenity for other users (e.g. walkers).

For Quarantine Bay Pontoon, Eden:

- Retaining the full width of the existing boat ramp;
- Push pontoon into deeper water if possible and practical;
- Addition of handrail(s) to assist less-abled boaters boarding / alighting;
- New infrastructure should not encroach on existing manoeuvring area;
- Retain existing gangway as second point of access to the floating pontoon;
- Restriction of mooring along the pontoon section parallel to the boat ramp;
- Signage on upgraded pontoon for mooring time limit and depth indication; and
- Retention and safety upgrade of the existing timber jetty as opposed to removal.

Financial and resource considerations

Funding secured for NSW Boating Now Round 2 projects is summarised in the below table.

Funding source		Amount
RMS via NSW Boating Now Program – Bermagui River	\$	485,000.00
BVSC co-contribution – Bermagui River	\$	170,000.00
Subtotal – Bermagui River	\$	655,000.00
RMS via NSW Boating Now Program – Blackfellows Lake	\$	390,000.00
BVSC co-contribution – Blackfellows Lake	\$	190,000.00
Subtotal – Blackfellows Lake	\$	580,000.00
RMS via NSW Boating Now Program – Quarantine Bay	\$	155,000.00
BVSC co-contribution – Quarantine Bay	\$	60,000.00
Subtotal – Quarantine Bay	\$	215,000.00
Subtotal RMS via NSW Boating Now Program	\$	1,030,000.00
Subtotal BVSC co-contribution	\$	420,000.00
Total	\$	1,450,000.00

Legal /Policy

The tender process conducted for RFQ 38/18 complies with Council's Procurement Policy and Procedures and the *Local Government Act 1993* and the Local Government (General) Regulation 2005.

Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

Feedback received in response to the "Understanding Our Place" community engagement process, which subsequently informed the Community Strategic Plan (CSP), included "improved recreation facilities and spaces". This feedback links to CSP:

Outcome 1 Active and Healthy Communities - specifically, the second goal of this outcome of "access to good quality recreation and sporting facilities".

Economic

Economic benefits are likely to flow from the NSW Boating Now facility upgrades for each of the respective communities via promotion of quality, safe recreational boating facilities.

Risk

There are few risks associated with the planning and delivery of these upgrades. One risk is that the projects exceed the planned budget.

Careful planning and consideration of the budget from the outset via the design development process and also benchmarking against similar recently completed upgrades (e.g. Beauty Point Boatramp upgrade final cost \$400,000.00 vs budget \$410,000.00) means this risk is unlikely to eventuate.

In efforts to mitigate this risk, it is intended that with agreement from the funding partner, remaining funds from the previous Round 1 Beauty Point upgrade are reallocated to the Round 2 Quarantine Bay project.

Social / Cultural

The delivery of this program of works is likely to bring strong benefits to the respective communities. Each community has invested time and effort in the consultation process, with positive feedback and constructive input received for all three sites.

This consultation will help to bring about greater ownership of the subject boating facilities and hopefully, greater enjoyment of these recreational facilities.

Options and Conclusion

As can be seen by the attached feedback, there has been a significant amount of work done by Council officers in liaising and working with the community and key stakeholders to discuss the concepts developed for each boating facility. In general feedback received and suggestions provided were consistent for each individual facility.

The common themes identified in the Community Engagement section above have been tabulated below together with a recommendation with respect to potential incorporation into the detailed final design.

<i>Bermagui River Boat Ramp</i>	
Theme / Comment	Recommendation
Retaining a second entry point for vehicles to access the facility.	Incorporate into final design.

Orientation of the new floating pontoon.	Investigate feasibility with design consultant. Realignment is possible provided no adverse impact on environment (e.g. seagrass) or pontoon performance.
Location of derigging / boat wash area.	Investigate feasibility with design consultant. To relocate the derigging / boat wash area further from the boat ramp to alleviate ramp congestion is a constructive suggestion and will be incorporated provided no adverse impact on traffic flow and adjacent land (i.e. via surface water runoff).
Orientation and quantity of vehicle / trailer parking.	Investigate feasibility with design consultant. Incorporate into final design provided no adverse impact on traffic flow or quantity of parking spaces.
Location of fish waste bins.	Incorporate into final design. Fish waste and general rubbish bins will be located at the most practical position for public use and contractor collection.
Consideration of permeable paving for additional carparks being created.	Investigate feasibility with design consultant. Incorporate into final design provided no adverse impact on project budget or ongoing maintenance.
Consideration of restricting the expansion of the existing paved area.	Expansion of the existing paved area will alleviate the current dust and runoff issues on site; as such this suggestion is not practical. As discussed in the previous point permeable paving will be investigated as an alternative to bitumen.
Retention of grassed areas (foreshore and roadside).	Investigate feasibility with design consultant. It is intended the grassed foreshore area is retained as far as practical considering turning / trailer manoeuvring requirements. Incorporate permeable paving to roadside parking spaces into final design provided no adverse impact on project budget or ongoing maintenance.

<i>Blackfellows Lake Boat Ramp</i>	
Theme / Comment	Recommendation
Provision of parking away from the foreshore manoeuvring area.	Incorporate into final design.
Provision of signage for maximum recommended vessel size.	Incorporate into final design.
Provision of a kayak-friendly launching area.	Investigate feasibility with design consultant.

	Suggestions received included provision of grassed area; given the tidal movements it is unlikely a grassed area could be provided along the foreshore. This suggestion also has potential to impact the boat ramp design; whilst a balanced solution could exist, the boat ramp is a key deliverable under the funding agreement so any adverse impact on this item needs to be mitigated.
Consideration of existing site amenity for other users (e.g. walkers).	Incorporate into final design. Existing amenity was considered during concept development. Initial drafts included more vegetation clearance along the access road and through the manoeuvring area; such clearance was paired back in the exhibited concept to strike the best balance between provision of a safe and quality upgrade while preserving site amenity as much as possible.

<i>Quarantine Bay Pontoon</i>	
Theme / Comment	Recommendation
Retaining the full width of the existing boat ramp.	Incorporate into final design. Note it was always intended that the existing ramp would remain unaltered.
Push pontoon into deeper water if possible and practical.	Investigate feasibility with design consultant. Working within funding constraints, the existing piles are to be retained for the pontoon upgrade – a slight realignment of the concept design could result in the end section of the pontoon being located over deeper water. Provided this realignment doesn't adversely impact performance of the pontoon it should be considered.
Addition of handrail(s) to assist less-abled boaters boarding / alighting.	Incorporate into final design.
New infrastructure should not encroach on existing manoeuvring area.	Incorporate into final design.
Retain existing gangway as second point of access to the floating pontoon.	Investigate feasibility with design consultant. The aforementioned realignment of the concept design may impact the existing gangway given it is a fixed length. Provided the realignment doesn't impact the existing gangway and performance of the pontoon it should be considered.
Restriction of mooring along the pontoon section parallel to the boat ramp.	Incorporate into final design.

Signage on upgraded pontoon for mooring time limit and depth indication.	Incorporate into final design.
Retention and safety upgrade of the existing timber jetty as opposed to removal.	Budget permitting undertake works to existing timber jetty to make safe and retain as a recreational fishing platform. Noting smaller budget allocation for this project; the floating pontoon upgrade is prioritised.

Noting that it is difficult to satisfy all suggestions received, the above recommendations strive to achieve the greatest feasible and practical balance for each facility upgrade.

Attachments

- 1 [↓](#). Bermagui River Boat Ramp Consultation Comments
- 2 [↓](#). Blackfellows Lake Boat Ramp Consultation Comments
- 3 [↓](#). Quarantine Bay Pontoon Consultation Comments





BERMAGUI AREA CHAMBER OF COMMERCE & TOURISM INC

[REDACTED]
[REDACTED]
[REDACTED]

22 July 2019.

The General Manager
Bega Valley Shire Council
BEGA 2550

Dear Ms. Barnes, Bermagui Western Ramp Upgrade

The Chamber would like to give its support to the submission from the Bermagui Big Game Fishing Club on the plans for the western boat ramp.

Ron DeLaMare, the President of the Game Club is also a member of this Chamber's Executive committee and has kept the Chamber fully informed on progress to date with the upgrading proposals for the western ramp. The Chamber relies on the expertise within the Game Fishing Club in matters to do with boat ramps etc.

We wish to thank the Council for its efforts to support the industry which is the life blood of Bermagui's tourism industry. As Bermagui is situated close to the continental shelf with a very safe harbour and entrance, the Chamber makes every effort to promote fishing tourism as our biggest industry. With the Council showing its support in this way for this significant industry, it encourages the businesses in the town to invest in ensuring that we can service the needs of our visitors.

Yours sincerely,

(sent electronically)

[REDACTED]
[REDACTED]



BERMAGUI BIG GAME ANGLERS CLUB INC.



Matt Collins
Recreation Projects Supervisor
BVSC
Bega NSW 2550

Re: Proposed Concept Plan for Lamont Street Boat Ramp, Bermagui

Hi Matt,

Thank you for your time at the boat ramp where you gave us a chance to discuss with you our views on the concept plan. We have spoken to many anglers, both local and visiting, regarding this area and what is needed in it. Therefore, we are not just representing the views of our club, but other recreational anglers. Some anglers are from clubs that visit on a regular basis (including Canberra, Latrobe Valley, Victorian Game, Botany, Knox), but the majority are non-club anglers that use this area to pursue their chosen sporting recreation.

Basically, the plan does not make major changes to the area but attempts to upgrade the present facilities - formalized parking, bitumen instead of dirt, new ramps, boat wash area and the addition of a pontoon for accessibility. There appears to be minimal impact on the grass area that is presently used by families for picnics and non-motorized activities. Maybe the lovely little beach area on the eastern side of the bridge could be made accessible again by the removal of the introduced boulders. Then the public would have a larger area to use again, with a choice of sand or grass, sun or shade.

In reviewing the plan, BBGAC would like to put in writing the 3 points raised with you, at the discussion day, that would enable easier and freer vehicle movements, particularly during the busy tourist season when the area is heavily used

1. BOAT WASH AREA

The siting of this area, as on the plan, would

- a) not allow for a queueing area
- b) interfere with boats backing onto the eastern side of the ramp
- c) require boats exiting western side of ramp to reverse into wash bay or wait on ramp to cross over to wash bay

Recommendation:

Moving the Wash Bay to the side of the road near the toilet block to enable boats to form a waiting queue and allow all trailers to follow a free flowing forward movement.

2. CENTRE 6 CAR PARKING AREA (Bays 5-10)

The introduced placement of these spaces would

- a) make it extremely difficult for longer trailer boats to maneuver into position to access the ramp
- b) restrict entry and/or exit on parking bays 16 – 21

Recommendation:

These car spaces be removed as this is a heavily used section of the present facility. The upgraded ramp will be in the same place as it presently is, therefore, this area will continue to be of vital importance for maneuvering.

3. ENTRY POINT

A single entry point, as presented, would mean

- a) a slowing of traffic movement in the ramp area as boat trailers will have to negotiate a 180° circuit before being able to accessing the ramp.
- b) major disruption to traffic flow in adjacent Lamont Street.

In Lamont Street, opposite the boat ramp area is the long established Bermagui Bait and Tackle store , selling fuel and fishing requirements. Many trailer boats using this business are now up to 7m long and this service station location suits most as they can fill up and then move through the adjacent boat ramp to exit the area, allowing efficient traffic flows. (Lack of space means that a U-turn exit is not a viable option to the vast majority of boats.) Many people would not be aware of the huge amount of the early morning boat traffic during the summer months meaning it would be dangerous and often chaotic if the traffic cannot flow through the boat ramp area. It would also mean that most boats would need to take an alternative route that would see boat trailers travelling up the hill and around the residential block from 5am.

Recommendation:

That the 2nd entrance be retained to eliminate a traffic bottleneck and a disruption to nearby residents.

Discussions with Bermagui Bait and Tackle and Bermagui Chamber of Commerce and Tourism Inc have indicated that they are also in support of the ideas we have put forward on the concept plan.

At last things are looking forward for our fishing areas. We have had Ocean2earth removing fish offal waste since Easter making the ramp areas much more amiable for everyone. We just need a fish cleaning table upgrade.

With the projects around both of Bermagui's boat ramps already funded, the installation of new fish cleaning tables would really finish off these 2 major recreational and tourism areas in Bermagui.

BBGAC have attempted (April 2018), with Chamber of Commerce support, to get a grant for a new fish cleaning table at the main boat ramp near Bruce Steer Pool but have been told that Council must apply as it becomes their asset once the facility is installed.

An email on 10/1/19 from Ben Doolan (DPI) referring to contact with BVSC in August 2018 stated

I spoke to the Council back then and I can confirm that they submitted an application for funding from the Recreational Fishing Trust to upgrade the existing facility. It is likely that the outcome of their application will be announced in the coming months. We can keep you updated when the time comes.

We have not heard anything on this from him or BVSC since. If Council was unsuccessful in its application is it possible for them to re-apply to NSW DPI for a grant from Recreational Fishing Fees to upgrade the fish cleaning tables at both ramps.

Thank you for noting to our suggestions.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

[Redacted Title]

Bermagui Lamont St Boatramp Public Submission

Multi-Use Area - User and Interest Groups

The area in the vicinity of the Bermagui bridge side boatramp is a multi use area used on a regular basis by locals and on an intermittent or occasional basis by visitors. Users include both general public and importantly indigenous community members.

It is also a valued aesthetic amenity as seen daily by all who cross the entry bridge to Bermagui, reside nearby, venture around the adjoining river streets by vehicle, bike or foot, or use the adjacent commercial properties.

Existing uses include;

Launching of smaller trailer boats
Informal parking for cars and trailers
Grassed areas where canoes and small craft are left or prepared for use
Fish cleaning area
Picnic table areas
Various grassed areas for picnics, boat users, bathers (both shaded and sunny) and for free form children's play
Public toilets

'Upgrade' or 'Change of Use'?

It is of primary importance that any changes to the area in question do not proceed to exclude or are not significantly at the expense of any of these existing interest and user groups.

The changes to the boatramp area have been proposed as an 'upgrade'. Clearly the proposed changes that see an extensive expansion of the tarmac area for roading and parking, and the deminishment of areas used by swimmers, sun bathers, picnickers, and playing children are designed to cater for one user group only, that being those with trailer launch interests. Other user groups will suffer under this draft plan.

The scale of changes to this boatramp as proposed, are extensive and could be seen as constituting a change of purpose and use. The inclusion of a deep water launching ramp, provision of large trailer parking, the major expansion of parking and roading at the obvious expense of all other legitimate users, as proposed, may well require a different type of DA approval process and or public consultation process.

Without a major draft redesign or re-designation to 'use variation' or 'proposed new use', the Shire may well leave itself open to legal challenge to the design.

Specific objections to the proposed changes;

The draft plan represents a major expansion of hard facilities without reference to any overall Bermagui town plan, publicly available infrastructure plan, or reference to long term ecological consequences including a Bermagui Estuary Plan which the community has been lead to believe is in process. The context of proposed changes needs to be addressed.

Proposed changes serve one user / interest group only and to the detriment of other legitimate long term users.

The plan expands the bitumen area by between a third to a half, removing existing green areas (though some are neglected and in-cringed upon by cars). Increased tarmac will result in increased pollutants entering the estuary.

This proposed alienation of existing green space, should be called as such and minimised as much as possible. There is no landscaping plan with the proposal.

The implications of a larger, deeper boat launch ramp need to be carefully considered. Is this design intended to decrease peak time use at other boatramps in the Bermagui area?...A large number of big parking bays in the plan suggest this. If so this needs to be stated up front. Will more and larger boats entering the river result in more and larger boats heading up stream....to the detriment of fish stocks and the escalation of river bank erosion which is already a problem. These issues need to be addressed prior to a sod being turned.

The interior loop design results in a larger overall infrastructure footprint. The removal of one entry to the area, may free up parking spaces and may assist traffic flow (though this is debatable). It may also create a vehicle circus and double pedestrian danger within the extensive vehicle / pedestrian use zone. It may prove preferable to remodel the existing area and double access points, whilst making one the entry and one the exit.

The loop road design has also eliminated normal car parking near the toilets which would force toilet users into traffic conflict zones.

Recommendations

All existing interest and user groups need to be properly consulted and planned for in the 'upgrade'. Especially those who are not boat focussed and those often forgotten such as the Indigenous community. The recent upgrade of the Beauty Point Boatramp serves as an example of good consultation improving a plan that is then embraced by the community.

The green grassed area east of the ramp should be retained for canoe and pedestrian, picnicker and bather use and not encroached upon for parking bays.

Revisit the 'circus' traffic flow proposed design in line with existing multiple use of the area and minimising any enlargement of the facility.

Retain and constrain existing bitumen areas.

Provide peak season overflow parking on 'green areas, formalised with permeable grassed concrete block insets. These allow the retention of aesthetic values and allow some absorption of vehicle residues including oil and petrol spillage, thus mitigating to some degree adverse environmental impacts from a vehicle use area next to the sensitive estuary.

Alternatively, the retention of grass parking /overflow bays at the north Narooma 'Barr' multi use and boatramp area is a good example of careful planning that minimises adverse environmental impacts and could easily be applied at the Lamont St site. Please look and see what they have done.

A redrafted plan needs to be accompanied by a landscaping brief – to minimise adverse implications and to enhance the areas aesthetic amenity.

From: [REDACTED]
To: [REDACTED]
Subject: Have Your Say notes - Bermagui
Date: Saturday, 22 June 2019 2:53:34 PM

Boat wash -

Where does the sump drain to?

Option - Vegetation barrier rather than a sump

Can it be located somewhere else?

Boat wash could also create congestion given its proximity to the boat ramp.

Biodegradable boat wash available and enforced by some Councils.

Concern about the impact of congestion on the other boat ramp during construction phase.

The Anchorage -

Further to email:

Would like clear communication around road closures, potential impacts on their accommodation business.

General -

Would like to see projects advertised in local paper for those who do not access other media channels.

Would like to see the green public space retained - can the verge be retained as grass?

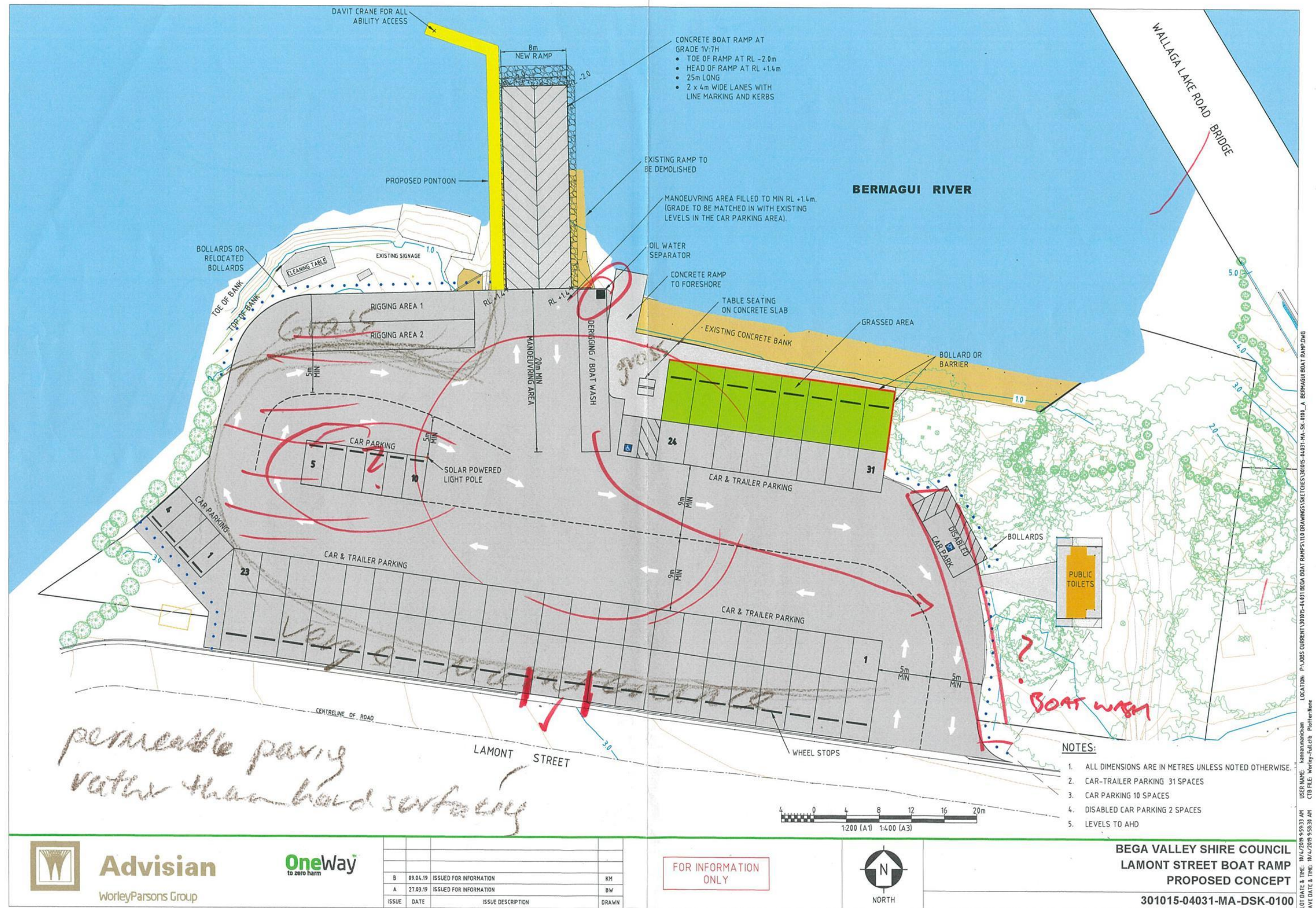
Would like to see part of the area completed in permeable paving.

Location of centre car spaces could pose an issue for vehicles access and turning

- bollards could reduce the risk.

Second entrance to car park from road is essential.

Sent from my iPhone



Bermagui River

The following scope will be delivered within environmental and heritage constraints and regulations:

- Replacement of the existing boat ramp with a new reinforced concrete double boat ramp
- Installation of a finger pontoon jetty
- Upgrade and sealing of the informal parking area
- Upgrade of lighting

[View the Concept Plan](#) or visit our [Project page](#) for more information.

Have Your Say by leaving a comment at the bottom of this page.

Comments close: 2 July 2019

Comments (5)

- [REDACTED] 12:05 PM, 13 June 2019

The draft plans for this development appear well suited to the location. The development will however, need the 2nd entry point to remain.

Quite simply boats being towed need to be able to turn around on this road and can not do so without increased wear and tear on axles and trailers. Blocking the 2nd exit prevent long tow rigs from turning. Remembering that many are now 7m boats not 5m these days. Also the service station fills many of the local and visiting boats and for many years now the location suit most as they can fill and move on to the adjacent car park allowing better traffic flows on this site and the road (Lamont St) in general.

Most would not be aware of the huge amount of boats traffic during the summer months in the early morning which would be dangerous and often chaotic if the traffic can not flow into the car park with a 2nd entry point.

[REDACTED]

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 1:45 PM, 13 June 2019

Hi, The floating pontoon at Bermagui is a great idea. The only suggestion is to make it parallel with the shore line.

By making the pontoon parallel to the shore allows for better boat manouverability which is important when operating in areas influenced by tidal current.

Having the pontoon at 90 degrees (as shown in draft plan) to the shore results in boats being either pushed into or pulled away from the jetty.

This has been the problem at the Apex Park boat ramp in Narooma

Cheers

[REDACTED]

Naroona Fishing Charters.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 6:18 PM, 13 June 2019

If the pontoon was floating and laid down the middle of the ramp (lane each side) supported by two or three piles built into the ramp it would be good in all tides and winds. Plus make launching and retrieval and access to boats much better.

[Alert moderator](#)

- [REDACTED] 2:18 PM, 15 June 2019

The development of this site is well overdue. The proposed facility upgrade will offer recreation fishers with a better and safer formalised approach to boat launching and parking for trailers.

I implore council to enter into meaningful consultation with representatives of the various fishing clubs and users that make up the trailer boat community. Comments posted by Scott Bradley should be given every consideration. The launching and retrieval of boats must be made quicker and safer to cater for the growing number of recreational fishermen using this boat ramp. The formalised parking will ensure a better amenity for the Bermagui community. I would suggest a provision for solar lighting above/next to the fish cleaning tables. It has been the case that many fishermen are using the tables under the light provided by the headlights of their cars. (particularly after the end of daylight during peak fishing times of tuna season.)

Once again there has not been provision of fish waste collection. The current haphazard supply of collection bins for fish offal needs to be addressed. For many years now Council has missed the opportunity to ensure the recycle of this valuable commodity. The fishing community would no doubt be a wonderful contributor to FOGO. Any plans for the development of recreational fishing facilities should address the use/reuse of fish waste. There is a real opportunity for Council to work closely with recreational fishing groups to ensure a cooperative approach to the collection of fish waste.

Thank you for the opportunity to make a submission on the plans for the upgrading of these facilities. Once completed the Bermagui community, business, recreation/sporting and tourism be the benefactors. It is hoped that after a reasonable time of consultation the implementation of the facility upgrade can be completed before the next summer and holiday season.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 11:54 AM, 28 June 2019

Hi,

Sadly this is one of the few places left with immediate access to the river with a grassed area and seating. The area is currently used by riverside fishers, mothers and children, people parking to have lunch as well as recreational and local boaters. This "upgrade" will be convenient only to the influx of holidaying recreational boaters and will be a bitumen desert

bleeding oil and road surface byproducts into the waterways for the rest of the time. Please reconsider and leave some of the current grassed areas.

████████

From: [REDACTED]
To: [REDACTED]
Subject: FW: Bermagui River Boat Ramp upgrade - concept design for RMS review
Date: Tuesday, 2 July 2019 9:47:53 AM
Attachments: [image001.png](#)
[301015-04031-MA-SK-0100_B Bermagui boat ramp.pdf](#)
Importance: High

Hi [REDACTED]

Apologies for the delay in getting a response to you for the Bermagui (Lamont Street) Boat Ramp upgrade concept design.

The circulation and parking layout is not 100% working for us and I was wondering if Advisian had developed other options as well as the attached one ?

Some comments we have relate to:

- 90 degree car-trailer parking rather than angled car-trailer parking. Although reducing the amount of spaces for car-trailer parking, this may provide spaces that are more easily accessible.
- Was the option of providing one way in and one way out considered ?
- It's difficult to determine the extent to which the pontoon extends across the waterway, and therefore the remaining channel width. Extending the pontoon too far could push it into excessive tidal flow.
- Is there an opportunity to provide the rigging and wash-down bays further away from the ramp, as this area is a source for congestion. The less activity around a ramp the better.
- The location of the rigging bays adjacent to the fish cleaning table will likely see users park in the rigging bay. Boaters will park as close as possible to these facilities to save them carrying eskies any sort distance.
- What is the purpose of the smaller concrete ramp to the foreshore and why is this the best location for it ?
- Was grassed areas for car-trailer parking considered for the spaces 1-23 ?
- Car-trailer spaces 1-3 may be difficult to use as you would need to do a u-turn near the disabled car space at the toilet block to get to them.

Happy to discuss the above comments over the phone.

Kind regards, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

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Roads and Maritime Services
[REDACTED]

From: [REDACTED]
Sent: Tuesday, 21 May 2019 12:37 PM
To: [REDACTED]
Subject: RE: Bermagui River Boat Ramp upgrade - concept design for RMS review

Hi [REDACTED]

Thank you. I'll share with our Boating Operations staff and get back to you with any comments over the next week.

Kind regards, [REDACTED]



www.rms.nsw.gov.au
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Roads and Maritime Services
[REDACTED]

From: [REDACTED]
Sent: Tuesday, 21 May 2019 12:02 PM
To: [REDACTED]
Subject: RE: Bermagui River Boat Ramp upgrade - concept design for RMS review

Hi [REDACTED]

Just catching up after some time off last week. Apologies for not sending these through when received – attached are the Bermagui River concept and options for Quarantine Bay. Bermagui is ready for public comment, and I'll soon have Quarantine Bay ready based on Option 2 from the attached. Any queries please don't hesitate to call otherwise I look forward to hearing your thoughts on the concepts.

Regards,

[REDACTED]



[REDACTED]
[REDACTED]

PO Box 492, Bega NSW 2550

P. [REDACTED]

M. [REDACTED]

E. [REDACTED]

www.begavalley.nsw.gov.au

We wish to acknowledge the Traditional Custodians of the lands and waters of the Shire – the people of the Yuin nation and show our respect to elders past and present.

Check out all the latest news and events at Council on www.begavalley.nsw.gov.au.

From: [REDACTED]
Sent: Tuesday, 14 May 2019 12:03 PM
To: [REDACTED]
Subject: Bermagui River Boat Ramp upgrade - concept design for RMS review
Importance: High

Hi [REDACTED]

Are the concept designs for the Bermagui River Boat Ramp upgrade and/or Quarantine Bay pontoon upgrade available for RMS review yet ?

Thanks, [REDACTED]

[REDACTED]
[REDACTED]
www.rms.nsw.gov.au
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Roads and Maritime Services
[REDACTED]

From: [REDACTED]
Sent: Tuesday, 14 May 2019 11:41 AM
To: [REDACTED]
Subject: RBAG meeting at Bermagui 15 May
Importance: High

Hi [REDACTED]

I'm just touching base with you to see if you are going to the Recreational Boating Advisory Group (RBAG) meeting tomorrow (Wednesday) night at the Bermagui Country Club, 5-7pm?

I am unable to attend, however, [REDACTED] who is the Manager of the Coastal Infrastructure Unit of Department of Industry – Lands and who also jointly reports to the Director of our branch in RMS will be attending as the representative of our branch.

I am going to provide a brief summary of the local Boating Now projects to [REDACTED], however, if you are going I will ask [REDACTED] to defer to you for an update on the status of them if that's ok ?

Kind regards, [REDACTED]



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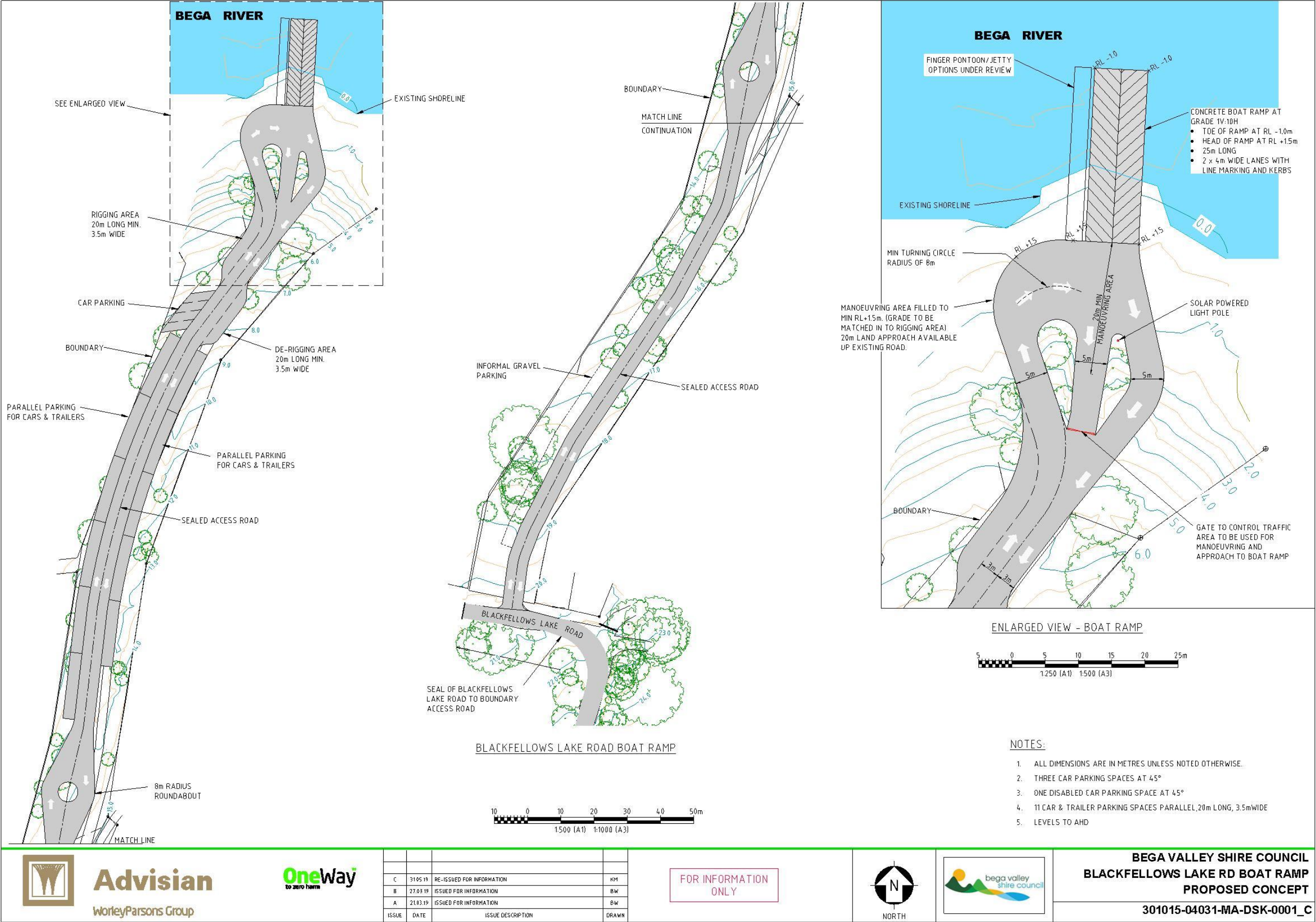
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Site: BLACKFELLOWS LAKE BOATRAMP
Name / phone: (optional) [REDACTED]
Comments: REMOVAL OF DEAD TREE NEAR BOATRAMP. SIZE OF BOATS ← 4m? 15km speed limits on lake.

Site: BLACKFELLOWS LAKE
Name / phone: (optional) [REDACTED]
Comments: WE BELIEVE THE LAKE SHOULD BE PROTECTED BY LIMITING THE AMOUNT OF TRAFFIC USING THE LAKE. WATER QUALITY, DEPTH & SIZE OF THE LAKE ARE ALL CONCERNS. SIZE OF BOATS SHOULD BE LIMITED AS SHOULD JET SKIS & SKIING AS THEY CAUSE EROSION AND IMPACT ON LOCALS. THE NATURAL ASPECT OF THE ROAD IS IMPORTANT TO THE LOCALS AS MANY PEOPLE WALK (WITH THEIR DOGS) AND ENJOY THE NATURE.

Site: BLACKFELLOWS LAKE
Name / phone: (optional) [REDACTED]
Comments: * CLEAR OUT DRAINS (TOWN TEAM). * SIGNAGE - BOAT RAMP (AT ROAD). - MAX SIZE BOAT/RAMP * PONTOON (WATER COVER). * CONCRETE MANOUEURING AREA (BUDGET PERMITTING). * BINS / DOG BAGS?

Blackfellows Lake, Kalaru

The following scope will be delivered within environmental and heritage constraints and regulations:

- Replacement of the existing gravel boat ramp with a new reinforced concrete boat ramp;
- Upgrade (widening and sealing) of 600m of access road, including shoulder parking and car / trailer turnaround points;
- Installation of lighting; and
- Installation of a finger pontoon jetty.

[View the Concept Plan](#) or visit our [Project page](#) for more information.

Have Your Say by leaving a comment at the bottom of this page.

Comments close: 2 July 2019

Page Likes = 3

Comments (8)

- [REDACTED] 4:40 PM, 14 June 2019

This has been a long time coming. Having been a resident of Blackfellows Lake rd for almost 20 years I have been watching the lake silt up every time it rains due to the lack of proper drainage causing dirt and gravel from the road flowing directly into the lake. Also this ramp has been used more and more and often with not enough parking and some people parking their car and trailer in the turn around area , thus making it difficult for others to use the facility. I look forward to these improvements being made as soon as possible.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 6:37 PM, 21 June 2019

Fantastic plan BVSC. It looks like a great design. Really eager for this to go ahead. It is a perfect access point for smaller boats and kayaks into the river.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 12:26 PM, 24 June 2019

I am a Kalaru resident and Bega River kayaker of more than 30 years. Thank you for the opportunity to comment on the Blackfellows ramp proposals. With increased ramp usage I do think some work is warranted.

I notice that all the work is either concrete or bitumen. For kayakers, none of that material is "friendly." Kayakers need some soft surface or grass to prepare craft for paddling and to wipe them down prior to car loading. We saw the loss of grassed area and suitable launching space

at the recent Mogareeka ramp upgrade. When I checked there on the weekend the launching "beach" was well underwater! I fear that this may happen again at Blackfellows! While a bit rough, we do have a nice shallow launch and some grassy bits as it is. Please, let's not concrete the lot for power boaters! We kayakers respectfully ask for a grassed or synthetic turf area for loading kayaks and a launching area that is NOT concrete. Also, I notice there is NO provision for a picnic table! The Blackfellows ramp is visited daily by locals to listen to the many birds. Please, please, don't fill the ramp up with concrete and NOT put in a picnic table! Perhaps a picnic table could be included with a kayak preparation area! Thank you.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 1:03 PM, 24 June 2019

Great, this work will enhance access and usage of this delightful area. However, as a local, regular user of the area, I also believe the upgrade should make the area more user friendly and accessible for all users, including kayakers, visitors and walkers. A grassy area for launching and cleaning kayaks that can be used by picnickers and other visitors would be visually pleasing and useful, particularly if picnic tables and benches were included. Thanks for the opportunity to have input!

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 6:54 PM, 24 June 2019

Great to hear that this site is getting an upgrade. As a kayaker and periodic user of this boat launch site, I concur with some of the previous submissions. Particularly, in that the launch area should cater for kayakers and canoeists and provide a grassed area and non-concreted launch site adjacent to the power boat users area. A picnic table would also be a valuable addition.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 3:01 PM, 26 June 2019

As a fellow kayaker I have to agree that more provision needs to be made for kayakers and canoeists.

A picnic table would also be a wonderful addition making the area more family friendly.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 4:48 PM, 27 June 2019

As a resident of Kalaru and a frequent user of blackfellows I too agree with the above comments a concrete ramp is not user friendly for kayak use .also I would like to see the area stay as a quiet peaceful area for the locals and I fear an increase in traffic and bigger boats could become a problem .

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 10:18 AM, 30 June 2019

Thanks for the opportunity to comment. As a regular walker to Blackfellows Lake I value the peace and tranquility of the area. I would hope that this area is not designed to be dominated by vehicles and boats. I support the inclusion of a grassed retreat area where we hikers and walkers can enjoy the ambience present now. A picnic table and tap/ bubbler facility would be welcome and safety considerations for walkers will be included in your final design.

[Reply to this comment](#) [Alert moderator](#)

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: RE: Blackfellows Lake Boat Ramp - Initial Concept
Date: Monday, 22 July 2019 11:55:02 AM
Attachments: [image001.png](#)
[image002.png](#)

-----Original Message-----

From: [REDACTED]
Sent: 12 April 2019 12:29 PM
To: [REDACTED]
CC: [REDACTED]
Subject: RE: Blackfellows Lake Boat Ramp - Initial Concept

Hi [REDACTED]

Thanks for sending the Blackfellows Lake Boat Ramp concept drawings through for comment.

A couple of questions are:

- Will the roundabout allow for a u-turn of a vehicle and trailer ?
- How will the gate at the boat ramp manoeuvring area be used ? (extra maintenance, operation or vandalism of the gate may require more attention than any potential traffic control issues)

Apart from that, the overall design looks good.

Kind regards, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: Tuesday, 26 March 2019 3:55 PM
To: [REDACTED]
Subject: RE: Blackfellows Lake Boat Ramp - Initial Concept

Thanks [REDACTED]

[REDACTED] will advise further on the revised concept for Blackfellows Lake.

Regards
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
www.rms.nsw.gov.au

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Roads and Maritime Services

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 26 March 2019 12:01 PM
To: [REDACTED]
Subject: FW: Blackfellows Lake Boat Ramp - Initial Concept

Hi [REDACTED]

Please find attached FYI the revised concept for Blackfellows Lake. Some commentary below also regarding some of the constraints we've been working through. We'll be putting this out for comment this week.

I've also attached a photo of progress at Beauty Point, boat ramp complete and prep for civil works is underway.

Any queries feel free to call.

Regards,

[REDACTED]



[REDACTED]

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We wish to acknowledge the Traditional Custodians of the lands and waters of the Shire – the people of the Yuin nation and show our respect to elders past and present.

Check out all the latest news and events at Council on www.begavalley.nsw.gov.au.

From: [REDACTED]
Sent: Thursday, 21 March 2019 9:34 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Blackfellows Lake Boat Ramp - Initial Concept

Hi [REDACTED]

Please find attached our Draft initial concept for Blackfellows Lake boat ramp. Please feel free to mark up with any comments/changes. We are still working on the concept for Bermagui.

We have managed to fit the access roads and parking within the site boundary and also not encroach upon the area of Aboriginal artefacts on the eastern side of the corridor but we have had to make a few compromises with respect to the RMS boat ramp guidelines to achieve this. We have provided parallel vehicle/trailer parking along both sides of the access road but only limited space is available for carparking near the ramp – we have also provided a gravel verge south of the roundabout for vehicle parking. We have the access road and parallel trailer parking hard up against the western boundary of the corridor, and can fit in parallel parking on both sides of the access road with approximately a 150 mm encroachment eastward beyond the edge of the existing access road, which shouldn't require disturbance of the embankment containing the artefacts.

Please find notes relating to the rationale below:

- A floating pontoon or a fixed timber jetty was considered.

Interpreting information from an existing flood study report of Bega and Brogo Rivers (SMEC 2013), the flood level at the site was 9.1m AHD for a 100-yr ARI, and 4.5m for a 1-yr ARI. A floating pontoon would not be feasible considering these flood levels. A fixed timber/FRP jetty would be a possible alternative. This would involve piling, which would ideally be informed by Geotech information. This would add significant cost to the project, but is possible. Fixing an RFP jetty to the concrete ramp would not be recommended due to the risk of failure if there is any settlement of the ramp.

- Non-conforming boat ramp grade of 1V:10H.

The grade at the shoreline is very shallow and the area is quite low and subject to frequent flooding. A significant amount of fill (~1.5m thick) is required to achieve a steeper grade, closer to that in the RMS guidelines and reduce the frequency of inundation of this area. An estimated additional 300mm would be required to achieve a grade of 1V:9H. The fill would also act to reduce the approach gradient down to the ramp. We would provide some form of edge treatment for this area, which could be riprap, which we haven't shown on the concept sketch but would be shown on the detailed design drawings. Also we haven't shown detail such as scour protection, etc. as this concept is only meant to show the layout at this stage.

- Non-conforming number of parking spaces and rigging/de-rigging areas

Result of site constraints.

- Non-conforming manoeuvring area

Although the space should be sufficient for manoeuvring, a steep grade exists. Significant cut or fill in this area would be required to rectify this.

- Size of parallel trailer parking spaces assumed to be the same as the minimum requirements for rigging area
- No guidance on two way traffic road sizes for boat launching facilities. Assumes 3m per lane is sufficient for this facility.

Please let me know if you have any comments on our sketch or need further information at this stage.

Best regards,



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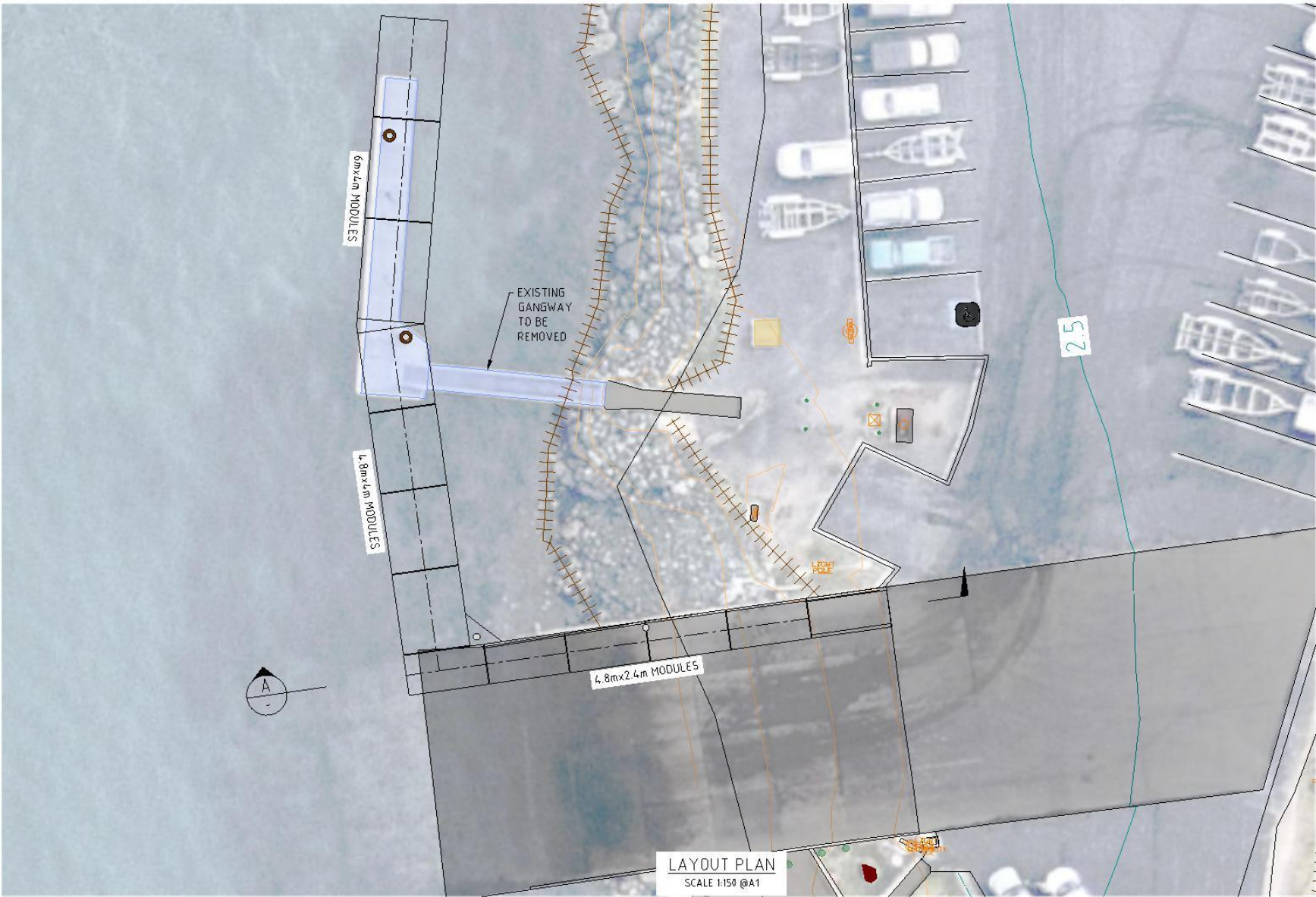


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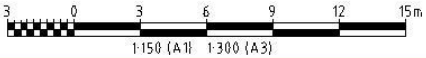
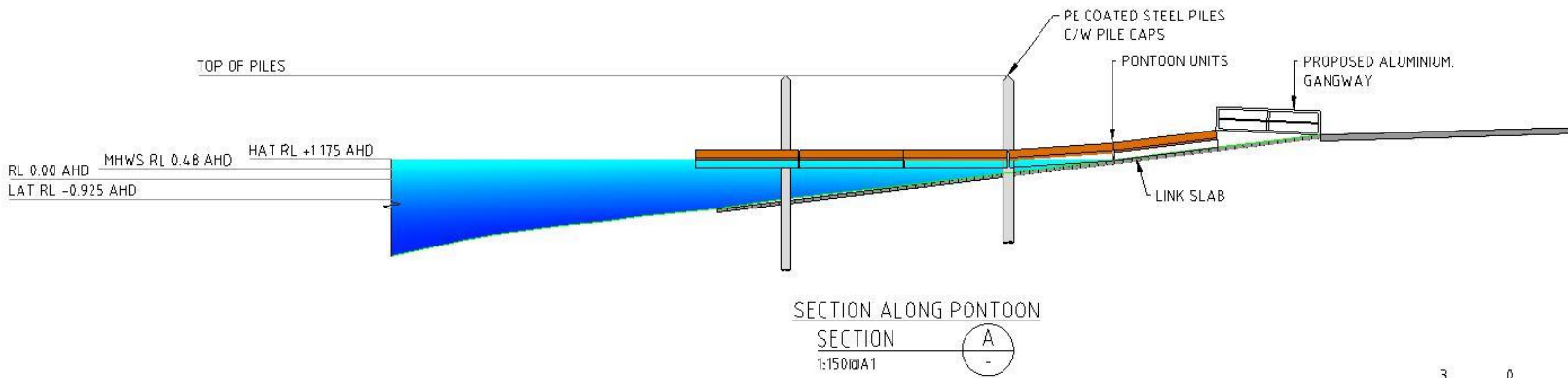
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SITE PLAN
NT5



LAYOUT PLAN
SCALE 1:150 @A1



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ISSUE	DATE	ISSUE DESCRIPTION	DRAWN
B	29.05.19	CLIENT COMMENTS INCORPORATED	KM
A	23.05.19	ISSUED FOR INFORMATION	KM

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FOR CONSTRUCTION



**QUARANTINE BAY
GENERAL LAYOUT PLAN**

301015-04031-MA-DSK-001

LOCATION: P.UBSS CURRENT 3.00MS-44.31 BECA BOAT RAMP'S 11.0 ENGINEERING QUARANTINE BAY OPTION 2 DWG 31015-44.31-MA-DSK-4110W6
USER NAME: lamphamkian
CTB FILE: Worley-Full.ctb
PLOT DATE & TIME: 29/5/2019 11:50:31 AM
SAVE DATE & TIME: 29/5/2019 11:50:31 AM

From: [REDACTED]
To: [REDACTED]
Subject: Quarantine Bay 22 June 2019
Date: Thursday, 4 July 2019 2:22:28 PM
Attachments: [image001.png](#)

Hi [REDACTED]

Sorry-I became distracted and forgot to send you my notes from Quarantine Bay consultation 22 June 2019

Attendance:

31 attended from 8.00am-10.45am
General public, Eden Sport & Game Fishing Club, Twofold Bay Yacht Club, Eden Amateur Fishing Club

Issues identified:

Accessibility:

- Hand rails or pool steps on pontoon like at Merimbula for people with less mobility-a good proportion of users based on age (at hip height or 3')
- Disabled parking
- Signage or communications about alternative launching spots when works don't allow access to Quarantine Bay

Moorings

- Locate pontoon further into bay to enable use of both sides and during low tide(too close to rocks and shallow in inside)
- Extend pontoon further and widen
- Rollers-like Werribee (Wyndham City Council) and Altona (Hobson's Bay City Council) boat ramps
- Depth indicators on back and front of pontoon
- Signage to prevent extended mooring and fishing from pontoon, eg *No Standing Zone* or time limited sign (5 minutes) (fishing allowed on wood jetty)
- Careening poles – useful for yachts at old jetty
- Breakdowns-specified mooring for boats in distress
- Colour coded berthing system
- Yacht users tie up on wood jetty/pontoon impacting other users (sign-No Unattended Vessels ?)

Old wood jetty

- Remove protruding bolts

Water

- Current access to fresh water tap a long distance from ramp area so users must either bring a long hose or go home to wash boat (request for similar to Bermagui)

Cleaning tables

- Constant arguments over parking close to tables-need No Standing signs/5 minute/loading zone signs
- Ongoing issues with dumping in bay (bronze whaler sighted recently) and person regularly climbs down rock face to feed sting rays

Car Park

Parking bays clearly marked

- Turning circle for towing larger boats
- Potholes
- Request to cover or clean up gravel (hotmix?) where turf died off -gets walked into boats
- Bollards to prevent trailers on pathway to pontoon
- More tables and chairs

Illegal Camping

- Large No Camping signs requested-police say the sign is too small to enforce. Campers have become aggressive towards boaters

Future Wish List

- Break wall extension
- Walking path along top of break wall



[Redacted]
[Redacted]
PO Box 492, Bega NSW 2550
[Redacted]
[Redacted]
www.begavalley.nsw.gov.au

We wish to acknowledge the Traditional Custodians of the lands and waters of the Shire
- the people of the Yuin nation- and show our respect to Elders past and present.

Quarantine Bay, Eden

The following scope will be delivered within environmental and heritage constraints and regulations:

- Renewal and extension of the finger pontoon jetty; (no change to the existing boat ramp); and
- Decommissioning of the original timber jetty as a mooring location.

[View the Concept Plan](#) or visit our [Project page](#) for more information.

Have Your Say by leaving a comment at the bottom of this page.

Comments close: 2 July 2019

Page Likes = 1

Page Dislikes = 2

Comments (22)

-
-

- [REDACTED] 11:23 AM, 17 June 2019

Is is possible to place a short length of hand rail to the pontoon to assist elderly getting in and out off boats I would suggest that it can be at the end of the pontoon in an L shape for strength and I believe that it can be installed at minimum cost and the benefits to us older men and women boaties would be priceless
Thank you for your consideration
[REDACTED]

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 8:19 AM, 19 June 2019

To Whom It May Concern,
Boating facility upgrades are always welcome (if done properly). The way I read this plan we are losing access of one lane of the ramp due to the new pontoon being constructed in that position?

If this is the case I also believe that the lane immediately to its left will also be lost or severely compromised due to boats launched off their trailers berthing on the new pontoon while skippers park vehicles and trailers. If this is the case how is this going to make launching and retrieving vessels faster during peak periods? We will in effect be cut from a 4 lane ramp to only 2!

At times such as the Christmas/New Year Holidays, Easter Holidays, Eden Amateur comp, and the Eden Sport and Game Fishing Tournament there will be some extremely angry people. Particularly during these times mentioned when there are over 100 vessels launched and retrieved per day..

If all mentioned above please take another look at it or speak to people that launch and retrieve their vessels at Quarantine Bay on a regular basis.

Thank you for allowing us to have a say and look forward to the project.

Regards,

[REDACTED]

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 7:46 PM, 19 June 2019

I don't think many boaters will disagree that we shouldn't loose ANY of the existing ramp. It would as you say cause havoc when it's busy.

[Alert moderator](#)

- [REDACTED] 5:18 PM, 19 June 2019

Great proposal just wrong position.

Loss of one lane for floating walkway.

Floating walkway could be placed next to the ramp keeping 4 lanes.

The 4 lane ramp brings many boaters to Eden as it is an easy ramp to use even when busy reducing it to 3 lanes will cause increased launching and retrieval times at peak time of the year

which will lead to increased cases of ramp rage.

The position of the gang way will reduce the turning circle of the larger boat and car packages again reducing the amount of lanes that can be used.

Keep the existing walk way to reduce traffic on the floating walkway.

Concerns about the damage the floating walkway would receive during a storm surge as the surge often goes up and over the ramp.

Keep the floating pontoons as a loading and offloading platform not a mooring facility.

And with the timber jetty clean it up as to be used for a mooring jetty and if another storm surge destroys the pontoon as what happened in 2016 will still have a usable ramp.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 6:46 PM, 19 June 2019

I agree with [REDACTED] cannot loose the turning capability we currently enjoy. Trailer boats are getting bigger and bigger. I can see this proposal being a bit a nightmare trying to reverse the modern trailer boat safely

[Alert moderator](#)

- [REDACTED] 7:39 PM, 19 June 2019

They have this idea at Johnsonville near lakes entrance in Victoria. It is fantastic for launching by yourself.

I agree they shouldn't remove a lane from the ramp. (Bad Idea)

I guess removing the old wooden jetty would mean that the Game Fishers will have to take their fish to the weigh station same way as the Amateur Fishing Club members do "In their boat it's not a big deal "

I believe once it's done people will love it for ease of launching and retrieving.

Also needed is a sign to indicate entry onto the pontoon from the water is CLOCKWISE. ONLY I've been boating for about 50 years and it is an unwritten rule to ease congestion.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 9:49 PM, 19 June 2019

There should be no loss of lanes. With inexperienced boaters 4 lanes can become 3. This would become 2. The walkway should be next to north side of ramp.

Extended pontoon should have designated Drop-off/Pick-up and Short Tie-up zones (for launch/retrieval only)

Timber jetty should be retained for mooring & public use.

Using existing infrastructure may be cheaper but false economy in the long run.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 9:02 AM, 20 June 2019

This needs to be re-designed in consultation with the Eden Game Fishing Club and the amateur fishing club. Losing the wooden jetty would make it impossible for the game fisherman to weigh their fish at the weigh station for those boats who can not be trailer-ed.

The 4 boat launching ramp should not be altered and the current floating pontoon should be extended down to an upgraded and repaired wooden jetty. This would give many more boats the ability to tie up and go and get their car. Upgrading the unsafe wooden jetty would still give game fisherman the ability to weigh their fish and also still allow disabled and elderly people somewhere to fish.

If the wooden Jetty is removed then I won't be re-investing my money into the game fishing club because I won't have any facility to be able to weigh my fish and in discussions with others they have the same opinion. This will in turn basically kill off the game fishing club.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 0:07 AM, 20 June 2019

At last we will be able to launch and retrieve at Quarantine Bay with infrastructure designed to assist the elderly and those with limited physical ability.

No one wants the new pontoon to lie above the existing launching ramp and have the ramp reduced from 4 lanes. We note that: "The project includes the following works: Renewal and

extension of the finger pontoon jetty (as indicated on the attached concept the access will be along the edge of the boat ramp and the existing gangway will be removed)" So it is stated that the access will be ALONG THE EDGE of the boat ramp - as it is at Merimbula...

We should not allow for removal of existing infrastructure: 1. The existing gangway must be kept because to funnel all pedestrians alongside the ramp where vehicles and trailers are turning and reversing could enhance risk. It would be far better for pedestrians to have the option to access the pontoons from the centrally located existing ramp as well.. It is surely less costly to leave the ramp alone than to pay for its removal. 2. The existing wooden jetty is very useful for game fishing anglers and for tourists as a fishing platform. It must be kept. The DPI is constructing fishing platforms up and down the coast! Once again the cost of maintenance should be less than the cost of removal and landscaping..

Thank you for the opportunity to comment and I applaud this new project.

[Reply to this comment](#) [Alert moderator](#)

• [REDACTED] 10:45 AM, 20 June 2019

I also agree with [REDACTED] the loss of a turning circle would be a nightmare during busy times cutting the boat ramps down to two doesn't work Lakes Entrance is a fine example when its busy. [REDACTED] proposal would be the best outcome .also maybe look at lengthening and widening existing pontoons , perhaps more car and trailer parking can be addressed during busy times

[Reply to this comment](#) [Alert moderator](#)

• [REDACTED] 9:07 PM, 20 June 2019

I agree with [REDACTED] and [REDACTED]. It would be crazy to lose a lane and to restrict manoeuvrability. The old timber jetty is needed by the fishing clubs and must be repaired or rebuilt.

[Reply to this comment](#) [Alert moderator](#)

• [REDACTED] 10:57 AM, 21 June 2019

I agree with [REDACTED] and repeat in part what he says. His articulation of his thoughts is common sense regarding one of the better ramp systems on the Sth coast. From disabled, elderly & younger people having somewhere safe to fish, catering to trailer boats of all sizes up to having non trailer-able big game boat fishing facilities - Quarantine Bay offers a unique opportunity of Eden having the best ramp facilities on the east coast. It has the potential of attracting a great deal more attention from boat owners and tourists alike, it should be upgraded with careful consideration and made a priority for tourism.

"This needs to be re-designed in consultation with the Eden Game Fishing Club and the amateur fishing club. Losing the wooden jetty would make it impossible for the game fisherman to weigh their fish at the weigh station for those boats who can not be trailer-ed.

The 4 boat launching ramp should not be altered and the current floating pontoon should be

extended down to an upgraded and repaired wooden jetty. This would give many more boats the ability to tie up and go and get their car. Upgrading the unsafe wooden jetty would still give game fisherman the ability to weigh their fish and also still allow disabled and elderly people somewhere to fish."

I will also add I have used that ramp many times, even in the busy periods and it can get quite congested but 4 lanes makes it manageable & safer. A safety aspect easily overlooked by those who don't own a boat or use the facilities themselves but have input into decisions, designs & the financial considerations of upgrading the ramp facilities is the aspect of fatigue of boaters at the end of a day on the water and boat recovery. Changing weather conditions often force boaters off the water at the same time. Eden's ramp with four lanes expedites quicker and less congested boat recovery, hence making it safer, (not to mention the congestion aspect of pre-dawn launching during fishing comps). To take away any ramp lanes (even one is 25% loss) greatly increases the chances of mishaps and injuries by magnifying the existing fatigue and resulting in shorter tempers. Please don't over fix something that isn't broken - listen to the voices of people who actually use and are experienced with those facilities. Please make Eden's Quarantine Bay ramp facility more utilitarian & something we can all be proud of for all the right reasons.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 10:15 AM, 22 June 2019

While it's a couple of years now since I last used this particular launching facility, my recollection is that it was quite good at that time. While I applaud any upgrade of the infrastructure, I would lend my weight to those arguing against the loss of any lanes or turning circle area. These are critical to the smooth functioning of the facility, especially at busy times of the year. Any reduction of their efficiency would not only inconvenience ramp users, but could also adversely impact local businesses.

Yours sincerely,

[REDACTED]

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 5:37 PM, 22 June 2019

After meeting with Matt at Quarantine Bay today I support the proposed floating pontoon and suggest the following

1. proposed walk-on pontoon beside the boat ramp 4.8m x 2.. 4 m should be a no mooring zone ie no bollards installed
2. Existing gangway to stay
3. Depth markers to be marked on all pylons
4. Extension and widening of the original pontoon towards the beach is a positive move
5. The moving of the original ramp into deeper water would be beneficial, with consideration of the swing of the moored craft, impacting on the space available
4. Old jetty to stay

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 9:34 AM, 28 June 2019

As a yacht owner whose yacht is permanently moored in Quarantine Bay I appreciate the efforts of Council and RMS to upgrade the currently facility and the opportunity for community input into the overall design to ensure a user friendly structure.

To this end, I will strongly recommend the following additions:

1. Depth indication signage be installed at both ends and the middle of the overall completed wharf to allow skippers the opportunity to better judge the depth they have under their keel regardless of tie up position on the structure. This request is based on my vessel having a 6ft keel and also being asked by other transient yachts who visit the area who are unwilling to approach the wharf not knowing the depth.

2. I would like to suggest 1 or 2 drinkable/freshwater points be added to the structure. Currently all water has to be carried onboard in 20 litre containers for yachts. In addition there is no wash down capacity for us to maintain our vessels in Quarantine Bay, like the waterpoints which are made available for the trailerable boats. It is my understanding that to provide freshwater to the pontoon would not be difficult as there is a waterpoint located near the gamefishing weigh hoist.

Both of the above improvements will improve the safety and efficiency of using the pontoon. With the extension to the pontoon this will also assist the flow of vessels in high demand seasons. Space is of a premium during the summer months and when trying to use the current structure and taking up 34ft plus, manoeuvring a 6 tonne vessel safely around smaller vessels can be difficult.

I look forward to using the new structure on its completion.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 6:34 PM, 28 June 2019

To be able to get a boat on and off a trailer by hand is great. There are quite a few people who launch trailer sailers, and the current ramp is tricky for that purpose. Happy with the proposal.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 5:46 PM, 29 June 2019

Fantastic to be improving the boating facilities.

I agree with the idea to add a walkway next to the boat ramp. As a regular user, I am sometimes launching & retrieving my vessel on my own and especially in strong winds, it is near impossible to use the ramp without being able to walk my boat onto the trailer. The practice of driving one's boat up onto the trailer is damaging to the structure, as it undermines the ground, leading to the eventual fracturing of the ramp. Ideally the proposed walkway could be constructed further inland, to keep the four lanes, however, even the proposed works would be a great improvement to an otherwise good piece of infrastructure. Lighting, handrails & drinking water would all be wonderful improvements.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 8:20 PM, 29 June 2019

Please upgrade the old timber jetty and improve the floating pontoon for both power boats and yaughties.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 10:31 AM, 01 July 2019

The changes to the ramp at Quarantine Bay will be a welcome improvement. Any upgrade that makes our water ways accessible to a wider section of the community is great. The elderly, the less able and single boat operators will find the new facilities far easier to work with in a safer fashion. Hopefully this will encourage them onto the bay or expand their current use. This is good for all members of the community, including the retailers that support us bay users. The flow on benefits into families when the fisherman or women comes home and proudly presents their catch would be great.

The new ramp design should reduce congestion as single boat operators will load or launch their boats quicker and be on their way ready for the next user.

Thanks to Bega Valley Shire Council and the support of the Roads and Maritime Service for this much needed ramp improvement.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 4:59 PM, 01 July 2019

Looking forward to the improvements for the Quarantine Bay Boat Ramp and Pontoon.

Depth indicators would be a great help, along with drinkable water available on the jetty. Lighting would be a great addition as well, to make the pontoon safer at all hours.

The ramp beside the boat ramp will be great for solo boaters. I would like to see the current access gangway remain in place for ease of public access for those that are not needing to use the boat ramp walkway access. This will be safer for the general public than trying to walk along the beside the boat ramp when boaters are trying to launch /retrieve their boats.

Thanks for the opportunity to supply public input to this upgrade.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 6:25 PM, 01 July 2019

It s great to be upgrading the boating facilities at Quarantine Bay as it is such a great place to launch.. I often assist my husband to launch and retrieve and this new structure will make it much easier for us. It will also assist those who are solo boaters, as well as better access for the elderly and those with limited physical ability.

[Reply to this comment](#) [Alert moderator](#)

- [REDACTED] 4:41 PM, 02 July 2019

Firstly it is great to see this upgrade is happening.

I attended the meeting at the ramp and most of my concerns were addressed.

If the pontoon is to run alongside the end lane, there must be no tie up bollards and a no tie-up sign displayed.

The intent should be to allow a boat brought to a trailer by topc. Any mooring on that side would lose a lane.

A boat can be walked along the pontoon, around the corner and led to the trailer.

There are ramps in Melbourne that have a round rubber roller mounted on corners to allow the boat to turn easily when being led to the trailer. (Werribee ramp has a rubber wheel.

Wyndam city council, Werribee Victoria).

The idea of a depth gauge on the pontoon was suggested and a good idea.

Finally, the old wharf needs to have rubber buffers attached to it. This is a critical requirement, especially during the 3 weeks the ramp is offline during the upgrade. A small cost with big gains.

It would also ease the ramp load during fishing comps, dive comps, xmas and easter etc.

Look forward to this work proceeding . Well done.

[Reply to this comment](#) [Alert moderator](#)

From: [REDACTED]
To: [REDACTED]
Subject: RE: Boating Now - Quarantine Bay boat ramp upgrade
Date: Thursday, 27 June 2019 11:01:56 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

Hi [REDACTED]

Thanks for getting back to me and for confirming that the ramp will remain as 4 lanes.

That alleviates the concerns that we had.

We look forward to receiving the detailed drawings for review in due course.

Kind regards, [REDACTED]



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Every journey matters

Roads and Maritime Services
[REDACTED]

From: [REDACTED]
Sent: Tuesday, 25 June 2019 2:00 PM
To: [REDACTED]
Subject: RE: Boating Now - Quarantine Bay boat ramp upgrade

Hi [REDACTED]

Thanks for your email. The "have your say" drop-in sessions went well on Saturday with a good turnout and some positive and constructive input. We ran all three on the day, so it was a big day, but as you know it's essential to get out on site to consult and allow people to comment and ask questions in person.

There was a misconception that a lane of the existing ramp would be lost – this was all cleared up prior to Saturday and also on the day at the boat ramp. So please rest assured we have no intention of losing a lane of the existing ramp. The idea is to bring the walkway section of the pontoon down the edge of the existing ramp to enable walk-on/off launching and retrieval. Similar to the set-up at Merimbula which I think Darren showed you on the way to or from Quarantine Bay that day.

The ramp at Quarantine Bay is used as a 4 lane ramp – I'd have to confirm exact widths next time I'm on site.

Hope this helps, let me know if any other queries.

Regards,
[REDACTED]



[REDACTED]
[REDACTED]

PO Box 492, Bega NSW 2550



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We wish to acknowledge the Traditional Custodians of the lands and waters of the Shire – the people of the Yuin nation and show our respect to elders past and present.

Check out all the latest news and events at Council on www.begavalley.nsw.gov.au.

From: [REDACTED]
Sent: Tuesday, 21 May 2019 12:02 PM
To: [REDACTED]
Subject: RE: Bermagui River Boat Ramp upgrade - concept design for RMS review

Hi [REDACTED],

Just catching up after some time off last week. Apologies for not sending these through when received – attached are the Bermagui River concept and options for Quarantine Bay. Bermagui is ready for public comment, and I'll soon have Quarantine Bay ready based on Option 2 from the attached. Any queries please don't hesitate to call otherwise I look forward to hearing your thoughts on the concepts.

Regards,

[REDACTED]



We wish to acknowledge the Traditional Custodians of the lands and waters of the Shire – the people of the Yuin nation and show our respect to elders past and present.

Check out all the latest news and events at Council on www.begavalley.nsw.gov.au.

From: [REDACTED]
Sent: Tuesday, 14 May 2019 12:03 PM
To: [REDACTED]
Subject: Bermagui River Boat Ramp upgrade - concept design for RMS review
Importance: High

Hi [REDACTED]

Are the concept designs for the Bermagui River Boat Ramp upgrade and/or Quarantine Bay pontoon upgrade available for RMS review yet?

Thanks, [REDACTED]



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Roads and Maritime Services
[REDACTED]

From: [REDACTED]
Sent: Tuesday, 14 May 2019 11:41 AM
To: [REDACTED]
Subject: RBAG meeting at Bermagui 15 May
Importance: High

Hi [REDACTED]

I'm just touching base with you to see if you are going to the Recreational Boating Advisory Group (RBAG) meeting tomorrow (Wednesday) night at the Bermagui Country Club, 5-7pm?

I am unable to attend, however, Garry Clarke who is the Manager of the Coastal Infrastructure Unit of Department of Industry – Lands and who also jointly reports to the Director of our branch in RMS will be attending as the representative of our branch.

I am going to provide a brief summary of the local Boating Now projects to Mike Hammond, however, if you are going I will ask Mike to defer to you for an update on the status of them if that's ok?

Kind regards, [REDACTED]



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Roads and Maritime Services
[REDACTED]



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11.11. Waste Fees and Charges 2018/19

Waste services charges were not fully implemented during the 2018/19 Financial Year according to the adopted 2018/19 Revenue Policy, affecting around 6,747 customer accounts. Details of the causes, impacts and remedial actions are outlined below.

Director Assets and Operations

Officer's Recommendation

1. Council refund waste services customers, who would be entitled to a refund in accordance with the adopted Waste Fees and Charges for 2018/19, should they have been fully implemented.
2. Council not seek to recoup fees and charges from customers undercharged, in accordance with the adopted Waste Fees and Charges for 2018/19, and accordingly write off that income

Background

Waste Services charges were not fully implemented during the 2018/19 Financial Year according to the adopted 2018/19 Revenue Policy, affecting around 6,747 customer accounts. Details of the impacts and causes are further outlined below. Council could seek to refund and recover these accounts, in line with the exhibited and adopted Policy, or alternatively refund overcharged customer accounts and not seek to recoup undercharged accounts.

The financial details of the differences between the adopted Fees and Charges and what was levied are summarised below:

Overcharge / Undercharge	Value
MAX Overcharge	\$6,210.31
Number Overcharged	737
Value Overcharged	\$215,083.92
Max Undercharge	-\$2,002.04
Number Undercharged	7,150
Value Undercharged	-\$350,940.63
NET Undercharge	-\$135,856.71

A further breakdown of the above details is as follows:

- 3614 Rural properties in the 2017/2018 charges were not differentiated from Non-rural and as such were charged \$385.38. Under the 2018/2019 charging regime, these properties should have been charged \$416.15, (an undercharge of \$30.77).
- 1044 rural properties not charged waste management charges of \$118.45
- 236 assessments have not been charged the organics rate which is an undercharge of \$88.27
- 198 assessments increased their landfill bin frequency to weekly which resulted in an undercharge of \$71.25

- 89 assessments should have had vacant land charges applied which was an undercharge of \$84.50
- 1336 assessment were undercharged \$0.15
- 552 assessments were undercharged \$0.01
- 134 assessments increased the size of their landfill bin to 240L which is an undercharge of \$27.49
- 92 rural assessments with more than one of each service were undercharged \$31.71

A more detailed analysis of the above figures is included in the tables below:

		Total Amount (\$)	No of Assess
Undercharges	<-1500	-2002.04	1
	-1500 to -1000	-1011.55	1
	-1000 to -500	-7445.3	11
	-500 to -400	-22245.25	50
	-400 to -300	-959.65	3
	-300 to -200	-5114.7	22
	-200 to -100	-145517.35	1213
	-100 to -50	-46118.75	573
	-50 to -30	-115764.83	3750
	-30 to -20	-3862.63	142
	-20 to -10	-546.30	28
	-10 to -.01-.01	-352.28	1356
Overcharges	>0	22.82	3
	>10	1569.65	54
	>50	2106.6	27
	>100	116539.41	557
	>500	45520.22	65
	>1000	30711.67	25
	>1500	5828.47	3
	>2000	6574.75	3
	>5000	6210.33	1

In 2018-2019, Council increased the number of Waste services offered to our customers. This was because of community feedback where our customers asked for more bin sizes and frequency options, to best manage their waste. Council was also asked to itemise Waste Charges on Rates Notices, rather than display them as a black box total charge. This would allow residents to quickly establish what services they were paying for on an annual basis. Some amendment of the charging structure was also introduced to improve overall fairness.

The biggest single change was the introduction of the weekly Green Bin service in October 2019. Although planned for the commencement of the Financial Year, the new service was delayed due to the urgent demands from the Tathra and District Fire clean-up.

Given the weekly Green Bin was not introduced in July 2018, Council officers determined to not publish the itemised Waste services on Rates Notices until the weekly organics collection commenced. This was to avoid confusion for customers as their service had not yet significantly changed. Information still went to residents with the first Rates Notice advising

that Waste Charges would soon be displayed differently with the services they were paying for itemised.

Given the timing of the Tathra fires, it also impacted the ability to reconcile Council's financial system with the adopted Fees and Charges for Waste, noting there was a significant change from the 2017/18 year to the 2018/19 year in the structure of those Fees and Charges.

In 2017/2018 the Waste Charges were as shown in Table 1 below. This is a relatively simple charging structure. A much wider offering of services was introduced in 2018/2019. This structure was advertised in the Revenue Policy and adopted by Council.

Table 1 - Waste Services revenue policy charges 2017/2018

Domestic Waste	Charge
Domestic Waste Management	\$402.50
Domestic Garden Organics	\$55.50
Waste Service Availability Charge	\$81.50
Additional General Waste Bin (140 Lt)	\$209.50
Additional Recycling Bin (240 Lt)	\$77.23
Commercial Waste	Charge
Commercial Waste Management	\$557.50
Commercial Organics	\$55.50
Additional General Waste Bin (240 Lt)	\$232.00
Additional Recycling Bin (240 Lt)	\$191.60

The 2018/19 structure, shown in Table 2 and Table 3 below is much more flexible and provides options to customers.

Table 2 - Waste Services revenue policy charges 2018/2019 – Domestic

Domestic Waste	Charge
Waste management charge residential and multi-unit dwellings* (s.501)	\$252.06
Waste management charge rural* (s.501)	\$118.45
Standard residential services (s.496)	
Fortnightly landfill bin 140l residential	\$86.19
Fortnightly recycling bin 240l residential	\$47.14
Weekly compost bin 240l residential	\$88.27
Subtotal: standard residential waste management charges (s.501+s.496)	\$473.65
Residential service options (s.496)	
Fortnightly landfill bin 80l residential	\$62.63
Fortnightly landfill bin 240l residential	\$113.67
Fortnightly recycling bin 360l residential	\$64.72
Weekly landfill bin 80l residential**	\$110.31
Weekly landfill bin 140l residential**	\$157.43
Weekly landfill bin 240l residential**	\$212.39
Standard rural services (s.496)	
Weekly landfill bin 140l rural	\$205.52
Fortnightly recycling bin 240l rural	\$92.18
Subtotal: standard rural waste management charges (s.501+s.496)	\$416.15

Domestic Waste	Charge
Rural service options (s.496)	
Weekly landfill bin 80l rural	\$158.41
Weekly landfill bin 240l rural	\$260.49
Fortnightly recycling bin 360l rural	\$109.77
Weekly compost bin 240l rural***	\$105.51
Standard multi-unit dwelling services	
Fortnightly landfill bin 140l multi-unit dwelling	\$86.19
Fortnightly recycling bin 240l multi-unit dwelling	\$47.14
Weekly compost bin 240l multi-unit dwelling	\$88.27
Subtotal: standard multi-unit dwelling waste management charges	\$473.65
Multi-unit dwelling service options	
Fortnightly recycling bin 360l multi-unit dwelling	\$58.74
660l garbage and recycling services	Poa
Waste service availability charge****	\$84.50
Roll of compostable bags	\$5.00
Kitchen caddy additional/replacement	\$5.00

*Mandatory charge per rateable premises excluding vacant land.

** Weekly landfill bin collection services are only available subject to assessment of medical need.

*** Rural compost service is optional and only supplied where available.

****Charge applied to vacant land where waste collection service is available.

Table 3 - Waste Services revenue policy charges 2018/2019 – Commercial

Commercial Waste	Charge
Commercial Waste Management Charge	\$270.33
Standard Commercial Services (s.501)	
Weekly landfill bin 240l commercial	\$212.39
Weekly recycling bin 240l commercial	\$94.28
Subtotal: Standard Commercial Waste Management Charges (s.501)	\$577.00
Commercial Service Options (s.501)	
Weekly landfill bin 660l commercial	POA
Weekly recycling bin 360l commercial	\$117.48
Weekly recycling bin 660l commercial	POA
Weekly 240l compost bin commercial	\$88.27
Roll of compostable bags	\$5.00
Kitchen caddy additional/replacement	\$5.00

*Mandatory charge per rateable premises excluding vacant land.

Options

Council does have the ability to recover the full income it would have been entitled to in accordance with the adopted Revenue Policy through supplementary notices and refunding overcharged customers.

Alternatively, there is the ability to write-off the undercharged amounts and reimburse overcharged amounts.

Financial and resource considerations

The overcharged and undercharged amounts are outlined above in this report. Council's adopted Budget for the 2018/19 assumed income from Fees and Charges in accordance with the adopted Revenue Policy. Throughout the year, Council was fortunate to generate a positive operating result in the waste services area relative to the originally forecast budget position. This places Council in the position where adopting the recommendations in this report will not jeopardise Council's ability to continue to provide its Waste Services.

It is important to note that although adopting the recommendations in this report is financially viable, it is likely some customers will notice a perceived increase in their Waste charges for the 2019/20 year, given they were undercharged in the 2018/19 year relative to what was originally meant to be leved. Although this net income reduction through Fees and Charges can be offset for that year due to increases in other sources of revenue and reduced expenditure, this is not a sustainable position to continue.

Communications

This situation is a complex one which resulted from a range of overlaying factors. It will be critical for Council to develop a clear communications strategy relating to the repayment process. If Council resolves as recommended this will be relatively straightforward. The key aspects which will require a clear and plain English explanation will be the difference in the rates notices which have been issued. Waste, Communications and Revenue staff are involved in developing a clear statement and Council's customer service staff will be kept up to date on all information.

Attachments

Nil

Staff Reports – Governance And Strategy

7 August 2019

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12.1. Local Government NSW Annual Conference 2019

The Local Government NSW Annual Conference will be held at the William Inglis Hotel, Warwick Farm from Monday 14 October to Wednesday 16 October 2019.

General Manager

Officer's Recommendation

1. That Council endorse Crs (names to be inserted at the meeting), the Mayor and the General Manager to attend the Local Government's NSW (LGNSW) Annual Conference to be held from 14-16 October 2019, with the necessary travel and accommodation costs to be borne by Council.
2. That Council identify and endorse the following Motions (insert) for forwarding to LGNSW for consideration for inclusion onto the Agenda for the Annual Conference, to be uploaded by 12 midnight (AEST) on Monday 19 August 2019 to the LGNSW website.
3. That Council endorse the Mayor and two Councillors to be their nominated voting delegate(s) for both types of voting: voting on motions; and voting in the Board election.

Executive Summary

Background

The Annual Conference is the pre-eminent policy making event for the local government sector in NSW. Delegates will vote on motions which help determine the policies and priorities for LGNSW and the sector. It is a key event for local government where Councillors come together to share ideas and debate issues that shape the way the sector functions and is governed

Council is a member of LGNSW, the peak local government body in NSW.

A copy of the draft program can be found at LGNSW website using the link <https://www.lgnsw.org.au/events-training/local-government-nsw-annual-conference-2019/program-overview>

Registration to attend the Conference

To take advantage of early bird booking savings for the Annual Conference, it is appropriate for Council to nominate who the attendees will be for this year's Conference. It is proposed Council nominate the Mayor and two Councillors to attend this Conference along with the General Manager. All costs for attendance are covered in the Councillors' training and development budget.

Registration as a voting delegate

Council will have three voting entitlements at the Conference to vote on motions and vote for positions in the LGNSW Board elections.

The deadline to provide LGNSW with the names of voting delegates is Friday, 20 September 2019. Additional nominations received after the closing date cannot be accepted. However, the names of voting delegates may be substituted at any time, in line with Rule 34 of the LGNSW Rules.

Voting delegates may not appoint a proxy to attend or vote at formal business sessions on their behalf.

Voting delegates must be registered to attend the Conference and also be registered as a voting delegate.

Conference Motions

LGNSW has advised that Councils can submit proposed motions for the Business Paper for the Conference, and that such motions will be included where they:

- are consistent with the objects of the Association (see Rule 4 of the Association's rules);
- relate to Local Government in NSW and/or across Australia;
- concern or are likely to concern Local Government as a sector;
- seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
- have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
- are clearly worded and unambiguous in nature; and
- do not express preference for one or several members over one or several other members.

Motions must also be accompanied by evidence for example an extract from Council Minutes that Council has resolved to submit the motion to the LGNSW Conference and be submitted by 12 midnight (AEST) on Monday 19 August 2019.

Motions must be submitted in the recommended format:

1. *Indicative category of the Motion:*

- Economic
- Infrastructure
- Planning
- Environment
- Social and Community
- Governance of councils
- Accountability of councils
- Don't know

2. *Motion title*

3. *Motion wording*

4. *Background note* explaining the rationale of the Motion (max 1 or 2 paragraphs)

Motions proposed by Bega Valley Shire Councillors

Cr Kristy McBain

Indicative category of the motion:	Governance of councils
Motion Title	An improved rating model
Motion Wording	That LGNSW advocate to the NSW State Government to change the rate peg model to allow Councils to generate revenue required to meet community service expectations as identified through the Integrated Planning and Reporting Framework.
Background note:	The IPART rating review has now been released and there are

	<p>several recommendations in that report which would give Councils and their communities more flexibility in determining the services they require for the future.</p> <p>Disappointingly, the review does not include in its recommendations a simplified process for aligning rates income with community service expectations which is at the core of Integrated Planning and Reporting. This still requires resource intense special rate variation application processes to be followed to align income with service expectations. IPART recommends rating based on capital improved valuations (CIV) as a solution to increasing income to match service needs however this will not provide a solution to communities that do not have increasing CIV's.</p>
Indicate if the motion conflicts with one or more of the Fundamental Principles	No. The motion does not conflict with the Fundamental Principles.

Indicative category of the motion:	Economic
Motion Title	NSW Business investment incentives
Motion Wording	<p>That LGNSW advocate to the NSW State Government to implement business incentives to attract businesses out of metropolitan NSW and other jurisdictions to regional NSW.</p> <p>These incentives could include by way of removing removal of stamp duty costs for property purchases, removal of payroll taxes and further, financial incentives for the employment of a set amount of local employees in line; with a commitment to decentralisation to assist regional NSW to grow.</p>
Background note:	Other States and Territories have incentives in place to attract businesses to their jurisdictions, often at the expense of economic activity within NSW. NSW should be competing to attract businesses to NSW as well as retaining businesses looking to relocate from Metropolitan areas of NSW due to urbanisation pressure and to also look at how we can make it viable and attractive to move businesses into regional areas.
Indicate if the motion conflicts with one or more of the Fundamental Principles	No. The motion does not conflict with the Fundamental Principles.

Indicative category of the motion:	Economic
Motion Title	Snowy Hydro Legacy Fund South East prioritisation
Motion Wording	The NSW State Government commit to funding transformational region building initiatives in the South East of NSW first from the Snowy Hydro Legacy Fund given the asset was located in the South East of the State.
Background note:	The Snowy Hydro Legacy Fund has been announced with a vision to fully implement the 20 year Economic Vision for Regional NSW. Whilst we agree with that vision, it should be aimed at those Councils that are in the South East of the State, who show population growth, have natural advantages and are looking to grow their economies.
Indicate if the motion conflicts with	No. The motion does not conflict with the Fundamental Principles.

one or more of the Fundamental Principles	
Indicative category of the motion:	Economic
Motion Title	State and Federal Government rate payments
Motion Wording	That LGNSW advocate that both State and Federal Government owned land be liable to pay rates as is required of private land owners with that income to be added to existing rate income of Councils.
Background note:	<p>This land produces income via the sale of resources from the land or by selling access to the sites. These parcels of land are accessed using local road infrastructure and are heavily utilized by heavy vehicle movements of multiple passenger vehicles depending on the sites in question.</p> <p>It is incumbent upon the owners to contribute to the infrastructure of the surrounding shires.</p>
Indicate if the motion conflicts with one or more of the Fundamental Principles	No. The motion does not conflict with the Fundamental Principles.

Cr Cathy Griff

Indicative category of the motion:	Planning
Motion Title	Consistent definition of tiny houses
Motion Wording	That LGNSW call on the NSW Government to amend the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 to include a definition of tiny houses in NSW planning legislation, to offer a flexible, legitimate housing model.
Background note:	<p>Affordable housing is widely recognised as a key national concern, yet the crisis escalates throughout urban and regional Australia.</p> <p>The Tiny House movement has gained momentum in Australia in the last six years for affordability and environmental reasons. Australia's affordable housing crisis requires multiple different solutions. Tiny houses are just one small element, but they face legislative impediments. Innovative housing formats should be embraced and dealt with consistently.</p> <p>Tiny houses [on wheels] are currently defined as caravans and therefore subject to planning controls in relation to their suitability for permanent housing.</p> <p>To permit a tiny home to be sited on a parcel of vacant land, not in association with another dwelling, a separate and distinct classification of caravan should be created that addresses:</p> <ul style="list-style-type: none"> • requirements to address building sustainability (as a caravan is not subject to Building Code of Australia or BASIX requirements), • built form development controls (setbacks, streetscape), • landscaped area controls, • amenity standards (privacy), • car parking,

	<ul style="list-style-type: none"> • vehicle access requirements (driveway crossover and siting under S138 of the Roads Act 1993), and • connection to reticulated water and sewerage services.
Indicate if the motion conflicts with one or more of the Fundamental Principles	No. The motion does not conflict with the Fundamental Principles.

Indicative category of the motion:	Environment - ecologically sustainable development
Motion Title	Community renewable energy hubs
Motion Wording	LGNSW urges the NSW Government to support local councils to establish community renewable energy hubs in their municipalities.
Background note:	LGNSW's current policy statement (10.2) calls for "Ambitious but realistic policies and practices that promote council, community, industry and government commitment to renewable energy, energy conservation and energy efficiency." Community solar farms and local energy sharing make obvious sense environmentally and also financially by enabling solar bulk buys, supporting local jobs, local suppliers and ultimately more affordable energy.
Indicate if the motion conflicts with one or more of the Fundamental Principles	No. The motion does not conflict with the Fundamental Principles.

Indicative category of the motion:	Environment
Motion Title	Renewable energy targets
Motion Wording	That LGNSW adopts a renewable energy target of 100% by 2030 and calls on the NSW Government to revise the NSW Renewable Energy Plan to also adopt that target.
Background note:	<p>LGNSW Policy Platform 10.7 states LGNSW advocates for a renewable energy target of 40% by 2025 to support investment and market confidence in renewable energy projects. This target was settled in August 2017. Since this date, the Alliance of World Scientists (numbering 21,000 from 184 countries) has issued Warnings to Humanity and in 2018 the Intergovernmental Panel on Climate Change (IPCC) report have all stressed the need to quickly and substantially reduce greenhouse gas emissions.</p> <p>An increasing number of countries, cities and councils have recognized a climate emergency and committed to ambitious renewable energy targets. It is time to update the current LGNSW policy to reflect scientific advice and community sentiment. According to leading academic research (Diesendorf et al 2019), a target of 100% renewable electricity by 2030 is technically achievable and financially affordable, given the falling cost of renewables.</p> <p>The NSW Government's current Renewable Energy Action Plan has a target of 20% renewables by 2020. It is timely that this target be revised upwards to provide clear direction to energy markets in NSW over the medium term</p>
Indicate if the motion conflicts with one or more of the Fundamental Principles	No. The motion does not conflict with the Fundamental Principles.

Principles	
Indicative category of the motion:	Social and Community – Participation (Libraries, Arts and Culture)
Motion Title	Government support for rural and regional arts
Motion Wording	That LGNSW lobbies Create NSW to increase annual support to Regional Arts Development Organisations.
Background note:	<p>LGNSW Policy 15.5 calls on State and Commonwealth governments to recognize the challenges for small, regional and remote councils and prioritise them for arts and cultural funding relative to the large State Cultural Institutions.</p> <p>There are 14 Regional Arts Development Organisations (RADOs) in NSW, which all receive \$140,000 of annual funding. There has been no increase in this amount since 2011. Yet all operating costs have increased. Staff wage increases are very limited and professional development is unaffordable.</p> <p>All RADOs deliver high quality services to their regions and create innovative projects and leverage more financial support from funding philanthropy and sponsors. Government support for these programs should increase in line with increasing costs of service delivery.</p>
Indicate if the motion conflicts with one or more of the Fundamental Principles	No. The motion does not conflict with the Fundamental Principles.

Financial

Councillors and senior staff have attended the LGNSW Annual Conference in past years. Costs to attend the Conference will include registration \$840 (early bird payment by 9 September 2019) accommodation (approximately \$150 per night), meals and travel costs. It is estimated this will be in the order of \$1700 per person attending via early bird bookings.

Conclusion

It is appropriate Bega Valley Shire Council is represented at the LGNSW Annual Conference. This Conference has been listed in the Operational Plan for attendance by Councillors and the General Manager on an annual basis.

Attachments

Nil

12.2. Proposed transfer of land to Quaama Men's Shed Incorporated

Formal advice has been received from legal representatives acting on behalf of Quaama Men's Shed Incorporated, requesting Council's consideration to enter into a formal Deed of Agreement with respect to the proposed transfer of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama.

Director Assets and Operations

Officer's Recommendation

1. That Council receive and note the report.
2. That Council approve the divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama to Quaama Men's Shed Incorporated, for the nominal sum of \$1.00 which includes registration of a Restrictive Covenant that Lot 10 Sec 10 DP 758860 only be used for community purposes.
3. That the General Manager and the Mayor be authorised to execute a formal Deed of Agreement setting out the terms of the divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama to Quaama Men's Shed Incorporated as detailed in this report.
4. That Quaama Men's Shed Incorporated be advised of Council's decision.

Executive Summary

A further Resolution of Council is being sought to allow the General Manager and Mayor to execute a formal Deed of Agreement setting out the terms of the transfer to Quaama Men's Shed Incorporated (QMSI). The purpose of the Deed of Agreement is to allow QMSI to sell the property in the future if they pay Council the unimproved land value of the property at the time of any sale, which still protects the value of the asset to the community and allows the transfer to progress.

Background

This matter has been reported to Council several times on 8 August 2018, 31 October 2018 and Council resolved at its Ordinary Meeting of 20 February 2019, when considering the proposed divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama to QMSI as follows:

- 1. That the report be noted.*
- 2. That Council approve the divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama to Quaama Men's Shed Incorporated for the nominal sum of \$1.00 with a positive covenant or appropriate mechanism restricting the use of the land to community purposes.*
- 3. That the General Manager and the Mayor be authorised to execute the necessary documentation to affect the above course of action.*

4. That all legal costs associated with this transaction be borne by Quaama Men's Shed Incorporated.

5. That Quaama Men's Shed Incorporated be advised of Council's decision.

Following the Resolution of Council, officers have been liaising with QMSI and legal representatives to action the Resolution of Council.

QMSI legal representatives wrote to Council advising that QMSI are in agreeance with the proposed transfer, subject to a formal Deed of Agreement being entered into which outlines the potential lifting of the Restrictive Covenant in certain future circumstances. The purpose of the proposed Deed of Agreement is that should QMSI sell the property, Council will consent and otherwise enable the Restrictive Covenant to be lifted to allow an unencumbered transfer, provided that QMSI pay Council the unimproved land value of the property at the time of any sale.

As the current resolution of Council does not allow for the execution of a Deed of Agreement a resolution is being sought to delegate authority to the General Manager and Mayor to execute a formal Deed of Agreement on this basis.

Options

The options available to Council are:

1. Divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguer Street, Quaama to QMSI for the nominal sum of \$1.00 which includes registration of a Restrictive Covenant that the land only be used for community purposes. The proposed transfer being subject to a formal Deed of Agreement allowing QMSI to sell the property in the future if they pay Council the unimproved land value of the property at the time of any sale; or
2. Divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguer Street, Quaama to QMSI for nominal sum of \$1.00 which includes registration of a Restrictive Covenant that the land only be used for community purposes with no formal Deed of Agreement being agreed; or
3. Divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguer Street, Quaama to QMSI for nominal value, removing the need for the asset to be returned to Council should QMSI divest of the property; or
4. Retain ownership of Lot 10 Section 10 DP 758860 at 20 Bermaguer Street, Quaama and continue with the current licence arrangement with QMSI which expired on 30 June 2019, offering QMSI with a further term Licence Agreement; or
5. Other options, as raised and resolved by Councillors.

Community Engagement

Consultation undertaken

Council officers have had ongoing consultation with QMSI, Council's legal representatives and legal representatives acting on behalf of QMSI to action the Resolution of Council.

Council officers have advised QMSI that a further Resolution of Council will be sought in relation to the proposed Deed of Agreement.

Financial and resource considerations

The legal costs associated with protection of Council's interest in Lot 10 Section 10 DP 758860 have not been estimated by legal representatives. Council officers advised QMSI that Council would take responsibility for the legal costs associated with protecting Council's interest in the land should the transfer proceed.

As outlined in the Council report of 20 February 2019 (attached) the asset at Lot 10 Section 10 DP 758860 does have a value to the community and in accordance with Council's Long Term Financial Plan and Acquisition and Disposal of Land Procedure, the proceeds from the sale of 'Operational' Land should be used to leverage investment or strategic outcomes. Council's Acquisition and Disposal of Land Procedure may however be varied to meet the needs of a particular matter by Resolution of Council. Should Council resolve to divest of the asset below market value, the Resolution of Council should clearly state the reasons for such divestment.

The obligation to obtain a market valuation exists in accordance with Council's Acquisition and Disposal of Land Procedure, in order to provide a measure of the non-financial elements of the sale. Accordingly, it would be necessary to obtain a formal market valuation for the property at the time of any sale to determine the value of the land payable by QMSI.

Council officer time will be required to implement the Resolution of Council. Furthermore, if the land is retained by Council, officers will be required to manage the terms of the current Licence Agreement and any future Licence Agreements.

Legal /Policy

Under the *Local Government Act 1993* (NSW) (LG Act), there is no restraint on Council's ability to sell or otherwise dispose of land classified as Operational Land. Section 377(1)(h) of the LG Act requires a specific Resolution of Council to dispose of any land.

Impacts on Strategic/Operational/Asset Management Plan/Risk

Risk

QMSI have indicated their agreement to the proposed transfer is subject to a formal Deed of Agreement being entered into, so if Council do not agree to enter into the proposed Deed of Agreement the transfer may not progress. If the transfer does not progress the ongoing liabilities related to building management, whilst in Council ownership, need to be considered.

Attachments

1. Council report - Proposed divestment of land to QMSI dated 8 August 2018
2. Council report - Proposed divestment of land to QMSI dated 31 October 2018
3. Council report - Proposed divestment of land to QMSI dated 20 February 2019
4. Draft Deed of Agreement regarding proposed transfer of 20 Bermagoe Street Quaama

10.1. Proposed divestment of land to Quaama Men's Shed Incorporated

A formal request has been received from the Quaama Men's Shed group for Council's consideration to the transfer of ownership of Council owned operational land they currently licence at Bermaguese Street, Quaama.

Director Community, Environment and Planning

Officers Recommendation

1. That the report be noted.
2. That Council approve the divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama to Quaama Men's Shed Incorporated for the nominal sum of \$1.00.
3. That the General Manager and the Mayor be authorised to execute the necessary documentation to effect the above course of action.
4. That all legal costs associated with this transaction be borne by Quaama Men's Shed Incorporated.
5. That Quaama Men's Shed Incorporated be advised of Council's decision.

10. Executive Summary

Quaama Men's Shed Incorporated has requested the consideration of Council to formally divest of the old Rural Fire Service (RFS) shed and land they currently hold under licence at 20 Bermaguese Street, Quaama. The request is in line with Council's identified Divestment Strategy, with divestment removing this financial liability from Council.

Background

- Quaama Men's Shed Incorporated has operated their Men's Shed facility from Council owned operational land at Bermaguese Street, Quaama since 2014. Prior to the current licence agreement being entered into, Council carried out a public Expression of Interest (EOI) process for the use of all old RFS sheds throughout the Shire with the results of the EOI being presented to Council on 12 June 2013. At that meeting, Council resolved to enter into a five year licence agreement with the Quaama Men's Shed group to occupy the old Quaama fire shed site. The current licence agreement is due for renewal on 30 June 2019; however they have sought ownership of the land from Council to allow them to progress further grant funding opportunities and to further develop the site.

Over the past few years the group have made significant capital investment at the site in the form of the installation of a septic sewerage system including the addition of a site toilet. The building has been rewired with three phase power. The group has recently received grant funding to carry out further work to the building and a Development Application (DA) to add a further 113m² of workspace including a disabled toilet facility has been approved.

- A report was presented to Council on 13 December 2017 identifying the need to develop a divestment strategy to improve our asset management approaches. It was recommended in

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that report Council hold discussions with the Quaama Men's Shed group regarding the possible divestment of the asset from Council's Asset Register.

The group provides an important social activity for members of the local community by providing men the opportunity to come together and discuss issues relating to their life such as health and work. In addition, the group intends to apply for nomination as a Neighbourhood Safer Place for the community of Quaama.

Options

The options available to Council are:

- 40 1. Divestment of the asset to Quaama Men's Shed Incorporated for a nominal value on the basis they have occupied the site for the past 4 years and have made substantial capital investment on the land over that time; or
2. Divestment of the asset to Quaama Men's Shed Incorporated for the Valuer General's land valuation amount of \$61,600 (plus GST) or at current market value as determined by an independent valuer, with the proceeds from the sale to be reinvested into other property projects identified by Council; or
3. Retain ownership of the land and continue with the current licence arrangement which does not expire until 30 June 2019.

Community Engagement

50 Consultation undertaken

Council officers have met with members of the group to discuss the options available in order for them to take over ownership of the site occupied. The group confirmed at that meeting they were not currently in a financial position to purchase the land from Council; however have requested Council consider transferring the site to them for a nominal sum.

Financial and resource considerations

The recent Valuer General's (VG) land valuation for the land at Bermaguer Street, Quaama provides a total land value of \$61,600. If required, a more detailed valuation of Lot 10 Section 10 DP 758860 could be obtained from an independent valuer.

- 60 If Council were to resolve to sell the site to Quaama Men's Shed Incorporated rather than transfer the asset for nominal consideration, it could achieve a minimum sale price of \$61,600 to reinvest into other projects.

Council receive \$540.10 per annum for the licence of the site and the current replacement cost is recorded on Council's building asset register at \$37,533, divestment of the asset would remove this financial liability to Council.

If the land is retained by Council, Property Officers will be required to manage the terms of the current licence and the financial Council's liability for the shed would be retained.

Legal /Policy

- 70 Under the *Local Government Act 1993* (NSW), there is no restraint on Council's ability to sell or otherwise dispose of land classified as Operational Land. Section 377(1)(h) of the *Local Government Act 1993* (NSW) requires a specific Resolution of Council to dispose of any land.

Council's Acquisition and Disposal of Land Procedure may be varied to meet the needs of a particular matter, by Resolution of the Council. The reasons for the proposed disposal of an asset below market value however, must be clearly articulated within the report submitted for consideration by the Council.

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Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

The old RFS shed and land is owned by Bega Valley Shire Council as Operational Land and is included on Council's Shire Property Register. It has a zoning of RU5 Village under Council's Local Environmental Plan.

80 **Risk**

There are no adverse risks in allowing the building to continue to be occupied by the current tenant as long as the use is authorised by way of a formal licence agreement which contains appropriate indemnity and insurance clauses.

Attachments

1. Divestment request letter from Quaama Men's Shed Inc.

10.1. Proposed divestment of land to Quaama Men's Shed Incorporated

Formal advice has been received from Quaama Men's Shed Incorporated, declining Council's offer to transfer ownership of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama.

Director Community, Environment and Planning

Officers Recommendation

1. That Council receive and note the report.
2. That Council continue with the current Licence Arrangement which does not expire until 30 June 2019.
3. That following expiry of the current Licence Agreement, Council approve a further five (5) year licence to Quaama Men's Shed Incorporated for their continued occupation of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama for minimum annual rental.
4. That the General Manager be authorised to execute the Licence Agreement documentation.
5. That Quaama Men's Shed Incorporated be advised of Council's decision.

Executive Summary

- 10 Formal advice has been received from Quaama Men's Shed Incorporated (QMSI) that they have now formally declined Council's offer to transfer ownership of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama for the nominal sum of \$1.00.

A further Resolution of Council is now sought to continue with the current licensing arrangements and offer QMSI with a further term following expiry of the current Licence Agreement.

Background

Council resolved at its Ordinary Meeting of the 8 August 2018, when considering the proposed divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama to QMSI:

1. That the report be noted.
- 20 2. That Council approve the divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama to Quaama Men's Shed Incorporated for the nominal sum of \$1.00.
3. That the General Manager arrange a suitable clause either in the constitution of the Men's Shed Quaama or in the Contract for Sale, that should the Men's Shed Quaama dissolve and fold, that the property be returned to Council ownership.
4. That the General Manager and the Mayor be authorised to execute the necessary documentation to effect the above course of action.
5. That all legal costs associated with this transaction be borne by Quaama Men's Shed Incorporated.

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6. That Quaama Men's Shed Incorporated be advised of Council's decision.

30 Following the Resolution of Council, officers have been liaising with QMSI to action the Resolution of Council.

QMSI wrote to Council outlining several concerns with the additional clause added to the Resolution being:

"That the General Manager arrange a suitable clause either in the constitution of the Men's Shed Quaama or in the Contract for Sale, that should the Men's Shed Quaama dissolve and fold, that the property be returned to Council ownership."

Council officers have been working with QMSI and Council's legal representatives to find a way forward however, we have now received formal notification from QMSI they have declined Council's offer to transfer ownership of Lot 10 Section 10 DP 758860 at 20 Bermaguer Street,
40 Quaama due to the conditions associated with the transfer, outlined in the attached letter.

Options

The options available to Council are:

1. Retain ownership of Lot 10 Section 10 DP 758860 at 20 Bermaguer Street, Quaama and continue with the current licence arrangement with QMSI which is not due to expire until 30 June 2019, offering QMSI a further term upon expiry of the current Licence Agreement; or
2. Divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguer Street, Quaama to QMSI for nominal value, removing the need for the asset to be returned to Council should QMSI dissolve and fold; or
- 50 3. Divestment of the asset to Quaama Men's Shed Incorporated for the Valuer General's land valuation amount of \$61,600 (plus GST) or at current market value as determined by an independent valuer, with the proceeds from the sale placed in the property reserve for future use; or
4. Divestment of the asset to Quaama Men's Shed Incorporated for the Valuer General's land valuation amount of \$61,600 (plus GST), payable by five equal annual payments of \$12,320 (plus GST), with the proceeds from the sale placed in the property reserve for future use.

Community Engagement

Consultation undertaken

Council officers have been liaising with QMSI to action the Resolution of Council and have also
60 sought legal advice on the best way of registering Council's interest in Lot 10 Section 10 DP 758860 at 20 Bermaguer Street, Quaama.

Financial and resource considerations

Council were advised by legal representatives the costs to prepare either a Contract of Sale or Deed of Agreement would be in the vicinity of \$1,600 to \$2,000 plus GST and disbursements, depending on whether they are required to prepare the transfer documents, which a transferee would normally prepare and arrange registration of themselves.

The legal costs associated with protection of Council's interest in Lot 10 Section 10 DP 758860 have not been estimated by legal representatives. Council officers advised QMSI that Council would take responsibility for the legal costs associated with protecting Council's interest in the
70 land should the transfer proceed.

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Legal /Policy

In an attempt to move forward with the matter, Council officers consulted with Council's approved legal representatives to provide the QMSI with a quotation for legal costs and to seek instructions as to the best way of registering Council's interest in Lot 10 Section 10 DP 758860.

Given QMSI's Constitution is governed by the *Associations Incorporation Act 2009* (NSW) (AI Act) which stipulates at Division 3, Section 65(4) that upon winding up surplus property supplied by a government department must be returned to the department that supplied it, it was first thought that Council may not need to add a further clause into the QMSI's
80 Constitution; however this is subject to section 65(1) of the AI Act, which provides for when an association winds up, the "surplus property" is the property remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of winding up. This clause may have potentially meant that all, some, or none of Lot 10 Section 10 DP 758860 would have been available surplus property in the event the association dissolved. A caveat registered on the Certificate of Title stipulating Council's interest in the property may not have any prohibitive effect in these circumstances either.

As QMSI is a charitable organisation with deductible gift recipient (DGR) status, different rules apply on winding up. In basic terms, on winding up of a charity, any surplus property must be transferred to another organisation with DGR status. The advice received was there are going
90 to be a number of issues to consider and investigations into whether section 65(4) of the AI Act gives Council any protection in light of this information. Even if section 65(4) of the AI Act is deemed to still apply, investigations into whether the transfer is considered a 'supply' for the purpose of that section will need to be carried out by legal representatives.

Investigation was also carried out as to whether or not registration of a restriction over the use of land would be sufficient to prevent QMSI from transferring the property, and we were advised this also requires careful examination. Advice received was there is an historical rule prohibiting restrictions on the power to transfer or dispose of property. In certain circumstances, a restraint imposed for the protection of a 'valid collateral object' is not invalid provided there is a public interest being served by permitting the restraint.

100 Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

The asset at Lot 10 Section 10 DP 758860 does have a value to the community and in accordance with Council's Long Term Financial Plan and Acquisition and Disposal of Land Procedure, the proceeds from the sale of 'operational' land should be used to leverage investment or strategic outcomes. Council's Acquisition and Disposal of Land Procedure may be varied to meet the needs of a particular matter by Resolution of the Council.

Risk

There are no adverse risks in allowing the building to continue to be occupied by QMSI provided the use is authorised by way of a formal Licence Agreement which contains
110 appropriate indemnity and insurance clauses.

Attachments

1. Letter from Quaama Men's Shed declining offer for transfer of ownership of 20 Bermaguese Street, Quaama
2. Council report from 8 August 2018 - Proposed divestment of land to Quaama Men's Shed Incorporated

13.1. Proposed divestment of land to Quaama Men's Shed Incorporated

Formal advice has been received from the Office of Local Government (OLG) regarding the proposed divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama to Quaama Men's Shed Incorporated (QMSI).

Director Assets and Operations

Officers Recommendation

1. That Council receive and note the report.
2. That Council continue with the current Licence arrangement which does not expire until 30 June 2019.
3. That following expiry of the current Licence Agreement, Council approve a further five (5) year Licence to Quaama Men's Shed Incorporated for their continued occupation of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama for minimum annual rental.
4. That the General Manager be authorised to execute the Licence Agreement documentation.
5. That Quaama Men's Shed Incorporated be advised of Council's decision.

10 Executive Summary

Following the Resolution of Council dated 31 October 2018 in relation to the proposed divestment of land to Quaama Men's Shed Incorporated (QMSI), Council officers investigated the legalities of Council's intention, and have sought advice from the Office of Local Government (OLG) Audit Risk and Improvement Committee and legal representatives. The advice received has been that Council's intention is not recommended and cannot be support by the OLG.

A further Resolution of Council is now sought to continue with the current licensing arrangements and offer QMSI with a further term following expiry of the current Licence Agreement.

20 Background

Council resolved at its Ordinary Meeting of 31 October 2018, when considering the proposed divestment of Lot 10 Section 10 DP 758860 at 20 Bermaguese Street, Quaama to QMSI as follows:

"1. That Council receive and note the report.

2. That Council outline their intent to divest of the asset to Quaama Men's Shed Incorporated for the amount of \$50,000 (plus GST), payable by annual contributions of \$500 (plus GST), with the proceeds from the sale placed in the property reserve for future use.

30 *3. That Council staff investigate the legalities of this intention and implement if applicable or report back to Council.*

Council 20 February 2019

Item 13.1

4. That the General Manager be authorised to execute the necessary documentation.

5. That Quaama Men's Shed Incorporated be advised of Council's decision."

Council officers have investigated the legalities of Council's intention and have been formally advised by the OLG they would not be supportive of Council entering into a loan with a community group to repay costs associated with a transfer of land. The OLG advised that while there are not strict rules regarding the disposal of Operational Land, it is expected that any arrangement would be open and transparent and not offer an advantage to a given purchaser over others who may be interested. It was also noted that any transfer of Operational Land should also assist with Council's financial sustainability, not impact upon it.

- 40 The OLG also advised the *Local Government Act 1993* (NSW) (the Act) gives Councils broad powers to deliver services and financial assistance to their communities which provides for low interest loans (or no interest) to a resident and/or group, however would likely contravene the Ministerial Investment Order under the Act, which limits how Council may invest to ensure fiduciary responsibilities are being met. Finance and consumer credit law restrictions could also apply.

- 50 The Order further requires that investment be consistent with an adopted Council Investment Policy, and that it should also be consistent with Investment Guidelines issued by the OLG. The OLG have advised that Council's Resolution of 31 October 2018 could not be considered to meet the key objective outlined in the Investment Guidelines issued by the OLG to preserve capital and gain the most advantageous rate of return. It was outlined by OLG that it would also probably pose a default risk, again contrary to the approach recommended in the Investment Guidelines.

Options

The options available to Council are:

1. Retain ownership of Lot 10 Section 10 DP 758860 at 20 Bermagabee Street, Quaama and continue with the current Licence arrangement with QMSI which is not due to expire until 30 June 2019, offering QMSI a further term upon expiry of the current Licence Agreement; or
- 60 2. Divestment of Lot 10 Section 10 DP 758860 at 20 Bermagabee Street, Quaama to QMSI for nominal value, removing any need for the asset to be returned to Council should QMSI dissolve and fold; or
3. Divestment of the asset to QMSI for the Valuer General's land valuation amount of \$61,600 (plus GST) or at current market value as determined by an independent valuer, with the proceeds payable immediately; or
4. Divestment of the asset to QMSI for the Valuer General's land valuation amount of \$61,600 (plus GST), payable by five equal annual payments of \$12,320 (plus GST), with the proceeds from the sale placed in the property reserve for future use.

Community Engagement

Consultation undertaken

- 70 Council officers have advised QMSI that a further Resolution of Council will be sought in relation to the proposal. Council officers have investigated the legalities of Council's intention and have sought advice from the OLG, the Audit Risk and Improvement Committee and legal representatives in regards to the proposal.

Feedback from the OLG and the Audit Risk and Improvement Committee are attached for the information of Councillors.

Council 20 February 2019

Item 13.1

Consultation Planned

Following the Council meeting, officers will liaise with QMSI to action the Resolution of Council.

Financial and resource considerations

80 The asset at Lot 10 Section 10 DP 758860 does have a value to the community and in accordance with Council's Long Term Financial Plan and Acquisition and Disposal of Land Procedure, the proceeds from the sale of 'Operational' Land should be used to leverage investment or strategic outcomes. Council's Acquisition and Disposal of Land Procedure may however be varied to meet the needs of a particular matter by Resolution of Council. Should Council resolve to divest of the asset below market value, the Resolution of Council should clearly state the reasons for such divestment. The obligation to obtain a market valuation exists in accordance with Council's Acquisition and Disposal of Land Procedure, in order to provide a measure of the non-financial elements of the sale.

90 Should Council resolve to continue with the current licensing arrangements annual Licence fees will be subject to an annual rent review by the Consumer Price Index (CPI) rate at the time of review.

Council officer time has been required to liaise with QMSI and investigate the proposed divestment. Further officer time will be required to implement the Resolution of Council.

Furthermore, if the land is retained by Council, officers will be required to manage the terms of the current Licence Agreement and any future Licence Agreements.

Legal /Policy

100 Council officers sought legal advice on the proposal and were advised that what is being proposed is a vendor finance type arrangement and the transfer of land would therefore be subject to the parties entering into a loan agreement for the \$50,000 (plus GST) and the loan being secured by a mortgage over the land.

Impacts on Strategic/Operational/Asset Management Plan/Risk

Risk

There are no adverse risks in allowing the building to continue to be occupied by QMSI provided the use is authorised by way of a formal Licence Agreement which contains appropriate indemnity and insurance clauses.

Attachments

1. Council report dated 8 August 2018 - Proposed divestment of land to Quaama Men's Shed Incorporated
2. Council report dated 31 October 2018 - Proposed divestment of land to Quaama Men's Shed Incorporated
3. Feedback from the Office of Local Government in relation to divestment to Quaama Men's Shed (Councillor Only)
4. Feedback from the Audit Risk and Improvement Committee in relation to divestment to Quaama Men's Shed (Councillor Only)

DEED OF AGREEMENT

THIS DEED is made the _____ day of _____ 2019

BETWEEN **QUAAMA MEN'S SHED INCORPORATED ("QMS") (ABN 54 800 602 264)**
of 20 Bermaguese Street, Quaama, in the State of New South Wales 2550

AND **BEGA VALLEY SHIRE COUNCIL (ABN 26 987 935 332) ("BVSC")**
of Zingel Place, Bega in the State of New South Wales 2550

RECITALS

- A. BVSC has resolved to transfer to QMS the property located at and known as 20 Bermaguese Street, Quaama in the State of NSW (Folio Identifier: 10/10/758860) (the **"Property"**) for community purposes, including the use of QMS.
- B. BVSC have registered a covenant over the Property (Dealing no. ??) to secure the use of the Property for community purposes (the **"Covenant"**).
- C. BVSC has allowed QMS to make certain capital improvements to the Property.
- D. QMS and BVSC have agreed to the terms of this Deed in order to protect their respective interests, including:
 - (i) to preserve BVSC's desire that the Property only be used for community purposes; and
 - (ii) to preserve and recognise the substantial cost and expense that the QMS have invested in the

OPERATIVE PROVISIONS

Interpretation

1. Except to the extent that such interpretation shall be excluded by or be repugnant to the context the following expressions will be used in this Deed shall have the following meanings:
 - (a) **"Person"** shall include a corporation and words importing any gender shall include the other genders and words importing the singular number or plural number shall mean and include the plural number and singular number respectively;
 - (b) **"Property"** shall mean the property located at and known as 20 Bermaguese Street, Quaama in the State of NSW (Folio Identifier: 10/10/758860);
 - (c) **"Covenant"** shall mean the covenant registered over the Property, being Dealing no. ?????;
 - (d) **"QMS"** shall mean Quaama Men's Shed Incorporated (ABN 54 800 602 264) of 20 Bermaguese

Fi

Deed of Agreement

Street, Quaama, NSW 2550;

- (a) "BVSC" shall mean Bega Valley Shire Council (ABN 26 987 935 332) of Zingel Place, Bega in the State of New South Wales 2550;
- (b) Any reference to statutes shall include all statutes amending or consolidating the statutes referred to;
- (c) Clause headings are inserted for guidance only and do not affect the content of any clause.

Existence and Removal of Covenant

2. The parties acknowledge and agree as follows:

(a) The Covenant will remain registered over the title of the Property until removed in accordance with the terms of this Deed, or as otherwise agreed in writing between the parties.

(a)(b) The Covenant will allow, and not prevent, the carrying out of the operations of the QMS on the Property.

(b)(c) If QMS enters into a binding contract for the sale of the Property then:

(i) BVSC will do all acts, and execute all documents, reasonably necessary to have the Covenant removed from the title ~~to~~ of the Property in order to allow the conveyance of the Property to proceed to the Purchaser(s) under such contract to be free of the encumbrance of the Covenant;

(ii) on completion of a sale under such contract, QMS will pay to BVSC the Unencumbered Value of the Property as at the date of such contract;

(iii) QMS will bear the cost of such removal of the Covenant, including registration costs and BVSC's reasonable legal fees and costs.

(d) If QMS otherwise pays the Unencumbered Value of the Property to BVSC then:

(i) BVSC must do all acts, and execute all documents, reasonably necessary to have the Covenant removed from the title of the Property within 28 days of the date of such payment; and

(iii)(ii) QMS will bear the cost of such removal of the Covenant, including registration costs and BVSC's reasonable legal fees and costs.

3. For the purposes of clause 2.~~(b)(ii)~~ of this Deed the "Unencumbered Value of the Property" shall be the value of the Property at the time of the relevant payment:

(a) as determined by a registered valuer chosen by QMS; and

(b) as determined without reference to, or consideration of, any improvements made to the Property or any encumbrances affecting the Property.

4. The parties agree and acknowledge that the operations of QMS fall within the definition and meaning of "community purposes" for the purposes of, and to permitted by, the Covenant.

Law

5. This Deed shall be governed by the laws of New South Wales.

Deed of Agreement

EXECUTED AS AN DEED

EXECUTED AS A DEED by
the **QUAAMA MEN'S SHED INCORPORATED (ABN 54 800 602 264)**
pursuant to section 22(1) of the Associations Incorporation Act 2009 (NSW)

.....
Signature of Authorised Signatory

.....
Signature of Authorised Signatory

.....
Name of Authorised Signatory

.....
Name of Authorised Signatory

.....
Capacity of Authorised Signatory

.....
Capacity of Authorised Signatory

Deed of Agreement

EXECUTED AS A DEED by

the **BEGA VALLEY SHIRE COUNCIL (ABN 26 987 935 332)**

by its authorised delegate in accordance with section 22 of the Local Government Act 1993 (NSW)

.....
Signature of Authorised Delegate

.....
Name of Authorised Delegate

.....
Position of Authorised Delegate

12.3. Classification of various land parcels at Kalaru

This report seeks approval to commence a public notification process to classify land recently redefined and dedicated to Council as Operational Land under the *Local Government Act 1993* (NSW).

Director Assets and Operations

Officer's Recommendation

That Council give notice of its intention to classify Lot 36 DP 1253987 at Lot Stafford Drive, Kalaru and Lots 1 and 2 DP 1245874 at Sapphire Coast Drive, Kalaru as Operational Land under section 34 of the *Local Government Act 1993* (NSW).

Executive Summary

A Council Resolution is being sought to commence the public notification process required under section 34 of the *Local Government Act 1993* (NSW) (LG Act) to classify various land parcels in Kalaru that have been redefined and dedicated to Council as Operational Land.

Background

As required under Development Consent 2014.278 for the staged 36 lot subdivision at Lot Stafford Drive in Kalaru, Lot 36 DP 1253987 was dedicated to Council as drainage reserve. This parcel was dedicated to Council for the purpose of providing for drainage of the development, to protect the public and private assets from potential damage, and to minimise the environmental impacts of this development. Council's Property officers are now in receipt of the Certificate of Title for the land and accordingly, the parcel requires classification. It is recommended this land be classified as Operational Land under the LG Act to allow flexibility if easements for services are required to be registered over the land in the future.

A notation will remain on the title indicating the land is drainage reserve.



As part of the Tathra to Kalaru Bike Path project, Council owned Operational Land parcels being Lots 740 and 741 DP 1013100 on the corner of Sapphire Coast Drive, Kalaru were subdivided to accommodate the new bike path. The new Certificates of Title for the residue land parcels have recently been received by Council officers and these land parcels should now be classified as Operational Land under the LG Act to allow flexibility if easements for services are required to be registered over the land in the future, or if Council wishes to divest of their interest in the land to a suitable land owner.



Council approval is now required to commence the public notification process required to classify these land parcel under Section 34 of the LG Act as Operational Land.

Options

The options available to Council are:

1. Commence the public notification process to classify the land parcels in Kalaru, recently redefined and dedicated to Council as Operational Land, to allow for a range of future uses of these sites; or
2. Resolve not to commence the public notification process to classify the land recently redefined and dedicated to Council at Kalaru, as Operational Land. Any land parcels that are redefined or dedicated to Council that are not classified by a Resolution within 3 months, will at the end of the 3 months period be taken to have been classified under an Local Environmental Plan as Community Land. If the land parcels were to revert to Community Land, the land may not be used for any purpose other than that for which it was being used immediately before it was dedicated to Council, and Council may not dispose of any interest in the land.

Community Engagement

Consultation Planned

Section 34 of the LG Act provides that a public notice of such a proposed Resolution must be advertised giving 28 days for receipt of public submissions. A further report will be presented to Council after the submission period, noting any submissions received and seeking a final Resolution to classify Lot 36 DP 1253987 and Lots 1 and 2 DP 1245874 as Operational Land.

Financial and resource considerations

The costs associated with advertising the proposal will be borne by Council and Council's Property officers will be required to complete the public notification process to classify the land parcels.

Legal /Policy

Under section 26 of the LG Act, Council Land must be classified as either Community or Operational Land. Section 31 of the LG Act provides that a property may be classified within 3 months of dedication by Council Resolution or it automatically defaults to Community Land.

Impacts on Strategic/Operational/Asset Management Plan/Risk

Risk

While the land remains unclassified, the land may not be used for any purpose other than that for which it was being used immediately before it was dedicated, and Council may not dispose of any interest in the land.

Attachments

Nil

12.4. Transfer of land from sewer fund to general fund

The purpose of this report is to recommend to Council transfer of a section of land previously acquired by Council's Sewer Fund to the General Fund.

Director Assets and Operations

Officer's Recommendation

1. That Council transfer Lots 1 and 2 in DP 1245874 as assets on Council's Sewer Fund Balance Sheet, to assets on Council's General Fund Balance sheet with a corresponding cash transfer from Council's General Fund Balance Sheet of \$250,000.
2. That a report be provided to Council to best consider the future use of Lots 1 and 2 in DP 1245874.

Executive Summary

Council's Sewer Fund currently includes Lots 1 and 2 in DP 1245874 (which were previously Lots 740 and 741 in DP 1013100 as outlined in a separate report in this Business Paper) as assets on Council's Sewer Fund Balance Sheet. The parcels are now surplus to the needs of the Sewer Fund, with Council's Water and Sewerage resources not structured to manage land surplus to the needs of those business units.[Background](#)

In 2000 Council's Sewer Fund acquired Lots 1 and 2 in DP 1245874 (which were previously Lots 740 and 741 in DP 1013100 as outlined in a separate report in this Business Paper) located adjacent to the intersection of Sapphire Coast Drive and Tathra-Bega Road for \$250,000 with the original intention to utilise the land for a Sewerage Plant to service the village of Kalaru.

Subsequent to purchase of the above mentioned land, a Sewerage Treatment Plant (STP) was constructed and commissioned at an alternate site nearby and in the vicinity of the Sapphire Coast Racetrack and Wallagoot Waste Transfer Station.

Since the construction of the STP, the land referred to has remained as a Sewer Fund asset but is surplus to any need in the provision of sewer services.

Based on the above, it is recommended Lots 1 and 2 in DP 1245874 be transferred to the General Fund for \$250,000 with the best future use for the land then to be identified.

Options

The main options relating to the land referred to in this report are as follows:

1. Retain the land as assets on Council's Sewerage Fund Balance Sheet.
2. Dispose of the land on the open market with proceeds of sale transferred to the Sewer Fund.
3. Transfer the land assets to the General Fund to further consider the best future use for the land to maximise community benefit.

The third option identified is the recommended option as there is a range of potential future uses of the site that warrant further investigation and could return greater community benefit than simply disposing of the land as is or retaining it in perpetuity in the Sewer Fund.

Community Engagement

There has been no consultation or community engagement undertaken to date. Should Council intend to do anything with the land referred to in this report, other than internally transferring it, then it is recommended further community engagement be undertaken at that time.

Financial and resource considerations

The recommendation in this report would involve the internal transfer of Balance Sheet assets.

Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

Council has previously identified through its delivery program an emphasis on rationalising surplus assets. The recommendation in this report aligns with that objective.

Environmental / Sustainability

At the time the land was purchased, it was intended to assist in meeting environmental and public health objectives associated with providing reticulated sewerage to the village of Kalaru. Given these objectives were met utilising alternative means, i.e. construction of a STP at an alternate site, the land is now available for alternate purposes.

Attachments

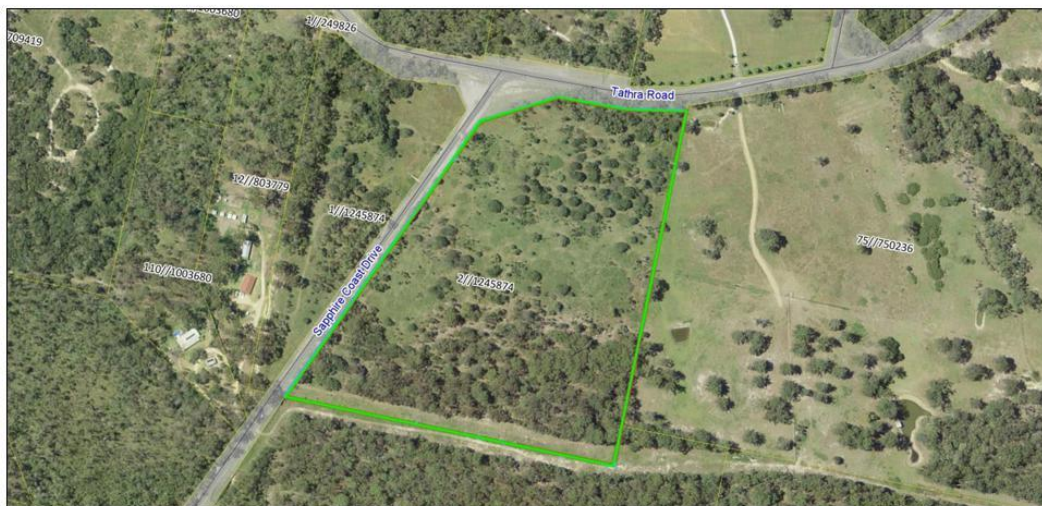
- 1. [Lot 1 DP 1245874 Corner Tathra Road & Sapphire Coast Drive Kalaru - West view](#)
- 2. [Lot 2 DP 1245874 Corner Tathra Road & Sapphire Coast Drive Kalaru - East view](#)

Property Detail



<u>Corner Tathra Road and Sapphire Coast Drive, Kalaru</u>			
Location	Kalaru	Title	Lot 1 DP 1245874
Street Address	Cnr Tathra Road & Sapphire Coast Drive	Size	4.12 Ha
Zoning	E3 Environmental Management		
Shire Property #	813	LGA Classification	Operational
Water	Yes	Sewer	No
Other Issues and comments: <ul style="list-style-type: none"> • Close proximity to Kalaru & Tathra; • Easement for transmission line at rear of site – already registered on Title; • Restriction on Title preventing access off Tathra Road (releasable by BVSC); • Road widening currently underway for Tathra to Kalaru bike path construction; • The lot is zoned E3 therefore a 2 hectare minimum lot size is currently required. 			

Property Detail



Corner Tathra Road and Sapphire Coast Drive, Kalaru

Location	Kalaru	Title	Lot 2 DP 1245874
Street Address	Cnr Tathra Road & Sapphire Coast Drive	Size	11.54 Ha
Zoning	E3 Environmental Management		
Shire Property #	813	LGA Classification	Operational
Water	Yes	Sewer	No

Other Issues and comments:

- Close proximity to Kalaru & Tathra;
- Easement for transmission line at rear of site – already registered on Title;
- Restriction on Title preventing access off Tathra Road (releasable by BVSC);
- Road widening currently underway for Tathra to Kalaru bike path construction;
- The lot is zoned E3 therefore a 2-hectare minimum lot size is currently required.

Staff Reports – Finance

7 August 2019

13.1	Certificate of Investment	256
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13.1. Certificate of Investment

This report details Council's Investments at the end of June 2019.

Director Business and Governance

Officer's Recommendation

1. That Council receive and note the attached reports indicating Council's investment position as at 30 June 2019.
2. That Council note the certification of the Responsible Accounting Officer.

Executive Summary

I, Graham Stubbs, as the Responsible Accounting Officer of Bega Valley Shire Council (BVSC), hereby certify the investments listed in the attached reports have been made in accordance with Section 625 of the *Local Government Act 1993* (the Act), clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

Also, all investments have been appropriately recorded in Council's financial records and reconciled on a monthly basis.

Background

Under the legislation and Regulations mentioned below, the Responsible Accounting Officer must present to Council on a monthly basis, the status of the investments held by Council. The Responsible Accounting Officer must detail the investments held, and their compliance with both internal Policy and external Regulation under the Ministerial Order of Investments.

In accordance with the recommendations made by the Office of Local Government (OLG) Investment Policy Guidelines published in June 2010, the monthly Investments Reports are attached to the Business Paper. This allows a stand-alone report to be published on Council's website for the public to view without having to peruse the Council's Agenda for the relevant meeting.

Financial and resource considerations

The attached report indicates a current investment portfolio of \$80,459,810 at 30 June 2019. These funds can be broken into the following Funds:

Table 1: Investments by Fund \$'000			
Fund	April 2019	May 2019	June 2019
General Fund	\$29,967	\$25,036	\$23,182
Water Fund	\$18,462	\$19,470	\$20,409
Sewer Fund	\$34,731	\$37,299	\$36,869
TOTAL	\$83,160	\$81,805	\$80,460

- Each Fund's allocation can only be utilised on its specific operations. For example, Water Fund cannot use its financial resources on General Fund projects, etc.

As at 28 June 2019, BVSC's available cash balance was \$1,851,742 and the investment balance was \$80,459,810. The investments are broken up as follows:

- TCorpIM Cash Fund - \$32,785,522
- TCorpIM Strategic Cash Fund - \$47,674,288

With respect to the Fund's monthly distributions, the custodian calculates the Fund's earnings at month end and then pays a distribution based on these earnings. Distributions are paid to investors by way of the issue of additional units.

[Legal /Policy](#)

Section 625 of the Act determines money may only be invested in a type of investment authorised by Order of the Minister for Local Government and published in the Local Government Gazette. The most recent Ministerial Order of Investment was published 17 February 2011.

Clause 212 of the Local Government (General) Regulation 2005 determines the Responsible Accounting Officer must provide Council with a written report setting out details of all money Council has invested under Section 625 of the Act.

The report must also include a Certificate as to whether or not the investments have been made in accordance with the Act, the Regulations and the Council's Investment Policy.

Council has an Investment Policy published under Policy number 6.07. This Policy is reviewed every 4 years by Council and annually by Council officers.

[Impacts on Strategic/Operational/Asset Management Plan/Risk](#)

Environmental / Sustainability

TCorp has provided BVSC with their Investment Stewardship Policy (attached to the Business Paper to Council on 31 January 2018).

In order to deliver the best long-term risk adjusted returns for clients, TCorp integrates Environmental, Social and Governance (ESG) factors into the investment processes of the appointed investment managers. TCorp will evaluate the ESG policies and practices of its investment managers as part of the manager selection process, as well as during periodic manager reviews.

[Attachments](#)

- 1[D](#). 2019.06.28 Investment Report TCorp Strategic Fund June 2019
- 2[D](#). 2019.06.28 Investment Report TCorp Cash Fund June 2019



TCorpIM Funds
Final Monthly Statement

Bega Valley Shire Council

Client No.: 986

Bega Valley Shire Council - SCFT
TCorpIM Short Term Income Fund
30 June 2019

Date	Transaction	Amount	Unit Price	Units	Unit Balance	Dollar Balance
01 Jun 2019	Opening Balance		0.98657		48,224,564.14	\$47,576,908.24
30 Jun 2019	Distribution	\$118,622.78	0.98633	120,266.83	48,344,830.97	\$47,674,288.16
30 Jun 2019	Closing Balance		0.98613		48,344,830.97	\$47,674,288.16
				Month	FYTD	
Net Transactions (\$)				\$0.00		
Client Return (\$)				\$97,379.92		
Client Return (%)				0.20	2.81	
Fund Return (%)				0.20	2.79	

Note: Please check your statement carefully and notify TCorp as soon as possible of any discrepancy.

Client name	Bega Valley Shire Council
Client number	986
TCorpIM account name	Bega Valley Shire Council - SCFT
TCorpIM account number	1326

COMMERCIAL-IN-CONFIDENCE



TCorpIM Funds
Final Monthly Statement

Bega Valley Shire Council

Client No.: 986

Bega Valley Shire Council - CAFT
TCorpIM Cash Fund
30 June 2019

Date	Transaction	Amount	Unit Price	Units	Unit Balance	Dollar Balance
01 Jun 2019	Opening Balance		0.93347		36,668,216.46	\$34,228,680.02
26 Jun 2019	Redemption	(\$1,500,000.00)	0.93483	(1,604,569.81)	35,063,646.65	\$32,780,652.62
30 Jun 2019	Distribution	\$66,581.66	0.93313	71,353.04	35,134,999.69	\$32,785,522.26
30 Jun 2019	Closing Balance		0.93313		35,134,999.69	\$32,785,522.26
					Month	FYTD
Net Transactions (\$)				(\$1,500,000.00)		
Client Return (\$)				\$56,842.24		
Client Return (%)				0.17	2.34	
Fund Return (%)				0.17	2.32	

Note: Please check your statement carefully and notify TCorp as soon as possible of any discrepancy.

Client name	Bega Valley Shire Council
Client number	986
TCorpIM account name	Bega Valley Shire Council - CAFT
TCorpIM account number	1303

COMMERCIAL-IN-CONFIDENCE

Questions with Notice

07 August 2019

17.1	Cr Tapscott Question on Notice - Minutes of S355 Committees	261
17.2	Cr Dodds Question on Notice - Guide Posts.....	262
17.3	Cr Tapscott Question on Notice - Grant money for sporting infastructure.....	263

17.1. Cr Tapscott Question on Notice - Minutes of S355 Committees

Response to Cr Tapscott's Question on Notice at the Council meeting of 29 May 2019.

Director Assets and Operations

Minutes of S355 Committees

On 29 May 2019, Cr Tapscott asked:

Are the Section 355 Committee meeting minutes are being forwarded to Council?

The question was taken on notice by the Director Assets and Operations who has provided the following answer.

This was an action from the December 2018 Council meeting reporting of the site Committees and representatives that *minutes from the site committees be sent to Council*.

The minutes of the Feb 2019 S355 Committee Meeting (page 5) had a request for all site Committee meetings to be forwarded to Council.

Council have received site Committee minutes as itemised below, which are all filed in Council's corporate records management system:

- Eden George Brown Memorial Committee AGM
- Pambula Sports Complex Committee
- Tathra Lawrence Park AGM
- Colombo Park Bemboka Lions Club committee
- Candelo Site Committee
- Bega Sporting Complex

Neither Bermagui Dickinson Oval or Berrambool Committees have held a site Committee meeting.

The Eden Barclay Street Sports Complex Committee have been meeting with a focus on the capital project which has been facilitated by Council officers.

Minutes have been requested from the Bermagui Indoor Stadium new Committee's first meeting along with the updated nomination forms.

Reminder emails have been sent to all Committees and it has been added to the agenda as a regular agenda item for the S355 meetings.

Attachments

Nil

17.2. Cr Dodds Question on Notice - Guide Posts

Response to Cr Dodds' Question on Notice at the Council meeting of 29 May 2019.

Director Assets and Operations

Guide Posts

On 29 May 2019, Cr Dodds asked:

- *Are the guide posts separating the Wallaga Lake Road from the adjacent shared pathway opposite the Bermagui Primary School which were removed during recent road works being replaced? The line marking has been painted back on by Council; however the guide posts have not been re installed. Community members are concerned for the safety of all. Are the guide posts being replaced? If so when will this occur?*

The question was taken on notice by the Director Assets and Operations who has provided the following answer.

The guide posts were replaced week commencing 10 June 2019 refer to the photo below.



Attachments

Nil

17.3. Cr Tapscott Question on Notice - Grant money for sporting infrastructure

Response to Cr Tapscott's Question on Notice at the Council meeting of 29 May 2019.

Director Assets and Operations

Grant money for sporting infrastructure

On 29 May 2019, Cr Tapscott asked:

- *what grant monies has been awarded through the Regional Sports fund to the Pambula Sporting Complex?*

The question was taken on notice by the Director Assets and Operations who has provided the following answer to aspects of the question posed by Cr Tapscott:

What is the amount of funding awarded?

A public funding announcement just prior to the NSW State election was made on 23 Feb 2019 by The Hon Andrew Constance MP Member for Bega for:

- Bega Sports Complex and Valley Fields - \$8.5m
- Pambula Sporting Complex - \$4m
- Merimbula, Ford Park Courts - \$1m

At present the source or program of the funds has not been confirmed to Bega Valley Shire Council (BVSC).

BVSC submitted a funding application under the Sports Infrastructure Fund.

1. Who will hold funds and where are they now?

Council is waiting for advice and details on funding arrangements. Funding Deeds have not been issued yet.

2. Who will manage the funds?

BVSC will manage the funds.

3. Who will project manage the project?

BVSC staff will manage the project/s.

4. Will it be a staged upgrade?

There are stages identified in the adopted Masterplans. Due to the scale of these projects, works will need to be staged.

5. What stakeholder consultation will there be?

This was discussed at the Councillor workshop on the 5 June 2019.

Site Committees and user groups will be invited to a project update and briefing. This will include 3 key elements:

I. Overview / Review of the adopted Masterplans:

- a) Masterplans are high level and some amendments are expected through the detailed design and project delivery phases.

- b) Key items clarified in Masterplans are uses, facilities mix, provision and resourcing and a balance of items should be maintained.
 - c) Design changes that keep intent and do not make significant changes to the key items above, typically do not need to be re-adopted.
 - d) Changes that impact facility mix and uses/users that are significant, should be reported back to Council to be adopted.
- II. Identification of significant recommended changes. Noting there is scope/scale for other amendments through detailed design and delivery phases.
- III. Review of priorities and staging:

The outcomes of the meetings will be reported to Council.

Throughout the project(s) key users of particular elements of these sites will be consulted on items of interest to them.

Attachments

Nil

Confidential Business

Adjournment Into Closed Session

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

Recommendation

That Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions: