

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Meeting	Officer/Director	Section	Subject
Council 30/01/2019	Gundrill, Alan Macfarlane, Ian	Staff Reports - D: Infrastructure Waste and Water	Eden depot tenure
<p>RESOLVED on the motion of Crs Bain and Allen</p> <ol style="list-style-type: none">1. That Council make an application to NSW Department of Industry – Lands and Water to be appointed as the Crown Land Manager of Reserve 88395 (Lot 7006 DP 1020045).2. That Council make an application to NSW Department of Industry – Lands and Water requesting Ministerial consent to manage Crown Reserve 88395 (Lot 7006 DP 1020045) as if it were Operational Land under the Local Government Act 1993 (NSW).3. That pending the outcome of items 1 and 2 a further report be provided to Council with a temporary license with appropriate conditions being granted to the current site occupants in the interim.4. That Council staff from the Waste section prepare a report on the recycling of commercial cardboard waste in the Shire. <p>IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, Griff, McBain, Seckold, Tapscott, Dodds and Allen</p> <p>AGAINST: Nil</p> <p><i>19 Feb 2019 - 9:19 AM - Rickee Marshall</i></p> <p>Request sent to the NSW Aboriginal Land Council to have claim withdrawn over Reserve 88395. Once claim has been withdrawn Crown Lands have advised they can progress the application to appoint Council as direct land manager. Once appointment has occurred Council officers will carry out a Native Title assessment and liaise with the cardboard business occupier regarding tenure.</p> <p><i>18 Jun 2019 - 4:33 PM - Rickee Marshall</i></p> <p>Continuing to follow up NSW ALC regarding withdrawal of claim to allow for Council to be appointed as Crown Land Manager. A Native Title assessment will be required prior to an application for appointment being made but that will not be progressed until withdrawal of the ALC has occurred.</p> <p><i>3 Oct 2019 - 6:30 PM - Rickee Marshall</i></p> <p>Follow up to NSW ALC regarding consent to make an application to be appointed land manager of reserve.</p>			

Outstanding

Division: Assets and Operations

Date From:

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Action Sheets Report

18 Feb 2020 - 4:29 PM - Rickee Marshall

Email and telephone follow up to NSW ALC regarding whether they will provide a no objection response so the application for appointment as Crown Land Manager can progress.

10 Jun 2020 - 11:19 PM - Rickee Marshall

We have received notification that it is the position of NSW Aboriginal Land Council (NSWALC) that the Aboriginal Land Claims should be finally determined by the Minister before any dealing in the claimed land is entertained. This means that our application for appointment as Crown Land Manager cannot be progressed nor can we formalise the any tenure for the Cardboard business.

Aboriginal land claims 42623 and 42626 as they relate to Lot 7006 DP 1020045 were placed on the priority investigations register and a recommendation has been made to the Minister that the area occupied by the cardboard business appears claimable. The signing of recommendations is at the discretion of the Minister and can usually take some time. We have been advised Council is not expected to hear anything in the next few months but will be formally notified when the claim has been determined.

Crown Lands will undertake the subdivision and once that has occurred we can progress the application for appointment as Crown Land Manager. In the meantime, Council officers are coming to work with the NSW ALC to see if there is anything else we can do to progress the matter.

5 May 2021 - 12:22 PM - Rickee Marshall

03/06/2020 – Follow up email sent to the Aboriginal Land Claim Investigation Unit to get an idea on timeframe for the subdivision. NSW ALC returned email to say the signing of recommendations is at the discretion of the Minister and can usually take some time and Council should not expect to hear anything in the next few months. Council will be formally notified when the claim has been determined.

18/03/2021 - Further follow up email sent with no response received.

21 Jul 2021 - 11:56 AM - Rickee Marshall

Telephone call from NSW LRS regarding proposed plan of subdivision to create lots 70 and 71 DP 1275483. Once plan comes through as registered Council will be able to make application for Crown Land Manager status over depot parcel. Separate parcel created over cardboard business section of reserve which is to be dedicated to Eden LALC.

8 Oct 2021 - 1:22 PM - Rickee Marshall

Plan registered 13 July 2021 creating Lots 70 and 71 DP 1275483. Council have made application to Crown Lands to be appointed Crown Land Manager of Lot 70 DP 1275483 where the depot is and have followed up via email 08/10/2021. Lot 71 DP 1275483 has been vested in Eden LALC and Cardboard business will need to liaise with Eden LALC regarding their tenure of the site.

29 Oct 2021 - 2:07 PM - Rickee Marshall

29/10/2021 - Letter sent to Eden LALC advising of subdivision and letter to cardboard business owner.

10 Dec 2021 - 4:07 PM - Rickee Marshall

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Follow up email sent to Crown Lands regarding status of CLM application

9 May 2022 - 4:19 PM - Rickee Marshall

Rickee to continue to follow up Crown Lands regarding status of application for Council to be appointed Crown Land Manager.

25 Jul 2022 - 1:39 PM - Rickee Marshall

Followed Crown Lands up 25/07/2022 on Council's request to be appointed as the Crown Land Manager of Reserve 88395.

5 Aug 2022 - 3:58 PM - Rickee Marshall

Council appointed Crown Land Manager of land via Government Gazette dated 5 August 2022

5 Aug 2022 - 4:09 PM - Georgina McIntyre

Action reassigned to Gundrill, Alan by: McIntyre, Georgina for the reason: As advised by Rickee

7 Nov 2022 - 12:24 PM - Jacqueline Grant

A report on the future Materials Recycling Facility (MRF) that forms part of the Waste Strategy will incorporate a section on commercial cardboard recycling.

This is still in planning phase and will come to Council at a date to be confirmed.

Meeting	Officer/Director	Section	Subject
Council 13/03/2019	Best, Chris Macfarlane, Ian	Staff Reports - D: Infrastructure Waste and Water	Land Divestment Options - Lot 1 DP 44354 & Lots 1 & 2 DP 623695 West Street, Eden
<p>RESOLVED on the motion of Crs Bain and Nadin</p> <ol style="list-style-type: none">That Council receive and note the report and attached Vacant Land Review Sheet including detail on individual land parcels this report relates to.That further investigations are undertaken to fully assess the saleability of the parcel. <p>IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, McBain, Seckold, Tapscott and Allen</p> <p>AGAINST: Crs Griff and Dodds</p> <p><i>20 Mar 2019 - 10:21 AM - Jacqueline Grant</i></p>			

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Council resolved that further investigations be undertaken to fully assess the saleability of the land parcels. I would assume we would need a consultant to prepare a remediation action plan.

A further report will need to be presented to Council if we do want to sell the land in the future.

20 Mar 2019 - 10:22 AM - Jacqueline Grant

Action reassigned to Chris Best by: Jacqueline Grant

3 Feb 2021 - 2:44 PM - Chris Best

Investigations for this lot are part of the program of works for W&SS Assets.

4 Jun 2021 - 1:13 PM - Chris Best

Works to make this site safe have been completed with new fences, vegetation management and signage. An EOI for a contaminated land assessment has been completed.

10 May 2022 - 10:08 AM - Chris Best

A consultant has been engaged to complete a contaminated lands assessment for this site.

27 Jul 2022 - 8:27 AM - Chris Best

The contaminated land consultant has completed test pits and sampling. Their final report is due this quarter. Initial findings are that there is no formal contamination of the site. There are still asbestos structures in places, some of which have broken down and are hidden in vegetation. The final land-disposal strategy will be decided by staff once the contamination report is finalised.

7 Nov 2022 - 12:25 PM - Jacqueline Grant

Strategy still under development

Meeting	Officer/Director	Section	Subject
Council 18/09/2019	Best, Chris Macfarlane, Ian	Staff Reports - D: Infrastructure Waste and Water	North Bega Sewer Phase Two

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Fitzpatrick and Seckold

1. That Council note the contents of this report and the status of the North Bega Phase Two Sewer Project.
2. That Council resolve to proceed with the Phase 2 Sewer Project as an improved hybrid gravity and pressure system for both the industrial and residential properties as detailed in this report. Requiring a \$7000 contribution from non-residential properties and no contribution up front from residential properties.
3. That no headworks charges apply to residential properties for the first two years with full headworks to be required for connection after the first two years.
4. That the connected charges will not apply until the first full financial year after the infrastructure is in place, and unconnected charges will not apply until the end of a two year period after completion of the works.
5. That Council authorise the General Manager to execute all necessary documentation.
6. That all affected property owners be notified of Council's decision.
7. That Council note that Attachment 1 is confidential as the attachment relates to the personal hardship of a resident or ratepayer as per Section 10A(2)(b) of the Local Government Act 1993.

IN FAVOUR: Crs Nadin, Griff, McBain, Seckold, Tapscott and Dodds

AGAINST: Crs Fitzpatrick, Bain and Allen

17 Oct 2019 - 9:04 AM - Jacqueline Grant

Action reassigned to Steve Marshall by: Jacqueline Grant

9 Dec 2019 - 2:56 PM - Jacqueline Grant

Action reassigned to Ronan, Paul by: Grant, Jacqueline for the reason: One for you to action.

18 Feb 2020 - 9:44 AM - Jacqueline Grant

Action reassigned to Best, Chris by: Grant, Jacqueline for the reason:

3 Feb 2021 - 2:50 PM - Chris Best

This project is on hold post the bushfires and will be reconsidered as resources become available. It will include the resolved actions.

10 May 2022 - 10:09 AM - Chris Best

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

This project remains on hold.

26 Jul 2022 - 4:20 PM - Chris Best

This project remains on hold

7 Nov 2022 - 1:44 PM - Jacqueline Grant

Detailed design done but project not funded or programmed

Meeting	Officer/Director	Section	Subject
Council 30/10/2019	Best, Chris Macfarlane, Ian	Staff Reports - D: Infrastructure Waste and Water	Effluent Re-use and Storage at Pambula Merimbula Golf Course
RESOLVED on the motion of Crs Bain and Fitzpatrick			
1. That Council allocate \$65,000 from the sewer fund for Council to engage a consultant to undertake the irrigation capacity assessment, water balance, and conceptual design of an effluent storage dam on the Pambula Merimbula Golf Club (PMGC), and seek additional funding of the \$10,000 required from the PMGC for this consultancy			
2. That a draft agreement between BVSC and PMGC be negotiated, including who will pay for any construction of the effluent storage dam and who is responsible for the compliance with EPA Guidelines.			
3. That Councillors be provided with a full report and costing of all treated effluent re-use options across the shire.			
<u>IN FAVOUR:</u>	Crs Fitzpatrick, Bain, Nadin, Griff, McBain, Seckold, Tapscott and Dodds		
<u>AGAINST:</u>	Cr Allen		
<i>9 Dec 2019 - 1:24 PM - Jacqueline Grant</i>			
Action reassigned to Ronan, Paul by: Grant, Jacqueline for the reason: For your action to liaise with C Best.			
<i>18 Feb 2020 - 9:45 AM - Jacqueline Grant</i>			

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Action reassigned to Best, Chris by: Grant, Jacqueline for the reason:

3 Feb 2021 - 3:25 PM - Chris Best

A Recycled Water Strategy is part of the W&SS Assets program of works in the next 2 years.

10 May 2022 - 10:09 AM - Chris Best

A Recycled Water Strategy is part of the W&SS Assets program of works for next financial year.

26 Jul 2022 - 4:21 PM - Chris Best

A Recycled Water Strategy is part of the W&SS Assets program of works for this financial year.

7 Nov 2022 - 1:41 PM - Jacqueline Grant

Awaiting results of funding application to deliver the project following Council resolution on 19 October 2022. Expect to start in early 2023.

Meeting	Officer/Director	Section	Subject
Council 30/10/2019	Best, Chris Macfarlane, Ian	Staff Reports - D: Infrastructure Waste and Water	Merimbula Ocean Outfall Diffuser Location
<p>RESOLVED on the motion of Crs Bain and Dodds</p> <p>That Council adopt the treatment option 3B, inclusive of two point phosphorous removal and sand filtration with UV disinfection upgrade, “north short” option, utilising horizontal directional drilling and lay on-sea-floor to CH.3500 as the basis for detailed environmental assessment and conceptual design.</p> <p>IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, Griff, McBain, Seckold, Tapscott, Dodds and Allen</p> <p>AGAINST: Nil</p> <p><i>9 Dec 2019 - 1:24 PM - Jacqueline Grant</i></p> <p>Action reassigned to Ronan, Paul by: Grant, Jacqueline for the reason: For your action to liaise with C Best.</p> <p><i>18 Feb 2020 - 9:45 AM - Jacqueline Grant</i></p> <p>Action reassigned to Best, Chris by: Grant, Jacqueline for the reason:</p>			

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

3 Feb 2021 - 3:26 PM - Chris Best

This action is under way with the EIS

4 Jun 2021 - 1:16 PM - Chris Best

The EIS has been written on the basis this resolution and has been submitted to DPIE for agency review.

10 May 2022 - 10:10 AM - Chris Best

Due to community feedback additional modelling on the diffuser location is underway. The result will inform our response to submissions report which will submit when seeking determination from the minister.

26 Jul 2022 - 4:21 PM - Chris Best

The modelling capacity of our consultant has been lost in Australia. The model has been worked on by a team in the USA which has added significant delays.

7 Nov 2022 - 1:42 PM - Jacqueline Grant

Report expected to Council on MOO options this financial year.

Meeting	Officer/Director	Section	Subject
Council 27/01/2021	Grady, John Macfarlane, Ian	Staff Reports - D: Infrastructure Waste and Water	Evans Park Kalaru Playground - Grant Funding and Masterplan

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Nadin and Dodds

That:

1. Council support the development of a new playground at Kalaru and through applying an asset management approach play equipment in Tathra be rationalised.
2. Council endorse the proposed playground site to enable the Evans Park Committee to progress with their project.
3. Council continue to work through other elements to finalise a masterplan for Evans Park Kalaru.

IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, Griff, Seckold and Dodds

AGAINST: Nil

ABSENT: Cr Allen

1 Feb 2021 - 10:41 AM - Jacqueline Grant

Action reassigned to Grady, John by: Grant, Jacqueline for the reason: For your action as per email.

15 Oct 2021 - 11:59 AM - John Grady

Playground and shade structure CPP completed. BVSC funded and installed fence.
Work to finalise site masterplan to be progressed.

6 May 2022 - 4:04 PM - John Grady

Workloads have delayed work to progress planning. Will progress once resources become available.

7 Nov 2022 - 1:46 PM - Jacqueline Grant

Still delayed due to resourcing constraints.

Meeting	Officer/Director	Section	Subject
Council 22/09/2021	Best, Chris Macfarlane, Ian	New Item	Illawambra Trunk Main
Cr Allen - The Illawambra Trunk Main has been out of commission for 12 months, is it going to be replaced or disbanded?			

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Acting Director Assets and Operations, Mr Macfarlane advised the trunk main is past its service life, renewal or cease works is currently being investigated. Replacement cost is in excess of \$1.5m. There are 10 customers on the trunk main, it was designed initially to feed Cobargo. Cobargo no longer needs the trunk main and a Council decision will be required to either do major infrastructure works or to use a different model going forward. Councils Water and Sewer Manager will engage one customer that currently has no water from the main. A memo will be provided to councillors with further updates.

30 Sep 2021 - 3:20 PM - Georgina McIntyre

Action reassigned to McIntyre, Georgina by: McIntyre, Georgina for the reason:

11 Oct 2021 - 3:29 PM - Georgina McIntyre

Action reassigned to Best, Chris by: McIntyre, Georgina for the reason:

26 Oct 2021 - 12:23 PM - Chris Best

Letters were sent to affected properties last week. Some customers have contacted Council as a result, and meetings are now being arranged with those customers.

9 May 2022 - 3:51 PM - Chris Best

Two face to face meetings have been held with affected customers. An options report is in early draft. The draft is planned to go to customers for comment and be incorporated into the August Council meeting for Council resolution on the preferred option.

26 Jul 2022 - 4:23 PM - Chris Best

The options report was shared for comment in July 2022 with residents. The report is scheduled to be tabled at the early September Council meeting for a final decision.

7 Nov 2022 - 1:48 PM - Jacqueline Grant

Following Council report on 21 Sept 2022 and community consultation, further options are being scoped for delivery this financial year and we are looking for grant opportunities to help fund.

Meeting	Officer/Director	Section	Subject
Council 3/11/2021	Best, Chris Macfarlane, Ian	Staff Reports - D: Infrastructure Waste and Water	Funding opportunity for water and sewerage facilities

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Nadin and Allen

1. That Council commit to the projects and associated funding opportunity to address the water treatment risks identified for Yellow Pinch Water Treatment, Eden Water Treatment, and Candelo Water Treatment being scenario W4 under the water fund section of this report
2. That Council delegate authority to the CEO to enter into agreements with the NSW Government to assist funding the rectification of these identified risks.
3. That water service pressure management is resourced and added to our levels of service (as included in scenario W4).
4. That Council in principle support sewer fund scenario S3 in the sewer fund section of this report which includes considering value management options to reduce the scope of the Merimbula Ocean Outfall project and to accept 25% funding towards Bega Sewerage Treatment Plant Upgrades.
5. That sewer service point of ownership is defined and resourced as described in this report and included in sewer scenario S3.

IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, Griff, Seckold and Allen

AGAINST: Nil

ABSENT: Cr Dodds

9 Nov 2021 - 4:44 PM - Georgina McIntyre

Action reassigned to Best, Chris by: McIntyre, Georgina for the reason:

10 May 2022 - 10:11 AM - Chris Best

The funding program office has changed reporting lines and only one partial deed has been signed by both parties - for Yellow Pinch water treatment plant. All of the agreed projects are still committed to by the Safe and Secure Water Program.

26 Jul 2022 - 4:24 PM - Chris Best

The funding deeds have not progressed further. A formal complaint was made by BVSC staff to the CEO of Water Infrastructure NSW. Staff continue to position BVSC to receive the full 25% grant commitments as the projects progress.

7 Nov 2022 - 1:49 PM - Jacqueline Grant

25% funding committed for Yellow Pinch Water Treatment plant and land now purchased for site. Eden Water Treatment, and Candelo Water Treatment still looking into options with only 25% offered.

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Meeting	Officer/Director	Section	Subject
Council 16/03/2022	Best, Chris Macfarlane, Ian	Staff Reports – Assets and Operations	Tura Beach Country Club Funding Support Proposal
<p>RESOLVED on the motion of Crs Allen and Robin</p> <ol style="list-style-type: none">1. Council do not provide funding as requested2. Council conduct a Councillor workshop on effluent reuse <p>IN FAVOUR: Crs Fitzpatrick, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright</p> <p>AGAINST: Cr Nadin</p> <p><i>21 Mar 2022 - 2:57 PM - Georgina McIntyre</i></p> <p>Action reassigned to Best, Chris by: McIntyre, Georgina for the reason: Chris to prepare for Council workshop</p> <p><i>10 May 2022 - 10:15 AM - Chris Best</i></p> <p>Tura Beach country club will be engaged further once the recycled water strategy project kicks off.</p> <p><i>26 Jul 2022 - 4:34 PM - Chris Best</i></p> <p>Tura Beach country club will be engaged further once the recycled water strategy project underway in early 2023.</p>			

Meeting	Officer/Director	Section	Subject
Council 29/06/2022	Best, Chris Macfarlane, Ian	Staff Reports – Assets and Operations	Adoption of Policy 4.07 - Water and Sewerage Services and associated procedures

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Nadin and Porter

1. Councillors note the submissions received and the summary of submissions with staff responses included in attachment 1.
2. Council adopt Policy 4.07 Water & Sewerage Services and procedures 4.07.1, 4.07.2, and 4.07.4, attached to this report.
3. Staff review all credit volume entitlements and adjust current 2021/2022 entitlements by assessing current use through the historic use method for the 10 years between 2009/2010 and 2018/2019.
4. Staff assign credit volume entitlements to all non-residential customers who have not yet been assigned entitlements. These shall apply from the 2022/2023 financial year and beyond.
5. As detailed in the attached procedure 4.07.2 and Council's Revenue Policy any water used, and sewage discharged over credit volumes will attract high usage charges.
6. Credit volume entitlements will not be increased based on predicted potential future load which has not been paid for through contributions. Only current use or credits paid for through headworks contributions are to be considered for conversion to credit volumes.
7. Staff adjust the levied high usage charge for the 2020/2021 financial year for any customers who have requested a review, and where a review would result in a greater than 20% adjustment in credit volume payment.
8. Staff inform all non-residential customers of the changes.
9. Effective immediately quotes for headworks contributions will no longer be offset by unconnected charges paid in previous years. Existing quoted offsets will be honoured until 30 September 2022.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil and Robin

AGAINST: Nil

ABSENT: Cr Wright

15 Jul 2022 - 4:12 PM - Georgina McIntyre

Action reassigned to Best, Chris by: McIntyre, Georgina for the reason:

26 Jul 2022 - 5:04 PM - Chris Best

Outstanding	Division: Assets and Operations	Date From:
	Committee: Council	Date To:
	Officer:	
Action Sheets Report		

Credit volumes for FY21-22 have been determined and bills are being generated. The seven customers from FY20-21 will all receive some discount based on the credit volume assessment method. The credits for all remaining businesses are expected to be calculated by December 2022.

Meeting	Officer/Director	Section	Subject
Council 17/08/2022	Macfarlane, Ian Macfarlane, Ian	Staff Reports – Assets and Operations	Pambula Sports Building Funding
RESOLVED on the motion of Crs Nadin and Porter			
1. That Council confirm the Pambula Sports Building project is the priority major project for categories.		external funding within the Parks, Aquatics and Recreation asset	
2. That Council continues to apply for external grant funding to progress with the project.			
3. That Council confirm that it will contribute up to one third of the total project value to and 7.12 Local Infrastructure Contributions Program or borrowings.		support funding applications to be funded by the future Section 7.11	
4. That a further report be brought to Council following the outcomes of the Building Better program		Regions Fund and the soon to be submitted NSW Office of Sport funding	
5. That Council write to the Local Federal Member seeking feedback on the progress of other suitable federal funding opportunities to progress the Pambula Sporting Complex project.		assessment of the Building Better Regions fund and requesting advice on	
6. That Council write to the Sports Minister seeking a timeframe for an estimated notification		date on the office of sport funding program	
<u>IN FAVOUR:</u> Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright			
<u>AGAINST:</u> Nil			
<i>7 Nov 2022 - 1:53 PM - Jacqueline Grant</i>			
Funding applications to Office of Sport submitted in Sept 2022. Outcomes expected from Dec 2022.			

Meeting	Officer/Director	Section	Subject
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Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Council 17/08/2022

Grady, John

Staff Reports – Business and Governance

Wanderer Festival at Pambula Sporting Complex Fee Structure

Macfarlane, Ian

RESOLVED on the motion of Crs Nadin and Porter

That Council:

1. Apply a fee for the 2022 'Wanderer Festival' to be held at the Pambula Sporting Complex from 23-25 September 2022 of \$8,442 including GST in lieu of what the fee would be in accordance with the cumulative amounts under Council's adopted fees and charges for the respective subcomponents of the event
2. Develop a procedure for assessment of fees and charges associated with major events on council managed land where there is demonstrated broader community benefit
3. Recognise appropriate conditions are in place within a Use of Public Land approval to address insurance for the event
4. Note the grant submission being prepared to better facilitate large scale events in the future
5. That the above support be conditional on the event organiser providing a report to council outlining the outcomes of the event including the same metrics they are required to report back to the NSW Government in line with their grant funding deed

IN FAVOUR: Crs Nadin, Allen, Porter, O'Neil and Wright

AGAINST: Crs Fitzpatrick, Griff, Seckold and Robin

7 Sep 2022 - 10:05 AM - Jacqueline Grant

Action reassigned to Harrison, Emily by: Grant, Jacqueline for the reason: Emily one for you to sign off on

19 Sep 2022 - 1:22 PM - Emily Harrison

Action reassigned to Grady, John by: Harrison, Emily for the reason: Hi John, point 2 of the resolution of this report for your action please.

7 Nov 2022 - 1:54 PM - Jacqueline Grant

Ongoing across organisation.

Meeting	Officer/Director	Section	Subject
Council 21/09/2022	Macfarlane, Ian	Staff Reports – Assets and Operations	Illawambra Trunk Main Replacement Options Report

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Macfarlane, Ian

RESOLVED on the motion of Crs Nadin and Wright

1. Council should receive more accurate report on the cost of sleeving of the line to the 11 properties to the point of the existing water meters
2. If Council officers are granted access to the 11 properties, Council receive more accurate costing of the option that includes the provision of tanks and pumps on the property side of the meters
3. Council is not supportive of decommissioning the line that would result in property owners not having access to water

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Porter, O'Neil, Robin and Wright

AGAINST: Nil

ABSENT: Cr Allen

Meeting	Officer/Director	Section	Subject
Council 21/09/2022	Macfarlane, Ian Macfarlane, Ian	Staff Reports – Assets and Operations	RFT 2122-072 Barclay Street Sportsground and Recreational Precinct Construction Works

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Nadin and Robin

1. That Council accepts the recommendations outlined in this attachment.
2. That Council decline to accept the submitted tender under Clause 178 of the *Local Government (General) Regulation 2005* and enter into negotiations with the preferred tenderer, John Michelin & Son Pty Ltd and other known suitably qualified contractors to find sufficient savings to achieve budget, with a view to entering into a contract for construction works.
3. That should the negotiations not result in a sufficiently reduced cost to meet the available budget, staff undertake further review of the project scope, to find savings to achieve the project within budget while delivering core project objectives.
4. That authority is delegated to the Chief Executive Officer to execute all necessary documentation in relation to RFT 2122-072 Barclay Street Sportsground and Recreational Precinct construction works.
5. That the preferred tenderer is advised of this decision.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

ABSENT: Cr Seckold

7 Nov 2022 - 1:59 PM - Jacqueline Grant

Ongoing.

Meeting	Officer/Director	Section	Subject
Council 19/10/2022	Macfarlane, Ian	Staff Reports – Assets and Operations	Occupation of Old Pambula Courthouse
	Macfarlane, Ian		

Outstanding

Division: Assets and Operations

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Nadin and Fitzpatrick

1. That Council receive and note the report
2. That Council workshop the future Community use of the Old Pambula Courthouse, including possible large-scale repairs and potential funding models
3. That council write to the Minister for Crown Lands and Minister for Regional NSW asking for urgent funding support for repairs and renewal to the old Pambula Courthouse
4. That a further report be brought back to Council once the cost of repairs has been determined
5. Council endorse calling for tenders for the necessary roof repairs noting the outcome would be reported to Council prior to any contract being entered into

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil and Wright

AGAINST: Nil

ABSENT: Cr Robin

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Meeting	Officer/Director	Section	Subject
Council 13/03/2019	Marshall, Rickee Bolton, Iliada	Staff Reports - D: Infrastructure Waste and Water	Land Divestment Options - Lot 145 DP 623646 Clark Lane, Bega
<p>RESOLVED on the motion of Crs Nadin and Seckold</p> <ol style="list-style-type: none">1. That Council receive and note the report and attached Vacant Land Review Sheet including detail on individual land parcels this report relates to.2. That Council appoint a registered Valuer by competitive quotation process to provide Bega Valley Shire Council with a formal market valuation for Lot 145 DP 623646 at Clark Lane, Bega.3. That Council appoint a suitably qualified Real Estate Agent by competitive quotation process to represent Bega Valley Shire Council's interests in divesting of Lot 145 DP 623646 at Clark Lane, Bega by public auction, private treaty or expression of interest.4. That Council delegate authority to the General Manager to enter into a suitable Agency Agreement with the successful Real Estate Agent upon completion of the competitive quotation process for the marketing, sale negotiation and transactional settlement of the above mentioned land parcel.5. That all offers be brought back to Councillors for final Resolution. <p>IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, Griff, McBain, Seckold, Tapscott and Allen</p> <p>AGAINST: Cr Dodds</p> <p><i>15 May 2019 - 11:46 AM - Rickee Marshall</i></p> <p>A competitive quotation process through Vendor panel to appoint a registered valuer has been completed by Council officers with quotations from the following firms being received: Walsh & Monaghan Pty Limited - \$7,645; Opteon Property Group - 5,500; IPN South Coast - \$4,950. Based on these quotations Council officers have appointed the services of IPN South Coast to prepare the required valuation reports.</p> <p><i>18 Feb 2020 - 4:34 PM - Rickee Marshall</i></p> <p>Letter sent to adjoining land owners on 10 Feb 2020 seeking their interest in a direct negotiation for the purchase or lease of the site before proceeding to engage a qualified Real Estate Agent.</p>			

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

10 Jun 2020 - 11:30 PM - Rickee Marshall

Letter received from the owners of Coles advising they wish to negotiate with Council for the purchase or lease of the site. Investigations underway with Planning in relation to access.

28 Oct 2020 - 1:24 PM - Rickee Marshall

RFQ process to engage valuer to prepare second valuation to take into consideration easement for access to Target site.

5 May 2021 - 12:25 PM - Rickee Marshall

Matter on hold waiting for laneway dedication issue to be rectified.

7 Dec 2021 - 5:09 PM - Rickee Marshall

Letter sent to Coles landowner regarding matter

Meeting	Officer/Director	Section	Subject
Council 18/03/2020	Marshall, Rickee Bolton, Iliada	Staff Reports - D: Infrastructure Waste and Water	Sapphire Aquatic Centre access

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Bain and Fitzpatrick

1. That Council receive and note the report.
2. That Council make an application to NSW National Parks and Wildlife Service to pursue revocation of the road from the park under Section 188C of the *National Parks and Wildlife Act 1974* (NSW).
3. That Council authorise the General Manager to execute all necessary documentation relating to the revocation of the road from the park under Section 188C of the *National Parks and Wildlife Act 1974* (NSW).
4. That Council receive a report regarding additional land from Ben Boyd National Park to become part of the sporting complex area.

IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, McBain, Seckold, Tapscott and Allen

AGAINST: Nil

ABSENT: Crs Dodds and Griff

20 Mar 2020 - 3:12 PM - Jacqueline Grant

Action reassigned to Marshall, Rickee by: Grant, Jacqueline for the reason: For your action.

9 Apr 2020 - 9:41 PM - Rickee Marshall

9/04/2020 email sent to National Parks regarding process to make an application for revocation of the road from the park.

10 Jun 2020 - 11:37 PM - Rickee Marshall

Email received from NP on 15 May 2020 to advise the next step is for Council to provide a surveyed map of the proposal area. Once received NP will included as part of the Revocation assessment package to be assessed in the Revocations Bill for approval and possible tabling in Parliament in 2021. CS&J have been requested to prepare a quote for the survey works.

5 May 2021 - 4:31 PM - Rickee Marshall

CS&J prepared a sketch plan which was sent to NP on 30 June 2020 for inclusion in the assessment package. No response received from NP. 5 May 2021 follow up email sent to NP on the matter.

11 Jul 2022 - 5:32 PM - Rickee Marshall

Followed up NPWS 4 July 2022 regarding matter.

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

6 Oct 2022 - 7:36 AM - Rickee Marshall

6/10/2022 - Revocation application submitted to NPWS. Followed up CS&J for updated sketch plan.

Meeting	Officer/Director	Section	Subject
Council 17/02/2021	Marshall, Rickee Bolton, Iliada	Staff Reports - D: Infrastructure Waste and Water	EOI 2021-62 - Occupation of office space within Bermagui Community Centre
<p>RESOLVED on the motion of Crs Seckold and Allen</p> <ol style="list-style-type: none">1. That Council receive and note this report and Confidential Report attached.2. That Council note the Expression of Interest process for the occupation of office space within Bermagui Community Centre has now closed.3. That Council approve a further five-year licence to Bermagui Historical Society for their continued occupation of space within the Bermagui Community Centre for the market rental fee of \$6,875 (plus GST), less a rebate achieved of 67%.4. That Council approve a further five-year licence to Four Winds for their continued occupation of space within the Bermagui Community Centre for the market rental fee of \$14,350 per annum (plus GST), less a rebate achieved of 56%.5. That Council approve a further five-year licence to Southern NSW Local Health District for their continued occupation of space within the Bermagui Community Centre for the market rental fee of \$7,198.98 (plus GST).6. That Council authorise the General Manager and Mayor to execute the above-mentioned licence agreements.7. That Council make an application to NSW Department of Industry – Lands and Water for an investigation to be undertaken to create a reserve over Lot 2 DP 1102635 and for Council to be appointed as the Crown Land Manager of the reserve. <p>IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, Griff, Seckold, Dodds and Allen</p> <p>AGAINST: Nil</p> <p>22 Feb 2021 - 10:19 AM - Jacqueline Grant</p> <p>Action reassigned to Marshall, Rickee by: Grant, Jacqueline for the reason:</p>			

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

5 May 2021 - 3:54 PM - Rickee Marshall

Licence agreements for Bermagui Historical Society, Four Winds and Southern NSW Health drafted and sent to Crown Lands for consent prior to issue.

5 May 2021 - 3:55 PM - Rickee Marshall

Native title advice received stating investigations have not found any prior act likely to have extinguished native title over Lot 2 in DP 1102635. The advice states that Council has 2 options:

1. maintaining the existing lease from the State of New South Wales over Lot 2 DP 1102635, until a determination of the South Coast Peoples Native Title Application is determined by the Federal Court of Australia or until the current Lease option period expires on 1 May 2038: or
2. being appointed as Crown land manager under the Crown Land Management Act 2016, conditional upon a native title certificate under Section 8.4 being issued by the Minister, concurrent with the appointment.

Council officers will seek to have a Native Title certificate issued and report back to Council if a certificate is not an option.

21 Jul 2021 - 11:53 AM - Rickee Marshall

Four Winds and Bermagui Historical Society licences received, to be executed by CEO and Mayor. Have been chasing Southern NSW Health but no luck so far.

8 Oct 2021 - 1:36 PM - Rickee Marshall

Continuing to chase Southern NSW Health for their signed licence agreement.

7 Dec 2021 - 4:30 PM - Rickee Marshall

Both Four Winds and Bermagui Historical Society licence agreements are signed and currently with Crown Lands for approval. Still unable to get a response from Southern NSW Health, this licence remains unsigned.

15 Dec 2021 - 12:11 PM - Georgina McIntyre

Action reassigned to Cole, Casey by: McIntyre, Georgina for the reason:

11 Feb 2022 - 10:07 AM - Casey Cole

Update from Crown Lands, Bermagui Historical Society Sub-Licence has been approved. Further supporting documentation has been requested for Four Winds, provided by email. Southern NSW Health District remain unlicensed since February 2021, Crown requested copies of correspondence in relation to this, which has been provided

24 Feb 2022 - 9:49 AM - Casey Cole

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Internal email liaison re urgency to have Southern NSW Health's sub-licence agreement signed and returned to Council otherwise Council risk head lease breach. Anthony McMahon to contact Meegan Connors (GM of Coastal Network within Southern NSW Health) to chase

24 Feb 2022 - 5:08 PM - Casey Cole

Contact made with Southern NSW Health and draft Sub-Licence Agreement provided for review. Contact also made with Crown Lands to provide update

17 Mar 2022 - 1:32 PM - Casey Cole

17.03.2022 Chased up Southern NSW Health to sign sub-licence documents

22 Mar 2022 - 10:04 AM - Georgina McIntyre

Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason: Casey Cole moving to new team

29 Jul 2022 - 4:29 PM - Rickee Marshall

Chased up Southern NSW Health to sign sub-licence documents.

2 Nov 2022 - 2:43 PM - Rickee Marshall

Continuing to follow up Southern NSW LHD - last email 24 October 2022

Meeting	Officer/Director	Section	Subject
Council 14/09/2021	Marshall, Rickee	Staff Reports - D: Infrastructure Waste and Water	Operation and management of the Bega Saleyards
	Bolton, Iliada		

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Fitzpatrick and Allen

1. That Council approve a further five-year lease with an option for a further five-years to Sapphire Horizons Pty Limited for their continued occupation and management of Bega Saleyards for an annual rental of \$16,300 plus GST per annum increased annually by CPI.
2. That Council authorise the Chief Executive Officer and Mayor to execute the necessary lease documentation to provide further tenure.
3. That council form a saleyards stakeholder group to meet quarterly including the Lessee, the stock agents selling at the yards, a staff member, a representative from the local industry utilising the saleyards and Councillor Allen
4. That Council delegate Councillor Allen and the Acting Chief Executive Officer to determine the local industry representative following an expression of interest process.
5. That any extension of the initial 5 year lease be subject to a review of performance during the initial 5 year period with the decision to be brought back to Council.
6. That a condition of the lease be that at the end of the lease term Council has the right to purchase any equipment not owned by Council at the saleyards at market value.

IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, Griff, Seckold, Dodds and Allen

AGAINST: Nil

30 Sep 2021 - 3:18 PM - Georgina McIntyre

Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason:

8 Oct 2021 - 1:58 PM - Rickee Marshall

Lease drafted and almost ready for issue to lessee. DA for subdivision for lease purposes on exhibition until 13/10 2021. Once Subdivision certificate has been issued lease plan can be registered at LRS.

29 Oct 2021 - 5:18 PM - Rickee Marshall

EOI for Saleyard Advisory Committee Group drafted and sent to Communications for advertising from Monday, 1 Nov - Sunday, 28 Nov 2021.

7 Dec 2021 - 5:06 PM - Rickee Marshall

Lease documentation with lessee for execution.

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

10 Dec 2021 - 4:52 PM - Rickee Marshall

8/12/2021 - Saleyard Advisory members notified in writing.

10/12/2021 - Media Release issued regarding Saleyard Advisory Group.

15 Dec 2021 - 11:46 AM - Rickee Marshall

14/12/2021 - Fully executed lease returned to Council. Once Mayor is appointed on 12 Jan 2021 lease can be counter signed and returned to legal representatives for registration at LRS. Will need the Subdivision certificate issued to register lease plan at LRS. DA currently still under assessment and being sent to Eurobodalla for peer review. Stage 1 - subdivision for lease purposes due for consent conditions Feb 2022.

9 May 2022 - 4:33 PM - Rickee Marshall

Lease fully executed awaiting registration at LRS. As soon as the subdivision certificate is issued the lease and plan can be registered at LRS. DA currently still under assessment and being sent to Eurobodalla for peer review. Stage 1 - subdivision for lease purposes due for consent conditions Feb 2022. Property officers have followed up planning for an update.

25 Jul 2022 - 1:48 PM - Rickee Marshall

29/06/2022 Lease lodged at NSW LRS.

2 Nov 2022 - 2:50 PM - Rickee Marshall

2/11/2022 - Lease plan now registered at NSW LRS. Lease still to be registered.

Meeting	Officer/Director	Section	Subject
Council 3/11/2021	Marshall, Rickee Bolton, Iliada	Staff Reports - D: Infrastructure Waste and Water	Disposal of Narira Village Complex, Cobargo

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Bain and Griff

1. That Council receive and note the report and Confidential Memorandum.

IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, Griff, Seckold and Allen

AGAINST: Nil

ABSENT: Cr Dodds

RESOLVED on the motion of Crs Bain and Griff

2. That Council endorse the recommendations in the confidential attachment

3. That Council delegate authority to the Mayor and Chief Executive Officer to negotiate a sale of Lot 2 DP 1027919, being Narira Village Complex in Cobargo as detailed in the Confidential Memorandum attached to the report to Council's Ordinary Meeting of 3 November 2021.

4. That Council delegate authority to the Mayor and Chief Executive Officer to finalise and execute the attached Funding Agreement between Bega Valley Shire Council and Department of Communities and Justice as well as the Stage 1 and Stage 2 Community Housing Assistance Agreements between Southern Cross Community Housing Limited and Department of Communities and Justice.

5. That all fees to finalise this matter be payable by Council and NSW Land and Housing Corporation split as per proportion of shareholding from the proceeds of sale.

6. That Council hereby authorise its official seal to be affixed to the contract documents under the signature of the Mayor and Chief Executive Officer.

IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, Griff, Seckold and Allen

AGAINST: Nil

ABSENT: Cr Dodds

9 Nov 2021 - 4:42 PM - Georgina McIntyre

Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason:

21 Dec 2021 - 2:48 AM - Rickee Marshall

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Provided comments to Clark Rideaux Solicitors on draft CHAA and advised that Council are trying to avoid any change over in funds, hence why SCH are to pay NSW Land and Housing the difference owing after Council transfer the Narira reserve balance and maintenance fund to NSW Land and Housing, therefore Council would be happy to proceed on a nominal deposit basis.

9 May 2022 - 4:43 PM - Rickee Marshall

Final contract and associated documents issued to all parties 09/05/2022. Matter expected to progress to exchange very soon.

25 Jul 2022 - 1:51 PM - Rickee Marshall

Property officers following up regularly with legal representatives, NSW Land and Housing and SCH. SCH currently have documents for execution and advised on 21/07/2022 they are meeting with their lawyer on 28/07/2022 to finalise and progress the sale / purchase.

6 Oct 2022 - 7:38 AM - Rickee Marshall

4/10/2022 - contract signed by Council

2 Nov 2022 - 2:51 PM - Rickee Marshall

Contracts exchanged 14 October 2022, settlement due 25 November 2022

Meeting	Officer/Director	Section	Subject
Council 24/11/2021	Marshall, Rickee Bolton, Iliada	Staff Reports - D: Infrastructure Waste and Water	Disposal of Easement to Essential Energy to support Merimbula Airport works

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Allen and Seckold

1. That Council grant a formal easement for an overhead electrical service over Council owned operational land being Lot 2 DP 549112, Arthur Kaine Drive, Merimbula to the benefit of Essential Energy.
2. That the Transfer Granting Easement note the requirement for Essential Energy, to maintain and repair in perpetuity the overhead electrical service.
3. That all costs associated with creation and grant of the easement including Council's legal costs, survey work, plan preparation and registration fees be borne by Council.
4. That the Chief Executive Officer and/or Mayor be authorised to execute the necessary documentation to effect creation of the easement.

IN FAVOUR: Crs Fitzpatrick, Bain, Nadin, Griff, Seckold and Allen

AGAINST: Nil

ABSENT: Cr Dodds

29 Nov 2021 - 9:32 AM - Georgina McIntyre

Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason:

6 Dec 2021 - 12:01 PM - Rickee Marshall

Email sent to Clark Rideaux with instructions to prepare Deed for execution by EE Conveyancing Team.

Quote received from Jack Atkinson (Registered Surveyor) for the preparation for the plan (excluding 88B instrument and LRS lodgement). Once survey has been received can progress with registration at LRS.

10 Dec 2021 - 3:01 PM - Rickee Marshall

Clark Rideaux reviewing documents from EE and responding to Council.

15 Dec 2021 - 12:12 PM - Georgina McIntyre

Action reassigned to Cole, Casey by: McIntyre, Georgina for the reason:

4 Feb 2022 - 4:15 PM - Casey Cole

11.01.2022 Arranged CEO authorised delegate execution of Customer Deed and provided scanned copies to Jenny Symons as requested by her, to forward to Essential Energy

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

4 Feb 2022 - 4:17 PM - Casey Cole

14/01/2022 Instructed Clark Rideaux to proceed with preparation of bank guarantee and caveat as requested by Jenny Symons

4 Feb 2022 - 4:17 PM - Casey Cole

Email received via Jenny Symons from Essential Energy conveyancer Melinda White advising documents have been signed as a Director of a Company. Phone call from Jenny Symons to advise she had rearranged CEO execution a second time as original copies of the Deed were requested by EE. Documents to now be executed for the third time as originally completed as an authorised delegate.

11 Feb 2022 - 10:06 AM - Casey Cole

09/02/2022 Customer Deed and Client Authorisation documents provided to Georgina to arrange CEO resigning

24 Feb 2022 - 5:07 PM - Casey Cole

CBA confirmed Bank Guarantee expected to be finalised by early March and provided to BVSC for CEO execution

7 Mar 2022 - 1:06 PM - Casey Cole

04/03/2022 - Finance confirmed bank guarantee has been express posted to Essential Energy at Port Macquarie

17 Mar 2022 - 1:34 PM - Casey Cole

17.03.2022 instructions received from Clark Rideaux to amend easement dimensions on plan. Jenny Symons arranging

22 Mar 2022 - 10:06 AM - Georgina McIntyre

Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason: Casey Cole moving to new team

9 May 2022 - 4:49 PM - Rickee Marshall

Deed with Council and Essential Energy executed, bank guarantee provided and caveat registered. Council proceeding with construction, once complete easement plan can be registered and caveat, bank guarantee withdrawn. Certificate of title to be updated from the name of the Council of Imlay to Bega Valley Shire Council. Relevant documentation to progress name change sent to legal representatives 09/05/2022.

Meeting	Officer/Director	Section	Subject
Council 9/02/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Assets and Operations	Transfer of land to National Parks and Wildlife Service

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Griff and O'Neil

1. That Council approve the divestment of Lot 8 DP 625726 at Nadgee Road, Wonboyn to National Parks and Wildlife Service, for nil compensation in accordance with Section 45 of the *Local Government Act 1993*.
2. That National Parks and Wildlife Service be responsible for all costs associated with the divestment of Lot 8 DP 625726 at Nadgee Road, Wonboyn including Council's legal costs.
3. Council affixes the Seal of Council to any documents required to be sealed relating to the disposal of Lot 8 DP 625726 and that authority be delegated to the Mayor and Chief Executive Officer to execute those documents.
4. Authority be delegated to the Chief Executive Officer to execute on behalf of Council any documents associated with the disposal of Lot 8 DP 625726 not requiring the affixing of the Seal of Council.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

11 Feb 2022 - 2:04 PM - Georgina McIntyre

Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason:

9 May 2022 - 4:52 PM - Rickee Marshall

NPWS advised of resolution - briefing for the Minister for Environment and Heritage seeking approval to accept the land under the National Parks and Wildlife Act to acquire the land under delegation drafted. Once approved we can progress the acquisition.

29 Jul 2022 - 4:30 PM - Rickee Marshall

Reviewed draft Deed from NPWS and returned for amendments.

14 Sep 2022 - 11:21 AM - Rickee Marshall

Deed of agreement prepared - waiting on final version to be issued by NPWS for execution.

2 Nov 2022 - 2:54 PM - Rickee Marshall

13/10/2022 - requested execution copy of Deed from NPWS

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Meeting	Officer/Director	Section	Subject
Council 9/02/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Assets and Operations	Creation of a positive covenant for APZ purposes over Council owned land at Arthur Kaine Drive, Merimbula
<p>RESOLVED on the motion of Crs Fitzpatrick and O'Neil</p> <ol style="list-style-type: none">1. That Council receive and note the report.2. That Council approve the creation of a positive covenant over Lot 120 DP 847899 at Arthur Kaine Drive, Merimbula in accordance with the <i>Conveyancing Act 1919</i> to the benefit of the adjoining landowner of Lot 121 DP 847899 as outlined in the report of 9 February 2022.3. That all costs associated with the creation of the positive covenant be met by the landowner of Lot 121 DP847899 including but not limited to legal costs, survey costs and registration fees.4. That the positive covenant be provided on the condition that compensation be paid to council based on a market value that considers the associated combined benefit to the adjoining property owner.5. That the Chief Executive Officer and Mayor be authorised to execute the necessary documentation to affect the above course of action. <p>IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright</p> <p>AGAINST: Nil</p> <p><i>11 Feb 2022 - 2:06 PM - Georgina McIntyre</i> Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason:</p> <p><i>9 May 2022 - 5:01 PM - Rickee Marshall</i> Draft easement terms reviewed 09/05/2022 and sent to legal representatives. Valuation report obtained for easement - \$5K and sent to legal representatives 09/05/2022 for inclusion in Deed.</p> <p><i>25 Jul 2022 - 2:08 PM - Rickee Marshall</i></p>			

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

30/06/2022 - On further review, the best approach for registration of the easement is via deposited plan and s88B Instrument. Seeing as the surveyor has already prepared a full plan. Legal representatives found difficulty with using a 'transfer granting easement' as Council's lot needed to be burdened with an easement for access that benefits the applicants lot which we didn't want to do. The applicants lot also needs to be burdened with a positive covenant to maintain the APZ located within the site of the easement for the right of access area, on Councils land. Draft Deed with applicants solicitor to arrange execution.

2 Nov 2022 - 2:55 PM - Rickee Marshall

30/09/2022 - Deed sent to other side for execution.

Meeting	Officer/Director	Section	Subject
Council 9/02/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Assets and Operations	Road closure - Calle Calle Street, Eden

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Nadin and Porter

1. That Council approve, in principle, the closure of the Council public road reserve adjoining Lots 4 and 5 DP 740471 at 100 Calle Calle Street, Eden.
2. That Council 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 public road reserve concerned.
5. That the Chief Executive Officer and Mayor be authorised to execute the necessary documentation to affect the road closure, creation of easement for a sewer treatment plant effluent outfall pipe running through the road corridor and subsequent sale of land to the applicant for the value as determined by an independent valuer.
6. That all costs associated with the road closure process be borne by the applicant.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

11 Feb 2022 - 2:07 PM - Georgina McIntyre

Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason:

9 May 2022 - 5:07 PM - Rickee Marshall

Notification letters, emails and advertisement complete. Submissions received for consideration before progressing further.

11 Jul 2022 - 5:53 PM - Rickee Marshall

Under consideration- one submission received and the applicant is considering a proposal from the owners of adjoining lot 4 regarding a drainage easement over the road proposed for closure.

Meeting	Officer/Director	Section	Subject
Council 16/03/2022	Bolton, Iliada	Staff Reports – Business and Governance	Opportunity for adjustment to the 2022-23 rate peg
	Bolton, Iliada		

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Allen and Nadin

That Council:

1. Resolve the CEO makes an immediate application under the Additional Special Variation (ASV) one-off process for the 2022-23 financial year to ensure the percentage increase in rating revenue is 2.5%, applied permanently to the rate base as specified in the modelling and adopted in the Long Term Financial Plan.
2. Receive a further report from the CEO once an application determination has been received from IPART.
3. Participate in the IPART review of the rate peg methodology, including the Local Government Cost Index and advocate for further analysis into the new population growth component.
4. Support the preparation of the next suite of Integrated Planning and Reporting on the assumption that the 2.5% increase will be approved.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

3 May 2022 - 4:46 PM - Iliada Bolton

Items 1, 2 and 4 have been completed.

The application for the rate variation was submitted on 28 April 2022.

The Long Term Financial Plan prepared for year commencing FY2023 includes the rate increase of 2.5%.

Item 3 will be actioned in accordance with OLG and IPART timeframes. This resolution will be included in Council's advocacy priorities.

7 Jul 2022 - 11:00 AM - Rebecca Payne

No changes since last update on 2 May 2022

6 Oct 2022 - 2:58 PM - Rebecca Payne

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

IPART Rate Peg Review Team issued notice of the review of rate peg methodology on 30 August 2022. Relevant staff have subscribed to the notification service and the advice is that an issues paper was to be issued in September, this has not yet been received.

Submissions to the review are invited from local councils and ratepayers.

We were advised on 29/09/22 that the rate peg for BVSC for FY24 is 4.1%.

The LTFP will include a 2.5% rate peg assumption from FY2025 onwards.

2 Nov 2022 - 1:21 PM - Rebecca Payne

Finance team currently preparing submission for BVSC. Have reviewed CRJO submission and USU commissioned report by Brian Dollery to consider in Bega's response.

Meeting	Officer/Director	Section	Subject
Council 15/06/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Assets and Operations	Road Closure - 99 Quarry Road, Greendale

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Allen and O'Neil

1. That Council approve, in principle, the closure of the unconstructed Council public road corridor within Lot 2 DP 538065 at Greendale.
2. That Council 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 public road reserve concerned.
5. That the Chief Executive Officer and Mayor be authorised to execute the necessary documentation to affect the road closure.
6. That all costs associated with the road closure process be borne by the applicant.

IN FAVOUR: Crs Fitzpatrick, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

ABSENT: Cr Nadin

17 Jun 2022 - 9:35 AM - Georgina McIntyre

Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason:

11 Jul 2022 - 5:38 PM - Rickee Marshall

17 June 2022 applicants legal representatives advised to engage a surveyor to prepare the plan and arrange a valuation to determine the compensation payable. Once we have this information, Council will prepare a Deed which will be required to be signed by the applicant.

26 Aug 2022 - 11:32 AM - Rickee Marshall

Valuation received for \$9,450, applicants legal representatives engaging surveyor to prepare plan.

Meeting	Officer/Director	Section	Subject
Council 15/06/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Assets and Operations	Bega Valley Regional Learning Centre

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Fitzpatrick and Porter

1. That Council continue to accept proposals for the purchase of the Bega Valley Regional Learning Centre for a minimum sale price of \$5 million
2. That all offers be reported back to Council for consideration
3. That Council increases permanent lease within the Bega Valley Regional Learning Centre and process inviting submissions for permanent leases of vacant suites and the co-workspace tests the open market by running an Expression of Interest
4. That Council retains both the Mumbulla and Bittangabee rooms as bookable meeting rooms
5. That Council approves the extension of tenure for up to five (5) years to existing commercial tenants in the Bega Valley Regional Learning Centre for commercial rental as outlined in the attached Confidential Operating Report.
6. That Council approves tenure for up to five (5) years to PCYC for their proposed occupation of suite 9 for the commercial rental of \$21,985.56, declining to grant a rental rebate.
7. That Council authorise the Chief Executive Officer and Mayor to execute all necessary lease documentation.

IN FAVOUR: Crs Fitzpatrick, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

ABSENT: Cr Nadin

17 Jun 2022 - 9:37 AM - Georgina McIntyre

Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason:

11 Jul 2022 - 11:00 AM - Rickee Marshall

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Website updating regarding sale of BVRLC - Key attributes:

- Land area: 3,421m²
- Zoned B2 Local Centre
- Modern facilities
- Undercover parking
- 17 office spaces, 2 internal lifts with direct access to both undercover car parks, 2 kitchens, bathroom and laundry facilities and reception area
- Facility close to capacity, returning a good rental income with a functioning co-work space and 2 rooms casually hired for a range of purposes
- Located in Merimbula town centre
- Secure building with upgraded security

The property is being offered for purchase via expressions of interest, proposals for a minimum sale price of \$5 million will be considered by Council.

Communications will promote BVRLC EOI on FB once every 3 months.

25 Jul 2022 - 1:34 PM - Rickee Marshall

Property officers are working through tenure arrangements in the facility now that up to 5 year leases can be progressed.

PCYC commenced a 12month lease of suite 9 on 18/07/2022.

ATC are extending for a further 2 years.

Awaiting responses from existing tenants before progressing an EOI for any vacant suites.

2 Nov 2022 - 2:57 PM - Rickee Marshall

Expression of interest for vacant suites complete – nil responses. Word of mouth liaison commenced to seek further tenancy arrangements

VenderPanel request for sound proofing 3 x offices to enable further leasing opportunities – complete

NoM from 21 September 2022 meeting:

1. That Council appoint a suitably qualified real estate agent by competitive quotation process to represent Bega Valley Shire Council's interests in divesting of Bega Valley Regional Learning Centre by public auction, private treaty or expression of interest.
2. That Council delegate authority to the Chief Executive Officer to enter into a suitable Agency Agreement with the successful real estate agent upon completion of the competitive quotation process for the marketing, sale negotiation and transactional settlement of the above-mentioned property.
3. That Council delegate authority to the Chief Executive Officer to make an assessment based on current market conditions in consultation with the appointed real estate agent on the reasonableness of any offer made for the Bega Valley Regional Learning Centre
4. That all reasonable offers be brought back to Councillors for final Resolution.

ACTION - EOI to engage Real Estate Agent ready for advertising on VenderPanel.

Property Officers liaising with local Agents to join VenderPanel, only some have joined despite multiple emails and phone calls

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Meeting	Officer/Director	Section	Subject
Council 15/06/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Assets and Operations	Proposed divestment - Lot 66 DP 1171407 Ravenswood Street, Bega
RESOLVED on the motion of Crs Allen and Seckold			
1. That Council receive and note the report and attached Confidential Memorandum.			
IN FAVOUR:	Crs Fitzpatrick, Griff, Seckold, Allen, O'Neil, Robin and Wright		
AGAINST:	Cr Porter		
ABSENT:	Cr Nadin		
RESOLVED on the motion of Crs Allen and Seckold			
2. That Council approve the divestment of Lot 66 DP 1171407 Ravenswood Street, Bega to the offeree Damian and Peta Hoyland, for the amount as offered.			
3. That all fees to finalise this matter be payable by Council from the proceeds of sale.			
4. That Council hereby authorise its official seal to be affixed to the contract documents under the signature of the Chief Executive Officer and Mayor.			
5. That the offeree be advised of Council's decision.			
6. That Council delegate authority to the Chief Executive Officer and Mayor to negotiate a sale of Lot 66 DP 1171407 Ravenswood Street, Bega, for a minimum value as determined by Council should the sale to the offeree not progress.			
IN FAVOUR:	Crs Fitzpatrick, Griff, Seckold, Allen, O'Neil, Robin and Wright		
AGAINST:	Cr Porter		
ABSENT:	Cr Nadin		
<i>17 Jun 2022 - 9:37 AM - Georgina McIntyre</i>			
Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason:			

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

14 Jul 2022 - 4:54 PM - Rickee Marshall

11/07/2022 Contract issued to Hoylands for execution.

26 Jul 2022 - 6:26 PM - Rickee Marshall

Hoylands requested 3 month settlement period.

26 Aug 2022 - 11:34 AM - Rickee Marshall

Contracts exchanged 9 August 2022, settlement due 7 November 2022.

Meeting	Officer/Director	Section	Subject
Council 29/06/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Assets and Operations	Twyford Hall loan repayment
RESOLVED on the motion of Crs Fitzpatrick and Seckold			
1. That Council receive and note the report and attachments.			
2. That Council advise Twyford Hall Incorporated it is willing to grant a twelve month extension to commencement of the loan repayment on the condition that the NSW Government confirm in writing it will fund the remainder of works and Council will not be further financially disadvantaged.			
3. That the Chief Executive Officer and Mayor be delegated authority to finalise and execute the amendment to the Deed of Agreement.			
<u>IN FAVOUR:</u>	Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil and Robin		
<u>AGAINST:</u>	Nil		
<u>ABSENT:</u>	Cr Wright		
<i>15 Jul 2022 - 4:13 PM - Georgina McIntyre</i>			
Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason:			
<i>20 Jul 2022 - 4:35 PM - Rickee Marshall</i>			
Email sent to TTHCL to send through amended Deed of Agreement for Council execution.			

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

5 Aug 2022 - 4:38 PM - Rickee Marshall

Letter drafted seeking written assurance that the NSW Government will fund the remainder of works to complete the Twyford Hall Theatre project.

5 Aug 2022 - 4:38 PM - Rickee Marshall

Amended Deed received from TTHCL. Will hold for Council execution once response from NSW State Government

2 Nov 2022 - 2:24 PM - Rickee Marshall

Letter from CEO to TTHCL regarding repayment of funding sent 26/10/2022

Meeting	Officer/Director	Section	Subject
Council 20/07/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Assets and Operations	Lease to RBA Holdings Pty Ltd at Tura Beach reservoir site
RESOLVED on the motion of Crs Robin and O'Neil Approve tenure of nine (9) years in the form of 3 x 3-year leases to RBA for their continued occupation of part Lot 2 DP 826717 at Tura Beach reservoir site for an annual market rental of \$12,870 including GST per annum and advise RBA that Council no longer supports a rental rebate.			
IN FAVOUR: Crs Fitzpatrick, Griff, Seckold, Porter, O'Neil, Robin and Wright			
AGAINST: Crs Nadin and Allen			
RESOLVED on the motion of Crs Robin and O'Neil Approve tenure of nine (9) years in the form of 3 x 3-year leases to RBA for their continued occupation of part Lot 2 DP 826717 at Tura Beach reservoir site for an annual market rental of \$12,870 including GST per annum and advise RBA that Council no longer supports a rental rebate.			
IN FAVOUR: Crs Fitzpatrick, Griff, Seckold, Porter, O'Neil, Robin and Wright			
AGAINST: Crs Nadin and Allen			
<i>25 Jul 2022 - 2:58 PM - Rebecca Payne</i>			
Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, for your action please			

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

26 Jul 2022 - 6:26 PM - Rickee Marshall

22/07/2022 RBA notified of outcome of Council meeting.

9 Aug 2022 - 1:27 PM - Rickee Marshall

1/08/2022 RBA confirmed they wish to proceed with the tenure arrangement. Legal representatives requested to prepare amended lease agreement.

14 Sep 2022 - 11:04 AM - Rickee Marshall

Legal representatives prepare new lease agreement for RBA execution

27 Oct 2022 - 1:42 PM - Rickee Marshall

Lease issued to RBA 27/10/2022

Meeting	Officer/Director	Section	Subject
Council 20/07/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Assets and Operations	Assignment of Lease - Lease Site LS-09 at Merimbula Airport
RESOLVED on the motion of Crs Nadin and Porter			
1. That Council receive and note the report.			
2. That Council approves assignment of the lease for lease site LS-09 at Merimbula Airport from Bakersair Pty Limited to the Trustee for the Bourke Family Trust.			
3. That the applicant be responsible for the payment of all costs associated with the assignment of lease process.			
4. That the Mayor and Chief Executive Officer be authorised to execute the necessary documentation to formalise the above course of action.			
<u>IN FAVOUR:</u>	Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright		
<u>AGAINST:</u>	Nil		
<i>25 Jul 2022 - 2:57 PM - Rebecca Payne</i>			
Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, for your action please			
<i>26 Jul 2022 - 6:20 PM - Rickee Marshall</i>			

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Applicant notified of Council resolution and requested for legal representatives to prepare the assignment documentation.

14 Sep 2022 - 11:02 AM - Rickee Marshall

Followed up 2/09/2022 - assignment fee paid, waiting on the Deed from new lessees legal representative to finalise the matter

Meeting	Officer/Director	Section	Subject
Council 17/08/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Road transfer request - DA 2003.95 Stanley Street, Eden
<p>RESOLVED on the motion of Crs Seckold and Robin</p> <ol style="list-style-type: none">1. That point 2 of resolution 104/21 be revoked.2. That Council progresses the road transfer application for the sections of Stanley and Curalo Streets, Eden described in Development Application 2003.95.3. That Council enters into a Deed of Agreement with the applicant outlining road construction and maintenance obligations prior to progressing the road transfer application.4. That all costs associated with this matter be borne by the applicant.5. That the Mayor and Chief Executive Officer be delegated authority to negotiate, finalise and execute the Deed of Agreement and the official seal of Council be affixed to the document.6. That Council delegate authority to the Mayor and Chief Executive Officer to negotiate a Deed of Agreement for any future Crown Road transfer matter where there is a need for the road to be upgraded to Council's construction standard and Council hereby authorise its official seal to be affixed to the documents under the signature of the Chief Executive Officer and Mayor. <p>IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright</p> <p>AGAINST: Nil</p> <p><i>31 Aug 2022 - 1:11 PM - Rebecca Payne</i></p> <p>Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, can you please manage this action. Thank you</p> <p><i>2 Nov 2022 - 3:00 PM - Rickee Marshall</i></p>			

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

31/08/2022 - Email correspondence with David Bothamley at CSJ regarding Stanley Street road transfer and outcome of Council meeting

Meeting	Officer/Director	Section	Subject
Council 17/08/2022	Bolton, Iliada Bolton, Iliada	Staff Reports – Business and Governance	Review of Council Policies - Batch 5

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs O'Neil and Wright

1. That Council places the following draft policies on public exhibition:

- Policy 1.09 Community Grants Program
- Policy 4.16 Child safe organisation (new)
- Policy 6.01 Governance
- Policy 6.02 Behaviour of Councillors and Staff
- Policy 6.03 Risk Management
- Policy 6.04 Conditions of Employment
- Policy 6.05 Work Health and Safety
- Policy 6.06 Financial Management
- Policy 6.07 Investments
- Policy 6.11 Records Management
- Policy 6.13 Organisational Service Standards
- Policy 6.14 Use of Council Seal
- Policy 6.18 Fraud and Corruption Prevention (new)

2. That the policies listed above be exhibited for a minimum period of 28 days and that submissions be received for 42 days.

3. That following public exhibition, a further report be presented to Council including any submissions received and submit the final policies recommended for adoption.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

31 Aug 2022 - 1:03 PM - Rebecca Payne

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Revised Target Date changed by: Payne, Rebecca From: 31 Aug 2022 To: 16 Dec 2022

Reason: Batch 5 policies presented to council on 17 August 2022. Policies on exhibition from 19 August 2022 - 2 October 2022. Final report to Council 14 December 2022.

2 Nov 2022 - 1:22 PM - Rebecca Payne

Batch 5 Policies going to 16 November Council meeting.

Meeting	Officer/Director	Section	Subject
Council 21/09/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Proposed easement - 55 O'Connells Point Road, Wallaga Lake
<p>RESOLVED on the motion of Crs Nadin and O'Neil That council delegate the Chief Executive Officer to negotiate the most appropriate outcome for the land referred to in this report noting this may include a combination of land acquisition, disposal and creation of easements</p> <p>IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright</p> <p>AGAINST: Nil</p> <p>26 Sep 2022 - 2:28 PM - Rebecca Payne</p> <p>Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, Can you please manage this action. Thank you Bec</p> <p>2 Nov 2022 - 3:00 PM - Rickee Marshall</p> <p>Commercial agreement reached with landowner as follows: Sale of Council Lot 68 DP 27538 to landowner for a value of \$29,682.25 with Council bearing responsibility for legal costs and survey work. Noting Council will require the creation of an easement over both Lot 68 DP 27538 and Lot 64 DP 27538.</p>			

Meeting	Officer/Director	Section	Subject
Council 21/09/2022	Lewington, Jason Bolton, Iliada	Staff Reports – Business and Governance	Renewable energy power purchasing agreement update

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Seckold and Griff

1. That Council notes the update on the power purchasing agreement tender process, including impact of changes in market factors.
2. That Council authorises the Chief Executive Officer to execute a variation and reconfirm the delegation of authority to Procurement Australia to amend the ceiling price to reflect price rises that have occurred between the agreement execution date and the tender process concluding.

IN FAVOUR: Crs Fitzpatrick, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Cr Nadin

26 Sep 2022 - 2:53 PM - Rebecca Payne

Action reassigned to Lewington, Jason by: Payne, Rebecca for the reason: Hi Jason, Can you please manage this action. Thanks Bec

24 Oct 2022 - 12:08 PM - Jason Lewington

PPA is nearing finalisation. A preferred supplier has been identified and final offers being accepted by Procurement Australia. Informal updates to Director B&G and further update once tender finalised and / or in the next Procurement & Contracts LEG update.

Meeting	Officer/Director	Section	Subject
Council 21/09/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Tura Beach Country Club rental rebate

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Allen and Fitzpatrick

1. That Council receive and note the report.
2. That Council, as Crown Land Manager of Reserve R95834, approve a further twenty-year lease to the Tura Beach Country Club Limited, for their continued occupation of the Tura Beach golf course land, for a commencing market rental of \$23,670 (plus GST) per annum less a rental rebate of 27% which equates to a starting rental of \$17,279.10 (plus GST) per annum.
3. That Tura Beach Country Club Limited be responsible for all costs, expenses and disbursements incurred by Council in relation to the preparation, negotiation, execution and registration of the lease.
4. That Council authorise the Chief Executive Officer and Mayor to execute all necessary documentation to provide further tenure of twenty years.

IN FAVOUR: Crs Fitzpatrick, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Cr Nadin

26 Sep 2022 - 2:17 PM - Rebecca Payne

Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, Can you please manage this action. Thanks Bec

10 Oct 2022 - 10:08 PM - Rickee Marshall

Tura Beach Country Club returned executed lease 07/10/2022

13 Oct 2022 - 9:35 AM - Rickee Marshall

Lease with CEO and Mayor for counter signing.

27 Oct 2022 - 1:41 PM - Rickee Marshall

Lease with legal representatives for lodgement at NSW Land Registry Services

2 Nov 2022 - 3:02 PM - Rickee Marshall

Lease lodged at NSW LRS

Meeting	Officer/Director	Section	Subject
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Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Council 21/09/2022

Marshall, Rickee

Notices of Motion

Proposed divestment of Bega Valley Regional Learning Centre

Bolton, Iliada

RESOLVED on the motion of Crs Nadin and Porter

1. That Council appoint a suitably qualified real estate agent by competitive quotation process to represent Bega Valley Shire Council's interests in divesting of Bega Valley Regional Learning Centre by public auction, private treaty or expression of interest.
2. That Council delegate authority to the Chief Executive Officer to enter into a suitable Agency Agreement with the successful real estate agent upon completion of the competitive quotation process for the marketing, sale negotiation and transactional settlement of the above mentioned property.
3. That Council delegate authority to the Chief Executive Officer to make an assessment based on current market conditions in consultation with the appointed real estate agent on the reasonableness of any offer made for the Bega Valley Regional Learning Centre
4. That all reasonable offers be brought back to Councillors for final Resolution.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

27 Sep 2022 - 3:11 PM - Jacqueline Grant

Rickee for your follow up and action.

27 Sep 2022 - 3:11 PM - Jacqueline Grant

Action reassigned to Marshall, Rickee by: Grant, Jacqueline for the reason:

10 Oct 2022 - 10:09 PM - Rickee Marshall

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

26/09/2022 - Procurement staff sent email sent to all Merimbula Real Estate Agents to join VenderPanel so we can advertise to engage an Agent:

Bega Valley Shire Council resolved at its ordinary council meeting on Wednesday 21st September to appoint a suitably qualified real estate agent by competitive quotation process to represent Bega Valley Shire Council's interests in the divesting of Bega Valley Regional Learning Centre in Merimbula by public auction, private treaty or expression of interest.

Bega Valley Shire Council utilises VendorPanel as its eProcurement platform to advertise and administer expressions of interest, requests for quotation and tenders. Registration and response to requests from council is free and simple for suppliers.

Ahead of council uploading it's EOI seeking a real estate agent for divestment of the Bega Valley Regional Learning Centre, if your business is interested in this or other potential opportunities, we strongly suggest that you register your business [HERE](#) or alternatively visit our website for further information on doing business with council.

If you have any queries, please don't hesitate to reach out to the Procurement & Contracts team via the below details.

Meeting	Officer/Director	Section	Subject
Council 19/10/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Road Closure - Section of unconstructed road off Cochranes Flat Road, Kiah

Outstanding

Division: Business and Governance

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Nadin and Allen

1. That Council approves, in principle, the closure of the unconstructed Council public road corridor within Lot 48 DP 750213 at Kiah.
2. That Council commences 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 public road reserve concerned.
5. That the Chief Executive Officer and Mayor be authorised to execute the necessary documentation to affect the road closure.
6. That all costs associated with the road closure process be borne by the applicant.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil and Wright

AGAINST: Nil

ABSENT: Cr Robin

2 Nov 2022 - 10:35 AM - Rebecca Payne

Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, can you please manage this action. Thanks Bec

Outstanding

Division: Community Environment and Planning

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Meeting	Officer/Director	Section	Subject
Council 20/04/2022	Furniss, Esther Harrison, Emily	Staff Reports – Community, Environment and Planning	Proposal to Establish Alcohol-free Zone and Alcohol-prohibited Area, Gipps and Bega Streets, Bega
<p>RESOLVED on the motion of Crs Nadin and Seckold</p> <ol style="list-style-type: none">1. That Council resolves to support, in principle and subject to community feedback, the request to establish an alcohol-free zone (AFZ) in Bega2. That Council resolves to support, in principle and subject to community feedback, the request to establish an alcohol-prohibited area (APA) in Bega3. That Council publicly exhibit the proposed alcohol-free zone and alcohol-prohibited area (Attachment 1) for not less than 30 days.4. That, following public exhibition and subject to community feedback, Council seek approval from the relevant Police local area commander to establish the proposed alcohol-prohibited area.5. That staff prepare a further report to Council following public exhibition of the proposal. <p>IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Porter, O'Neil, Robin and Wright</p> <p>AGAINST: Nil</p> <p>ABSENT: Cr Allen</p> <p><i>26 Apr 2022 - 12:09 PM - Emily Harrison</i></p> <p>Action reassigned to Furniss, Esther by: Harrison, Emily for the reason: For action as per resolution.</p> <p><i>6 May 2022 - 4:01 PM - Esther Furniss</i></p> <p>Eden, Bega LALCs and Bega Eden Merrimans notified of Council's decision in writing. Have your Say drafted for public consultation of the proposed AFZ and APA</p> <p><i>6 May 2022 - 4:03 PM - Esther Furniss</i></p> <p>Affected liquor licence holders to be contacted</p> <p><i>9 May 2022 - 5:12 PM - Esther Furniss</i></p> <p>Letters to LALCs and Merrimans and liquor licence holders to be sent in conjunction with public consultation of proposed AFZ and APA. This is due to take place on Friday 13 May or Friday 20 May.</p>			

Outstanding

Division: Community Environment and Planning

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

26 Jul 2022 - 3:08 PM - Emily Harrison

CEO and A/Director CEP met with Katungal to discuss their submission on 30 June and 18 July. Meeting with CEO Bega LALC to be scheduled pending LALC availability.

3 Nov 2022 - 2:27 PM - Esther Furniss

Further meeting between Director CEP and CEO with Katungal and Local Aboriginal Land Councils scheduled for 28 November 2022.

Meeting	Officer/Director	Section	Subject
Council 20/04/2022	Thomson, Sophie Harrison, Emily	Staff Reports – Community, Environment and Planning	Planning Proposal for Market Street, Merimbula
<p>RESOLVED on the motion of Crs Nadin and Fitzpatrick</p> <ol style="list-style-type: none">1. That Council submits the Market Street, Merimbula Planning Proposal (Attachment 1) to the Department of Planning and Environment for Gateway Determination.2. That following Gateway Determination, the Planning Proposal be placed on public exhibition.3. That at the conclusion of the exhibition period, Council officers prepare a further report to Council if material amendments to the Planning Proposal are required to address submissions received during the exhibition period.4. That should no material amendments to the Planning Proposal be required in response to submissions received during the exhibition period, Council officers progress the Planning Proposal to finalisation and gazettal without a further report to Council. <p>IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Porter, O'Neil, Robin and Wright</p> <p>AGAINST: Nil</p> <p>ABSENT: Cr Allen</p> <p>26 Apr 2022 - 12:13 PM - Emily Harrison</p> <p>Action reassigned to Thomson, Sophie by: Harrison, Emily for the reason: For action as per Council resolution please.</p> <p>19 Jul 2022 - 2:59 PM - Esther Furniss</p> <p>Proposal currently on public exhibition</p>			

Outstanding

Division: Community Environment and Planning

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

3 Nov 2022 - 1:10 PM - Esther Furniss

The planning proposal will be reported to Council at the December meeting

Meeting	Officer/Director	Section	Subject
Council 18/05/2022	Tull, Keith Harrison, Emily	Staff Reports – Community, Environment and Planning	Endorsement of Planning Proposal for increasing housing diversity and associated guidelines in Development Control Plan 2013
<p>RESOLVED on the motion of Crs O'Neil and Robin</p> <p>That Council:</p> <ol style="list-style-type: none">1. Resolve to support the Residential Land Strategy: Housing Diversity Planning Proposal (Attachment 1).2. Authorise Council officers to submit the Planning Proposal and supporting information to the Department of Planning and Environment requesting a Gateway Determination under Section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i>.3. Resolve to exhibit the proposed amendments to Chapter 3 'Residential Development' of the <i>Development Control Plan 2013</i> to provide design guidelines that support the changes in the Planning Proposal (Attachment 2).4. Consider a further report from staff in relation to feedback received during public exhibition undertaken as part of the Gateway process and exhibition of the associated draft amendments to the <i>Bega Valley Development Control Plan 2013</i>. <p>IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, O'Neil, Robin and Wright</p> <p>AGAINST: Nil</p> <p>ABSENT: Cr Porter</p> <p>3 Jun 2022 - 10:49 AM - Esther Furniss</p> <p>Action reassigned to Tull, Keith by: Furniss, Esther for the reason: Hi Keith, please provide comments and updates for Councillor's information</p> <p>19 Jul 2022 - 2:58 PM - Esther Furniss</p>			

Outstanding

Division: Community Environment and Planning

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

Proposal currently on public exhibition

3 Nov 2022 - 1:08 PM - Esther Furniss

The proposal has been publicly exhibited and a further report will be presented to Council at the 14 December meeting

Meeting	Officer/Director	Section	Subject
Council 20/07/2022	Harrison, Emily Harrison, Emily	Staff Reports – Community, Environment and Planning	Youth Committee and Youth Programs
<p>RESOLVED on the motion of Crs Nadin and Porter</p> <p>That Council:</p> <ol style="list-style-type: none">Note the current work being undertaken by Council to support and engage with young people in the Bega Valley Shire.Resolve to seek funding for the development of a Bega Valley Youth Specific Strategy that aligns with the community strategic plan at the commencement of the 2023 calendar year. <p>IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Allen, Porter and Wright</p> <p>AGAINST: Crs Seckold, O'Neil and Robin</p> <p>19 Sep 2022 - 1:17 PM - Emily Harrison</p> <p>Staff are actively seeking funding opportunities for the development of a youth strategy.</p>			

Meeting	Officer/Director	Section	Subject
Council 20/07/2022	Tull, Keith Harrison, Emily	Notices of Motion	Bega Valley Shire Flying Fox Camp Management Plan

Outstanding

Division: Community Environment and Planning

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Griff and Wright

That Council:

1. Prioritise completion of the Bega Valley Shire Flying Fox Camp Management Plan, to identify appropriate management measures for grey-headed flying foxes in Bega Valley Shire.
2. Engage with relevant officers in Eurobodalla and Shoalhaven Councils to investigate successful strategies that have been applied in similar local government areas.
3. Work with key stakeholders such as the Bournda Environmental Education Centre, Pambula Wetlands and Heritage Projects Inc, Friends of Glebe Wetlands, and the Biodiversity and Conservation Division (BCD) in Department of Planning and Environment to increase community understanding of the importance of protecting the grey-headed flying fox and its habitat in Bega Valley Shire.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Porter, O'Neil, Robin and Wright

AGAINST: Cr Allen

24 Jul 2022 - 4:45 PM - Jacqueline Grant

Action reassigned to Harrison, Emily by: Grant, Jacqueline for the reason:

26 Jul 2022 - 3:16 PM - Emily Harrison

Council officers will progress this work as per the Council resolution.

26 Jul 2022 - 3:18 PM - Emily Harrison

Action reassigned to Tull, Keith by: Harrison, Emily for the reason: Hi Keith - please see notes for staff action.

3 Nov 2022 - 1:05 PM - Esther Furniss

Council has engaged a consultant who is finalising the draft management plan in consultation with Council staff. Project has been delayed due to consultant availability.

Meeting	Officer/Director	Section	Subject
Council 17/08/2022	Harrison, Emily	Staff Reports – Community, Environment and Planning	Finalisation of draft amendments to requirements for off-street car and bicycle parking
	Harrison, Emily		

Outstanding

Division: Community Environment and Planning

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Nadin and Allen

To defer this item.

IN FAVOUR: Crs Fitzpatrick, Nadin, Allen, Porter and Wright

AGAINST: Crs Griff, Seckold, O'Neil and Robin

9 Sep 2022 - 9:44 AM - Esther Furniss

Report was deferred with this item to be workshopped with Councillors on 28/9

4 Nov 2022 - 5:15 PM - Esther Furniss

Workshop with Councillors was held 28/9 and report will be provided to Council for resolution at the 16 November meeting.

Meeting	Officer/Director	Section	Subject
Council 17/08/2022	Tull, Keith Harrison, Emily	Staff Reports – Community, Environment and Planning	Endorsement of planning proposal for Pambula Merimbula Golf Club

Outstanding

Division: Community Environment and Planning

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs Nadin and Allen

1. That Council officers submit the Pambula Merimbula Golf Club planning proposal (Attachment 1) to the Department of Planning and Environment for Gateway Determination.
2. That following Gateway Determination, the planning proposal be placed on public exhibition.
3. That at the conclusion of the exhibition period, Council officers prepare a further report to Council if material amendments to the planning proposal are required to address submissions received during the exhibition period.
4. That should no material amendments to the planning proposal be required in response to submissions received during the exhibition period, Council officers progress the planning proposal to finalisation and gazettal without a further report to Council

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

22 Aug 2022 - 9:52 PM - Emily Harrison

Action reassigned to Tull, Keith by: Harrison, Emily for the reason: For action by the Strategic Planning team in accordance with the resolution.

23 Aug 2022 - 11:50 AM - Keith Tull

Planning Proposal forwarded to Department of Planning for Gateway approval

3 Nov 2022 - 1:13 PM - Esther Furniss

Proposal has been publicly exhibited with staff working through the submissions received

Meeting	Officer/Director	Section	Subject
Council 17/08/2022	Harrison, Emily	Staff Reports – Community, Environment and Planning	Alcohol Free Zones and Alcohol Prohibited Areas
	Harrison, Emily		

Outstanding

Division: Community Environment and Planning

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

RESOLVED on the motion of Crs O'Neil and Seckold

That Council:

1. Resolves to support, in principle and subject to community feedback, the cancellation and re-establishment of current and expired alcohol free zones
2. Notes that consultation with the local police, the community and other stakeholders will be undertaken as required under the Ministerial Guidelines and Local Government Act.

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

3 Nov 2022 - 1:36 PM - Esther Furniss

Public consultation closed on 6 November and staff are now reviewing submissions. A further report will be presented to Council in January/February.

Meeting	Officer/Director	Section	Subject
Council 21/09/2022	Tull, Keith Harrison, Emily	Staff Reports – Community, Environment and Planning	Finalisation of Planning Proposal to permit mixed use development in the B2 Local Centre zone

RESOLVED on the motion of Crs O'Neil and Griff

That Council:

1. Support the planning proposal to amend the *Bega Valley Local Environmental Plan 2013* to permit mixed use development in the B2 Local Centre zone as contained in Attachment 1 to this report and request that the Minister for Planning and Homes make the plan

IN FAVOUR: Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright

AGAINST: Nil

27 Sep 2022 - 12:42 PM - Esther Furniss

Action reassigned to Tull, Keith by: Furniss, Esther for the reason: Keith, for your team to progress and update the action as per point 1 of the report recommendation.

Outstanding

Division: Community Environment and Planning

Date From:

Committee: Council

Date To:

Officer:

Action Sheets Report

3 Nov 2022 - 1:14 PM - Esther Furniss

Planning proposal is with the Department of Planning for assessment.

<p>Outstanding</p> <p>Action Sheets Report</p>	<p>Division: Executive</p> <p>Committee: Council</p> <p>Officer:</p>	<p>Date From:</p> <p>Date To:</p>
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Meeting	Officer/Director	Section	Subject
Council 6/10/2021	Grant, Jacqueline McMahon, Anthony	Staff Reports - D: Infrastructure Waste and Water	Possible exchange of land between Council and the Merimbula RSL Club
<p>RESOLVED on the motion of Crs Allen and Seckold</p> <p>It is recommended that:</p> <ol style="list-style-type: none"> Council endorses the Chief Executive Officer to negotiate with the Merimbula RSL arrangements that would need to be in place to ensure that there is no reduction in public parking availability and no additional car parking liability to Council whilst delivering an appropriate financial return to Council should Council consider selling all or part of Lot 2 DP 1090625 Alice Street in Merimbula in the future. A further report presenting options to Council be prepared following negotiations. <p><u>IN FAVOUR:</u> Crs Fitzpatrick, Bain, Griff, Seckold, Dodds and Allen</p> <p><u>AGAINST:</u> Nil</p> <p><u>ABSENT:</u> Cr Nadin</p> <p><i>30 Nov 2021 - 2:46 PM - Jacqueline Grant</i></p> <p>Letter sent post Council meeting and at the request of the club a meeting to occur early in 2022. D21/119469</p> <p><i>30 Nov 2021 - 2:49 PM - Jacqueline Grant</i></p> <p>Action reassigned to Grant, Jacqueline by: Grant, Jacqueline for the reason:</p> <p><i>9 May 2022 - 6:51 PM - Jacqueline Grant</i></p> <p>Merimbula RSL club are going to re-approach Council when they are ready for further action.</p>			