

Outstanding

**Division:** Assets and Operations

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

Meeting	Officer/Director	Section	Subject
Council 30/01/2019	Cook, Timothy Macfarlane, Ian	Staff Reports - D: Infrastructure Waste and Water	Eden depot tenure
<b>RESOLVED on the motion of Crs Bain and Allen</b>			
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.			
<b>IN FAVOUR:</b> Crs Fitzpatrick, Bain, Nadin, Griff, McBain, Seckold, Tapscott, Dodds and Allen			
<b>AGAINST:</b> Nil			
<i>19 Feb 2019 - 9:19 AM - Rickee Marshall</i>			
Request sent to the NSW Aboriginal Land Council to have claim withdrawn over Reserve 88395. Once claim has been withdrawn Crown Lands have advised they can progress the application to appoint Council as direct land manager.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.			
<i>18 Jun 2019 - 4:33 PM - Rickee Marshall</i>			
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.			
<i>3 Oct 2019 - 6:30 PM - Rickee Marshall</i>			
Follow up to NSW ALC regarding consent to make an application to be appointed land manager of reserve.			

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*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*

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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.

*25 Jan 2023 - 3:20 PM - Alan Gundrill*

Waste Services C&I Project Manager undertaking materials flow analysis on cardboard to inform business case for processing in the shire. A report will come to Council at a date to be confirmed.

*2 May 2023 - 3:12 PM - Georgina McIntyre*

Action reassigned to Cook, Timothy by: McIntyre, Georgina for the reason: reassigned at the request of Alan

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:**

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**Printed:**

**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.

*1 May 2023 - 2:21 PM - John Grady*

As above deferred due to workloads and prioritisation of other projects. Priority sites for site master planning work to be considered through BVSC Recreation Strategy Project.

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

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**Division:** Assets and Operations

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**Printed:**

Macfarlane, Ian

**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.

*23 Nov 2022 - 1:43 PM - Georgina McIntyre*

For action

*7 Feb 2023 - 3:57 PM - John Grady*

Contact has been made with the preferred tenderer to provide alternate scope options and costings.

*1 May 2023 - 3:11 PM - John Grady*

Negotiations are ongoing with the preferred contractor regarding the carpark works. Project has been held up due to AHIP process and related works. Project update provided to Cllrs by email CM9 D23/21799

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Meeting	Officer/Director	Section	Subject
Council 19/10/2022	Edwards, Nikki Macfarlane, Ian	Staff Reports – Assets and Operations	Occupation of Old Pambula Courthouse
<b>RESOLVED on the motion of Crs Nadin and Fitzpatrick</b>			
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			
<u>IN FAVOUR:</u> Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil and Wright			
<u>AGAINST:</u> Nil			
<u>ABSENT:</u> Cr Robin			
25 Jan 2023 - 4:13 PM - Georgina McIntyre			
For action			
2 Feb 2023 - 11:46 AM - Nikki Edwards			
Council has received CRIF funding (A220927/F635890) for - Roof upgrade to the Old Pambula Courthouse and associated structural repairs a \$230,000 (GST Inclusive).			
Council was also successful in funding for the development of a conservation management plan for the Old Pambula Courthouse \$5,500 (GST inclusive) (A220987/F635764)			
11 May 2023 - 8:31 AM - Georgina McIntyre			
Nikki to provide update on return from long service leave 17.5.23			

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Meeting	Officer/Director	Section	Subject
Council 15/02/2023	Grady, John Macfarlane, Ian	Staff Reports – Assets and Operations	Tathra wharf and headland final precinct plan
<p><b>RESOLVED on the motion of Crs Nadin and Seckold</b></p> <ol style="list-style-type: none"><li>That Council note the consultation feedback in the Listening Report (<b>Attachment 1</b>).</li><li>That Council adopt the Tathra Wharf and Headland Precinct Plan (<b>Attachment 2</b>).</li><li>That Council adopt the Option 1 of the Walkway between Upper and Lower Tathra Options Study (<b>Attachment 3</b>) as the preferred option noting this project is not feasible to construct, operate and maintain within Council's current financial capacity.</li><li>That the plans be used to apply for grants for components that do not require significant ongoing expenditure</li></ol> <p><u>IN FAVOUR:</u> Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, O'Neil, Robin and Wright</p> <p><u>AGAINST:</u> Nil</p> <p><u>ABSENT:</u> Cr Porter</p> <p><i>9 May 2023 - 3:12 PM - Georgina McIntyre</i></p> <p>Action reassigned to Grady, John by: McIntyre, Georgina for the reason: John this plan sits with your team</p>			

Meeting	Officer/Director	Section	Subject
Council 22/03/2023	Grady, John Macfarlane, Ian	Staff Reports – Assets and Operations	Australian Government - Investing in Our Communities Program

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**RESOLVED on the motion of Crs Nadin and Wright**

1. Council gives in-principle support to apply for \$500,000 as part of the Australian Government's 'Investing in Our Communities' Program under the following conditions:
  - a. It be noted Council will not contribute any funds toward the project;
  - b. Prior to preparing an application, staff provide a report to Council on the process of the how the project would likely take place – including any staged implementation - and the ongoing financial impacts associated with the skatepark;
  - c. That any grant application be prepared in close consultation with Sapphire Skate Association Inc;
  - d. That Council will not expend any funds in the preparation of the grant application, noting, however, there will be considerable staff time required (based on the funding guidelines);
  - e. It be noted there is considerable work, time and resources required prior to having a 'shovel ready' skatepark project in Merimbula, including, but potentially not limited to, design, engineering and environmental assessments that must be included within any grant funding.
2. The council gives in-principle support to Ford Park as the location for the new skate park, with specific dimensions, designs, and location at Ford Park yet to be confirmed in a council report.
3. That Council commit to working with Sapphire Skate Association Inc to seek further external funding to complete the Merimbula Skatepark upgrade.

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

**AGAINST:** Nil

**ABSENT:** Cr Robin

*24 Mar 2023 - 8:58 AM - Georgina McIntyre*

For action

*1 May 2023 - 3:18 PM - John Grady*

Additional council report as per the council resolution is being drafted.

Meeting	Officer/Director	Section	Subject
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Council 19/04/2023	Louie, Gary	Staff Reports – Assets and Operations	Exhibition of Draft Merimbula Transport Study
	Macfarlane, Ian		
RESOLVED on the motion of Crs Nadin and Porter			
1. That Council resolve to publicly exhibit the draft Merimbula Transport Study (attachments 1 and 2) for not less than 42 days.			
2. Council officers prepare a further report to Council following conclusion of the exhibition period noting Councillors will conduct a workshop on the transport strategy during the public exhibition period.			
IN FAVOUR:	Crs Fitzpatrick, Nadin, Griff, Seckold, Porter, O'Neil, Robin and Wright		
AGAINST:	Nil		
ABSENT:	Cr Allen		
25 Apr 2023 - 10:02 PM - Georgina McIntyre			
Action reassigned to Louie, Gary by: McIntyre, Georgina for the reason: For your action			
2 May 2023 - 1:48 PM - Gary Louie			
Items 1 and 2 still in progress			

Meeting	Officer/Director	Section	Subject
Council 8/05/2023	Djikic, Daniel	Staff Reports – Assets and Operations	Bega Valley Regional Gallery - Construction Update
	Macfarlane, Ian		

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**RESOLVED on the motion of Crs O'Neil and Seckold**

1. That Council notes this report and that contract RFT 2122-014 has been terminated in accordance with the general conditions of contract.
2. That Council reconfirms its commitment to complete the Bega Valley Regional Gallery upgrade project at best value for money and Council confirm its commitment to fulfil the original vision of the project.
3. That Council assumes the role of Principal Contractor to deliver the remaining works for the Bega Valley Regional Gallery upgrade and notes the associated risks in completing the project.
4. That in accordance with section 55.3(i) of the *Local Government Act 1993*, Council resolves to enter into direct negotiations and a contract due to extenuating circumstances, remoteness of locality and the unavailability of competitive or reliable tenderers with various sub-contractors to complete the works for the Bega Valley Regional Gallery upgrade project.
5. That authority is delegated to the Chief Executive Officer to enter into direct negotiations and to execute all necessary documentation with various sub-contractors to complete the works for the Bega Valley Regional Gallery upgrade project.
6. That should there be a funding shortfall for the project the Chief Executive Officer be delegated to identify additional funding sources to be utilised to complete the project through either budget reductions in other areas or utilisation of reserves with a report on where funds are sourced from to be reported to a future council meeting.

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

**AGAINST:** Crs Nadin and Porter

**ABSENT:** Cr Robin

*10 May 2023 - 9:41 AM - Georgina McIntyre*

Action reassigned to Djikic, Daniel by: McIntyre, Georgina for the reason: For your action

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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
<b>RESOLVED on the motion of Crs Nadin and Seckold</b>			
<ol style="list-style-type: none"> <li>1. That Council receive and note the report and attached Vacant Land Review Sheet including detail on individual land parcels this report relates to.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>5. That all offers be brought back to Councillors for final Resolution.</li> </ol>			
<u>IN FAVOUR:</u> Crs Fitzpatrick, Bain, Nadin, Griff, McBain, Seckold, Tapscott and Allen			
<u>AGAINST:</u> Cr Dodds			
<i>15 May 2019 - 11:46 AM - Rickee Marshall</i>			
<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:</p> <p>Walsh &amp; Monaghan Pty Limited - \$7,645;  Opteon Property Group - 5,500;  IPN South Coast - \$4,950.</p> <p>Based on these quotations Council officers have appointed the services of IPN South Coast to prepare the required valuation reports.</p>			
<i>18 Feb 2020 - 4:34 PM - Rickee Marshall</i>			
<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>			

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*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

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**Division:** Business and Governance

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**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 provided 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 202 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.

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<p>6 Oct 2022 - 7:36 AM - Rickee Marshall</p> <p>6/10/2022 - Revocation application submitted to NPWS. Followed up CS&amp;J for updated sketch plan.</p> <p>18 Apr 2023 - 5:48 PM - Rickee Marshall</p> <p>Follow up email sent to NPWS on 28/03/2023</p>
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Meeting	Officer/Director	Section	Subject
Council 17/02/2021	Marshall, Rickee	Staff Reports - D: Infrastructure Waste and Water	EOI 2021-62 - Occupation of office space within Bermagui Community Centre
	Bolton, Iliada		

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**Division:** Business and Governance

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**RESOLVED on the motion of Crs Seckold and Allen**

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.

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

**AGAINST:** Nil

*22 Feb 2021 - 10:19 AM - Jacqueline Grant*

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

*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*

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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*

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



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*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

*5 Dec 2022 - 3:51 PM - Rickee Marshall*

Continuing to follow up Southern NSW LHD - last email 5 December 2022

*30 Jan 2023 - 12:59 PM - Rickee Marshall*

Continuing to follow up Southern NSW LHD - last email 30 January 2023

*19 Apr 2023 - 5:14 PM - Rickee Marshall*

Continuing to follow up Southern NSW LHD - email sent 19 April 2023

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		

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**Printed:**

**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:**

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**Printed:**

*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.

*30 Jan 2023 - 12:59 PM - Rickee Marshall*

Lease still with NSW LRS for registration, continuing to follow up

*18 Apr 2023 - 5:51 PM - Rickee Marshall*

14/04/2023 further requisition from LRS. LRS are liaising with Michael Collins from CS&J regarding the plan.

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**

**Printed:**

**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	<b>Division:</b> Business and Governance	<b>Date From:</b>
	<b>Committee:</b> Council	<b>Date To:</b>
	<b>Officer:</b>	
<b>Action Sheets Report</b>		<b>Printed:</b>

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	Creation of a positive covenant for APZ purposes over Council owned land at Arthur Kaine Drive, Merimbula

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Fitzpatrick and O'Neil**

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 *Conveyancing Act 1919* 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.

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

**AGAINST:** Nil

*11 Feb 2022 - 2:06 PM - Georgina McIntyre*

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

*9 May 2022 - 5:01 PM - Rickee Marshall*

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.

*25 Jul 2022 - 2:08 PM - Rickee Marshall*

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*

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

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

*5 Dec 2022 - 3:56 PM - Rickee Marshall*

5 December 2022 - Received Deed for execution by Council's CEO

*10 Jan 2023 - 12:21 PM - Rickee Marshall*

Deed executed by Council CEO and returned to legal representatives 20/12/2022

*18 Apr 2023 - 5:49 PM - Rickee Marshall*

\$5,000 compensation received and payment of our legal fees from Shc Mu3 Pty Ltd. Plan and s88B now sent so that they can attend to registration.

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**

**Printed:**

**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.

*5 Dec 2022 - 3:59 PM - Rickee Marshall*

Formal plan received from legal representatives. Applicants now progressing subdivision application before matter can progress further to gazettal.

*18 Apr 2023 - 5:53 PM - Rickee Marshall*

Finalised Deed of Agreement and further correspondence with applicant



Outstanding

**Division:** Business and Governance

**Date From:**

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**Officer:**

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**Printed:**

*1 May 2023 - 5:09 PM - Rickee Marshall*

Applicant applying for subdivision certificate so they can lodge the road closing plan at NSW LRS.

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.			
IN FAVOUR:	Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil and Robin		
AGAINST:	Nil		
ABSENT:	Cr Wright		
15 Jul 2022 - 4:13 PM - Georgina McIntyre			
Action reassigned to Marshall, Rickee by: McIntyre, Georgina for the reason:			
20 Jul 2022 - 4:35 PM - Rickee Marshall			
Email sent to TTHCL to send through amended Deed of Agreement for Council execution.			
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			

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

2 Nov 2022 - 2:24 PM - Rickee Marshall

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

7 Feb 2023 - 4:06 PM - Rebecca Payne

BVSC invoice to TTHCL raised for repayment of funding.

27 Mar 2023 - 5:44 PM - Rickee Marshall

Following up email sent to Greg Brackenreg regarding payment of the invoice for the loan repayment

18 Apr 2023 - 5:36 PM - Rickee Marshall

17/04/2023 - Follow up sent to TTHCL regarding reimbursement for loan

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
<b>RESOLVED on the motion of Crs Robin and O'Neil</b> 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.  <u>IN FAVOUR:</u> Crs Fitzpatrick, Griff, Seckold, Porter, O'Neil, Robin and Wright <u>AGAINST:</u> Crs Nadin and Allen			
<b>RESOLVED on the motion of Crs Robin and O'Neil</b> 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.  <u>IN FAVOUR:</u> Crs Fitzpatrick, Griff, Seckold, Porter, O'Neil, Robin and Wright <u>AGAINST:</u> Crs Nadin and Allen			

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

*25 Jul 2022 - 2:58 PM - Rebecca Payne*

Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, for your action please

*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

*16 Dec 2022 - 10:32 AM - Rickee Marshall*

Lease under negotiation with legal representatives. RBA disputing additional broadcaster fees.

*27 Mar 2023 - 5:40 PM - Rickee Marshall*

Further lease negotiations with RBAH 24/03/2023

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

Outstanding

**Division:** Business and Governance

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**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

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

**AGAINST:** Nil

*26 Sep 2022 - 2:28 PM - Rebecca Payne*

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

*2 Nov 2022 - 3:00 PM - Rickee Marshall*

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.

*16 Dec 2022 - 1:58 PM - Rickee Marshall*

Correspondence with legal representatives regarding preparation of the Deed of Agreement and TGE. Email to Jack Atkinson Survey who prepared survey for landowner to seek direction of plan type for issue of Lot 64.

*18 Apr 2023 - 5:38 PM - Rickee Marshall*

Follow up email sent 17/04/2023 to surveyor regarding plans to progress matter

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**

**Printed:**

**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

*1 May 2023 - 5:10 PM - Rickee Marshall*

NSW LRS will not accept form of lease. Solicitor is liaising with Crown Lands and LRS regarding the lease format.

Outstanding

**Division:** Business and Governance

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Meeting	Officer/Director	Section	Subject
Council 21/09/2022	Marshall, Rickee Bolton, Iliada	Notices of Motion	Proposed divestment of Bega Valley Regional Learning Centre
<b>RESOLVED on the motion of Crs Nadin and Porter</b>			
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.			
<u>IN FAVOUR:</u> Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright			
<u>AGAINST:</u> Nil			
<i>27 Sep 2022 - 3:11 PM - Jacqueline Grant</i>			
Rickee for your follow up and action.			
<i>27 Sep 2022 - 3:11 PM - Jacqueline Grant</i>			
Action reassigned to Marshall, Rickee by: Grant, Jacqueline for the reason:			
<i>10 Oct 2022 - 10:09 PM - Rickee Marshall</i>			

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

26/09/2022 - Procurement staff sent email sent to all Merimbula Real Estate Agents to join VendorPanel 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.

*12 Dec 2022 - 7:22 AM - Rickee Marshall*

VendorPanel request complete and Sails Real Estate engaged to market BVRLC

*16 Dec 2022 - 10:45 AM - Rickee Marshall*

Agency Agreement executed with Sails Real Estate.

Meeting	Officer/Director	Section	Subject
Council 16/11/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Bega Showground Community Centre

Outstanding

**Division:** Business and Governance

**Date From:**

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**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Allen and Fitzpatrick**

1. That Council approve a five (5) year lease to Bega Showground Land Managers for occupation of part Lot 2 Sec 49 DP 758076 at Upper Street, Bega for an annual rental fee as determined by a registered Valuer, noting a rebate may be applied once assessed against Council's Rental Assessment and Rebate Procedure.
2. That Council approve, in principle, option one (1) in the attached boundary options paper for a boundary adjustment to benefit NSW Crown Lands for a portion of Lot 2 Sec 49 DP 758076 at Upper Street, Bega to rectify the building encroachments on Council land.
3. That Bega Showground Land Managers be advised they will need to submit a planning proposal to amend the Bega Valley Local Environmental Plan 2013 to reclassify part Lot 2 Sec 49 DP 758076, from 'community land' to 'operational land'.
4. That Bega Showground Land Managers be responsible for all costs associated with the reclassification process, including the payment of compensation to Council for the portion of Lot 2 Sec 49 DP 758076 acquired for consolidation with the Crown Land they manage.
5. That authority be delegated to the Chief Executive Officer to negotiate a suitably sized portion of Lot 2 Sec 49 DP 758076 for the required boundary adjustment with consideration of the future development needs of Council for the pool and associated infrastructure.
6. That authority be delegated to the Chief Executive Officer and Mayor to execute on behalf of Council any documentation to formalise the above course of action.

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

**AGAINST:** Nil

*21 Nov 2022 - 2:32 PM - Rebecca Payne*

Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, for your action please. Thanks Bec

*30 Jan 2023 - 1:23 PM - Rickee Marshall*

18/01/2023 - Draft plan received from CS&J. Land managers have received draft legal advice which proposes a method for transfer of the land without needing to re-classify as follows:  
The sale of the Council land satisfies the exemption in section 45(4) of the LG Act, allowing Bega Valley Shire Council to sell the Council land to the Crown without undergoing the reclassification process prescribed by the LG Act. For completeness, Council may enter into a contract for sale of the land without tendering for the sale (s55(3) LG Act).

The draft advice also captures the proposed avenue for assessment of the DA/Crown Certificate and suggests conditions to be implemented prior to occupation certificate being granted.

*18 Apr 2023 - 5:39 PM - Rickee Marshall*



Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

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**Officer:**

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**Printed:**

Land owners consent letter issued for DA lodgement

Meeting	Officer/Director	Section	Subject
Council 16/11/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Road alignment rectification - Mount Darragh Road
<b>RESOLVED on the motion of Crs Robin and Nadin</b>			
1. That Council note Crown Lands do not support the acquisition of the following land parcels for nil compensation and no further action be taken regarding the acquisition of these land parcels:			
<ul style="list-style-type: none"><li>Lots 47, 48, 49, 51, 53, 54, 55, 56 and 57 DP 1114462 held by the State of NSW and dedicated as State Forest</li><li>Lots 1, 10, 11, 12, 13, 14, 15, 16 and 17 DP 1109104 held by the State of NSW</li><li>Lots 8, 18, 19, 20, 21, 22, 23, 25, 26 and 46 DP 1109104 held by the State of NSW and dedicated as State Forest.</li></ul>			
2. That Council enter into a formal Deed of Agreement with the proprietor of Cobandrah Pty Ltd for the acquisition of part Lots 14, 15 and 16 DP 32269 and Lot 14 DP 750242 on Mount Darragh Road, for the purpose of a public road pursuant to section 177 of the <i>Roads Act 1993</i> (NSW) for a compensation amount to be determined by a registered Valuer.			
3. That it be noted Council intends to dedicate the land, as referred to in recommendation 2 above, in the NSW Government Gazette as a public road under Section 10 of the <i>Roads Act 1993</i> (NSW) upon acquisition.			
4. That the Chief Executive Officer and Mayor be delegated authority to execute the necessary documents as required.			
<b>IN FAVOUR:</b> Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright			
<b>AGAINST:</b> Nil			
21 Nov 2022 - 12:32 PM - Rebecca Payne			
Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, for your action please. Thanks Bec			
13 Dec 2022 - 6:58 AM - Rickee Marshall			

Outstanding	<b>Division:</b> Business and Governance	<b>Date From:</b>
	<b>Committee:</b> Council	<b>Date To:</b>
	<b>Officer:</b>	
<b>Action Sheets Report</b>		<b>Printed:</b>

<p>12/12/2022 - CS&amp;J requested to provide quotation for survey of land. Clark Rideaux advised to close legal matter for acquisition of Crown and State Forest land.</p> <p>30 Jan 2023 - 1:15 PM - Rickee Marshall</p> <p>CS&amp;J followed up regarding quotation for acquisition plan 30/01/2023</p> <p>18 Apr 2023 - 5:39 PM - Rickee Marshall</p> <p>Surveyor engaged to prepare plan</p>
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Meeting	Officer/Director	Section	Subject
Council 16/11/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Acquisition of easements for Bega Water Treatment Plant and Water and Sewerage Services Operations Depot

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

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**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Allen and O'Neil**

1. That Council authorise the acquisition of easements over Lot 240 and 241 DP 750190 at 101 and 121 Boundary Road, Bega for \$69,000 for the following:
  - a. A combined right of carriageway, electricity easement and underground sewer easement of variable width.
  - b. An easement for underground sewer 3m wide.
  - c. A right of carriageway and electricity easement 10m wide.
2. That Council authorise the acquisition of an easement over Lot 2 DP 512378 at East Street and Boundary Road, Bega for \$37,500 for underground sewer 3m wide.
3. That the Chief Executive Officer be delegated authority to execute the necessary documentation to affect a licence over Lot 241 DP 750190 for an interim period until the acquisition of easements is finalised for a monthly rental of \$346.67 plus GST as determined in the Walsh and Monaghan valuation report of October 2022.
4. That all costs associated with the creation and grant of the easements including the landowners and Council's legal costs, survey work, plan preparation and registration fees be borne by Council.
5. That Council affixes the Seal of Council to any documents required to be sealed relating to the acquisition of easements and that authority be delegated to the Mayor and Chief Executive Officer to execute those documents.
6. That authority be delegated to the Chief Executive Officer to execute on behalf of Council any documents associated with the acquisition of easements 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

*21 Nov 2022 - 12:35 PM - Rebecca Payne*

Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, for your action please. Thanks Bec

*16 Dec 2022 - 10:46 AM - Rickee Marshall*

Updated Deeds of Agreement issued to landowners for execution.

*1 May 2023 - 5:21 PM - Rickee Marshall*

Jerang has signed Deed and returned for counter signing.

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

Meeting	Officer/Director	Section	Subject
Council 14/12/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Review of Council Policies - Submission Received on Exhibited Document
<b>RESOLVED on the motion of Crs Nadin and Seckold</b>			
1. That Council adopt policy 6.01 Governance as attached to this report with no changes made to the version endorsed at the council meeting on 17 August 2022.			
2. That Council notes the submission received on Policy 6.01 Governance and Director Business and Governance is to refer the submission to the Audit, Risk and Improvement Committee for discussion. Any improvements identified by ARIC to be implemented before the next formal review of Council's policies is commenced.			
3. That the adopted document be published on Council's website.			
<b>IN FAVOUR:</b> Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright			
<b>AGAINST:</b> Nil			
<i>21 Dec 2022 - 1:44 PM - Rebecca Payne</i>			
Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, sending this action to you to put in the ARIC agenda. Thanks Bec			
<i>21 Dec 2022 - 2:41 PM - Rebecca Payne</i>			
Items 1 and 3 are completed			

Meeting	Officer/Director	Section	Subject
Council 14/12/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Cancellation of easement vested in Council - 3836 Snowy Mountains Highway, Bemboka

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Allen and Seckold**

1. That Council authorises the cancellation of an easement for the erection and maintenance of power lines over private land at Lot 57 DP 657710, 3836 Snowy Mountains Highway, Bemboka.
2. That all costs associated with cancellation of the easement including Council's legal costs be borne by the applicant.
3. That the Chief Executive Officer be authorised to execute the necessary documentation to effect cancellation of the easement.

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

**AGAINST:** Nil

*20 Dec 2022 - 11:42 AM - Rebecca Payne*

Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, for your action please. Thanks Bec

*6 Feb 2023 - 12:49 PM - Rickee Marshall*

Email sent to David Griffith Lawyers 31 Jan 2023 to prepare documentation for cancellation of easement.

*1 May 2023 - 5:22 PM - Rickee Marshall*

Clark Rideaux Solicitors preparing cancellation of easement paperwork and liaising with David Griffith Legal

Meeting	Officer/Director	Section	Subject
Council 14/12/2022	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Licence agreement renewal - Eden Sea Scouts

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Seckold and Wright**

1. That Council approve tenure of five (5) years to Eden Sea Scouts for their continued occupation of part Lot 862 DP 1108951, Princes Highway, Eden for market rental of \$1,400 plus GST per annum; less a rebate which may be applied once assessed against Council's Rental Assessment and Rebate Procedure.
2. That Eden Sea Scouts, be responsible for the payment of all costs associated with the licence extension.
3. That Council authorises the Chief Executive Officer to execute all necessary documentation to provide the extension of tenure.

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

**AGAINST:** Nil

*20 Dec 2022 - 11:42 AM - Rebecca Payne*

Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, for your action please. Thanks Bec

*6 Feb 2023 - 12:48 PM - Rickee Marshall*

Rental rebate application sent to Eden Sea Scouts to determine rebate prior to issuing licence agreement.

*18 Apr 2023 - 5:42 PM - Rickee Marshall*

Eden Sea Scouts licence renewal advertised, and licence issued

Meeting	Officer/Director	Section	Subject
Council 18/01/2023	Smerdon, Kaliegh Bolton, Iliada	Staff Reports – Business and Governance	Electric Vehicle Charging Stations

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs O'Neil and Griff**

That Council:

1. Invite operators of public car parks on private land to notify Council of their interest in hosting electric vehicle (EV) ultra-fast chargers (175kW+) and encourage those operators to submit an "EV charging site host expressions of interest" to NSW Office of Energy and Climate (OEC).
2. As part of the EOI referred to in item 1 invite operators of public car parks on private land to notify Council of their interest in hosting other forms of electric vehicle (EV) charging stations to support future planning and inform grant submissions.
3. Identify suitable locations for EV ultra-fast chargers in Council car parks and submit those locations to the OEC.
4. Establish a competitive expression of interest (EOI) process to invite and review proposals from charge point operators to install public EV ultra-fast chargers in identified Council car parks.
5. Review the expressions of interest and negotiate licence or lease agreement/s with selected charge point operators for the installation and operation of EV ultra-fast chargers.
6. Develop a policy based on lessons learnt from the initial EOI process to manage industry requests to use public land for the purpose of EV charging infrastructure into the future.
7. Repeat the EOI process in alignment with OEC funding rounds through to 2025.

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

**AGAINST:** Nil

**ABSENT:** Cr Fitzpatrick

*20 Jan 2023 - 3:56 PM - Rebecca Payne*

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

*25 Jan 2023 - 4:22 PM - Kaliegh Smerdon*

Economic Development Officer actioning Council resolutions related to EV chargers. Process will be developed and implemented in Q4, FY23.

*7 Mar 2023 - 11:16 AM - Kaliegh Smerdon*

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

Council established an EOI process and promoted the opportunity through a media release and social media. A follow up media interview with ABC South East was also undertaken.  
<https://begavalley.nsw.gov.au/council/feedback-sought-from-landowners-considering-hosting-ev-charging-stations>

Meeting	Officer/Director	Section	Subject
Council 22/03/2023	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Road closure - McDonald Road, Wandella
<b>RESOLVED on the motion of Crs Fitzpatrick and Nadin</b>			
1. That Council considers the submissions received regarding the proposal to close the Council public road within Lot 541 DP 859896 and Lot 45 DP 752164 at McDonald Road, Wandella.			
2. That Council approves to proceed with the road closure proposal as advertised in accordance with Section 38D of the <i>Roads Act 1993</i> (NSW).			
3. That the Chief Executive Officer and Mayor be authorised to execute the necessary documentation to affect the road closure, creation of the right of carriageway and subsequent sale of land to the applicant for nil compensation noting the offsetting effect on depreciation in this instance.			
4. That Council's internal road closure application fees be waived and Council's legal costs be borne by the applicant capped at \$3,500.			
5. That all third-party legal costs associated with the road closure process be borne by the applicant.			
<b>IN FAVOUR:</b> Crs Fitzpatrick, Nadin, Griff, Allen, Porter, O'Neil and Wright			
<b>AGAINST:</b> Cr Seckold			
<b>ABSENT:</b> Cr Robin			
26 Mar 2023 - 9:25 PM - Rebecca Payne			
Action reassigned to Marshall, Rickee by: Payne, Rebecca for the reason: Hi Rickee, can you please manage this action? Thanks Bec			
18 Apr 2023 - 5:44 PM - Rickee Marshall			
Formal correspondence prepared for applicant and those who made a submission in McDonald Road Wandella road closure matter			



Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

Meeting	Officer/Director	Section	Subject
Council 22/03/2023	Lewington, Jason Bolton, Iliada	Staff Reports – Assets and Operations	Request for Tender (RFT) 2223-051 Bega sewer pump station (SPS) renewals
RESOLVED on the motion of Crs Allen and Nadin			
1. That Council accepts the recommendations outlined in the confidential attachment			
IN FAVOUR:	Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil and Wright		
AGAINST:	Nil		
ABSENT:	Cr Robin		
RESOLVED on the motion of Crs Allen and Nadin			
2. That Council accepts the tender from Dekort Pumps in relation to contract for the works described in tender RFT 2223-051, in the amount of \$824,992.29 (including GST), subject to variations, provisional sums and prime cost items.			
3. That authority be delegated to the Chief Executive Officer to execute all necessary documentation.			
4. That all tenderers be advised of Council’s decision.			
IN FAVOUR:	Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil and Wright		
AGAINST:	Nil		
ABSENT:	Cr Robin		
24 Mar 2023 - 9:00 AM - Georgina McIntyre			
Action reassigned to Lewington, Jason by: McIntyre, Georgina for the reason: For your action			
5 May 2023 - 1:53 PM - Jason Lewington			
LOA and Contract issued to contractor for execution of their part.			

Meeting	Officer/Director	Section	Subject
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Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

Council 22/03/2023

Lewington, Jason

Staff Reports – Assets and Operations

Request for Tender (RFT) 2223-034 Collection and transfer of bins from waste transfer sites

Bolton, Iliada

**RESOLVED on the motion of Crs O'Neil and Seckold**

1. That Council accept the recommendation as outlined in the attached confidential memo.

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

**AGAINST:** Nil

**ABSENT:** Cr Robin

**RESOLVED on the motion of Crs O'Neil and Seckold**

2. That Council accept the tender from Cleanaway Industrial Solutions Pty Ltd in relation to contract services described in the tender RFT 2223-034 Collection and transfer of bins from waste transfer sites, on the amount of \$411,185.00 (including GST) for the first year and increasing annually based on CPI and service statistics over the 5 year contract period.

3. That authority be delegated to the Chief Executive Officer to execute all necessary documentation.

4. That all tenderers be advised of Council's decision.

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

**AGAINST:** Nil

**ABSENT:** Cr Robin

*24 Mar 2023 - 9:00 AM - Georgina McIntyre*

Action reassigned to Lewington, Jason by: McIntyre, Georgina for the reason: For your action

*5 May 2023 - 1:51 PM - Jason Lewington*

LOA and Contract issued to the contractor for execution of contractors part.

Meeting

Officer/Director

Section

Subject

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

Council 22/03/2023

Marshall, Rickee

Staff Reports – Business and Governance

Acquisition of easement for Essential Energy infrastructure at Pambula Sporting Complex

Bolton, Iliada

**RESOLVED on the motion of Crs Nadin and Allen**

1. That Council makes an application to Crown Lands for a licence to construct a new substation over Council managed Crown Land at Pambula Sporting Complex being Lot 449 DP 720916.
2. That Council provide Essential Energy with a bank guarantee in the amount of \$10,000 to enable network connection prior to the acquisition of an easement being finalised.
3. That once the substation is connected to Essential Energy's network and is energised, the Crown Land licence be transferred to Essential Energy.
4. That Council enter into a Customer Deed – Crown Land Acquisition with Essential Energy to acquire a formal easement for a new substation over Council managed Crown Land at Pambula Sporting Complex being Lot 449 DP 720916.
5. 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.
6. That the Chief Executive Officer and/or Mayor be authorised to execute all necessary documentation in relation to this matter.

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

**AGAINST:** Nil

**ABSENT:** Cr Robin

26 Mar 2023 - 9:25 PM - Rebecca Payne

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

27 Mar 2023 - 5:37 PM - Rickee Marshall

Email instructions sent to Clark Rideaux Solicitors 24/03/2023

Meeting	Officer/Director	Section	Subject
Council 22/03/2023	Marshall, Rickee	Rescission/Alteration Motions	Alteration Motion   Road Closure – Calle Calle Street, Eden

Outstanding	<b>Division:</b> Business and Governance	<b>Date From:</b>
	<b>Committee:</b> Council	<b>Date To:</b>
	<b>Officer:</b>	
<b>Action Sheets Report</b>		<b>Printed:</b>

Bolton, Iliada

#### RESOLVED on the motion of Crs Allen and Nadin

The reason that this motion is being put forward is to allow a clear pathway forward on Item 10.1 Road Closure – Calle Calle Street, Eden considered at the 15 February 2023 Council meeting.

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

AGAINST: Nil

ABSENT: Cr Robin

23 Mar 2023 - 3:10 PM - Jacqueline Grant

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

18 Apr 2023 - 5:46 PM - Rickee Marshall

18/04/2023 formal correspondence sent to applicant and St Johns Church who made a submission

Meeting	Officer/Director	Section	Subject
Council 22/03/2023	Marshall, Rickee Bolton, Iliada	New Item	EOI 2223-043 Merimbula Airport General Aviation Precinct land leases
<h4>RESOLVED on the motion of Crs Nadin and Porter</h4> <ol style="list-style-type: none"> <li>That Council receive and note this report and Confidential Report attached.</li> <li>That Council notes the Expression of Interest process for the Merimbula Airport General Aviation Precinct land leases has now closed.</li> <li>Council progress negotiations with submissions numbered 2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19 and 20 that submitted an EOI response based on providing the best financial return to Council and their willingness to enter into a head of agreement for lease which may include Council owning buildings specifically on lots 1-9 and 15-20.</li> <li>Council negotiates with both submission number 1 and 8 who are both seeking to develop fuel facilities in the GA Precinct with the view to enter into a lease with only one fuel provider in addition to the existing BP lease site, based on providing the best financial return to council.</li> </ol>			

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

5. Notify submission number 18 - that council will not be progressing with an extension of tenure for their current sub-lease site or offering space within the GA Precinct as their proposed use is not compatible with the adopted Master Plan and do not progress their EOI further.
6. Notify submission number 5 - that council will not be progressing with an extension of tenure for their current lease site as requested as this site conflicts with the adopted Master Plan which aims for further development of the RPT infrastructure, including terminal expansion, RPT apron and future carparking.
7. Council continues to negotiate with submission number 5 - with a view to relocating this business into the GA Precinct.
8. A further report be provided pending the outcomes of negotiations

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

**AGAINST:** Nil

**ABSENT:** Cr Robin

*26 Mar 2023 - 9:26 PM - Rebecca Payne*

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

*18 Apr 2023 - 5:47 PM - Rickee Marshall*

Letters issued to all applicants regarding outcome of Merimbula Airport GA EOI Council resolution, review Merimbula airport lease with a view to issue draft leases to successful tenderers

Meeting	Officer/Director	Section	Subject
Council 19/04/2023	Lewington, Jason Bolton, Iliada	Staff Reports – Assets and Operations	Request for Tender (RFT) Merimbula Sewage Treatment Plant (STP) Aeration Tank Upgrade

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Nadin and Seckold**

1. That Council accepts the recommendations outlined in the confidential attachment

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

**AGAINST:** Nil

**ABSENT:** Cr Allen

**RESOLVED on the motion of Crs Nadin and Seckold**

2. That Council accepts the tender from Sapphire Coast Engineering Pty Ltd in relation to contract for the works described in tender RFT 2223-045, in the amount of \$314,318 (including GST), subject to variations, provisional sums and prime cost items.
3. That authority be delegated to the Chief Executive Officer to execute all necessary documentation.
4. That all tenderers be advised of Council's decision.

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

**AGAINST:** Nil

**ABSENT:** Cr Allen

*25 Apr 2023 - 9:58 PM - Georgina McIntyre*

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

Meeting	Officer/Director	Section	Subject
Council 19/04/2023	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Brogo to Bermagui water trunk main easement

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Nadin and Robin**

1. That Council enter into a formal Deed of Agreement with the landowners of Lot 16 DP 251607 at 24 Upper Brogo Road, Verona for the acquisition of an easement for a water trunk main pipeline for a value of \$7,300 plus GST.
2. If the acquisition of an easement over Lot 16 DP 251607 cannot be negotiated by agreement with the landowner within a reasonable time, Council acquire an easement by compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) pursuant to sections 186 and 187 of the *Local Government Act 1993* (NSW), and do all things supplemental or incidental to, or consequential for, that purpose.
3. That all costs associated with the creation of the easement including the landowners and Council's legal costs, survey work, plan preparation and registration fees be borne by Council.
4. Council affixes the Seal of Council to any documents required to be sealed relating to the acquisition of an easement and that authority be delegated to the Mayor and Chief Executive Officer to execute those documents.
5. Authority be delegated to the Chief Executive Officer to execute on behalf of Council any documents associated with the acquisition of easements not requiring the affixing of the Seal of Council.

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

**AGAINST:** Nil

**ABSENT:** Cr Allen

1 May 2023 - 11:40 AM - Rebecca Payne

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

Meeting	Officer/Director	Section	Subject
Council 19/04/2023	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Extension of tenure - Discovery Holiday Parks Pambula Beach

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Robin and Nadin**

1. That upon expiry of the existing Discovery Holiday Parks Pty Ltd lease, Council as Crown Land Manager of the Pambula Beach Reserve (R89211), approve a further short-term arrangement for 12 months with the potential for a further 12-month extension if the carpark works have not progressed.
2. That authority be delegated to the Chief Executive Officer (CEO) to execute the short-term extension of tenure.

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

**AGAINST:** Nil

**ABSENT:** Cr Allen

*1 May 2023 - 11:41 AM - Rebecca Payne*

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

Meeting	Officer/Director	Section	Subject
Council 19/04/2023	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Road Closure - Section of unconstructed road off Oliver Street, Bemboka



Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Porter and Robin**

1. That Council approves, in principle, the closure of the unconstructed Council public road corridor adjoining Lot 16 Section 13 DP 758087 in Bemboka.
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, Porter, O'Neil, Robin and Wright

**AGAINST:** Nil

**ABSENT:** Cr Allen

*1 May 2023 - 11:41 AM - Rebecca Payne*

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

Meeting	Officer/Director	Section	Subject
Council 19/04/2023	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Road transfer Voluntary Planning Agreements

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Nadin and Griff**

1. That council receive and note the report.
2. That point 5 of resolution 144/22 be revoked and replaced to read 'That the Chief Executive Officer (CEO) be delegated authority to negotiate, finalise and execute a Voluntary Planning Agreement in relation to the road transfer application for the sections of Stanley and Curalo Streets, Eden described in Development Application 2003.95'.
3. That point 6 of resolution 144/22 be revoked and replaced to read 'That Council delegate authority to the Chief Executive Officer (CEO) to negotiate, finalise and execute Voluntary Planning Agreements for any future crown road transfer matters where there is a need for the road to be constructed and maintained by the developer or landowner.
4. That Council progresses the public advertisement for Voluntary Planning Agreements between Bega Valley Shire Council and developers/landowners for a period of 28 days in accordance with the *Environmental Planning & Assessment Act 1979* (NSW).

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

**AGAINST:** Nil

**ABSENT:** Cr Allen

*1 May 2023 - 11:42 AM - Rebecca Payne*

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

Meeting	Officer/Director	Section	Subject
Council 19/04/2023	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Robyn's Nest Deed of Management and Licence

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Nadin and Porter**

1. That Council approve an application to Crown Lands for a revocation of the existing Crown licence 363658 and transfer to the owner of Lot: 601 DP: 1277714.
2. That Council request Crown Lands consent to expand the direct Crown licence extent to include the section of Top Lake – Merimbula Reserve (R1003688) which is managed by Bega Valley Shire Council as Crown Land Manager as the asset is built over parcel Lot 7033 DP 1047319 and the Crown waterway.
3. That should Crown Lands refuse Council's application for revocation and transfer of the Crown licence 363658 to the owner of Lot: 601 DP: 1277714, Council approves the assignment of the existing Deed of Management to the new owner of Lot: 601 DP: 1277714 until the Crown licence 363658 expires on 26 May 2025 pending further legal advice.
4. That should Crown Lands refuse the application for revocation and transfer of the Crown licence 363658 to the owner of Lot: 601 DP: 1277714, Council seeks legal advice in relation to the retirement of the Deed of Management following expiry of the licence on 26 May 2025 which would include the need for the owner of Lot: 601 DP: 1277714 to remove the jetty structure and associated infrastructure from the land.
5. That all costs associated with this matter be borne by the landowner.
6. That Council authorise the Chief Executive Officer to execute all necessary documentation to effect the above course of action.

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

**AGAINST:** Cr Griff

**ABSENT:** Cr Allen

*1 May 2023 - 11:42 AM - Rebecca Payne*

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

Meeting	Officer/Director	Section	Subject
Council 19/04/2023	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Audit, Risk and Improvement Committee Quarterly Report March 2023

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs O'Neil and Seckold**

1. That Council receive and note the Audit, Risk and Improvement Committee (ARIC) March 2023 quarterly report.
2. That Council call for Expressions of Interest (EOI) from suitably qualified and experienced members of the community to be appointed as a volunteer, independent, external member of Bega Valley Shire Council's Audit, Risk and Improvement Committee following the resignation of one of the members.
3. That Council delegate responsibility to the Chief Executive Officer (CEO) to endorse the appointment of a new independent external member to the Audit, Risk and Improvement Committee following a competitive Expressions of Interest process.

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

**AGAINST:** Nil

**ABSENT:** Cr Allen

*1 May 2023 - 11:43 AM - Rebecca Payne*

Action reassigned to Marsh, Kurt by: Payne, Rebecca for the reason:

*1 May 2023 - 11:43 AM - Rebecca Payne*

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

Meeting	Officer/Director	Section	Subject
Council 19/04/2023	Marshall, Rickee Bolton, Iliada	Staff Reports – Business and Governance	Social procurement initiatives

Outstanding

**Division:** Business and Governance

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

**RESOLVED on the motion of Crs Nadin and O'Neil**

1. That Council receive and note the report and actions taken to support local Aboriginal business.
2. That Council continue to work with the NSW Office of Local Government and Local Government Procurement on initiatives to support Indigenous procurement practices.
3. That Council commits to continue working with Local Government Procurement on improving the uptake of Local Government Procurement contracts by more local Indigenous business.

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

**AGAINST:** Nil

**ABSENT:** Cr Allen

*1 May 2023 - 11:48 AM - Rebecca Payne*

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

Outstanding	<b>Division:</b> Community Environment and Planning	<b>Date From:</b>
	<b>Committee:</b> Council	<b>Date To:</b>
	<b>Officer:</b>	
<b>Action Sheets Report</b>		<b>Printed:</b>

Meeting	Officer/Director	Section	Subject
Council 20/07/2022	Harrison, Emily	Staff Reports – Community, Environment and Planning	Youth Committee and Youth Programs
	Harrison, Emily		
<b>RESOLVED on the motion of Crs Nadin and Porter</b>			
That Council:			
1. Note the current work being undertaken by Council to support and engage with young people in the Bega Valley Shire.			
2. 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.			
<u>IN FAVOUR:</u> Crs Fitzpatrick, Nadin, Griff, Allen, Porter and Wright			
<u>AGAINST:</u> Crs Seckold, O'Neil and Robin			
<i>19 Sep 2022 - 1:17 PM - Emily Harrison</i>			
Staff are actively seeking funding opportunities for the development of a youth strategy.			
<i>8 Dec 2022 - 2:19 PM - Esther Furniss</i>			
Revised Target Date changed by: Furniss, Esther From: 3 Aug 2022 To: 01 Jun 2023			
Reason: Awaiting funding to deliver these programs			
<i>13 Apr 2023 - 9:45 AM - Esther Furniss</i>			
In October last year Council's Community Development team applied for a grant under the Office of Regional Youth's 'Youth Investment fund – our region, our voice'. We were unsuccessful in this particular funding round with feedback being that the grant was oversubscribed for. We will continue to apply for grants that are appropriate for this particular project.			
<i>5 May 2023 - 12:07 PM - Esther Furniss</i>			
Revised Target Date changed by: Furniss, Esther From: 1 Jun 2023 To: 01 Sep 2023			

Outstanding

**Division:** Community Environment and Planning

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

Meeting	Officer/Director	Section	Subject
Council 20/07/2022	Hancock, Cecily Harrison, Emily	Notices of Motion	Bega Valley Shire Flying Fox Camp Management Plan
<p><b>RESOLVED on the motion of Crs Griff and Wright</b> That Council:</p> <ol style="list-style-type: none"><li>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.</li><li>2. Engage with relevant officers in Eurobodalla and Shoalhaven Councils to investigate successful strategies that have been applied in similar local government areas.</li><li>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.</li></ol> <p><u>IN FAVOUR:</u> Crs Fitzpatrick, Nadin, Griff, Seckold, Porter, O'Neil, Robin and Wright</p> <p><u>AGAINST:</u> Cr Allen</p> <p><i>24 Jul 2022 - 4:45 PM - Jacqueline Grant</i> Action reassigned to Harrison, Emily by: Grant, Jacqueline for the reason:</p> <p><i>26 Jul 2022 - 3:16 PM - Emily Harrison</i> Council officers will progress this work as per the Council resolution.</p> <p><i>26 Jul 2022 - 3:18 PM - Emily Harrison</i> Action reassigned to Tull, Keith by: Harrison, Emily for the reason: Hi Keith - please see notes for staff action.</p> <p><i>3 Nov 2022 - 1:05 PM - Esther Furniss</i> 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.</p> <p><i>1 Feb 2023 - 12:02 PM - Esther Furniss</i> The draft management plan has been sent to the Department of Planning and Environment for review.</p>			

Outstanding

**Division:** Community Environment and Planning

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

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**Printed:**

5 May 2023 - 12:01 PM - Esther Furniss

Action reassigned to Hancock, Cecily by: Furniss, Esther for the reason: Hi Cecily, reallocating this action to you for completion please.

8 May 2023 - 5:44 PM - Esther Furniss

The draft management plan is now finalised. Staff are awaiting further advice from the Department of Planning and Environment and will schedule a workshop with Councillors once this advice is received.

Meeting	Officer/Director	Section	Subject
Council 21/09/2022	Hancock, Cecily Harrison, Emily	Staff Reports – Community, Environment and Planning	Finalisation of Planning Proposal to permit mixed use development in the B2 Local Centre zone
<b>RESOLVED on the motion of Crs O'Neil and Griff</b> That Council:  1. Support the planning proposal to amend the <i>Bega Valley Local Environmental Plan 2013</i> 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  <u>IN FAVOUR:</u> Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright <u>AGAINST:</u> 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. 3 Nov 2022 - 1:14 PM - Esther Furniss Planning proposal is with the Department of Planning for assessment. 1 Feb 2023 - 12:03 PM - Esther Furniss This item has been sent to the Minister of Planning for review. 5 May 2023 - 12:07 PM - Esther Furniss			



Outstanding

**Division:** Community Environment and Planning

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

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**Printed:**

Action reassigned to Hancock, Cecily by: Furniss, Esther for the reason: Hi Cecily, reallocating this action to you for completion please.

*8 May 2023 - 4:14 PM - Esther Furniss*

On 21/4/2023 Department of Planning and Environment advised that the making of the plan has been delayed whilst the Department seeks independent advice regarding flood aspects of the proposal.

Meeting	Officer/Director	Section	Subject
Council 16/11/2022	Furniss, Esther Harrison, Emily	New Item	Cr O'Neil - Local Land Council and MOU questions
<p>Cr O'Neil asked can Chief Executive Officer provide an update on the agenda and any decisions from Bega, Eden, Merrimans (BEM) meetings under the Memorandum of Understanding (MOU) with Local and Land Council's.</p> <p>Any discussion on the progress on better and more Aboriginal housing and the native title process that is being looked at?</p> <p>Advise how Local and Land Council's want Council to be involved in the voice referendum next year?</p> <p>Chief Executive Officer, Anthony McMahon advised a BEM meeting was held on Tuesday 15 November 2022 with one of the key topics on the agenda around the MOU. Staff will be bringing back a revised MOU to Council and include a progress report on implementing the action plan that sits under the MOU.</p> <p>The MOU is the place to reflect our commitments to the referendum. In some ways, the initial impression is our Council and Land Council's have already moved forward with clear action and progress, however the report referred to will present more detail</p> <p><i>9 Jan 2023 - 10:16 AM - Jacqueline Grant</i></p> <p>Em for you to bring back to Council.</p> <p><i>9 Jan 2023 - 10:17 AM - Jacqueline Grant</i></p> <p>Action reassigned to Harrison, Emily by: Grant, Jacqueline for the reason:</p> <p><i>31 Jan 2023 - 5:17 PM - Esther Furniss</i></p> <p>BEM MoU to be reported to Council for endorsement on 15 February 2023. The Referendum is on the agenda for the 13 February 2023 BEM meeting. Aboriginal Housing will be discussed through the Affordable Housing Implementation Group.</p> <p><i>7 Mar 2023 - 11:51 AM - Esther Furniss</i></p>			

Outstanding

**Division:** Community Environment and Planning

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

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**Printed:**

Additional feedback received from BEM committee requiring significant updates to the MoU; staff working with BEM on additional updates.

9 May 2023 - 9:28 AM - Esther Furniss

Staff are finalising updates to draft MoU with Local Aboriginal Land Councils. The final draft MoU will be discussed at the BEM meeting on 16 May 2023. If endorsed by BEM, it will then be provided to Council for endorsement at a subsequent Council meeting,

Meeting	Officer/Director	Section	Subject
Council 14/12/2022	Hancock, Cecily Harrison, Emily	Staff Reports – Community, Environment and Planning	Endorsement of proposed amendments to Development Control Plan 2013 for mixed use development
<b>RESOLVED on the motion of Crs Nadin and Wright</b>			
1. That the proposed amendment to Section 3.3 ‘Specific Requirements - Mixed Use Development’ of the <i>Bega Valley Development Control Plan 2013</i> (Attachment 1) be placed on public exhibition for a period of 28 days with the deletion of the section stating:  Where rear laneway or alternative access to allotments facing Carp Street in Bega, Market Street in Merimbula or Lamont street in Bermagui cannot be achieved, carparking required for the residential component of the development can be provided in an appropriate, designated nearby location.			
2. That a further report be presented to Council if there are any substantial changes to the <i>Bega Valley Development Control Plan 2013</i> arising from public exhibition of the Plan.			
3. That, if no substantial changes arise from public exhibition, these amendments to the <i>Bega Valley Development Control Plan 2013</i> be adopted after the close of the public exhibition period.			
<b>IN FAVOUR:</b> Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright			
<b>AGAINST:</b> Nil			
19 Dec 2022 - 4:28 PM - Esther Furniss			
Action reassigned to Tull, Keith by: Furniss, Esther for the reason: Hi Keith, please schedule the public exhibition for a period of 28 days the proposed amendment to Section 3.3 ‘Specific Requirements - Mixed Use Development’ of the Bega Valley Development Control Plan 2013			
1 Feb 2023 - 2:13 PM - Esther Furniss			

Outstanding

**Division:** Community Environment and Planning

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

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**Printed:**

This item was put on public exhibition for 28 days on 1 February 2023.

5 May 2023 - 12:02 PM - Esther Furniss

Action reassigned to Hancock, Cecily by: Furniss, Esther for the reason: Hi Cecily, reallocating this action to you for completion please.

9 May 2023 - 9:34 AM - Esther Furniss

Public exhibition closed on Wednesday 1 March 2023. No substantial changes were made arising from the public exhibition. Awaiting gazettal of related Planning Proposal at which point the DCP amendments can be adopted.

Meeting	Officer/Director	Section	Subject
Council 14/12/2022	Hancock, Cecily Harrison, Emily	Staff Reports – Community, Environment and Planning	Finalisation of planning proposal for increasing housing diversity and adoption of associated design guidelines
<b>RESOLVED on the motion of Crs Allen and Seckold</b>			
1. That Council support the planning proposal to amend the <i>Bega Valley Local Environmental Plan 2013</i> to implement aspects of the <i>Bega Valley Shire Affordable Housing Strategy</i> to increase housing diversity as contained in Attachment 1 to this report, and request that the Minister for Planning make the plan.			
2. That Council adopt the amendments to the <i>Bega Valley Development Control Plan 2013</i> subject to the revisions detailed in Attachment 2 to this report, and that the provisions commence on publication of the amendment to <i>Bega Valley Local Environmental Plan 2013</i> in the <i>NSW Government Gazette</i> .			
3. That the adoption of the amendment to the <i>Bega Valley Development Control Plan 2013</i> be notified in accordance with the <i>Environmental Planning and Assessment Regulation 2021</i> .			
4. That those who made a submission during exhibition of the planning proposal and draft development control plan are advised of Council's decisions on this matter.			
<b>IN FAVOUR:</b> Crs Fitzpatrick, Griff, Seckold, Allen, Porter, O'Neil, Robin and Wright			
<b>AGAINST:</b> Cr Nadin			
19 Dec 2022 - 4:18 PM - Esther Furniss			
Action reassigned to Tull, Keith by: Furniss, Esther for the reason: Hi Keith for you to progress as per the resolution. Please notify the adoption of the amendment to the Development Control Plan and notify those who made a submission of Council's decision.			

Outstanding

**Division:** Community Environment and Planning

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

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**Printed:**

*1 Feb 2023 - 2:19 PM - Esther Furniss*

This proposal has been sent to the Minister of Planning for finalisation. The guidelines will come into effect on notification.

*5 May 2023 - 12:02 PM - Esther Furniss*

Action reassigned to Hancock, Cecily by: Furniss, Esther for the reason: Hi Cecily, reallocating this action to you for completion please.

*8 May 2023 - 4:18 PM - Esther Furniss*

On 21/4/2023 the Department of Planning and Environment advised that the making of the plan has been delayed whilst the Department seeks independent advice regarding flood aspects of the proposal. DPE also advised that a Strategic Bushfire Report is required to accompany the planning proposal. Staff are in the process of drafting the required report for submission to DPE.

Meeting	Officer/Director	Section	Subject
Council 15/02/2023	Thomson, Sophie  Harrison, Emily	Staff Reports – Community, Environment and Planning	Draft design guidelines for the General Aviation Precinct at Merimbula Airport
RESOLVED on the motion of Crs Nadin and Wright			
1. That the proposed amendment to the <i>Bega Valley Development Control Plan 2013</i> (Attachment 1) be placed on public exhibition for a period of 28 days.			
2. That a further report be presented to Council following the public exhibition.			
IN FAVOUR:	Crs Fitzpatrick, Nadin, Griff, Seckold, Allen, O'Neil, Robin and Wright		
AGAINST:	Nil		
ABSENT:	Cr Porter		
1 Mar 2023 - 7:57 AM - Esther Furniss			
Action reassigned to Thomson, Sophie by: Furniss, Esther for the reason: Hi Sophie, can you please arrange for the proposed amendment to be placed on public exhibition. Thank you			
9 May 2023 - 10:27 AM - Esther Furniss			
Draft DCP was exhibited and submissions closed on 2 April 2023. Staff are reviewing submissions and plan to report back to Council in June.			

Outstanding

**Division:** Community Environment and Planning

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

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Meeting	Officer/Director	Section	Subject
Council 15/02/2023	Hancock, Cecily  Harrison, Emily	Staff Reports – Community, Environment and Planning	Draft policy Trees and Vegetation in Urban Areas on Council Managed Public Land and associated draft procedure Nature Strip Planting Guideline
RESOLVED on the motion of Crs Griff and O'Neil			
1. That Council resolve to publicly exhibit the draft policy <i>Trees and vegetation in urban areas on Council managed public land</i> (Attachment 1) and associated draft procedure <i>Nature Strip Planting Guideline</i> (Attachment 2) for a period of not less than 28 days in accordance with the provisions of Council’s Community Engagement Strategy.			
2. That a further report be presented to Council if there are any substantial changes to the draft policy or draft procedure arising from the public exhibition.			
3. That if no substantial changes arise from the public exhibition, the draft policy and draft procedure be considered adopted and published to Council’s website.			
4. That Council have a workshop regarding non road reserving planting in public places within the urban area including parking areas with a view to enhance shade and increase canopy.			
IN FAVOUR:	Crs Nadin, Griff, Seckold, O'Neil, Robin and Wright		
AGAINST:	Crs Fitzpatrick and Allen		
ABSENT:	Cr Porter		
13 Apr 2023 - 10:08 AM - Esther Furniss			
Policy is on public exhibition from 21/3/2023 - 18/4/2023			
5 May 2023 - 12:03 PM - Esther Furniss			
Action reassigned to Hancock, Cecily by: Furniss, Esther for the reason: Hi Cecily, reallocating this action to you for completion please.			
8 May 2023 - 3:29 PM - Esther Furniss			
Public submissions are being reviewed by staff and Councillor workshop will be scheduled prior to a further report to Council.			

Outstanding	<b>Division:</b> Community Environment and Planning	<b>Date From:</b>
	<b>Committee:</b> Council	<b>Date To:</b>
	<b>Officer:</b>	
<b>Action Sheets Report</b>		<b>Printed:</b>

Meeting	Officer/Director	Section	Subject
Council 15/02/2023	Harrison, Emily Harrison, Emily	Notices of Motion	Children's Services, National Disability Insurance Scheme (NDIS) and Aged Care Services review
<b>RESOLVED on the motion of Crs Nadin and Allen</b> That staff prepare a report on the consequences and steps involved should Council withdraw from providing children's services, National Disability Insurance Scheme (NDIS) and Aged Care Services. <u>IN FAVOUR:</u> Crs Fitzpatrick, Nadin, Allen, O'Neil, Robin and Wright <u>AGAINST:</u> Crs Griff and Seckold <u>ABSENT:</u> Cr Porter  6 Mar 2023 - 3:54 PM - Jacqueline Grant Action reassigned to Harrison, Emily by: Grant, Jacqueline for the reason: 9 May 2023 - 10:10 AM - Esther Furniss Consultant to be engaged to undertake service review. Council report planned for August/September 2023, pending availability of consultants.			

Meeting	Officer/Director	Section	Subject
Council 15/02/2023	Harrison, Emily Harrison, Emily	New Item	Cr Griff - What is the timeline and resources for staff to do an investigation into Children's Services, National Disability Insurance Scheme (NDIS) and Aged Care Services review?
Cr Griff asked what is the timeline and resources for staff to do an investigation into Children's Services, National Disability Insurance Scheme (NDIS) and Aged Care Services review? Chief Executive Officer, Anthony McMahon advised he can't answer this question at the moment due to Council having an advanced Children's Services review that isn't finalised yet and to achieve the intent of Cr Nadin's motion there is still more work to do as the scope the consultants were asked to do in the first place doesn't cover everything we need to do to achieve the intent of the motion.			

Outstanding

**Division:** Community Environment and Planning

**Date From:**

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**Date To:**

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The NDIS, we have got resources assigned to get external support, however trying to find a consultant to work with us has been challenging, until we understand the availability of a consultant I can't answer this, we will also need to reconsider the scope.

Aged Care Services, I need to speak with the Director to see what our approach might be. We may potentially come back to Council on this to say we think you need to look at the budget as its outside the scope we have budget for.

We may consider bringing the reviews back separately, my recommendation would be don't look at these as a bundle of services, look at them separately as the consequences are very different. What we will continue to do is you will see the periodic updates come through and how we are progressing with issues, any significant reasons why we wouldn't be able to deliver this in a reasonable timeframe I will report back to Council.

*11 May 2023 - 11:07 AM - Jacqueline Grant*

Action reassigned to Harrison, Emily by: Grant, Jacqueline for the reason: Emily reassigning to you noting it was advised this one will take some time.

Meeting	Officer/Director	Section	Subject
Council 22/03/2023	Hancock, Cecily Harrison, Emily	Staff Reports – Community, Environment and Planning	Support of planning proposal for water infrastructure

Outstanding

**Division:** Community Environment and Planning

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

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**Printed:**

**RESOLVED on the motion of Crs Nadin and Allen**

That Council:

1. Resolve to support the planning proposal to amend *Bega Valley Local Environmental Plan 2013* to rezone 43 Red Gum Road, Yellow Pinch (Part of Lot 882 DP789858) from C3 Environmental Management to SP2 Infrastructure.
2. Authorise Council officers to submit the planning proposal (Attachment 1) and supporting information to the Department of Planning and Environment for Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
3. Authorise Council officers to place the planning proposal on public exhibition following Gateway Determination.
4. Authorise Council officers, subject to the conditions of the Gateway Determination and providing no substantial changes to the planning proposal are required and no objection received during exhibition, to progress the planning proposal to finalisation without a further report to Council.

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

**AGAINST:** Nil

**ABSENT:** Cr Robin

*13 Apr 2023 - 10:10 AM - Esther Furniss*

Action reassigned to Hancock, Cecily by: Furniss, Esther for the reason: Hi Cecily, reallocating action to you for finalisation please.

*8 May 2023 - 3:30 PM - Esther Furniss*

Gateway determination issued by DPE. The Planning Proposal is currently being amended to include a Traffic Study. Once received, the planning proposal will go on public exhibition

Meeting	Officer/Director	Section	Subject
Council 19/04/2023	Harrison, Emily	Staff Reports – Community, Environment and Plannin	Alcohol Free Zones and Alcohol Prohibited Areas
	Harrison, Emily		



Outstanding

**Division:** Community Environment and Planning

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

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**Printed:**

**RESOLVED on the motion of Crs Nadin and Seckold**

That Council:

1. Resolves to cancel all current alcohol free zones (AFZs), with the exception of the newly established AFZ on the corner of Gipps and Bega streets in Bega, and the Biamanga Aboriginal Cultural Area alcohol free zone and establish new alcohol free zones in the same locations for a period of 4 years.
2. Resolves to re-establish expired alcohol free zones on the same schedule as current/new alcohol free zones.
3. Notes that consultation with the local police, the community and other stakeholders was undertaken as required under the Ministerial Guidelines and *Local Government Act*.
4. Notes that further consultation will be undertaken with the Biamanga National Park Board of Management regarding the alcohol free zone in the Biamanga Aboriginal Cultural Area.

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

**AGAINST:** Nil

**ABSENT:** Cr Allen

*5 May 2023 - 12:06 PM - Esther Furniss*

On 19 April Council resolved to cancel all current alcohol free zones (AFZs), with the exception of the newly established AFZ on the corner of Gipps and Bega streets in Bega, and the Biamanga Aboriginal Cultural Area alcohol free zone and establish new alcohol free zones in the same locations for a period of 4 years. Signage in the re established areas will be updated/replaced. The Biamanga Aboriginal Cultural Area AFZ was discussed at the Biamanga National Park Board of Management meeting on 5 May, however there were insufficient members present to vote on it. The board secretariat will send an email to all members to vote electronically and will advise Council of the outcome, likely in early June.

Meeting	Officer/Director	Section	Subject
Council 19/04/2023	Harrison, Emily Harrison, Emily	Notices of Motion	Review of parking enforcement

Outstanding

**Division:** Community Environment and Planning

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

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**Printed:**

**RESOLVED on the motion of Crs Porter and Nadin**

1. That staff provide Councillors with the following Bega Valley Shire data from July 1, 2022:

- a) The overall number of parking infringements issued and broken into category and location/town (e.g., Mobility Zone, Loading Zone, Exceed Time etc.)
- b) The number of fines where a review was requested.
- c) Breakdown of any withdrawn infringements or infringements overturned in court based on categories as referred to in part a above.
- d) Any identifiable trends resulting in infringements being withdrawn or overturned
- e) Any readily available information on the number of complaints received about parking enforcement

2. That Council review Council's policies and procedures relative to parking enforcement in a Councillor workshop to ensure all policies are best practice and consistent with relevant laws, Council's objectives and expectations of the community including transparency and accountability.

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

AGAINST: Nil

ABSENT: Cr Allen

*11 May 2023 - 10:03 AM - Jacqueline Grant*

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

Outstanding

**Division:** Executive

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

**Action Sheets Report**

**Printed:**

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
<b>RESOLVED on the motion of Crs Allen and Seckold</b> It is recommended that:  1. 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.  2. A further report presenting options to Council be prepared following negotiations.  <u>IN FAVOUR:</u> Crs Fitzpatrick, Bain, Griff, Seckold, Dodds and Allen  <u>AGAINST:</u> Nil  <u>ABSENT:</u> Cr Nadin  <i>30 Nov 2021 - 2:46 PM - Jacqueline Grant</i> Letter sent post Council meeting and at the request of the club a meeting to occur early in 2022. D21/119469  <i>30 Nov 2021 - 2:49 PM - Jacqueline Grant</i> Action reassigned to Grant, Jacqueline by: Grant, Jacqueline for the reason:  <i>9 May 2022 - 6:51 PM - Jacqueline Grant</i> Merimbula RSL club are going to to re-approach Council when they are ready for further action.  <i>9 Jan 2023 - 9:35 AM - Jacqueline Grant</i> Still waiting for Merimbula RSL Club to approach Council  <i>11 May 2023 - 9:55 AM - Jacqueline Grant</i> Still waiting for Merimbula RSL Club to approach us.			

Outstanding

**Division:** Executive

**Date From:**

**Committee:** Council

**Date To:**

**Officer:**

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**Printed:**

Meeting	Officer/Director	Section	Subject
Council 15/02/2023	Grant, Jacqueline McMahon, Anthony	New Item	Cr Griff - Could we find out which Council's operate an Affordable Housing contribution, particularly Shoalhaven Council?
<p>Cr Griff asked could we find out which Council's operate an Affordable Housing contribution, particularly Shoalhaven Council?</p> <p>Director Community, Environment and Planning, Emily Harrison advised that was part of the consultants brief when they are looking at an Affordable Housing contribution scheme they would be looking at who else operates them. From a staff perspective I don't think it would be difficult to confirm if Shoalhaven has one or not but doing a broader piece of work to look at other Council's would require investment time and resources.</p> <p>Chief Executive Officer, Anthony McMahon advised we can do some investigation to see if we can find examples of other Council's that are doing this and where it's up to. One of the responses the consultants did give us was they are not aware of Regional areas that have progressed with it even in Metropolitan areas where it is being looked at. The assessment has been that the regulatory framework around trying to implement that has been too restrictive and not achieving outcomes. We will see what we can find out in NSW through a number of channels being the consultant, our networks we have and I will commit to ask questions broader network across the country with CEO's to see if there are any examples of models in other states around this. It may be the model that our state has developed may not be the best model to facilitate the outcomes we are after.</p> <p><i>16 May 2023 - 10:50 AM - Jacqueline Grant</i></p> <p>Request for feedback sent to NSW General Manager/Chief Executive Officer network</p>			