MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY 20 DECEMBER 2011
COMMENCING AT 9.00 AM

PRESENT: Councillor, Fergus Thomson, Mayor (in the Chair)
Councillors Allan Brown, Lindsay Brown, Keith Dance,
Chris Kowal, Alan Morton, Rob Pollock and Chris Vardon OAM

Staff: Mr P J Anderson, General Manager
Ms C Enders, Director, Organisation Support Services
Mr P McLaughlin, Director, Community Development Services
Mr L Usher, Director, Planning and Sustainability Services
Mr W Sharpe, Director, Infrastructure Services
Ms S Burt, Manager, Strategic Services
Mr Rob Burke, Divisional Manager, Engineering Services
Ms B Nicholson, Minute Secretary

The Mayor welcomed everyone to the meeting and advised of the Evacuation Procedure.

MINUTE NO 11/308

APOLOGIES AND LEAVE OF ABSENCE

11/308 MOTION Councillor Allan Brown/Councillor Alan Morton

THAT apologies be received from Councillors Graham Scobie and leave of absence be granted.

(The Motion on being put was declared CARRIED).
Councillor Rob Pollock foreshadowed the following Motion.

**MOTION**

1. Council amend the Draft Eurobodalla Local Environmental Plan 2011 in accordance with the actions in the Eurobodalla Local Environmental Plan (LEP) 2011 submissions database as contained in Folder 1 – LEP 2011 Submissions Database.

2. Following concerns expressed by the community during the exhibition period about the Draft Local Environmental Plan 2011 Council defer the proposed E3 Environmental Management land from the Draft Eurobodalla Local Environmental Plan 2011 for further consideration such action not prejudicing consideration by the Director General for Planning and the Minister for Planning of the Draft Eurobodalla Local Environment Plan 2011 as submitted.

   In doing so Council, in consultation with the local community, agrees to undertake a strategic review of the deferred E3 Environmental Management land as part of the Rural Lands Strategy to determine the most appropriate future land use planning policy and controls for the shire’s rural lands with it being noted that terms of reference are to be determined in conjunction with all relevant stakeholders.

3. Council seek $150,000 in funding from the Minister for Planning and Infrastructure to support preparation of the Rural Lands Strategy.

4. Council adopt the Draft Eurobodalla Local Environment Plan (LEP) as amended and updated in the manner outlined in this report and as per items 1 and 2 above and forward it to the Minister for Planning to be made (s68)

5. Those persons who made a submission to the Draft Eurobodalla Local Environmental Plan (LEP) 2011 be notified in writing of Council’s decision.
QUESTIONS FROM THE PUBLIC GALLERY (Agenda Items Only)
(Minutes of Questions from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

PF11/40
Mr G Malavey addressed Council regarding Report O11/255 Draft Local Environmental Plan (LEP) and made the following comments. He did not agree with Councillor Pollock’s foreshadowed motion to defer the proposed E3 zones and review them as part of the Rural Lands Strategy. Mr Malavey referred to inappropriate zonings and said land under the new zoning names and descriptions should be as close as like for like as possible and that the second draft of the LEP was compromised by Council when it introduced the R2 zone for E3.

PF11/41
Ms F Kotvojs addressed Council regarding Report O11/255 Draft Local Environmental Plan and made the following comments. 350 people have objected to the LEP’s restriction of erection of dwellings on RU1 and E3 to only those lots that have access to a “sealed road maintained by the Council”. 75% of roads that provide access to agriculture zoned land are unsealed. None of the neighbouring Shires have seen the need to include this restriction and it is not a requirement of NSW Planning or the State Government.

PF11/42
Mr P Cormick addressed Council regarding Report O11/255 Draft Local Environmental Plan and advised that he objected to: the concept of split zones to small blocks along the Deua River Valley; the methodology employed in determining split zone boundaries; inconsistency in application of the methodology applied between neighbouring properties; Council’s failure to apply ground truthing; exclusion of RU2 zone from the plan and the sealed road requirement at Clause 4.2A(4).

PF11/43
Mr S Beashel addressed Council regarding Report O11/255 Draft Local Environmental Plan and spoke about how primary production is affected in the LEP and made the following comments. The draft LEP has become anti farming and needs to be changed. In the draft LEP much of the agricultural land falls into zones never meant for it to fall into - environmental zones. There will be uses in the zone that are inconsistent with the objectives of the zone leading to problems in the future. Mr Beashel asked Council to put agricultural land into agricultural zones.
QUESTIONS FROM THE PUBLIC GALLERY (Agenda Items Only) (cont)

(Minutes of Questions from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

PF11/44

Ms S Monahan, Coastwatchers, addressed Council regarding Report O11/255 Draft Local Environmental Plan and made the following comments. The decision to retain the overlays is welcomed by Coastwatchers, it will provide transparency for landowners and/or land purchasers and reduce the potential for delays in the development assessment process. Ms Monahan spoke against changes to the E3 zoning on private land and said changing the meaning of E3 to include landuses allowed under RU2 is not the answer.

PF11/45

Ms M Whale addressed Council regarding Report O11/255 Draft Local Environmental Plan regarding the E3 zone and made the following comments. The E3 zone takes away development potential on her property (separate dual occupancy and future subdivision). There should be like for like zoning as the State Government intended. Ms Whale said she had fought to retain rights to ride her horse on public land was now fighting to ride and keep her horse on private property. Ms Whale then asked the Mayor about the current LEP zoning on his property and if it was the same as the first draft plan.

Mayor advised that the zones on his property had not changed (E3 and RU1) and that he did not make a submission. The Mayor said he had carried out a search for a building entitlement.

PF11/46

Mr M Beashel addressed Council regarding Report O11/255 Draft Local Environmental Plan regarding the E3 zone and made the following comments. Most of the problems with the LEP have been created with the blanket approach to E zones on private land particularly E3. As a local farmer he is sceptical about the need for a Rural Lands Strategy and asked if it was another form of ground truthing and a way to delay the introduction of E3 at a later date. Mr Beashel asked Councillors to defer any decision on the LEP until it was presented in a way acceptable to rural ratepayers.

PF11/47

Mr D Rogers addressed Council regarding Report O11/255 Draft Local Environmental Plan and said that it is not just E3 which will affect landowners - the overlays will have the same effect as E3. Mr Rogers commented on the following: the LEP is about rural and residential land, selling and buying credits, compulsory acquisition of private property, his family shopping complex and legal action. Mr Rogers asked if Councillors believed that the majority of the community would approve of Council taking private property for itself without justly compensating the owners.
QUESTIONS FROM THE PUBLIC GALLERY (Agenda Items Only) (cont)
(Minutes of Questions from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

PF11/48

Mr P Bradstreet, Convenor of Friends of Our Beaches community group, addressed Council regarding Report O11/255 Draft Local Environmental Plan with particular reference to the development at Surf Beach and made the following comments. There should be proper protection under the planning laws for those parts of Surf Beach site with high environmental values. Council set aside a large area of land as potential biodiversity offset against the development of the Bunnings site. A decision to drop E3 as an environmental protection zone on private land should be made today. Council should undertake a Rural Lands Strategy to inform the next LEP.

PF11/49

Mr D Seymour, urPlan Consulting Services, addressed Council regarding Report O11/255 Draft Local Environmental Plan with particular reference to a proposed seniors housing project within Moruya and made the following comments. The Draft LEP 2011 indicates a transfer to the R5 Large Lot Residential zone which means that the use of the site for the approved seniors and retirement living will be a prohibited use. Further comments were made regarding: inappropriate zoning, minimum lot size, sourcing of development funding and future stages of the development. Mr Seymour said the land should be zoned R2 to maintain continuity with the adjoining land.

PF11/50

Mr T Downey addressed Council regarding Report O11/255 Draft Local Environmental Plan and said that Councillors were elected to do the will of the people and in this case the will of the people was obviously to retain zoning as it already stands.

PF11/51

Mr I Hitchcock addressed Council regarding Report O11/255 Draft Local Environmental Plan with particular reference to the proposed rezoning of lakefront land in Dalmeny, from Public Recreation RE1 to Environmental Conservation E2. Mr Hitchcock said Council staff advised the E2 rezoning of Mummaga Lake foreshore is part of its 2010 Recreation Strategy and they were following zoning guidelines given by State Government. He said similar urban lakefront land in other Shires has been zoned RE1 Public Recreation.
PF11/52
Mr B Versey addressed Council regarding Report O11/255 Draft Local Environmental Plan and made the following comments. There needs to be strong encouragement towards sustainability, in particular environmental sustainability and for this reason he did not support changing E3 zones to RU2 zones. Mr Versey expressed concerns based on the needs of biodiversity, especially the natural environment and the native vegetation, in the short, medium and long term future.

PF11/53
Mr J Heffernan addressed Council regarding Report O11/255 Draft Local Environmental Plan and made the following comments. His land (proposed E3) is in the middle of eight privately owned rural properties proposed to be zoned RU1 and he requested a split zone with RU1 zone included. Mr Heffernan tabled two photos of his land.

PF11/54
Mr H Hassall addressed Council regarding Report O11/255 Draft Local Environmental Plan and made the following comments. He objected to the E3 zoning which Council has applied to 4ha of his 24ha property. There is no special ecological or environmental significance – let it remain RU1. The current State legislation protects these areas adequately and he called on Councillors to drop the E zoning from land used for primary production.

PF11/55
Mr M Ivory addressed Council regarding Report O11/255 Draft Local Environmental Plan and made the following comments. E3 is the most appropriate zoning for the Kyla Park Grazing Lands as they are public land not private land; classified community land not operational; categorised as areas of cultural significance and included on the Heritage Register.

PF11/56
Mr K Bonner addressed Council regarding Report O11/255 Draft Local Environmental Plan and made the following comments. Why has this taken so long - the community doesn’t want the E3 zone. Have Councillors been fully informed as to the implications of this document. Mr Bonner referred to development credits and said they would change the value, use and management of the land and asked if there was compensation if these credits were taken off the land.
MINUTE NO 11/309

EXTENSION OF TIME FOR PUBLIC FORUM (Agenda Items)

11/309  MOTION Councillor Chris Kowal/Councillor Rob Pollock

THAT the remaining registered speakers in the gallery be granted time to be heard.

(The Motion on being put was declared CARRIED).

QUESTIONS FROM THE PUBLIC GALLERY (Agenda Items Only) (cont)

(Minutes of Questions from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

PF11/57  E11.5042; E07.1161

Ms G Abrahams addressed Council regarding Report O11/255 Draft Local Environmental Plan referring the number of submissions made and the Council staff who reviewed the LEP submissions. Ms Abrahams referred to qualifications of staff members, definition of pro forma submissions, misleading information, impacts on landholders and asked if Councillors had read all of the documents and submissions on the LEP.

PF11/58  E11.5042; E07.1161

Ms L Chapman addressed Council regarding Report O11/255 Draft Local Environmental Plan and made the following comments regarding Koala habitat and the LEP. The Eurobodalla Koala project is in the early stages, caution is needed regarding urban development, loss of biodiversity overlays on the LEP and logging in the Shire. The Koala population deserves every possible consideration and chance of survival in the Eurobodalla and the E3 zone should be retained.

PF11/59  E11.5042; E07.1161

Mr S Heffernan addressed Council regarding Report O11/255 Draft Local Environmental Plan and advised he was a local dairy farmer at North Moruya and made the following comments. He asked that two areas of land now used for agricultural production not be rezoned E2. He has a permissive occupancy for grazing which is important to the validity of his farming business. There is a small swamp on the northern side of Larry’s Mountain Road which is important to his food producing business — and it supports a prosperous bird and frog population. Mr Heffernan said that it would be a retrograde step to reduce the land available to grow our own food when the population is growing.
QUESTIONs FROM THE PUBLIC GALLERY (Agenda Items Only) (cont)
(Minutes of Questions from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

PF11/60

Mr G Plews addressed Council regarding Report O11/255 Draft Local Environmental Plan and made the following comments. Bega Valley Shire and Shoalhaven Councils have both completed LEPs like for like zoning, no E3 zone. 741 submissions were made on the first draft which contained errors. In 2009 Council staff advised that the issue that determined a lot of urban lands being rezoned E3 was the Eurobodalla Biodiversity Land Map and that the Department of Planning told Councils how to apply the zones. Mr Plews said that the Department of Planning did not dictate which zones had to be applied. Mr Plews said he hoped Councillor Vardon’s got a motion up and the whole matter would be deferred.

PF11/61

Ms L Stone, South East Forest Rescue, addressed Council regarding Report O11/255 Draft Local Environmental Plan and made the following comments. Public land should be protected - every single property should be ground truthed if Council wanted to change the zoning. RU3 zone is now outdated. Everyone agrees there should be biodiversity – there are links between climate change and deforestation. There has been an increase in the number of threatened species on the South Coast and the reason is habitat loss due to intensive timber harvesting on public land. Councillors should ask at what cost these decisions will be made and what consequences will it have on future generations.

PF11/62

Ms J Shepheard addressed Council regarding Report O11/255 Draft Local Environmental Plan and said her family had photos over many generations which showed Eurobodalla Shire had a lot of trees and made the following comments. The E3 zone is bad and people should pay more attention to the overlays. The inclusion and addition of clauses within Section 3.3 will result in no exempt or complying development being permitted on most of the subject property. 70% of the land would be locked up and development consent would therefore be required. Ms Shepheard stated that when she contacted Council about E3 and overlays she was advised nothing would change.
QUESTIONS FROM THE PUBLIC GALLERY (Agenda Items Only) (cont)
(Minutes of Questions from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

PF11/63

Mr A Burdon addressed Council regarding Report O11/255 Draft Local Environmental Plan and made the following comments. Concessions made regarding rural worker’s dwellings and detached dual occupancy are meaningless when all future developments require access to a Council maintained sealed road. The 75% of rural roads that are dirt and which service properties will be cut off forever from any kind of dwelling construction. Properties have had E3 zoning imposed upon them without any form of environmental audit. People want to live surrounded by nature’s beauty and grow their own produce and live softly on the land. What is so wrong with that?

PF11/64

Mr N van Stekelenburg addressed Council regarding Report O11/255 Draft Local Environmental Plan and said the proposed LEP was flawed and made the following comments. The agenda behind the LEP seems to be to force people out of the bush and into suburbia. There needs to be more families living on rural land growing food, managing forests and supplying what the local community need. There has been a lack of regard for community input and consultation at every stage of the LEP process. Properties not serviced by a Council maintained sealed road will not be given building approval and dual occupancies detached must now be attached. All these clauses are aimed at forcing people off the land. Council must vote no to the LEP.

MINUTE NO 11/310

CONFIRMATION OF MINUTES

11/310 MOTION Councillor Keith Dance/Councillor Alan Morton

THAT the minutes of the Ordinary Meeting of Council held on 22 November 2011 be confirmed.

(The Motion on being put was declared CARRIED).
DECLARATIONS OF INTEREST ON MATTERS ON THE AGENDA

Councillors made the following declarations of pecuniary interest.

E87.6800; E07.1161

I, Councillor Allan Brown, formally make a pecuniary interest declaration (as per the Code of Meeting Practice) in Report O11/255 Draft Local Environmental Plan and I make a further declaration that the Minister for Local Government, the Hon Don Page MP, has under Section 458 of the Local Government Act 1993, provided me with an instrument dated 26 September 2011 which enables me to take part in the consideration or discussion of, or vote on any question relating to the Draft Eurobodalla LEP 2011.

E87.6800; E07.1161

I, Councillor Rob Pollock, formally make a pecuniary interest declaration (as per the Code of Meeting Practice) in Report O11/255 Draft Local Environmental Plan and I make a further declaration that the Minister for Local Government, the Hon Don Page MP, has under Section 458 of the Local Government Act 1993, provided me with an instrument dated 26 September 2011 which enables me to take part in the consideration or discussion of, or vote on any question relating to the Draft Eurobodalla LEP 2011.

E87.6800; E07.1161

I, Councillor Chris Vardon, formally make a pecuniary interest declaration (as per the Code of Meeting Practice) in Report O11/255 Draft Local Environmental Plan and I make a further declaration that the Minister for Local Government, the Hon Don Page MP, has under Section 458 of the Local Government Act 1993, provided me with an instrument dated 26 September 2011 which enables me to take part in the consideration or discussion of, or vote on any question relating to the Draft Eurobodalla LEP 2011.

E87.6800; E07.1161

I, Councillor Keith Dance, formally make a pecuniary interest declaration (as per the Code of Meeting Practice) in Report O11/255 Draft Local Environmental Plan and I make a further declaration that the Minister for Local Government, the Hon Don Page MP, has under Section 458 of the Local Government Act 1993, provided me with an instrument dated 26 September 2011 which enables me to take part in the consideration or discussion of, or vote on any question relating to the Draft Eurobodalla LEP 2011.

E87.6800; E07.1161

I, Councillor Alan Morton, formally make a pecuniary interest declaration (as per the Code of Meeting Practice) in Report O11/255 Draft Local Environmental Plan and I make a further declaration that the Minister for Local Government, the Hon Don Page MP, has under Section 458 of the Local Government Act 1993, provided me with an instrument dated 26 September 2011 which enables me to take part in the consideration or discussion of, or vote on any question relating to the Draft Eurobodalla LEP 2011.
DECLARATIONS OF INTEREST ON MATTERS ON THE AGENDA (cont)

E87.6800; E07.1161

I, Councillor Chris Kowal, formally make a pecuniary interest declaration (as per the Code of Meeting Practice) in Report O11/255 Draft Local Environmental Plan and I make a further declaration that the Minister for Local Government, the Hon Don Page MP, has under Section 458 of the Local Government Act 1993, provided me with an instrument dated 26 September 2011 which enables me to take part in the consideration or discussion of, or vote on any question relating to the Draft Eurobodalla LEP 2011.

E87.6800; E07.1161

I, Councillor Lindsay Brown, formally make a pecuniary interest declaration (as per the Code of Meeting Practice) in Report O11/255 Draft Local Environmental Plan and I make a further declaration that the Minister for Local Government, the Hon Don Page MP, has under Section 458 of the Local Government Act 1993, provided me with an instrument dated 26 September 2011 which enables me to take part in the consideration or discussion of, or vote on any question relating to the Draft Eurobodalla LEP 2011.

E87.6800; E07.1161

I, Councillor Fergus Thomson, formally make a pecuniary interest declaration (as per the Code of Meeting Practice) in Report O11/255 Draft Local Environmental Plan and I make a further declaration that the Minister for Local Government, the Hon Don Page MP, has under Section 458 of the Local Government Act 1993, provided me with an instrument dated 26 September 2011 which enables me to take part in the consideration or discussion of, or vote on any question relating to the Draft Eurobodalla LEP 2011.
MINUTE 11/311

SUSPENSION OF STANDING ORDERS

11/311    MOTION Councillor Chris Vardon/Councillor Lindsay Brown

THAT the Ordinary Meeting of Council suspend standing orders to allow the alteration of the order of business with regard to Report O11/255 Draft Local Environmental Plan.

(This Motion on being put was declared CARRIED).
MINUTE NO 11/312

O11/255 DRAFT LOCAL ENVIRONMENTAL PLAN E07.1161

11/312 MOTION Councillor Rob Pollock/Councillor Alan Morton

THAT:

1. Council amend the Draft Eurobodalla Local Environmental Plan 2011 in accordance with the actions in the Eurobodalla Local Environmental Plan (LEP) 2011 submissions database as contained in Folder 1 – LEP 2011 Submissions Database.

2. Following concerns expressed by the community during the exhibition period about the Draft Local Environmental Plan (LEP) 2011 Council defer the proposed E3 Environmental Management land from the Draft Eurobodalla Local Environmental Plan (LEP) 2011 for further consideration such action not prejudicing consideration by the Director General for Planning and the Minister for Planning of the Draft Eurobodalla Local Environment Plan (LEP) 2011 as submitted.

   In doing so Council, in consultation with the local community, agrees to undertake a strategic review of the deferred E3 Environmental Management land as part of the Rural Lands Strategy to determine the most appropriate future land use planning policy and controls for the Shire’s rural lands with it being noted that terms of reference are to be determined in conjunction with all relevant stakeholders.

3. Council seek $150,000 in funding from the Minister for Planning and Infrastructure to support preparation of the Rural Lands Strategy.

4. Rezone that part of Lot 8 DP 28921 containing Laing’s boat shed proposed to be zoned E2 Environmental Conservation to RE2 Private Recreation to facilitate the creation of an enlarged waterfront precinct at Tuross; and include the Tuross Boat Sheds RE2 lands in Schedule 1 with additional uses including: restaurant or cafes, take away food and drink premises and shops to provide a range of landuse to secure the longevity and vitality of this waterfront precinct.

5. Council amend the R3 zone table to make a single dwelling permissible with consent within the zone.
6. Council adopt the Draft Eurobodalla Local Environment Plan (LEP) as amended and updated in the manner outlined in report O11/255 Draft Local Environmental Plan and as per items 1, 2, 4 and 5 above and forward it to the Minister for Planning to be made (s68).

7. Those persons who made a submission to the Draft Eurobodalla Local Environmental Plan (LEP) 2011 be notified in writing of Council’s decision, as well as all property owners whose land has been deferred from the Draft Local Environmental Plan.

(The Motion on being put was declared CARRIED).

Division

Councillors Lindsay Brown, Alan Morton, Keith Dance, Chris Vardon, Rob Pollock, Allan Brown and Fergus Thomson voted for the Motion.

Councillors Chris Kowal voted against the Motion.
MINUTE NO 11/313

O11/252  DECEMBER COUNCIL MEETING – ALTERATION TO START TIME

11/313  MOTION Councillor Fergus Thomson

THAT Council endorse the use of the Mayor’s Executive Power under Section 226 of the Local Government Act to bring forward the starting time for the Council meeting on 20 December 2011 to 9.00am.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/314

O11/253 71 LOT SUBDIVISION - TUROSS HEAD 83.7471.S

11/314 MOTION Councillor Chris Vardon/Councillor Rob Pollock

THAT Council note the advice given by the General Manager regarding the determination of development application no. 223/12 Reference Number 83.7471.S, 71 Lot Residential Subdivision at 41 Anderson Avenue, Tuross Head, which indicates that, in the event that the applicants undertake to modify the application incorporating matters raised with them by Council, the development application will be re-exhibited for comment during which time it is possible for Councillors to request that Council determine the matter.

(The Motion on being put was declared CARRIED).

Division

Councillors Lindsay Brown, Chris Kowal, Alan Morton, Keith Dance, Chris Vardon, Rob Pollock, Allan Brown and Fergus Thomson.
No Councillors voted against the Motion.
MINUTE NO 11/315

O11/254 OLD BOLARO ROAD - HANN E80.2919

11/315 MOTION Councillor Allan Brown/Councillor Alan Morton

THAT Council notes the history in relation to Old Bolaro Road West of Nelligen and the intended maintenance program and takes no further action in relation to emails being received about it from JG & MP Hann about the agreed maintenance of Old Bolaro Road.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/316

PSQN11/30 QUESTION WITH NOTICE FROM COUNCILLOR E11.5041; E11.5234

11/316 MOTION Councillor Allan Brown/Councillor Chris Vardon

THAT the response to Question PSQN11/30 regarding the effects of the draft LEP on rural land owners raised by Councillor Allan Brown be received and noted.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/317

PSQN11/44 QUESTION WITH NOTICE FROM COUNCILLOR E11.5041; E87.4932

11/317 MOTION Councillor Allan Brown/Councillor Chris Vardon

THAT the response to Question PSQN11/44 regarding cost analysis of former tourism office raised by Councillor Graham Scobie be received and noted.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/318

62124.11 QUESTION WITH NOTICE FROM COUNCILLOR E11.5041; E00.4856.PC

11/318 MOTION Councillor Allan Brown/Councillor Chris Vardon

THAT the response to question 62124.11 regarding water supply from Moruya to Deep Creek Dam raised by Councillor Allan Brown be received and noted.

(The Motion on being put was declared CARRIED).

Councillor Allan Brown left the chambers with the permission of the Chair.
MINUTE NO 11/319

O11/256 DEVELOPMENT APPLICATION NO: 10/12- MORUYA CONCRETE BATCHING PLANT

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>T &amp; S Hollis</th>
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<tbody>
<tr>
<td>Land:</td>
<td>Lot 51 DP 1075538, 50 Shelley Road, Moruya</td>
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<tr>
<td>Area:</td>
<td>2023m²</td>
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<td>Zone:</td>
<td>4a Industrial - Urban LEP 1999</td>
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<td>Current Use:</td>
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<td>Proposed Use:</td>
<td>Industrial</td>
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<td>Description:</td>
<td>Concrete Batching Plant and Landscape Supplies</td>
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<td>Permitted in Zone:</td>
<td>Yes, with the consent of Council</td>
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<td>DA Registered:</td>
<td>7 July 2011</td>
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<td>Reason to Council:</td>
<td>Designated Development under Schedule 3 of the EP &amp; A Regulation</td>
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<td>Recommendation:</td>
<td>APPROVAL</td>
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11/319 MOTION Councillor Keith Dance/Councillor Rob Pollock

THAT Development Application No 10/12 for a Concrete Batching Plant on Lot 51, DP 1075538, 50 Shelley Road Moruya dated 7 July 2011 as shown on Plan Number 12/10 and described in details accompanying the application be APPROVED under Section 80(1) of the Environmental Planning and Assessment Act, 1979 subject to the conditions set out below. These conditions have been applied to this consent for the following reasons:

- ensure that all traffic, carparking and access requirements arising from the development are addressed.

- ensure the development does not conflict with the public interest.

- ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.

- minimise any potential adverse environmental, social or economic impacts of the proposed development.

- ensure the proposed development:
  a) achieves the objects of the Environmental Planning and Assessment Act 1979;
  b) complies with the provisions of all relevant environmental planning instruments;
  c) is consistent with the aims and objectives of Council’s Development Control Plans, Codes and Policies.
GENERAL CONDITIONS

1. This development is to be carried out in accordance with the plans and supporting documentation listed below as submitted by the applicant to which is affixed Council stamp and numbered 12/10 or as modified by any following condition:

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<thead>
<tr>
<th>Drawing No.</th>
<th>Description</th>
<th>Sheets</th>
<th>Issue</th>
<th>Date</th>
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<tr>
<td>1023-01</td>
<td>Site Analysis Plan</td>
<td>1 of 14</td>
<td>1</td>
<td>May 2011</td>
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<tr>
<td>1023-02</td>
<td>Site Layout Plan</td>
<td>2 of 14</td>
<td>4</td>
<td>May 2011</td>
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<tr>
<td>1023-03</td>
<td>Office Building Floor Plan &amp; Section</td>
<td>3 of 14</td>
<td>1</td>
<td>May 2011</td>
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<td>1023-04</td>
<td>Office Building Elevations</td>
<td>4, 5 of 14</td>
<td>Both issue 1</td>
<td>May 2011</td>
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<td>Landscape Plan and Bioretention details.</td>
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<td>2</td>
<td>May 2011</td>
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Supporting Documentation

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<tr>
<th>Author</th>
<th>Title</th>
<th>Date</th>
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<tbody>
<tr>
<td>NGH Environmental</td>
<td>Environmental Impact Statement</td>
<td>June 2011</td>
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Note: Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.

Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency. [2.05]

2. Inspections & Certificates
For the purposes of section 109E(3)(d) of the Environmental Planning and Assessment Act, the following are occasions on which building work must be inspected. These inspections are the critical stage inspections.

The critical stage inspections may be carried out by the Principal Certifying Authority or, if the Principal Certifying Authority agrees, by another certifying authority. The last critical stage inspection required to be carried out for the class of building concerned must be carried out by the Principal Certifying Authority.
In the case of a class 5, 6, 7, 8 or 9 building, the development site must be inspected:

(a) at the commencement of the building work, and
(b) prior to covering any stormwater drainage connections, and
(c) after the building work has been completed and prior to Occupation Certificate being issued for the building. Note: Conditions of consent require that a final clearance be issued on all Section 68 Local Government Act Approvals ie. plumbing and drainage, prior to issue of interim occupation certificate or occupation certificate.

3. **Water & Sewer Inspections**

All plumbing and drainage works (water supply, sanitary plumbing and drainage, stormwater drainage and hot water) are to comply with Local Government (General) Regulation 2005 and the Plumbing and Drainage Code of Practice (national). Works must only be installed by a licensed person and must be inspected and granted final approval by Council prior to issue of interim or occupation certificate.

The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by contacting Council’s Compliance unit. Where Council is not the Principal Certifying Authority, an additional fee will apply:

(a) Sanitary drainage under hydrostatic test and prior to backfilling trenches or covering;
(b) Hot and cold water plumbing under pressure test prior to covering;
(c) Internal stackwork under hydrostatic test prior to covering; and
(d) The installation of the septic tank and any sullage trenches prior to backfilling or covering.
(e) Issue of final satisfactory inspection.

4. **Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).

5. **Water supply – backflow prevention**

Prior to connecting to Council’s reticulated potable water supply, a backflow protection and cross connection survey is to be conducted in accordance with Council’s Backflow Prevention Policy, AS 3500.1 and NSW Code of Practice Plumbing and Drainage. A backflow prevention device suitable to the degree of hazard is to be installed in accordance with the before mentioned policy and codes. If a testable Backflow Prevention Device is installed then a Backflow Prevention Device Inspection and Maintenance Report initial test certificate is to be lodged with Council within 2 days of installation. The standard meter connection fee nominated in Council’s fees and charges includes connection of the water meter only.
6. Fencing and gates are to be transparent in design. Gates must be designed to open inwards.

7. The total output of the concrete batching plant shall be limited to a maximum of 30,000 tonnes per year of concrete or concrete products.

8. Any materials (gravel or fill) imported to the site must be from a reputable source that can certify the material to be free of any contaminants.

9. All mitigating measures identified in Section 5.7.3 of the EIS, prepared by NGH Environmental dated June 2011, are to be undertaken unless superseded by conditions of this consent.

10. **Loading & Unloading**
    All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

11. **Site Waste Management**
    Site waste management shall be undertaken in accordance with the ‘Site Waste Minimisation and Management Plan’ detailed in Appendix E of the Environmental Impact Statement unless superseded by conditions of this consent.

12. **Advertising Signs**
    No advertising sign and/or structure other than that approved with this consent or is permitted without consent is to be erected as part of the approved development until a formal application has been submitted to Council and development consent has been issued. [17.01]

13. **Vehicle Direction**
    All vehicles are to enter and exit the development in a forward direction to avoid possible conflict with through traffic on Shelley Road. [14.25]

14. The cement/fly-ash silos are to be fitted with high level alarms to prevent overfilling.

15. Water sprays shall be fitted to the ground storage bins and utilised to suppress dust.

16. **Hours of Operation**
    The hours of operation of the facility shall be restricted to the hours of 6am to 5pm seven days a week. Operation includes deliveries of raw materials to the site and deliveries of concrete from the site.
17. **Noise Control**

Noise associated with the concrete batching plant including the operation of all plant and equipment shall not be greater than 5dB(A) LAeq (15 minutes) greater than the A-weighted L90 background sound pressure level at any residential dwelling.

Should the above criteria not be met, an acoustic report, specifying necessary remedial measures, is to be prepared by an accredited acoustic consultant and all specified measures implemented as soon as practicable.

18. **NSW Office of Water - General Terms of Approval**

<table>
<thead>
<tr>
<th>Plans, standards and guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 10/12 and provided by Council</td>
</tr>
<tr>
<td>(i) Site plan, map and/or surveys included in EIS for Moruya Concrete Batching Plant and Landscape Supplies by NGH Environmental dated June 2011. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</td>
</tr>
<tr>
<td>2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</td>
</tr>
<tr>
<td>3. The consent holder must prepare or commission the preparation of:</td>
</tr>
<tr>
<td>(i) Vegetation Management Plan – Levee Rehabilitation.</td>
</tr>
<tr>
<td>(ii) Works Schedule – Associated with the levee modifications including access and rehabilitation.</td>
</tr>
<tr>
<td>4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water’s guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a></td>
</tr>
<tr>
<td>(i) Vegetation Management Plans</td>
</tr>
<tr>
<td>5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</td>
</tr>
</tbody>
</table>
Rehabilitation and maintenance

6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.

7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

Reporting requirements

8. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

Security deposits

9. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.

Disposal

10. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Drainage and stormwater

11. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.

12. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

Erosion Control

13. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation

14. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

19. **Soil & Water Management Plan**
   Prior to issue of a Construction Certificate the applicant shall submit to and have approved by the Principal Certifying Authority a Soil and Water Management Plan (SWMP) to be incorporated in engineering design plans. The SWMP is to be prepared in accordance with “Managing Urban Stormwater: Soils and Construction – Volume 1, Landcom 2004”. [11.11]

20. **Water Meter – Industrial/Commercial Development**
   Submission to Council, written advice from a suitably qualified hydraulic engineer/consultant on the recommended water meter size required for the development in accordance with AS 3500.1:2003 National Plumbing and Drainage Code and AS2441-2005 Installation of Fire Hose reels.
   **Note:** All fire hose reels must be supplied through the metered supply.

   Payment to Council of the standard fee (for the current financial year) for a suitable sized water meter recommended for the development. The meter is to be located as to be accessible to Council’s Water Meter Reader at all times. Any work required to Council’s infrastructure to extend the main or allow installation of the meter other than a standard meter connection, is to be undertaken at full cost to the applicant.

   A standard meter connection is where the water main is located on the same side of the street as the property, the meter is to be located approximately 2.4m from the water main to just inside the property boundary and laid in a non-hard surface area (grassed).

21. Prior to the issue of a Construction Certificate, engineer’s designs for the construction of the proposed retaining wall encroaching into the levee bank along the rear of the property shall be submitted to Council for approval.

22. Prior to the issue of a Construction Certificate, the developer shall apply to Council’s Moruya Depot for a ‘Private Works Order’ for the provision of a new sewer junction to the property in a position clear of the proposed ‘Landscape Bio-Retention Area’ in the South-East corner of the property. A trafficable cover inspection plate is to be fixed where the junction is in a trafficable area.

23. **Long Service Levy**
   Long Service Levy is required to be paid to the NSW Long Service Payment Corporation prior to the issue of a Construction Certificate. The amount to be paid is 0.35% of the cost of buildings and works.
PRIOR TO COMMENCEMENT OF WORKS

24. **Erosion and Sedimentation Control**
   Install such measures as are necessary to effectively control soil erosion on the site and prevent silt discharge into drainage systems and waterways in accordance with Council’s Policy - Erosion and Sediment Control from Building Sites. These controls are to remain in place until the development is completed and/or disturbed areas stabilised. In this regard, warning signs (minimum of two) to promote the awareness of the importance of the maintenance of sediment control techniques have been supplied with this consent. You are required to attach the signs to sedimentation fences with wire ties on the most prominent sediment fence or erosion control device, spaced every 20m, for the duration of the project.

   **Note:** On-the-spot fines may be imposed by Council for non-compliance with this condition.[11.13]

25. **Commencement of Clearing, Construction or Other Associated Activity**
   A Construction Certificate is required prior to commencement of any clearing, construction or other associated activity.[16.06]

26. **Construction Certificate**
   The erection of the building the subject of this development consent **MUST NOT** be commenced until:
   (a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by:
      (i) the Council, or
      (ii) an accredited certifier, and
   
   (b) The person having the benefit of the development consent:
      (i) has appointed a Principal Certifying Authority, and
      (ii) has notified the Council of the appointment, and
   
   (c) The person having the benefit of the development consent has given at least two days’ notice to the Council of the person’s intention to commence the erection of the building; and
   
   (d) Builders name and licence number has been supplied to Council or the Principal Certifying Authority; and
(e) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) & (3) of the EP & A Regulations being the name, address and telephone number of the Principal Certifying Authority for the work, and name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed. [2.06]

DURING CONSTRUCTION

27. **Loading and Unloading of Construction Vehicles**  
All loading and unloading associated with construction must be accommodated on site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work.

28. **Approved Plans to be On-Site**  
A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority. [2.22]

29. **Stormwater Disposal Within Road Reserve**  
The stormwater drainage from the development is to be connected directly into Council’s stormwater pit in the vicinity of the property, within the road reserve. Contact should be made with Council’s Plumbing Inspector on (02) 4474-1277, prior to making the connection.[6.05]

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

30. **Fire Safety Certificate**  
A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to Council by the PCA with the Occupation Certificate.
31. **Annual Fire Safety Statement**
   
   (a) A final Fire Safety Certificate shall state that each essential fire safety measure specified in the current fire safety schedule for the building to which the Certificate relates:
      
      (i) has been assessed by a properly qualified person; and
      
      (ii) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the Certificate is issued.
      
   (b) The assessment must have been carried out within the period of three months prior to the date on which the final Fire Safety Certificate is issued.
      
   (c) The choice of person to carry out the assessment is up to the owner of the building.
      
   (d) The person who carries out the assessment:
      
      (i) must inspect and verify the performance of each fire safety measure being assessed; and
      
      (ii) must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedule for the building.
      
   (e) As soon as practicable after a final Fire Safety Certificate is issued, the owner of the building to which it relates:
      
      (i) must cause a copy of the Certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and
      
      (ii) must cause a further copy of the Certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

32. **Public Asset Damage**
   
   The cost of repairing any damage caused to Council or other public authority’s assets in the vicinity of the subject site as a result of construction works associated with the approved development, is be met in full by the applicant/developer prior to the issue of an Occupation Certificate. [14.15]
33. **Entry & Exit Signs**
   Entry and exit signs are to be erected within the property boundaries, clearly identifying each driveway. Signs to be erected prior to issue of Occupation Certificate. [14.29]

34. **Work Within Road Reserve**
   Prior to issue of an Occupation Certificate all works within the road reserve (road, nature strip & footpath areas) are to be completed to the satisfaction of Council all at no cost to Council. Earthworks adjacent to the driveway are to be grades no steeper than 12%. All service covers are to match the finished ground level within the footpath/road reserve. The vehicle crossing is to be maintained in accordance with Council standards or other approved plan and in sound condition for the life of the development. [14.33]

35. **Parking**
   Prior to issue of an Occupation Certificate, provide car park construction conforming to the approved plan.

36. **Landscape Plan**
   Completion of landscaping in accordance with the approved landscape plan prior to issue of Occupation Certificate and such landscaping is to be continuously maintained in accordance with the approved plan. [16.04]

37. The development shall not be used or occupied until an occupation certificate has been issued by the Principal Certifying Authority. [2.14]

38. Prior to the issue of the Occupation Certificate stormwater construction is to conform to the approved plans. A “Works as Executed” plan of the plumbing and drainage work is to be provided to and approved by Council at the completion of the work. [6.06]

39. Prior to the issue of an Occupation Certificate, the stormwater drainage, capture, filtration and disposal system is to be certified by a qualified engineer as being constructed in accordance with the approved engineer's designs.

**ADVISORY NOTES**

40. **Discovery of a Relic**
   If, during work, an Aboriginal relic is uncovered then the National Parks and Wildlife Service (NPWS) is to be contacted urgently - Queanbeyan 6298-9736 and WORK IS TO CEASE IMMEDIATELY until further notice. [13.07]
41. **Underground Utility Services Check**
   The applicant shall contact the "Dial Before You Dig" service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au, prior to the commencement of excavation, to ascertain the presence and type of underground utility services in the vicinity of the development.

42. **Work Cover Requirements**
   The applicant may contact the WorkCover Authority of NSW, 6/248 Carp St, Bega Telephone No: (02) 6491-6600 for further information on safe construction methods or visit their website www.workcover.nsw.gov.au.

43. **Aboriginal Relics**
   Under Section 90 of the National Parks and Wildlife Act 1974 it is an offence to destroy, deface or damage a relic or aboriginal place without a ‘Consent to Destroy’ from the Director-General of the NPWS.[13.10]

44. **Landing Clearing “Best Practice”**
   The applicant should note the following “best practices” in relation to the disposal of felled timber:
   
   (a) Council encourages the following practices:
      
      (i) The harvesting and processing of mill quality timber either on site or through a commercially licensed timber mill;
      
      (ii) The stockpiling of suitable felled timber as firewood for heating purposes;
      
      (iii) The mulching or chipping of stumps, crowns and other herbaceous matter either on site or through a licensed landfill tip or recycling centre providing mulching facilities; and
      
      (iv) The revegetation of the site with suitable plant species.

   (b) Where any on site burning is to occur, the applicant is to take into consideration the applicable rural fire period, climatic conditions and location of adjoining residential properties that may be affected by smoke pollution.

45. **BCA Compliance**
   This Development Application has been subject to a merit based assessment. The plans lodged an approved have not been assessed against the provisions of the Building Code of Australia (BCA). It is your responsibility to ensure the plans lodged with any Construction Certificate application show full compliance to all provisions of the BCA.
46  **Council’s Sewer Plan**  
Attached to the approval is a copy of Council’s sewer plan. If excavating near the sewer for access construction or other, please contact Council’s nearest depot for further information.

This diagram has been compiled on the best available information, but can only be taken as a guide. Exact location should be physically determined on site.

Disclaimer: *This information is released by Eurobodalla Shire Council on the condition that the recipient of this document, or the reader of it, acknowledges that should they rely on any aspect of this document, they do so at their own risk and release Eurobodalla Shire Council of all liability and responsibility for any errors, omissions or inaccuracies contained within or arising from this information. [4.12 ]*

**Note:** This approval does not become valid until a formal consent document is issued by Council.

(The Motion on being put was declared **CARRIED**).

**Division**

Councillors Lindsay Brown, Chris Kowal, Alan Morton, Keith Dance, Chris Vardon, Rob Pollock, Allan Brown and Fergus Thomson voted for the Motion.  
No Councillors voted against the Motion.
**MINUTE NO 11/320**

O11/257 DEVELOPMENT APPLICATION NO: 551/11 – BATEMANS BAY
EXISTING UNAPPROVED & PROPOSED EARTHWORKS & USE OF AREA FOR DEPOT (STORAGE OF CONSTRUCTION MATERIALS) 80.0235.D

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Eurobodalla Shire Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land:</td>
<td>Lot 318 DP 42829 150 Princes Highway, Batemans Bay and vacant Crown land adjoining</td>
</tr>
<tr>
<td>Area:</td>
<td>2.231ha</td>
</tr>
<tr>
<td>Floor Space Ratio:</td>
<td>not applicable</td>
</tr>
<tr>
<td>Setbacks:</td>
<td>not applicable</td>
</tr>
<tr>
<td>Height:</td>
<td>not applicable</td>
</tr>
<tr>
<td>Zone:</td>
<td>4a Industrial</td>
</tr>
<tr>
<td>Current Use:</td>
<td>Council Depot</td>
</tr>
<tr>
<td>Proposed Use:</td>
<td>Area within a Council depot to be used for storing construction materials</td>
</tr>
<tr>
<td>Description:</td>
<td>Existing unapproved &amp; proposed earthworks &amp; use of area for construction materials</td>
</tr>
<tr>
<td>Permitted in Zone:</td>
<td>Yes, with the consent of Council</td>
</tr>
<tr>
<td>DA Registered:</td>
<td>8 March 2011</td>
</tr>
<tr>
<td>Reason to Council:</td>
<td>Council development</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>APPROVAL</td>
</tr>
</tbody>
</table>

**11/320 MOTION** Councillor Keith Dance/Councillor Alan Morton

THAT Development Application No 551/11 for Existing Unapproved and Proposed Earthworks and Use of Area for Construction Materials on Lot 318 DP 42829 150 Princes Highway, Batemans Bay & vacant Crown land adjoining dated 8 March 2011 as shown on Plan Number 11/551 and described in details accompanying the application be APPROVED under Section 80(1) of the Environmental Planning and Assessment Act, 1979 subject to the conditions set out below. These conditions have been applied to this consent for the following reasons:

- ensure the proposed development:
  - (a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
  - (b) complies with the provisions of all relevant environmental planning instruments;
  - (c) is consistent with the aims and objectives of Council’s Development Control Plans, Codes and Policies.

- ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
• minimise any potential adverse environmental, social or economic impacts of the proposed development.
• ensure that all traffic, carparking and access requirements arising from the development are addressed.

GENERAL CONDITIONS

1. This development is to be carried out in accordance with the plans stamped and numbered 551/11 and supporting specifications and documentation or as modified by these conditions or as noted in red by Council on the approved plans and all building work must be carried out in accordance with the requirements of the Building Code of Australia.

   Note: Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.

   Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency. [2.05]

2. Land Clearing
   No clearing shall take place on the site until an accurately drawn site plan showing trees to be removed and those to remain is submitted to and approved by Council. Trees to be retained are to be clearly identified on site by distinctive temporary taping and where groups of trees are to be retained, these are to be enclosed by temporary fencing.[16.15]

PRIOR TO COMMENCEMENT OF WORKS

3. Erosion and Sedimentation Control
   Install such measures as are necessary to effectively control soil erosion on the site and prevent silt discharge into drainage systems and waterways in accordance with Council's Policy - Erosion and Sediment Control from Building Sites and “Managing Urban Stormwater – Soils and Construction” (Housing NSW). These controls are to remain in place until the development is completed and/or disturbed areas stabilised. In this regard, warning signs (minimum of two) to promote the awareness of the importance of the maintenance of sediment control techniques have been supplied with this consent. You are required to attach the signs to sedimentation fences with wire ties on the most prominent sediment fence or erosion control device, spaced every 20m, for the duration of the project.

   Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.[11.13]
DURING CONSTRUCTION

4. **Banks**
   All the excavated and filled banks must be suitably retained or stabilised (totally within the site boundaries) as necessary to prevent the movement of soil and in accordance with appropriate professional standards. [11.10]

5. **Hours of Operation – NOISE**
   Construction and demolition work on the site shall only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 8.00am to 5.00pm on Saturdays. No construction or demolition activity on Sundays and Public Holidays if audible at any residential premise or other sensitive noise receptor. [20.01]

**Note:** This approval does not become valid until a formal consent document is issued by Council.

(The Motion on being put was declared **CARRIED**).

**Division**

Councillors Lindsay Brown, Chris Kowal, Alan Morton, Keith Dance, Chris Vardon, Rob Pollock, Allan Brown and Fergus Thomson voted for the Motion.
No Councillors voted against the Motion.
MINUTE NO 11/321

O11/258 DRAFT EUROBODALLA WASTE STRATEGY 2011-2018 E91.2037

11/321 MOTION Councillor Alan Morton/Councillor rob Pollock

THAT:


2. Council call for open tenders in relation to each of the four options for management of municipal waste services as identified in item 6.2 of the draft Eurobodalla Waste Strategy 2011-2018.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/322

O11/259  BUILDING PROFESSIONALS BOARD AUDIT
EUROBODALLA SHIRE COUNCIL  E11.5233

11/322  MOTION Councillor Keith Dance/Councillor Lindsay Brown

THAT the audit undertaken by the Building Professionals Board into the work and activities of Eurobodalla Shire Council as a certifying authority be noted as “presented” to Council in terms of Clause 45(4) of the Building Professionals Act 2005.

(The Motion on being put was declared CARRIED).

At 12.21pm Councillor Rob Pollock left the Chambers with the permission of the Chair.
MINUTE NO 11/323

O11/260  ALCOHOL FREE RESERVE  E95.8171

11/323  MOTION Councillor Chris Vardon/Councillor Alan Morton

THAT:

1. Council endorse the seeking of submissions to the proposal to deem Maloney's Beach an Alcohol Restricted Reserve from 8pm until 8am seven days a week for a period of fourteen days commencing early February 2012.

2. A further report be provided following the conclusion of the consultation period.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/324

O11/261  SUBMISSIONS TO ANNUAL FINANCIAL STATEMENTS  E09.3016

11/324  MOTION Councillor Keith Dance/Councillor Alan Morton

THAT it be noted that no submissions have been received in relation to the Annual Financial Reports or Auditor’s Reports for the year ended 30 June 2011.

(The Motion on being put was declared CARRIED).

At 12.23pm Councillor Rob Pollock returned to the Chambers.
MINUTE NO 11/325

O11/262 INVESTMENTS MADE AS AT 30 NOVEMBER 2011 E99.3517

11/325 MOTION Councillor Keith Dance/Councillor Alan Morton

THAT the certification that the investments as at 30 November 2011 have been made in accordance with the Act, the Regulations and Council’s investment policies, in accordance with the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

(The Motion on being put was declared CARRIED).

At 12.24pm Councillor Allan Brown returned to the Chambers.
MINUTE NO 11/326

O11/263 PUBLIC ART ADVISORY COMMITTEE E06.0405

11/326 MOTION Councillor Chris Kowal/Councillor Lindsay Brown

THAT:

1. Council accept the generous donation of the Bronze Sculpture from Mr Nader and local artist Terry Fuller.

2. The Bronze be initially installed at Russ Martin Park and be relocated to the Showground when they have been redeveloped and public profile further established.

3. Discussion is held with the Moruya Showground Committee to discuss the possible transfer of the Bronze to the Showground in the future.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/327

O11/264 FUNDING FOR ECONOMIC AND SERVICES DEVELOPMENT OFFICER AT WALLAGA LAKE E07.1586

11/327 MOTION Councillor Lindsay Brown/Councillor Allan Brown

THAT:

1. Council enter into a funding agreement with the Department of Education, Employment and Workplace Relations for a total of $150,000 to May 2013.

2. Council employ an Economic and Services Development Officer at Wallaga lake, with performance, duties and key result areas in place that reflect the terms of the agreement.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/328

O11/265  MORUYA TO DEEP CREEK PIPELINE PROGRESS REPORT  E00.4856.PC

11/328  MOTION Councillor Chris Vardon/Councillor Keith Dance

THAT:

1. Council note the progress report of the Moruya to Deep Creek pipeline.

2. Council proceed within the existing approved project budget, expenditure for the procurement and installation of further applicable electrical filtering units, to meet the requirements of Essential Energy, for the satisfactory reduction of Total Harmonic Distortions from the Moruya River water pump site.

(The Motion on being put was declared CARRIED).
MOTION Councillor Keith Dance/Councillor Allan Brown

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee No 04 for 2011/2012 held on 10 November 2011 be received and noted.

2. With regard to Tourist Drives within the Shire:
   a) The removal of Tourist Drive 4 and 6 be noted and the existing signage and promotional materials be amended accordingly;
   b) Council apply to TASAC for Tilba Tilba and Central Tilba to be signposted under the Historic Towns and Villages category;
   c) An audit be carried out of the current signage associated with Tourist Drive 5 and 7 and the promotional materials be revised accordingly;
   d) The relevant information regarding Tourist Drive 5 and 7 be forwarded to TASAC by 24 February 2012.

3. The parking restrictions as shown in Council’s GIS system for Clyde Street, Orient Street, North Street, Perry Street and Flora Crescent in Batemans Bay be warranted subject to the following alterations:
   a) The Bus Zone located in Clyde Street, Batemans Bay adjacent to Bridge Plaza be removed and replaced with half-hour parking operating Monday to Friday 8:30am to 6:00pm and Saturday 8:30am to 12:30pm;
   b) No Stopping restrictions be installed around the corners of the intersection of Flora Crescent and Orient Street, Batemans Bay;
   c) The existing motorcycle parking located in Orient Street, Batemans Bay adjacent to the Bayview Hotel be rearranged in order to provide two additional angle car parking spaces and the associated signage be relocated to suit;
   d) The angle parking spaces in Orient Street, Batemans Bay located directly in front of the Bayview Hotel be rearranged to allow for one additional parking space.
4. With regard to temporary long term parking over the upcoming Christmas Holiday period:
   a) A temporary parking area be provided from 17 December 2011 to 30 January 2012 using the grassed area adjacent to Batemans Bay Swimming Pool;
   b) A 3 hour time limit operating between the hours of 8am and 6pm Monday to Friday and 8am to 1pm Saturday be installed from 17 December 2011 to 30 January 2012 in the parking spaces adjacent to Batemans Bay Swimming Pool;
   c) The Batemans Bay Chamber of Commerce be approached in regard to providing information to the businesses in the CBD on available Christmas holiday long term parking and also encouraging employees to use the bus service;
   d) Enquiries be made into whether the parking area in the new Centrelink complex will be open to the public during the upcoming Christmas holiday period.

5. Plan 5000 Set B Sheet 11 detailing the signage and linemarking treatments at Tallgums Way, at the intersection of Sawmill Road, Surf Beach be approved.

6. Plan 3248 Set D Sheet 21 and 22 detailing the signage associated with the reconstruction of Burri Road, Malua Bay be approved.

7. With regard to Moruya Public School:
   a) The line marking associated with all children’s crossings at Moruya Public School be remarked to the current standard;
   b) The distances associated with the No Stopping restrictions on the approach and departure to each of the children’s crossings at Moruya Public School be adjusted to meet current standards;
   c) Consultation take place with the local bus operators regarding the configuration of the existing bus zones located in Murray Street, Moruya;
   d) The crossing ahead signage be lowered to a height of 2.4 metre on the northbound approach to the children’s crossing in Evans Street, Moruya;
   e) New crossing flags be provided to Moruya Public School on the condition that the school will put them out and take them in as required;
   f) The available on street parking along the eastern side of Evans Street, Moruya from a point 75m south of Campbell Street to the intersection with Murray Street have a 5 minute parking restriction operating Monday to Friday 8:00am to 9:00am and 2:30pm to 3:30pm;
   g) The available on street parking along the eastern side of Evans Street, Moruya between Campbell Street and Murray Street have a 2 hour parking restriction operating Monday to Friday 9:00am to 2:30pm.
8. The Local Traffic Committee meeting dates for 2012 be set as follows:

- Meeting No 05 for 2011/2012: Thursday 9 February 2012
- Meeting No 06 for 2011/2012: Thursday 8 March 2012
- Meeting No 07 for 2011/2012: Thursday 12 April 2012
- Meeting No 08 for 2011/2012: Thursday 10 May 2012
- Meeting No 09 for 2011/2012: Thursday 14 June 2012
- Meeting No 01 for 2012/2013: Thursday 12 July 2012
- Meeting No 02 for 2012/2013: Thursday 9 August 2012
- Meeting No 03 for 2012/2013: Thursday 13 September 2012
- Meeting No 04 for 2012/2013: Thursday 11 October 2012
- Meeting No 05 for 2012/2013: Thursday 8 November 2012.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/330

O11/267 TENDER – CONSTRUCT AND INSTALL HVAC AT MORUYA ADMINISTRATION CENTRE

11/330 MOTION Councillor Keith Dance/Councillor Alan Morton

THAT:

1. Council reject the tender received for the construction and installation of the Heating, Ventilation and Air Conditioning at Eurobodalla Shire Council’s Moruya Administration Centre.


(The Motion on being put was declared CARRIED).
MINUTE NO 11/331

011/268  FEE SUBSIDY FOR PRIMITIVE CAMP GROUNDS 80.0159; 80.0160

11/331  MOTION Councillor Chris Kowal/Councillor Chris Vardon

THAT:

1. A subsidy of 25% of the scheduled fees continue to be made available for those Aboriginal groups with a long term association to the area, for camping at North Head or Mystery Bay primitive campgrounds.

2. The subsidy apply only during December and January each year.

3. Application of the subsidy be reviewed again in October 2014.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/332

O11/269    SEROC – REGIONAL PANEL FOR
TENDER OF LEGAL SERVICES    E10.4139

11/332     MOTION Councillor Lindsay Brown/Councillor Alan Morton

THAT:

1. Council advise SEROC that it supports the process to appoint a Regional Panel for Legal Services and will be a potential user of the Panel.

2. Council authorises SEROC under Section 377 of the Local Government Act 1993 to undertake the tender process on its behalf.

3. Council’s acceptance of any tender recommendation by SEROC will be the subject of a further report.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/333

O11/270       TOURISM REVIEW/STRATEGY - NEW DESTINATION MANAGEMENT PLAN              E11.5138

11/333       MOTION Councillor Rob Pollock/Councillor Allan Brown

THAT:


2. The recommendations contained in the DMP form the basis of an implementation plan to be developed early in 2012.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/334

O11/271  STATECOVER PERFORMANCE REPORT ON COUNCIL’S OH&S AND WORKERS COMPENSATION E01.5520

11/334  MOTION Councillor Alan Morton/Councillor Keith Dance

THAT report O11/271 on Council’s performance in OHS and Workers Compensation as assessed by StateCover for 2011 be received and noted.

(The Motion on being put was declared CARRIED).

The General Manager said that the attention to detail and dedication to this cause was nothing less than remarkable and the efforts of Council staff need to be commended.
MINUTE NO 11/335

O11/272 LICENCE FOR SOUTH COAST BOATING, FISHING AND WATERSPORTS EXPO – MACKAY PARK, BATEMANS BAY E11.5416

11/335 MOTION Councillor Allan Brown/Councillor Chris Kowal

THAT subject to development approval of the South Coast Boating, Fishing and Watersports Expo event, Council as Trust Manager for the Eurobodalla (North) Reserve Trust grant a temporary licence to Bace Events to stage the South Coast Boating, Fishing and Watersports Expo within Crown Reserve 580022, Mackay Park Reserve at Batemans Bay subject to the terms and conditions including:

(a) The licence period be 5 - 14 March 2012 inclusive.

(b) The fee be the greater of $1,500 or 8% of gross ticket sales including GST.

(c) Lodgement of a Security Deposit of $3,000 refundable subject to making good of any damage.

(d) The provision of public liability insurance in accordance with Council policy.

(e) The provision of a traffic management plan acceptable to Council for the event

(f) The provision of suitably qualified persons to render first aid during the event.

(g) The provision of suitably qualified persons to ensure security during the event.

(h) The disposal of all waste brought onto or generated on-site.

(i) No glass receptacles are to be brought onto the reserve.

(j) The erection of any temporary structure is to comply with Part H102 “Temporary Structures” of the Building Code of Australia.

(k) Electricity usage will be based on meter readings before and after the event in accordance with Council’s adopted fees and charges and all electrical leads and equipment should be tagged in accordance with relevant Australian Standards.

(l) Damage to the reserve resulting from the event is to be made good.

(m) Compliance in accordance with the terms of the development consent.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/336

O11/273  LICENCE FOR EUROBODALLA DISTRICT SHOW  E07.1308

11/336  MOTION Councillor Keith Dance/Councillor Allan Brown

THAT:

1. Council as Trust Manager for the Eurobodalla (Central) Reserve Trust grant of a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to Eurobodalla District Show Society Inc to conduct the Eurobodalla District Show within Crown Reserve 580020 being the Moruya Showground commencing 16 January 2012 and terminating 22 January 2012 subject to conditions including:

(a) Payment of a fee in accordance with Council’s adopted fees and charges.

(b) Provision of evidence of public liability insurance cover in the amount of at least $20 million

(c) Conditions generally in line with the previous temporary licence.

2. Council write to the Moruya Showground Management Committee seeking their written agreement to a five year licence to Council as Trust Manager for the Eurobodalla (Central) Reserve Trust to grant a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to Eurobodalla District Show Society Inc to conduct the Eurobodalla District Show within Crown Reserve 580020 being the Moruya Showground commencing 1 January 2013 and terminating 31 January 2017 subject to conditions including:

(a) Payment of a fee in accordance with Council’s adopted fees and charges.

(b) Provision of evidence of public liability insurance cover in the amount of at least $20 million

(c) Conditions generally in line with the previous temporary licence.

(d) The consent of the Minister administering the Crown Lands Act.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/337

O11/274 LICENCE FOR COMMUNITY GARDENS – TUROSS HEAD

11/337 MOTION Councillor Chris Vardon/Councillor Keith Dance

THAT:

1. The intention to grant a five-year licence over Lot 77 DP 260321 for a community garden be granted to Tuross Community Garden Inc be publicly notified in accordance with Section 47A of the Local Government Act 1993.

2. In accordance with Section 47A of the Local Government Act, following receipt of any submissions a further report be presented to Council for consideration.

3. Subject to submissions, a licence over Lot 77 DP 260321 for a community garden be granted to Tuross Community Garden Inc with terms and conditions including:
   (a) Five-year term.
   (b) Rent in accordance with Council’s adopted Fees and Charges.
   (c) Provision of Public Liability Insurance in the amount of $20 million.
   (d) The licensee being responsible for ensuring that all activities are undertaken in accordance with the Work Health & safety Act 2011.
   (e) No fixed structures to be erected without the consent of the licensor.
   (f) Conditions generally in accordance with Council’s Community Gardens Policy.

4. The General Manager be given delegated authority to determine the granting of consent for the erection of any fixed structures not requiring Development Consent.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/338

O11/275 LICENCE FOR FOOTPATH TRADING - BATEHAVEN

11/338 MOTION Councillor Allan Brown/Councillor Keith Dance

THAT:

1. An exemption to Council’s Footpath Trading Code be made to permit the trade zone adjacent to 268 Beach Road, Batehaven to be adjacent to the property boundary.

2. A licence be granted to the proprietor of the Crumb Bake-tisserie adjacent to Lot 105 DP 613233, Beach Road, Batehaven with terms and conditions including:

(a) A three-year term.
(b) Rent in accordance with Council’s adopted fees and charges.
(c) Provision of public liability insurance in the amount of $20 million.
(d) Compliance with the Operator’s responsibilities set out in Council’s Footpath Trading Code
(e) Compliance with Council’s Smoke Free Outdoor Areas Policy

(The Motion on being put was declared CARRIED).

At 1.05pm Councillor Chris Kowal left the Chambers with the permission of the Chair.
MINUTE NO 11/339

O11/276  STATUS REPORT PONTOONS - MORUYA TOWN WHARF, HANGING  E85.2305;
ROCK BOAT RAMP AND LIONS PARK, BATEMAN'S BAY  E06.0095; 02.6729

11/339  MOTION Councilor Keith Dance/Councilor Lindsay Brown

THAT:

1. The Status Report on the pontoons at Moruya Town Wharf, Hanging Rock Boat Ramp and Lions Park, Batemans Bay be received and noted.

2. Minor works be undertaken at Lions Park to improve useability with remaining council funds moved to the Hanging Rock Boat Ramp project.

3. Council seek additional funding from Roads and Maritime Services under the Better Boating Program and use matching funding from budget savings to enable the Moruya Town Wharf and Hanging Rock Boat Ramp projects to be completed.

4. The additional Council funds required for the project be identified as part of the December quarterly review.

5. Council continue to hold discussions with Roads and Maritime Services with respect to the location of the particular ramp and wharf that they refer to in their letter being the pump out facility for the Clyde River boats.

(The Motion on being put was declared CARRIED).

At 1.08pm Councilor Chris Kowal returned to the Chambers.
MINUTE NO 11/340

O11/277 2011 NATIONAL ROADS AND TRANSPORT CONGRESS E91.3255

11/340 MOTION Councillor Allan Brown/Councillor Alan Morton

THAT the Councillor Allan Brown’s delegate’s report O11/277 2011 National Roads and Transport Congress be received and noted.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/341

O11/278 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS 2011 E91.3255

11/341 MOTION Councillor Alan Morton/Councillor Lindsay Brown

THAT:

1. Councillor Alan Morton’s delegate’s report on the National Local Roads and Transport Congress 2011 be received and noted.

2. Council write to the following advising of Council’s support for the matters outlined in the National Roads Congress Communiqué:

- Prime Minister
- Minister for Infrastructure and Transport
- Leader of the Opposition
- Opposition Spokesperson for Transport
- NSW State Premier
- NSW Minister for Transport
- NSW Minister for Roads and Ports
- The Hon Dr Mike Kelly AM MP Member for Eden Monaro
- The Hon Andrew Constance MP.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/342

O11/279 AUSTRALIA DAY 2011 - JEFF BRITTEN AWARD FOR THE PURSUIT OF EXCELLENCE E90.1601

11/342 MOTION Councillor Chris Vardon/Councillor Alan Morton

THAT the nomination for the Jeff Britten Award for the Pursuit of Excellence be forwarded to a member of the Britten family for endorsement

(The Motion on being put was declared CARRIED).
MINUTE NO 11/343

O11/280  AUSTRALIA DAY AWARDS  E11.5050

11/343  MOTION Councillor Chris Vardon/Councillor Lindsay Brown

THAT:

1. Council adopt the Australia Day selection panel’s determinations for the following Australia Day Awards:
   
   a) Citizen of the Year Award
   b) Young Citizen of the Year Award
   c) Achievement Award
   d) Sports Achievement Award
   e) Community Event of the Year Award

2. The name of the Citizen of the Year and Young Citizen of the Year remain embargoed until announced at the ceremony on 25 January 2012;

3. The names of the Achievement Award, Sports Achievement Award and Community Event of the Year recipients remain embargoed until announced in the press in the week prior to Australia Day 2012.

(The Motion on being put was declared CARRIED).
QUESTIONS/URGENT BUSINESS

(Minutes of Questions/Urgent Business from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

QN11/52 E11.5041; E84.0987; 93.5855.B; 93.5855.D

Councillor Allan Brown asked for an update regarding the progress of the amenities block at the Moruya Showground.

Divisional Manager, Engineering Services, advised work was progressing well with a considerable amount of volunteer support.
Councillor Allan Brown advised there have been a lot of accidents at the right turns at Beach Road and Country Club Drive, Batemans Bay and asked what could be done from Council’s point of view to solve the problem.

Director, Infrastructure Services, advised the matter will be referred to the Local Traffic Committee for review.
The Mayor accepted the following Motion as a matter of urgency.

**MINUTE 11/344**

**MATTER OF URGENCY**

11/344  **MOTION** Councillor Chris Vardon/Councillor Allan Brown

THAT discussions be held between Essential Energy, Eurobodalla Shire Council and Mr J Madden and other potentially affected residents to ascertain if there is a better solution to the placement of the power pole near 28 Nelson Parade, Tuross Head which may lessen the impact on that property.

(This Motion on being put was declared **CARRIED**).
QUESTIONS/URGENT BUSINESS

(Minutes of Questions/Urgent Business from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

QN11/54  E11.5041; E98.2414

Councillor Alan Morton asked if the Batemans Bay Pool had been fixed.

Director, Infrastructure Services, advised the pool had been fixed and had been reopened to the public.
QUESTIONS/URGENT BUSINESS
(Minutes of Questions/Urgent Business from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

QN11/55  
E11.5041; E96.0044

Councillor Chris Kowal referred to letters sent by the public to Councillors via the Councillors’ Newsletter and advised that considerable time elapses before they are placed on Onehub. Letters should be provided to Councillors as soon as possible.

Director, Organisation Support Services, took the question on notice.
QUESTIONS/URGENT BUSINESS

(Minutes of Questions/Urgent Business from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

QN11/56

E11.5041; E10.4422

Councillor Chris Kowal referred to the memorandum sent to Councillors regarding Dargues Reef appeal and asked why Councillors were not given the opportunity to approve negotiations on this matter.

General Manager advised he had been given delegated authority in regard to the Dargues Reef appeal.

At 1.33 pm the Ordinary Meeting of Council adjourned.

At 2.29 pm the Ordinary Meeting of Council resumed.
CLOSED SESSION TO CONSIDER CONFIDENTIAL MATTERS

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

O11/281 EXECUTION OF A LIQUID TRADE WASTE SERVICES AGREEMENT 96.0158

This report is classified Confidential under Section 10A(2) (a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(a) personal matters concerning particular individuals (other than councillors).

O11/282 TENDERS FOR THE PROVISION OF CAMPGROUND CARETAKING SERVICES AT DALMENY AND MYSTERY BAY 80.1566, 80.016

This report is classified Confidential under Section 10A(2) (d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(d) commercial information of a confidential nature that would, if disclosed;
   (i) prejudice the commercial position of the person who supplied it.

O11/283 ACQUISITION OF LAND FOR CARPARKING – BATEMANS BAY 95.8108.B

This report is classified Confidential under Section 10A(2) (d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(d) commercial information of a confidential nature that would, if disclosed;
   (i) prejudice the commercial position of the person who supplied it.

It be noted that there were no public verbal representations on whether the meeting should be closed to consider the items.
MINUTE NO 11/345

11/345  MOTION Councillor Keith Dance/Councillor Chris Vardon

THAT due to the nature of the matters before Council, in accordance with Section 10A(2) of the Local Government Act 1993, Council exclude members of the public from the meeting and go into Closed Session to consider the following confidential matters.

CONFIDENTIAL REPORTS

O11/281 EXECUTION OF A LIQUID TRADE WASTE SERVICES AGREEMENT 96.0158

This report is classified Confidential under Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(a) personal matters concerning particular individuals (other than councillors).

O11/282 TENDERS FOR THE PROVISION OF CAMPGROUND
CARETAKING SERVICES AT DALMENY AND MYSTERY BAY 80.1566, 80.016

This report is classified Confidential under Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(d) commercial information of a confidential nature that would, if disclosed;
   (i) prejudice the commercial position of the person who supplied it.

O11/283 ACQUISITION OF LAND FOR CARPARKING – BATEMANS BAY 95.8108.B

This report is classified Confidential under Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(d) commercial information of a confidential nature that would, if disclosed;
   (i) prejudice the commercial position of the person who supplied it.
Discussion of the material would be contrary to the public interest for reasons relating to one or more of the matters prescribed by the Local Government Act 1993 Section 10A(2)(a-h).

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

(The Motion on being put was declared CARRIED).

At 2.30pm the Ordinary Meeting of Council moved into Closed Session.
At 2.44pm the Ordinary Meeting of Council resumed.
The General Manager advised the following recommendations were declared carried in Closed Session.

O11/281 EXECUTION OF A LIQUID TRADE WASTE SERVICES AGREEMENT

THAT the authority be given to affix the Common Seal of Council to the Liquid Trade Waste services agreement with Darren and Meredith Williams.

O11/282 TENDERS FOR THE PROVISION OF CAMPGROUND CARETAKING SERVICES AT DALMENY AND MYSTERY BAY

THAT:

1. Council decline all tenders received for the provision of caretaking services for Dalmeny and Mystery Bay primitive camp grounds on the basis that improved commercial terms are sought above those offered.
2. Council formally propose the revised base and incentive commissions to Dalmeny Yard Worx.
3. The General Manager be delegated authority to enter into new contracts for caretaking services at Dalmeny and Mystery Bay camping grounds with Dalmeny Yard Worx based on those commissions.
4. The contracts to expire on 30 June 2014.

O11/283 ACQUISITION OF LAND FOR CARPARKING – BATEMANS BAY

THAT:

1. Council proceed with the acquisition of Lot 25 Section 4 DP 758064 for the amount set out in report titled O11/283 Acquisition of Land for Carparking – Batemans Bay.
2. The purchase be funded from Section 94 Carparking Contributions –Batemans Bay.
3. Consent be given to affix the Common Seal of Council to the Contract and Transfer associated with the purchase of Lot 25 Section 4 DP 758064.
4. Public notice be given of Council’s intention to resolve: “THAT Lot 25 Section 4 DP 758064 Orient Street, Batemans Bay be acquired as operational land”.
5. A period of 28 days be given for members of the public to make submissions.
6. A further report be presented following the advertising period.

THE MEETING CLOSED AT 2.48 PM

_________________________
CHAIRPERSON
Chairperson of the Ordinary Meeting of Council held on 28 February 2012 at which meeting the signature hereon was subscribed.