MINUTES OF THE ORDINARY MEETING OF COUNCIL  
HELD ON TUESDAY 22 FEBRUARY 2011  
COMMENCING AT 10.00AM

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

Staff:  Mr P J Anderson, General Manager  
Mr L Usher, Director, Strategic, Development and  
   Environmental Services  
Mr W Sharpe, Director, Roads and Recreation  
Ms C Enders, Director, Commercial and Corporate  
Mr P McLaughlin, Director, Community Wellbeing  
Ms A Jones, Acting Director, Water and Waste  
Mr M Craighead, Executive Manager, Finance  
Ms B Nicholson, Minute Secretary

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

MINUTE NO 11/01

APOLOGY AND LEAVE OF ABSENCE

11/01  MOTION Councillor Chris Vardon/Councillor Alan Morton

THAT an apology be received from Councillor Allan Brown and leave of absence be granted.

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

PF11/01

Mr J de Jager addressed Council regarding the minutes of the Ordinary Meeting held on 21 December 2010. He referred to QN10/71 and said that Council in general, and Ms Nicholson in particular, are to be congratulated for the professional, accurate and complete minuting of some of the important issues raised at this meeting and also for the promptness of the minutes being made available on the ESC website. Mr de Jager recommended that Councillors consider implementing a policy to have such detailed recording in the minutes of all Council meetings. He then referred to Minute 10/310 and asked if the letter was sent, if a reply had been received and if so, would the contents be made public at a meeting of Council.

Mayor advised letters were exchanged and the matter with Lithgow Council is ongoing. There are some matters involving the Code of Conduct and some of these may remain confidential.

Councillor Alan Morton asked if a copy of the letter, as well as other information, had been sent to ICAC?

General Manager advised the letter that was sent to Lithgow Council was not sent to ICAC but the information that Council had was sent to the ICAC and a response had been received.
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.)

PF11/02

Mr P Simms addressed Council regarding Report O11/07 Development Application No. 303/11 – Malua Bay and said he objected to approval of this application and urged Councillors to vote against it. He said the reasons for non approval of the development application were the production of a biased valuation, non transparency in this matter and the land not being offered to the general public.

Mayor advised Mr Simms that the valuation did not have any relevance to the matter.
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.)

PF11/03

Mr M Bannon addressed Council Report O11/07 Development Application No. 303/11 – Malua Bay and said the whole process had been very poorly dealt with. He said if the contract is subject to development application approval Council, after community consultation, could simply say they have listened to the wishes of the community and they do not believe the development application should be approved. Mr Bannon said he believed the land was being sold for less than half price and asked if Council would disclose the valuation and the sale price on the exchanged contract.

Mayor advised these issues would be discussed as part of the debate on the matter.

MINUTE NO 11/02

EXTENSION OF TIME

11/02  MOTION Councillor Rob Pollock/Councillor Graham Scobie

THAT Mr Bannon be granted a further three minutes to conclude his comments in public forum.

(The Motion on being put was declared CARRIED).

Mr Bannon said this whole process has lacked transparency. He said owners of clifftop land would go to Council and the Land Tax Office to seek a reduction in their rates and land tax and that Councillors should think very hard about the sale proceeding on the basis of a reasonable market value.
Mr G Corra addressed Council regarding Report O11/06 Sale of Classified Land – Tallawang Avenue, Malua Bay and said he purchased his block, next to a public reserve, in April 2009. The 149 Certificate, issued by Council on 19 June 2008, did not indicate any planned rezoning for the public reserve. He stated investigation into the proposal revealed a number of inconsistencies – the sale of the land being made under a Council resolution indicated the land should be sold as a separate lot – being under 450m$^2$ this should not have been possible. The has raised many concerns within the community regarding the process.

MINUTE NO 11/03

EXTENSION OF TIME

11/03 MOTION Councillor Graham Scobie/Councillor Chris Kowal

THAT Mr Corra be granted a further three minutes to conclude his comments in public forum.

(The Motion on being put was declared CARRIED).

Mr Corra referred to the report which stated the only option was to sell the land to the owner of 55 Tallawang Avenue, when in fact there were other options available to Council. These would be to: offer half of the land to the owner of No. 55 and half to the owner of No. 57A Tallawang Avenue; draw the access to the public reserve on the boundary of No. 55 and offer the remaining land to the owner of No. 57A; or reject the proposal to sell the land on the basis that it could not be sold as a separate lot as per the resolution. Mr Corra urged Councillors to reject the current proposal and reconsider the options again.

Councillor Alan Morton asked if Council had a responsibility to advise purchasers via Section 149 Certificates of pending sales or development on adjoining Council properties.

Director, Strategic, Development and Environmental Services, advised that Section 149 Certificates only relate to a particular property and do not contain information to any adjoining property.

Director, Commercial and Corporate, advised Councillors the latest resolution to sell the land acknowledging the reclassified land from reserve to operational land was made in 2008. The public consultation process commenced in 2006 and was finalised in 2007 regarding the reclassification and this information is all available on public record.
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.)

PF11/05  E11.5042; 80.0163

Mr G Ward addressed Council regarding Reports O11/23 Lease for Tuross Beach Holiday Park and O11/24 Erosion Arrest Works to Tuross Beach Holiday Park and stated the lessees had been trying to secure a new lease from Council for 3 ½ years. He said some of the conditions contained in the recommendation in Item O11/23 would have a significant financial impact and were not in the instructions to the valuer. These conditions were not mentioned to the lessees before being put to Council. Mr Ward said the lessees objected to conditions 5(e), 5(f), 5(g) and 5(h) and asked Councillors to approve the lease without these conditions.

Councillor Alan Morton said he understood that when the rockwall was being built to save the caravan park or part thereof from going under due to storm erosion that $200,000 was going to be paid. It still has not been paid. That was a cost to the ratepayer, the ratepayer wants to see a benefit and wants to see a return on their investment. Do you think it is fair that money comes out of people's rates. There was an agreement made by the previous general manager and it should be adhered to.

Director, Commercial and Corporate, stated the $200,000 was part of a proposal put to the previous General Manager and this was declined by Council. Ms Enders advised the cost of construction of the rockwall is $300,000.

Mr Ward said the lessees would go ahead and comply fully with the agreement reached with the previous General Manager and that agreement was for lessees to pay $200,000 for the rockwall in return for a new lease of 40 year duration.

Mayor referred to a meeting with the Deputy Mayor and Mr Ward and said the matter had now moved forward and previous discussions were not relevant.

Councillor Chris Kowal advised there was some level of onus on the caravan park owner to protect their assets (cabins) and they were going to come to the party to protect their own assets as well as that cost being shared by Council.
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.)

PF11/06

Mr B Thurbon addressed Council regarding Report O11/33 Crown Road Closure Applications and said he objected to part of the road closure at Moruya Heads. He advised there are increasing numbers of walkers who regularly exercise around Moruya Heads on the shared path. Item 1 allows and completes another circuit as it links Hazel Road with Congo Road. Mr Thurbon asked Council to consider keeping the small track available for public access.
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.)

PF11/07 E11.5042; E09.3092

Ms M Baker addressed Council regarding Report O11/16 Coastal Management Advisory Committee and asked Councillors to retain the category of conservation representative in the restructure and for preference to be given to applicants, who were active members of the disbanded estuary committees, when they considered the 5 new community positions proposed for the Coastal Management Advisory Committee.

At 10.45am the Ordinary Meeting of Council adjourned.
At 11.25am the Ordinary Meeting of Council resumed.
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.)

PF11/08

Ms L Pacey addressed Council regarding Report O11/13 Arts and Cultural Services and advised the Narooma School of Arts supported the recommendation contained within this report. Ms Pacey gave an outline of what the Narooma School of Arts undertakes in the community and their proposal for Stage 1 – wet/dry workshop spaces, extra parking, small modifications to the cinema.
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.)

PF11/09

Mr P Bernard addressed Council regarding PF11/34 Question on Notice from Public and said he was referring to the accumulated cost of all financial advice since Council’s policy to make investments in CDO’s and managed funds etc, particularly since the investment of $10m with Grange securities. Mr Bernard suggested the General Manager contact the owner of SCRAPL and seek a release. He also asked if Councillors were aware of comments made by the author of the Cole Report on Investments, “Councillors have ignored their ‘fiduciary responsibilities’”?

Executive Manager, Finance, advised Council approached SCRAPL again but were not given consent to release the information. Mr Craighead asked Mr Bernard to supply him with any contact information he may have relating to obtaining a release. The other issue is in respect of an investment Council holds through NSW Treasury Corp which is not a straight bank deposit. It is authorised under the current Ministerial order, is managed by NSW State Government Treasury and is a long term investment. This has been scrutinised by Council’s Audit Committee, included in a publicly exhibited policy and information has been supplied to Councillors via monthly investment reports. Mr Craighead asked Mr Bernard if that answered all his questions to which Mr Bernard said, yes thankyou for answering all my questions.
CONFIRMATION OF MINUTES

**MOTION**  Councillor Chris Vardon/Councillor Chris Kowal

THAT the minutes of the Ordinary Meeting of Council held on 21 December 2011 be deferred pending discussion and clarification regarding the apparent change in format and content of such minutes.

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

**MINUTE NO 11/04**

CONFIRMATION OF MINUTES

**11/04  MOTION**  Councillor Alan Morton/Councillor Lindsay Brown

THAT the minutes of the Ordinary Meeting of Council held on 21 December 2011 be confirmed.

(The Motion on being put was declared **CARRIED**. Councillor Chris Kowal voted against the Motion).

DECLARATIONS OF INTEREST ON MATTERS ON THE AGENDA

**E10.4222; E99.3517**

Councillor Graham Scobie declared a pecuniary conflict of interest in O11/09 Finance and Services Committee Meeting held on 8 February 2011.

**Reason:**  Councillor Graham Scobie’s wife is an Executive employee of the Commonwealth Bank in Moruya and Council has investments with the Commonwealth Bank.

**E99.3517**

Councillor Graham Scobie declared a pecuniary conflict of interest in O11/12 Investments made as at 31 January 2011.

**Reason:**  Councillor Graham Scobie’s wife is an Executive employee of the Commonwealth Bank in Moruya and Council has investments with the Commonwealth Bank.

**E06.0208**

Councillor Graham Scobie declared a pecuniary conflict of interest in O11/28 Tilba Easter Festival – Consent to Conduct Event.

**Reason:**  Councillor Graham Scobie’s business has engaged Milo the Clown for the festival.

**E89.2882**

Councillor Chris Kowal declared a non pecuniary conflict of interest in O11/27 Batemans Bay Rotary Driver Education Event Moruya Racecourse.

**Reason:**  Councillor Chris Kowal advised he is a member of Moruya Rotary and will be remaining in the Council Chambers for the discussion and voting on the matter.
MINUTE NO 11/05

O11/01 APPROVAL FOR PURCHASE OF MATERIALS FOR AMBULANCE STATION – SURF BEACH 09.3508

11/05 MOTION Councillor Fergus Thomson

THAT Council endorse the use of the Mayor’s Executive Power under Section 226 of the Local Government Act to order materials to the value of $100,000 being for the construction of services to the site to enable the sale of the land to be completed in the first half of 2011.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/06

O11/36 SOUTH EAST REGIONAL ORGANISATION OF COUNCILS
INCORPORATION OF SERRROC E06.0245; E10.4139

11/06 MOTION Councillor Fergus Thomson

THAT Council gives its agreement in principle to the South East Resource Recovery Regional Organisation of Councils (SERRROC) becoming a sub-committee of the South East Regional Organisation of Councils (SEROC) on the basis that there is no legal impediment to this transfer and that the original objectives and purpose of SERRROC is not diminished in any way.

(The Motion on being put was declared CARRIED. Councillor Graham Scobie voted against the Motion).
MINUTE NO 11/07

O11/37  REVIEW OF HUMAN RESOURCES   E10.4402

11/07  MOTION Councillor Fergus Thomson

THAT:


2. Council consider the General Manager’s report on the Human Resources Review as a matter of urgency.

(The Motion on being put was declared CARRIED. Councillor Chris Kowal voted against the Motion).
MINUTE NO 11/08

O11/39  LGSA NSW ELECTION PRIORITIES 2011  E85.2814

11/08  MOTION Councillor Fergus Thomson

THAT Eurobodalla Shire Council:

1. Support the Local Government and Shires Associations’ *NSW Election Priorities 2011* to seek an official response from all political parties contesting the 2011 NSW Election;

2. Participate in the LGSA’s media campaign during the lead up to the 2011 NSW Election by contacting our local member and all local candidates seeking their response to the LGSA’s *NSW Election Priorities 2011*.

(The Motion on being put was declared **CARRIED**).
MINUTE NO 11/09

O11/02 UNDERSTANDING COUNCIL’S MANAGEMENT PLAN AND ASSOCIATED BUDGET MATTERS E00.4623; E11.5029

11/09 MOTION Councillor Lindsay Brown/Councillor Keith Dance

THAT Council:

1. Conduct a workshop to discuss, educate and assist in the understanding of Council’s Plan of Management and associated budgetary matters which Councillors must consider in interpreting Council’s financial documents.

2. Obtain a proposal/s from the Council’s external auditors, or similar qualified party, to present to the workshop.

3. Recoup the cost of such a workshop from the allocation for Councillors’ Education and Self Improvement.

(The Motion on being put was declared CARRIED).
O11/03  PROTECTION OF SHIRE’S WATER CATCHMENTS 
AND POTABLE WATER INFRASTRUCTURE  E00.4623; E04.8145

MOTION  Councillor Chris Kowal/Councillor Graham Scobie

THAT Council write to the Premier and the Leader of the Opposition seeking assurance the 
waters of our three major systems and the Shire's new potable water infrastructure will be 
protected from any logging activities conducted by Forests NSW.

(The Motion on being put was declared **LOST**.
The Mayor used his casting vote to vote against the Motion).
MINUTE NO 11/11

O11/04  EXTERNAL REVIEW OF COUNCIL  E00.4623; E10.4029.F

11/11  MOTION  Councillor Graham Scobie/Councillor Chris Kowal

THAT:

1. Council seek three quotes, from appropriate organisations, to undertake a full External Review of Council.

2. The Terms of Reference of such a Review be determined by the Councillors, in conjunction with the community of ratepayers and residents.

(The Motion on being put was declared CARRIED.
The Mayor used his casting vote to vote for the Motion).
MINUTE NO 11/12

O11/05  REMOVAL OF TREES ON COUNCIL RESERVE    E00.4623; E98.2461

11/12  MOTION Councillor Chris Vardon/Councillor Rob Pollock

THAT the Motion adopted at the Finance and Services Committee meeting on Tuesday 8 February 2011 in relation to report NM11/01 Removal of Trees on Council Reserve, be rescinded.

(The Motion on being put was declared CARRIED).

MINUTE NO 11/13

O11/05  REMOVAL OF TREES ON COUNCIL RESERVE    E00.4623; E98.2461

11/13  MOTION Councillor Chris Vardon/Councillor Rob Pollock

THAT:

1. The reclassification and rezoning of Lot 9 DP774356 John Oxley Crescent, Sunshine Bay from community land zoned as open space to operational land zoned as residential to be considered in conjunction with other identified reserves.

2. The eight trees agreed to be removed from this reserve be done at Council cost dependent upon:

   (a) an agreement between the adjoining affected landowner to repay the cost if the ratepayer’s property is sold prior to reclassification of Lot 9 DP774356 John Oxley Crescent, Sunshine Bay;

   (b) in the event that Lot 9 DP774356 John Oxley Crescent, Sunshine Bay is reclassified to operational, Council agree to recoup the cost of the tree removal from the land development fund and the agreement as in (a) be extinguished.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/14

SUSPENSION OF STANDING ORDERS

11/14 MOTION Councillor Rob Pollock/Councillor Lindsay Brown

THAT the Ordinary Meeting of Council suspend standing orders to allow the alteration of the order of business with regard to the hearing consideration of the following reports:

1. O11/16 Coastal Management Advisory Committee
2. O11/23 Lease for Tuross Beach Holiday Park
3. O11/24 Erosion Arrest Works to Tuross Beach Holiday Park
4. O11/33 Crown Road Closure Applications

and discussion on these reports take place after Report O11/06 Sale of Classified Land (Tallawang Avenue, Malua Bay).

(The Motion on being put was declared CARRIED).

ORDER OF BUSINESS

MOTION Councillor Graham Scobie/Councillor Chris Kowal

THAT Report O11/07 Development Application No. 303/11 – Malua Bay – Boundary Adjustment be heard before Report O11/06 Sale of Classified Land (Tallawang Avenue, Malua Bay).

(The Motion on being put was declared LOST).
MINUTE NO 11/15

SUSPENSION OF STANDING ORDERS

11/15  MOTION Councillor Rob Pollock/Councillor Keith Dance

THAT the Ordinary Meeting of Council suspend standing orders to allow the alteration of the order of business by deferring Questions on Notice from the Public and Questions on Notice from Councillors until later in the meeting, with the exception of 3913.11; 38914.11.

(The Motion on being put was declared CARRIED).

3913.11
3914.11  QUESTIONS ON NOTICE FROM COUNCILLOR  E09.3157; E11.5041

MOTION Councillor Keith Dance/Councillor Rob Pollock

THAT Question 3913.11 and 3914.11 regarding Coastal Wattle raised by Councillor Allan Brown via email on 23 January 2011 be deferred for a more detailed response.

(The Motion on being put was declared LOST. The Mayor used his casting vote to vote against the Motion).

MINUTE NO 11/16

3913.11
3914.11  QUESTIONS ON NOTICE FROM COUNCILLOR  E09.3157; E11.5041

11/16  MOTION Councillor Alan Morton/Councillor Rob Pollock

THAT the response to question 3913.11 and 3914.11 regarding Coastal Wattle raised by Councillor Allan Brown via email on 23 January 2011 be received and noted.

(The Motion on being put was declared CARRIED).
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY 22 FEBRUARY 2011

MINUTE NO 11/17

O11/06 SALE OF RECLASSIFIED LAND
(TALLAWANG AVENUE MALUA BAY) E10.4509

11/17 MOTION Councillor Chris Vardon/Councillor Chris Kowal

THAT Report O11/06 Sale of Reclassified Land (Tallawang Avenue, Malua Bay) be deferred pending further legal advice.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/18

O11/07 DEVELOPMENT APPLICATION NO: 303/11 - MALUA BAY
BOUNDARY ADJUSTMENT 81.2057.S & 10.4444.S

Applicant: Eurobodalla Shire Council
Land: Lot 10 & 11, DP 22787 Tallawang Avenue Malua Bay
Area: 383sqm
Floor Space Ratio: n/a
Setbacks: n/a
Height: n/a
Zone: 2g Residential - General - Urban LEP 1999
Current Use: Vacant and single residence
Proposed Use: Residential
Description: Boundary adjustment to permit the sale of Council owned land to the adjoining property owner.
Permitted in Zone: Yes, with the consent of Council
DA Registered: 27 October 2010
Reason to F&S: Council owned property.
Recommendation: APPROVAL

11/18 MOTION Councillor Chris Vardon/Councillor Rob Pollock

THAT Report O11/07 Development Application No. 30/11 – Malua Bay – Boundary Adjustment be deferred pending the outcome of a further report with respect to Report O11/06 Sale of Reclassified Land (Tallawang Avenue, Malua Bay).

(The Motion on being put was declared CARRIED).

Division

Councillors Chris Kowal, Graham Scobie, Keith Dance, Lindsay Brown, Alan Morton, Chris Vardon, Rob Pollock and Fergus Thomson voted for the Motion.
No Councillors voted against the Motion.
MINUTE NO 11/19

O11/16 COASTAL MANAGEMENT ADVISORY COMMITTEE E09.3092

11/19 MOTION Councillor Lindsay Brown/Councillor Alan Morton

THAT:

1. Council consult with the Coastal Management Advisory Committee on the proposed restructure as required by the adopted Coastal Management Advisory Committee – Committee Guidelines.

2. A report be forwarded to Council outlining the outcomes of the consultation and matters raised during the discussion.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/20

O11/23 LEASE FOR TUROSS BEACH HOLIDAY PARK 80.0163

11/20 MOTION Councillor Rob Pollock/Councillor Alan Morton

THAT:

1. The Lease for Tuross Beach Holiday Park over Lots C, D and E DP 25239 and Lots 2 and 3 DP 869944 be deferred pending further report on the matters below.

2. Council negotiate with the Land and Property Management Authority to purchase Lot 3 DP 869944 and upon acquisition the land be classified as operational land.

3. Delegated authority be given to the General Manager to negotiate with the Land and Property Management Authority the acquisition of the land known as Lot 3 DP 869944.

4. A further report be presented to Council with respect to the acquisition, valuation and price to be offered.

(The Motion on being put was declared CARRIED.
Councillor Chris Kowal voted against the Motion).

At 1.00pm the Ordinary Meeting of Council adjourned.
At 1.51pm the Ordinary Meeting of Council resumed.
MINUTE NO 11/21

O11/24 EROSION ARREST WORKS TO TUROSS BEACH HOLIDAY PARK  80.0163

11/21  MOTION Councillor Rob Pollock/Councillor Lindsay Brown

THAT:

1. Funding for the amount of up to $80,000 be allocated for the design and construction of works to halt and restore the erosion of land within Lot 2 DP 869944.

2. The processes required for survey, design and approval be undertaken and immediate protection measures be applied to the exposed embankment.

(The Motion on being put was declared CARRIED.
Councillor Chris Kowal voted against the Motion).
MINUTE NO 11/22

O11/33  CROWN ROAD CLOSURE APPLICATIONS  05.9446

11/22  MOTION Councillor Chris Kowal/Councillor Rob Pollock

THAT:

1. Objections be raised with the Land and Property Management Authority to the closure of the following roads:
   
   (a) That part of the Crown road at Tilba running north-west between Lot 7 DP 775960 and Lot 15 DP 816889 as part of it may be required for future road realignment and upgrading.

2. The Land and Property Management Authority be advised that Council has no objections to the closure of the following roads:

   (a) The Council road at Moruya adjacent to the eastern boundary of Lot 314 DP 752151 and the Crown road and the Crown road adjacent to the western boundaries of Lot 229 DP 752151, Lot 6 DP 1114804 and Lot 11 DP 858343 subject to:

      (i) the creation of an easement for water supply 20.115 wide in favour of Council and
      (ii) a restriction on user preventing the planting of trees within the easement.

   (b) The Crown road at Moruya adjacent to the north-eastern boundary of Lot 1 DP 574581 subject to:

      (i) the creation of an easement for access 20.115 wide in favour of the properties fronting that road and
      (ii) the creation of an easement for water supply 20.115 wide in favour of Council.

   (c) The Crown road at Moruya adjacent to the southern boundaries of Lot 2 DP 789157, Lot 2 DP 876767, Lots 233 and 314 DP 752151.

   (d) The Crown road at Moruya adjacent to the eastern boundary of Lot 3 DP 1059076.

   (e) The Crown road at Moruya adjacent to the eastern boundary of Lot 233 DP 752151.

   (f) The Crown road at Moruya running from south-west corner of Lot 1 DP 574581 to the south-eastern corner of Lot 229 DP 752151.
(g) The Council road at Moruya running from the north-west corner of Lot 6 DP 1145559 to the south-east corner of Lot 10 DP 752129.

(h) The Council road at Moruya adjacent to the eastern boundaries of Lots 10 and 31 DP 752129.

(i) The Crown roads at Bodalla within Lot 2 DP 1076553.

(j) The Crown road at Bodalla adjacent to the north-west boundary of Lot 1 DP 1076553.

(n) The Crown road at Corunna within Lot 18 DP 816889.

(o) That part of the Crown road at Corunna running north-east between Lot 7 DP 775960 and Lot 15 DP 816889 to the southern boundary of Lot 18 DP 816889 subject to easements for access in favour of those properties fronting that road.

3. Staff provide a further report on the proposed closure of the Crown Roads at Moruya Heads including maintenance and preservation of current walking tracks between Congo and Hazel Roads.

(The Motion on being put was declared CARRIED).

MINUTE NO 11/23

REINSTATE STANDING ORDERS

11/23 MOTION Councillor Lindsay Brown/Councillor Alan Morton

THAT the Ordinary Meeting of Council reinstate standing orders.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/24

PF10/33 QUESTION ON NOTICE FROM PUBLIC E11.5042; E10.4493; E91.2002

11/24 MOTION Councillor Chris Vardon/Councillor Lindsay Brown

THAT the response to question PF10/33 regarding water issues raised by Mr P Bernard at the Ordinary Meeting of Council held on 23 November 2010 be received and noted

(The Motion on being put was declared CARRIED).
MINUTE NO 11/25

PF10/34  QUESTION ON NOTICE FROM PUBLIC  E11.5042; E10.4493; E99.3517

11/25  MOTION Councillor Chris Vardon/Councillor Lindsay Brown

THAT the response to question PF10/34 regarding investments raised by Mr P Bernard at the Ordinary Meeting of Council held on 23 November 2010 be received and noted.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/26

50635.10 QUESTIONS ON NOTICE FROM COUNCILLOR E11.5041; E95.9284

11/26 MOTION Councillor Chris Vardon/Councillor Alan Morton

THAT the response to question 50635.10 regarding trees and electricity raised by Councillor Allan Brown on 9 September 2010 be received and noted.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/27

QN10/52 QUESTION ON NOTICE FROM COUNCILLOR E11.5041; E85.2973

11/27 MOTION Councillor Chris Vardon/Councillor Alan Morton

THAT the response to question QN10/52 regarding Shire wide quarterly newsletters submitted by Councillor Allan Brown at the Ordinary Meeting of Council held on 19 October 2010 be received and noted.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/28

70850.10 QUESTION ON NOTICE FROM COUNCILLOR E11.5041; E80.1456
70851.10

11/28 MOTION Councillor Chris Vardon/Councillor Alan Morton

THAT the response to question 70850.10 and 70851.10 regarding fortnightly pays for Council staff raised by Councillor Graham Scobie via email on 17 December 2010 be received and noted.

(The Motion on being put was declared CARRIED).
O11/08 CHANGE OF MEETING DATES  E04.8769

11/29 MOTION Councillor Chris Vardon/Councillor Graham Scobie

THAT:

1. The Council Meeting set down for Tuesday 26 April 2011 be transferred to Tuesday 19 April 2011.

2. The Council Meeting set down for Tuesday 25 October 2011 be transferred to Tuesday 18 October 2011.

(The Motion on being put was declared CARRIED).
Councillor Graham Scobie declared a pecuniary conflict of interest in O11/09 Finance and Services Committee Meeting held on 8 February 2011.

**Reason:** Councillor Graham Scobie's wife is an Executive employee of the Commonwealth Bank in Moruya and Council has investments with the Commonwealth Bank.

Councillor Graham Scobie left the Council Chambers and did not take part in discussion or voting on the matter.

**MINUTE NO 11/30**

O11/09  FINANCE AND SERVICES COMMITTEE MEETING
HELD ON 8 FEBRUARY 2011

**11/30  MOTION** Councillor Lindsay Brown/Councillor Keith Dance

**FSM11/10**

FS11/01  WALLAGA LAKE

**THAT** the Finance and Services Committee recommend that:

1. Council authorise the auspice of the Environmental Trust Project 2010/PP/0013, for $21,360 plus GST, on behalf of Merriman’s Local Aboriginal Land Council; and

2. Council’s Common Seal be affixed to the Funding Agreement (Environmental Trust Project 2010/PP/0013) with the Environmental Trust.

**FSM11/11**

FS11/02  MUSIC NSW FUNDING

**THAT** the Finance and Services Committee recommend that:

1. Council accept the $5000 funding from Music NSW’s Indent Partnership Grant program; and

2. The Indent Partnership Grant Agreement form be signed by an authorised representative.

**FSM11/13**

FS11/04  SOUTHERN WATER TREATMENT PLANT

**THAT** the Finance and Services Committee recommend that Council endorse the budget variation of $373,000 to support the additional works and land purchase for the completion of the Southern Water Treatment Plant.
FSM11/17

FS11/08 INVESTMENTS MADE AS AT 31 DECEMBER 2010 E99.3517

THAT Finance and Services Committee recommend to Council the certification that the investments as at 31 December 2010 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.

FSM11/18

FS11/09 BUDGET AND MANAGEMENT PLAN REVIEW FOR THE PERIOD ENDED 31 DECEMBER 2010 E05.9535

THAT the Finance and Services Committee recommend to Council:

1. The budget review report for the quarter ended 31 December 2010 including the achievements of targets and measures set by Council’s 2010/11 Management Plan in attachment 8 be received and noted.

2. Favourable (-unfavourable) variations (not being carry forwards/revotes) of General and Environment Fund $558,963, Waste Fund ($-37,109), Water Fund $926,808 and Sewer Fund $74,820 be adopted.

3. Carry forward/revotes of savings (-costs) from 2010/11 into costs (-savings) future years 2011/12 of General and Environment Fund $44,500, Water Fund 134,210 and Sewer $124,333 be adopted.

4. Council endorse the CWB funding and support attribution being now based on a flat 5% of the Community Care grants.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/31

O11/09  FINANCE AND SERVICES COMMITTEE MEETING
HELD ON 8 FEBRUARY 2011  E10.4222

11/31  MOTION Councillor Chris Vardon/Councillor Keith Dance

FSM10/21

2011 LGSA TOURISM CONFERENCE – SYDNEY  E91.3255; E96.0122

THAT the Finance and Services Committee recommend to Council that Councillor Rob Pollock attend the 2011 LGSA Tourism Conference to be held in Sydney from 9-11 March 2011 and he be reimbursed out of pocket expenses in accordance with Council’s policy.

(The Motion on being put was declared CARRIED).

Councillor Graham Scobie returned to the Council Chambers.
MINUTE NO 11/32

O11/10  CODE OF CONDUCT ACTIVITIES  08.2087

11/32  MOTION Councillor Alan Morton/Councillor Rob Pollock

THAT:


2. Council investigate the option of a third independent member via South East Regional Organisation of Council’s, the Department of Local Government or other arrangements and a further report be presented to Council on this matter.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/33

O11/11 2011 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT E93.5780

11/33 MOTION Councillor Keith Dance/Councillor Lindsay Brown

THAT Council be represented at the 2011 National General Assembly of Local Government to be held at the National Convention Centre in Canberra from 19-22 June 2011 with the Mayor as its delegate and the General Manager as its observer.

(The Motion on being put was declared CARRIED).
Councillor Graham Scobie declared a pecuniary conflict of interest in O11/12 Investments made as at 31 January 2011.

**Reason:** Councillor Graham Scobie’s wife is an Executive employee of the Commonwealth Bank in Moruya and Council has investments with the Commonwealth Bank.

Councillor Graham Scobie left the Council Chambers and did not take part in discussion or voting on the matter.

**MINUTE NO 11/34**

O11/12 INVESTMENTS MADE AS AT 31 JANUARY 2011

11/34 **MOTION** Councillor Lindsay Brown/Councillor Keith Dance

THAT the certification that the investments as at 31 January 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**).

Councillor Graham Scobie returned to the Council Chambers.
MINUTE NO 11/35

O11/13 ARTS AND CULTURAL SERVICES E95.9177

11/35 MOTION Councillor Rob Pollock/Councillor Chris Kowal

THAT:

1. Council continue to work with the Narooma School of Arts in the development of their site as an Arts Centre with a primary focus on the development of and presentation of visual arts and film.

2. Council agree to further work with the Arts Community in Narooma to explore future options to accommodate the performing arts (Dance, Drama and Music).

3. Council support further development of the RSL Hall and the Mechanics Institute Buildings into improved Arts Facilities and agree to progress this through continued negotiations with the Moruya RSL.

4. Council incorporate Arts Centre infrastructure into the Master Planning for Hanging Rock Batemans Bay.

5. Council engage suitably qualified consultants to develop a Business Plan that incorporates various management models and levels of investment required for Council owned Arts Centres. Funding for the consultancy to be by way of internal loan to be repaid through annual Cultural Planning budget.

6. Council’s directions in relation to Arts and Cultural Facilities be included in Council’s Community Strategic Plan.

7. Council request information from the NSW Government and Opposition on their response to the NSW Legislative Assembly Report ‘the development of Arts and Cultural infrastructure outside the Sydney CBD’.

8. Council continue the work of the Sunset Committee until final directions are determined or within six months whichever comes first and that the Sunset Committee Arts and Cultural Infrastructure be thanked and congratulated for their work to date.

9. Council receive a further report on progress of negotiations and planning within four months.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/36

O11/14 DEVELOPMENT APPLICATIONS NOS: 348/11 AND 329/11 SURF BEACH
PROPOSED SUBDIVISION AND CONSTRUCTION OF
AMBULANCE STATION 09.3508.D; 09.3452.S

| Applicant: | NSW Public Works For Ambulance Service NSW |
| Land: | Lot 100, DP 1150404, No 311 George Bass Drive, Surf Beach |
| Area: | 2610m² |
| Floor Space Ratio: | N/A |
| Setbacks: | Complies |
| Height: | N/A |
| Zone: | 4a Industrial - Urban LEP 1999 |
| Current Use: | Vacant |
| Proposed Use: | Ambulance Station |
| Description: | Two lot subdivision of existing 114.22 hectare allotment to create new allotment of 2610m² and residual. Construction of ambulance station including associated earthworks, carparking and access on newly created 2610m² allotment. |
| Permitted in Zone: | Yes, with the consent of Council |
| DA Registered: | 9 November 2010 |
| Reason to Council: | Council owned property. |
| Recommendation: | APPROVAL |

11/36 MOTION Councillor Keith Dance/Councillor Lindsay Brown


DA 348/11 – Subdivision

RECOMMENDED

THAT Development Application No 348/11 for Subdivision of Lot 100, DP 1150404, No 311 George Bass Drive, Surf Beach dated 9 November 2010 as shown on Plan Number 11/348 and described in details accompanying the application be APPROVED under Section 80(1) of the Environmental Planning and Assessment Act, 1979.

The Development Application has been determined by granting of consent subject to conditions set out below. These conditions have been applied to this consent for the following reasons:

R.01. 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.

R.02. ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.

R.03. meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.

R.04. ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.

R.05. minimise any potential adverse environmental, social or economic impacts of the proposed development.

R.07. ensure the development does not conflict with the public interest.

GENERAL CONDITIONS

1. This development is to be carried out in accordance with the plans stamped and numbered 11/348 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.

Notes:
• 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.
DURING CONSTRUCTION

2. Construction Certificates
   A Construction Certificate is to be issued by Council prior to any works, including clearing or installation of services, being undertaken on the site.

3. A sign must be erected on a prominent position on any site on which building or subdivision work is being carried out showing the name, address and telephone number of the Principle Certifying Authority for the work, and name of the principle 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.

   Such sign is to be maintained while any works on the site are being carried out and must be removed upon completion of works.

4. Construction in a Road Reserve
   Prior to commencement of any construction within the road reserve the applicant is to obtain a Section 138 consent from Council to undertake such works. A Traffic Control Plan prepared by a suitably qualified consultant, certified by the Roads and Traffic Authority in work site traffic control plan preparation is to be submitted to Council with the information listed below to facilitate completion of the Section 138 application. The consultant is to certify that the Traffic Control Plan complies with the current Roads & Traffic Authority manual “Traffic Control at Work Sites”.

   Copies of records of inspections of traffic control layouts must be sent to Council after completion of works.

   (a) The contractor’s ABN
   (b) A description of the work to be undertaken and the location. eg address
   (c) The dates for commencement and completion of work
   (d) A copy of the contractor’s $20,000,000.00 Public Liability Policy to indemnify Council.

   A direction to Restrict Traffic Speed (DTR), where applicable, from the Roads and Traffic Authority’s (RTA) Traffic Operations Unit. Contact: Southern_Speedzoning@rta.nsw.gov.au or Fax (02) 4227 3705 or Phone: (02) 42273705.

   A Road Occupancy Licence (ROL) from RTA’s Traffic Operations Unit. Contact: Southern_Speedzoning@rta.nsw.gov.au or Fax: (02) 42273705 or Phone: (02) 42212556 for the Princes Highway and the Kings Highway.

   An application form for the issue of a 138 certificate can be found on Council’s website: http://www.esc.nsw.gov.au/site/publications/brochures/frameset.html under “Building and Planning”. It is the applicant’s responsibility to ensure that all conditions set out within this form are complied with and a 138 certificate issued prior to any works being carried out in the road reserve.
Carrying out works within the road reserve without a 138 certificate will result in a penalty being issued under the Roads Act 1993 and works being suspended until such time as a 138 certificate is issued.

PRIOR TO SUBDIVISION CERTIFICATE

5. **Section 94 Contributions Subdivision**
   At the time of issue of a Subdivision Certificate the applicant shall pay Council contributions per additional lot at the rate current at the time of payment under Section 94 of the Environmental Planning and Assessment Act 1979, applies to this subdivision in relation to the following:
   
   - (a) Waste Facilities $109.85
   - (b) Administration $ 97.65

   **Note:** The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces.

6. **Water & Sewer Headworks**
   Pursuant to Section 64 of the Local Government Act 1993 payment to Council of headworks charges as follows:
   
   - (a) Sewer Headworks $ 9,050.00
   - (b) Water Headworks $10,400.00

   The above contribution rates are applicable for a period of three (3) months from the date of this notice. If not paid within this time contributions are to be paid at the time of issue of subdivision or occupation certificate at the rates applicable at that time.

7. An easement for the provision of an Asset Protection Zone complying with PBP 2006 and AS3959 shall be registered over adjoining private land prior to the issue of a Subdivision Certificate. Such easement shall cover an area 50m wide to the south and west of the development lot and comply with the requirements of the Bushfire Risk Assessment prepared by Bushfire Planning Services dated 20 December 2010.

8. **Subdivision Compliance prior to the Issue of a Subdivision Certificate**
   The subdivision will comply with the requirements of any existing Development Consent and Construction Certificate. Prior to obtaining a Subdivision Certificate all work in accordance with the Construction Plans must be fully complied with, and Occupation Certificate issued.

9. **Plan of Survey Amendment**
   The Plan of Survey submitted in conjunction with an application to Council for a Subdivision Certificate is to incorporate requirements specified in the conditions of subdivision
10. **Easements**  
The plan of survey subject of a Subdivision Certificate shall create drainage, water, sewer and service easements where required and/or as directed by Council free of all costs to Council.

11. **Electricity Supply**  
Prior to issue of a Subdivision Certificate the applicant shall provide to Council written confirmation from Country Energy that all relevant requirements for supply of electricity to all lots have been satisfied including provision for street lighting (where applicable), headworks contributions, payments for extension of supply and creation of easements;

12. **Telecommunications Cabling**  
Prior to issue of a Subdivision Certificate the applicant shall provide to Council written confirmation from Telstra that arrangements have been made for telecommunication cabling to all lots.

13. **Road Dedication**  
The plan of survey subject of a Subdivision Certificate shall include dedication of all roads, road widening and pathways to Council’s standards and/or requirements free of all cost to Council.

14. **Water Reticulation**  
Prior to the issue of a subdivision certificate the applicant shall construct water reticulation including 20mm water service connections to each newly created lot in accordance with plan number 4753. The limit of the service connection shall be the 20mm M*F stopcock.

The water reticulation plan shall be in accordance with Council’s Water and Sewerage specification and is subject to approval and issue of a construction certificate with payment of fees applicable under the current fees and charges for the year of issue.

Work as executed plans are to be submitted to Council prior to the release of the subdivision certificate. The Construction Certificate for the provision of engineering infrastructure for this development will attract fees additional to those levied for the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia.
15. **Sewer Reticulation**
Prior to issue of Subdivision Certificate the applicant shall construct sewer reticulation to the new lots in accordance with plans subject of a Construction Certificate to Council’s codes and specifications and provide certified works as executed plans to Council. The Construction Certificate for the provision of engineering infrastructure for this development will attract fees additional to those levied for the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia.

16. **Maintenance Bond**
Prior to issue of a Subdivision Certificate the applicant shall pay to Council a maintenance bond for water and sewer service construction works performed by private contractor being 5% of the contract price and applicable for six months from the date of issue of the Subdivision Certificate.

17. **Fill Requirements - Subdivision**
**Earthworks- Geotechnical Stability:**
Prior to the issue of a Subdivision Certificate if any lot on the subdivision is to be filled by over 0.2metres in depth the entire depth of fill is to be compacted to a minimum dry density ratio of 95%.

The earthworks-filling program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-2007. In addition the frequency of field testing shall be to Type 1 standard in accordance with Table 8.1 of AS 3798-2007.

The geotechnical report shall be submitted to Council accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-2007.

18. **Road Works**
Prior to issue of a Subdivision Certificate the applicant shall construct roadworks to the standards of Council’s development design specification D1, including associated drainage and erosion/sediment controls, in accordance with design plans subject of a Construction Certificate. The Construction Certificate for the provision of engineering infrastructure for this development will attract fees additional to those levied for the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia.

19. **Removal of Trees on Dedicated Land**
Prior to issue of a Subdivision Certificate trees located on land to be dedicated as public open space/road and offering potential hazard to existing or proposed privately owned lots shall be removed or lopped according to the direction of Council.
20. **Inter-allotment Drainage**
Prior to issue of a Subdivision Certificate the applicant shall, in accordance with design plans approved by Council and subject of a Construction Certificate, construct an inter-allotment drainage scheme for all lots that cannot discharge stormwater to Council’s street or an approved stormwater drainage scheme. The Construction Certificate for the provision of engineering infrastructure for this development will attract fees additional to those levied for the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia.

21. **“Work as Executed” Plans**
Prior to issue of a Subdivision Certificate the applicant shall provide “work as executed” plans in accordance with Council’s specification, duly certified by an engineer or registered surveyor, for all construction work required pursuant to a condition of subdivision.

22. **Plan of Survey**
At the completion of subdivision works an application using Council standard form for a Subdivision Certificate (currently $223.00 plus $25.00 per lot) is required. The application is to include all documents, information and fees as required by the application checklist.

23. **Compliance Certificates**
Prior to issue of a Subdivision Certificate the applicant shall apply to Council for a Compliance Certificate for works carried out as a condition of subdivision for which specific design plans were required and a Construction Certificate issued.

**ADVISORY NOTES**

(a) Council will construct the first stage of this development in accordance with plan no’s 5000B Sheets 1-9.

The level of service will consist of:
1. Formation shape to final design cross section levels,
2. Road pavement to sub-base,
3. Stormwater network in place,

The final base course, bitumen seal and kerb and gutter will be commenced after the forecourt construction has been completed within the proposed ambulance station development.
DA 329/11 – Earthworks, Ambulance Station and Retaining Walls

RECOMMENDED

THAT Development Application No 329/11 for Earthworks, Ambulance Station and Retaining Walls on Lot 100, DP 1150404, No 311 George Bass Drive, Surf Beach dated 9 November 2010 as shown on Plan Number 11/329A1 and described in details accompanying the application be APPROVED under Section 80(1) of the Environmental Planning and Assessment Act, 1979.

The Development Application has been determined by granting of consent subject to conditions set out below. These conditions have been applied to this consent for the following reasons:

R.01. 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.

R.02. ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.

R.03. meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.

R.04. ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.

R.05. minimise any potential adverse environmental, social or economic impacts of the proposed development.

R.07. ensure the development does not conflict with the public interest.
GENERAL CONDITIONS

1. This development is to be carried out in accordance with the plans stamped and numbered 11/329A1 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.

   Notes:
   - 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. **Signage During the Carrying Out of Works**
   A sign must be erected on a prominent position on any site on which building or subdivision work is being carried out showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and name of the principle 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.

   Such signage is to be maintained while any works on the site are being carried out and must be removed upon completion of works.

3. **Long Service Levy**
   A Construction Certificate cannot be issued until either Council or PCA has sighted a receipt or received $3,454.00 which is the amount payable for the Long Service Levy.

4. **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

(g) 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 Principle Certifying Authority for the work, and name of the principle 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.

5. **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 Principle Certifying Authority or, if the Principle 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) prior to covering any stormwater drainage connections, and

(b) after the building work has been completed and prior to Occupation Certificate being issued for the building.

(c) prior to the issue of Occupation Certificate a Final clearance is to be obtained from Council in regards to all Plumbing and Drainage works. 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.
6. **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 Principle Certifying Authority, and 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  
(e) Issue of final satisfactory inspection.

7. **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.

8. **BCA Compliance**  
This Development Application has been subject to a merit-based assessment. The plans lodged and 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.

9. **Vehicle Direction**  
All vehicles to enter and exit the development in a forward direction to avoid possible conflict with through traffic on the public road.

**PRIOR TO CONSTRUCTION CERTIFICATE**

10. **Stormwater Disposal**  
Prior to the issue of a Construction Certificate, submission to and approval by Council of plans detailing method of collection and disposal of stormwater to Council’s stormwater infrastructure. All stormwater is to be installed on accordance with approved plans and a satisfactory compliance certificate issued prior to issue of an Occupation Certificate.
11. Access
Prior to release of the Construction Certificate, submission to Council and approval by Council of a plan showing details of the access driveway construction addressing the following:

(a) The location of the driveway within the site and extending to the existing road;
(b) A plan and longsection showing existing and final levels along the centreline of the driveway from the road centreline to the back of the vehicle standing area, with final levels providing grades to Council specifications or AS2890.1;
(c) Method of containing all fill and excavation associated with the driveway within the lot;
(d) The extent of earthworks within the footpath area adjacent to the driveway to provide a maximum slope of 1 in 8 (12.5%);
(e) The location of all services in plan and elevation and any alterations required to conform to the standards of the service provider;
(f) Pavement designs;
(g) Where no kerb exists, contact Council’s Development Officer on (02)4474-1015 for alignment and level details.

12. Car Park Design
Prior to issuing of a Construction Certificate submission to and approval by the Principal Certifying Authority of plans prepared by a suitably qualified engineer for sealed carparking spaces, manoeuvring areas and access driveways all conforming to AS2890.1 & 2. Such plans are to include drainage and pavement designs and are to address expected vehicle loading and any fill compaction requirements.[15.02]

13. Retaining Works
Prior to the issue of a Construction certificate, submission to and approval by Council of engineering details for retaining walls along the southern and western boundaries. Such walls are to be designed to retain the existing natural ground levels. This recognises that finished levels will be lower however future development on the adjoining property will need to be able to develop as if natural ground levels prevail.

DURING CONSTRUCTION

14. 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]

15. Site Waste Management
A site rubbish enclosure must be provided prior to commencement of any work for the period of the proposed work and remain in place for the duration of all works. All waste materials from the site must be disposed of at an authorised waste facility.
16. **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]

17. **Excess Fill**

Any excess clean fill (inert clean waste) removed from the site is to be taken to either:

(a) a public waste disposal facility or
(b) a site approved by Council.

If option (b) is to be used the persons enacting this consent are to advise Council, in writing, of the chosen site and are not to commence any dumping until written approval is granted.

18. **Plans on Site (Plant Operator)**

Prior to commencement of any works the plant operator is to be provided with a copy of this consent, plan No 11/329A1 and the Bushfire Risk Assessment prepared by Bushfire Planning Services dated 20 December 2010, and made fully aware of the provisions therein. The copy is to be held on site during clearing operations. All buffer areas and vegetation to be retained are to be clearly marked prior to commencement of operations. [16.16]

19. **Burning of Vegetation**

The burning of all materials including vegetation felled as a result of this development consent is prohibited.[16.13]

20. **Chipping Contractors**

Chipping contractors be informed they should contact neighbours surrounding the property they are working on regarding new hours of operation (9am to 5pm Monday to Friday) and their intention to conduct chipping for vegetation, maintenance and clearing activities. The relocation of vegetation to a storage site away from occupied residential areas for the purpose of chipping and mulching would be desirable.[16.18]
21. **Floor Level**
   The floor level must be a minimum of 150mm above the top of the sewer overflow gully, which shall be at least 75mm above finished ground level or 25mm above finished path level. Therefore the floor shall not be less than 225mm above finished ground level. [4.01]

22. **Industrial Development – Trade Waste**
   A separate application, in accordance with Council’s Liquid Trade Waste (LTW) Policy, is to be made for the approval of the discharge of liquid trade waste to Council’s sewerage system.

23. **Pressure Sewerage System**
   This property will be connected to Council’s sewer mains via a Pressure Sewerage System. Council will maintain and install the Pressure Sewerage System in accordance with the adopted Pressure Sewerage System Policy. This policy can be viewed on Council’s web site. The applicant/owner is required to enter into a service agreement with Council for the maintenance of the unit, prior to release of the Construction Certificate.
   
   Contact is to be made with Council’s Sewer Technical Officer on (02) 44 74 1207 for an appointment to complete this service agreement and the plan for siting of the Pressure Sewerage System on the property.
   
   The applicant/owner is to ensure that a separate electrical circuit is provided for connection of the pump control box.
   
   Attached to the approval are information pamphlets for your assistance. [4.18]

24. **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. [5.12]
PRIOR TO OCCUPATION CERTIFICATE

25. **Parking**
Prior to issue of an Occupation Certificate, provide carpark construction conforming to the approved plan.

26. **Car Park Signage**
Signage shall be installed at the entry to the car park to warn pedestrians of vehicles exiting the car park. Further signage shall be installed near the car park exit to warn drivers of the presence of pedestrians using the footpath. The signage shall be installed prior to occupation of the building(s).[14,34]

27. **Bushfire Protection**
All bushfire protection measures outlined in the report prepared by Bushfire Planning Services dated 28 October 2010, are to be installed and verified prior to issue of occupation certificate.

**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 Chris Kowal, Graham Scobie, Keith Dance, Lindsay Brown, Alan Morton, Chris Vardon, Rob Pollock and Fergus Thomson voted for the Motion.
No Councillors voted against the Motion.
MINUTE NO 11/37

O11/15 SITE SERVICING COSTS – SURF BEACH AMBULANCE STATION 09.3508

11/37 MOTION Councillor Chris Vardon/Councillor Keith Dance

THAT Council allocate $53,000 for purposes of servicing the site of the proposed Ambulance Station at Surf Beach.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/38

O11/17 REQUEST FOR LEGAL ASSISTANCE CONTRIBUTION E92.7299

11/38 MOTION Councillor Graham Scobie/Councillor Alan Morton

THAT Council agree to the request from the Local Government and Shires Association and make a contribution of $679.32 towards the legal costs incurred by Ballina Shire Council.

(The Motion on being put was declared CARRIED).

At 3.10pm Councillor Rob Pollock left the Chambers with the permission of the Chair.
MINUTE NO 11/39

O11/18 CLEAN AIR POLICY E91.2508

11/39 MOTION Councillor Keith Dance/Councillor Lindsay Brown

THAT Council:

1. Adopt the “Clean Air Policy 2011”.

2. Repeal the current Codes of Practice being Control of Burning and the Classes of Persons under the Control of Burning

3. Review and update the Application to Burn Vegetation reflecting the requirements of the Clean Air Policy

(The Motion on being put was declared CARRIED).
MINUTE NO 11/40

O11/19 INFRASTRUCTURE AUSTRALIA REPORT - REVIEW OF REGIONAL WATER QUALITY AND SECURITY E08.2192

11/40 MOTION Councillor Chris Kowal/Councillor Keith Dance

THAT:

1. A submission be made to Infrastructure Australia on the report on Regional Water Utilities outlining the issues raised in this report.

2. Council obtain the position of each major political party in the upcoming State election in respect of the proposed governance structures, ie, 12a, 12b and 12c.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/41

O11/20 EUROBODALLA WASTE SERVICES PTY LTD T/AS STAPLES WASTE CLAIM FOR KPI PAYMENTS 04.8077

11/41 MOTION Councillor Keith Dance/Councillor Alan Morton

THAT Council endorse the affixing of the Council Seal on the Deed of Settlement and Release between Eurobodalla Shire Council and Eurobodalla Waste Services Pty Ltd t/as Staples Waste.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/42

O11/21 DOMESTIC RESIDUAL WASTE AUDIT RESULTS E97.1063

11/42 MOTION Councillor Keith Dance/Councillor Chris Kowal

THAT:

1. The report titled Domestic Residual Waste Audit for Eurobodalla Shire Council November 2010 be received and noted.

2. Council takes into consideration the findings of the report and uses them to direct the development of the waste and resource recovery strategy and the next collection contract for domestic waste.

3. Council express its thanks to the staff involved in successfully conducting this audit.

(The Motion on being put was declared CARRIED).

At 3.21pm Councillor Rob Pollock returned to the meeting.
O11/22 BATEMANS BAY SEWAGE TREATMENT PLANT AWARD OF STAGE 1 WORKS 05.9189

11/43 MOTION Councillor Chris Vardon/Councillor Alan Morton

THAT Council award the contract to construct the Batemans Bay Sewage Treatment Plant Stage 1 upgrade works to Fulton Hogan Construction Pty Ltd.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/44

O11/25 MANAGEMENT OF AIRPORT FUEL FACILITY E00.4312

11/44 MOTION Councillor Alan Morton/Councillor Graham Scobie

THAT Council enter into a management agreement with Arcav Air Pty Limited, T/A Aero Refuellers for the supply of fuel and maintenance of the fuel facility at Moruya Airport.

(The Motion on being put was declared CARRIED).

At 3.25pm Councillor Rob Pollock left the Chambers with the permission of the Chair.
MINUTE NO 11/45

O11/26 EVENT APPLICATION - NAROOMA OYSTER FESTIVAL E08.2294

11/45 MOTION Councillor Lindsay Brown/Councillor Graham Scobie

THAT:

1. Consent be given to conduct the Narooma Oyster Festival from Friday, 13 May 2011 to Sunday, 15 May 2011 subject to approval by the Police and subject to conditions including:

   (a) Submission and approval of a Traffic Management Plan for the event.
   (b) Traffic Controllers are to be suitably qualified.
   (c) The organisers are required to list the temporary food vendors and have them inspected by Council’s Food Surveillance Officer.
   (d) Provision of a copy of the pyrotechnic operator’s WorkCover Licence to operate fireworks and a copy of the licensed operator’s Public Liability insurance prior to the event.
   (e) Provision of public liability insurance cover in the amount of at least $10,000,000.
   (f) Any temporary structures erected must comply with the requirements set out in Part H102 “Temporary Structures” of the Building Code of Australia.
   (g) In the interest of public health and safety provide confirmation that the ambulance and hospital have been notified of the event.

2. Subject to concurrence of the Eurobodalla Local Traffic Committee consent be given to the following temporary road closures:

   (a) Between the hours of 6am and 6pm on Saturday, 14 and Sunday, 15 May 2011:
      (i) Riverside Drive - between Field Street and Bettini Lane
   (b) Between the hours of 8am to 11am on Saturday, 14 May 2011:
      (i) Barker Parade - between Nichelsen Street and Field Street
      (ii) Field Street - between Riverside Drive and Graham Street
      (iii) Graham Street - full length
      (iv) Burrawang Street - between Graham Street and riverside Drive
      (v) Riverside Drive - between Burrawang Street and Field Street.

3. Council assist with the loan of barricades and signage for the proposed closure of Riverside Drive.

4. Council, as Trust Manager for the Eurobodalla (South) Reserve Trust, consent to the granting of a temporary licence to Narooma and District Chamber of Commerce, in accordance with Section 108 of the Crown Lands Act 1989, for festival activities and carparking within Crown Reserve R85364 with a fee of $457.60 including GST from 8am on Friday, 13 May 2011 to 6pm on Sunday, 15 May 2011 subject to provisions including those set out in clause 1 above.

5. A donation in the amount of $457.60 be made to the Narooma and District Chamber of Commerce.

(The Motion on being put was declared CARRIED).
Councillor Chris Kowal declared a non pecuniary conflict of interest in O11/27 Batemans Bay Rotary Driver Education Event Moruya Racecourse.

**Reason:** Councillor Chris Kowal advised he is a member of Moruya Rotary and will be remaining in the Council Chambers for the discussion and voting on the matter.

**MINUTE NO 11/46**

O11/27  BATEMANS BAY ROTARY DRIVER EDUCATION EVENT
        MORUYA RACECOURSE                  E89.2882

11/46  MOTION Councillor Alan Morton/Councillor Chris Kowal

**THAT:**

1. Consent be given to the Batemans Bay Rotary Club to conduct the RYDA event at the Moruya Racecourse on 5 and 6 April 2011.

2. Consent be given to close Donnelly Drive, Moruya at various times on 5 and 6 April 2011 in accordance with an approved traffic control plan.

3. A donation be made to the Batemans Bay Rotary Club in the amount of the fees for the use of the Racecourse facilities being $500.00.

(The Motion on being put was declared **CARRIED**).
Councillor Graham Scobie declared a pecuniary conflict of interest in O11/28 Tilba Easter Festival – Consent to Conduct Event.

Reason: Councillor Graham Scobie’s business has engaged Milo the Clown for the festival.

Councillor Graham Scobie left the Council Chambers and did not take part in discussion or voting on the matter.

MINUTE NO 11/47

O11/28 TILBA EASTER FESTIVAL - CONSENT TO CONDUCT EVENT E06.0208

11/47 MOTION Councillor Lindsay Brown/Councillor Alan Morton

THAT:

1. Consent be given to conduct the Tilba Easter Festival on Easter Saturday, 23 April 2011 subject to approval by the Police and the conditions set out in the body of the report.

2. Consent be given to close Bate Street and alter traffic movements along Corkhill Drive in accordance with an approved Traffic Management Plan.

3. A licence for carparking be granted over Lot 3 DP 1058667 for a term commencing 6am on 23 April 2011 and terminating at 6pm on 23 April 2011 with a rental of $250.

4. A donation in the amount of the licence fee be made to the Tilba Easter Festival Committee.

5. Council staff prepare a traffic management plan for the event.

(The Motion on being put was declared CARRIED).

At 3.34pm Councillor Graham Scobie returned to the Chambers.
MINUTE NO 11/48

O11/29 PERMIT TO USE TRUCK WASHDOWN FACILITY 07.1472

11/48 MOTION Councillor Keith Dance/Councillor Graham Scobie

THAT Report O11/29 Permit to Use Truck Washdown Facility be deferred and incorporated into the Management Plan discussions.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/49

O11/30 LEASE RENT REVIEW – MORUYA AIRPORT E89.2941

11/49 MOTION Councillor Graham Scobie/Councillor Alan Morton

THAT the valuation report received from the Lessee of Lot 1 DP 1090948 be accepted outside the timeframe of the provisions of the lease and the rent review to market proceed in accordance with the provisions of the lease.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/50

O11/31 LEASE FOR SECURE PARKING – MORUYA AIRPORT 06.0603

11/50 MOTION Councillor Graham Scobie/Councillor Lindsay Brown

THAT:

1. A lease be granted to South Coast Auto Centre Pty Limited to operate a vehicle rental business within Lot 4 DP 1090948 at Moruya Airport with terms and conditions including:

   (i) Term of five years.
   (ii) Annual rental as set out in the confidential attachment increased annually in line with the CPI.
   (iii) All costs associated with the lease and construction of access and secure compound to be borne by the lessee.
   (iv) Insurance to be held in accordance with Council policy.
   (v) Council to have no responsibility or liability in regard to the security of the site or vehicles parked.
   (vi) Access and hardstand be constructed if so directed by Council.
   (vii) Land cannot be used for any purpose other than storage and cleaning of rental vehicles without consent of Council.
   (viii) Lessee must comply with all airport security directions given by Council airport staff and the Moruya Airport Transport Security Program.
   (ix) Lessee to have the right to locate a customer stand within the airport terminal.
   (x) The lease can be terminated by Council if relocation of the airport terminal occurs prior to the expiration date of the lease.

2. Consent be given to affix the Common Seal of Council to all necessary documents associated with the granting of the lease to South Coast Auto Centre Pty Limited.

At 3.46pm Councillor Rob Pollock returned to the Chambers.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/51

O11/32 LICENCE FOR AGRICULTURAL PURPOSES - MORUYA 00.4465

MOTION Councillor Keith Dance/Councillor Graham Scobie

THAT:

1. A licence for the use of Lots 61, 62 and part Lot 58 DP 244154 for agricultural purposes be granted to BJ and LM McCauley with rental being $1265 incl GST per annum.

2. The term be two years with three one-year options to be granted at Council’s absolute discretion.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/52

O11/34 LEASE FOR TELECOMMUNICATIONS FACILITY
LONG BEACH 10.4448

11/52 MOTION Councillor Chris Kowal/Councillor Lindsay Brown

THAT:

1. Public notice be given of Council’s intention to grant a lease for a telecommunications facility within Lot 56 DP 849895 in accordance with the Section 47A(2) of the Local Government Act 1993.
2. If any submissions are received a report be presented to Council for further consideration.
3. If no submissions are received a five-year lease be granted to Telstra Corporation Limited with an annual rental set out in the Councillors’ Attachment with other terms and conditions in line with Council’s other leases for telecommunications facilities.
4. If Lot 56 DP 849895 is reclassified during the term of the lease a further three consecutive five-year leases be granted to Telstra Corporation Limited subject to rental of each lease being the greater of the final rental of the previous lease increased by the agreed annual increment or market rental determined prior to commencement with annual increases in line with the initial lease.
5. Consent be given to affix the Common Seal of Council to all necessary documents associated with the granting of the leases.

(The Motion on being put was declared CARRIED).
O11/35 TILBA SPORTSGROUND – DEED OF AGREEMENT 05.9308.D

11/53 MOTION Councillor Chris Vardon/Councillor Chris Kowal

THAT:

1. A Deed of Agreement be entered into with the registered proprietors of Lot 5 DP 1078549 and Lot 1 DP 1058667 in respect of the construction of the access road off Corkhill Drive, Tilba Tilba to the Tilba Sportsground providing for:

   (a) The registered proprietors of Lot 5 DP 1078549 and Lot 1 DP 1058667 to each pay one third of the cost of the road construction up to a maximum of $60,000 including GST.

   (b) Council and the registered proprietor of Lot 5 DP 1078549 to pay the registered proprietor of Lot 1 DP 1058667 an amount of $2,333 including GST for costs incurred for previous road design works.

   (c) The registered proprietor of Lot 5 DP 1078549 to:

      (i) Dedicate that part of Lot 5 DP 1078549 required for public road to accommodate the access road.

      (ii) Pay Council his portion of the construction cost within 14 days after the production to the registered proprietor of a tax invoice by Council after the completion of the construction of the access road.

   (d) The registered proprietors of Lot 1 DP 1058667 to:

      (i) Dedicate that part of Lot 1 DP 1058667 required for public road to accommodate the access road and those parts of Lots 8 and 9 Section 2 DP 3351 required for road widening on Corkhill Drive.

      (ii) Pay Council their portion of the construction cost at the earlier of either the sale of Lot 1 DP 1058667 or within 28 days of receipt of a development approval conditioned with the requirement of access off the access road.

      (iii) Agree to the registration of a charge against the title of Lot 1 DP 1058667 subject to annual increases in line with the Consumer Price Index from the time of completion of the construction of the access road.
(e) Council to:

(i) Make application to the Land and Property Management Authority to close part of Corkhill Drive adjacent to Lot 9 Section 2 DP 3551 and Lots 1 and 2 DP 1152145 and if approved and closed, transfer and consolidate the closed road to the adjacent lots.

(ii) Pay all costs associated with the dedication of lands and road closure/transfer & consolidation.

2. Consent be given to affix the Common Seal of Council to the Deed of Agreement and any documents associated with the provisions of the Deed of Agreement.

(The Motion on being put was declared CARRIED).
MINUTE NO 11/54

O11/38 REVIEW OF HUMAN RESOURCES E10.4402

11/54 MOTION Councillor Keith Dance/Councillor Rob Pollock

THAT Council approve the use of Blackadder and Associates to carry out the review of some aspects of the organisation resources.

(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.)

QN11/01

E11.5041; E10.4402

Councillor Graham Scobie referred to the external review and asked if the review of human resources would form part of the external review?

General Manager referred to the recent workshop and advised he believed Council needed to start the process with the human resources review as part of a total organisational review. The process should commence with human resources to enable us to work out the ultimate terms of reference for a complete review.

Councillor Graham Scobie said given that the motion passed this morning for a full external review did not put forward terms of reference would the review of human resources reveal criteria for a full external review.

General Manager advised that for a complete organisational review to occur Council should carry out a human resources review as the first step. The human resources review could recommend parts of the organisation be expanded or parts of the organisation should be contracted. To do an organisational review without having that information would be somewhat difficult.

Councillor Graham Scobie asked if a review of human resources would get in the way of a possible future external review of Council?

General Manager advised the human resources review should complement any possible future external review.
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 a confidential compliance matter.

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

(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.

It be noted that there were no public verbal representations on whether the meeting should be closed to consider the item.

MINUTE NO 11/55

11/55  MOTION Councillor Alan Morton/Councillor Rob Pollock

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 a confidential compliance matter.

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

(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.
CONFIDENTIAL BRIEFINGS

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
(h) 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
(i) 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 4.00pm the Ordinary Meeting of Council moved into Closed Session.
At 4.04pm Councillor Chris Vardon left the meeting and did not return.
At 4.08pm the Ordinary Meeting of Council resumed.

The General Manager advised that during Closed Session Councillors discussed an issue regarding a compliance matter with respect to a particular individual and matters emanating from the Land and Environment court. No resolutions were made however there was a general discussion with respect to legal costs.

THE MEETING CLOSED AT 4.10PM

___________________________
CHAIRPERSON

Chairperson of the Ordinary Meeting of Council held on 22 March 2011 at which meeting the signature hereon was subscribed.