



# **Minutes**

**Ordinary Meeting of Council**

**28 November 2017**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER, MORUYA**  
**ON TUESDAY 28 NOVEMBER 2017**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER, MORUYA  
ON TUESDAY, 28 NOVEMBER 2017  
COMMENCING AT 10.00AM**

**PRESENT:** Councillor Liz Innes, Mayor (in the Chair)  
Councillors Anthony Mayne, Jack Tait, James Thomson, Lindsay Brown,  
Maureen Nathan, Patrick McGinlay, Phil Constable and Rob Pollock OAM

**Staff:** Dr Catherine Dale, General Manager  
Mr L Usher, Director, Planning and Sustainability Services  
Mr W Sharpe OAM, Director, Infrastructure Services  
Mr A O'Reilly, Director, Commercial and Corporate Services  
Mrs K Arthur, Director, Community, Arts and Recreation  
Mrs K Green, Minute Secretary

**1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY AND EVACUATION MESSAGE**

The Mayor welcomed everyone to the meeting, acknowledged the Traditional Owners and advised of the Evacuation Procedure.

**2. APOLOGIES**

Nil

**3. PUBLIC FORUM (AGENDA ITEMS ONLY)**

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

**PF17/049 – Confirmation of Minutes and GMR17/039 Annual Report 2016-17**

Mrs Trish Hellier addressed Council in relation to Confirmation of Minutes and GMR17/039 Annual Report 2016-17.

A copy of Mrs Hellier's submission is available on Council's website.

**EXTENSION OF TIME**

**17/370 MOTION** Councillor Mayne/Councillor Constable

THAT Mrs Hellier be granted an extension of three minutes to complete her presentation.

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

Councillor Nathan declared a significant, non-pecuniary conflict of interest in PSR17/060 Coastal Wattle Management – Long Beach and stated that she did believe her interest would preclude her from voting and would leave the Chamber when voting on the matter.

**Reason:** Councillor Nathan declared an interest as she owned a property directly affected by the Coastal Wattle Management.

At 10.19am Councillor Nathan left the Chamber.

#### **PF17/050 – PSR17/060 Coastal Wattle Management – Long Beach**

Mr Rodger Middlebrook addressed Council in relation to PSR17/060 Coastal Wattle Management – Long Beach .

A copy of Mr Middlebrook’s submission is available on Council’s website.

At 10.31am Councillor Nathan returned to the Chamber.

#### **PF17/051 – CCS17/089 Investments made as at 30 September 2017 and CCS17/090 Investments made as at 31 October 2017**

Mr Joe Potts came to address Council on CCS17/089 Investments made as at 30 September 2017 and CCS17/090 Investments made as at 31 October 2017.

Mr Potts was requested to apologise for his inappropriate behaviour at the Council meeting held on 23 July 2013. Mr Potts refused to apologise and was asked to leave the Chamber.

#### **PF17/052 – Presentation of Financial Statements by NSW Audit Office**

Mr Peter Bernard addressed Council in relation to Presentation of Financial Statements by NSW Audit Office.

A copy of Mr Bernard’s submission is available on Council’s website.

At 10.46am Councillor McGinlay left the Chamber.

#### **4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**17/371 MOTION** Councillor Brown/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 14 November 2017 be confirmed.

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

At 10.48am Councillor McGinlay returned to the Chamber.

**5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**

Councillor Nathan declared a significant, non-pecuniary conflict of interest in PSR17/060 Coastal Wattle Management – Long Beach and stated that she did believe her interest would preclude her from voting and would leave the Chamber when voting on the matter.

**Reason:** Councillor Nathan declared an interest as she owned a property directly affected by the Coastal Wattle Management.

Councillor Mayne declared a significant, non-pecuniary conflict of interest in CCS17/095 School and Education Grants and stated that he did believe his interest would preclude him from voting and would leave the Chamber when voting on the matter.

**Reason:** Councillor Mayne declared an interest as he is a Board Member at St Peters Anglican College.

**6. MAYORAL REPORTS**

Nil

**7. NOTICES OF MOTION**

Nil

**8. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**9. PETITIONS**

Nil

**10. GENERAL MANAGER'S REPORTS**

**GMR17/039 ANNUAL REPORT 2016-17**

File Ref: E08.2166

**17/372 MOTION** Councillor Pollock/Councillor Tait

THAT:

1. The Annual Report 2016-17 be received.
2. In accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005*, Council adopt the Annual Report 2016-17.
3. A copy of the Annual Report 2016-17 be placed on Council's website, Council libraries, the Moruya Customer Service Centre and a copy be forwarded to the Minister for Local Government.

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



**GMR17/040 2018 COUNCIL MEETING SCHEDULE**

File Ref: E06.0429

**17/373 MOTION** Councillor Thomson/Councillor Tait

THAT Council:

1. Endorse the following 18 dates as the meeting schedule for Council meetings for the 2018 calendar year:
  - a. 13 February 2018
  - b. 27 February 2018
  - c. 13 March 2018
  - d. 27 March 2018
  - e. 10 April 2018
  - f. 24 April 2018
  - g. 22 May 2018
  - h. 12 June 2018
  - i. 26 June 2018
  - j. 31 July 2018
  - k. 14 August 2018
  - l. 28 August 2018
  - m. 11 September 2018
  - n. 25 September 2018
  - o. 23 October 2018
  - p. 13 November 2018
  - q. 27 November 2018
  - r. 11 December 2018.
2. Note that the schedule may be amended at any time, as required.

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

**11. PLANNING AND SUSTAINABILITY REPORTS**

**PSR17/060 COASTAL WATTLE MANAGEMENT - LONG BEACH**

File Ref: E09.3157; E00.4494

Councillor Nathan declared a significant, non-pecuniary conflict of interest in PSR17/060 Coastal Wattle Management – Long Beach and stated that she did believe her interest would preclude her from voting and would leave the Chamber when voting on the matter.

**Reason:** Councillor Nathan declared an interest as she owned a property directly affected by the Coastal Wattle Management.

At 10.49am Councillor Nathan left the Chamber.

**17/374 MOTION** Councillor Pollock/Councillor Constable

THAT Council defer this matter to enable consideration of proposals put by the Long Beach Community Association.

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

At 10.52am Councillor Nathan returned to the Chamber.

**PSR17/061 TUROSS AND COILA LAKES COASTAL MANAGEMENT PROGRAM**

File Ref: E15.9382

**17/375 MOTION** Councillor Pollock/Councillor Thomson

THAT Council:

1. Adopt the Tuross and Coila Lakes Coastal Management Program.
2. Forward the Tuross and Coila Lakes Coastal Management Program to the Minister for Environment and Heritage seeking certification under the *NSW Coastal Management Act 2016* following the Act coming into force.
3. Write to each respondent to the public exhibition to thank them for their input and to advise them of the outcomes from this meeting.
4. Advise the Department of Primary Industries of the community concerns regarding recreational fishing.

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

Note: Council acknowledge the work of Mrs Maureen Baker and the late Mr Jim Baker for their work and commitment to coastal management in the Tuross area.

**PSR17/062 DEVELOPMENT APPLICATION 750/17 - THREE LOT SUBDIVISION  
WHITE SANDS PLACE, DENHAMS BEACH**

File Ref: 17.1273.S

**17/376 MOTION** Councillor Pollock/Councillor Brown

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Development Application No. 750/17 for the subdivision of Lot 13 DP 785266 into three (3) residential lots at White Sands Place, Denhams Beach be APPROVED subject to the conditions set out below:

**GENERAL CONDITIONS**

**1. Approved plans**

The development must be carried out in accordance with the following stamped approved plans and documentation, or as modified by any conditions of this consent, or as noted in red by Council on the approved plans.

DA & Sheet No.	Plan No.	Date of Plan	Prepared by
750/17 1 Sheet	Project 5238	15 August 2017	N/A

Note: Any alteration to the plans and/or documentation may require the lodgement of an application to modify the consent under s96 of the Environmental Planning and Assessment Act 1979, or a fresh development application. Your Principal Certifying Authority should be consulted prior to any works contrary to this consent being carried out.

Where there is an inconsistency between the documents approved with this consent and the following conditions, the conditions shall prevail to the extent of that inconsistency.

**PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

**2. Design for Relocation of Sewer Vent Stack**

Submission to and approval by Council of engineer's design for the removal and relocation of the existing sewer ventilation infrastructure so as to be wholly contained within the road reserve (to ensure the western-most lot is suitable for the proposed use for a residential dwelling) is required prior to the issue of the Construction Certificate. Plans are to be in accordance with Council's Development Specifications, related Australian Standards and Water and Sewerage Specifications.

**PRIOR TO THE COMMENCEMENT OF WORKS**

**3. Construction Certificates**

A Construction Certificate is to be issued by Council prior to any infrastructure works being undertaken on the site.

**4. Erosion and Sedimentation Control**

Prior to commencement of any earthworks, installation of all measures necessary to effectively control soil erosion on the site to prevent silt discharge into drainage systems and waterways in accordance with Council's Soil and Water Management Code. The measures, to include sediment fencing and erosion control devices, are to be maintained and remain in place until the development is completed and disturbed areas are stabilised.

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

#### **DURING CONSTRUCTION/EXCAVATION**

##### **5. *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.

##### **6. *Hours of Construction - NOISE***

If audible at any residence or other sensitive noise receiver, construction may only be carried out between 7.00am and 6.00pm on Monday to Friday, and 8.00am to 5.00pm Saturdays. No construction can be carried out on a Sunday or public holiday if audible at any residence of other sensitive receivers.

#### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

##### **7. *Subdivision Certificate***

A Subdivision Certificate is to be obtained once any works required by this consent are complete. Submission of a completed subdivision certificate application form together with all required documents and fees is required to be made to Council. The application form, checklist and fee detail can be found at [www.esc.nsw.gov.au](http://www.esc.nsw.gov.au).

##### **8. *Section 94 Contributions***

Payment to Council pursuant to Section 94 of the Environment Planning and Assessment Act 1979, of contributions towards the provision of public amenities or services. The contribution rate for the current financial year is \$15,611.55

The above contribution is to be paid prior to the release of the Construction Certificate for the development and will be payable at the rate applicable at the time of payment.

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

##### **9. *Water/Sewer Developer Contributions - Subdivision***

Prior to the issue of a Subdivision Certificate the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000/compliance with Section 64 of the Local Government Act 1993. To be eligible, the developer/consent holder will have to contribute:

- a) \$36,690.00 ET for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$12,230.00 (for subdivisions 1.0 ET applies per additional lot <2000m<sup>2</sup> and 1.5 ET per additional lot >2000m<sup>2</sup>).

- b) \$31,935.00 ET for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$10,645.

Note: The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid prior to each stage of the development.

**10. Electricity Supply**

Prior to issue of a Subdivision Certificate the developer/consent holder shall provide to Council written confirmation from the electricity supply authority that all relevant requirements for supply of electricity to all lots have been satisfied including provision for street lighting (where applicable).

**11. Telecommunications Cabling**

Prior to issue of a Subdivision Certificate the applicant shall provide to Council written confirmation from Telstra/NBN that arrangements have been made for telecommunication cabling to all lots including the provision of NBN cabling and conduits.

**12. 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 No: 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.

**13. 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.

**14. 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.

**15. "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.

**16. 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.

**17. Relocation of Sewer Vent Stack**

Prior to the Subdivision Certificate being issued the existing sewer ventilation infrastructure must be removed from the lot and reconstructed in accordance with the plan approved by Council subject to the above Condition.

**ADVICE TO APPLICANT**

**1. Excavation – Discovery of a Relic**

If Aboriginal relics or objects are uncovered during work, excavation or disturbance of the area, any such activity must stop immediately. The Environmental Protections and Regulation Group of the Office of Environment and Heritage is to be immediately contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

Notification procedures can be found at:

<http://www.environment.nsw.gov.au/licences/AboriginalHeritageInformationManagementSystem.htm>.

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

Division

For the Motion: Councillors L Brown, P Constable, L Innes, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Councillor A Mayne.

**PSR17/063 DEVELOPMENT APPLICATION 157/18 - ADDITION TO COUNCIL WORKS  
DEPOT**

File Ref: 00.4751.B

**17/377 MOTION** Councillor Thomson/Councillor Brown

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Development Application No. 157/18 for Addition to Council's Works Depot at 208 Araluen Road, Moruya be APPROVED subject to the conditions set out below.

**GENERAL CONDITIONS**

**1. Approved plans**

The development must be carried out in accordance with the following stamped approved plans and documentation, or as modified by any conditions of this consent, or as noted in red by Council on the approved plans.

DA & Sheet No.	Plan No.	Date of Plan	Prepared by
157/18 5 Sheets	16054 -01, 02, 04, 05, and 06	September 2017	Hallahan and Associates

Note: Any alteration to the plans and/or documentation may require the lodgement of an application to modify the consent under s96 of the Environmental Planning and Assessment Act (EP&A Act) 1979, or a fresh development application. Your Principal Certifying Authority should be consulted prior to any works contrary to this consent being carried out.

Where there is an inconsistency between the documents approved with this consent and the following conditions, the conditions shall prevail to the extent of that inconsistency.

**2. Demolition Standards**

Building demolition works are to be carried out in accordance with AS 2601 (2001) – The Demolition of Structures

Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

**3. Stormwater to Existing System**

The additional stormwater collected by the new areas of roof must direct flows into the existing disposal system in accordance with Australian Standard AS 3500.3 2003 and Part 3 of the Building Code of Australia.

**4. Water & Sewer Inspections**

All plumbing and drainage works (water supply, sanitary plumbing and drainage, and hot water) are to comply with Plumbing and Drainage Act 2011 and the Plumbing Code of Australia. Works must only be installed by a licensed person and must be inspected and given final clearance from Council prior to issue of Interim or Occupation Certificate.

**5. Water & Sewer Inspections**

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*This is Page No 12 of 25 of the Minutes of the Ordinary Council Meeting  
of Eurobodalla Shire Council held on Tuesday 28 November 2017*

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CHAIRPERSON



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:

- (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.

#### **PRIOR TO COMMENCEMENT OF WORKS**

##### **6. Construction Certificate**

The construction works 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) Owner Builders permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifying Authority; or
- (f) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate 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) and (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.

##### **7. 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.

#### **DURING CONSTRUCTION**

**8. 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.

**9. 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.

**10. Hours of Construction - NOISE**

If audible at any residence or other sensitive noise receiver, construction may only be carried out between 7.00am and 6.00pm on Monday to Friday, and 8.00am to 5.00pm Saturdays. No construction can be carried out on a Sunday or public holiday if audible at any residence of other sensitive receivers.

#### **PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

**11. Occupation Certificate**

The development shall not be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

**12. Access and Mobility**

Accessible paths of travel shall be provided in accordance with AS 1428, The Australian Standards for Access and Mobility, between the accessible entrances to the building and the accessible car parking spaces.

**13. Car Parking**

Prior to occupation and use of the proposed additions not less than 19 car spaces shall be constructed on the land in accordance with AS 2890.1, the Australian Standards for Off-Street Car Parking, for access and use for a "B85 Vehicle" and then maintained at all times for use by the occupants/users of the office building subject of this approval whilst the said building exists on the land.

**14. Public Utility Adjustments**

Adjustments to the public utilities necessitated by the development shall be completed prior to occupation of the development and in accordance with the requirements of the relevant authority, all at no cost to Council.

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

#### Division

For the Motion: Councillors L Brown, P Constable, L Innes, A Mayne, P McGinlay, M  
Nathan, R Pollock, J Tait and J Thomson.  
Against the Motion: Nil.

**12. INFRASTRUCTURE REPORTS**

**IR17/064 MOBILITY PARKING SCHEME**

File Ref: E00.4623

**17/378 MOTION** Councillor Tait/Councillor Nathan

THAT:

1. A Council administered local mobility parking scheme not be pursued.
2. Council write to the Minister for Transport and Infrastructure, the Hon Andrew Constance MP highlighting a need to modify the NSW Government mobility parking scheme to better serve people with limited mobility.

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

**13. CORPORATE AND COMMERCIAL SERVICES REPORTS**

**CCS17/088 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2017**

File Ref: E05.9535

**17/379 MOTION** Councillor Mayne/Councillor Brown

THAT:

1. The budget review report for the quarter ended 30 September 2017 be received and noted.
2. The unfavourable variations for the Income Statement after capital revenue of \$(0.46) million and unfavourable variations of \$(0.6) million as per the Consolidated Fund Flow Statement be adopted.

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

**CCS17/089 INVESTMENTS MADE AS AT 30 SEPTEMBER 2017**

File Ref: E99.3517

**17/380 MOTION** Councillor Tait/Councillor McGinlay

THAT the certification that the investments as at 30 September 2017 made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg 212) of the *Local Government (General) Regulation 2005*, be received.

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

**CCS17/090 INVESTMENTS MADE AS AT 31 OCTOBER 2017**

File Ref: E99.3517

**17/381 MOTION** Councillor McGinlay/Councillor Thomson

THAT the certification that the investments as at 31 October 2017, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg 212) of the *Local Government (General) Regulation 2005*, be received.

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

**CCS17/091      LAND ACQUISITION FOR ROAD PURPOSES - TYRONE BRIDGE, NERIGUNDAH  
MOUNTAIN ROAD, EUROBODALLA**

File Ref: E05.9272/13.7287.D

**17/382 MOTION** Councillor Thomson/Councillor Mayne

THAT:

1. All actions necessary be taken for the acquisition of land for road purposes within Lot 2 DP 876715 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with the land and easement acquisitions be borne by Council.

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



**CCS17/092 LICENCE FOR FOOTPATH TRADING - MORUYA**

File Ref: 82.5081.D

**17/383 MOTION** Councillor Pollock/Councillor Mayne

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone for an outdoor eating area to be adjacent to the boundary of Lot 41 DP 702686 15B Church Street, Moruya.
2. An exemption to Council's Footpath Trading Code be made to permit a trade zone for an outdoor eating area to be adjacent to the boundary of Lot 42 DP 702686 17-19 Church Street, Moruya subject to the written consent of the landowner.
3. A licence be granted to Alfresco Coffee for an outdoor eating area with terms and conditions including:
  - (a) A three-year term.
  - (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
  - (c) Payment of a rental fee in accordance with Council's fees and charges.
  - (d) Payment of an annual licence administration fee in accordance with Council's fees and charges.
  - (d) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
  - (e) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.

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

**CCS17/093 LICENCE FOR RED HOT SUMMER TOUR EVENT - MACKAY PARK, BATEMANS BAY**

File Ref: E15.9343

**17/384 MOTION** Councillor Brown/Councillor Mayne

THAT Council as Trust Manager for the Eurobodalla (North) Reserve Trust grant a five-day licence, in accordance with Section 108 of the *Crown Lands Act 1989*, to Regional Touring Pty Limited to stage the Red Hot summer Tour event on Crown Reserve 580022 Mackay Park, Batemans Bay with terms and conditions including:

- (a) The licence period be from 1 February 2018 to 5 February 2018 inclusive.
- (b) The fee be the fee set out in the confidential attachment to this report.
- (c) Payment of a bond in the amount of \$3,000 to be made 30 days prior to the event.
- (d) The provision of an event management plan acceptable to Council for the event.
- (e) The provision of a traffic management plan acceptable to Council for the event.
- (f) The provision of public liability insurance in accordance with Council policy.
- (g) The Licensee to provide suitably qualified persons to render first aid and to provide security.
- (h) The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- (i) No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- (j) Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- (k) All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- (i) The Licensee to be responsible for making good any damage to the oval and other facilities used at Mackay Park during the event.
- (m) Compliance with provisions of the development consent conditions for events held at Mackay Park.

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

**CCS17/094 RATES SUBSIDY GRANT**

File Ref: E15.9155

**17/385 MOTION** Councillor Nathan/Councillor Pollock

THAT Council:

1. Increase the Rates Subsidy Grant budget from \$20,120.30 to \$25,000.00 for this financial year and future years.
2. Approve the allocation of funds to a Rates Subsidy Grant to the Narooma Men's Shed as noted in the confidential attachment to this report.

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

**CCS17/095 SCHOOL AND EDUCATION GRANTS**

File Ref: E17.1386

Councillor Mayne declared a significant, non-pecuniary conflict of interest in CCS17/095 School and Education Grants and stated that he did believe his interest would preclude him from voting and would leave the Chamber when voting on the matter.

**Reason:** Councillor Mayne declared an interest as he is a Board Member at St Peters Anglican College.

At 11.03am Councillor Mayne left the Chamber.

**17/386 MOTION** Councillor Brown/Councillor Tait

THAT Council approve the allocation of funds to the School and Education Grants recipients as noted in the confidential attachment.

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

At 11.04am Councillor Mayne returned to the Chamber.

**14. COMMUNITY, ARTS AND RECREATION REPORTS**

Nil

**15. DELEGATE REPORT**

Nil

**16. URGENT BUSINESS**

**17/387 MOTION** Councillor Constable/Councillor McGinlay

THAT Council include Lot 8 into the letter to the Roads and Maritime Services as indicated in Resolution 17/362, noting that Lot 8 is not part of Albert Ryan Park.

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

**17. DEALING WITH MATTERS IN CLOSED SESSION**

Nil

**18. CONFIDENTIAL MATTERS**

Nil

**ADJOURNMENT**

**17/388 MOTION** Councillor Tait/Councillor Constable

THAT the Ordinary Council Meeting be adjourned for a period of 15 minutes.

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

At 11.15am the meeting adjourned.

At 11.33am the meeting resumed.

At 11.33am Ms Karen Taylor, Director, Financial Audit NSW Audit outlined the audit process for local government and her assessment of Council's financial position for 2016-17.

The Mayor thanked Ms Taylor for her informative presentation to Council.

The Mayor congratulated Councillor James Thomson on his election as NSW Representative on the Australian Coastal Councils Association Board.

**THE MEETING CLOSED AT 11.57am**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 12 December 2017 at which meeting the signature hereon was subscribed.