



# **Minutes**

**Ordinary Meeting of Council**

**24 February 2015**



**ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY 24 FEBRUARY 2015**

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HELD ON TUESDAY 24 FEBRUARY 2015

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA**

**ON TUESDAY, 24 FEBRUARY 2015  
COMMENCING AT IN**

**PRESENT:** Councillor Rob Pollock OAM in the Chair  
Councillors Lindsay Brown, Danielle Brice, Neil Burnside, Gabi Harding,  
Liz Innes, and Fergus Thomson OAM (arrived at 10.07am)

**Staff:** Dr Catherine Dale, General Manager  
Mr L Usher, Director, Planning and Sustainability Services  
Mr B Corven, Acting Director, Infrastructure Services  
Mr A O'Reilly, Director, Finance and Business Development  
Mrs K Arthur, Director, Community, Arts and Recreation  
Ms B Nicholson, Minute Secretary  
Mrs K Green, Minute Secretary

**1. WELCOME AND EVACUATION MESSAGE**

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

The Deputy Mayor advised that this Council meeting is being webcast via the internet to enhance public access to the deliberations of Council.

By attending this meeting, you consent to the possibility that your image may also be webcast to the public.

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**2. APOLOGIES**

**15/19 MOTION** Councillor Burnside/Councillor Brown

THAT apologies be received from Councillors Schwarz, Leslight and Thomson and leave of absence be granted.

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

At 10.07am Councillor Thomson OAM arrived at the meeting.

**3. QUESTIONS FROM 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.)

**PF15/006 IR15/007 Formation of Committee – Corrigans Beach Reserve Accessible  
Playground**

E98.2461; E15.9130

**Mr Charles Stuart** addressed Council in regard to IR15/007 Formation of Committee – Corrigans Beach Reserve Accessible Playground. A copy of Mr Stuart's submission is available on Council's website.

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

**15/20 MOTION** Councillor Brice/Councillor Harding

THAT the minutes of the Ordinary Meeting held on 10 February 2015 be confirmed.

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

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

Nil

**6. REPORTS OF COMMITTEE**

Nil

**7. NOTICES OF MOTION**

Nil

**8. QUESTIONS ON NOTICE**

Nil

**9. MAYORAL REPORTS**

Nil

**10. GENERAL MANAGER'S REPORTS**

**GMR15/002 ADMINISTRATION OF 2016 ELECTIONS OF MAYOR AND COUNCILLORS**

File Ref: E81.1056, E15.9129

**15/21 MOTION** Councillor Harding/Councillor Brown

THAT

1. The New South Wales Electoral Commissioner be engaged to administer Council's 2016 Elections for Mayor and Councillors
2. Pursuant to section 296 (2) and (3) of the Local Government Act 1993 an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council
3. Pursuant to section 296 (2) and (3) the Act, as applied and modified by section 18, a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council where necessary
4. Pursuant to section 296 (2) and (3) the Act, as applied and modified by section 18, a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council where necessary
5. Authority be granted to the General Manager to conduct negotiations with the Electoral Commissioner as to the terms of the engagement and to enter into a contract with the Commissioner on behalf of Council.

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



**11. PLANNING AND SUSTAINABILITY REPORTS**

**PSR15/006 REVIEW OF BIODIVERSITY LEGISLATION IN NEW SOUTH WALES**

File Ref: E08.2564

**15/22 MOTION** Councillor Innes/Councillor Brice

THAT the information in the report "A review of the biodiversity legislation in NSW – final report" be received and noted.

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

**PSR15/007 EUROBODALLA INTERIM SEA LEVEL RISE ADAPTION POLICY - AMENDMENTS TO  
REFLECT NEW PLANNING LEVELS**

File Ref: E10.4158

**15/23 MOTION** Councillor Harding/Councillor Brice

THAT Council:

1. Adopt the Interim Coastal Hazard Adaptation Code, with the following amendment:  
*Table 2 - amend so as the unit of measurement is (m) and the projection for 2100+ is 1.0.*
2. Amend mapping identifying the extent of Investigation Areas following adoption of the Code and maps be presented to Councillors at a briefing.
3. Where applicable, remove notations in relation to the policy from Planning Certificates issued under Section 149 of the *Environmental Planning and Assessment Act 1979*
4. Issue a media release promoting the positive changes implemented as a result of Council's decision on the 25 November 2014.
5. Write to property owners whose properties are impacted by the Code to advise them of the changes and to provide an update of the Coastal Zone Management Plan process and forthcoming community meetings.
6. Include a briefing of the Interim Coastal Hazard Adaptation Code and positive changes made at the Development Industry/Real Estate Industry forums.

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

**12. INFRASTRUCTURE REPORTS**

**IR15/006 TENDER SOURCE SELECTION FOR THE SURF BEACH LANDFILL FACILITY CRAWLER  
LOADER**

File Ref: E00.4650

**15/24 MOTION** Councillor Brown/Councillor Harding

THAT Council accept the tender from Westrac for the supply of the crawler loader for the use at Surf Beach Landfill.

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

**IR15/007    FORMATION OF COMMITTEE - CORRIGANS BEACH RESERVE ACCESSIBLE  
PLAYGROUND SUNSET ADVISORY COMMITTEE**

File Ref: E98.2461; E15.9130

**15/25    MOTION** Councillor Brice/Councillor Harding

THAT:

1. The Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee be formed to oversee the development of a design plan for an accessible playground on Corrigans Beach Reserve.
2. The Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee to consist of the following representatives:
  - a. Councillors Pollock and Brice, with one as Chair
  - b. two members of the Bay Push; and
  - c. two members of the community.

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

At 10.21am Councillor Innes left the meeting and did not return.

**13. FINANCE AND BUSINESS DEVELOPMENT REPORTS**

**FBD15/013 INVESTMENTS MADE AS AT 30 NOVEMBER 2014**

File Ref: E99.3517

**15/26 MOTION** Councillor Harding/Councillor Brown

THAT the certification that the investments as at 30 November 2014 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**)

**FBD15/014 INVESTMENTS MADE AS AT 31 DECEMBER 2014**

File Ref: E99.3517

**15/27 MOTION** Councillor Harding/Councillor Brown

THAT the certification that the investments as at 31 December 2014 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**)

**FBD15/015 INVESTMENTS MADE AS AT 31 JANUARY 2015**

File Ref: E99.3517

**15/28 MOTION** Councillor Harding/Councillor Brown

THAT the certification that the investments as at 31 January 2015 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**)

**FBD15/016 BUDGET REVIEW FOR THE PERIOD ENDED 31 DECEMBER 2014**

File Ref: E05.9535

**15/29 MOTION** Councillor Brown/Councillor Burnside

THAT:

1. The budget review report for the quarter ended 31 December 2014 be received and noted.
2. The favourable variations of \$2.3M this review for the Operating Statement and favourable variations of \$0.1M as per the Consolidated Fund Flow Statement be adopted.
3. Council considers it is substantially compliant with best practice pricing and proposes to transfer a dividend from the Sewer Fund of up to \$0.53M based upon 2013-14 results, subject to an audit of compliance with Best Practice Guidelines and approval from the NSW Office of Water.

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



**FBD15/018 EASEMENTS FOR MULTI-PURPOSE ELECTRICAL INSTALLATION - NAROOMA**

File Ref: 87.6170.D;12.6320.D

**15/30 MOTION** Councillor Burnside/Councillor Brown

THAT:

1. Council as Trust Manager for the Eurobodalla (South) Reserve Trust consent to the acquisition of easements for multi-purpose electrical installations within Lot 7011 DP 1055108 and Lot 916 DP 823230 being part of Crown Reserve R63051, Narooma.
2. Application be made to the Minister for Local Government and the Governor to acquire an easement for multi-purpose electrical installation within Lot 7011 DP 1055108 and Lot 916 DP 823230 by compulsory process in accordance with Council's power under Section 187(1) of the Local Government Act 1993 and in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
3. If consent is granted to acquire an easement for multi-purpose electrical installations within part Lot 7011 DP 1055108 and Part Lot 916 DP 823230 all necessary action be taken to finalise the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

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

**FBD15/019 SALE OF COUNCIL LAND**

File Ref: E01.5076

**15/31 MOTION** Councillor Burnside/Councillor Brown

THAT:

1. The General Manager be given delegated authority to negotiate the sale of the following properties for amounts not less than 10% below market value determined by a registered valuer:
  - (a) Lot 38 DP 7188667, Train Street, Broulee;
  - (b) Lot 1 DP 240467, Station Street, Central Tilba;
  - (c) Lot 1 DP 1151341, Goolara Avenue, Dalmeny;
  - (d) Lot 21 DP 825840, Chisholm Place, Narooma; and
2. Notification be made in the Government Gazette dedicating the following properties as public road:
  - (a) Lot 3 DP 631315;
  - (b) Lot 102 DP 710162; and
  - (c) Land shown as "*Public Garden and Recreation Space*" in DP 26279.
3. The General Manager be given delegated authority to negotiate the sale of the following properties or interests in properties for amounts not less than fair sale value determined by a registered valuer:
  - (a) Easement for access within Lot 2 DP 514468 in favour of Lot 12 DP 803051;
  - (b) Part Lot 386 DP 248840 to the registered proprietor of adjoining Lot 1 DP 1036103 subject to consolidation of the two parcels;
  - (c) Lot 17 DP 264212 to the registered proprietor of Lot 16 DP 264212 subject to consolidation of the two parcels with dedication of a splay for road widening;
  - (d) Part Lot 18 DP 264212 to the registered proprietors of Lot 1 DP 264212 subject to consolidation of the two parcels;
  - (e) Part Lot 36 DP 264448 to either the registered proprietors Lot 35 DP 264448 or Lot 83 DP 747852 subject to consolidation of the two parcels;
  - (f) Part Lot 1 DP 363010 to the registered proprietor of Lot 1 DP 505968 following the dedication of Part Lot 1 DP 363010 for road widening and subject to consolidation of the two parcels;
  - (g) Lot 9 DP 776904 to either the registered proprietor of Lot 1120 DP 218665 or Lot 8 DP 776904 or half Lot 9 to both.
4. All actions necessary be taken to enable the sales listed in 3. Above including the lodgement of development applications for subdivision.

5. Development applications be made for the subdivision of the following properties:
  - (a) Lot 388 DP 248840 – (2 lots);
  - (b) Lot 102 DP 1170964 - (2 lots);
  - (c) Lot 58 DP 739830- (2 lots);
  - (d) Lot 66 DP 261646- (2 lots plus public reserve);
  - (e) Lot 13 DP 785266 – (up to 3 lots);
  - (f) Lot 127 DP 1068529 – (2 lots with possible boundary adjustments);
  - (g) Lot 14 DP 701609 – (1 lot plus public reserve);
  - (h) Lot 246 DP 569875 – (up to 4 lots plus public reserve);
  - (i) Lot 11 DP 771497 – (2 lots with dedication of pathway);
  - (j) Lot 11 DP809702 – (2 lots plus public reserve);
  - (k) Lot 51 DP 771497 – (2 lots);
  - (l) Lot 173 DP262910 – (up to 4 lots plus public reserve);
  - (m) Lot 9 DP 774356 – (2 lots with dedication of pathway); and
  - (n) Lot 14 DP 303365 and Lot 3 DP 622389 – (2 lots plus dedication of public road).
  
6. If development consent is granted for the proposed subdivisions in 5. above all action necessary be taken to enact the consents.
  
7. The General Manager be given delegated authority to negotiate the sale of subdivided properties in 5. above for amounts not less than 10% below market value determined by a registered valuer.
  
8. Subject to there being no objections from the community or statutory authorities, application be made to the Crown Lands Division of the Department of Trade and Industries to close the following Council roads:
  - (a) Part of Tuross Boulevarde in exchange for the dedication of part of Lot 277 DP 218664 for public road;
  - (b) Part of Kianga Commercial Lane in exchange for the dedication of part of Lot 431 DP 31234 6 metres wide for public road.

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9. The parts of Council Road in 8. above, if closed, be consolidated with the respective adjoining Council owned lands following dedication of the respective parts for public road and the General Manager be given delegated authority to sell the consolidated lots for amounts not less than 10% below market value determined by a registered valuer.
10. Consent be given to affix the Common Seal of Council to the plans of subdivision of the following Lots:
- (a) Lot 386 DP 248840;
  - (b) Lot 17 DP 264212;
  - (c) Lot 18 DP 264212;
  - (d) Lot 36 DP 264448;
  - (e) Lot 1 DP 363010;
  - (f) Lot 9 DP 776904;
  - (g) Lot 388 DP 248840;
  - (h) Lot 102 DP 1170964;
  - (i) Lot 58 DP 739830;
  - (j) Lot 66 DP 261646;
  - (k) Lot 13 DP 785266;
  - (l) Lot 127 DP 1068529;
  - (m) Lot 14 DP 701609;
  - (n) Lot 246 DP 569875;
  - (o) Lot 11 DP 771497;
  - (p) Lot 11 DP809702;
  - (q) Lot 51 DP 771497;
  - (r) Lot 173 DP262910
  - (s) Lot 9 DP 774356;
  - (t) Lot 14 DP 303365 and Lot 3 DP 622389;
  - (u) Lot 277 DP 218664; and
  - (v) Lot 431 DP 31234
11. Consent be given to affix the Common Seal of Council to the plans of consolidation of the following properties:
- (a) Part Lot 277 DP 218664 and closed road;
  - (b) Lots 17, 18 and part Lot 431 DP 31234 and closed road.

12. Consent be given to affix the Common Seal of Council to the Transfer of the following properties:
- (a) Lot 38 DP 7188667;
  - (b) Lot 1 DP 240467;
  - (c) Lot 1 DP 1151341;
  - (d) Lot 21 DP 825840;
  - (e) Part Lot 386 DP 248840;
  - (f) Part Lot 17 DP 264212;
  - (g) Part Lot 18 DP 264212;
  - (h) Part Lot 36 DP 264448;
  - (i) Part Lot 1 DP 363010;
  - (j) Lot 9 DP 776904;
  - (k) Part Lot 388 DP 248840;
  - (l) Part Lot 102 DP 1170964;
  - (m) Part Lot 58 DP 739830;
  - (n) Part Lot 66 DP 261646;
  - (o) Lot 13 DP 785266;
  - (p) Lot 127 DP 1068529;
  - (q) Part Lot 14 DP 701609;
  - (r) Part Lot 246 DP 569875;
  - (s) Part Lot 11 DP 771497;
  - (t) Part Lot 11 DP809702;
  - (u) Lot 51 DP 771497;
  - (v) Part Lot 173 DP262910
  - (w) Part Lot 9 DP 774356;
  - (x) Part Lot 14 DP 303365 and Lot 3 DP 622389;
  - (y) Part Lot 277 DP 218664 and closed road;
  - (z) Lots 17, 18 and part Lot 431 DP 31234 and closed road.
13. Net proceeds from the sale of the properties identified in the Recreation and Open Space Strategy listed by restricted for expenditure on recreational facilities and the net proceeds from the sale of the other properties listed by placed in Council's Land Investment Fund.

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

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

**CAR15/001 DEPARTMENT OF SOCIAL SERVICES FUNDING FOR CHILDREN'S SERVICES**

File Ref: E15.9106

**15/32 MOTION** Councillor Brice/Councillor Harding

THAT Council endorse the use of the Mayor's executive powers under Section 226 of the Local Government Act to:

1. Approve the acceptance of \$800,000 offer from the Department of Social Services for the PETALS project;
2. Affix the Common Seal of Council to the Department of Social Services Funding Agreement; and
3. Sign the Department of Social Services Funding Agreement.

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

**CAR15/002 NEW COMMUNITY CARE RECURRENT FUNDING FOR SUPPORTED  
ACCOMMODATION SERVICE IN GUY ST, BATEMANS BAY.**

File Ref: L.0332

**15/33 MOTION** Councillor Harding/Councillor Brice

THAT Council endorse the use of the Mayor's executive powers under Section 226 of the Local Government Act to

1. Approve acceptance of recurrent funding of \$703,467 and one-off set up funds of \$58,341 to provide supported accommodation services at Guy Street, Batemans Bay.
2. Affix the Common Seal of Council to the Deed of Licence.
3. Sign the two Funding Agreement Major Change Forms and the Deed of License from NSW Department of Family and Community Services, Ageing Disability and Home Care (ADHC).

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



**CAR15/003 YOUTH OPPORTUNITIES GRANT**

File Ref: E12.6543, E86.3721

**15/34 MOTION** Councillor Brice/Councillor Brown

THAT Council endorse the use of the Mayor's executive powers under Section 226 of the Local Government Act to:

1. Approve and accept the one-off \$30,000 funding from NSW Department of Education and Communities (DEC) to support the presentation of the 2015 NSW Youth Council Conference; and
2. Sign the DEC funding agreement.

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

**15. DELEGATE REPORT**

Nil

**16. URGENT BUSINESS**

**15/001 DARGUES GOLD MINE MODIFICATION**

E10.4422

**15/35 MOTION** Councillor Pollock/Councillor Brown

THAT:

1. Upon the release of an Environmental Impact Assessment report for the proposed Dargues Gold Mine modification, Council provide copies of the report at its three libraries for review by members of the Eurobodalla community; and
2. Council advertises the exhibition of the Environmental Impact Assessment report in the local media, clearly identifying Council's role in the exhibition process as facilitating community engagement.
3. Council review the Environmental Impact Assessment report and make a submission within the required time frame.

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

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

Councillor Harding outlined why report CON15/004 Foreign Investment Proposal should not be considered in Closed Session.

The Deputy Mayor noted Councillor Harding's concerns.

**MOTION**

E88.0056

**15/36 MOTION** Councillor Harding/Councillor Brice

THAT report CON15/004 Foreign Investment Proposal be dealt with in open Council.

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

**15/37 MOTION** Councillor Brown/Councillor Thomson

THAT pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

**CON15/003 Lease of Holiday Park Narooma**

Item CON15/003 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**CON15/004 Foreign Investment Proposal**

Item CON15/004 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and (d) of the Local Government Act because it contains and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

At 10.32am the Ordinary Meeting of Council moved into Closed Session.

At 11.54am the Ordinary Meeting of Council resumed.

The General Manager advised the following recommendations were declared carried in Closed Session

**CON15/003 LEASE OF HOLIDAY PARK NAROOMA**

**E80.0161**

THAT:

1. Subject to consent from the Minister administering the Crown Lands Act 1989, Council as Trust Manager of the Eurobodalla (South) Reserve Trust grant a 25-year lease over Lot 916 DP 823230 being part Crown Reserve R63051 Narooma with terms and conditions set out in report CON15/003 Lease of Holiday Park Narooma to Van Villages Pty Limited.
2. Consent be given to affix the Common Seal of Council to the Lease over Lot 916 DP 823230.
3. Any proposed alterations or additions to the Holiday Park Narooma are subject to the normal statutory approval process and entering into the lease does not provide certainty to the outcome of any such proposal, which will be determined on merit in accordance with statutory requirements.

**CON15/004 FOREIGN INVESTMENT PROPOSAL**

**E88.0056**

THAT Council enters into an agreement with the consultant named in the confidential report CON15/004 to assess the attractiveness of Eurobodalla as a foreign investment opportunity and develop proposals to attract foreign investment.

**THE MEETING CLOSED AT 11.57 am**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 24 March 2015 at which meeting the signature hereon was subscribed.