



Minutes

Ordinary Meeting of Council

26 July 2016

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 26 JULY 2016

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 26 JULY 2016
COMMENCING AT 10.00AM**

PRESENT: Councillor Lindsay Brown, Mayor (in the Chair)
Councillors Danielle Brice, Gabi Harding, Liz Innes, Milton Leslight, Rob Pollock OAM and Peter Schwarz

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, Finance and Business Development
Mrs K Arthur, Director, Community, Arts and Recreation
Mrs C Hodges, Minute Secretary

1. WELCOME AND EVACUATION MESSAGE

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

2. APOLOGIES

APOLOGY

16/217 MOTION Councillor Pollock/Councillor Harding

THAT apologies be received from Councillor Burnside and leave of absence be granted.

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

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.)

E07.1371; E16.0042

PF16/067 PSR16/032 Heritage Advisory Committee

Mrs Maureen Baker addressed Council on behalf of the Tuross Lakes Preservation Group in relation to PSR16/032 Heritage Advisory Committee regarding the Norfolk Island pine plantation at Tarandore Point, Tuross Head. A copy of Mrs Baker's submission is available on Council's website.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

16/218 MOTION Councillor Pollock/Councillor Schwarz

THAT the minutes of the Ordinary Meeting of Council held on 12 July 2016 be confirmed.

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

SUSPENSION OF STANDING ORDERS

16/219 MOTION Councillor Leslight/Councillor Brice

That Standing Orders be suspended in order to bring forward item PSR16/032 Heritage Advisory Committee.

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

PSR16/032 HERITAGE ADVISORY COMMITTEE

File Ref: E07.1371

16/220 MOTION Councillor Brice/Councillor Leslight

THAT Council implement the recommendations of the Heritage Advisory Committee to amend Schedule 5 – Environmental heritage of the *Eurobodalla Local Environmental Plan 2012* to include 5 and 7 Clyde Street Batemans Bay and the Norfolk Island pine plantation at Tarandore Point, Tuross Head.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

GMR16/013 MEETING DATES 2016

File Ref: E04.8769

16/221 MOTION Councillor Pollock/Councillor Innes

THAT Council:

1. Amend the meeting schedule for Council meetings for the remainder of 2016, to ensure adherence to the caretaker provisions as follows:
 - a) 9 August 2016
 - b) 11 October 2016
 - c) 25 October 2016
 - d) 8 November 2016
 - e) 22 November 2016
 - f) 13 December 2016
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

PSR16/029 AMENDED PLANNING PROPOSAL FOR LAND AT BROULEE

File Ref: E15.9218.R

16/222 MOTION Councillor Pollock/Councillor Innes

THAT Council:

1. Endorse the amended Planning Proposal attached to report PSR16/029 to amend Eurobodalla Local Environmental Plan 2012 pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 to rezone land at Broulee from the R2 Low Density Residential zone to the E2 Environmental Conservation zone and the R3 Medium Density Residential zone and to make consequential changes to the Lot Size Map and the Height of Buildings Map.
2. Endorse the amendments to the Residential Zones Development Control Plan contained in the attachment to the Planning Proposal.
3. Forward the amended Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.
4. Following receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
5. Consult with the community on the proposed Residential Zones Development Control Plan amendments concurrently with the consultation on the Planning Proposal.
6. Receive a report back on the Planning Proposal if a written objection is received during the community consultation period per the requirements of Section 57 of the Environmental Planning and Assessment Act 1979.

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

PSR16/030 DRAFT SOUTH EAST AND TABLELANDS REGIONAL PLAN

File Ref: E05.9582

16/223 MOTION Councillor Innes/Councillor Pollock

THAT Council endorse the submission attached to report PSR16/030 and forward the submission to the NSW Government and the Member for Bega.

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

**PSR16/033 DEVELOPMENT APPLICATION 372/16 - SINGLE DWELLING
LOT 13 (NO.8) SANCTUARY PLACE, BATEMANS BAY**

File Ref: 15.9402.BD

16/224 MOTION Councillor Pollock/Councillor Innes

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Application 372/16 in relation to Lot 13 (No.8) Sanctuary Place, Batemans Bay be **APPROVED** subject to the conditions set out below for the purposes of ensuring:

- That the proposed development:
 - (a) achieves the objectives 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.
- That the relevant public authorities have been consulted and their requirements met, or arrangements made, for the provision of services to the satisfaction of those authorities.
- The protection of the amenity and character of land adjoining.
- Any potential adverse environmental, social or economic impacts of the proposed development is minimised.
- That the development does not conflict with the public interest.

GENERAL CONDITIONS

1. **Approved plans**

The development must be carried out in accordance with the plans stamped and numbered 372/16 and supporting specifications and documentation, or as modified by any conditions of this consent, or as noted in red by Council on the approved plans. All building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

DA & Sheet No.	Plan No.	Date of Plan	Prepared by
DA372/16 Sheet 1 – 6 inclusive	DWG No.15030-01 Issue B	Nov 2015	Hallahan & Associates

Council Stamp No.	Document title	Date of document	Prepared by
24/12/15	BASIX Certificate No.685460S	19/12/15	Hallahan & Associates
20/06/16	AS3959 Bushfire Attack Level Risk Assessment	17/06/16	Matt Jones

Note: Any alteration to the plans and/or documentation may require the lodgment of an application to modify the consent under s96 of the Environmental Planning and Assessment Act (EPA 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. **Site Cut Near Boundary**

Site cut shall not be deeper than a 45⁰ “zone of influence” line for standard footings of a potential building located 0.9m from the common boundary on the adjoining lot.

3. **Site Fill Near Boundaries**

Site fill shall not be placed within 1.0m of side boundaries. Where fill occurs in other approved locations, provision is to be made for retaining or stabilisation. Grading must not direct storm water flows to other properties.

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.

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 Development Support 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.

5. **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.

6. **Colours and Materials**

The external roof cladding shall have a solar absorbance rating of 0.421 or greater (e.g. Zinalume, Galvanised Iron, Colorbond Surfsmist, Classic Cream and Whitehaven do not qualify).

7. **Bushfire Protection (BAL 29 & 19)**

The following conditions are required for compliance with Section 79BA of the Environmental Planning and Assessment Act 1979:

(a) Asset Protection Zones

At the commencement of building works and for the life of the development, the entire property shall be managed as follows as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

(b) Water and Utilities

Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bushfire Protection 2006'.

(c) Access

Property access roads shall comply with Section 4.1.3(2) of 'Planning for Bushfire Protection 2006'.

(d) Design and Construction

(i) New construction on the east elevation(s) shall comply with Sections 3 and 7 (BAL 29) of Australian Standard AS3959-2009 'Construction of Buildings in Bushfire Prone Areas' and Section A3.7 Addendum Appendix 3 of "Planning for Bushfire Protection".

(ii) New construction on the north, south and west elevation(s) shall comply with Sections 3 and 6 (BAL 19) of Australian Standard AS3959-2009 'Construction of Buildings in Bushfire Prone Areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bushfire Protection 2006'.

(e) Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

8. **Stormwater & Site Drainage**

Convey all roof rainwater and surface waters to the street gutter, inter allotment drainage or an absorption trench (with any trenches to be located 3m clear of any building or property boundary). The chosen method/s of storm water disposal is to be designed by a suitably qualified person and ensure that water is not directed onto adjoining land in a manner which would create nuisance or sediment and erosion/scouring impacts in accordance with Council's Infrastructure Design Standards (IDS).

9. **Solid Fuel Heater**

The solid fuel heater and flue shall be installed strictly in accordance with manufacturer's requirements, the Building Code of Australia and Australian Standard (AS) 2918:2001.

Note: Consideration should also be given to the proximity of window drapes and curtains to maintain minimum clearances for heat sensitive materials.

10. **Public Reserve**

Any works or the loading or unloading of service vehicles within the public reserve is prohibited. A temporary boundary fence is to be constructed on the eastern boundary to prevent any damage to the reserve.

11. **Land Clearing**

Retention of 15% canopy cover within the APZ shall occur to retain as much tree cover as possible in compliance with 'Planning for Bushfire Protection 2006.

12. **Plunge Pool not included**

There is no approval for a pool as part of this application. Any installation of a pool and all associated safety equipment will require additional approval from Council.

13. **Sewer Main Protection – Code of Practice**

Any planting of vegetation or installation of structures within the 'zone of influence' of Council's sewer must be in accord with the 'Build in the Vicinity of Sewer Mains Code of Practice'. Schedule A of the Code provides a general list of plant species not suitable and these are not to be planted. The document is available on Council's website at www.esc.nsw.gov.au.

14. **Rainwater Tank Plan**

Prior to issue of any Occupation Certificate:

- (a) stormwater control construction is to conform to approved plans and be in accordance with Council's Policy and Code of Practice, "*Design Guidelines for Rainwater Tanks*";
- (b) all tanks and associated structures, including stands, must be installed in accordance with manufacturer's/designer's specifications;
- (c) accurate Works as Executed plans are to be provided to Council in accordance with Council's Policy and Code of Practice, "*Design Guidelines for Rainwater Tanks*", contact Council's Duty Development Officers on (02) 44741231, or download from Council's website at the following link: www.esc.nsw.gov.au

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

15. **Long Service Levy**

Long Service Levy is required to be paid to the NSW Long Service Payment Corporation prior to the issue of a Construction Certificate. The amount to be paid is 0.35% of the cost of buildings and works where these are valued at \$25,000 or more.

16. **Water Meter**

A water meter is to be provided to the development. This can be achieved by payment to Council of the standard fee (\$1,000.00 for the current financial year) for a 20 diameter water meter to suit the development.

17. ***Retaining Walls***

Retaining walls within 1m of any boundary or greater than 600mm in height require a Construction Certificate and Occupation Certificate. All works associated with such retaining walls e.g. backfill, drainage, supporting footing shall be wholly contained within the allotment boundary.

Note: There are other development standards other than those specified above which apply to retaining walls which require prior approval and certification. Please refer to Subdivision 15 of Part 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for requirements at <http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+572+2008+cd+0+N>.

18. ***Bushfire Protection Construction Details Required***

Prior to the issue of the Construction Certificate detailed plans and specifications of the building construction shall be submitted to the Principal Certifying Authority demonstrating compliance with the BAL levels stipulated in this consent.

19. ***Erosion and Sedimentation Control***

Prior to commencement of any earthworks, 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 - Council's Soil and Water Management Code. These controls are to remain in place until the development is completed and/or disturbed areas are stabilised.

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

20. ***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.

21. ***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

22. ***Banks***

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

23. ***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.

24. ***Boundary Check***

The building shall be set out by a registered surveyor to verify the correct position in relation to property boundaries and the approved plans. A plan prepared by a registered surveyor shall be submitted to the Principal Certifying Authority certifying that the works have been located in accordance with the approved development application prior to proceeding past the relevant stage of construction.

25. ***Hours of Operation - 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

26. ***Sealed Driveway***

Prior to issue of any Occupation Certificate, construction of a sealed driveway crossover from street pavement to property boundary in accordance with Council's Infrastructure Designs Standards (IDS) and Council's Standard drawings. 27. The development shall not be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

28. ***BASIX Certification***

The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No(s) 685460S and any updated certificate(s) if amendments are made. The BASIX Certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.

ADVISORY NOTES

(a) ***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.

(b) ***Underground Utility Services Check***

The applicant shall contact the "Dial Before You Dig" service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au, prior to the commencement of excavation, to ascertain the presence and type of underground utility services in the vicinity of the development.

(c) ***Ocean Location***

Council is of the opinion that the land is located within a corrosive environment, ie. that it is located within 1km from breaking surf, within 100m of salt water not subject to breaking surf or heavy industrial areas. Materials used in construction may require a higher level of corrosion protection in accordance with relevant Australian Standards and the Building Code of Australia.

(d) **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.

(e) **Land Clearing "Best Practice"**

Council encourages the following best practices in relation to the disposal of felled timber:

- (a) The harvesting and processing of mill quality timber either on site or through a commercially licensed timber mill
- (b) The stockpiling of suitable felled timber as firewood for heating purposes
- (c) The mulching or chipping of stumps, crowns and other herbaceous matter either on site or through a licensed landfill tip or recycling centre providing mulching facilities.

(f) **Street Numbering**

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers are required, a separate application shall be made to Council.

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

Division

For the Motion: Clrs D Brice, L Brown, G Harding, L Innes, M Leslight, R Pollock and P Schwarz.

Against the Motion: Nil.

PSR16/034 ENERGY PERFORMANCE CONTRACT

File Ref: e07.1073

16/225 MOTION Councillor Pollock/Councillor Innes

THAT:

1. Council endorses the selection of the preferred tenderer, Total Energy Solutions, as listed for 2015 / PLS028 Energy Performance Contract within the confidential attachment.
2. Council accordingly approves entering into a contractual arrangement with Total Energy Solutions, subject to the terms specified in the Request for Tender and Detailed Facility Study Agreement unless otherwise varied in accordance with this report.

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

12. INFRASTRUCTURE REPORTS

IR16/031 FUNDING OFFER - AUSTRALIAN GOVERNMENT BLACK SPOT PROGRAM 2016-17

File Ref: E90.0713

16/226 MOTION Councillor Brice/Councillor Leslight

THAT Council endorse the actions taken to accept the funding offer of \$325,885 under the Australian Government Black Spot Program 2016-17 for improvements to the local road network at Cullendulla Drive, Long Beach.

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

**IR16/032 TENDER FOR BLANKET ORDER FOR THE PROVISION OF WATER TANKER
SUPPORT - TENDER NO. 2016/ISD113**

File Ref: E13.7092

16/227 MOTION Councillor Pollock/Councillor Innes

THAT:

1. Council endorses the selection of Sapphire Tree Service and Tower Hire, as the preferred tenderer listed for RFT No. 2016/ISD113 within the confidential attachment.
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

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

**IR16/033 TENDER FOR REFURBISHMENT OF SEWAGE PUMPING STATION NA10 AT
KIANGA - CONTACT NO. 2015/ISD031**

File Ref: E05.9189.PS

16/228 MOTION Councillor Pollock/Councillor Innes

THAT Council accept Ted Wilson & Sons Pty Ltd as the preferred tenderer, as identified in the confidential attachment for the Refurbishment of Sewage Pumping Station NA10 at Kianga.

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

**IR16/034 TENDER FOR EUROBODALLA SOUTHERN STORAGE ENVIRONMENTAL
ASSESSMENT AND DETAILED DESIGN**

File Ref: E03.7761

16/229 MOTION Councillor Pollock/Councillor Innes

THAT Council accepts the tender from SMEC Australia Pty Ltd, identified in the confidential attachment as the preferred tender, for the *Eurobodalla Southern Storage Environmental Assessment and Detailed Design*.

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

IR16/035 TENDER FOR CONSTRUCTION OF CONCRETE BRIDGE AT GULPH CREEK (CADGEE BRIDGE), EUROBODALLA ROAD, NERRIGUNDAH - TENDER NO. 10004881

File Ref: 84.00663

16/230 MOTION Councillor Innes/Councillor Brice

THAT the tender from Bridgeworks (Aust) Pty Ltd be accepted for construction of a new concrete bridge at Gulph Creek (Cadgee Bridge), Eurobodalla Road, Nerrigundah subject to confirmation of funding under the Natural Disaster Relief Arrangements program.

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

IR16/036 LOCAL TRAFFIC COMMITTEE MEETING NO 10 FOR 2015-16

File Ref: E15.9002

16/231 MOTION Councillor Brice/Councillor Innes

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 10 of 2015-16 held on 9 June 2016 be received and noted.
2. Council Plan No 5156 Set BB Sheet 01 detailing signage and line-marking associated with the alteration to 'Give Way' signage at the Bavarde Avenue and Pacific Street intersection, Batemans Bay be approved.
3. Council Plan No 5156 Set AT Sheet 03 detailing signage for a Bus Zone 8.00am to 5.00pm Monday to Friday and measuring 14.5 metres in Guy Street, Batemans Bay be approved.
4. Council Plan No 5156 Set AL Sheet 03 detailing the 'No Parking' signage within the Canty Street car park, Narooma be approved.

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

13. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD16/043 INVESTMENTS MADE AS AT 30 JUNE 2016

File Ref: E99.3517

16/232 MOTION Councillor Schwarz/Councillor Pollock

THAT the certification that the investments as at 30 June 2016 made in accordance with the Act, 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**)

**FBD16/044 LAND TRANSFER TO COUNCIL, SEWER PUMP STATION, GILLAN GROVE,
BROULEE**

File Ref: 14.8434.S/94.6035.S

16/233 MOTION Councillor Innes/Councillor Pollock

THAT:

1. All actions necessary be taken for the transfer of Lot 70 DP 1213485 to Council.
2. All costs associated with the transfer be borne by the developers.
3. In accordance with Section 34 of the Local Government Act 1993 public notice be given of

Council's intention to resolve:

- a. Lot 70 DP 1213485 be classified as operational land;
 - b. A period of 28 days be given for members of the public to make submissions.
4. A further report be received following the notification period.

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

**FBD16/045 LICENCE FOR SOUTHERN NSW HEALTH FOR CORRIGANS BEACH RESERVE,
MALONEYS BEACH AND GEORGE NOBLE PARK, DALMENY**

File Ref: E07.1579; E07.1581

16/234 MOTION Councillor Leslight/Councillor Brice

THAT:

1. Subject to consent from the Minister administering the Crown Lands Act, Council as Trust Manager for Eurobodalla (North) Reserve Trust, consent to the granting of a five year licence, in accordance with the provisions of the Crown lands Act 1989, to conduct exercise programs on Crown Reserve R66122 at Corrigans Beach, Batehaven to Southern NSW Local Health District commencing on 1 July 2016 and expiring on 30 June 2021 with a fee being the minimum Crown statutory fee currently \$471.00 including GST.
2. A five year licence be granted to Southern NSW Local Health District to conduct exercise programs within Lot 245 DP 569875 at Maloneys Beach and Lot 204 DP 752162 at Dalmeny commencing on 1 July 2016 and expiring on 30 June 2021 for a fee of \$471 including GST, for each site.
3. A donation in the amount of the licence fees be made to Southern NSW Local Health District.

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

FBD16/046 LICENCE FOR FUNDRAISING BARBEQUES - NORTH NAROOMA

File Ref: e07.1581

16/235 MOTION Councillor Brice/Councillor Harding

THAT:

1. Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to Marine Rescue NSW to operate a food van within Crown Reserves R52679 and R79308 for the period 1 August 2016 to 31 July 2017 inclusive with a licence fee of \$518.10 including GST.
2. A donation in the amount of \$518.10 be made to Marine Rescue NSW in accordance with the Financial Assistance (Donations and Grants) Policy, as has occurred in previous years.

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

FBD16/047 LICENCE FOR AGRICULTURAL PURPOSES, MORUYA

File Ref: E00.4465

16/236 MOTION Councillor Schwarz/Councillor Brice

THAT:

1. Council endorse Barry James McCauley and Lauris May McCauley as the preferred tenderer for the licence over Lots 61 and 62 and part Lot 58 DP 244154 Moruya for agricultural purposes.
2. A licence be granted to Barry James McCauley and Lauris May McCauley for a term of two years with three one-year options for agricultural purposes in accordance with the provisions of the current licence with a rental as set out in the confidential attachment.

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

FBD16/048 LEASE TO SERVICE NSW FOR CO-LOCATION AT MORUYA ADMINISTRATION BUILDING

File Ref: E16.0246

16/237 MOTION Councillor Pollock/Councillor Innes

THAT:

1. A lease be granted to Service NSW for 100 square metres of the foyer area of the Moruya Council Administration building with terms and conditions including:
 - i) Term of two years with an option for a further one year;
 - ii) Annual rental as noted in the confidential attachment to this report.
2. The General Manager be given delegated authority to negotiate the final details of the lease.
3. The Council seal to be affixed to the Service NSW lease agreement.

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

14. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

15. DELEGATE REPORT

NII

16. QUESTIONS/URGENT BUSINESS

NII

17. DEALING WITH MATTERS IN CLOSED SESSION

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 confidential reports.

The reports are classified confidential under Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(di) information that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

Therefore pursuant to Section 10A of the Local Government Act, 1993 the following reports be dealt with in Closed Session for the reasons specified below:

CON16/018 Financial Matter

Item CON16/018 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains 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.

CON16/019 Financial Matter

Item CON16/019 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains 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.

CON16/020 Financial Matter

Item CON16/020 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains 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.

At 10.49am the Ordinary Meeting of Council moved into Closed Session.

At 11.18am the Ordinary Meeting of Council resumed.

18. CONFIDENTIAL MATTERS

CON16/018, 019 AND 020 FINANCIAL MATTERS

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

CON16/018 FINANCIAL MATTER

File Ref: E15.9044

The recommendations considered in the Closed Session of Council were accepted.

CON16/019 FINANCIAL MATTER

File Ref: E15.9044

The recommendations considered in the Closed Session of Council were accepted.

CON16/020 FINANCIAL MATTER

File Ref: E15.9044

The recommendations considered in the Closed Session of Council were accepted.

THE MEETING CLOSED AT 11.19AM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 9 August 2016 at which meeting the signature hereon was subscribed.