



Minutes

Ordinary Meeting of Council

12 December 2017

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 12 DECEMBER 2017

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 12 DECEMBER 2017
COMMENCING AT 10.03AM**

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, Corporate and Commercial 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.)

PF17/053 – PSR17/073 Batemans Bay Mackay Park Precinct Redevelopment – Mackay Park Sunset Committee

Mr Owen Cartledge addressed Council in relation to PSR17/073 Batemans Bay Mackay Park Sunset Committee.

A copy of Mr Cartledge's submission is available on Council's website.

EXTENSION OF TIME

17/389 MOTION Councillor Mayne/Councillor McGinlay

THAT Mr Cartledge be granted an extension of three minutes to complete his presentation.

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

PF17/054 – PSR17/073 Batemans Bay Mackay Park Precinct Redevelopment – Mackay Park Sunset Committee and QON17/006 Comparative Pool Costs

Ms Maureen Searson addressed Council in relation to PSR17/073 Batemans Bay Mackay Park Sunset Committee and QON17/006 Comparative Pool Costs.

A copy of Ms Searson's submission is available on Council's website.

PF17/055 – PSR17/073 Batemans Bay Mackay Park Precinct Redevelopment – Mackay Park Sunset Committee and QON17/006 Comparative Pool Costs

Mr Peter Coggan addressed Council in relation to PSR17/073 Batemans Bay Mackay Park Sunset Committee and QON17/006 Comparative Pool Costs. Mr Coggan also read out a submission on behalf of Mr Roger Gribble.

A copy of Mr Coggan's and Mr Gribble's submissions are available on Council's website.

EXTENSION OF TIME

17/390 MOTION Councillor McGinlay/Councillor Mayne

THAT Mr Coggan be granted an extension of three minutes to complete his presentation.

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

PF17/056 – PSR17/073 Batemans Bay Mackay Park Precinct Redevelopment – Mackay Park Sunset Committee

Ms Coral Anderson addressed Council in relation to PSR17/073 Batemans Bay Mackay Park Sunset Committee.

A copy of Ms Anderson's submission is available on Council's website.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

17/391 MOTION Councillor Tait/Councillor Nathan

THAT the minutes of the Ordinary Meeting held on 28 November 2017 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Innes declared a non-significant, non-pecuniary conflict of interest in CCS17/096 Legalisation of Clouts Road, Mogendoura and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Innes declared an interest as she knows residents who own property on this particular road.

6. MAYORAL REPORTS

MR17/007 EASY TO DO BUSINESS

File Ref: E88.0056

17/392 MOTION Councillor Innes

THAT Council investigate the 'Easy to do Business' Program and report back to a future Council meeting.

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

7. NOTICES OF MOTION

**NOM17/013 DIVESTMENT OF COUNCIL INVESTMENTS IN FOSSIL FUEL SUPPORTING
FINANCIAL INSTITUTIONS**

File Ref: e00.4623

17/393 MOTION Councillor McGinlay/Councillor Mayne

THAT:

1. Council give preference to investing with financial institutions that do not invest in, or finance, the fossil fuel industry where:
 - a) Council's investment is compliant with its 'Investment Policy'.
 - b) the investment rate of interest is no less than other similar investments that may be on offer to Council at the time of investment.
2. Council's investment policy:
 - a) be amended to allow for an increase in investments in BBB+ rated institutions to a maximum 60% of Council's investment portfolio and a maximum of 20% within any one BBB+ rated institution.
 - b) as amended, be advertised for 28 days as soon as possible in February 2018. Once the submissions are received a further report be presented back to Council for consideration.

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

NOM17/014 COASTSNAP BEACH MONITORING PROGRAM

File Ref: E09.3154

17/394 MOTION Councillor Thomson/Councillor Nathan

THAT Council:

1. Further investigate participation in the CoastSnap beach monitoring program
2. Contact the Office of Environment and Heritage to determine what is required from Council to participate in the CoastSnap program
3. Investigate suitable sites in consultation with the Office of Environment and Heritage.

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

8. QUESTIONS ON NOTICE FROM COUNCILLORS

QON17/006 COMPARATIVE POOL COSTS

File Ref: E00.4623

17/395 MOTION Councillor Constable/Councillor Nathan

THAT the response to the question regarding comparative pool costs raised by Councillor Phil Constable be received and noted.

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

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

**GMR17/041 AUSTRALIAN COASTAL COUNCILS CONFERENCE - GEELONG, VICTORIA - 21 -
23 MARCH 2018**

File Ref: E91.3255

17/396 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. Council determine that Councillors McGinlay, Nathan and Pollock attend the Australian Coastal Councils Conference 2018 to be held on 21 – 23 March 2018 in Geelong, Victoria.
2. Council representatives be reimbursed out of pocket expenses in accordance with the Councillors' Expenses and Facilities Policy.

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

Note: Councillor James Thomson is the NSW Representative on the Australian Coastal Councils Committee and will attend on behalf of that Committee.

11. PLANNING AND SUSTAINABILITY REPORTS

**PSR17/073 BATEMANS BAY MACKAY PARK PRECINCT REDEVELOPMENT - MACKAY PARK
SUNSET COMMITTEE**

File Ref: E12.6442

MOTION Councillor Mayne/Councillor McGinlay

THAT Council move into Committee of the Whole to discuss PSR 17/073 Batemans Bay Mackay Park Precinct Redevelopment – Mackay Park Sunset Committee.

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

17/397 MOTION Councillor Brown/Councillor Constable

THAT Council:

1. Extend the tenure of the Batemans Bay Mackay Park Precinct Sunset Committee until 31 December 2018 and that the Batemans Bay Mackay Park Precinct Sunset Committee Terms of Reference be amended accordingly.
2. At this time not fill the vacancy on the Batemans Bay Mackay Park Precinct Sunset Committee.

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

PSR17/074 PLANNING PROPOSAL - 3 BROWN CLOSE, MORUYA HEADS

File Ref: E17.1328

17/398 MOTION Councillor Pollock/Councillor Tait

THAT Council:

1. Endorse the attached planning proposal to amend *Eurobodalla Local Environmental Plan 2012*, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*.
2. Forward the planning proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.
3. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegation for making the plan under Section 59 of the *Environmental Planning and Assessment Act 1979*.
4. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
5. Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the *Environmental Planning and Assessment Act 1979*.
6. Note that the plan is proposed to be made under delegation following the issue of a Gateway Determination and the completion of community consultation requirements.

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

**PSR17/075 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 - HOUSEKEEPING AND
OTHER AMENDMENTS**

File Ref: E17.1168

17/399 MOTION Councillor Pollock/Councillor Brown

THAT Council:

1. Adopt the amended planning proposal to make housekeeping and other amendments to Eurobodalla Local Environmental Plan 2012, attached to this report.
2. Resolve to make the amendments to the Eurobodalla Local Environmental Plan 2012.
3. Forward the amended planning proposal to Parliamentary Counsel with a request to draft the amendments and to the NSW Department of Planning and Environment for reporting and monitoring purposes.
4. Notify in writing, all affected property owners and those who made submissions to the exhibition of the planning proposal to make housekeeping and other amendments to Eurobodalla Local Environmental Plan 2012 of Council's determination.

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

**PSR17/076 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 - REZONING AND
RECLASSIFICATION OF LAND AT NAROOMA**

File Ref: E17.1168

17/400 MOTION Councillor Brown/Councillor Pollock

THAT Council:

1. Adopt the amended planning proposal to rezone and reclassify land at Flying Fox Road/Rainforest Parkway, Narooma, attached to this report.
2. Forward the amended planning proposal to the NSW Department of Planning and Environment with a request to arrange for the amendments to be made.
3. Notify in writing all relevant property owners and those who made submissions to the exhibition of the planning proposal to rezone and reclassify land at Flying Fox Road/Rainforest Parkway, Narooma, of Council's determination.

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

**PSR17/077 SUBMISSION TO PROPOSED PRIMARY PRODUCTION AND RURAL
DEVELOPMENT SEPP**

File Ref: E12.6191

17/401 MOTION Councillor Thomson/Councillor Brown

THAT Council endorse the submission attached to this report and forward it to the NSW Department of Planning and Environment.

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

PSR17/078 DRAFT HERITAGE STRATEGY 2017-2021

File Ref: E07.1407

17/402 MOTION Councillor Nathan/Councillor Tait

THAT Council:

1. Adopts the Eurobodalla Heritage Strategy 2017–2021;
2. Allocates \$7,000 for each of the 2018-19, 2019-20 and 2020-21 financial years for the delivery of the Museum Advisors Program;
3. Forwards the Eurobodalla Heritage Strategy 2017–2021 to the Heritage Division in accordance with the condition of the funding agreements; and
4. Thanks the members of the Heritage Advisory Committee for their contribution to the development of the Eurobodalla Heritage Strategy 2017 - 2021.

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

PSR17/079 SUBDIVISION AT MORUYA AIRPORT FOR ELEVEN (11) ADDITIONAL LOTS

File Ref: 89.2443.S

17/403 MOTION Councillor Brown/Councillor Tait

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Development Application No. 130/18 in relation to Lot 11 DP 1229406 Bruce Cameron Drive, Moruya be **APPROVED** subject to conditions as set out below and a positive response from the Office of Environment and Heritage:

- 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;
- It meets 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 and Section 64 of the Local Government Act 1993;
- That the protection of the amenity and character of land adjoining, and in the locality of the proposed development;
- Any potential adverse environmental, social or economic impacts of the proposed development is minimised; and
- That all traffic, car parking and access requirements arising from the development are addressed.

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
130/18 Sheets 1 to 7 (inclusive)	2815 Set M, Sheets 1 to 7 (inclusive)	27 July 2017	Eurobodalla Shire Council
130/18 Sheet 8	2815, Set M, Sheets 13	24 August 2017	
130/18 Sheet 9	2815, Set M, Sheets 15	15 September 2017	

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 (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. *Biocertification Obligations*

The Landowner must purchase credits for developing land as required under Schedule 3, 2(a) of the Biocertification Agreement. The purchase and retirement of credits shall occur within 90 (ninety days) of the date of this determination.

3. *Aboriginal Heritage*

Prior to any work taking place, the consent holder shall obtain an Aboriginal Heritage Impact Permit. The disturbance of Aboriginal objects in carrying out the works subject of this Consent is limited to those which are permitted by that Permit. Any works which are likely to disturb any further areas may be subject to the need for a further AHIP for those works.

If any Aboriginal relics or objects are uncovered during work, excavation or disturbance of the areas outside of those permitted by the AHIP, any activity must stop immediately and the Environmental Protections and Regulation Group of the Office of Environment and Heritage is to be immediately contacted.

4. *Clarification of Consent*

This consent relates to the subdivision for the purpose of 11 new lots, land clearing, access road and fencing only as depicted on approved plans.

Note: The consent is reliant upon the installation of services, taxiway extension and intersection upgrades which is to be assessed and carried out separately under Part 5 of the Environmental Planning and Assessment Act 1979.

5. *Prior to the Issue of Infrastructure Construction Certificate*

Submission to and approval by Council of engineer's design for the internal road and drainage system is required prior to the issue of the Infrastructure Construction Certificate. Plans are to be in accordance with Council's Infrastructure Design Standard.

Drainage infrastructure to the access road and the new lots in accordance with design plans prepared by a suitably qualified practising professional. The design plans shall be in accordance with Council's infrastructure Design Standards for commercial/industrial developments (5% AEP design flow). The stormwater network shall include a legal discharge/connection location within each lot. The design shall ensure all lots which cannot drain to a street are to be provided with adequate inter-lot stormwater drainage disposal and any associated drainage easements. Where required to meet the objectives of the stormwater design, a positive covenant is to be placed on the title of all lots requiring each future development to provide rainwater

tanks, onsite detention, subsurface absorption as specified in the design. The requirements of such systems shall be specified in the positive covenant.

The drainage design shall consider the ultimate drainage solution for the Airport west precinct.

The stormwater infrastructure shall be installed in accordance with Council's Construction Specifications.

The fee for the issue of the Infrastructure Construction Certificate is currently \$1535 per lot or will be charged at the rate for the current financial year at the time of issue, as set in Eurobodalla Shire Council's Fees and Charges.

The Construction Certificate for the provision of engineering infrastructure for this development is required in addition to the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia.

PRIOR TO COMMENCEMENT OF WORKS

6. *Construction Certificates*

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

7. *Imported Fill*

Prior to the importation of fill onto the development site details of the origin/quality of the material are to be provided to the Council's Divisional Manager of Development Services. The fill is to be certified as virgin excavated natural material (VENM). The fill is to be of similar particle size distribution to the natural soil (i.e. sand) to maintain natural hydrological regimes.

8. *Fill Requirements*

Earthworks- Geotechnical Stability:

Prior to the issue of a Subdivision Certificate if any lot on the subdivision is to be filled by over 0.2 metres 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 a 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.

9. *Removal of Hollow-bearing Trees*

If hollow-bearing trees require removal the following protocol is to be observed in order to minimise disturbance to fauna during the removal of those trees:

A fauna ecologist or handler licensed under the National Parks and Wildlife Act 1974 shall supervise and provide instructions on the felling of hollow bearing trees.

Arrangements shall be made for their attendance on site during the time that hollow bearing trees are to be cut down.

Clear non-hollow bearing trees first as approved on the tree plan. Remaining hollow bearing trees shall be shaken and/or nudged by tree-felling equipment to encourage any fauna to vacate the trees. In the event that fauna emerge from a hollow, they must be permitted to exit the tree prior to felling.

Felled trees should be gently lowered to the ground (where possible) and left overnight to allow any remaining fauna to vacate hollows.

10. *Erosion and Sedimentation Control*

During the works, the design, management and implementation of pollution controls must be consistent with "Managing Urban Stormwater: Soils and Construction guidelines; 4th Edition Landcom 2004 (The Blue Book)" to ensure containment of sediment to the immediate work site. All sediment control measures must be regularly inspected and cleaned out and/or repaired as necessary, and all collected silt disposed of appropriately. The controls 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

11. *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.

12. *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.

13. *Stormwater management and inundation*

During the works, and once complete, any stormwater leaving the site complies with the water quality benchmarks for estuaries of the catchments within the Batemans Marine Park (Moruya River) as expressed in the NSW Water Quality Objectives (WQOs) developed in accordance with the ANZECC 2000.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

14. *Restriction as to User - Prohibition of Residential Development*

In accordance with the undertaking specified by the applicant, a restriction as to user shall be placed on Lots 1 to 11 prohibiting residential development on each of the respective lots.

15. *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 approval.

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. 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 including the provision of NBN cabling and conduits.

18. 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.

19. "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.

20. 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.

21. 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.

22. Section 94 Contributions Subdivision

Prior to issue of a Subdivision Certificate the developer/consent holder shall pay Council contributions towards the provision of public amenities and services in accord with Council's Contributions Plan. The contribution rates for the current financial year are as follows:

- a) Waste Disposal \$1421.20

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 subdivision.

23. Road Works – Intersection with George Bass Drive

Prior to issue of a Subdivision Certificate the applicant shall construct an intersection to George Bass Drive to the standards of Council's Infrastructure Design Specification, including associated drainage and erosion/sediment controls.

24. Road Works and drainage – internal road and subdivision

Prior to issue of a Subdivision Certificate the applicant shall construct the road to the standards of Council's Infrastructure Design Specification, including associated drainage and erosion/sediment controls, in accordance with Design Plans subject of a Construction Certificate.

25. 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.

26. Sewer Reticulation

Prior to issue of Subdivision Certificate the applicant shall construct sewer reticulation to the new lots in accordance with Council's codes and specifications and provide certified Works as Executed Plans to Council.

27. Pressure Sewerage System (where pods not previously installed)

Development 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. Prior to the release of the subdivision certificate the developer shall provide payment of the prescribed fee of \$11,000 per lot (refer to the Fees and Charges Policy viewable on Council's website) for the future installation of the pressure sewerage pods.

28. 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) \$134,530 (11 ET) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$12,230
- b) \$117,095 (11 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.

29. 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.

Work as Executed Plans are to be submitted to Council prior to the release of the Subdivision Certificate.

30. *Electricity Supply*

Prior to issue of 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).

ADVISORY NOTES

(i) ***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.

(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.

PSR17/080 NAROOMA OYSTER FESTIVAL

File Ref: E15.9389

17/404 MOTION Councillor Brown/Councillor Pollock

THAT Council allocate \$10,000 from the Events Support Program to the Narooma and District Chamber of Commerce to support the 2018 Narooma Oyster Festival.

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

17/405 ADJOURNMENT Councillor Mayne/Councillor McGinlay

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

At 11.28am the meeting adjourned.

At 11.32am the meeting reconvened.

12. INFRASTRUCTURE REPORTS

IR17/068 BATEMANS BAY BRIDGE REF: COUNCIL SUBMISSION TO ROADS AND MARITIME SERVICES

File Ref: E05.9204

17/406 MOTION Councillor Tait/Councillor Nathan

THAT Council endorse the submission to Roads and Maritime Services dated 8 December 2017 in response to Roads and Maritime Services' Review of Environmental Factors and Environmental Impact Statement for the Batemans Bay Bridge project.

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

IR17/069 MARINE DREDGING AND RENOURISHMENT OF LEWIS ISLAND NAROOMA

File Ref: E89.2065

17/407 MOTION Councillor Constable/Councillor McGinlay

THAT:

1. The report providing information on the restabilisation of Lewis Island, Narooma and advocacy for a 100% NSW Government funded program for monitoring and dredging of waterways be received and noted.
2. The advocacy for a 100% NSW Government funded program for monitoring and dredging of waterways be added to Council's Infrastructure Advocacy document.

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

IR17/070 FUNDING OFFER - BRIDGES RENEWAL PROGRAM - CULLENDULLA DRIVE CULVERT

File Ref: E08.2547

17/408 MOTION Councillor Nathan/Councillor Tait

THAT:

1. Council endorse the actions taken to accept the funding offer of \$202,021 under the Australian Government's Bridges Renewal Program Round Three to upgrade the existing culvert crossing over Cullendulla Creek on Cullendulla Drive, Long Beach.
2. Council write to the Minister for Infrastructure and Transport, the Hon Darren Chester MP and local Federal member Ann Sudmalis MP thanking the Australian Government for the funding of \$202,021 provided under the Australian Government's Bridges Renewal Program Round Three to upgrade the existing culvert crossing over Cullendulla Creek on Cullendulla Drive, Long Beach.

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

IR17/071 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2017-18

File Ref: E16.0002

17/409 MOTION Councillor Mayne/Councillor Nathan

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 of 2017-18 held on 13 October 2017 be received and noted.
2. Council Plan No.4925 Set C Sheet 01, detailing the signage and line marking at the intersection of George Bass Drive and Annetts Parade, Mossy Point be approved.

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

13. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS17/096 LEGALISATION OF CLOUDS ROAD, MOGENDOURA

File Ref: 83.7035.B; 89.3301.B

Councillor Innes declared a non-significant, non-pecuniary conflict of interest in CCS17/096 Legalisation of Clouts Road, Mogendoura and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Innes declared an interest as she knows residents who own property on this particular road.

17/410 MOTION Councillor Nathan/Councillor Tait

THAT:

1. A Deed of Agreement be entered into with the registered proprietor of Lot 1 DP 108612 providing for the dedication of part of Lot 1 DP 108612 for public road purposes subject to Council taking all necessary action to have part of Clouts Road, Mogendoura closed, transferred and consolidated with the residue of Lot 1 DP 108612 with Council being responsible for all costs including the registered proprietor's reasonable legal costs.
2. Subject to the registered proprietor of Lot 1 DP 108612 entering into the Deed of Agreement in 1. above, and there being no objection from the community or statutory authorities to the proposed road closure, application be made to the Crown Lands Division of the Department of Industry – Lands and Forestry to close part of Clouts Road shown in the report CCS17/096 Legalisation of Clouts Road, Mogendoura.
3. Once closed and vested in Council the land be transferred to the registered proprietor of Lot 1 DP 108612 in exchange for parts of Lot 1 DP 108612 dedicated as public road to cover those parts of Clouts Road not located within a road reserve.
4. All costs associated with the proposed acquisition for road opening and closing, including the registered proprietor's reasonable legal costs, be borne by Council.
5. Consent be given to affix the Common Seal of Council to the Deeds of Agreement and the Transfer of those parts of Clouts Road closed and vested in Council.

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

CCS17/097 COMPULSORY ACQUISITION OF COUNCIL LAND - BATEMANS BAY

File Ref: E16.0309

17/411 MOTION Councillor Mayne/Councillor Tait

THAT:

1. Application be made to the Minister for Local Government and the Governor to acquire Lot 388 in Deposited Plan 248840 for the purpose of extinguishing an existing caveat on title and resale by compulsory process in accordance with Council's power under Section 187(2) of the *Local Government Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. If consent is granted, 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**)

CCS17/098 CLASSIFICATION OF LAND - RIVER STREET, MORUYA

File Ref: 13.7193.E

17/412 MOTION Councillor Mayne/Councillor Constable
THAT Lot 1 DP 1235258 be classified as operational land.

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

CCS17/099 LICENCE - BATEMANS BAY TENNIS CLUB

File Ref: E16.0386/E12.6337

17/413 MOTION Councillor Tait/Councillor Thomson

THAT: Council grant a licence to Batemans Bay Tennis Club for the club house within Lot 3 DP 1171024 for five years commencing on 1 December 2017 and terminating on 30 November 2022 subject to conditions generally in line with the previous licence including:

- (a) Payment of a licence fee of \$488.09 plus GST pa, increased annually in line with the CPI.
- (b) Provision of evidence of public liability insurance cover in the amount of at least \$20 million.

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

CCS17/100 LICENCE FOR COACHING PURPOSES, BATEMANS BAY TENNIS FACILITY

File Ref: E16.0386

17/414 MOTION Councillor Tait/Councillor Nathan

THAT Council grant a licence over one court for tennis coaching purposes to the tennis coach named in the confidential attachment at the Batemans Bay tennis facility within Lot 3 DP 1171024 for five years commencing on 1 December 2017 and terminating on 30 November 2022 subject to conditions generally in line with the previous licence including:

- (a) All courts be available for tennis tournaments and events when required;
- (b) Payment of a licence fee as set out in the confidential attachment;
- (c) Provision of evidence of public liability insurance cover in the amount of at least \$20 million.

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

CCS17/101 LEASE - MORUYA RACECOURSE

File Ref: E80.0801

17/415 MOTION Councillor Pollock/Councillor Tait

THAT:

1. Council take all necessary actions and grant a lease to Moruya Jockey Club over part Lot 41 DP 1036166 for a term of 50 years subject to conditions including:
 - a) Payment of rent to Council being 3% of the Unimproved Capital Value (UCV) of the Land with annual CPI increases
 - b) Provision of evidence of public liability insurance cover in the amount of at least \$20 million
 - c) The Lessee paying Council rates
 - d) Commercial rent to be charged if new commercial activities generate profits
 - e) Protection of the tenure of the St Johns Ambulance.
2. Consent be given to affix the Council Seal to the lease documentation.
3. That rent from the lease be provided to the Moruya Racecourse Management Committee for reinvestment back in the racecourse.
4. That Council note the attached master plan that the MJC has developed to guide its future capital investment at the racecourse.

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

CCS17/102 MORUYA AIRPORT - HERITAGE APPROVALS

File Ref: E88.0056

17/416 MOTION Councillor Pollock/Councillor Tait

THAT Council undertake the actions outlined in the confidential attachment to this report CCS17/103.

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

CCS17/104 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

File Ref: E13.7162

17/417 MOTION Councillor Thomson/Councillor Brown

THAT Council receive and note the Code of Conduct Complaints Statistics Report.

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

14. COMMUNITY, ARTS AND RECREATION REPORTS

**CAR17/031 TENDER - MORUYA LIBRARY AND ARTS CENTRE NEW BUILDING AND
REFURBISHMENT STAGE 1 WORKS**

File Ref: E16.0156

17/418 MOTION Councillor Mayne/Councillor Brown

THAT based on the assessment of value provided in the confidential attachment for the tenders for the construction of the Moruya Library and Arts Centre Stage - 1 Works outlined in this report, Council decline acceptance of all tenders under Local Government (General) Regulation 178(3) and consistent with Regulation 178(3(b), repackage and invite fresh tenders.

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

15. DELEGATE REPORT

DR17/007 NSW COASTAL CONFERENCE

File Ref: E97.1325

17/419 MOTION Councillor Thomson/Councillor Nathan

THAT the Delegates Report from Councillors James Thomson and Maureen Nathan on the 2017 NSW Coastal Conference be received and noted.

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

16. URGENT BUSINESS

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

Nil

The Mayor took the opportunity to congratulate Councillor Lindsay Brown on being elected the Vice President, Rural and Regional for Local Government NSW.

At the recent NSW Local Government Conference, Councillor Rob Pollok OAM, was recognised by the sector for his 30 year service as a community representative. The Mayor congratulated Rob on his dedication to the people of Eurobodalla.

Finally, the Mayor wished Councillors, staff and community members a very Merry Christmas.

THE MEETING CLOSED AT 11.56am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 13 February 2018 at which meeting the signature hereon was subscribed.