



Minutes

Ordinary Meeting of Council

27 October 2015

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 27 OCTOBER 2015

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 27 OCTOBER 2015
COMMENCING AT 10.00AM**

PRESENT: Councillor Lindsay Brown, Mayor (in the Chair)
Councillors Danielle Brice, Neil Burnside, 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
Mrs K Green, 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

Nil

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.)

PF15/019 NOM15/008 Eurobodalla Business and Community Forum

File Ref: E15.9042; E00.4623

Mr Peter Hickman, Co-convenor of the Eurobodalla Business and Community Forum, addressed Council in relation to NOM15/008 Eurobodalla Business and Community Forum. A copy of Mr Hickman's submission is available on Council's website.

3. QUESTIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY) contd

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

PF15/020 NOM15/009 Refugee Welcome Zone

File Ref: E15.9042; E00.4623

Mr Alan Rutherford, representing the Batemans Bay Chamber of Commerce, addressed Council in relation to NOM15/009 Refugee Welcome Zone. A copy of Mr Rutherford's submission is available on Council's website.

PF15/021 NOM15/009 Refugee Welcome Zone

File Ref: E15.9042; E00.4623

Ms Linda Chapman addressed Council in relation to NOM15/009 Refugee Welcome Zone. A copy of Ms Chapman's submission is available on Council's website.

PF15/022 NOM15/009 Refugee Welcome Zone

File Ref: E15.9042; E00.4623

Ms Bernie Richards addressed Council in relation to NOM15/009 Refugee Welcome Zone. A copy of Ms Richards' submission is available on Council's website.

EXTENSION OF TIME

15/174 MOTION Councillor Harding/Councillor Innes

THAT Ms Richards be granted an extension of three minutes to complete her presentation.

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

PF15/023 NOM15/009 Refugee Welcome Zone

File Ref: E15.9042; E00.4623

Ms Trish Hellier addressed Council in relation to NOM15/009 Refugee Welcome Zone. A copy of Ms Hellier's submission is available on Council's website.

EXTENSION OF TIME

15/175 MOTION Councillor Harding/Councillor Innes

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

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

PF15/024 NOM15/009 Refugee Welcome Zone

File Ref: E15.9042; E00.4623

Mr Tom Noonan, representing the local Red Cross, addressed Council in relation to NOM15/009 Refugee Welcome Zone. A copy of Mr Noonan's submission is available on Council's website.

3. QUESTIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY) contd

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

At 11.00am Councillor Leslight left the Chambers.

PF15/025 FBD15/073 Road Closure – Miller Street, Batemans Bay

File Ref: E15.9042; 04.8630.E

Mr Phil Hardy, President of the Catalina Club, addressed Council in relation to FBD15/073 Road Closure – Miller Street, Batemans Bay. A copy of Mr Hardy's submission is available on Council's website.

PF15/026 FBD15/073 Road Closure – Miller Street, Batemans Bay

File Ref: E15.9042; 04.8630.E

Mr John Wakelin addressed Council in relation to FBD15/073 Road Closure – Miller Street, Batemans Bay. A copy of Mr Wakelin's submission is available on Council's website.

At 11.12am Councillor Leslight returned to the Chambers.

3. QUESTIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY) contd

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

**PF15/027 FBD15/075 Draft Financial Statements for the Year Ended 30 June 2015 –
Referral to Audit**

File Ref: E15.9042; E14.8016

Mr Peter Bernard addressed Council in relation to FBD15/075 Draft Financial Statements for the Year Ended 30 June 2015 – Referral to Audit. A copy of Mr Bernard's submission is available on Council's website.

4. PRESENTATIONS

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

15/176 MOTION Councillor Harding/Councillor Schwarz

THAT the minutes of the Ordinary Meeting held on 22 September 2015 be confirmed.

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

15/177 MOTION Councillor Harding/Councillor Schwarz

THAT the minutes of the Extraordinary Meeting held on 15 October 2015 be confirmed.

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

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

E87.6800

Councillor Brice declared a non-significant, non-pecuniary conflict of interest in IR15/044 SES Local Controller - Appointment and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Brice declared an interest as she as a volunteer with the SES and holds a position of Community Engagement and Media Liaison Officer.

Councillor Innes declared a significant, non-pecuniary conflict of interest in PSR15/050 Draft Water Gardens Flying-Fox Camp Management Plan, Batemans Bay and stated that she will leave the Chambers during discussion and voting on the matter.

Reason: Councillor Innes declared an interest as a relative is directly impacted by any decision of the Council.

Councillor Leslight declared a non-significant, non-pecuniary conflict of interest in FBD15/073 Road Closure, Miller Street, Batemans Bay and stated that he will leave the Chambers during discussion and voting on the matter.

Reason: Councillor Leslight declared an interest as he has a relationship with a Director of the Catalina Club.

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

NOM15/007 DEVELOPMENT ASSESSMENT SURVEY RESULTS

File Ref: E00.4623

15/178 MOTION Councillor Burnside/Councillor Schwarz

THAT:

1. Staff consider the results of the independent Development Assessment survey undertaken by Micromex research and examine ways in which the services can be further improved, especially for owner builders, and that the opportunities for improvement be reported back to Council for consideration as part of the service review, which is currently underway for the Development Services area.
2. Council look for opportunities to use the survey results to promote the 'open for business' message and to promote development within the Eurobodalla.

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

NOM15/008 EUROBODALLA BUSINESS AND COMMUNITY FORUM

File Ref: E00.4623

MOTION Councillor Leslight/Councillor Innes

THAT Council note and respond to the Eurobodalla Business and Community Forum reform priorities listed below:

- a) Cultural change – resurrect the Blackadder recommendations to introduce the cultural change that must occur if this Council is to survive into the future.
- b) Transparency - public release of organisational information, functional information and salary scales that is regarded as essential information for ratepayers wishing to evaluate council staffing levels against functions performed and performance against value for money.
- c) LEP – address the views of the majority of rural landholders in its final rural lands strategy and not introduce any constraints on rural lands that are not a legislative requirement.
- d) Sea Level Rise Policy – repeal the Eurobodalla SLR policy with rejection of the Whitehead report and adoption of the Shoalhaven Plan.
- e) Bio-diversity Certification – conduct a full internal and independent external review of the bio-diversity certification planning model.

15/179 AMENDMENT Councillor Pollock/Councillor Burnside

THAT the matter be deferred for the purpose of meeting with the Eurobodalla Business and Community Forum to discuss the matters raised by the group and once this meeting has taken place, the matters be recommitted for Council's consideration.

(The Amendment on being put was declared **CARRIED**.)

The Amendment then became the Motion and on being put was declared **CARRIED**.)

NOM15/009 REFUGEE WELCOME ZONE

File Ref: E00.4623

15/180 MOTION Councillor Harding/Councillor Brice

THAT Council:

1. Becomes a Refugee Welcome Zone.
2. Signs the Refugee Council of Australia Refugee Welcome Zone Declaration.
3. Continues to uphold the values associated with the Refugee Welcome Zone Declaration.

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

ADJOURNMENT

15/181 MOTION Councillor Brown

THAT the Ordinary Council Meeting be adjourned until 12.15pm.

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

At 12.09pm the Mayor adjourned the meeting.

At 12.15pm the Mayor reconvened the Ordinary Meeting of Council.

9. QUESTIONS ON NOTICE FROM COUNCILLORS

NIL

10. PETITIONS

NIL

File Ref: E14.8016

SUSPENSION OF STANDING ORDERS

15/182 MOTION Councillor Burnside/Councillor Schwarz

That Standing Orders be suspended in order to bring forward item FBD15/075 Draft Financial Statements for the year Ended 30 June 2015 – Referral to Audit.

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

**FBD15/075 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015 -
REFERRAL TO AUDIT**

File Ref: E14.8016

15/183 MOTION Councillor Burnside/Councillor Schwarz

THAT

1. The Draft Financial Statements for the year ended 30 June 2015 be referred to audit.
2. The Statement by Councillors and Management to be made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)(LGA) be signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer at the Council Meeting on 27 October 2015.

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

11. GENERAL MANAGER'S REPORTS

GMR15/032 DISCLOSURE OF INTEREST RETURNS

File Ref: E15.9060, E15.9036

15/184 MOTION Councillor Harding/Councillor Brice

THAT the report on the Disclosure of Interest Returns be received and noted.

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

GMR15/033 MEMORANDUM OF UNDERSTANDING WITH BEGA VALLEY SHIRE COUNCIL

File Ref: E12.6443

15/185 MOTION Councillor Harding/Councillor Innes

THAT:

1. Council notes the report on the next stage of developing an alliance with Bega Valley Shire Council.
2. Council appoints the Mayor, the Deputy Mayor and General Manager and one Councillor, and holds an election to appoint one Councillor, to form a working group with representatives from Bega Valley Shire Council to develop a draft Memorandum of Understanding.
3. The draft Memorandum of Understanding be presented to Council on 8 December 2015 for consideration.

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

The Mayor advised that there were three nominations for the Councillor position on the working group, therefore it was necessary to hold an election by show of hands to appoint one Councillor.

The three nominees are Councillor Gabi Harding, Councillor Liz Innes and Councillor Peter Schwarz.

By show of hands, Councillor Gabi Harding received three votes, Councillor Liz Innes received three votes and Councillor Peter Schwarz received two votes.

Councillor Schwarz was therefore eliminated from the count.

By show of hands Councillor Gabi Harding received five votes and Councillor Liz Innes received three votes. Councillor Gabi Harding was declared elected as the Councillor representative on the working group.

**GMR15/034 TOURISM ADVISORY COMMITTEE - VACANT POSITIONS AND AMENDMENTS
TO TERMS OF REFERENCE**

File Ref: E14.8263

15/186 MOTION Councillor Pollock/Councillor Innes

THAT Council:

1. Receive and note the Tourism Advisory Committee's recommendation regarding committee representation and composition.
2. Amend the Terms of Reference for the Tourism Advisory Committee to include that the composition of industry representatives is increased from six, to up to nine.
3. Appoint Sharon Piert (Edgewater Gardens), Andrew Johns (Corrigans Cove Resort), David Maclachlan (Lincoln Downs), Jacinta Murray (Whale Coast Realty) and Alison Miers (Bay Breeze Accommodation) to the Eurobodalla Tourism Advisory Committee.

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

12. PLANNING AND SUSTAINABILITY REPORTS

PSR15/039 COAST AND ENVIRONMENT MANAGEMENT ADVISORY COMMITTEE - VACANT POSITIONS

File Ref: E09.3092

15/187 MOTION Councillor Harding/Councillor Innes

THAT Council:

1. Amend the Terms of Reference of the Coast and Environment Management Advisory Committee to include two representatives from the business community.
2. Appoint Mr Ian Hitchcock (Area South), Mr Bill Barker (Recreation), Mr Brogan Addison (Business) and Mr Roger Gribble (Business), inclusive of both representatives of business groups, to the Coast and Environment Management Advisory Committee for a three year period.
3. Reaffirm the membership of existing representatives for an additional three year period.
4. Notify all candidates, in writing, of the outcome of their application and thanking them for their interest.
5. Approach Council's Tourism Advisory Committee to seek a recommendation for a suitable candidate for the Tourism position.

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

PSR15/040 INVASIVE SPECIES PROGRESS REPORT 2014-15

File Ref: E80.2982

15/188 MOTION Councillor Innes/Councillor Harding

THAT the Invasive Species Status Report 2014-15 be received and noted.

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

PSR15/041 GREENHOUSE ACTION PLAN PROGRESS REPORT 2014-15

File Ref: E07.1073

15/189 MOTION Councillor Harding/Councillor Brice

THAT Council:

1. Receive and note the Greenhouse Action Plan Status Update 2014-15;
2. Note the grant to Southcoast Health and Sustainability Alliance for \$50,000 to investigate models to support low-income households to install solar power was from the NSW Office of Environment and Heritage, Growing Community Energy program.

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

PSR15/042 NATURAL RESOURCE MANAGEMENT STATUS REPORT 2014-15

File Ref: E05.9165

15/190 MOTION Councillor Burnside/Councillor Harding

THAT Council receive and note the Natural Resource Management Status Report 2014-15.

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

PSR15/043 FOOD INSPECTION REPORT 2014-15

File Ref: E80.1313

15/191 MOTION Councillor Innes/Councillor Harding

THAT the Food Inspection Report 2014-15 be received and noted.

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

PSR15/044 ON SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2014-15

File Ref: 98.2467

15/192 MOTION Councillor Innes/Councillor Harding

THAT the On-site Sewage Management Status Report 2014-15 be received and noted.

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

Councillor Innes advised that her property had recently had its OSMS inspection and she wished to congratulate the staff on the friendly and efficient manner in which they had conducted the inspection.

PSR15/045 WATER CONSERVATION PROGRAMS STATUS UPDATE 2014-15

File Ref: E04.8748

15/193 MOTION Councillor Innes/Councillor Harding

THAT Council receive and note the Water Conservation Programs 2014-15 Status Update.

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

**PSR15/046 ALCOHOL FREE RESERVE - RIVERSIDE PARK, MORUYA
FOR THE GRANITE TOWN FESTIVAL EVENT**

File Ref: E95.8171

15/194 MOTION Councillor Innes/Councillor Harding

THAT Council not support the introduction of a temporary Alcohol Free Reserve upon Riverside Park, Moruya for the duration of the Granite Town Festival being held from 30 October until 1 November 2015.

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

Councillor Brice voted against the Motion.

PSR15/047 INFRASTRUCTURE DESIGN STANDARDS

File Ref: E13.7268

15/195 MOTION Councillor Innes/Councillor Harding

THAT Council:

1. Adopt the draft Infrastructure Design Standards attached to this report with the changes made in response to the consultation process.
2. Thank the local consultants for their input and assistance in finalising the draft Infrastructure Design Standards.

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

**PSR15/048 DEVELOPMENT APPLICATION 58/16 EARTHWORKS - YARRAGEE ROAD,
MORUYA WASTE TRANSFER FACILITY**

File Ref: 95.8121.D

15/196 MOTION Councillor Pollock/Councillor Innes

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Development Application No. 58/16 in relation to Lot 1 DP 529774, Yarragee Road, Moruya be **APPROVED** subject to the conditions set out below:

- To ensure 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;
- To ensure the protection of the amenity and character of land adjoining, and in the locality of the proposed development;
- To minimise any potential adverse environmental, social or economic impacts of the proposed development;
- To ensure that all traffic, carparking and access requirements arising from the development are addressed; and
- To ensure 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 16/58 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*.

Council Stamp No.	Plan No.	Date of Plan	Prepared by
16/58	1503-C2000, C2010, C2020, C2030, C2040, C2041, C2042 and C2050 (All Rev A)16/58	12 June 2015	NSW Government Public Works

Council Stamp No.	Document title	Date of document	Prepared by
16/58	Statement of Environmental Effects	August 2015	Garret Barry Planning Services Pty Ltd
16/58	Soils Lab Test Results	3 August 2015	Ryan Miles
16/58	Letter of Response	21 September 2015	Amanda Jones, Divisional Manager Waste Services

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.
[2.05a]

2. **Landfill**

The fill material imported to the site is to consist of clean fill material only, that is, non-contaminated excavated material (i.e. soil or similar material). Putrescible and non-putrescible solid waste, including demolition material, is not permitted. Testing of source material is to be carried out at regular intervals during construction to ensure the continued absence of acid sulphate material. Results of those tests are to be reported to Council and placed on public record.

PRIOR TO COMMENCEMENT OF WORKS

3. **Soil and Water Management Plan**

Prior to commencement of works the proponent shall prepare a comprehensive Soil and Water Management Plan (SWMP). The SWMP shall be submitted to and approved by Council. The SWMP is to be prepared by a suitably qualified professional and shall address the following issues to the satisfaction of Council:

- i) Review and provide recommendations for the existing leachate and water management system to manage water quality at the site to applicable EPA Guidelines. The review shall include review of the proposed imported materials and construction techniques and designs. The review shall include all necessary changes to manage the leachate, soil and water for the proposed landform, including erosion controls. Adequate provision is to be made to maintain discharges at predevelopment flow.
- ii) Review and provide recommendations for the construction leachate and water management system to manage water quality to applicable EPA Guidelines during the construction and filling operations.
- iii) Soil and water management shall be prepared in accordance with "Managing Urban Stormwater: Soils and Construction – Volume 1, Landcom 2004", noting that typical erosion control and sediment management measures may not be applicable at this site.
- iv) Noise and dust management provisions are to be included in the plan.

4. **Geotechnical Report**

Prior to commencement of works, a geotechnical report by a qualified engineer shall be submitted to and approved by Council. The report is to provide best practice management recommendations based on type and quality of fill material, and provide measures appropriate to the particular circumstances of the site to ensure that the fill is appropriately compacted so as to avoid damage due to any failure of the battering. Any

recommendations are to be strictly adhered to.

5. ***Dilapidation Report***

A road dilapidation report shall be prepared for all non-arterial roads likely to be used by construction traffic prior to construction and after construction is complete. A copy of the report shall be provided to Eurobodalla Shire Council. Any damage resulting from the construction of the project, aside from that resulting from normal wear and tear, shall be repaired at the cost of the proponent.

DURING CONSTRUCTION

6. ***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. [2.22]

7. ***Construction Hours***

All construction activities, including entry and departure of heavy vehicles are restricted to the hours of 7am to 6pm (Monday to Friday); 8am to 1pm (Saturday) and at no time on Sundays and public holidays.

Works outside these hours that may be permitted include:

- a) any works which do not cause noise emissions to be audible at any nearby residential property;
- b) the delivery of materials which is required outside these hours as requested by Police or other authorities for safety reasons; and
- c) emergency work to avoid the loss of lives, property and/ or to prevent environmental harm.

8. ***Noise***

The proponent shall manage noise from construction activities so as not to exceed the following objectives:

- a) for a construction period of four weeks or less, the L10 level measure over a period of not less than 15 minutes when the construction site is in operation shall not exceed the background level by more than 20dB(A)
- b) For a construction period of greater than four weeks but less than 26 weeks, the L10 level measured over a period of not less than 15 minutes when the construction site is in operation shall not exceed the background level by more than 10dB(A).
- c) For a construction period greater than 26 weeks, the L10 level measured over a period of not less than 15 minutes when the construction site is in operation shall not exceed the background noise level by more than 5dB(A).

The proponent shall ensure that all feasible and reasonable noise mitigation and management measures are implemented with the aim to achieve applicable construction noise objective.

9. ***Safety and Road Management***

Where there is a risk of losing material, construction vehicles using public roads shall be maintained and covered to prevent any loss of load, whether in the form of dust, liquid or soils. Construction vehicles and construction roads shall be maintained in such a manner to minimise tracking of any track mud, dirt or other material onto any street which is opened and accessible to the public. In the event of any spillage, the Proponent is required to remove the spilt material within 24 hours.

10. ***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. [11.10]

11. The Soil and Water Management Plan required by Condition 3 is to be implemented during construction works. The construction site and measures are to be actively monitored and reviewed to ensure that best practice water quality measures are in operation.

12. ***Stormwater Runoff***

All runoff collected during construction which is likely to be contaminated, shall be tested, treated, handled and disposed of in accordance with the provision of the Protection of the Environment Operations Act 1997 and as indicated in the Soil and Water Management Plan.

13. ***Heritage***

If during the course of construction the Proponent becomes aware of any heritage items or archaeological material, all work likely to affect the site(s) shall cease immediately and the relevant authorities, including NPWS, NSW Heritage Council and the relevant Local Aboriginal Land Council shall be consulted to determine an appropriate course of action prior to the recommencement of work at the site. Appropriate supporting documentation would need to accompany any application for required permit/consent(s).

PRIOR TO COMMENCEMENT OF USE

14. ***Public Utility Adjustments***

Adjustments to the public utilities necessitated by the development shall be completed prior to occupation of the development and in accordance with the requirements of the relevant authority, all at no cost to Council. [0209]

15. ***Land Rehabilitation***

To ensure satisfactory screening of the facility and assist with stabilisation of fill, the north and west batters must be prepared (tilled/ tyned) and seeded with native grasses and shrubs upon cessation of fill works. Erosion control measures must remain in place until a stabilising ground cover has been established.

16. Prior to the use of the development an inspection will be required to ensure formal compliance with the conditions of this consent. In this respect the Principal Certifying Authority, or if no building work is required, then Council should be contacted to arrange for an inspection. [2.15]

DURING USE

17. Any ongoing requirements of the Soil and Water Management Plan are to be followed with an active monitoring procedure to ensure that best practice water quality measures are in operation.

ADVISORY NOTES

i. ***Remediation***

The subject site has been identified as being potentially contaminated as a result of its prior and current use. This approval has not required remediation of the site pursuant to cl. 7(1)(b) of State Environmental Planning Policy 55 as there is no change of the current usage of the site. Any future consent for a more sensitive end use on the subject allotments will trigger the need for remediation.

ii. ***Noxious Weeds***

Landholders have legal obligations under the Noxious Weeds Act to prevent the spread of undesirable and invasive species and to ensure the preservation of bushland. All noxious weeds should be removed and continually suppressed. A list of noxious weeds may be obtained from Council or viewed on its web site.

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

Division

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

Against the Motion: Nil.

**PSR15/050 DRAFT WATER GARDENS FLYING-FOX CAMP MANAGEMENT PLAN,
BATEMANS BAY**

File Ref: E15.9191; E00.4896

Councillor Innes declared a significant, non-pecuniary conflict of interest in PSR15/050 Draft Water Gardens Flying-Fox Camp Management Plan, Batemans Bay and stated that she will leave the Chambers during discussion and voting on the matter.

Reason: Councillor Innes declared an interest as a relative is directly impacted by any decision of the Council.

At 1.05pm Councillor Innes left the Chambers.

15/197 MOTION Councillor Harding/Councillor Brice

THAT:

1. Council publicly exhibit the draft Grey-Headed Flying-fox Camp Management Plan for a period of twenty one days.
2. A further report regarding the Grey-Headed Flying-fox Camp Management Plan be provided to Council following the exhibition period.

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

Councillor Leslight voted against the Motion.

The Mayor publicly thanked and acknowledged the hard work undertaken by all involved with the development of the draft Grey Headed Flying-fox Camp Management Plan, in particular staff members Deb Lenson and Courtney Fink, community representative Trish Hellier and consultant Beth Medway.

At 1.13pm Councillor Innes returned to the Chambers.

13. INFRASTRUCTURE REPORTS

IR15/043 LOCAL TRAFFIC COMMITTEE MEETING NO FOR 3 2015-16

File Ref: E15.9002

15/198 MOTION Councillor Innes/Councillor Harding

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 of 2015-16 held on 10 September 2015 be received and noted.
2. Council Plan No 5156 Set AE Sheet 01 detailing the proposed signage and infrastructure adjustment associated with installation of a Bus Zone on Surfside Avenue, Mossy Point be approved.
3. Council Plan No 4026 Set M Sheet 7 detailing the proposed signage and linemarking on the swimming pool carpark adjacent Shore Street, Moruya be approved.
4. Council Plan No 5149 Set A Sheet 01 detailing the proposed signage and linemarking on the boat ramp carpark at the end of Kingston Place, Tomakin be approved.

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

IR15/044 SES LOCAL CONTROLLER - APPOINTMENT

File Ref: E99.3427

Councillor Brice declared a non-significant, non-pecuniary conflict of interest in IR15/044 SES Local Controller - Appointment and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Brice declared an interest as she as a volunteer with the SES and holds a position of Community Engagement and Media Liaison Officer.

15/199 MOTION Councillor Harding/Councillor Pollock

THAT the State Emergency Service Region Controller be advised that Council has no objection to the appointment of the person named in the confidential attachment as the State Emergency Service Local Controller for the Eurobodalla.

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

**IR15/046 TENDER NO 1401096 - ROSEDALE AND GUERILLA BAY PRESSURE SEWERAGE
SYSTEM**

File Ref: E06.0086

15/200 MOTION Councillor Pollock/Councillor Innes

THAT, subject to State Government approval to proceed, Council accepts the tender from Ledonne Constructions Pty Ltd for the construction of a pressure sewerage system at Rosedale and Guerilla Bay.

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

14. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD15/059 LICENCE TO OPERATE BOTANIC GARDENS CAFE

File Ref: E87.6703

15/201 MOTION Councillor Innes/Councillor Harding

THAT Council grant a licence to operate the Gardens Café at the Eurobodalla Regional Botanic Gardens to the current lessee for a period of twelve months with a twelve month option with conditions in line with the current licence excepting the fee be the amount set out in the Confidential Attachment to Report FBD15/059 and the fee for the option term be increased in line with the CPI.

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

FBD15/072 LICENCE FOR RED HOT SUMMER TOUR EVENT - MACKAY PARK

File Ref: 89.2899.B

15/202 MOTION Councillor Pollock/Councillor Leslight

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

- (a) The licence period be from 1 to 3 January 2016 inclusive.
- (b) The fee be the amount set out in the confidential attachment to Report FBD15/72
- (c) Electricity usage will be charged in accordance with Council's adopted fees and charges.
- (d) Payment of a bond in the amount of \$3,000 paid 30 days prior to the event.
- (e) The provision of public liability insurance in the amount of \$20 million.
- (f) Compliance with the provisions of the event plan attached to Report FBD15/72
- (g) Compliance with the provisions of an approved DA for events held on Mackay Park.
- (h) Compliance with a Parking Management Plan approved by the Eurobodalla Local Traffic Committee
- (i) The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- (j) No glass receptacles are to be brought onto the reserve.
- (k) The Licensee to be responsible for making good any damage to the oval and other facilities used at Mackay Park during the event.

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

FBD15/073 ROAD CLOSURE - MILLER STREET, BATEMANS BAY

File Ref: 04.8630.E

Councillor Leslight declared a non-significant, non-pecuniary conflict of interest in FBD15/073 Road Closure, Miller Street, Batemans Bay and left the Chambers during discussion and voting on the matter.

Reason: Councillor Leslight declared an interest as he has a relationship with a Director of the Catalina Club.

At 1.16pm Councillor Leslight left the Chambers.

15/203 MOTION Councillor Pollock/Councillor Innes

THAT:

1. Subject to a Deed of Agreement being entered into with the applicant for the closure of part of Miller Street, Batemans Bay requiring the applicant to undertake to:
 - i. Pay all costs associated with the closure of part of Miller Street;
 - ii. Consolidate the area of closed road with the adjoining Lot 1 DP 1178623; and
 - iii. Construct an access to a heavy vehicle standard approved by Council within the easement servicing Lots 14 and 15 DP31469 and Lot 1 DP 1036103.and under the same Deed of Agreement for Council to undertake to:
 - i. Make application to the Crown Lands Division of the Department of Primary Industries to close that part of Miller Street, Batemans Bay south of Golf Links Drive subject to the creation of an easement for access of a minimum of 6 metres wide in favour of Lots 14 and 15 DP 31469 and Lot 1 DP 1036103 with the burdened property to be responsible for the construction and maintenance of the access; and
 - ii. sell the road, if closed, to the applicant for an amount set out in the Confidential Attachment to Report FBD15/070.
2. Application be made to the Crown Lands Division of the Department of Primary Industries to close that part of Miller Street, Batemans Bay south of Golf Links Drive subject to the creation of:
 - (a) An easement for access of a minimum of 6 metres wide in favour of Lots 14 and 15 DP 31469 and Lot 1 DP 1036103 with the burdened property to be responsible for the construction and maintenance of the access to a heavy vehicle standard; and
 - (b) An easement for water supply 6 metres wide.
3. All costs associated with the closure application including Crown Lands' fee, survey and plan registration fees and Council's stage 2 processing fee of \$1,160 be borne by the applicant.

4. If closed, the land be sold to the applicant for the amount set out in the Confidential Attachment to Report FBD15/070.
5. Consent be given to affix the Common Seal of Council to:
 - (a) The Deed of Agreement
 - (b) The Contract for Sale
 - (c) The Transfer for the closed road.

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

At 1.30pm Councillor Leslight returned to the Chambers.

FBD15/074 RELOCATION OF EMERGENCY HELIPAD - BATEMANS BAY

File Ref: 04.8526.D

15/204 MOTION Councillor Innes/Councillor Harding

THAT Council as Trust Manager for the Eurobodalla (North) Reserve Trust support the relocation of the emergency helipad within Crown Reserve R89405 to an alternate site within the reserve and the granting of a long term licence to Southern NSW Local Health District over the new site by the Minister administering the Crown Lands Act 1989.

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

15. COMMUNITY, ARTS AND RECREATION REPORTS

CAR15/012 HEALTHY COMMUNITIES AND SENIORS WEEK GRANTS 2015-16

File Ref: E15.9006

15/205 MOTION Councillor Harding/Councillor Brice

THAT:

1. Council approve the recommendations detailed in the confidential attachment, awarding Healthy Communities Grants and Seniors Week Grants to the value of \$10,540.00 to 18 local groups and organisations for the 2015-16 financial year.
2. Council approve the transfer of \$1,915.00 in unallocated Healthy Communities Grants and Seniors Week Grants to the fund for NAIDOC Week Grants in June 2016.

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

16. DELEGATE REPORT

Nil

17. QUESTIONS/URGENT BUSINESS

Nil

18. 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 a confidential report.

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

- (a) personnel matters concerning particular individuals (other than councillors).

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

File Ref: E15.9271

15/206 MOTION Councillor Harding/Councillor Innes

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:

IR15/045 Batemans Bay Streetscape Sunset Advisory Committee – Selection of Representatives

Item IR15.045 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) 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 1.41pm the Ordinary Meeting of Council moved into Closed Session.

At 2.16pm the Ordinary Meeting of Council resumed.

The General Manager advised the following recommendation was declared carried in Closed Session.

It should be noted that whilst in Closed Session, the Council resolved to extend the meeting until 2.30pm in order to conclude the business of the meeting.

19. CONFIDENTIAL MATTERS

IR15/045 BATEMANS BAY STREETScape SUNSET ADVISORY COMMITTEE - SELECTION OF REPRESENTATIVES

File Ref: E15.9271

15/208 MOTION Councillor Innes/Councillor Harding

THAT:

1. Mr Alan Rutherford, President of the Batemans Bay Chamber of Commerce be confirmed as a member of the Batemans Bay Streetscape Sunset Advisory Committee.
2. The following three community and three business representatives be confirmed as members of the Batemans Bay Streetscape Sunset Advisory Committee:

Community representatives:

Cameron Cresswell

Brad Rossiter

Kiri Wright

Business representatives:

Justine Donald

Gary Eiffert

Adam Pike

3. A letter be written thanking all nominees for the Batemans Bay Streetscape Sunset Advisory Committee for expressing an interest in being on the Committee.

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

THE MEETING CLOSED AT 2.25PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 10 November 2015 at which meeting the signature hereon was subscribed.