



# **Minutes**

**Ordinary Meeting of Council**

**28 March 2017**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 28 MARCH 2017**

<b>MINUTES</b>
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<b>1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY AND EVACUATION MESSAGE .....</b>	<b>1</b>
<b>2. APOLOGIES .....</b>	<b>1</b>
<b>3. PUBLIC FORUM (AGENDA ITEMS ONLY) .....</b>	<b>1</b>
<b>4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>2</b>
<b>5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA .....</b>	<b>3</b>
<b>6. MAYORAL REPORTS.....</b>	<b>4</b>
MR17/002 General Manager's Performance Review Committee .....	4
<b>7. NOTICES OF MOTION.....</b>	<b>5</b>
NOM17/004 Licence Applications and Selective Tendering Process.....	5
<b>8. QUESTIONS ON NOTICE FROM COUNCILLORS .....</b>	<b>6</b>
Nil	
<b>9. GENERAL MANAGER'S REPORTS .....</b>	<b>7</b>
GMR17/008 Adoption of Policies .....	7
<b>10. PLANNING AND SUSTAINABILITY REPORTS .....</b>	<b>8</b>
PSR17/008 Environmental Planning and Assessment Act 1979 Proposed Amendments ...	8
PSR17/009 Tomakin, Mossy Point, Broulee and Mogo Flood Study.....	9
PSR17/010 Education and Child Care State Environmental Planning Policy and Infrastructure State Environmental Planning Policy .....	10
PSR17/011 Eurobodalla Local Environmental Plan 2012 Amendment No 10 - Broulee ...	11
PSR17/012 Development Application 363/17 Community Facility (Muddy Puddles) - Melaleuca Reserve - Catalina.....	12
PSR17/013 Grey Headed Flying-fox National Recovery Plan submission .....	27
PSR17/014 Policy Review - Liquid Trade Waste Regulation .....	28
PSR17/015 Policy Adoption - Clean Air Policy.....	29
<b>11. INFRASTRUCTURE REPORTS.....</b>	<b>30</b>
IR17/013 Policy Review - Recycled Water.....	30
IR17/014 Policy Review - Water and Sewer Construction by Private Contractors.....	31

IR17/015 Local Traffic Committee No 5 for 2016-17 .....	32
<b>12. FINANCE AND BUSINESS DEVELOPMENT REPORTS.....</b>	<b>33</b>
FBD17/010 Lease for Telecommunications Facility, Long Beach .....	33
FBD17/011 Easement to Pump Sewage - Bodalla Sewerage Scheme.....	34
FBD17/012 Licence for sailability - Batemans Bay .....	35
FBD17/013 Land Acquisition for Road Widening - Old South Coast Road, Narooma.....	36
FBD17/014 Policy Review - Repeal of Customer Service Charter Policy .....	37
FBD17/015 Policy Review - Customer Service Policy .....	38
FBD17/016 Policy Review - Community Grants Policy .....	39
FBD17/017 Policy Review - Privacy and Information Protection Policy.....	40
FBD17/018 Policy Review - Fraud Control.....	41
FBD17/019 Investments made as at 28 February 2017 .....	42
<b>13. COMMUNITY, ARTS AND RECREATION REPORTS .....</b>	<b>43</b>
CAR17/003 Policy Review - Arts and Cultural Services.....	43
CAR17/004 Policy Review - Children's Services .....	44
<b>14. DELEGATE REPORT .....</b>	<b>45</b>
DR17/001 2016 NSW Local Government Conference .....	45
DR17/002 2016 National Local Roads and Transport Congress .....	46
DR17/003 2016 NSW Coastal Conference .....	47
<b>15. URGENT BUSINESS .....</b>	<b>48</b>
<b>NIL. 48</b>	
<b>16. DEALING WITH MATTERS IN CLOSED SESSION.....</b>	<b>48</b>
<b>17. CONFIDENTIAL MATTERS.....</b>	<b>49</b>
CON17/001 Compliance Matter .....	49

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

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

**Staff:** Dr Catherine Dale, General Manager  
Mr L Usher, Director, Planning and Sustainability Services  
Mr B Corven, Acting Director, Infrastructure Services  
Mr A O'Reilly, Director, Finance and Business Development  
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.)

**PF17/005 MR17/002 General Manager's Performance Review Committee and NOM17/004 Licence Applications and Selective Tendering**

Mr Peter Cormick addressed Council in relation to MR17/002 General Manager's Performance Review Committee and NOM17/004 Licence Applications and Selective Tendering.

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

**EXTENSION OF TIME**

**17/50 MOTION** Councillor Nathan/Councillor McGinlay

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

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

**PF17/006 NOM17/004 Licence Applications and Selective Tendering**

Mr Jim Bright addressed Council in relation to NOM17/004 Licence Applications and Selective Tendering.

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

**EXTENSION OF TIME**

**17/51 MOTION** Councillor McGinlay/Councillor Mayne

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

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

**PF17/007 PSR17/012 Development Application 363/17 Community Facility (Muddy Puddles) – Melaluca Reserve - Catalina**

Mr John Wakelin addressed Council in relation to PSR17/012 Development Application 363/17 Community Facility (Muddy Puddles) – Melaluca Reserve – Catalina.

**PF17/008 PSR17/011 Eurobodalla Local Environment Plan 2012 Amendment No 10 - Broulee**

Mr Ross Hayward addressed Council in relation to PSR17/011 Eurobodalla Local Environment Plan 2012 Amendment No 10 – Broulee.

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

**PF17/009 FBD17/018 Policy Review – Fraud Control and FBD 17/019 Investments made as at 28 February 2017**

Mr Peter Bernard addressed Council in relation to FBD17/018 Policy Review – Fraud Control and FBD 17/019 Investments made as at 28 February 2017.

**EXTENSION OF TIME**

**MOTION** Councillor Constable/Councillor McGinlay

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

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

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

**17/52 MOTION** Councillor Thomson/Councillor Nathan

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

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

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

Councillor Nathan declared a significant, pecuniary interest on PSR17/009 Tomakin, Mossy Point, Broulee and Mogo Flood Study and stated that she would leave the Council Chambers during discussion and voting on the matter.

**Reason:** Councillor Nathan declared an interest as she owns property in Mogo that is affected by the flood study.

Councillor Brown has declared a non-significant, non-pecuniary interest IR17/015 Traffic Committee No 5 for 2016-17 and stated that he would stay in the Council Chambers during discussions and voting on the matter.

**Reason:** Councillor Brown declared an interest in the Oyster Festival and stated that the Festival takes place on the verge in front of his property.

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**6. MAYORAL REPORTS**

**MR17/002 GENERAL MANAGER'S PERFORMANCE REVIEW COMMITTEE**

File Ref: E81.1928

**17/53 MOTION** Councillor Innes

THAT:

1. Council establish a Review Panel, comprising of all nine Councillors, to complete the General Manager's Performance Review.
2. An independent facilitator be appointed, under mutual agreement of the Review Panel and the General Manager, to assist in the review process.
3. The review panel be authorised to undertake the annual review of the current Performance Agreement.

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

**ADJOURNMENT**

**17/54 MOTION** Councillor Innes

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

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

At 11.00am the meeting adjourned.

At 11.08am the meeting reconvened.



**7. NOTICES OF MOTION**

**NOM17/004 LICENCE APPLICATIONS AND SELECTIVE TENDERING PROCESS**

File Ref: E00.4623

**MOTION** Councillor McGinlay/Councillor Mayne

THAT

- c. Council's Code of Practice, *Licensing of Council-controlled public reserves and associated buildings*, be amended by: Deleting in its entirety the existing section 2.4 sub-heading being 'Selective Tendering', and substituting the following prelude to the section:

**2.4 Multiple Applicants Process**

"Where a venue is requested by more than one party for the same date and time, the applicants would each need to submit additional information to address four selection criteria, each based on the 'Vision' Categories as outlined in the current Eurobodalla Community Strategic Plan. "

2. Council officers, as a matter of urgency, assist Councillors in redrafting the remainder of section 2.4 to allow for the following conditions;
  - a. that the process for applicants seeking the same date/s and venue be relatively simple and not onerous or requiring specialist drafting such that any member of the community or community group could readily comply with it
  - b. that the selection process will be undertaken by Councillors using, as equally weighted criteria, an agreed point score system in line with the four vision statements within the Eurobodalla Community Strategic Plan
  - c. that the process will be open and transparent and if required can be discussed in public during council meetings.

(The Motion was declared **LOST**)

**17/55 MOTION** Councillor Mayne/Councillor Nathan

THAT a briefing be held to facilitate discussion with Councillors on a review of the licence application and selective tendering process.

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

**8. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**9. GENERAL MANAGER'S REPORTS**

**GMR17/008 ADOPTION OF POLICIES**

File Ref: E16.0297

**17/56 MOTION** Councillor Tait/Councillor Nathan

THAT Council adopt the following policies

1. Aged Care Services Policy
2. Borrowing Management Policy
3. Debt Recovery Policy
4. Work, Health and Safety Policy.

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

**10. PLANNING AND SUSTAINABILITY REPORTS**

**PSR17/008 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 PROPOSED  
AMENDMENTS**

File Ref: E05.9582

**17/57 MOTION** Councillor Brown/Councillor Nathan

THAT Council endorse the submission attached to report PSR17/008 Environmental Planning and Assessment Act 1979 Proposed Amendments and forward it to the Department of Planning and Environment, with a copy to the Minister for Planning and the Member for Bega, Minister for Transport and Infrastructure.

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

**PSR17/009 TOMAKIN, MOSSY POINT, BROULEE AND MOGO FLOOD STUDY**

File Ref: E14.8350

Councillor Nathan declared a significant, pecuniary interest on PSR17/009 Tomakin, Mossy Point, Broulee and Mogo Flood Study and stated that she would leave the Council Chambers during discussion and voting on the matter.

**Reason:** Councillor Nathan declared an interest as she owns property in Mogo that is affected by the flood study.

Councillor Nathan left the Chamber at 11.37am.

**17/58 MOTION** Councillor Thomson/Councillor Brown

THAT Council:

1. Adopt the draft Tomakin, Mossy Point, Broulee and Mogo Flood Study.
2. Replace the existing Investigation Area mapping contained within the Interim Coastal Hazards Adaptation Code, with the site specific flood mapping produced by the Tomakin, Mossy Point, Broulee and Mogo Flood Study.
3. Review and amend where necessary, planning certificates issued under section 149 of the *Environmental Planning and Assessment Act 1979* to reflect the updated flood information.
4. Apply flood planning levels determined by the draft Tomakin, Mossy Point, Broulee and Mogo Flood Study to individual development applications.
5. Inform the local communities of the outcomes of the flood study through offering to attend a meeting of the respective community associations and business chambers at Mogo, Tomakin, Broulee and Mossy Point.
6. Council thank all those who made submissions for their contribution.

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

At 11.39am Councillor Nathan returned to the Chamber.

**PSR17/010      EDUCATION AND CHILD CARE STATE ENVIRONMENTAL PLANNING POLICY  
AND INFRASTRUCTURE STATE ENVIRONMENTAL PLANNING POLICY**

File Ref: E05.9582

**17/59    MOTION** Councillor Brown/Councillor Tait

THAT Council endorse the submission attached to report PSR17/010 Education and Childcare State Environment Planning Policy and Infrastructure State Environment Planning Policy and forward it to the Department of Planning and Environment, with a copy to the Minister for Planning and the Member for Bega, Minister for Transport and Infrastructure.

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

**PSR17/011 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012  
AMENDMENT NO 10 - BROULEE**

File Ref: E15.9218.R

**17/60 MOTION** Councillor Pollock/Councillor Brown

THAT Council:

1. Adopt the planning proposal to make amendments to the Eurobodalla Local Environmental Plan 2012 in relation to land at Broulee, attached to this report PSR17/011 Eurobodalla Local Environmental Plan 2012 Amendment No 10-Broulee.
2. Resolve to make the amendments to the Eurobodalla Local Environmental Plan 2012.
3. Resolve to make the amendments to the Residential Zones Development Control Plan.
4. Forward the 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.
5. Notify in writing all those who made submissions of its decision.
6. Notify in writing the land owners within the area covered by the planning proposal.

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

**PSR17/012 DEVELOPMENT APPLICATION 363/17 COMMUNITY FACILITY (MUDDY  
PUDDLES) - MELALEUCA RESERVE - CATALINA**

File Ref: 92.8557.D

**17/61 MOTION** Councillor Pollock/Councillor Mayne

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Development Application No.363/17 in relation to Lot 39 (No.1A) Melaleuca Crescent Catalina be APPROVED subject to the conditions set out below:

**GENERAL CONDITIONS**

1. **Approved plans**

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

DA & Sheet No.	Plan No.	Date of Plan	Prepared by
DA363/17 Sheet 1 of 7	DA1 - Site Plan Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 2 of 7	DA2 Stage 1 floor/ landscape plan Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 3 of 7	DA3 - Stage 2 floor plan Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 4 of 7	DA4 - Roof plan & sections Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 5 of 7	DA5 - Elevations Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 6 of 7	DA6 - Tree removal Project No #16-0001	20/12/16	Edmiston Jones
DA363/17 Sheet 7 of 7	DA7 - Drainage Concept U16980_DA_A.dwg	20/12/16	Rygate & West

*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. **Construction Access**

The temporary construction access is to be located north of the playground for the purposes of minimising impact on the operation and connectivity between the preschool/ community facility and the playground.



3. ***NSW Rural Fire Service - Integrated Development***

The development proposal is to generally comply with the layout identified on the drawing prepared by Architects Edmiston Jones numbered DA06 Project #16-001, dated 20 December 2016.

*Asset Protection Zones*

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- To allow for emergency service personnel and residents to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.
- Prior to commencement of use, the land to the northern, eastern and western property boundaries, and the land for a distance of 22 metres to the south (to be measured from the closest point of the proposed structure) shall be created and managed for the life of the development as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

*Rural Fire Service - Water and Utilities*

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

- Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

*Rural Fire Service - Access*

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- Internal roads shall comply with the following requirements of section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
  - i. Internal roads are two wheel drive, sealed, all-weather roads.
  - ii. Roads widths are a minimum 6.5 metres in width.
  - iii. Dead end roads are not more than 100 metres in length from a through road, incorporate a minimum 12 metres outer radius turning circle, and are clearly signposted as a dead end.
  - iv. Traffic management devices are constructed to facilitate access by emergency service vehicles.

- v. A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.
- vi. Curves have a minimum inner radius of 6 metres and are minimal in number to allow rapid access and egress.
- vii. The minimum distance between inner and outer curves is six metres. Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- viii. Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees.
- ix. Cross fall of the pavement is not more than 10 degrees.
- x. Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge).
- xi. Roads are clearly signposted and bridges clearly indicate load ratings.
- xii. The internal road surfaces and bridges have a capacity to carry fully loaded fire vehicles (15 tonnes).

*Rural Fire Service - Evacuation and Emergency Management*

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangement for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
  - i. An Emergency/Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service Guidelines for the preparation of Emergency/Evacuation Plan and comply with Australian Standard AS 3745:2010 'Planning For Emergencies in Facilities'.
  - ii. Detailed plans of all Emergency Assembly Areas including "on site" and "offsite" arrangements as stated in Australian Standard AS 3745:2010 'Planning for Emergencies in Facilities' are clearly displayed, and an annual (as a minimum) trial emergency evacuation is conducted.

*Rural Fire Service - Design and Construction*

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- No brushwood fencing shall be used.
- Structure and shade materials in the inner protection area shall be non-combustible or have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on

Building Materials, Components and Structures - Test for Flammability of Materials'.

- Polycarbonate roof sheeting is to have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS 1530.2-1993 'Methods for Fire tests on Building Materials, Components and Structures- Test for Flammability of Materials'.
- All new fencing shall be non-combustible.
- New construction of the building shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- New construction of the attached awning/shade structure shall comply with either of the following:
  - i. comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
    - or
  - ii. be constructed entirely out of non-combustible materials.

Rural Fire Service - Landscaping

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

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

4. **Construction Management Plan**

A Construction Management Plan shall be submitted to Council prior to the issue of a Construction Certificate. The Plan shall address, but not be limited to, the following matters:

- (a) hours of work
- (b) contact details of site manager
- (c) arrangements for site deliveries and removal of material from site
- (d) details of hoardings/site fencing
- (e) details of demolition works during stage two construction
- (f) traffic and/or pedestrian control measures
- (g) dust control measures
- (h) noise control measures
- (i) screening from adjoining properties
- (j) isolation of the construction access to avoid conflict with playground
- (k) remediation of the site/ construction access.

5. ***Design of Food Premises***

The construction and fit-out of the food premises shall comply with the construction requirements of the Food Act 2003, Food Regulation 2004, Food Standards Australia New Zealand (FSANZ) and AS4674-2004 *Design, Construction and Fit-Out of Food Premises*.

Prior to the issue of a Construction Certificate, plans and specifications showing compliance with the above, which include details of fixtures and fittings together with wall, floor and ceiling finishes to all food preparation, coolroom and storage areas, shall be submitted to and approved by the Principal Certifying Authority.

6. ***Flooding***

The finished floor level of the building shall be constructed at 3.3m AHD.

7. ***Acid Sulfate Soil***

The development site is within an area classified as Class 3 on maps marked "Acid Sulphate Soil Planning Map" deposited in the office of Eurobodalla Shire Council. If excavation is proposed below 1m of natural ground level, soil samples are to be assessed for content of acid sulphate material by a suitably qualified person and the results lodged with Council **prior to the release of a Construction Certificate**.

If acid sulphate materials are identified no excavation shall take place until the applicant has lodged an Acid Sulphate Soils Management Plan prepared by a suitably qualified person in accordance with the NSW Acid Sulphate Soils Manual. The plan is to be submitted for approval by Council, and undertake such measures as are required by Council.

8. ***Water Meter - Commercial Development***

Submission to Council of certification and a layout plan for the service by a suitably qualified hydraulic engineer/consultant on the recommended water meter size required for the development in accordance with AS3500.1:2003 *National Plumbing and Drainage Code* and AS2441-2005 *Installation of Fire Hose Reels*.

*Note:* All fire hose reels must be supplied through the metered supply.

*Note:* Council will provide a quote to construct the water service complete with meter with prepayment required prior to works being scheduled. The meter is to be located so as to be accessible to Council's Water Meter Reader at all times. Any work required to Council's infrastructure to extend the main or allow installation of the meter other than a standard meter connection, is to be undertaken at full cost to the applicant.

*Note:* A backflow prevention device is to be installed and certified by a private plumber in accordance with Council's Backflow Prevention policy.

*Note:* A standard meter connection is where the water main is located on the same side of the street as the property, the meter is to be located approximately 2.4m from the water main to just inside the property boundary and laid in a non-hard surface area (grassed). Please contact Council's Water and Sewerage Project Engineer on

4474-1342 to arrange the quote and prepayment will be required to be receipted at Council Customer Service Office at Vulcan Street, Moruya, the Batemans Bay or Narooma depot.

9. ***Soil and Water Management Plan***

Prior to issue of a Construction Certificate the applicant shall prepare a Soil and Water Management Plan (SWMP) to be incorporated in Engineering Design Plans. The SWMP is to be prepared in accordance with *Managing Urban Stormwater: Soils and Construction* – Volume 1, Landcom 2004.

10. ***Car Park Design***

All car parking, manoeuvring and access areas are to be designed and sealed to conform with AS2890.1 and 2 and Council's Infrastructure Design Standards.

11. ***Number of Loading Bays***

A minimum of one (1) loading bay to be provided for the development.

12. ***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.

13. ***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.

14. ***Section 94 Contributions***

Payment to Council pursuant to Section 94 of the Environment Planning and Assessment Act 1979, of contributions towards the provision of public amenities or services. The current contribution rates for the current financial year are as follows:

Waste Facilities	\$1,191.45
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The above contributions are to be paid prior to the release of the Construction Certificate for the development and will be payable at the rate applicable at the time of payment.

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

15. ***Water/Sewer Developer Contributions - Development***

Prior to the issue of a Section 68 Approval/Construction Certificate, the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of Compliance under the Water Management Act 2000/ compliance with Section 64 of

the Local Government Act 1993. To be eligible, the developer/consent holder will have to contribute:

- a) \$36,045.00 (0.06 x 50 (forecast usage) =3.0 ET) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$12,015.00.
- b) \$52,275.00 (0.1 x 50 (forecast usage)=5.0 ET ) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$10,455.00.

The contribution shall be paid to the Eurobodalla Shire Council. Evidence of the payment shall be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate.

*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.

16. ***Trade Waste***

A separate application, in accordance with Council's Liquid Trade Waste Policy, is to be made for the approval of the discharge of liquid trade waste to Council's sewerage system. This is to be submitted to and approved by Council prior to the issue of the Construction Certificate and is to include details of appropriate liquid trade waste pre-treatment facilities.

**PRIOR TO COMMENCEMENT OF WORKS**

17. ***Public Liability***

The applicant will be required to maintain a current Public Liability and Public Risk Insurance cover noting Eurobodalla Shire Council as principal, or in the case of Crown land, Council and the Minister, administering the Crown Lands Act for an amount of not less than \$20 million for any one occurrence in respect of any liability for: "personal injury or the death of any person" and "loss of or damage to property including property of the Council".

18. ***Erosion and Sedimentation Control***

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

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

19. ***Plans on Site (Plant Operator)***

Prior to commencement of any works, the plant operator is to be provided with a copy of this consent and Plan No 363/17 and made fully aware of the provisions therein. The

copy is to be held on site during clearing operations. All buffer areas and vegetation to be retained are to be clearly marked prior to commencement of operations.

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 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) & (3) of the Environmental Planning and Assessment 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.

22. **Sewer Reticulation**

Prior to commencement of works, the applicant shall construct sewer reticulation to the development in accordance with plans subject of a Construction Certificate to Council's codes and specifications and provide certified Works as Executed Plans to Council.

23. ***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 Principal Certifying Authority. The fill is to be certified as virgin excavated natural material and is to be tested for suitability to achieve the required 98% dry density compaction of a subgrade material, the material is to comply with AS3798-2007 and AS1289-2000.

24. ***Stormwater***

The storm water from the development is to be constructed in accordance with plan stamped approved DA363/17 Sheet 7 of 7 'Drainage Concept' by Rygate and West.

25. ***Carpark Lighting***

All external lighting shall be installed and operated in accordance with the Australian Standard AS1158.1 *Lighting for roads and public spaces* and AS4282:1997 *Control of the obtrusive effects of outdoor lighting*.

26. ***Demolition Standards – Stage Two***

Building demolition works are to be carried out in accordance with AS2601 (2001) *The Demolition of Structures*. All works are to comply with the measures outlined in the Construction Management Plan.

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

**DURING CONSTRUCTION**

27. ***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.

28. ***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.

29. ***Excess Fill***

Any excess clean fill (inert clean waste) removed from the site is to be taken to either:

- (a) a public waste disposal facility;
- (b) a site approved by Council.



If option (b) is to be used, the persons enacting this consent are to advise Council, in writing, of the chosen site and are not to commence any dumping until written approval is granted.

*Note:* Council may carry out random inspections and take photographic records to ensure the integrity of the fill.

30. ***Public Way to be Unobstructed***

The public way shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances at any time during construction.

31. ***Use of Mobile Cranes***

Mobile cranes operating from the road shall not be used as a method of demolishing or constructing a building. Special operations and the use of mobile cranes shall comply with the approved hours of construction.

32. ***Tree Removal/Replacement/Protection***

Completion of landscaping in accordance with the approved Landscape Plan prior to commencement of the use of the site and such landscaping is to be continuously maintained in accordance with the approved Plan. Maintenance is the landowner's responsibility. All trees not specifically approved for removal are to be suitably protected by way of tree guards, barriers or other measures as to protect root system, trunk and branches during construction.

33. ***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.

34. ***Protection of Adjoining Areas***

To ensure the site and building works do not:

- cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or unsafe; or
- involve the enclosure of a public place; or
- have the potential to damage adjoining private land by way of falling objects

A temporary hoarding, fence or awning must be erected between the work site and the adjoining area before the works begin. Any such hoarding, fence or awning must be removed when the work has been completed.

35. ***Access***

The access is to be constructed in accordance with stamped approved plan DA363/17 Sheet 7 of 7 - Rygate and West. The access is to be sealed in accordance with Council's specifications.

36. ***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 Compliance Unit:

- (a) Sanitary drainage under hydrostatic test and prior to backfilling trenches or covering;
- (b) Hot and cold water plumbing under pressure test prior to covering;
- (c) Internal stackwork under hydrostatic test prior to covering; and
- (d) The installation of the septic tank and any sullage trenches prior to backfilling or covering.
- (e) Issue of final satisfactory inspection.

**PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

37. ***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.

38. ***Footpath Constructions***

Prior to commence of works submission to and approval by Council of a detailed plan for footpath construction (1.5m wide in accordance with Eurobodalla Shire Council's Infrastructure Design Standards) from existing footpath to the proposed internal footpath access.

The footpath is to be constructed and works as executed plans submitted prior to any Occupation Certificate.

39. ***Car Park Signage***

Signage shall be installed at the entry to the car park to warn pedestrians of vehicles exiting the car park. Further signage shall be installed near the car park exit to warn drivers of the presence of pedestrians using the footpath. The signage shall be installed prior to occupation of the building(s).

40. ***Occupation of Building***

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

41. ***Removal of Temporary Structures***

Any temporary erosion or sediment control devices, Builders Signs, hoarding or similar shall be removed from the site prior to the occupation of the building. The temporary site access is to be remediated prior to the occupation of the building.

42. ***Stormwater Works as Executed Plans***

Prior to the issue of an Interim or Final Occupation Certificate storm water construction is to conform to the approved plans. A Works as Executed plan of the work is to be provided to and approved by Council at the completion of the work.

43. ***Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to the Principal Certifying Authority for all the "Essential Fire or Other Safety Measures" forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to Council by the Principal Certifying Authority prior to issue of an Interim or Final Occupation Certificate.

44. ***Annual Fire Safety Statement***

- (a) A final Fire Safety Certificate shall state that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the Certificate relates:
- (i) has been assessed by a properly qualified person; and
  - (ii) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building for which the Certificate is issued.
- (b) The assessment must have been carried out within the period of three (3) months prior to the date on which the final Fire Safety Certificate is issued.
- (c) The choice of person to carry out the assessment is up to the owner of the building.
- (d) The person who carries out the assessment:
- (i) must inspect and verify the performance of each fire safety measure being assessed; and
  - (ii) must test the operation of each new item of equipment installed in the building premises that is included in the current Fire Safety Schedule for the building.
- (e) As soon as practicable after a final Fire Safety Certificate is issued, the owner of the building to which it relates:

- (i) must cause a copy of the Certificate (together with a copy of the current Fire Safety Schedule) to be given to the Commissioner of New South Wales Fire Brigades; and

must cause a further copy of the Certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

#### **GENERAL CONDITIONS RELATING TO THE USE OF THE SITE**

45. ***Advertising Signs***

No advertising sign and/or structure other than that which is permissible without consent is to be erected as part of the approved development until a formal application has been submitted to Council and a development consent has been issued.

46. ***Consulting Rooms***

Use of the consulting rooms is limited to allied health professionals.

#### **ADVISORY NOTES**

47. ***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.

48. ***Disability Discrimination Act 1992***

This application has been assessed in accordance with the Environmental Planning and Assessment Act, 1979. It does not imply that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

49. ***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](mailto: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.

50. ***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.

51. **Land Clearing “Best Practice”**

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

- The harvesting and processing of mill quality timber either on site or through a commercially licensed timber mill
  - 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
- The revegetation of the site with suitable plant species

The stockpiling of suitable felled timber as firewood for heating purposes.

52. **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.

53. **Flooding Liability**

The land may be subject to flooding and the development has been assessed using best available information concerning the likelihood of flooding at the date of determination. If the land is flooded Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.

54. **Rural Fire Service - Advice to applicant**

The following matters should be considered as part of the Emergency and Evacuation Plan:

- roles and responsibilities of onsite staff for carrying out/implementation evacuation procedures;
- traffic management and evacuation routes for evacuations; and
- triggers for relocation and/or closure of the facility including on days or extreme or catastrophic fire weather.

55. **Rural Fire Service - Bushfire - Resisting Timber**

The following bushfire-resisting timbers have been determined as being acceptable to withstand exposure up to BAL-29 conditions as per Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' and are identified within Appendix F of the standard. These species include: Silvertop Ash, Blackbutt, River Red Gum, Spotted Gum, Red ironbark, Kwila (Merbau) and Turpentine.

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

Division

For the Motion: Councillors Brown, Constable, Innes, Mayne, McGinlay, Nathan, Pollock,  
Tait and Thomson.

Against the Motion: Nil.

**PSR17/013      GREY HEADED FLYING-FOX NATIONAL RECOVERY PLAN SUBMISSION**

File Ref: E15.9191

**17/62    MOTION** Councillor Brown/Councillor Nathan

THAT Council endorse the submission attached to report PSR17/013 Grey Headed Flying-fox National Recovery Plan, for the draft National Recovery Plan for the Grey Headed Flying-Fox and submit to the Department of Environment and Energy, with a copy to the Member for Bega, Minister for Transport and Infrastructure.

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

**PSR17/014      POLICY REVIEW - LIQUID TRADE WASTE REGULATION**

File Ref: E16.0297

**17/63    MOTION** Councillor Pollock/Councillor Thomson

THAT:

1. Council endorses the draft Liquid Trade Waste Regulation policy for public consultation.
2. The draft Liquid Trade Waste Regulation policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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



**PSR17/015      POLICY ADOPTION - CLEAN AIR POLICY**

File Ref: E16.0297

**17/64    MOTION** Councillor Thomson/Councillor Nathan  
THAT Council adopt the draft Clean Air Policy.

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

**11. INFRASTRUCTURE REPORTS**

**IR17/013 POLICY REVIEW - RECYCLED WATER**

File Ref: E16.0297

**17/65 MOTION** Councillor Tait/Councillor Thomson

THAT

1. Council endorses the draft Recycled Water policy.
2. The draft Recycled Water policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

**IR17/014            POLICY REVIEW - WATER AND SEWER CONSTRUCTION BY PRIVATE CONTRACTORS**

File Ref: E16.0297

**17/66    MOTION** Councillor Brown/Councillor Tait

THAT:

1. Council endorses the draft Water and Sewer Construction by Private Contractors policy.
2. The draft Water and Sewer Construction by Private Contractors policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

**IR17/015 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2016-17**

File Ref: E16.0002

Councillor Brown has declared a non-significant, non-pecuniary interest IR17/015Traffic Committee No 5 for 2016-17 and stated that he would stay in the Council Chambers during discussions and voting on the matter.

**Reason:** Councillor Brown declared an interest in the Oyster Festival and stated that the Festival takes place on the verge in front of his property.

**17/67 MOTION** Councillor Mayne/Councillor Nathan

THAT the minutes of the Eurobodalla Local Traffic Committee Meeting No 5 of 2016-17 held on 23 February 2017 be received and noted.

Non-pecuniary, non-significant conflict of interest as the Oyster Festival is held in the street in which councillor Brown lives and he will also be volunteering at this Festival.

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

**12. FINANCE AND BUSINESS DEVELOPMENT REPORTS**

**FBD17/010 LEASE FOR TELECOMMUNICATIONS FACILITY, LONG BEACH**

File Ref: E10.4448

**17/68 MOTION** Councillor Thomson/Councillor Tait

THAT:

1. Public notice be given of Council's intention to grant a lease for a telecommunication facility within Lot 56 Deposited Plan 849895 in accordance with Section 47A of the *Local Government Act 1993*.
2. If any submissions are received a report be presented to Council for further consideration.
3. If no submissions are received a five-year lease be granted to Telstra Corporation Limited over Lot 56 Deposited Plan 849895 with an annual rental set out in the Confidential Attachment with other terms and conditions in line with the current lease.
4. Consent be given to affix the Common Seal of Council to all necessary documents associated with the granting of the lease.

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

**FBD17/011 EASEMENT TO PUMP SEWAGE - BODALLA SEWERAGE SCHEME**

File Ref: E02.6256

**17/69 MOTION** Councillor Pollock/Councillor Thomson

THAT:

1. All actions necessary be taken for the acquisition of an easement to pump sewage within Lot 1 DP 1186515 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with acquisition of the easement be borne by Council.

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

**FBD17/012 LICENCE FOR SAILABILITY - BATEMANS BAY**

File Ref: E03.7616

**17/70 MOTION** Councillor Tait/Councillor Mayne

THAT Council as Trust Manager for the Eurobodalla (North) Reserve Trust:

1. Support the use of part of Crown Reserve R85999, Wray Street, North Batemans Bay by Sailability NSW Incorporated for its sailing operations including the lodgement of a DA for improved facilities.
2. Consent to the Minister administering the Crown Lands Act 1989 granting a licence in accordance with Section 34A of the Crown Lands Act 1989 over part of Crown Reserve R85999 for facilities associated with the operations of Sailability NSW Incorporated.

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

**FBD17/013      LAND ACQUISITION FOR ROAD WIDENING - OLD SOUTH COAST ROAD,  
NAROOMA**

File Ref: 91.2750.D / 98.2371.D

**17/71    MOTION** Councillor Constable/Councillor Pollock

THAT

1. All actions necessary be taken for the acquisition of land for road widening purposes within Lot 11 DP 808265 and Lot 12 DP 808265 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with the land acquisition be borne by Council.

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



**FBD17/014      POLICY REVIEW - REPEAL OF CUSTOMER SERVICE CHARTER POLICY**

File Ref: E16.0297

**17/72    MOTION** Councillor McGinlay/Councillor Nathan

THAT

1. Council endorses the repeal of the Customer Service Charter policy for public exhibition.
2. The proposed repeal of the Customer Service Charter policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the policy for consideration to repeal.

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

**FBD17/015      POLICY REVIEW - CUSTOMER SERVICE POLICY**

File Ref: E16.0297

**17/73    MOTION** Councillor Mayne/Councillor Thomson

THAT

1. Council endorses the draft Customer Service Policy for public consultation.
2. The draft Customer Service Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

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

**FBD17/016      POLICY REVIEW - COMMUNITY GRANTS POLICY**

File Ref: E16.0267

**17/74    MOTION** Councillor Tait/Councillor Nathan

THAT:

1. Council endorse the draft Community Grants Policy be placed on public exhibition again.
2. The draft Community grants Policy be placed on public exhibition again for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

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

**FBD17/017      POLICY REVIEW - PRIVACY AND INFORMATION PROTECTION POLICY**

File Ref: E16.0297

**17/75    MOTION** Councillor Thomson/Councillor Constable

THAT

1. Council endorses the draft Privacy and Information Protection Policy for public consultation.
2. The draft Privacy and Information Protection Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

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

**FBD17/018      POLICY REVIEW - FRAUD CONTROL**

File Ref: E16.0297

**17/76    MOTION** Councillor Nathan/Councillor Mayne

THAT

1. Council endorses the draft Fraud Control Policy for public consultation.
2. The draft Fraud Control Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

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

**FBD17/019 INVESTMENTS MADE AS AT 28 FEBRUARY 2017**

File Ref: E99.3517

**17/77 MOTION** Councillor Tait/Councillor Constable

THAT the certification that the investments as at 28 February 2017 made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

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

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

**CAR17/003 POLICY REVIEW - ARTS AND CULTURAL SERVICES**

File Ref: E16.0297

**17/78 MOTION** Councillor Mayne/Councillor Tait

THAT:

1. Council endorses the draft Arts and Cultural Services policy.
2. The draft Arts and Cultural Services policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

**CAR17/004      POLICY REVIEW - CHILDREN'S SERVICES**

File Ref: e16.0297

**17/79    MOTION** Councillor Thomson/Councillor Mayne

THAT:

1. Council endorses the draft Children's Services policy.
2. The draft Children's Services policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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



**14. DELEGATE REPORT**

**DR17/001 2016 NSW LOCAL GOVERNMENT CONFERENCE**

File Ref: E91.3255

**17/80 MOTION** Councillor Mayne/Councillor Nathan

THAT the delegates report from Councillor Phil Constable, Councillor Maureen Nathan and Councillor Lindsay Brown on the Local Government NSW Annual Conference held in Wollongong from 16 to 18 October 2016 be received and noted.

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

**DR17/002          2016 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS**

File Ref: E91.3255

**17/81    MOTION** Councillor Mayne/Councillor McGinlay

THAT

1. Councillor Anthony Mayne's Delegate Report on the 2016 National Local Roads and Transport Congress be received and noted; and
2. Council support the following Congress key priorities to improve local government funding:
  - Restore the indexation of Financial Assistance Grants
  - Increase the quantum of Federal Assistance Grants (FAGs) to at least 1 per cent of Commonwealth taxation
  - Increase productivity through a Freight Strategy to target investment
  - Double Roads to Recovery funding (to at least \$700 million per annum)
  - Fund Community Infrastructure
  - Support Council efforts to work with local businesses and communities to implement local and regional Climate Change Plans.

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

**DR17/003          2016 NSW COASTAL CONFERENCE**

File Ref: E91.3255

**17/82    MOTION** Councillor Nathan/Councillor Thomson

THAT the Delegate Report on the 2016 NSW Coastal Conference submitted by Councillor Maureen Nathan and Councillor James Thomson be received and noted

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

## 15. URGENT BUSINESS

Nil.

## 16. 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 report/s is/are classified confidential under Section 10(A)(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.

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:

### 17/83 MOTION Councillor Brown/Councillor Pollock

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:

#### CON17/001 Compliance Matter

Item CON17/001 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 12.16pm the Ordinary Meeting of Council moved into Closed Session.

At 12.38pm the Ordinary Meeting of Council resumed.

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

**17. CONFIDENTIAL MATTERS**

**CON17/001 COMPLIANCE MATTER**

File Ref: 87.6791.B; 87.6791.I

**17/84 MOTION** Councillor Brown/Councillor Thomson

THAT Council:

1. Commence contempt proceedings against [REDACTED] for non-compliance with the Court Orders.
2. Undertake appropriate proceedings against [REDACTED], for failure to comply with the Clean Up Notice.

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

**THE MEETING CLOSED AT 12.39pm**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 11 April 2017 at which meeting the signature hereon was subscribed.