MINUTES OF THE
ORDINARY MEETING OF
EUROBODALLA SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 23 MARCH 2010
COMMENCING AT 9.32AM

PRESENT: Councillor Fergus Thomson (in the Chair)
Councillors Allan Brown, Keith Dance, Chris Kowal,
Alan Morton, Graham Scobie and Chris Vardon OAM

Staff: Mr P Anderson, General Manager
Mr G Searle, Director, Water and Waste
Mr P McLaughlin, Director, Community Wellbeing
Ms C Enders, Director, Commercial and Corporate
Mr L Usher, Director, Strategic, Development and Environmental Services
Mr W Sharpe, Director, Roads and Recreation
Mr M Craighead, Executive Manager Finance
Mr R Addison, Property Manager, Commercial and Corporate
Ms B Nicholson, Minute Secretary

(NB: As Councillors' attendance is recorded, only voting against a Motion or Recommendation is documented in the Minutes. Councillors moving and seconding the Motion or Recommendation are shown following the words “Motion” or “Recommendation”.)

MINUTE NO 10/53

APOLOGIES AND LEAVE OF ABSENCE

10/53 MOTION Councillor Graham Scobie/Councillor Keith Dance
THAT apologies be received from Councillors Lindsay Brown and Rob Pollock and leave of absence be granted.

(The Motion on being put was declared CARRIED).

MINUTE NO 10/54

CONFIRMATION OF MINUTES

10/54 MOTION Councillor Graham Scobie/Councillor Keith Dance
THAT the Minutes of the Ordinary Meeting of Council held on 23 February 2010 be confirmed.

(The Motion on being put was declared CARRIED).

MINUTE NO 10/55

CONFIRMATION OF MINUTES

10/55 MOTION Councillor Alan Morton/Councillor Keith Dance
THAT the Minutes of the Extraordinary Meeting of Council held on 9 March 2010 be confirmed.

(The Motion on being put was declared CARRIED).
BUSINESS ARISING FROM MINUTES

G10/08 REQUEST FOR RECLASSIFICATION AND PURCHASE OF COMMUNITY LAND – CATALINA 93.5532.S

Councillor Graham Scobie stated the landowners were not aware of the amount survey and legal costs prior to the report being presented to Council and asked if these costs could be included in a confidential report in the future?

Property Manager advised he would include this information in the future.
PUBLIC FORUM AND QUESTIONS WITHOUT NOTICE FROM THE PUBLIC  
(Agenda Items Only)  
(Minutes of Public Forum, Questions from the Public and Questions from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

PF10/6 E10.4042; 00.4856.I

Mr F Pappas addressed Council regarding the Moruya to Deep Creek Water Supply Pipeline, in particular PF10/01 and PF10/04 Replies to Questions from the Public. Mr Pappas made reference to changed wording from “following construction” to “during construction” and asked Mr Searle if there were any other people involved with the decision to change the wording? Mr Pappas commented on points contained in these replies which included dates of meetings, the reason the pipeline was moved to a different location, works as executed drawings and the optic fibre cable.

MINUTE NO 10/56

EXTENSION OF TIME – PUBLIC FORUM

10/56 MOTION Councillor Alan Morton/Councillor Graham Scobie

THAT Mr Pappas be granted a further three minutes to conclude his comments in Public Forum.

(The Motion on being put was declared CARRIED).

Mr Pappas stated that issues should be addressed prior to Council acquiring the easement.

Director, Water and Waste, advised he would liaise with Department of Commerce regarding dates of meetings and said the pipe goes underneath not over the top of the fibre optic cable.

General Manager drew to everyone’s attention the last part of paragraph two in point 1 of the Reply to Question PF10/01 and advised these words cover the taking out of an easement prior to any construction. Mr Anderson stated Council undertook the preparation of a brief, in conjunction with State Property Authority and Department of Commerce (Public Works), and that he had discussed the changed wording in the brief with Mr Searle.

Councillor Allan Brown asked what Council could do to involve Mr Pappas in discussions that would lead to a resolution of the matter.

General Manager advised Council had resolved to commence compulsory acquisition in an attempt to bring the matter to a close and if Mr Pappas was unhappy with the amount of compensation offered there is a process available, via the Land and Environment Court, which includes a Section 34 mediation program.

The Mayor stated that Council had resolved to proceed with compulsory acquisition and said that if any other issues arose these could be handled by mediation. The Mayor asked if Councillors agreed with this course of action.

The majority of Councillors agreed with this course of action.
DECLARATIONS OF INTEREST

Councillor Alan Morton declared a pecuniary interest in G10/25 Batemans Bay Rotary Driver Education Event Moruya Racecourse.

Reason: Councillor Alan Morton is an executive member of Batemans Bay Rotary.
MINUTE 10/57

PF10/01  REPLY TO QUESTION WITHOUT NOTICE FROM PUBLIC  E10.4042; 00.4856.I

10/57  MOTION  Councillor Chris Vardon/Councillor Keith Dance

THAT the response to Question PF10/01 raised by Mr F Pappas at the Ordinary Meeting of Council held on 23 February 2010 be received and noted.

(The Motion on being put was declared CARRIED).
MINUTE 10/58

PF10/04  REPLY TO QUESTION WITHOUT NOTICE FROM PUBLIC  E10.4042: 00.4856.1

10/58  MOTION Councillor Chris Vardon/Councillor Keith Dance

THAT the response to Question PF10/04 raised by Mr F Pappas at the Ordinary Meeting of Council held on 23 February 2010 be received and noted.

(The Motion on being put was declared CARRIED).
MINUTE 10/59

6104.10  REPLY TO QUESTIONS WITH NOTICE FROM COUNCILLOR  E10.4041

10/59  MOTION Councillor Chris Vardon/Councillor Graham Scobie

THAT the response to the Question 6104.10 submitted by Councillor Allan Brown on 8 February 2010 be received and noted.

(The Motion on being put was declared CARRIED).
MINUTE 10/60

D10/3 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS 2009
‘ROAD TO THE FUTURE’. E91.3255

10/60 MOTION Councillor Alan Morton/Councillor Keith Dance

THAT:

1. Councillor Alan Morton’s Delegates Report regarding the 2009 National Local Roads and Transport Congress be received and noted.

2. Council endeavour to lobby the Federal Government for a more significant portion of fuel excise contribution, and these monies be distributed on a priority basis to rural and regional areas as a matter of urgency due to the critical need of maintenance and renewal of existing infrastructure.

3. Council further investigate all options available to them in servicing the needs of our ageing population in regard to public transportation for both regional and outlying towns.

4. Council in consultation with the Australian Trucking Association identify the most appropriate types and configurations of heavy vehicles that would be conducive to our local road network, particularly in regard to emissions control and load limits.

5. Council request the RTA to reconsider the implementation of the 'stay upright' motor cycle course in the Eurobodalla, which is a prerequisite for novice riders to complete and pass prior to obtaining their 'learner permit' in major towns and cities.

6. Council request the RTA to fast track the inquiry relating to types of vehicles allowable for provisional drivers in New South Wales, and publish said permissible vehicles as a matter of urgency.

(The Motion on being put was declared CARRIED).

Councillor Chris Kowal stated he travelled to Queanbeyan for the launch of the Sustaining our Towns project and then gave a brief outline of the launch.
MINUTE 10/61

G10/19  2010 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT  E93.5780

10/61 MOTION Councillor Chris Vardon/Councillor Alan Morton

THAT:

1. Council be represented at the 2010 National General Assembly of Local Government to be held at the National Convention Centre in Canberra from Monday 14 June to Thursday 17 June 2010 with the Mayor as its delegate and the General Manager as its observer;

2. The General Manager prepare a motion on Council’s behalf seeking to “ensure that higher levels of government conducting enterprises take responsibility and cover all fees and charges owed to Local Government for that business, thus maintaining a level commercial playing field”.

3. Council endorse the attendance of the Mayor at the National Council of Local Government to be held at Parliament House on Friday 18 June 2010.

(The Motion on being put was declared CARRIED.
Councillor Graham Scobie voted against the Motion).
MINUTE 10/62

G10/20 SHIRES ASSOCIATION ANNUAL CONFERENCE 2010 10.4021

10/62 MOTION Councillor Alan Morton/Councillor Chris Vardon

THAT:

1. Council endorse the Mayor’s attendance as its delegate at the 2010 Annual Conference of the Shires Association of NSW to be held on Monday 31 May to Wednesday 2 June 2010;

2. Council’s delegate be reimbursed out of pocket expenses in accordance with the Councillors Expenses and Facilities Policy.

(The Motion on being put was declared CARRIED. Councillor Graham Scobie voted against the Motion.)
MINUTE 10/63

G10/21   COASTAL CONFERENCE

10/63  MOTION Councillor Graham Scobie/Councillor Allan Brown

THAT Council allocate an amount of $15,000, if required, to underwrite the 19th NSW Coastal Conference to be held in Batemans Bay in November 2010 subject to the General Manager being satisfied there are appropriate insurance covers and/or limits to risk exposure, noting that Coastal Conferences have run at a profit for the past several years.

(The Motion on being put was declared CARRIED. Councillor Alan Morton voted against the Motion).

At 10.46am the Ordinary Meeting Council adjourned for morning tea.
At 11.05am the Ordinary Meeting of Council resumed.
MINUTE 10/64

G10/22 INVESTMENTS MADE AS AT 28 FEBRUARY 2010 E99.3517

10/64 MOTION Councillor Alan Morton/Councillor Keith Dance

THAT the certification that the investments as at 28 February 2010 have been made in accordance with the Act, the Regulations and Council's investment policies, in accordance with the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

(The Motion on being put was declared CARRIED).
MINUTE 10/65

G10/23  ALCOHOL RESTRICTED RESERVE  E95.8171

10/65  MOTION  Councillor Alan Morton/Councillor Keith Dance

THAT:

1. Council endorse the seeking of submissions to the proposal to deem Kyla Oval Park, Tuross an Alcohol Restricted reserve from 8pm until 8am seven days a week for a period of fourteen days.

2. A further report be provided following the conclusion of the consultation period.

(The Motion on being put was declared CARRIED).
MINUTE 10/66

G10/24 ELECTRONIC WASTE RECYCLING AND REMOVAL FROM THE HARD WASTE COLLECTION E01.5779

MOTION Councillor Chris Kowal/Councillor Graham Scobie

THAT:

1. Council supports the introductory fees to assist with E-Waste recycling and those fees be increased to full cost recovery for the 2011-2012 financial year until the product stewardship scheme is in place and Council bears no cost.

2. Council excludes E-Waste items (televisions, computers, monitors, printers, scanners, video and DVD players etc) from being collected during the hard waste collection.

3. Council accept two intact E-Waste items per residence, free of charge, at the Moruya Transfer Station Brou and Surf Beach Waste Management Facilities during the week the hard waste collection occurs in their area, and that customers provide evidence that they are a resident of that area. Residents be issued two free vouchers per year for the recycling of the waste items.

10/66 AMENDMENT Councillor Keith Dance/Councillor Allan Brown

THAT:

1. Council supports the introductory fees to assist with E-Waste recycling and those fees be increased to full cost recovery for the 2011-2012 financial year until the product stewardship scheme is in place and Council bears no cost.

2. Council excludes E-Waste items (televisions, computers, monitors, printers, scanners, video and DVD players etc) from being collected during the hard waste collection.

3. Council accept two intact E-Waste items per residence, free of charge, at the Moruya Transfer Station, Brou and Surf Beach Waste Management Facilities during the week the hard waste collection occurs in their area, and that customers provide evidence that they are a resident of that area.

(The Amendment on being put was declared CARRIED. The Amendment then became the Motion and on being put was declared CARRIED).
DECLARATIONS OF INTEREST

Councillor Alan Morton declared a pecuniary interest in G10/25 Batemans Bay Rotary Driver Education Event Moruya Racecourse.
**Reason:** Councillor Alan Morton is an executive member of Batemans Bay Rotary.

At 11.49am Councillor Alan Morton left the chambers and did not take part in discussion or voting on the matter.

MINUTE 10/67

G10/25 BATEMANS BAY ROTARY DRIVER EDUCATION EVENT MORUYA RACECOURSE

10/67 MOTION Councillor Chris Vardon/Councillor Chris Kowal

**THAT:**

1. Consent be given to the Batemans Bay Rotary Club to conduct the RYDA event at the Moruya Racecourse on 30 and 31 March 2010.

2. Consent be given to close Donnelly Drive, Moruya at various times on 30 and 31 March 2010 in accordance with an approved traffic control plan.

3. The fees for the use of the Racecourse not be waived but a donation in the amount of $348.10 be made to the Batemans Bay Rotary Club.

(The Motion on being put was declared CARRIED).

At 11.51am Councillor Alan Morton returned to the chambers.
MINUTE NO 10/68

G10/26 CODE OF MEETING PRACTICE 05.9563; E06.0429

10/68 MOTION Councillor Allan Brown/Councillor Alan Morton

THAT:

1. The Code of Meeting Practice, as presented to the Ordinary Meeting of Council held on 23 March 2010, be adopted.

2. The Policy and Strategy Committee and the Finance and Services Committee be established in accordance with the Local Government Regulations s260(1) effective from 1 May 2010.
   
   (a) The Policy and Strategy Committee comprising the full nine elected members will meet on the first Tuesday of the month commencing at 9.30am.
   
   (b) The Finance and Services Committee comprising the full nine elected members will meet on the second Tuesday of the month commencing at 9.30am.

At 12.34pm the Ordinary Meeting of Council adjourned for lunch.
At 1.42pm the Ordinary Meeting of Council resumed.

G10/26 CODE OF MEETING PRACTICE 05.9563; E06.0429

AMENDMENT Councillor Chris Kowal/Councillor Graham Scobie

THAT the Policy and Strategy and Finance and Services Committee Meetings be held on the same day.

(The Amendment on being put was declared LOST).

(The Motion on being put was declared CARRIED).
MINUTE 10/69

CW10/6  YOUTH TRANSPORT PROJECT FUNDING  

10/69  MOTION  Councillor Chris Kowal/Councillor Chris Vardon

THAT:

1. Council accept the $25,800 funding from the NSW Commission for Children and Young People’s Better Futures program; and

2. This report be received and noted.

(The Motion on being put was declared CARRIED).
MINUTE 10/70

CW10/7  FUNDING TO ASSESS AND REMOVE ASBESTOS FROM WALLAGA LAKE OUTREACH SERVICE CENTRE  E08.2371

10/70  MOTION Councillor Allan Brown/Councillor Chris Kowal

THAT:

1. Council accept the Funding from FAHCSIA of $21,347.00 to undertake the assessment and removal of asbestos from the Wallaga Lake Service Outreach Centre; and

2. The Acceptance of Funding be signed by the General Manager and the Seal of Council affixed.

(The Motion on being put was declared CARRIED).
QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

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

QN10/09

E10.4041; E03.7823; 81.0155.B

Councillor Chris Kowal referred to heritage listed trees and sheds in Mirrabooka Avenue, Moruya and asked if any of these were being removed?

Director, Strategic, Development and Environmental Services, took the question on notice.
QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

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QN10/10  
E10.4041; E98.2461

Councillor Graham Scobie stated that a barbeque was removed from the park in Mogo, when construction work was being carried out, and asked when it would be placed back in the park?

The General Manager took the question on notice and will refer it to the Director, Roads and Recreation.
QUESTIONS WITHOUT NOTICE FROM COUNCILLORS
(Minutes of Public Forum, Questions from the Public and Questions from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

QN10/11 E10.4041; 07.1161

Councillor Graham Scobie asked why a series of LEP workshops had been scheduled in the school holidays, if Council had made enquiries with major stakeholders, if it was possible to defer to the workshops for one week and how were non resident ratepayers advised?

Director, Strategic, Development and Environmental Services, advised a work program had been agreed to but Councillors requested and attended an extra workshop which has held up the progress of the LEP. Mr Usher said that as 741 letters had been sent out to those who made a submission, advertisements being placed in the papers and media releases being issued it was not possible to postpone the workshops.
QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

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QN10/12 E10.4041; 05.9270

Councillor Alan Morton asked for an update on the Bunnings matter.

Director, Commercial and Corporate, advised that a pre development application meeting had been held recently and the issue regarding water supply has been resolved. Bunnings hoped to lodge a development application by the end of March.
QUESTIONs WITHOUT NOTICE FROM COUNCILLORS

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

QN10/13

Councillor Alan Morton referred to the cancellation of the cruise ship’s visit to Batemans Bay and asked if there were any tourism grants available to make facilities more appropriate?

General Manager advised there were concerns with the infrastructure on the wharfs and getting people on and off the ship. The ship’s captain was not prepared to take a risk. Mr Anderson said Council had arranged, with the assistance of the Department of Premier and Cabinet and the Regional Coordinator’s office, to hold a meeting with all parties to look at the issues associated with cruise liners coming into Batemans Bay, eg, being able to moor in the Batemans Marine Park and alighting on a floating pontoon adjacent to wharfs.
QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

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

QN10/14

Councillor Keith Dance asked for an update regarding the biodiesel proposal.

Director, Strategic, Development and Environmental Services, advised that the proponent was asked to provide more information and this was done by the end of last year. Council has had difficulty in identifying sites due to the proponent’s requirements. Staff will look at this proposal further when the LEP is finalised.
QUESTIONS WITHOUT NOTICE FROM COUNCILLORS
(Minutes of Public Forum, Questions from the Public and Questions from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

QN10/15

Councillor Allan Brown asked for an update regarding the Remote Control Car Club in Batemans Bay.

Director, Roads and Recreation, advised discussions regarding the design of the track had been held and he took the question on notice.

THE MEETING CLOSED AT 2.30PM