



# **Minutes**

**Ordinary Meeting of Council**

**24 March 2015**

**ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY 24 MARCH 2015**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY 24 MARCH 2015  
COMMENCING AT 10.03AM**

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

**APOLOGY**

**15/21 MOTION** Councillor Harding/Councillor Brice

THAT apologies be received from Councillor Fergus Thomson OAM and leave of absence be granted.

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

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

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

Nil

#### **4. DEPUTATIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY)**

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

##### **PF15/006 GMR15/005 Tourism Visitor Services Proposal**

E15.9042; E11.5138

**Mr Matt Davey** addressed Council in regard to GMR15/005 Tourism Visitor Services Proposal. A copy of Mr Davey's submission is available on Council's website.

#### **MOTION**

**15/22 MOTION** Councillor Pollock/Councillor Leslight

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

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

##### **PF15/007 GMR15/005 Tourism Visitor Services Proposal**

E15.9042; E11.5138

**Mr John Glover** addressed Council in regard to GMR15/005 Tourism Visitor Services Proposal. A copy of Mr Davey's submission is available on Council's website.

#### **MOTION**

**15/23 MOTION** Councillor Pollock/Councillor Leslight

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

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

##### **PF15/008 GMR15/005 Tourism Visitor Services Proposal**

E15.9042; E11.5138

**Ms Orit Karny Winters** addressed Council in regard to GMR15/005 Tourism Visitor Services Proposal. Ms Karny Winters did not provide a written submission.

##### **PF15/009 GMR15/005 Tourism Visitor Services Proposal**

E15.9042; E11.5138

**Ms Breda Ryan Faurshou** addressed Council in regard to GMR15/005 Tourism Visitor Services Proposal. A copy of Ms Faurshou's submission is available on Council's website.

**5. PRESENTATIONS**

Nil

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**15/24 MOTION** Councillor Harding/Councillor Pollock

THAT the minutes of the Ordinary Meeting held on 24 February 2015 be confirmed.

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

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

Nil

**SUSPENSION OF STANDING ORDERS**

**15/25 MOTION** Councillor Pollock/Councillor Burnside

That Standing Orders be suspended in order to bring forward consideration of item GMR15/005 Tourism Visitor Services Proposal.

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

**GMR15/005 TOURISM VISITOR SERVICES PROPOSAL**

File Ref: E11.5138

**15/26 MOTION** Councillor Innes/Councillor Pollock

THAT:

1. Council seek feedback for a period of 42 days on the proposed model for delivering visitor services in Eurobodalla including the recommendation to reallocate \$143,000 of the \$163,495 funds identified as savings to fund the recommendations from the review of the 2011-20 Destination Management Plan, and the opportunities identified in the 2014-14 Tourism Marketing Plan that are detailed further in the report.
2. In addition to the four information sessions already proposed with Chambers of Commerce and Women in Business, a further two industry workshops specifically for tourism businesses be held towards the end of the public exhibition period, with one in the north of the Shire and one in the south. These two workshops to be independently facilitated and feedback provided to Council on outcomes of the workshops. In addition, a further information session be provided by staff at the Tilba Chamber of Commerce meeting that has been moved to 15 April 2015.
3. Following the expiration of the feedback period, a further report be presented to Council to consider any submissions and feedback received.
4. Council notes the recommendations from the Tourism Advisory Committee as outlined in the report.
5. Staff and Councillors cooperate in compiling survey questions for broad distribution within the tourist industry on the views of the visitors.

**AMENDMENT**

**MOTION** Councillor Leslight/Councillor Brice

THAT

1. Council seek feedback for a period of 90 days on the proposed model for delivering visitor services in Eurobodalla including the recommendation to reallocate \$143,000 of the \$163,495 funds identified as savings to fund the recommendations from the review of the 2011-20 Destination Management Plan, and the opportunities identified in the 2014-14 Tourism Marketing Plan that are detailed further in the report.
2. In addition to the four information sessions already proposed with Chambers of Commerce and Women in Business, a further two industry workshops specifically for tourism businesses be held towards the end of the public exhibition period, with one in the north of the Shire and one in the south. These two workshops to be independently facilitated and feedback provided to Council on outcomes of the workshops. In addition, a further information session be provided by staff at the Tilba Chamber of Commerce meeting that has been moved to 15 April 2015.

3. Following the expiration of the feedback period, a further report be presented to Council to consider any submissions and feedback received.
4. Council notes the recommendations from the Tourism Advisory Committee as outlined in the report.
5. Staff and Councillors cooperate in compiling survey questions for broad distribution within the tourist industry on the views of the visitors.

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

The Mayor used his casting vote to vote against the Amendment.

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



## 8. MAYORAL REPORTS

### 2015 COASTAL AWARDS – HIGHLY COMMENDED

E04.8493

The Mayor invited Deputy Mayor, Councillor Rob Pollock OAM to address Council.

Councillor Pollock advised that he had recently attended the Australian Coastal Council's Conference, where the 2015 Coastal Awards were announced. The Eurobodalla Shire Council in partnership with Shoalhaven City Council and Whitehead & Associates Environmental and Coastal, received a Highly Commended Award in the Climate Adaptation Category for their South Coast Regional Sea Level Rise Policy and Planning Framework.

Councillor Pollock said that this has obviously been a contentious issue, not just within this Shire. The work that we have done as a Council, the staff in particular, and the consultation, would indicate that this Council has been on the right path in developing a flexible and adaptive policy response to sea level rise following the decision by the NSW State Government to withdraw the State wide sea level rise policy in September 2012. The innovative approach adopted by the project partners to deal with the withdrawal of that guidance was considered noteworthy by the judges.

Councillor Pollock presented the Award to the Mayor.

## 9. REPORTS OF COMMITTEE

Nil

**10. NOTICES OF MOTION**

**NOM15/001 NOTICE OF MOTION**

File Ref: E15.9042

**MOTION** Councillor Leslight/Councillor Innes

THAT Council receive, consider and respond to Mr Hitchcock's correspondence.

**AMENDMENT**

**15/27 MOTION** Councillor Pollock/Councillor Harding

THAT Council receive and note Mr Hitchcock's correspondence with no further action to be taken.

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

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

Councillors Leslight and Innes voted against the Motion.)

**11. QUESTIONS ON NOTICE**

Nil

**12. GENERAL MANAGER'S REPORTS**

**GMR15/003 CODE OF CONDUCT - APOLOGY**

File Ref: E13.7162

The Mayor invited Councillor Leslight to make an apology in accordance with Council's resolution.

Councillor Leslight stated that he would not apologise.

The Mayor then advised that Councillor Leslight's refusal to apologise will be reported to the Office of Local Government.

**GMR15/004 2015 COUNCIL MEETING SCHEDULE**

File Ref: E06.0429

**15/28 MOTION** Councillor Harding/Councillor Brice

THAT Council:

1. Endorse the following dates as the meeting schedule for Council meetings for the remainder of 2015 as follows:
  - a. 14 April 2015
  - b. 28 April 2015
  - c. 12 May 2015
  - d. 26 May 2015
  - e. 9 June 2015
  - f. 23 June 2015
  - g. 28 July 2015
  - h. 11 August 2015
  - i. 25 August 2015
  - j. 8 September 2015
  - k. 22 September 2015
  - l. 27 October 2015
  - m. 10 November 2015
  - n. 24 November 2015
  - o. 8 December 2015.
  
2. Note that the schedule may be amended at any time, as required.

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

**13. PLANNING AND SUSTAINABILITY REPORTS**

**PSR15/008 DRAFT POLICY DIRECTIONS PAPER FOR RURAL LANDS STRATEGY**

File Ref: E12.6191

**15/29 MOTION** Councillor Innes/Councillor Schwarz

THAT:

1. Council endorse the draft Policy Directions Paper attached to report PSR15/008, for the purposes of public exhibition for a period of 42 days.
2. Following the expiration of the exhibition period the draft Policy Directions Paper and any public submissions received be presented back to Council to consider the Policy Directions Paper for adoption.
3. Council organise a workshop or workshops with the consultant undertaking the Rural Lands Strategy, the Rural Lands Strategy Steering Committee and representatives of the Department of Planning and Environment to discuss their views as part of the development of the Rural Lands Strategy, noting that Committee members consider there are important community issues that require further strategic discussion.

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

**PSR15/009 PLANNING PROPOSAL FOR SHADY WILLOWS HOLIDAY PARK  
AND OTHER LAND**

File Ref: 81.0277.R

**15/30 MOTION** Councillor Innes/Councillor Pollock

THAT Council

1. Endorse the attached Planning Proposal to amend Eurobodalla Local Environmental Plan 2012, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, to rezone land at Batemans Bay from the R3 Medium Density Residential zone and the IN1 General Industrial zone to the B5 Business Development zone and to amend the Lot Size Map accordingly.
2. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.
3. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
4. Receive a report back on the planning proposal if a written objection is received during consultation with the community as per the requirements of Section 57 of the Environmental Planning and Assessment Act 1979.

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

**PSR15/010 LOCAL DEVELOPMENT PERFORMANCE MONITORING 2013-14**

File Ref: E90.1859

**15/31 MOTION** Councillor Pollock/Councillor Schwarz

THAT Council receive and note the report titled Local Development Performance Monitoring 2013-14.

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



**14. INFRASTRUCTURE REPORTS**

**IR15/008 LOCAL TRAFFIC COMMITTEE MEETING NO 5 FOR 2014-2015**

File Ref: E14.8002

**15/32 MOTION** Councillor Brice/Councillor Burnside

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee meeting No 5 of 2014-15 held on 12 February 2015 be received and noted.
2. Council Plan No 5154 Set A Sheet 4 showing the proposed signage and linemarking associated with the shared path located along George Bass Drive, Malua Bay be approved.
3. The Challenge Batemans Bay Triathlon Festival to be held on Saturday 28 March and Sunday 29 March 2015 be approved based on the traffic management plan and traffic control plans submitted on Tuesday 10 February 2015 and subject to the amendments and approval process outlined in this report.
4. Council Plan No 5156 Set J Sheet 01 showing the proposed signage restricting parking on the north side of Crown Street (east) and the Old Princes Highway, Batemans Bay be approved.
5. The Local Traffic Committee be requested to inspect Moruya Pre School on Campbell Street, at 8.45am on the morning of the next Traffic Committee meeting, to further consider parking in the vicinity of the Pre School driveway.

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

**IR15/009 MORUYA QUARRY PARK - DRAFT LANDSCAPE PLAN**

File Ref: E13.7314

**15/33 MOTION** Councillor Harding/Councillor Innes

THAT:

1. Council adopt the Moruya Quarry Park Landscape Plan.
2. Council extend the term of the Moruya Quarry Park Sunset Steering Committee for a further 12 months to allow the Committee to work at securing grant funding for the project.
3. Council adopt the new Terms of Reference for the Moruya Quarry Park Sunset Steering Committee.
4. Moruya Quarry Park be included in Council's advocacy submission to State and Federal Governments - Infrastructure - Driving the NSW Economy.

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

**IR15/010 FUNDING OFFER - ALL ACCESSIBLE PLAYGROUND EQUIPMENT - CORRIGANS  
BEACH RESERVE, BATEHAVEN**

File Ref: E14.8224

**15/34 MOTION** Councillor Pollock/Councillor Brice

THAT Council endorse action taken in accepting the offer of \$300,000 from the NSW Trade & Investment, Office of Liquor, Gaming & Racing, 2014-15 ClubGRANTS Category 3 Fund for the enhancement of Corrigans Beach Reserve to create an all inclusive, accessible playground.

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

**IR15/011      TENDERS FOR AUGMENTATION OF SEWAGE PUMP STATIONS BB34 & BB39**

File Ref: E05.9189ps

**15/35    MOTION** Councillor Harding/Councillor Pollock

THAT in accordance with Clause 178 of the *Local Government (General) Regulation 2005*, Council accept the tender from IQon Pty Ltd as identified in the confidential attachment, for the construction of emergency concrete storage tanks and associated works at Sewage Pump Stations BB34, Batehaven and BB39, Surf Beach.

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

**15. FINANCE AND BUSINESS DEVELOPMENT REPORTS**

**FBD15/020 MORUYA AIRPORT DRAFT MASTER PLAN - PUBLIC EXHIBITION**

File Ref: E81.2168

**15/36 MOTION** Councillor Pollock/Councillor Innes

THAT:

1. Council endorse the draft Master Plan for Moruya Airport for the purposes of public exhibition for a period of 42 days.
2. Following the expiration of the exhibition period the draft Master Plan for Moruya Airport and any public submissions received be presented back to Council to consider the Master Plan for Moruya Airport for adoption.

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

Councillor Innes requested that all Councillors be provided with a copy of the 2006 Draft Airport Master Plan together with other reports on the master plan.

**FBD15/021 INVESTMENT POLICY**

File Ref: E08.2526

**15/37 MOTION** Councillor Pollock/Councillor Burnside

THAT

1. The 'near risk free' category be increased to a maximum 100% of the portfolio with restrictions governed by the short term rating.
2. The percentage per institution be restricted as per the table in this report.
3. The amended investment policy be placed on public exhibition for a period of 28 days.

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

**FBD15/022 INVESTMENTS MADE AS AT 28 FEBRUARY 2015**

File Ref: E99.3517

**15/38 MOTION** Councillor Pollock/Councillor Burnside

THAT the certification that the investments as at 28 February 2015 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**)

**FBD15/023 CLASSIFICATION OF COUNCIL LAND, LOT 62 DP1195162 BROULEE**

File Ref: 04.8712.S

**15/39 MOTION** Councillor Pollock/Councillor Schwarz

THAT Lot 62 DP 1195162 Martin Place, Broulee be classified as operational land.

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



**FBD15/024 ACQUISITION FOR ROAD WIDENING - TOMAKIN**

File Ref: 83.7121.D;80.1665.B;

**15/40 MOTION** Councillor Burnside/Councillor Leslight

THAT

1. All actions necessary be taken for the acquisition of land required for road widening within the following properties in accordance with Council's Code of Practice for Acquiring Land for Public Purposes:
  - (a) Part Lot 14 DP 837412;
  - (b) Part Lot 51 DP 593692; and
  - (c) Part Lot 1 DP 857076.
2. All survey and legal costs associated with the land acquisitions be borne by Council.

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

**FBD15/025 DEDICATION OF EASEMENT FOR ELECTRICITY PURPOSES - TOMAKIN SEWAGE  
TREATMENT PLANT**

File Ref: 03.7375.D

**15/41 MOTION** Councillor Burnside/Councillor Pollock

THAT:

1. All actions necessary be taken to dedicate an easement for multi-purpose electrical installation, an easement for underground power line and a right of way within Lot 5 DP 264630 in favour of Essential Energy.
2. Consent be given to affix the Common Seal of Council to the plan of electrical easements and right of way within Lot 5 DP 264630.

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

**FBD15/026 LICENCE FOR SEAPLANE OPERATION - MORUYA**

File Ref: 86.4520.D

**15/42 MOTION** Councillor Pollock/Councillor Burnside

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

1. Support the use of Crown Reserve 82377, Riverside Park, Moruya, as a land base for a seaplane tourism operation.
2. Consent to the Minister administering the Crown Lands Act 1989 granting a licence in accordance with Section 34A(1) of the Crown Lands Act 1989 over part of Crown Reserve 82377 for the operation of a seaplane tourism business.
3. Request in accordance with Section 34A(5)(b) of the Crown Lands Act 1989 that part of the licence fee be allocated to the Eurobodalla (Central) Reserve Trust to expend on Crown Reserve 82377.
4. Endorse the proposal submitted by Fairgil Pty Limited trading as South Coast Seaplanes.

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

**FBD15/027 LICENCE FOR BMX CLUB - BATEMANS BAY**

File Ref: E82.6521

**15/43 MOTION** Councillor Burnside/Councillor Pollock

THAT:

1. A five-year licence be granted to the Batemans Bay BMX Club to use the club house, associated facilities and the BMX track and surrounds to conduct club activities with conditions including:
  - (a) An annual fee in the amount \$460 plus GST increased annually in line with the CPI.
  - (b) Maintenance of public liability insurance in the amount of \$20 million.
  - (c) Responsibility in equal shares with other licensees for the repair and maintenance of the club house and associated facilities excepting structural repairs and
  - (d) Full responsibility for the repair and maintenance of the BMX track.
  - (e) Electricity costs to be shared with other licensees.
  - (f) No fixed structures to be constructed without the consent of Council.
  - (g) No signage, including sponsor's signage, without the consent of Council.
  - (h) Club will have exclusive use of club house on certain days (determined in consultation with other licensees).
2. The objector be advised of Council's decision.

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

**FBD15/028 LICENCE FOR NAROOMA SPORTS AND GAMEFISHING CLUB**

File Ref: 98.2485.D

**15/44 MOTION** Councillor Pollock/Councillor Brice

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

1. Support the lodgement of a Development Application by Narooma Sports and Gamefishing Club Inc. for existing unapproved works within Crown Reserve 85364, Lot 7318 DP 1166668, Riverside Drive, Narooma.
2. Consent to the Minister administering the Crown Lands Act 1989 granting a licence in accordance with Section 34A(1) of the Crown Lands Act 1989 over part of Crown Reserve 85364 to Narooma Sports and Gamefishing Club Inc. for club purposes.

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

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

Nil

**17. DELEGATE REPORT**

Nil

**18. URGENT BUSINESS**

**U15/002 FLYING FOX CAMPS**

E00.4896; E15.9041

**15/45 MOTION** Councillor Innes/Councillor Leslight

THAT:

1. Council staff arrange and hold a meeting with representatives of the Office of Environment and Heritage and Councillors, to discuss possible means to manage the impacts of flying fox camps in the Batemans Bay urban area;
2. The outcomes of the meeting and options for management be reported back to Council for consideration as a matter of urgency.

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

**THE MEETING CLOSED AT 11.48PM**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 14 April 2015 at which meeting the signature hereon was subscribed.