



Minutes

Ordinary Meeting of Council

22 March 2016

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 22 MARCH 2016

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 22 MARCH 2016
COMMENCING AT 10.00AM**

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

Staff: Dr Catherine Dale, General Manager
Mr L Usher, Director, Planning and Sustainability Services
Mr W Sharpe OAM, Director, Infrastructure Services
Mr A O'Reilly, Director, Finance and Business Development
Mrs K Arthur, Director, Community, Arts and Recreation
Mrs C Hodges, Minute Secretary
Ms L Evans, Minute Secretary

1. WELCOME AND EVACUATION MESSAGE

The Mayor welcomed everyone to the meeting, acknowledged the Traditional Owners and advised of the Evacuation Procedure.

2. APOLOGIES

Nil

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

16/63 MOTION Councillor Pollock/Councillor Burnside

THAT the minutes of the Ordinary Meeting held on 08 March 2016 be confirmed.

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

4. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

The Mayor, Councillor Lindsay Brown, declared a significant, non pecuniary conflict of interest in *FBD16/012 Licence for Use of Crown Reserve - Narooma*, and left the Chamber during discussion and voting on the matter.

Reason: A close family member is employed by one of the tenderer's executive members.

At 10.02am the Mayor, Councillor Brown left the Chambers.

The Deputy Mayor, Councillor Rob Pollock OAM, assumed the Chair.

5. PUBLIC FORUM (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.)

PF16/019 FBD16/012 Licence for Use of Crown Reserve – Narooma

File Ref: E16.0042; E16.0126

Mr Noel Davis addressed Council in relation to FBD16/012 Licence for Use of Crown Reserve - Narooma. A copy of Mr Davis' submission is available on Council's website.

PF16/020 FBD16/012 Licence for Use of Crown Reserve – Narooma

File Ref: E16.0042; E16.0126

Ms Patricia Delaney addressed Council in relation to FBD16/012 Licence for Use of Crown Reserve - Narooma. A copy of Ms Delaney's submission is available on Council's website.

PF16/021 FBD16/012 Licence for Use of Crown Reserve – Narooma

File Ref: E16.0042; E16.0126

Ms Heather Irwin addressed Council in relation to FBD16/012 Licence for Use of Crown Reserve - Narooma. A copy of Ms Irwin's submission is available on Council's website.

EXTENSION OF TIME

16/64 MOTION Councillor Leslight/Councillor Brice

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

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

PF16/22 FBD16/012 Licence for Use of Crown Reserve – Narooma

File Ref: E16.0042; E16.0126

Ms Anne Cormick addressed Council in relation to FBD16/012 Licence for Use of Crown Reserve - Narooma. A copy of Ms Cormick's submission is available on Council's website.

EXTENSION OF TIME

16/65 MOTION Councillor Brice/Councillor Leslight

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

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

5. PUBLIC FORUM (AGENDA ITEMS ONLY) (contd)

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

PF16/023 FBD16/012 Licence for Use of Crown Reserve – Narooma

File Ref: E16.0042; E16.0126

Mr Chris Kowal addressed Council in relation to FBD16/012 Licence for Use of Crown Reserve - Narooma. A copy of Mr Kowal's submission is available on Council's website.

EXTENSION OF TIME

16/66 MOTION Councillor Leslight/Councillor Brice

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

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

PF16/024 FBD16/012 Licence for Use of Crown Reserve – Narooma

File Ref: E16.0042; E16.0126

Mr Jim Bright addressed Council in relation to FBD16/012 Licence for Use of Crown Reserve - Narooma. A copy of Mr Bright's submission is available on Council's website.

EXTENSION OF TIME

16/67 MOTION Councillor Brice/Councillor Schwarz

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

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

PF16/025 FBD16/012 Licence for Use of Crown Reserve – Narooma

File Ref: E16.0042; E16.0126

Mr Peter Lord addressed Council on behalf of Mr Tom Slockee and himself, in relation to FBD16/012 Licence for Use of Crown Reserve - Narooma. A copy of Mr Slockee's and Mr Lord's submissions are available on Council's website.

EXTENSION OF TIME

16/68 MOTION Councillor Brice/Councillor Harding

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

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

5. PUBLIC FORUM (AGENDA ITEMS ONLY) (contd)

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

PF16/026 FBD16/012 Licence for Use of Crown Reserve – Narooma

File Ref: E16.0042; E16.0126

Mr Peter Cormick addressed Council in relation to FBD16/012 Licence for Use of Crown Reserve - Narooma. A copy of Mr Cormick's submission is available on Council's website.

EXTENSION OF TIME

16/69 MOTION Councillor Leslight/Councillor Burnside

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

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

SUSPENSION OF STANDING ORDERS

16/70 MOTION Councillor Pollock

That Standing Orders be suspended in order to bring forward items FBD16/012 Licence for Use of Crown Reserve – Narooma.

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

At 12.10pm the Deputy Mayor adjourned the meeting for a short break.

At 12.19pm the Deputy Mayor resumed the Ordinary meeting of Council.

DEALING WITH MATTERS IN CLOSED SESSION

In accordance with Section 10A(4) of the Local Government Act 1993, the General Manager invited members of the public to make verbal representations to the Council on whether the meeting should be closed to consider a confidential report.

FBD16/012 Licence for Use of Crown Reserve – Narooma

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

(di) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

It was noted that there were public verbal representations on whether the meeting should be closed to consider the matter.

The Deputy Mayor advised that each speaker would have two minutes to speak on why this matter should not be considered in closed session.

The following speakers objected to closing the meeting to consider FBD16/012 Licence for Use of Crown Reserve – Narooma.

Jim Bright	Susan Cruttenden
Julia Klugman	Gina Armstrong
Chris Kowal	Amanda Wheatley
Patricia Delaney	Geoff Robin
Sean Burke	Emily Barton
Peter Cormick	Anthony Mayne
Anne Cormick	Noel Davis
Peter Lord	Nina Shatifan
Jeff de Jager	Martyn Phillips
Hazel Constable	Angie Ulrichsen
Trish Hellier	
Heather Irwin	

MOTION

MOTION Councillor Harding/Councillor Leslight

THAT Council not move into closed session to debate item FBD16/012.

The Deputy Mayor advised that Council has legal advice that this matter can only be debated in closed session and therefore ruled that the motion not be allowed.

The Deputy Mayor advised the gallery that Council would now move into closed session to discuss FBD16/012.

Members of the gallery refused to leave.

At 12.53pm the Deputy Mayor adjourned the Ordinary meeting of Council until the gallery was cleared.

At 1.03pm the Deputy Mayor resumed the Ordinary meeting of Council.

The Deputy Mayor advised that the legal advice that this matter can only be debated in closed session has been reconfirmed, and again requested those in the gallery to leave the Chambers. He further advised that if the gallery refuses to leave the Chambers, the Council will reconvene in the committee room to debate the issue in closed session and will then return to the Chamber to advise of the result of its consideration and the voting on report FBD16/012.

MOTION OF DISSENT

MOTION Councillor Harding/Councillor Leslight

THAT a Motion of Dissent be moved against the ruling of the Chair, that the Council must move into closed session.

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

MOTION

MOTION Councillor Harding/Councillor Brice

THAT report FBD16/012 Licence for Use of Crown Reserve – Narooma, be deferred for consideration after the next local government elections.

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

16/71 MOTION 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:

FBD16/012 Licence for Use of Crown Reserve - Narooma

Item FBD16/012 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 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**)

The Deputy Mayor again asked the gallery to leave the Chambers. When members of the gallery refused to leave, the Deputy Mayor advised that the meeting would adjourn and would reconvene in closed session in the committee room.

At 1.30pm the Ordinary Meeting of Council was adjourned.

At 1.40pm the meeting was reconvened in Closed Session in the meeting room.

At 2.03pm the Ordinary Meeting of Council was reconvened in the Council Chambers.

The Deputy Mayor advised the gallery that Council meetings normally close at 2.00pm and whilst in Closed Session, the Council resolved to extend the conclusion time of the Ordinary Council meeting until 3.00pm, in accordance with Council's Code of Meeting Practice.

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

FBD16/012 LICENCE FOR USE OF CROWN RESERVE - NAROOMA

File Ref: E16.0126

16/72 MOTION Councillor Burnside/Councillor Schwarz

THAT:

1. Council endorses the selection of the South Coast Hunters Club as the preferred tenderer listed for RFT2016/FBD106 – Licence for use of NATA Reserve and the associated Sport and Leisure Centre within the confidential attachment to Report FBD16/012 Licence for Crown Reserve - Narooma
2. Subject to consent from the Minister administering the Crown Lands Act, 1989, Council as Trust Manager for the Eurobodalla (South) Reserve Trust, grant a five-year licence to hold an annual event every long weekend in June to the South Coast Hunters Club set out in the confidential attachment to Report FBD16/012 Licence for Crown Reserve – Narooma based on a standard Crown Lands’ licence commencing June 2018 with a fee set out in the confidential attachment to Report FBD16/012 Licence for Crown Reserve – Narooma.
3. Council work with the unsuccessful tenderer to review other potential dates and or venues for its event.

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

Division

For the Motion: Councillors N Burnside, L Innes, M Leslight, R Pollock and P Schwarz.

Against the Motion: Councillors D Brice and G Harding.

EXTENSION OF TIME – COUNCIL MEETING

E06.0429

16/73 MOTION Councillor Burnside/Councillor Leslight

THAT in accordance with the Code of Meeting practice, the conclusion of the council meeting be extended to 3.00pm.

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

At 2.08pm Councillor Leslight left the Chambers with the permission of the Chair and took no further part in proceedings.

At 2.09pm Councillor Brown returned to the Chambers and resumed the Chair.

6. GENERAL MANAGER'S REPORTS

GMR16/008 2016 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

File Ref: E93.5780

16/74 MOTION Councillor Brice/Councillor Pollock

THAT Council be represented at the 2016 National General Assembly of Local Government NSW to be held at the National Convention Centre from 19-22 June 2016 and:

1. The Mayor be nominated as the voting delegate and Councillors Brice and Harding be nominated as observers, to attend the National General Assembly;
2. Council's delegates and observers be reimbursed out of pocket expenses in accordance with Council's policy;
3. The following motion be submitted for consideration at the 2016 National General Assembly of Local Government NSW.
 - The National General Assembly of Local Government lobby the Australian and NSW Governments to improve funding of coastal management works given the current apparent lack of support provided to local government for adapting coastal settlements and infrastructure to the projected impacts of climate change.

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

7. PRESENTATIONS

Nil

8. MAYORAL REPORTS

Nil

9. NOTICES OF MOTION

Nil

10. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

11. PETITIONS

Nil

12. PLANNING AND SUSTAINABILITY REPORTS

Nil

13. INFRASTRUCTURE REPORTS

IR16/011 2016 NSW LOCAL ROADS CONGRESS

File Ref: E91.3255

16/75 MOTION Councillor Burnside/Councillor Schwarz

THAT:

1. Council be represented at the 2016 NSW Local Roads Congress on 6 June 2016 to be in held at State Parliament House in Sydney.
2. Council nominate the Mayor and Councillor Burnside as its delegates to attend the 2016 NSW Local Roads Congress.
3. Council's delegates be reimbursed out of pocket expense in accordance with the Councillors' Expenses and Facilities Policy.

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

IR16/012 CADGEE BRIDGE REPLACEMENT

File Ref: 84.0663

16/76 MOTION Councillor Pollock/Councillor Innes

THAT:

1. Cadgee Bridge be replaced with a new concrete structure funded from Natural Disaster Relief Funding and the Special Rate Variation component for bridge replacement in 2016-17.
2. Council endorse the actions taken to date to improve safety on the alternate route via Eurobodalla Road and Nerrigundah Mountain Road including:
 - a. moving funds within the gravel resheeting program in 2015-16 to allow gravel resheeting of sections of Eurobodalla Road between Cadgee Bridge and Nerrigundah village
 - b. providing spot gravelling on Wattlegrove Road
 - c. vegetation works on Eurobodalla Road and Nerrigundah Mountain Road to improve lines of sight
 - d. providing additional signposting on Nerrigundah Mountain Road, Eurobodalla Road, including the two causeways between Cadgee Bridge and Nerrigundah village on Eurobodalla Road
 - e. provision of a temporary 40km/hr roadworks speed limit through Nerrigundah village.

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

14. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD16/013 CODE OF CONDUCT POLICY AND AMENDMENT TO MODEL CODE OF CONDUCT

File Ref: E06.0380

16/77 MOTION Councillor Innes/Councillor Harding

THAT:

1. The Code of Conduct policy be placed on public exhibition for a period of 42 days.
2. The Office of Local Government Model Code of Conduct for Local Councils in NSW (November 2015) be placed on public exhibition for a period of 42 days.
3. A further report be presented to Council following considerations of any submissions received.

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

**FBD16/014 BUDGET REVIEW FOR THE PERIOD ENDED 31 DECEMBER 2015 AND SIX
MONTHLY PERFORMANCE REPORT**

File Ref: E05.9535

16/78 MOTION Councillor Pollock/Councillor Burnside

THAT

1. The budget review report for the quarter ended 31 December 2015 be received and noted.
2. The favourable variations for the Income Statement after capital revenue of \$1.6 million and favourable variations of \$4.3 million as per the Consolidated Fund Flow Statement be adopted.
3. The six monthly performance report be received and noted.

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

15. COMMUNITY, ARTS AND RECREATION REPORTS

CAR16/003 MORUYA LIBRARY, ARTS AND CULTURAL HUB FUNDING

File Ref: E16.0156

16/79 MOTION Councillor Innes/Councillor Pollock

THAT Council endorse the use of the Mayor's executive powers under Section 226 of the Local Government Act to approve acceptance of \$500,000 from the Australian Government's National Stronger Regional Funds to support the Moruya Library, Arts and Cultural Hub Stage One development.

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

16. DELEGATE REPORT

Nil

17. QUESTIONS/URGENT BUSINESS

Nil

18. DEALING WITH MATTERS IN CLOSED SESSION

In accordance with Section 10A(4) of the Local Government Act 1993, the General Manager invited members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential reports.

CON16/004 Property Matter

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

(d) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of a person who supplied it.

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

GMR16/007 Narooma Visitor Information Centre Tenders

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

(d) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of a person who supplied it.

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

16/80 MOTION Councillor Brown

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:

CON16/004 Property Matter

Item CON16/004 is confidential in accordance with s10(A)(2)(d) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

GMR16/007 Narooma Visitor Information Centre Tenders

Item GMR16/007 is confidential in accordance with s10A(2)(d) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it 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 2.20pm the Ordinary Meeting of Council moved into Closed Session.

At 2.34pm the Ordinary Meeting of Council resumed.

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

19. CONFIDENTIAL MATTERS

CON16/004 PROPERTY MATTER

File Ref: E01.5076

16/81 MOTION Councillor Burnside/Councillor Schwarz

THAT:

1. The offer to purchase Lot 7 DP 261619 by Batemans Bay Soldiers Club Limited be accepted.
2. Consent be given to affix the Common Seal of Council to the Contract of Sale and the Transfer of Lot 7 DP 261619.

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

Councillor Harding voted against the Motion.)

GMR16/007 NAROOMA VISITOR INFORMATION CENTRE TENDERS

File Ref: E15.9152

16/82 MOTION Councillor Burnside/Councillor Schwarz

THAT Council:

1. Endorse the selection of the Montague Arts and Craft Society Incorporate, as the preferred tenderer for Request for Tender No. VIC 1115 Visitor Information – Service Delivery - Narooma within the confidential attachment; and
2. Approves the entering into of a contractual arrangement with the Montague Arts and Craft Society Incorporated, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

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

THE MEETING CLOSED AT 2.35PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 12 April 2016 at which meeting the signature hereon was subscribed.