



# **Minutes**

**Ordinary Meeting of Council**

**11 June 2019**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 11 JUNE 2019**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 11 JUNE 2019  
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 W Sharpe OAM, Director, Infrastructure Services  
Mr A O'Reilly, Director, Corporate and Commercial Services  
Mrs K Arthur, Director, Community, Arts and Recreation  
Mr J Phillips, Divisional manager Governance and Administration  
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.)

**PF19/24 GMR19/010 Code of Meeting Practice**

Mr Lei Parker addressed Council in relation to item GMR19/010 Code of Meeting Practice. A copy of Mr Parker's submission is available on Council's website.

**PF19/25 GMR19/010 Code of Meeting Practice**

Mr Owen Cartledge addressed Council in relation to item GMR19/010 Code of Meeting Practice. A copy of Mr Cartledge's submission is available on Council's website.

**PF19/26 GMR19/010 Code of Meeting Practice**

Mrs Trish Hellier addressed Council in relation to item GMR19/010 Code of Meeting Practice. A copy of Mrs Hellier's submission is available on Council's website.

**PF19/27 GMR19/010 Code of Meeting Practice**

Mr Peter Cormick addressed Council in relation to item GMR19/010 Code of Meeting Practice. A copy of Mr Cormick's submission is available on Council's website.

**EXTENSION OF TIME**

**19/100 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**)

**PF19/28 GMR19/010 Code of Meeting Practice**

Mr Chris Kowal addressed Council in relation to item GMR19/010 Code of Meeting Practice. A copy of Mr Kowal's submission is available on Council's website.

**PF19/29 GMR19/010 Code of Meeting Practice**

Mr Donald Macdonald addressed Council in relation to item GMR19/010 Code of Meeting Practice. A copy of Mr Macdonald's submission is available on Council's website.

**PF19/30 GMR19/010 Code of Meeting Practice**

Mr Jeff de Jager addressed Council in relation to item GMR19/010 Code of Meeting Practice. A copy of Mr de Jager's submission is available on Council's website.

**PF19/31 GMR19/010 Code of Meeting Practice**

Mr Jim Bright addressed Council in relation to item GMR19/010 Code of Meeting Practice. A copy of Mr Bright's submission is available on Council's website.

**ADJOURNMENT**

**19/101 MOTION** Councillor Pollock/Councillor Constable

THAT the Ordinary Council Meeting be adjourned for a period of 15 minutes.

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

At **11.08am** the meeting adjourned.

At **11.29am** the meeting reconvened.

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

**19/102 MOTION** Councillor Tait/Councillor Pollock

THAT the minutes of the Ordinary Meeting held on 28 May 2019 be confirmed.

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

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

Councillor Brown declared a significant, non-pecuniary conflict of interest in PSR19/009 Draft Eurobodalla Event Strategy and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Brown declared an interest as he has an increasing role in the organisation of the Narooma Oyster Festival and it's mentioned in the document.

**6. MAYORAL REPORTS**

**7. NOTICES OF MOTION**

Nil

**8. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**9. PETITIONS**

Nil

## 10. GENERAL MANAGER'S REPORTS

### GMR19/010 CODE OF MEETING PRACTICE

File Ref: E06.0429

**MOTION** Councillor Innes/Councillor Pollock

THAT:

1. The Code of Meeting Practice as attached to GMR19/010 be adopted with the following changes as outlined in Parts 2 and 3.

#### 2. *Public Access session*

3.27	That Council will hold a public access session once per month, prior to the commencement of briefing sessions, for member of the public to raise any Council related issues with Councillors, that have not been previously determined by Council.
3.28	Dates for Public Access sessions will be determined by resolution of Council along with Council's annual meeting schedule.
3.29	Endorsed dates will be published on Council's website.
3.30	Public Access sessions will commence at 9.15am unless there are no registered speakers.
3.31	To speak at a public access, a person must first make an application to the Council in the approved form. Applications to speak at the public access must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00noon of the business day prior to the public access session, and must identify the issue they wish to raise with Councillors.
3.32	Approved speakers at the public access are to provide a written copy of their address to the Council by 12.00noon the business day prior to the session via email to council.meetings@esc.nsw.gov.au or hard copy at Council's main office in Moruya or Batemans Bay or Narooma libraries.
3.33	One hour will be allocated to public access subject to clause 3.34.
3.34	If there are more speakers register than time permits, Council could resolve to extend the Public Access session for 15 minutes only. Any speakers who have not presented due to time constraints, will be scheduled first on the list for the next available Public Access session.
3.35	Clauses 3.2, 3.7, 3.10, 3.12, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.24, 3.25 and 3.26 apply to Public Access sessions.

3. The dates for Public Access session for 2019 be:



23 July 2019  
20 August 2019  
17 September 2019  
29 October 2019  
19 November 2019  
3 December 2019.

**19/103 MOTION** Councillor McGinlay/Councillor Brown

THAT the Council move into Committee of the Whole to discuss item GMR19/010 Code of Meeting Practice.

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

At 11.30am the meeting moved into Committee of the Whole.

**MOTION** Councillor McGinlay/Councillor Mayne

THAT Council resume open session.

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

At 12.53pm the Council resumed open session.

**AMENDMENT** Councillor McGinlay/Councillor Mayne

THAT Clause 3.3 of the draft Code of Meeting Practice be amended so that it reads:

To speak at a public forum, a person must first make an application to the Council which must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00 noon of the business day prior to the meeting, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on. Applicants may, if they choose to do so, but are not obliged to, attach or forward or deliver, a draft of their proposed presentation when registering. Alternatively, Applicants may provide a copy to council on the day of presentation if they wish to ensure that it is recorded on council's website.

If the above is adopted it is further proposed: THAT the draft Code of Meeting Practice be amended as follows:

1. clause 3.4 be deleted.
2. clause 3.26 be deleted.
3. section 3 be renumbered to reflect deleted clauses.

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

Division

For the Motion: Clrs A Mayne and P McGinlay.

Against the Motion: Clrs L Brown, P Constable, L Innes, M Nathan, R Pollock, J Tait and J Thomson.

**AMENDMENT** Councillor McGinlay/Councillor Mayne

THAT clause 3.10 of the draft Code of Meeting Practice be amended so that it reads:

Each speaker will be allowed five minutes to address the Council. A three-minute extension of time may be granted if deemed appropriate by Councillors by majority decision.

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

Division

For the Motion: Clrs P Constable, A Mayne and P McGinlay.

Against the Motion: Clrs L Brown, L Innes, M Nathan, R Pollock, J Tait and J Thomson.

**19/104 AMENDMENT** Councillor Constable/Councillor Tait

THAT clause 3.10 of the draft Code of Meeting Practice be amended so that it reads:

*'Each speaker will be allowed seven minutes to address the Council. This time is to be strictly enforced by the Chairperson'.*

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

(The Amendment will be placed in the Motion).

Division

For the Motion: Clrs P Constable, L Innes, A Mayne, P McGinlay, M Nathan and J Tait.

Against the Motion: Clrs L Brown, R Pollock and J Thomson.

**AMENDMENT** Councillor McGinlay/Councillor Mayne

THAT clause 3.12 of the draft Code of Meeting Practice be amended so that it reads:

Public forum will be webcast and retained on Council's website as part of the record of the proceedings of Council.

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

Division

For the Motion: Clrs A Mayne and P McGinlay.

Against the Motion: Clrs L Brown, P Constable, L Innes, M Nathan, R Pollock, J Tait and J Thomson.

**19/105 AMENDMENT** Councillor McGinlay/Councillor Innes

THAT the following changes occur to the draft Code of Meeting Practice:

1. clauses 10.5, 10.7 and 10.8 be deleted.
2. clause 10.6 be changed so that it reads *'The decision of the Chairperson as to the result of a vote is final.'*
3. the following clause be added so that it reads:  
*'All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and*

*against each motion or amendment, (including the use of the casting vote), being recorded.'*

4. Clauses 10.5 – 10.13 be renumbered to reflect deleted and added clauses.

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

(The Amendment will be placed in the Motion).

Division

For the Motion: Clrs P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Clrs L Brown and J Thomson.

**AMENDMENT** Councillor McGinlay/Councillor Mayne

THAT the draft Code of Meeting Practice be amended as follows:

1. Clause 2.33 be deleted.
2. Clauses 2.33 -2.54 be renumbered to reflect deleted clauses.

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

Division

For the Motion: Clr P McGinlay.

Against the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, M Nathan, R Pollock, J Tait and J Thomson.

**19/106 AMENDMENT** Councillor McGinlay/Councillor Nathan

THAT clause 3.7 be amended to read:

*The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing, by 5.00pm the business day prior to the meeting, for a decision to refuse an application.*

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

(The Amendment will be placed in the Motion).

Division

For the Motion: Clrs P Constable, L Innes, A Mayne, P McGinlay, M Nathan and J Tait.

Against the Motion: Clrs L Brown, R Pollock and J Thomson.

**19/107 AMENDMENT** Councillor McGinlay/Councillor Mayne

THAT clause 3.3 be amended to read:

*To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00noon of the business day prior to the meeting, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and may state whether they wish to speak 'for' or 'against' the item.*

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

(The Amendment will be placed in the Motion).

Division

For the Motion: Clrs P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Cr L Brown.

**19/108 AMENDMENT** Councillor Brown/Councillor Mayne

THAT clause 7.1 be amended to read:

*The general order of business for an Ordinary meeting of the Council shall be:*

*01 Welcome,*

*02 Acknowledgement of Country*

*03 Evacuation Message and Housekeeping*

*04 Apologies and applications for a leave of absence by Councillors*

*05 Confirmation of minutes*

*06 Disclosures of interests*

*07 Mayoral minute(s)*

*08 Notices of Motions*

*09 Questions with notice*

*10 Petitions*

*11 Reports to Council*

*12 Delegate Reports*

*13 Urgent Business*

*14 Confidential matters*

*15 Conclusion of the meeting.*

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

(The Amendment will be placed in the Motion).

**19/109 ADJOURNMENT** Councillor Tait/Councillor McGinlay

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

At **1.36pm** the meeting adjourned.

At **1.42pm** the meeting reconvened.

**19/110 MOTION** Councillor Innes/Councillor Pollock

THAT:

1. The Code of Meeting Practice as attached to GMR19/010 be adopted with the following

changes as outlined below:

2. The following section be added

**Public Access session**

3.27	<i>That Council will hold a public access session once per month, prior to the commencement of briefing sessions, for member of the public to raise any Council related issues with Councillors, that have not been previously determined by Council.</i>
3.28	<i>Dates for Public Access sessions will be determined by resolution of Council along with Council's annual meeting schedule.</i>
3.29	<i>Endorsed dates will be published on Council's website.</i>
3.30	<i>Public Access sessions will commence at 9.15am unless there are no registered speakers.</i>
3.31	<i>To speak at a public access, a person must first make an application to the Council in the approved form. Applications to speak at the public access must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00noon of the business day prior to the public access session, and may identify the issue they wish to raise with Councillors.</i>
3.32	<i>Approved speakers at the public access are to provide a written copy of their address to the Council by 12.00noon the business day prior to the session via email to council.meetings@esc.nsw.gov.au or hard copy at Council's main office in Moruya or Batemans Bay or Narooma libraries.</i>
3.33	<i>One hour will be allocated to public access subject to clause 3.34.</i>
3.34	<i>If there are more speakers register than time permits, Council could resolve to extend the Public Access session for 15 minutes only. Any speakers who have not presented due to time constraints will be scheduled first on the list for the next available Public Access session.</i>
3.35	<i>Clauses 3.2, 3.7, 3.10, 3.12, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.24, 3.25 and 3.26 apply to Public Access sessions.</i>

3. clause 3.10 be amended so that it reads:

*Each speaker will be allowed seven minutes to address the Council. This time is to be strictly enforced by the Chairperson.*

4. a) clauses 10.5, 10.7 and 10.8 be deleted.  
b) clause 10.6 be changed so that it reads 'The decision of the Chairperson as to the result

- of a vote is final.'*
- c) The following clause be added so that it reads:  
*'All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.'*
- d) clauses 10.5 – 10.13 be renumbered to reflect deleted and added clauses.
5. clause 3.7 be amended to read:  
*The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing, by 5.00pm the business day prior to the meeting, for a decision to refuse an application.*
6. clause 3.3 be amended to read:  
*To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by Council, Executive Support (02 4474 1358 or council.meetings@esc.nsw.gov.au), no later than 12.00noon of the business day prior to the meeting, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and may state whether they wish to speak 'for' or 'against' the item.*
7. clause 7.1 be amended to read:  
*The general order of business for an Ordinary meeting of the Council shall be:*  
*01 Welcome,*  
*02 Acknowledgement of Country*  
*03 Evacuation Message and Housekeeping*  
*04 Apologies and applications for a leave of absence by Councillors*  
*05 Confirmation of minutes*  
*06 Disclosures of interests*  
*07 Mayoral minute(s)*  
*08 Notices of Motions*  
*09 Questions with notice*  
*10 Petitions*  
*11 Reports to Council*  
*12 Delegate Reports*  
*13 Urgent Business*  
*14 Confidential matters*  
*15 Conclusion of the meeting.*
8. The dates for Public Access session for 2019 be:  
23 July 2019  
20 August 2019  
17 September 2019  
29 October 2019  
19 November 2019

3 December 2019.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, M Nathan, R Pollock OAM, J Tait and J Thomson.

Against the Motion: Clrs A Mayne and P McGinlay.

## 11. PLANNING AND SUSTAINABILITY REPORTS

### PSR19/009 DRAFT EUROBODALLA EVENT STRATEGY

File Ref: E13.7307

Councillor Brown declared a significant, non-pecuniary conflict of interest in PSR19/009 Draft Eurobodalla Event Strategy and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Brown declared an interest as he has an increasing role in the organisation of the Narooma Oyster Festival and it's mentioned in the document.

At **01.49 pm** Councillor Brown left the Chambers.

### 19/111 MOTION Councillor Tait/Councillor Nathan

THAT

1. Council publicly exhibit the draft Events Strategy 2019-2023 for a period of 28 days.
2. A further report regarding the draft Events Strategy 2019-2023 be provided to Council following the exhibition period.

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

At **01.53pm** Councillor Brown returned to the Chambers.



**12. INFRASTRUCTURE REPORTS**

Nil

**13. CORPORATE AND COMMERCIAL SERVICES REPORTS**

**CCS19/022 LICENCE FOR FOOTPATH TRADING - MORUYA**

File Ref: 95.9144.D

**19/112 MOTION** Councillor Thomson/Councillor Nathan

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone for an outdoor eating area to be adjacent to the boundary of Lot 86 DP 840618 No 78A Vulcan Street, Moruya.
2. A licence be granted to the Moruya Thai Restaurant adjacent to Lot 86 DP 840618 No 78A Vulcan Street, Moruya with terms and conditions including:
  - (a) A three-year term.
  - (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
  - (c) Payment of a rental fee in accordance with Council's fees and charges.
  - (d) Payment of an annual licence administration fee in accordance with Council's fees and charges.
  - (d) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
  - (e) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.

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

**CCS19/023 REQUEST FOR TENDER NO. 2019/CCD052 - CLEANING OF COUNCIL BUILDINGS**

File Ref: E19.1836

**19/113 MOTION** Councillor Tait/Councillor Thomson

THAT Council

1. Endorses the selection of International Cleaning Services for Request for Tender No. 2019/CCD052 – Cleaning of Council Buildings.
2. Accordingly approves the entering into a Contractual Agreement with International Cleaning Services, subject to the terms specified in the Request for Tender No. 2019/CCD052.

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

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

**CAR19/014 MACKAY PARK DRAFT PLAN OF MANAGEMENT**

File Ref: E96.0041

**19/114 MOTION** Councillor Pollock/Councillor Tait

THAT:

1. In accordance with 3.23(6) of the Crown Land Management Act 2016 and pursuant to Section 40 of the Local Government Act 1993, Council adopt the Draft Mackay Park Plan of Management.
2. The NSW Minister for Lands and Forestry's consent, as the land owner, to grant a change of category of the following lots from 'park' to 'general community use' is endorsed:
  - (a) Lots 30, 31, 259 DP 755902
  - (b) Lots 1 and 2 DP 1049123
3. An electronic copy of the adopted Mackay Park Plan of Management be forwarded to the NSW Minister for Lands and Forestry, Department of Industry Crown Lands and placed on Council's website
4. All submission writers and contributors to the Mackay Park draft Plan of Management be thanked, in writing.

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

**15. DELEGATE REPORT**

Nil

**16. URGENT BUSINESS**

Nil

**17. DEALING WITH MATTERS IN CLOSED SESSION**

Nil

**18. CONFIDENTIAL MATTERS**

Nil

The Mayor, recognised the recent Queen's Birthday honour list recipients. The following Eurobodalla residents were recognised with a Medal of the Order (OAM):

- The Reverend Linda Chapman of Mossy Point, for service to the Anglican Church of Australia.
- Mrs Elaine Heskett of Mossy Point, for service to the community through a range of roles.
- Mrs Dierdre Landells of Narooma, for service to the community of Narooma.
- Ms Laurelle Pacey for Narooma, for service to community history.
- Mr Arthur Coorey of Mossy Point, for service to rugby league, and to the community.

In addition, Mr Glenn Felkin of Batemans Bay was awarded an Emergency Services Medal for his services to Marine Rescue.

**THE MEETING CLOSED AT 1.58pm**

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**CHAIRPERSON**

Chairperson of the Ordinary Council Meeting held on Tuesday, 25 June 2019 at which meeting the signature hereon was subscribed.