



Minutes

Ordinary Meeting of Council

24 September 2019

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 24 SEPTEMBER 2019

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 24 SEPTEMBER 2019
COMMENCING AT 11.00AM**

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

The Mayor welcomed everyone to the meeting.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the Traditional Custodians of the Land, of Elders past and present, whose land we are gathered here today.

3. EVACUATION MESSAGE

The Mayor advised of the Evacuation Procedures.

4. APOLOGIES

NIL

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

19/190 MOTION Councillor Tait/Councillor Pollock

THAT the minutes of the Ordinary Meeting held on 10 September 2019 be confirmed.

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

Division

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

Against the Motion: Nil.

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Brown declared a non-significant, non-pecuniary conflict of interest in CCS19/44 Licence for Kayak Hire, Narooma and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Brown declared an interest as his residence is adjacent to the licence area.

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

**PET19/002 PROVISION FOR A LOW-IMPACT SPLASHPAD WITHIN THE PLAN OF
MANAGEMENT FOR CORRIGANS RESERVE, BATEHAVEN**

File Ref: E97.1337

19/191 MOTION Councillor Pollock/Councillor Brown

THAT Council consider this petition in the development of a Plan of Management for Corrigans Reserve.

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

Division

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

Against the Motion: Nil.

11. GENERAL MANAGER'S REPORTS

Nil

12. PLANNING AND SUSTAINABILITY REPORTS

**PSR19/022 DRAFT RURAL, R5 AND E4 ZONES DEVELOPMENT CONTROL PLAN
POST EXHIBITION**

File Ref: E16.0182

19/192 MOTION Councillor Tait/Councillor Brown

THAT:

1. Council adopts the draft Rural, R5 Large Lot Residential and E4 Environmental Living Zones Development Control Plan (draft Plan) and associated amendments to all other Development Control Plans.
2. Council place a public notice in a local newspaper to advise that the draft Rural, R5 and E4 Zones Development Control Plan has been adopted and will commence either on the gazettal date of amendment to the Eurobodalla Local Environmental Plan 2012 (Amendment No. 11) or on the date that the notice appears in the local newspaper, whichever is the later date.

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

Division

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

Against the Motion: Clrs A Mayne and P McGinlay.

**PSR19/027 DRAFT COMMUNITY ENGAGEMENT FRAMEWORK AND PARTICIPATION
PLAN - EXHIBITION**

File Ref: E05.9582

19/193 MOTION Councillor Tait/Councillor Nathan

THAT:

1. Council endorse the draft Community Engagement Framework and Participation Plan to be publicly exhibited for 28 days.
2. Following public exhibition, a further report be submitted to Council for consideration of submissions and adoption of the draft Community Engagement Framework and Participation Plan.

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

Division

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

Against the Motion: Nil.

**PSR19/028 2018-19 EMISSIONS REDUCTION PLAN AND SUSTAINABILITY PROGRESS
REPORT**

File Ref: E07.1073

19/194 MOTION Councillor Pollock/Councillor Thomson

THAT Council:

1. Receive and note the 2018-19 Emissions Reduction Plan and Sustainability Progress Report
2. Write to the NSW and Australian Government advocating for increased certainty and leadership on low emission vehicles, energy and emissions policies and submit to the NSW Legislative Assembly, Committee on Environment and Planning a response to the inquiry on the sustainability of energy supply and resources in NSW, as attached to this report.
3. Conduct a workshop with the representatives from key community and business groups and related stakeholders on the progress to date of the Eurobodalla Shire Council ERP 2017-2021 and identify and consider potential additional actions for Council, businesses and the community.
4. Receive a briefing on the outcomes of the workshop.

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

Division

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

Against the Motion: Nil.

13. INFRASTRUCTURE REPORTS

IR19/021 LOCAL TRAFFIC COMMITTEE NO 3 FOR 2019-20

File Ref: E16.0002

19/195 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 for 2019-20 be received and noted.
2. Council removal of the 'Keep Left Unless Overtaking' sign, located on George Bass Drive adjoining the south bound lane about 200 metres south of the Glenella Road Intersection be approved.
3. Council Plan No. 5156 Set BP Sheet 18 detailing the modification of two 'No Stopping' signs on Old Princes Highway at the intersection of South Street, Batemans Bay be approved.

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

Division

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

Against the Motion: Nil.

14. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS19/043 LICENCE FOR COMMUNITY GARDENS - MORUYA

File Ref: 09.3150.D

19/196 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council grant a licence to Sustainable Agriculture & Gardening Eurobodalla Incorporated for the purpose of a community garden within Lots 2 and 3 Section 15 DP 758710, Queen Street, Moruya for five years commencing on 1 December 2019 and terminating on 30 November 2024 subject to conditions including:
 - a. Payment of annual licence fees in accordance with Council's adopted fees and charges;
 - b. Provision of evidence of public liability insurance cover in the amount of at least \$20 million; and
 - c. Conditions generally in line with the previous licence.
2. The General Manager be given delegated authority to negotiate further licences for the continued occupation of Lots 2 and 3 Section 15 DP 758710 for community horticultural activities and education until such time as the land is required for other purposes.

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

Division

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

Against the Motion: Nil.

CCS19/044 LICENCE FOR KAYAK HIRE, NAROOMA

File Ref: E07.1581

Councillor Brown declared a non-significant, non-pecuniary conflict of interest in CCS19/44 Licence for Kayak Hire, Narooma and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Brown declared an interest as his residence is adjacent to the licence area.

19/197 MOTION Councillor Thomson/Councillor Constable

THAT:

1. Council grant a licence to Kayaking Narooma to operate a kayak hire business within Crown Reserve R85364 Lot 7318 DP 1166668 Riverside Drive, Narooma for five years commencing on 4 December 2019 and terminating on 3 December 2024 subject to conditions including:
 - a. Payment of annual licence fees in accordance with Council's adopted fees and charges;
 - b. Provision of evidence of public liability insurance cover in the amount of at least \$20 million; and
 - c. Conditions generally in line with the previous licence.
2. The General Manager be given delegated authority to negotiate further licences to Kayaking Narooma to operate within Council and Crown reserves.

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

Division

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

Against the Motion: Nil.

CCS19/045 LICENCE TO CONDUCT BUSINESS OPERATIONS NEAR NAROOMA WHARF

File Ref: E80.1214

19/198 MOTION Councillor Thomson/Councillor Tait

THAT:

1. Council seek Expressions of Interest for people wishing to take out a licence to operate a business from Council land, indicating size, location and type of business near the Narooma Wharf.
2. At the conclusion of the Expression of Interest, a report be presented to Council for consideration of licence approvals.

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

Division

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

Against the Motion: Clr P Constable.

CCS19/046 DIVIDENDS FROM WATER AND SEWER FUNDS

File Ref: E05.9535

19/199 MOTION Councillor Tait/Councillor Thomson

THAT Council resolve to transfer dividends from the Water and Sewer Funds of \$611,900 and \$566,440 respectively based upon 2017-18 audited results in the Water and Sewer Funds, and subject to achievement of substantial compliance with Best Practice Guidelines and approval from the Department of Primary Industries, Water.

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

Division

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

Against the Motion: Clrs A Mayne and P McGinlay.

CCS19/047 INVESTMENTS MADE AS AT 31 AUGUST 2019

File Ref: E99.3517

19/200 MOTION Councillor Pollock/Councillor Mayne

THAT the certification that the investments as at 31 August 2019, 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**)

Division

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

Against the Motion: Nil.

CCS19/048 SALE OF MORUYA RACECOURSE

File Ref: E14.8327

MOTION Councillor Pollock/Councillor Tait

THAT the General Manager be given delegated authority to finalise the sale of Lot 1 DP1249510, known as the Moruya Racecourse, to Racing NSW for the amount identified in its letter which is a Confidential Attachment to this report.

AMENDMENT Councillor Constable/Councillor McGinlay

THAT:

1. the General Manager be given delegated authority to finalise the sale of Lot 1 DP1249510, known as the Moruya Racecourse, to Racing NSW for the amount identified in its letter which is a Confidential Attachment to this report.
2. the monies received from the sale be applied to Council's Pathways Strategy.

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

Division

For the Motion: Clrs P Constable and P McGinlay.

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

19/201 MOTION Councillor Pollock/Councillor Tait

THAT the General Manager be given delegated authority to finalise the sale of Lot 1 DP1249510, known as the Moruya Racecourse, to Racing NSW for the amount identified in its letter which is a Confidential Attachment to this report.

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

Division

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

Against the Motion: Clrs A Mayne and P McGinlay.

15. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

36. DELEGATE REPORT

Nil

47. URGENT BUSINESS

Nil

58. DEALING WITH MATTERS IN CLOSED SESSION

Nil

THE MEETING CLOSED AT 12.38pm.

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 22 October 2019 at which meeting the signature hereon was subscribed.