



Minutes

Ordinary Meeting of Council

25 May 2021

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 25 MAY 2021

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 25 MAY 2021
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
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

21/64 MOTION Councillor Thomson/Councillor Nathan

THAT the minutes of the Ordinary Meeting held on 11 May 2021 be confirmed.

(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.

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in GMR21/024 Appointment of Independent Member – Audit Risk and Improvement Committee and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as the preferred candidate attends the Church in which his wife is the Minister. The preferred candidate is known to Councillor Mayne through this association.

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

11. GENERAL MANAGER'S REPORTS

**GMR21/020 DRAFT COUNCILLOR'S EXPENSES, FACILITIES AND PROFESSIONAL
DEVELOPMENT POLICY**

File Ref: S004-T00014

21/65 MOTION Councillor Brown/Councillor Thomson

THAT the draft Councillor's Expenses, Facilities and Professional Development policy be placed on public exhibition for a period of 28 days, and following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration and adoption.

(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.

GMR21/022 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH 2021

File Ref: S011-T00003

21/67 MOTION Councillor Pollock/Councillor Tait

THAT;

1. The budget review report for the quarter ended 31 March 2021 be received and noted.
2. The unfavourable variations to the Income Statement before capital revenue of \$1.01 million, and \$4.66 million increase to unrestricted funds per the Consolidated Fund Flow Statement be adopted.
1. 3. New loans of \$7,188,197 be raised in accordance with Council's borrowing policy and the Council seal be affixed to the loan agreement documentation.

(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.

GMR21/023 INVESTMENTS MADE AS AT 30 APRIL 2021

File Ref: S011-T00006, S012-T00025

21/68 MOTION Councillor Tait/Councillor Brown

THAT the certification that the investments as at 30 April 2021, 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.

**GMR21/024 APPOINTMENT OF INDEPENDENT MEMBER - AUDIT RISK AND
IMPROVEMENT COMMITTEE**

File Ref: S004-T00048

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in GMR21/024 Appointment of Independent Member – Audit Risk and Improvement Committee and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as the preferred candidate attends the Church in which his wife is the Minister. The preferred candidate is known to Councillor Mayne through this association.

21/69 MOTION Councillor Brown/Councillor Nathan

THAT

1. Council appoint the applicant, as identified as Applicant 6 in the confidential attachment to this report as an independent member of the ARIC in accordance with Council's adopted ARIC's Terms of Reference.
2. A letter of invitation from the General Manager be forwarded to the successful applicant inviting them to join the ARIC as an independent member.
3. A letter be written thanking all applicants for expressing an interest in being on the Committee.

(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.

12. PLANNING AND SUSTAINABILITY REPORTS

**PSR21/012 BATEMANS BAY REGIONAL AQUATIC, ARTS AND LEISURE CENTRE - MACKAY
PARK - BRANDING**

File Ref: S023-T00024

21/70 MOTION Councillor Tait/Councillor Nathan

THAT

1. Council adopt the Precinct name of Bay Pavilions.
2. Council adopt the Destination names of Aquatic Pavilion and Arts Pavilion.
3. Council adopt the Wayfinding Nomenclature names of Yuin theatre, Studios 1 – 4 (including Indigenous numbering), Clyde gallery, Gurangadj (water slides).

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

Division

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

Against the Motion: Cr P McGinlay.

PSR21/013 DRAFT BATEMANS BAY URBAN CREEKS FLOOD STUDY EXHIBITION

File Ref: S017-T00015

21/71 MOTION Councillor Pollock/Councillor Tait

THAT:

1. Council publicly exhibit the draft Batemans Bay Urban Creeks Flood Study for a period of 28 days.
2. Following the public exhibition of the draft Batemans Bay Urban Creeks Flood Study and consideration of submissions, a further report be provided to Council to determination.

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

Division

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

Against the Motion: Nil.

PSR21/014 PROVISION OF ANALYTICAL SERVICES

File Ref: E93.5121

21/72 MOTION Councillor Tait/Councillor Brown

THAT:

1. Council resolves that because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders for the laboratory testing and reporting services for Council analytical requirements.
2. The reasons for Council's decision that a satisfactory result would not be achieved by inviting tenders for the laboratory testing and reporting services for Council analytical requirements are that:
 - the laboratory requires NATA accreditation;
 - owing to sample being under temperature control the laboratory needs to in a proximity to receive the sample within 24 hours;
 - the ability to meet the varying analytical requirements across Council;
 - ability for Council to receive results in a time critical manner.
3. Council conducts a competitive process with the two identified organisations that meets Council's analytical service requirements.
4. Delegate authority for the General Manager to enter into direct negotiations with the most advantageous company in relations to laboratory testing and reporting services and to execute any agreement arising from those direct negotiations.

(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

**IR21/013 REQUEST FOR TENDER NO. 2021-045 WATER AND SEWERAGE
AUGMENTATION WORKS, VESPER STREET, BATEMANS BAY**

File Ref: S029-T00004

21/73 MOTION Councillor Tait/Councillor Thomson

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 2021-045 Water and Sewerage Augmentation Works, Vesper Street, Batemans Bay.

(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.

IR21/014 EUROBODALLA SOUTHERN WATER SUPPLY STORAGE - TENDERING PROCESS

File Ref: S032-T00009

21/74 MOTION Councillor Innes/Councillor Thomson

THAT

1. Council runs an Expression of Interest Process to shortlist preferred tenderers for the construction of the Eurobodalla Southern Water Supply Storage, in accordance with Clause 166 of the Local Government (General) Regulation.
2. Once formally received, Council accepts the funding offer of \$51.2 million from the Commonwealth Government National Water Grid Fund.

(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. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

14. DELEGATE REPORT

Nil

15. URGENT BUSINESS

Nil

16. DEALING WITH MATTERS IN CLOSED SESSION

Nil

17. CONFIDENTIAL MATTERS

Nil

Prior to closing the meeting, the Mayor passed on her condolences to the family of the late Matt Deveson of Narooma. Matt was a leader and mentor to the Narooma community. Matt held positions on the Narooma Chamber of Commerce, Narooma Oyster Festival, on Council's Business and Tourism Committee and more recently the Eurobodalla Disaster Relief Committee. Councillor Brown also expressed his condolences to the family.

THE MEETING CLOSED AT 11.48pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 8 June 2021 at which meeting the signature hereon was subscribed.