



Minutes

Ordinary Meeting of Council

28 June 2016

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 28 JUNE 2016

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 28 JUNE 2016
COMMENCING AT 10.01AM**

PRESENT: Councillor Lindsay Brown, Mayor (in the Chair)
Councillors Danielle Brice, Neil Burnside, 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

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

16/170 MOTION Councillor Brice/Councillor Burnside

THAT apologies be received from Councillor Harding and leave of absence be granted.

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

3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Schwarz declared a non-significant, non-pecuniary conflict of interest in PSR16/022 Draft Community Land Plan of Management – Kyla Park, and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Schwarz declared an interest as he is a member of the Batemans Bay Sailing Club but is not a member of the Sailing Club Committee.

4. 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.)

E12.6254; E16.0042

PF16/047 GMR16/012 Adoption of Revised Delivery Program 2013-17 and Operational Plan 2016-17

Ms Irene Barry representing the Montague Arts and Crafts Society addressed Council on GMR16/012 Adoption of Revised Delivery Program 2013-17 and Operational Plan 2016-17. A copy of Ms Barry's submission is available on Council's website.

E12.6254; E16.0042

PF16/048 GMR16/012 Adoption of Revised Delivery Program 2013-17 and Operational Plan 2016-17

Mr Peter Lonergan representing the Central Tilba Chamber of Commerce addressed Council on GMR16/012 Adoption of Revised Delivery Program 2013-17 and Operational Plan 2016-17. A copy of Mr Lonergan's submission is available on Council's website.

E12.6254; E16.0042

PF16/049 GMR16/012 Adoption of Revised Delivery Program 2013-17 and Operational Plan 2016-17

Mr Andrew Bain representing the Broulee Mossy Point Progress Association addressed Council on GMR16/012 Adoption of Revised Delivery Program 2013-17 and Operational Plan 2016-17. A copy of Mr Bain's submission is available on Council's website.

4. QUESTIONS FROM PUBLIC GALLERY (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.)

E12.6254; E16.0196; E11.5377; E16.0042

PF16/050 GMR16/012 Adoption of Revised Delivery Program 2013-17 and Operational Plan 2016-17

PSR16/018 Rezoning and Reclassification of Albert Ryan Park

PSR16/019 Wagonga Inlet, Kianga and Dalmeny Flood Study

Mr Peter Bernard addressed Council on GMR16/012 Adoption of Revised Delivery Program 2013-17 and Operational Plan 2016-17; PSR16/018 Rezoning and Reclassification of Albert Ryan Park; and PSR16/019 Wagonga Inlet, Kianga and Dalmeny Flood Study. A copy of Mr Bernard's submission is available on Council's website.

EXTENSION OF TIME

16/171 MOTION Councillor Pollock/Councillor Leslight

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

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

4. QUESTIONS FROM PUBLIC GALLERY (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.)

E16.0196; E16.0042

PF16/051 PSR16/018 Rezoning and Reclassification of Albert Ryan Park

Ms Leah Burke addressed Council on PSR16/018 Rezoning and Reclassification of Albert Ryan Park. A copy of Ms Burke's submission is available on Council's website.

4. QUESTIONS FROM PUBLIC GALLERY (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.)

E16.0196; E16.0042

**PF16/052 PSR16/018 Rezoning and Reclassification of Albert Ryan Park
CAR16/008 Delivery Program Review – Citizens’ Jury Update**

Mrs Trish Hellier addressed Council on PSR16/018 Rezoning and Reclassification of Albert Ryan Park and CAR16/008 Delivery Program Review – Citizens’ Jury Update. A copy of Mrs Hellier’s submission is available on Council’s website.

EXTENSION OF TIME

16/172 MOTION Councillor Brice/Councillor Leslight

THAT Mrs Hellier be granted an extension of three minutes to complete her presentation.

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

4. QUESTIONS FROM PUBLIC GALLERY (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.)

E98.2463; E16.0042

PF16/053 PSR16/022 Draft Community Land Plan of Management – Kyla Park

Mr Patrick McNeile addressed Council on PSR16/022 Draft Community Land Plan of Management – Kyla Park. Mr McNeile did not provide a copy of his submission.

EXTENSION OF TIME

16/173 MOTION Councillor Brice/Councillor Leslight

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

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

E98.2463; E16.0042

PF16/054 PSR16/022 Draft Community Land Plan of Management – Kyla Park

Ms Maryanne Sinke addressed Council on PSR16/022 Draft Community Land Plan of Management – Kyla Park. Ms Sinke did not provide a copy of her submission.

E98.2463; E16.0042

PF16/055 PSR16/022 Draft Community Land Plan of Management – Kyla Park

Mrs Maureen Baker, on behalf of the Tuross Lakes Preservation Group, addressed Council on PSR16/022 Draft Community Land Plan of Management – Kyla Park. A copy of Mrs Baker's submission is available on Council's website.

E98.2463; E16.0042

PF16/056 PSR16/022 Draft Community Land Plan of Management – Kyla Park

Mr Lei Parker addressed Council on PSR16/022 Draft Community Land Plan of Management – Kyla Park. A copy of Mr Parker's submission is available on Council's website.

EXTENSION OF TIME

16/174 MOTION Councillor Brice/Councillor Leslight

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

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

4. QUESTIONS FROM PUBLIC GALLERY (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.)

E98.2463; E16.0042

PF16/057 PSR16/022 Draft Community Land Plan of Management – Kyla Park

Mr Chris Jones, Junior Vice President of the Tuross Head Progress Association, addressed Council on PSR16/022 Draft Community Land Plan of Management – Kyla Park. A copy of Mr Jones' submission is available on Council's website.

E98.2463; E16.0042

PF16/058 PSR16/022 Draft Community Land Plan of Management – Kyla Park

Ms Debbie Schubert, representing the Tuross Community Garden, addressed Council on PSR16/022 Draft Community Land Plan of Management – Kyla Park. A copy of Ms Schubert's submission is available on Council's website.

EXTENSION OF TIME

16/175 MOTION Councillor Leslight/Councillor Brice

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

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

E98.2463; E16.0042

PF16/059 PSR16/022 Draft Community Land Plan of Management – Kyla Park

Mr Jeff de Jager, addressed Council on PSR16/022 Draft Community Land Plan of Management – Kyla Park. A copy of Mr de Jager's submission is available on Council's website.

EXTENSION OF TIME

16/176 MOTION Councillor Brice/Councillor Leslight

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

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

4. QUESTIONS FROM PUBLIC GALLERY (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.)

E09.3479; E16.0042

PF16/060 CAR16/008 Delivery Program Review – Citizens’ Jury Update

Mr Peter Cormick addressed Council on CAR16/008 Delivery Program Review – Citizens’ Jury Update. A copy of Mr Cormick’s submission is available on Council’s website.

EXTENSION OF TIME

16/177 MOTION Councillor Leslight/Councillor Brice

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

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

E09.3479; E16.0042

PF16/061 CAR16/008 Delivery Program Review – Citizens’ Jury Update

Mr Paul Bradstreet addressed Council on CAR16/008 Delivery Program Review – Citizens’ Jury Update. A copy of Mr Bradstreet’s submission is available on Council’s website.

EXTENSION OF TIME

16/178 MOTION Councillor Brice/Councillor Burnside

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

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

ADJOURNMENT

16/179 MOTION Councillor Burnside/Councillor Innes

THAT the Ordinary Council Meeting be adjourned for a ten minute break.

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

At 12.44pm the Mayor adjourned the Ordinary meeting of Council.

At 12.54pm the Mayor reconvened the Ordinary meeting of Council.

SUSPENSION OF STANDING ORDERS

16/180 MOTION Councillor Burnside/Councillor Leslight

That Standing Orders be suspended in order to bring forward the following reports:

- GMR16/012 GMR16/012 Adoption of Revised Delivery Program 2013-17 and Operational Plan 2016-17
- PSR16/018 Rezoning and Reclassification of Albert Ryan Park
- PSR16/019 Wagonga Inlet, Kianga and Dalmeny Flood Study
- PSR16/022 Draft Community Land Plan of Management – Kyla Park
- CAR16/008 Delivery Program Review – Citizens' Jury Update.

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

**GMR16/012 ADOPTION OF REVISED DELIVERY PROGRAM 2013-17 AND OPERATIONAL
PLAN 2016-17**

File Ref: E12.6254

16/181 MOTION Councillor Pollock/Councillor Burnside

THAT:

1. Council makes the annual Ordinary Rates for 2016-17 in accordance with the special rate variation limit set by IPART which is 6.37%, being a 6.5% increase in ordinary rates and 2.4% increase in the Environmental levy, as contained in the table in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2016-17 in accordance with the revised Revenue Policy and Fees and Charges as contained in the tables in the report.
3. Council make each fee and charge for 2016-17 in accordance with the amended Revenue Policy and Fees and Charges as attached to the report.
4. Council adopt the amended Delivery Program 2013-17 and Operational Plan 2016-17 attached to the report as per the statutory requirements and implement them from 1 July 2016.
5. Council thank the community members who made a submission and provide them with a response.

(The Motion on being put was declared **CARRIED**.
Councillors Leslight and Innes voted against the Motion.)

PSR16/018 REZONING AND RECLASSIFICATION OF ALBERT RYAN PARK

File Ref: E16.0196

16/182 MOTION Councillor Pollock/Councillor Burnside

THAT:

1. Council resolves to not proceed with the proposal to amend the *Local Environmental Plan 2012* (LEP) to rezone and reclassify Lots 10 and 11, DP 236342, being part of Albert Ryan Park, Beach Road, Batemans Bay.
2. Council thank all those who made submissions for their contribution.

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

PSR16/019 WAGONGA INLET, KIANGA AND DALMENY FLOOD STUDY

File Ref: E11.5377

16/183 MOTION Councillor Burnside/Councillor Pollock

THAT Council:

1. Adopt the Wagonga Inlet, Kianga and Dalmeny Flood Study.
2. Replace the existing Investigation Area mapping contained within the Interim Coastal Hazards Adaptation Code with the site specific flood mapping produced by the Wagonga Inlet, Kianga and Dalmeny Flood Study.
3. Review and amend where necessary planning certificates issued under section 149 of the *Environmental Planning and Assessment Act 1979* to reflect the updated flood information.
4. Apply flood planning levels determined by the Wagonga Inlet, Kianga and Dalmeny Flood Study to individual development applications.
5. Thank all those who made submissions for their contribution.

(The Motion on being put was declared **CARRIED**.
Councillor Leslight voted against the Motion.)

PSR16/022 DRAFT COMMUNITY LAND PLAN OF MANAGEMENT - KYLA PARK

File Ref: E98.2463

16/184 MOTION Councillor Pollock/Councillor Brice

THAT:

1. The draft amended plans of management 26 - Kyla Park Community Land – Foreshore Reserves, Parkland and Boat Ramp (2003) and 27 - Kyla Park Community Land - Areas of Cultural Significance (2003) to re-categorise the southern part of Lot 77 DP 260321 from area of cultural significance to general community use be endorsed for exhibition for a period of 28 days and that public submissions be received for a period of 42 days.
2. A consultant be engaged as an independent chairperson to hold a public hearing for the draft plans of management.
3. All submissions received by Council prior to the exhibition period and as part of the exhibition period, be provided to the consultant for his consideration.
4. A further report be received following the receipt of the public hearing report from the independent chairperson on the draft plans of management taking into account all submissions that have been received prior to this process.

(The Motion on being put was declared **CARRIED**.
Councillors Leslight and Innes voted against the Motion.)

CAR16/008 DELIVERY PROGRAM REVIEW - CITIZENS' JURY UPDATE

File Ref: E09.3479

16/185 MOTION Councillor Burnside/Councillor Pollock

THAT Council receive and note report CAR16/008 Delivery Program Review – Citizens' Jury Update.

(The Motion on being put was declared **CARRIED**.
Councillor Leslight voted against the Motion.)

E06.0429

EXTENSION OF MEETING TIME

16/186 MOTION Councillor Burnside/Councillor Pollock

THAT in accordance with Council's Code of Meeting Practice, the conclusion of the Ordinary Council meeting be extended until 3.00pm.

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

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

16/187 MOTION Councillor Burnside/Councillor Pollock

THAT the minutes of the Ordinary Meeting held on 14 June 2016 be confirmed.

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

6. NOTICES OF MOTION

Nil

7. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

8. PETITIONS

Nil

9. MAYORAL REPORTS

MR16/004 SHORT TERM USE OF THE FORMER BATEMANS BAY BOWLING CLUB SITE

File Ref: E12.6442

16/188 MOTION Councillor Brown

THAT Council:

1. Investigate matters relevant to the short term use of the former Batemans Bay Bowling Club including:

- full or in part leasing,
- occupational health and safety,
- finance and operational costs;

noting that expressions of interest have been received for the long term use of the site, and that this particular process is for a shorter term use.

2. Organise an Open Day at the former Batemans Bay Bowling Club building on Saturday 16 July from 11am to 3pm for interested community and not for profit groups to view and tour the inside of the building and assess its condition.
3. Make an assessment of the condition and possible short term use of the building immediately after Council takes possession of the building on 8 July, and have a preliminary written report on this available at the Open Day on 16 July.

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

Councillors Innes, Leslight and Brice voted against the Motion.)

10. PLANNING AND SUSTAINABILITY REPORTS

**PSR16/020 DRAFT COASTAL ZONE MANAGEMENT PLAN - WHARF ROAD NORTH
BATEMANS BAY**

File Ref: E12.6263

16/189 MOTION Councillor Pollock/Councillor Burnside

THAT Council:

1. Adopt the draft Coastal Zone Management Plan - Wharf Road North Batemans Bay.
2. Submit the adopted Coastal Zone Management Plan to the Minister for Planning and Environment for certification.

(The Motion on being put was declared **CARRIED**.
Councillor Leslight voted against the Motion.)

**PSR16/021 SUBMISSION TO DRAFT BIODIVERSITY CONSERVATION AND LOCAL LAND
SERVICES AMENDMENT BILLS**

File Ref: E08.2564

16/190 MOTION Councillor Innes/Councillor Leslight

THAT Council endorse the submission attached to report PSR16/021 (as amended) and forward the submission to the NSW Government and the Member for Bega.

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

11. INFRASTRUCTURE REPORTS

IR16/023 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2016-17

File Ref: E99.3954: E99.3955

16/191 MOTION Councillor Pollock/Councillor Burnside

THAT the schedules for the maintenance grading of unsealed roads and the resealing of sealed roads for 2016-17 be adopted and placed on Council's website.

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

IR16/024 LOCAL TRAFFIC COMMITTEE MEETING NO 9 FOR 2015-16

File Ref: E16.0002

16/192 MOTION Councillor Pollock/Councillor Burnside

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 9 of 2015-16 held on 12 May 2016 be received and noted.
2. Council Plan No 4069 Set G Sheet 01 detailing signage and linemarking associated with the roundabout at the Beach Road and Hanging Rock Place intersection be approved.
3. The 'No Stopping' signs currently in place on the eastern side of Beach Road (starting 40m south of the promenade and finishing at the George Bass Drive intersection) that show a time period have this text removed from the signs.
4. Council Plan No. 5172 Set A Sheet 07 detailing the signage and linemarking associated with the proposed roundabout and pedestrian refuge on Riverside Drive at the intersection with Field Street, Narooma be approved.
5. Council Plan No. 5156 Set BA Sheet 01 detailing the linemarking associated with the two proposed accessible parking spaces in the off-street carpark near the Queen Street Post Office, Moruya be approved.
6. Council Plan No. 3213 Set B Sheet 01 detailing the signage and linemarking associated with the proposed bus bay and bus stop on Corkhill Drive, Central Tilba be approved.

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

**IR16/025 TENDER - 2016/ISD084 SEWAGE PUMPING STATIONS BB36 & BB38 UPGRADE
WORKS, DENHAMS BEACH**

File Ref: E05.9189.PS

16/193 MOTION Councillor Pollock/Councillor Burnside

THAT Council accepts the tender from Ted Wilson & Sons Pty Ltd, as the preferred tender for the upgrade of sewage pumping stations BB36 and BB38, Denhams Beach.

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

**IR16/026 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY AND STRATEGIC
BUSINESS PLAN**

File Ref: E13.7193

16/194 MOTION Councillor Pollock/Councillor Burnside

THAT Council endorse the attached Integrated Water Cycle Management Strategy and Strategic Business Plan for public exhibition for a period of 42 days, with the results of this exhibition period to be presented back to Council.

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

12. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD16/034 LICENCE FOR CARAVAN AND CAMPING SHOW MACKAY PARK

File Ref: e05.9612

16/195 MOTION Councillor Pollock/Councillor Burnside

THAT subject to consent of the Minister administering the Crown Lands Act, 1989, Council as Trust Manager of the Eurobodalla (North) Reserve Trust grant a five-year licence to the Caravan and Camping Industry Association NSW to stage the South Coast Caravan, Camping and Holiday Expo on the Mackay Park Reserve at Batemans Bay one weekend annually in November with terms and conditions including:

- (a) The licence period be from 1 October 2016 to 30 September 2021.
- (b) The fee be the fee set out in the confidential attachment to this report.
- (c) The annual provision of an event management plan acceptable to Council for the event.
- (d) The annual provision of a traffic management plan acceptable to Council for the event.
- (e) The annual provision of public liability insurance in accordance with Council policy.
- (f) The Licensee to provide suitably qualified persons to render first aid and to provide security.
- (g) The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- (h) No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- (i) Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- (j) All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- (k) The Licensee to be responsible for making good any damage to the oval and other facilities used at Mackay Park during the event.

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

FBD16/035 LICENCE FOR RALLY OF THE BAY

File Ref: E00.4085

16/196 MOTION Councillor Pollock/Councillor Burnside

THAT subject to consent of the Minister administering the Crown Lands Act, 1989, Council as Trust Manager of the Eurobodalla (North) Reserve Trust grant a five-year licence to North Shore Sporting Car Club Limited for use in association with the Rally of the Bay event over the Mackay Park Reserve at Batemans Bay one weekend annually with terms and conditions including:

- (a) The licence period be from 1 August 2016 to 31 July 2021.
- (b) The fee be in accordance with Council's adopted fees and charges.
- (c) Notice be given at least six months prior to the event each year.
- (d) The annual provision of an event management plan acceptable to Council for the event.
- (e) The annual provision of a traffic management plan acceptable to Council for the event.
- (f) The annual provision of public liability insurance in accordance with Council policy.
- (g) The Licensee to provide suitably qualified persons to render first aid and to provide security.
- (h) The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- (i) No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- (j) Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- (k) All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- (l) The Licensee to be responsible for making good any damage to the oval and other facilities used at Mackay Park during the event.

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

FBD16/036 LICENCE FOR NAROOMA FOREST RALLY

File Ref: E14.8236

16/197 MOTION Councillor Pollock/Councillor Burnside

THAT subject to consent of the Minister administering the Crown Lands Act, 1989, Council as Trust Manager of the Eurobodalla (South) Reserve Trust grant a five-year licence to Brindabella Motor Sports Club Inc. for use over the NATA Reserve at Narooma in association with the Narooma Forest Rally event annually on the fourth weekend in July with terms and conditions including:

- (a) The licence period be from 1 July 2016 to 30 June 2021.
- (b) The fee be in accordance with Council's adopted fees and charges.
- (c) The annual provision of an event management plan acceptable to Council for the event.
- (d) The annual provision of a traffic management plan acceptable to Council for the event.
- (e) The annual provision of public liability insurance in accordance with Council policy.
- (f) The Licensee to provide suitably qualified persons to render first aid and to provide security.
- (g) The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- (h) No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- (i) Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- (j) All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- (k) The Licensee to be responsible for making good any damage to the oval and other facilities used during the event.

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

**FBD16/037 LICENCE FOR NATURE COAST DRAGON BOAT CLUB - MORUYA MEMORIAL
POOL COMPLEX**

File Ref: E06.0475

16/198 MOTION Councillor Pollock/Councillor Burnside

THAT Subject to the consent of the Minister administering the Crown Lands Act, 1989, Council as Trust Manager of the Eurobodalla (Central) Reserve Trust grant a five year licence to the Nature Coast Dragon Boat Club Inc. for use over Crown Reserve R82377 to store Club equipment including two dragon boats with conditions in line with the previous licence.

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

FBD16/038 LEASE FOR CAR HIRE - MORUYA AIRPORT

File Ref: E06.0603

16/199 MOTION Councillor Pollock/Councillor Burnside

THAT:

1. A lease be granted to South Coast Auto Centre Pty Limited to operate a car hire business within Lot 4 DP 1090948 at Moruya Airport with terms and conditions including:
 - (i) Term of five years with an option for five years.
 - (ii) Rental increased annually in line with the CPI.
 - (iii) All costs associated with the lease and construction of access and secure compound to be borne by the Lessee.
 - (iv) Rent for the option be market rental determined by a registered valuer.
 - (v) Insurance to be held in accordance with Council policy.
 - (vi) Council to have no responsibility or liability in regard to the security of the site or vehicles parked.
 - (vii) Access and hardstand be constructed if so directed by Council.
 - (viii) Land cannot be used for any purpose other than a vehicle hire business and secure car parking without consent of Council.
 - (ix) Lessee must comply with all airport security directions given by Council airport staff and the Moruya Airport Transport Security Program.
 - (x) Lessee to have the right to locate a customer stand within the airport terminal at a site nominated by the Lessor.
 - (xi) The leased area can be amended by the Lessor if redevelopment of the airport requires it prior to the expiration date of the lease.
2. The General Manager be given delegated authority to negotiate the initial rent for an amount not less than market rent determined by a registered valuer.
3. Consent be given to affix the Common Seal of Council to:
 - (i) The Plan of Survey for lease purposes within Lot 4 DP 1090948.
 - (ii) The lease for car hire business within Lot 4 DP 1090948.

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

FBD16/039 LEASE OF PUBLIC ROAD - FLORA COURT BATEMANS BAY

File Ref: 82.5730.D;E16.0209

16/200 MOTION Councillor Pollock/Councillor Burnside

THAT:

1. Public notice be given in accordance with the provisions of the Roads Act 1993 of the intention to grant leases over those parts of Flora Court, Batemans Bay adjoining Lot 103 DP 1210970 and Lot 230 DP 801016, Flora Court, Batemans Bay.
2. A period of 28 days be given for submissions to be received.
3. If any submissions objecting to the lease are received a further report be presented to Council for consideration.
4. If no submissions are received, a lease be granted to the registered proprietors of Lot 103 DP 1210970 and Lot 230 DP 801016 with the following conditions:
 - (a) A five-year term.
 - (b) Rental as set out in the Confidential Attachment to Report FBD16/036 Lease of Public Road – Flora Court Batemans Bay be payable in advance.
 - (c) Provision of \$20 million public liability insurance.
 - (d) All costs associated with the lease to be borne by the lessees.
 - (e) The lease be able to be terminated by Council at any time for any reason.
5. Consent be given to affix the common seal of Council to leases over parts of Flora Court.

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

FBD16/040 EASEMENT FOR WATER SUPPLY, NORTH BATEMANS BAY

File Ref: 07.1403.B

16/201 MOTION Councillor Pollock/Councillor Burnside

THAT:

1. All actions necessary be taken for the acquisition of an easement for water supply within Lot 5 DP 1044536 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey, valuation and legal costs including the registered proprietor's reasonable legal costs associated with the acquisition of the easement be borne by Council.

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

FBD16/041 INVESTMENTS MADE AS AT 31 MAY 2016

File Ref: E99.3517

16/202 MOTION Councillor Pollock/Councillor Burnside

THAT the certification that the investments as at 31 May 2016 made in accordance with the Act, 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**)

CAR16/007 COMMUNITY STRATEGIC PLAN REVIEW - ENGAGEMENT STRATEGY 2016

File Ref: e09.3479

16/203 MOTION Councillor Pollock/Councillor Burnside

THAT Council receive and note the Community Engagement Strategy for the review of its Community Strategic Plan.

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

FBD16/042 CORPORATE BUSINESS SYSTEM - SELECTION

File Ref: E12.6215

16/204 MOTION Councillor Pollock/Councillor Burnside

THAT

1. Council endorse the selection of the preferred tenderer listed for RFT 2016/FBD079 “Corporate Business System Implementation, Support and Value Added Service Provider” within the confidential attachment; and
2. Council provide delegated authority to the General Manager to commit to a contract value for the purchase of software licenses, implementation services and first year Maintenance and Support in accordance with the confidential attachment to this report.

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

13. DELEGATE REPORT

Nil

14. QUESTIONS/URGENT BUSINESS

The Mayor accepted the following item of Urgent Business from Councillor Leslight.

E11.5240; E06.0429; E16.0041

Councillor Leslight advised that he wished to apologise for comments he made during a briefing session on 19 April 2016 in relation to Grey Headed Flying Foxes. Following comments directed to him by Councillors Burnside and Schwarz, he made the comment that they were a “pair of girls”. Some of his colleagues took offence at what he said and he now publicly apologises for making this statement, in particular to the ladies present at the briefing.

15. DEALING WITH MATTERS IN CLOSED SESSION

The General Manager advised that a matter of urgency of a confidential nature requiring a decision of Council, had arisen. The Mayor ruled that the matter was urgent and should be considered by Council.

MATTER OF URGENCY

16/205 MOTION Councillor Pollock/Councillor Brice

THAT Council accept the General Manager's report as a matter of urgency.

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

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.

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) information that would, if disclosed, prejudice the commercial position of the 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.

Therefore pursuant to Section 10A of the Local Government Act, 1993 the following urgent item be dealt with in Closed Session for the reasons specified below:

FILE NO. E12.6442

CON16/014 Property Matter

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:

CON16/014 Property Matter

Item CON16/014 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 and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

At 2.41pm the Ordinary Meeting of Council moved into Closed Session.

At 2.53pm the Ordinary Meeting of Council resumed.

16. CONFIDENTIAL MATTERS

The General Manager advised the following recommendation was declared carried in Closed Session.

CON16/014 PROPERTY MATTER

File Ref: E81.2168

THAT the recommendations considered in Closed Session be adopted.

THE MEETING CLOSED AT 2.54PM

CHAIRPERSON

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