

# **Minutes**

**Ordinary Meeting of Council**

**9 August 2016**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 9 AUGUST 2016**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY 9 AUGUST 2016  
COMMENCING AT 10.12AM**

**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

**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. 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.)

E07.1371; E16.0042

**PF16/068 GMR16/017 Integrated Planning and Reporting – End of Term Report**

Mr Peter Bernard said he wished to address Council in relation to *GMR16/017 Integrated Planning and Reporting – End of Term Report*, however he had not been provided with a copy of the End of Term Report and could not talk on the issue. The General Manager advised Mr Bernard that in accordance with the relevant guidelines, the End of Term Report would be tabled today when agenda item GMR16/017 is discussed. The Director Community Arts and Recreation advised Mr Bernard she would provide him with a copy of the Office of Local Government Circular and guidelines relating to Integrated Planning and Reporting.

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

**16/241 MOTION** Councillor Burnside/Councillor Pollock

THAT the minutes of the Ordinary Meeting held on 26 July 2016 be confirmed.

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

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

Nil

**6. MAYORAL REPORTS**

Nil

**7. NOTICES OF MOTION**

Nil

**8. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**9. PETITIONS**

Nil

**10. GENERAL MANAGER'S REPORTS**

**GMR16/014 RECOGNITION OF SERVICE**

File Ref: E96.0044

**16/242 MOTION** Councillor Brice/Councillor Harding

THAT:

1. Non-returning Councillors after the September 2016 elections, be invited to morning tea at the first meeting of the new Council;
2. Council resolve to present Letters under the Seal of Council to former Councillors in acknowledgement of their contribution to the business of Council over the preceding term.

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

**GMR16/015      LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 2016**

File Ref: E15.9021

**16/243 MOTION** Councillor Innes/Councillor Pollock

THAT:

1. In order to meet the cut-off date for early bird registrations of 31 August 2016, Council nominate the Mayor and two other voting delegates, together with observers as determined, to attend the Local Government NSW Conference to be held in Wollongong from 16 to 18 October 2016;
2. The names of such voting delegates and observers to be determined at the Council meeting on 11 October 2016;
3. Council's delegates be reimbursed out of pocket expenses in accordance with Council's policy;
4. Council consider issues and proposed solutions/motions for submission to the Local Government NSW 2016 Conference.

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



**GMR16/016      PROGRESS REPORT ON MEMORANDUM OF UNDERSTANDING WITH BEGA  
VALLEY SHIRE COUNCIL**

File Ref: E12.6443

**16/244 MOTION** Councillor Pollock/Councillor Innes

THAT Council receive and note the progress to date in relation to the Memorandum of Understanding with Bega Valley Shire Council.

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

**GMR16/017      INTEGRATED PLANNING AND REPORT - END OF TERM REPORT**

File Ref: E09.3479

**16/245 MOTION** Councillor Pollock/Councillor Burnside

THAT Council receive and note the End of Term Report for the period 1 July 2012 to 30 June 2016.

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

**11. PLANNING AND SUSTAINABILITY REPORTS**

Nil

## 12. INFRASTRUCTURE REPORTS

### IR16/037 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2016-17

File Ref: E16.0002

#### 16/246 MOTION Councillor Brice/Councillor Burnside

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 of 2016-17 held on 14 July 2016 be received and noted.
2. The amendments to the Traffic Management Plan and Traffic Control Plans for the 2016 Rally of the Bay be approved.
3. Council Plans No. 4493 Set D Sheet 05 detailing the line-marking associated with an accessible parking space for people with disabilities at One Tree Point, Tuross Head be approved.
4. Council Plan No 5156 Set BC Sheet 01 detailing the 'Give Way' sign and associated line-marking at the intersection of Perkins Place and Hillcrest Avenue, North Narooma be approved.
5. The proposed Moruya Fun Run Event to be conducted by Moruya Surf Life Saving Club on Sunday 11 September 2016 be approved based upon the submitted Traffic Management Plan and associated Traffic Control Plans.
6. The Capital to Coast Foot Race to be conducted within the Eurobodalla on Saturday 20 August 2016 be approved in accordance with the submitted Traffic Management Plan.

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

At 10.35am Councillor Leslight left the Chambers.

**IR16/038                      FUNDING OFFER - TYRONE BRIDGE REPLACEMENT**

File Ref: E08.2547

**16/247 MOTION** Councillor Burnside/Councillor Brice

THAT Council endorse the actions of staff in accepting the offer of funding for \$1.25 million under the NSW Government's Fixing Country Roads Program for the replacement of Tyrone Bridge, Nerrigundah Mountain Road, Eurobodalla.

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

At 10.37am Councillor Leslight returned to the Chambers.

**IR16/039 EXHIBITION OF DRAFT EUROBODALLA PATHWAYS STRATEGY 2016 - 2026**

File Ref: E07.1434

**16/248 MOTION** Councillor Brice/Councillor Innes

THAT:

1. Council endorse the draft Eurobodalla Pathways Strategy 2016 for public exhibition for a minimum of 42 days.
2. The results of the public exhibition of the draft Eurobodalla Pathways Strategy 2016 be referred to the Pathways Strategy Sunset Advisory Committee to review and make recommendations to Council.
3. The results of the public exhibition and Pathways Strategy Sunset Advisory Committee's recommendations be reported to Council for consideration prior to adopting the Eurobodalla Pathways Strategy 2016 (amended as determined by Council).
4. Mrs Danielle Brice be added as a community representative on the Pathways Strategy Sunset Advisory Committee, and the terms of reference be adjusted accordingly.
5. The draft Eurobodalla Pathways Strategy 2016-26 be referenced to the 2007 structure plans for Moruya, Narooma and Batemans Bay.
6. The offer of \$20,000 in grant funding by the NSW Roads and Maritime Services for the construction of a shared pathway along the Princes Highway, Bodalla (from near the RFS station to Sutcliffe Street) be accepted and Council allocate a matching contribution of \$20,000 to allow completion of the works.

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

**13. FINANCE AND BUSINESS DEVELOPMENT REPORTS**

Nil

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

##### CAR16/010 ALTERATION TO SWIMMING POOL HOURS

File Ref: E12.6386; E96.0291

##### 16/249 MOTION Councillor Burnside/Councillor Harding

THAT Council approve the following swimming pool opening hours for 2016-17, being:

1. An adjustment to the 2016-17 season start and finish times for the outdoor pools at Batemans Bay and Moruya to open Monday 17 October 2016 and close on Monday 24 April 2017, to include the April 2017 school holidays.
2. If these dates are unsuitable for Surf Lifesaving Clubs for certification, the dates be amended to open on 10 October 2016 to accommodate these wishes, noting that there will be an additional cost of approximately \$13,000, dependent upon negotiations with the contractor.
3. **Batemans Bay:**  
Standard Opening Hours:
  - a) Monday, Wednesday, Thursday and Friday 6am – 6pm
  - b) Tuesday 6am – 10.30am and 1pm – 7pm
  - c) Saturday 8am – 2pm
  - d) Sunday 10am - 2pm.Summer Holiday and Public Holiday Hours:
  - e) 19 December 2016 – 27 January 2017 pool hours to be:
    - (i) Monday to Friday 6am – 6pm
    - (ii) Saturday 8am – 4pm
    - (iii) Sunday 10am – 4pm
  - f) Public holidays 10am – 4pm
  - g) Christmas Day and Good Friday- closed.
4. **Moruya:**  
Standard Opening Hours:
  - a) Monday, Wednesday and Friday 6am – 6pm
  - b) Tuesday and Thursday 6am – 7pm
  - c) Saturday 12pm – 4pm and Sunday – closed.Summer Holiday and Public Holiday Hours:
  - d) 19 December 2016 – 26 February 2017 pool hours to be:
    - (i) Monday, Wednesday and Friday 6am – 6pm
    - (ii) Tuesday and Thursday 6am – 7pm
    - (iii) Saturday and Sunday 10am – 4pm.
  - e) Public holidays 10am – 4pm.
  - f) Christmas Day and Good Friday – closed.
5. **Narooma:**  
Standard Opening Hours (from 13 August 2016):
  - a) Monday and Wednesday 6am – 7pm



- b) Tuesday, Thursday and Friday 6am – 6pm
- c) Saturday 8am – 12pm
- d) Sunday closed.

Summer Holiday and Public Holiday Hours:

- d) 19 December 2016 – 27 January 2017 pool hours to be:
  - (i) Monday and Wednesday 6pm – 7pm
  - (ii) Tuesday, Thursday and Friday 6am – 6pm
  - (iii) Saturday 8am – 4pm
  - (iv) Sunday 10am – 4pm.
- e) Public holidays 10am – 4pm and Anzac Day 1pm – 4pm.
- f) Christmas Day and Good Friday – closed.

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

**15. DELEGATE REPORT**

Nil

**16. QUESTIONS/URGENT BUSINESS**

**16/002 LEGAL MATTER**

E16.0041; 00.4779.I

**Councillor Milton Leslight** attempted to raise a matter in open council. The Mayor ruled that it related to a legal matter and could only be considered in closed session.

**16. QUESTIONS/URGENT BUSINESS (contd)**

**16/003 ACCOUNTING PROCEDURES**

E16.0041

**Councillor Milton Leslight** stated that there were severe discrepancies regarding Council's accounting procedures and said that Council's books should be fully audited and referred to the Office of Local Government and IPART.

The General Manager advised that all Council finances are externally audited and they have all been unqualified.

**16. QUESTIONS/URGENT BUSINESS (contd)**

**16/004 GREY HEADED FLYING FOXES**

E16.0041; E15.9191

**Councillor Milton Leslight** asked that Council's administration urgently request the removal of all Casuarina trees to prevent the Grey Headed Flying-foxes returning to their previous habitat. He clarified this to be areas backing onto residential areas and the Water Gardens, which have been impacted by the Grey Headed Flying-foxes.

Director Planning and Sustainability Services advised that clearing is already reaching a point where there will be significant impact on the species, and that to go any further will require State and Federal Government approval, and additional budget allocations. Council would need to engage an ecologist to undertake an environmental impact assessment, and would also need to consider the impact further clearing could have if the species then relocates to other potential habitat locations in the urban area.

## **17. 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.

The reports are classified confidential under Section 10(A)(2)(a) and 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:

- (a) Personnel matters concerning particular individuals (other than Councillors); and
- (di) information that would, if disclosed, prejudice the commercial position of the person who supplied it.

Ms Trish Hellier and Mr Peter Bernard both addressed Council on why they believed Council should not go into Closed Session.

### **16/250 MOTION** Councillor Brice/Councillor Burnside

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:

#### **CON16/021 Notice of Motion - Confidential**

Item CON16/021 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

#### **CON16/022 Financial Matter**

Item CON16/022 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.

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

At 11.22am Councillor Brice left the Chambers with the permission of the Chair and took no further part in proceedings.

At 11.23am the Mayor advised that the Ordinary Meeting of Council would move into Closed Session and requested members of the public and press who were present to leave the gallery. After several requests from the Mayor, Ms Trish Hellier and Mr Peter Bernard refused to leave the gallery.

The Mayor then ruled that the Closed Session of Council would be adjourned to another room.

At 11.25am the Mayor adjourned the Ordinary Meeting of Council to reconvene in another room in Closed Session.

At 12.28pm the Ordinary Meeting of Council resumed.

#### **18. CONFIDENTIAL MATTERS**

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

##### **CON16/021 NOTICE OF MOTION - CONFIDENTIAL**

File Ref: E14.8359

That Council be presented with the outcomes of the recent General Manager's Performance Review and the contents be noted.

##### **CON16/022 FINANCIAL MATTER**

File Ref: E15.9044

The recommendations considered in the Closed Session of Council were accepted.

**THE MEETING CLOSED AT 12.29PM**

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**CHAIRPERSON**

Chairperson of the Ordinary Council Meeting held on Tuesday 11 October 2016 at which meeting the signature hereon was subscribed.