



# **Minutes**

**Ordinary Meeting of Council**

**22 October 2019**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 22 OCTOBER 2019**

<b>MINUTES</b>
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<b>1. WELCOME.....</b>	<b>1</b>
<b>2. ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>1</b>
<b>3. EVACUATION MESSAGE.....</b>	<b>1</b>
<b>THE MAYOR ADVISED OF THE EVACUATION PROCEDURES.....</b>	<b>1</b>
<b>4. APOLOGIES .....</b>	<b>1</b>
<b>5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>2</b>
<b>3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA .....</b>	<b>2</b>
<b>4. MAYORAL REPORTS .....</b>	<b>2</b>
<b>5. NOTICES OF MOTION .....</b>	<b>3</b>
NOM19/005 Bins for Blokes .....	3
NOM19/007 Princes Highway Bypasses and Centenary Drive Intersection .....	4
<b>6. QUESTIONS ON NOTICE FROM COUNCILLORS .....</b>	<b>5</b>
Nil	
<b>7. PETITIONS.....</b>	<b>5</b>
Nil	
<b>8. GENERAL MANAGER'S REPORTS .....</b>	<b>6</b>
GMR19/018 Funding Offer - Moruya Showground.....	6
GMR19/019 2020 Council Meeting Schedule .....	7
GMR19/017 Disclosure of Pecuniary Interest and other Matters Returns .....	9
GMR19/020 Determination of number of Councillors for 2020-2024 .....	10
GMR19/016 IPART - Review of reporting and compliance burdens on Local Government.....	11
<b>9. PLANNING AND SUSTAINABILITY REPORTS .....</b>	<b>12</b>
PSR19/029 IPART Review - Local Government Compliance and Enforcement .....	12
PSR19/030 Eurobodalla Nature Based Tourism Feasibility Study Summary Report .....	13
PSR19/031 Draft Voluntary Planning Agreement - Eurobodalla Quarry .....	14

<b>10. INFRASTRUCTURE REPORTS.....</b>	<b>15</b>
IR19/022 Funding Offer - 2019-20 NSW Rural Fire Fighting Fund Allocations .....	15
IR19/023 Funding Offer - Eurobodalla Southern Water Supply Storage and Akolele Sewerage Scheme.....	16
<b>11. CORPORATE AND COMMERCIAL SERVICES REPORTS.....</b>	<b>17</b>
CCS19/049 Licence for Red Hot Summer Tour Events - Mackay Park, Batemans Bay ...	17
CCS19/050 Outdoor Eating Areas - Mara Mia Walkway.....	18
CCS19/051 Land Acquisition - Hanging Rock Roundabout .....	19
CCS19/052 Release of Easement - Eric Fenning Drive, Surf Beach .....	20
CCS19/055 Draft Financial Statements for the year ended 30 June 2019 - Referral to Audit .....	21
CCS19/056 Investments made as at 30 September 2019.....	22
CCS19/054 2019 Education and School Grants.....	23
CCS19/053 Supply of Bulk Construction Material.....	24
<b>12. COMMUNITY, ARTS AND RECREATION REPORTS .....</b>	<b>25</b>
CAR19/021 Provision of Professional Beach Patrol Services.....	25
<b>13. DELEGATE REPORT .....</b>	<b>26</b>
<b>14. URGENT BUSINESS .....</b>	<b>26</b>
<b>15. DEALING WITH MATTERS IN CLOSED SESSION.....</b>	<b>26</b>
<b>16. CONFIDENTIAL MATTERS.....</b>	<b>26</b>

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 22 OCTOBER 2019  
COMMENCING AT 11.01AM**

**PRESENT:** Councillor Rob Pollock OAM, Deputy Mayor (in the Chair)  
Councillors Anthony Mayne, Jack Tait, James Thomson, Lindsay Brown,  
Maureen Nathan, Patrick McGinlay and Phil Constable

**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 Deputy Mayor welcomed everyone to the meeting.

**2. ACKNOWLEDGEMENT OF COUNTRY**

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

**3. EVACUATION MESSAGE**

The Deputy Mayor advised of the Evacuation Procedures.

**4. APOLOGIES**

**19/202 MOTION** Councillor Tait/Councillor Nathan

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

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

Division

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

Against the Motion: Nil.

## 5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**19/203 MOTION** Councillor Thomson/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 24 September 2019 be confirmed.

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

### Division

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

Against the Motion: Nil.

## 3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Mayne declared a significant, non-pecuniary conflict of interest in CCS19/054 2019 Education and School Grants and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Mayne declared an interest as a family member is in a voluntary position at one of the schools that is receiving a grant.

Councillor Brown declared a significant, non-pecuniary conflict of interest in CAR19/019 Provision of Professional Beach Patrol Services and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Brown declared that unbeknown to him, he'd been in discussions with an interested party in this tender process.

He also noted that he had not attended a briefing on this matter.

## 4. MAYORAL REPORTS

Nil

**5. NOTICES OF MOTION**

**NOM19/005 BINS FOR BLOKES**

File Ref: E00.4634; E00.4635

**19/204 MOTION** Councillor McGinlay/Councillor Brown

THAT:

1. Council commence a trial installation of sanitary bins in 15 of the most popular accessible (unisex) toilets across the Shire at an approximate annual cost of \$3,150, with the trial period lasting from implementation to 30 April 2020.
2. Councillors receive a briefing in May 2020 to allow consideration of the impact of the trial and an appropriate budget allocation in forward budgets for any adjustment to the public toilet services across Eurobodalla.

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

Division

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

Against the Motion: Nil.

**NOM19/007 PRINCES HIGHWAY BYPASSES AND CENTENARY DRIVE INTERSECTION**

File Ref: E01.5108

**19/205 MOTION** Councillor Brown/Councillor Constable

THAT:

1. The following questions raised by Councillor Brown be referred to Transport for NSW (Roads and Maritime Services) for response:
  - a) What consultation did the RMS and/or Transport for NSW have with ESC prior to the Moruya bypass announcement?
  - b) What, if any, support/advice/compensation will be offered to affected businesses by the State government during and post construction (noting compensation was paid to businesses affected by the Sydney Light Rail <https://www.2gb.com/im-going-to-turn-around-transport-minister-promises-more-light-rail-compensation/> ).
  - c) What is Transport for NSW/RMS' current view and plans for the "Narooma Bypass", noting land has already been set aside for a "bypass" cutting Narooma in two?
  - d) Will Transport for NSW/RMS be considering a true bypass of Narooma west of Wagonga Inlet?
  - e) What will be the consultation process with ESC and the Narooma community so the broader community can be involved?
  - f) As the Narooma Bridge is the most problematic and difficult to negotiate for larger vehicles in Eurobodalla, what is RMS/Transport for NSW's immediate and long term future view for the Narooma Bridge and any future bypass under Transport for NSW?
  - g) What was the purpose of the technology recently in place near the intersection of Princes Highway and Centenary Drive and Dalmeny Drive intersections?
  - h) What is the current status of Transport for NSW (RMS) considerations in relation to Council's submission opposing the RMS proposal to ban right turns at the Princes Highway/Centenary Drive intersection?
2. Council write to the Hon. Paul Toole MP, Minister for Regional Transport and Roads and the Hon. Andrew Constance MP, local member and Minister for Transport to seek a meeting with Council to discuss these matters and the long term strategy for the Princes Highway through our Shire.

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

Division

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

Against the Motion: Nil.



**6. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**7. PETITIONS**

Nil

**8. GENERAL MANAGER'S REPORTS**

**GMR19/018 FUNDING OFFER - MORUYA SHOWGROUND**

File Ref: E84.0987

**19/206 MOTION** Councillor Brown/Councillor Tait

THAT Council endorse the actions of staff in accepting the funding of \$124,000 from the New South Wales Government under its Infrastructure Fund – Emergency Preparedness Stream.

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

Division

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

Against the Motion: Nil.

**GMR19/019 2020 COUNCIL MEETING SCHEDULE**

File Ref: E06.0429

**19/207 MOTION** Councillor Brown/Councillor Thomson

THAT Council:

1. Endorse the following 16 dates as the meeting schedule for Council meetings for the 2020 calendar year:
  - (a) 11 February 2020
  - (b) 25 February 2020
  - (c) 10 March 2020
  - (d) 24 March 2020
  - (e) 7 April 2020
  - (f) 12 May 2020
  - (g) 26 May 2020
  - (h) 9 June 2020
  - (i) 23 June 2020
  - (j) 14 July 2020
  - (k) 28 July 2020
  - (l) 13 October 2020
  - (m) 27 October 2020
  - (n) 10 November 2020
  - (o) 24 November 2020
  - (p) 8 December 2020.
2. Endorse the following nine dates as the Public Access sessions for the 2020 calendar year:
  - (a) 4 February 2020
  - (b) 3 March 2020
  - (c) 31 March 2020
  - (d) 5 May 2020
  - (e) 2 June 2020
  - (f) 7 July 2020
  - (g) 4 August 2020
  - (h) 20 October 2020
  - (i) 17 November 2020
  - (j) 1 December 2020.

3. Note that the schedule of meeting dates may be amended at any time, as required

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

Division

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

Against the Motion: Nil.



**GMR19/020 DETERMINATION OF NUMBER OF COUNCILLORS FOR 2020-2024**

File Ref: E15.9129

**19/209 MOTION** Councillor Nathan/Councillor Thomson

THAT in accordance with Section 224 (2) of the Local Government Act 1993, Council determine the number of Councillors for the 2020-2024 term of office to be nine (one of whom is the popularly elected Mayor).

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

Division

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

Against the Motion: Nil.

**GMR19/016      IPART - REVIEW OF REPORTING AND COMPLIANCE BURDENS ON LOCAL  
GOVERNMENT**

File Ref: E13.7121

**19/210 MOTION** Councillor Tait/Councillor Thomson

THAT Council submit to the Office of Local Government responses to the recommendations raised in the IPART report '*Reporting and Compliance Burdens on Local Government*', as attached to this report.

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

Division

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

Against the Motion: Nil.

**9. PLANNING AND SUSTAINABILITY REPORTS**

**PSR19/029 IPART REVIEW - LOCAL GOVERNMENT COMPLIANCE AND ENFORCEMENT**

File Ref: E13.7121

**19/211 MOTION** Councillor Tait/Councillor Thomson

THAT Council submit to the Office of Local Government responses to the recommendations raised in the IPART report '*Compliance and Enforcement Review*', as attached to this report.

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

Division

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

Against the Motion: Nil.



**PSR19/030 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY SUMMARY  
REPORT**

File Ref: E18.1705

**19/212 MOTION** Councillor Tait/Councillor Brown

THAT:

1. Council publicly exhibit the draft Eurobodalla Nature Based Tourism Feasibility Study: Summary Report for a period of 28 days.
1. Following public exhibition, a further report be submitted to Council for consideration of submissions and adoption of the Eurobodalla Nature Based Tourism Feasibility Study: Summary Report.

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

Division

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

Against the Motion: Nil.

**PSR19/031      DRAFT VOLUNTARY PLANNING AGREEMENT - EUROBODALLA QUARRY**

File Ref: 06.0660.D

**19/213 MOTION** Councillor Thomson/Councillor Tait

THAT Council ratify the Draft Voluntary Planning Agreement as attached between Eurobodalla Shire Council and the landowner of Eurobodalla Quarry and add to Council's Planning Agreements Register.

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

Division

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

Against the Motion: Nil.

**10. INFRASTRUCTURE REPORTS**

**IR19/022 FUNDING OFFER - 2019-20 NSW RURAL FIRE FIGHTING FUND ALLOCATIONS**

File Ref: E14.8343

**19/214 MOTION** Councillor Tait/Councillor Constable

THAT Council endorse action taken in accepting the funding offer of \$124,700 from the NSW Rural Fire Service under the 2019-20 NSW Rural Fire Fighting Fund Allocations.

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

Division

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

Against the Motion: Nil.

**IR19/023 FUNDING OFFER - EUROBODALLA SOUTHERN WATER SUPPLY STORAGE AND  
AKOLELE SEWERAGE SCHEME**

File Ref: E03.7761

**19/215 MOTION** Councillor Brown/Councillor Constable

THAT:

1. Council accepts the funding offer of \$25,612,500 for the Eurobodalla Southern Water Supply Storage and \$762,000 for the Akolele Sewerage Scheme from the NSW State Government's Restart NSW Safe and Secure Water Program.
2. Council write to the Hon Andrew Constance MP and the Minister for Water, Property and Housing Hon Melinda Pavey MP thanking the NSW Government for the allocation of funds to the Eurobodalla Southern Water Supply Storage and the Akolele Sewerage Scheme.
3. Council continue to advocate to the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development Michael McCormack MP for funding under the Australian Government for the Eurobodalla Southern Water Supply Storage
4. Council write to the Deputy Premier Hon John Barilaro MP seeking additional funding for the Eurobodalla Southern Water Supply Storage under the Snowy Hydro 2 funding.

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

Division

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

Against the Motion: Nil.

**11. CORPORATE AND COMMERCIAL SERVICES REPORTS**

**CCS19/049 LICENCE FOR RED HOT SUMMER TOUR EVENTS - MACKAY PARK, BATEMANS BAY**

File Ref: E15.9343

**19/216 MOTION** Councillor Tait/Councillor Brown

THAT:

1. Council as Crown Land Manager grant a licence in accordance with Section 2.20 of the *Crown Land Management Act 2016* to Regional Touring Pty Limited to stage the Red Hot Summer Tour event on Crown Reserve D580022 Mackay Park, Batemans Bay in 2020 with terms and conditions including:
  - (a) A five day licence be issued for each event.
  - (b) Payment of a bond in the amount of \$3,000 to be made 30 days prior to the event.
  - (c) The provision of an event management plan acceptable to Council for the event.
  - (d) Other conditions in line with previous licences for this event.
2. The General Manager to be given delegated authority to grant further licences for this event subject to compliance with Council policy and consideration of any public feedback received.

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

Division

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

Against the Motion: Nil.

**CCS19/050      OUTDOOR EATING AREAS - MARA MIA WALKWAY**

File Ref: E80.1320

**19/217 MOTION** Councillor Tait/Councillor Brown

THAT

1. The General Manager to be given delegated authority to grant outdoor eating area licences along Mara Mia Walkway subject to compliance with Council's Footpath Trading Code.
2. Licences be granted with terms and conditions including:
  - (a) Duration in accordance with Council's Footpath Trading Code;
  - (b) Payment of a licence fees and rent in accordance with Council's fees and charges.
  - (c) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
  - (d) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.

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

Division

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

Against the Motion: Nil.

**CCS19/051 LAND ACQUISITION - HANGING ROCK ROUNDABOUT**

File Ref: E16.0128

**19/218 MOTION** Councillor Brown/Councillor Tait

THAT

1. Application be made to the Minister for Local Government, any other relevant Minister and the Governor to acquire Lot 6 DP 1041103 for public road purposes by compulsory process in accordance with Council's authority under Section 177(1) of the *Roads Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. If consent is granted, all necessary action be taken to finalise the acquisition of the land for public road purposes in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
4. Parts of Lot 2 DP 881098 and Lot 3 DP 1171024 being Council owned land required for road widening be dedicated as public road.

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

Division

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

Against the Motion: Nil.

**CCS19/052 RELEASE OF EASEMENT - ERIC FENNING DRIVE, SURF BEACH**

File Ref: 18.1611.BD

**19/219 MOTION** Councillor Tait/Councillor Thomson

THAT

1. Consent be given for the release of an easement for water supply 4 metres wide within Lot 23 DP 263399.
2. All costs including Council's reasonable legal and valuation costs associated with the release of the easement be borne by the applicant.
3. Compensation for the easement be determined following a valuation by a registered valuer and be paid by the land owner of Lot 23 DP 263399 to Council.
4. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation associated with the release of easement.

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

Division

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

Against the Motion: Nil.





**CCS19/056 INVESTMENTS MADE AS AT 30 SEPTEMBER 2019**

File Ref: E99.3517

**19/221 MOTION** Councillor Tait/Councillor Constable

THAT the certification that the investments as at 30 September 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, A Mayne, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

**CCS19/054      2019 EDUCATION AND SCHOOL GRANTS**

File Ref: E17.1386

Councillor Mayne declared a significant, non-pecuniary conflict of interest in CCS19/054 2019 Education and School Grants and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Mayne declared an interest as a family member is in a voluntary position at one of the schools that is receiving a grant.

At 11:45 am Councillor Mayne left the Chambers.

**19/222 MOTION** Councillor Tait/Councillor Constable

THAT Council approve the allocation of funds to the Education and School Grant recipients as noted in the confidential attachment.

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

Division

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

Against the Motion: Nil.

At 11:46 am Councillor Mayne returned to the Chambers.



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

**CAR19/021 PROVISION OF PROFESSIONAL BEACH PATROL SERVICES**

File Ref: E19.1955

Councillor Brown declared a significant, non-pecuniary conflict of interest in CAR19/019 Provision of Professional Beach Patrol Services and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Brown declared that unbeknown to him, he'd been in discussions with an interested party in this tender process.

He also noted that he had not attended a briefing on this matter.

At 11:48 am Councillor Brown left the Chambers.

**19/224 MOTION** Councillor Tait/Councillor Thomson

THAT Council approve the four (4) year Professional Beach Patrol (lifeguard) 2019-20 to 2022-23 contract for the preferred tenderer, as per the year one price described in the confidential attachment and for the subsequent three years, subject to the rise or fall in the CPI index nominated in the contract specification.

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

Division

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

Against the Motion: Nil.

At 11:50 am Councillor Brown returned to the Chambers.

**13. DELEGATE REPORT**

Nil

**14. URGENT BUSINESS**

Nil

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

Nil

**16. CONFIDENTIAL MATTERS**

Nil

**THE MEETING CLOSED AT 11.51am**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 12 November 2019 at which meeting the signature hereon was subscribed.