



Minutes

Ordinary Meeting of Council

28 July 2020

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 28 JULY 2020

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 28 JULY 2020
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 A Jones, Acting Director, Corporate and Commercial Services
Mrs K Arthur, Director, Community, Arts and Recreation
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. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

20/117 MOTION Councillor Tait/Councillor Thomson

THAT the minutes of the Ordinary Meeting held on 14 July 2020 be confirmed.

(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: Clr P McGinlay.

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

6. MAYORAL REPORTS

7. NOTICES OF MOTION

NOM20/006 PROMOTING EUROBODALLA AS A PLACE TO LIVE

File Ref: S012-T00026

20/118 MOTION Councillor Brown/Councillor Tait

THAT Council allocate a budget of \$10,000, funded through staff salary savings arising from a vacancy within the business development section of Council, to undertake a digital marketing campaign aimed at encouraging people to relocate to live and work in the Eurobodalla.

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

Division

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

Against the Motion: Clrs L Innes, A Mayne and P McGinlay.

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

GMR20/019 2020 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

File Ref: S004-T00019

20/119 MOTION Councillor Mayne/Councillor Thomson

THAT Council determine that:

1. Councillor Anthony Mayne attend the 2020 Local Government NSW Annual Conference;
2. Council representative be reimbursed out of pocket expenses in accordance with the Councillors' Expenses and Facilities Policy.

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

Division

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

Against the Motion: Clrs M Nathan and J Tait.

11. PLANNING AND SUSTAINABILITY REPORTS

PSR20/012 FOOD INSPECTION PROGRAM - STATUS REPORT 2019-20

File Ref: S024-T00003

20/120 MOTION Councillor Tait/Councillor Pollock

THAT the Food Inspection Program - Status Report 2019-20 be received and noted.

(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.

PSR20/013 ON SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT 2019-20

File Ref: S029-T00012

20/121 MOTION Councillor Tait/Councillor Nathan

THAT the Onsite Sewage Management Status Report 2019-20 be received and noted.

(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.

PSR20/014 REGULATORY ACTION STATUS REPORT 2019-20

File Ref: S018-T00016

20/122 MOTION Councillor Thomson/Councillor Tait

THAT the Regulatory Action Status Report 2019-20 be received and noted.

(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.

**PSR20/015 BATEMANS BAY REGIONAL AQUATIC, ARTS AND LEISURE CENTRE -
CONSTRUCTION TENDER**

File Ref: S023-T00024

MOTION Councillor Pollock/Councillor Tait

THAT

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. 10029731 – Batemans Bay Regional Aquatic, Arts and Leisure Centre - Design Finalisation and Construction within the confidential attachment.
2. Council accordingly approves the entering into a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.
3. Council allocates a total project budget in accordance with the confidential attachment.

MOTION Councillor Constable/Councillor Mayne

THAT Council defer its consideration of this matter today and bring it back to a future Council meeting after a report is received from the Audit, Risk and Improvement Committee on the implications on cash flow projections and design modifications that may be necessary in light of the COVID-19 restrictions and the likelihood of further similar events.

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

Division

For the Motion: Clrs P Constable, A Mayne and P McGinlay.

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

MOTION Councillor Pollock/Councillor Tait

THAT

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. 10029731 – Batemans Bay Regional Aquatic, Arts and Leisure Centre - Design Finalisation and Construction within the confidential attachment.
2. Council accordingly approves the entering into a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.
3. Council allocates a total project budget in accordance with the confidential attachment.

20/123 MOTION Councillor Mayne/Councillor McGinlay

THAT Council moves into Committee of the Whole to discuss PSR20/015 Batemans Bay Regional Aquatic, Arts and Leisure Centre - Construction Tender.

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

Division

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

Against the Motion: Clr M Nathan.

At 11.49am Council moved into Committee of the Whole.

MOTION Councillor Pollock/Councillor Tait

THAT

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. 10029731 – Batemans Bay Regional Aquatic, Arts and Leisure Centre - Design Finalisation and Construction within the confidential attachment.
2. Council accordingly approves the entering into a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.
3. Council allocates a total project budget in accordance with the confidential attachment.

Councillor Constable requested that Council move into confidential session to discuss figures.

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.

Given the current Covid-19 meeting procedures, members of the public were given five minutes to notify Council if they wish to make representation as to why the meeting should not be closed.

It was proposed to adjourn the meeting whilst members of the public were given the opportunity to make representations via phone to the meeting.

20/124 ADJOURNMENT Councillor Pollock/Councillor Nathan

THAT the Ordinary Council Meeting be adjourned for five minutes.

(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.

At 11.59am the meeting adjourned

At 12.05pm the meeting reconvened

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 report is classified confidential under Section 10(A)(2) (d)(i) of the Local Government Act

1993, which permits the meeting to be closed to the public for business relating to the following:

(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it.

It was noted that there were two public verbal representations on whether the meeting should be closed to consider the matter.

20/125 MOTION Councillor Constable/Councillor Pollock

THAT Council move into closed session.

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

Division

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

Against the Motion: Clrs M Nathan and J Thomson.

At 12.14 pm the Ordinary Meeting of Council moved into Closed Session.

20/126 MOTION Councillor Constable/Councillor Pollock

THAT Council resume open session.

(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.

At 12.33pm the Ordinary Meeting of Council resumed in Committee of the Whole.

The General Manager advised that no recommendations were declared during Closed Session.

MOTION Councillor Pollock/Councillor Tait

THAT

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. 10029731 – Batemans Bay Regional Aquatic, Arts and Leisure Centre - Design Finalisation and Construction within the confidential attachment.
2. Council accordingly approves the entering into a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.
3. Council allocates a total project budget in accordance with the confidential attachment.

20/127 ADJOURNMENT Councillor Brown/Councillor Constable

THAT the Ordinary Council Meeting be adjourned.

(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.

At 12.58pm the meeting adjourned.

At 1.07pm the meeting reconvened.

20/128 MOTION Councillor McGinlay/Councillor Mayne

THAT Council resume open session.

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

At 1.12pm the Council resumed open session.

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.

MOTION Councillor Mayne/Councillor McGinlay

THAT Council defer the vote today in order to enable the community to make submissions as to how we are going to address the gap via the six points as outlined by the General Manager below:

- Infrastructure renewal fund
- Real estate disposal fund
- Development Contribution (s94A)
- Crown Reserves
- Asset sales (Southern Phone and Racecourse).

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

Division

For the Motion: Clrs P Constable, A Mayne and P McGinlay.

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

20/129 MOTION Councillor Pollock/Councillor Tait

THAT:

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. 10029731 – Batemans Bay Regional Aquatic, Arts and Leisure Centre - Design Finalisation and Construction.
2. Council accordingly approves the entering into a contractual arrangement with the selection of the preferred tenderer listed, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.
3. Council allocates a total project budget in accordance with the confidential attachment.

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

Division

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

Against the Motion: Clrs P Constable, A Mayne and P McGinlay.

14. INFRASTRUCTURE REPORTS

IR20/010 MAINTENANCE AND RENEWAL SCHEDULE FOR ROADS 2020-21

File Ref: S028-T00009

20/130 MOTION Councillor Tait/Councillor Thomson

THAT the schedules for the maintenance grading of unsealed roads and the resealing of sealed roads for 2020-21 be adopted.

(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.

**IR20/011 REQUEST FOR TENDER NO. 10018531 - EUROBODALLA SOUTHERN STORAGE AND
TUROSS RIVER INTAKE PUMP STATION**

File Ref: S029 - T00011

20/131 MOTION Councillor Pollock/Councillor Nathan

THAT Council:

1. Endorses the selection of the selection of the preferred tenderer listed for Tender 10018531 Eurobodalla Southern Storage and Tuross River Intake Pump Station; and
2. Accordingly approves the entering into of a contractual arrangement with the selection of the preferred tenderer subject to the terms specified in the Request for Tender.

(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.

15. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS20/027 INVESTMENTS MADE AS AT 30 JUNE 2020

File Ref: S011-T00006, S012-T00025

20/132 MOTION Councillor Tait/Councillor Pollock

THAT the certification that the investments as at 30 June 2020, 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: Ctrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

16. COMMUNITY, ARTS AND RECREATION REPORTS

CAR20/007 LIBRARY SERVICES STRATEGIC PLAN

File Ref: S003-T00017

20/133 MOTION Councillor Brown/Councillor Nathan

THAT:

1. The draft Library Strategic Plan be approved for the purposes of being placed on public exhibition for 28 days.
2. A further report detailing any submissions received, be presented to Council following the conclusion of the exhibition period.

(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.

CAR20/009 COMMUNITY DEVELOPMENT DIVISION FUNDING UPDATE

File Ref: S003-T00030 S003-T00045

20/134 MOTION Councillor Pollock/Councillor Brown

THAT:

1. Council accept the Australian Government funds totalling \$341,650 for Children's Services made up of Early Childhood Education and Care Relief program (\$216,400), the Community Child Care Special Circumstances Fund (\$40,000) and the Early Childhood Education and Care (ECEC) Transition Payment (\$85,250).
2. Council accept the NSW Government funds of \$89,202 for wage support Children's Services.
3. Council accept the \$150,000 from the NSW Government for the Youth Employment Project.
4. Council support the carryover of the 19/20 gazetted Children's Services fees to remain in place until 27 September 2020 as a condition of accepting the Australian Government Transition payment.

(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.

CAR20/010 BATEMANS BAY OUT OF SCHOOL HOURS CENTRE REBUILD

File Ref: S003-T00030

20/135 MOTION Councillor Brown/Councillor Pollock

THAT Council:

1. Notes that:

1.1 Council's insurer, agreed to indemnify Council for the loss of insured property and rebuild the facility and structures which were destroyed;

1.2 Council undertook a competitive Request for Quotation process against which all responses exceeded the tendering threshold under s 55 of the *Local Government Act 1993* (NSW) (LG Act)

1.3 Proceeding to contract for the rebuild is now subject to consideration under s55 of the *Local Government Act 1993* (NSW)

2. Resolves that because of extenuating circumstances a satisfactory result would not be achieved by inviting further tenders for the rebuild of the BBOOSH centre;

3. Delegates authority for Council's General Manager to enter into direct negotiations with the preferred bidder as detailed in the confidential attachment; and

1. 4. Delegates authority for Council's General Manager to execute any resulting contractual arrangement with the preferred bidder.

(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.

15 DELEGATE REPORT

Nil.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL MATTERS

Nil.

THE MEETING CLOSED AT 1.47pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 11 August 2020 at which meeting the signature hereon was subscribed.