



Minutes

Ordinary Meeting of Council

28 April 2015

**ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 28 APRIL 2015**

| |
|----------------|
| MINUTES |
|----------------|

| | |
|---|----------|
| 1. WELCOME AND EVACUATION MESSAGE..... | 1 |
| 2. APOLOGIES | 1 |
| 3. PUBLIC FORUM (AGENDA ITEMS ONLY) | 1 |
| 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING | 1 |
| 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA | 2 |
| 6. REPORTS OF COMMITTEE | 2 |
| Nil | |
| 7. NOTICES OF MOTION | 2 |
| Nil | |
| 8. QUESTIONS ON NOTICE | 2 |
| Nil | |
| 9. MAYORAL REPORTS | 2 |
| Nil | |
| 10. GENERAL MANAGER'S REPORTS | 3 |
| GMR15/006 2015 NSW Local Roads Congress..... | 3 |
| GMR15/008 Exhibition of Revised Delivery Program 2013-17 and Draft Operational Plan 2015-16 | 4 |
| 11. PLANNING AND SUSTAINABILITY REPORTS | 5 |
| Nil | |
| 12. INFRASTRUCTURE REPORTS..... | 5 |
| IR15/017 Local Traffic Committee Meeting No 6 For 2014-15 | 5 |
| IR15/018 Cleaning of Public Toilets - Tender | 6 |
| IR15/019 Tender for the roofing upgrade of Narooma Sport and Leisure Centre | 7 |
| IR15/020 Tender for Design and Construct Floating Pontoon - Apex Park Boat Launching Ramp, Narooma | 8 |
| IR15/021 Tender for Supply and Lay Asphalt - Beach Road/Bavarde Avenue Roundabout, Batemans Bay | 9 |

| | |
|---|-----------|
| 13. FINANCE AND BUSINESS DEVELOPMENT REPORTS..... | 10 |
| FBD15/030 Investments made as at 31 March 2015 | 10 |
| FBD15/031 Rates and Debtors Hardship Policy | 11 |
| FBD15/032 Licence for Footpath Trading - Moruya..... | 12 |
| 14. COMMUNITY, ARTS AND RECREATION REPORTS | 13 |
| CAR15/004 Acceptance of Transitional funds for National Respite for Carers program | 13 |
| 15. DELEGATE REPORT | 14 |
| Nil | |
| 16. URGENT BUSINESS | 14 |
| Nil | |
| 17. DEALING WITH MATTERS IN CLOSED SESSION..... | 14 |
| 18. CONFIDENTIAL MATTERS..... | 15 |
| IR15/018 Cleaning of Public Toilets - Tender | 15 |
| CON15/007 Narooma Golf Club Lease | 16 |

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA**

**ON TUESDAY, 28 APRIL 2015
COMMENCING AT IN 10.00AM**

PRESENT: Councillor, Lindsay Brown, Mayor (in the Chair)
Councillors Danielle Brice, Neil Burnside, Gabi Harding and Peter Schwarz

Staff: Dr Catherine Dale, General Manager
Mrs A Jones, Acting Director, Planning and Sustainability Services
Mr W Sharpe, Director, Infrastructure Services
Mr A O'Reilly, Director, Finance and Business Development
Mrs K Arthur, Director, Community, Arts and Recreation
Ms B Nicholson, Minute Secretary
Mrs K Green, Minute Secretary

1. WELCOME AND EVACUATION MESSAGE

The Mayor welcomed everyone to the meeting, acknowledged the Traditional Owners, advised of the Evacuation Procedure, use of technical devices and live webcast of the meeting.

2. APOLOGIES

APOLOGY

15/74 MOTION Councillor Harding/Councillor Brice

THAT apologies be received from Councillors Thomson OAM, Pollock OAM, Leslight and Innes and leave of absence be granted.

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

3. PUBLIC FORUM (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.)

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

15/75 MOTION Councillor Burnside/Councillor Harding

THAT the minutes of the Ordinary Meeting held on 14 April 2015 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Lindsay Brown declared a pecuniary conflict of interest in IR15/019 Tender for the roofing upgrade of Narooma Sports and Leisure Centre and he will leave the council chambers during discussion and voting on the matter because a family member has been involved in the tender process.

6. REPORTS OF COMMITTEE

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE

Nil

9. MAYORAL REPORTS

Nil

10. GENERAL MANAGER'S REPORTS

GMR15/006 2015 NSW LOCAL ROADS CONGRESS

File Ref: E91.3255

15/76 MOTION Councillor Harding/Councillor Schwarz

THAT:

1. Council be represented at the 2015 NSW Local Roads Congress on 1 June 2015 at State Parliament House in Sydney.
2. Council nominate the Mayor and Councillor Burnside as its delegates to attend the 2015 NSW Local Roads Congress.
3. Council's delegates be reimbursed out of pocket expense in accordance with the Councillor's Expenses and Facilities Policy.

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

**GMR15/008 EXHIBITION OF REVISED DELIVERY PROGRAM 2013-17 AND DRAFT
OPERATIONAL PLAN 2015-16**

File Ref: E12.6254

15/77 MOTION Councillor Harding/Councillor Brice

THAT:

1. The revised Delivery Program 2013-17, and draft Operational Plan 2015-16, incorporating the Budget (including base case and SRV options), Capital Works Program, Statement of Revenue Policy and Fees and Charges be endorsed and placed on public exhibition for a period of not less than 28 days.
2. A range of community engagement activities as outlined in the report be conducted throughout May 2015.
3. Following public exhibition, a further report be submitted to Council for the consideration of submissions and adoption of the revised Delivery Program 2013-17, and draft Operational Plan 2015-16.

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

11. PLANNING AND SUSTAINABILITY REPORTS

Nil

12. INFRASTRUCTURE REPORTS

IR15/017 LOCAL TRAFFIC COMMITTEE MEETING NO 6 FOR 2014-15

File Ref: E15.9002

15/78 MOTION Councillor Brice/Councillor Burnside

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 6 of 2014-15 held on 12 March 2015 be received and noted.
2. Council Plan No 5156 Set L Sheet 01 showing the proposed signage associated with the bus zone along Beach Road, Denhams Beach be approved.
3. Council Plan No 5156 Set G Sheet 01 showing the proposed signage to facilitate loading to businesses on Perry Lane, Batemans Bay be approved.
4. Council Plan No 5006 Set B Sheet 17 showing the proposed signage and linemarking on Orient Street and Old Princes Highway, Batemans Bay be approved.
5. Council Plan No 4644 Set D Sheet 08 showing the proposed signage and linemarking on Punkalla Road, Central Tilba be approved subject to modification to the plans outlined in this report.
6. Plan No 13226-2 Sheet 42 showing the proposed signage and linemarking for the proposed intersection of South Head Road and Breamar Homestead development, Moruya be approved subject to the amendments outlined in this report.

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

IR15/018 CLEANING OF PUBLIC TOILETS - TENDER

File Ref: E95.9163

This matter be deferred until closed session of Council.

**IR15/019 TENDER FOR THE ROOFING UPGRADE OF NAROOMA SPORT AND LEISURE
CENTRE**

File Ref: E80.1837

Councillor Lindsay Brown declared a pecuniary conflict of interest in IR15/019 Tender for the roofing upgrade of Narooma Sports and Leisure Centre and left the council chambers during discussion and voting on the matter because a family member has been involved in the tender process.

As the Mayor declared a pecuniary interest in this matter and left the chambers, there was no longer a quorum.

The General Manager indicated that the matter would be put back to Council at its next meeting on 12 May 2015.

**IR15/020 TENDER FOR DESIGN AND CONSTRUCT FLOATING PONTOON - APEX PARK BOAT
LAUNCHING RAMP, NAROOMA**

File Ref: E06.0096

15/79 MOTION Councillor Harding/Councillor Brice

THAT Clement Marine Constructions be accepted as the successful tenderer for design and construct floating pontoon at Apex Park Boat Launching Ramp, Narooma.

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

**IR15/021 TENDER FOR SUPPLY AND LAY ASPHALT - BEACH ROAD/BAVARDE AVENUE
ROUNDBABOUT, BATEMANS BAY**

File Ref: E11.5478

15/80 MOTION Councillor Harding/Councillor Burnside

THAT Downer EDI be accepted as successful tenderer for supply and lay of asphalt at Beach Road/Bavarde Avenue roundabout, Batemans Bay.

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

13. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD15/030 INVESTMENTS MADE AS AT 31 MARCH 2015

File Ref: E99.3517

15/81 MOTION Councillor Burnside/Councillor Schwarz

THAT the certification that the investments as at 31 March 2015 have been made in accordance with the Act, the Regulations and Council's investment policies, in accordance with the provision of Clause 1 (Reg 212) of the Local Government (General) Regulation 2005, be received.

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

FBD15/031 RATES AND DEBTORS HARDSHIP POLICY

File Ref: E13.7095

15/82 MOTION Councillor Burnside/Councillor Schwarz

THAT Council adopt the reviewed Rates and Debtors Hardship Policy

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

FBD15/032 LICENCE FOR FOOTPATH TRADING - MORUYA

File Ref: 90.1118.D

15/83 MOTION Councillor Burnside/Councillor Harding

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone of 0.6m adjacent to the property boundary of Lot 1 DP 1017071 No. 42 Vulcan Street, Moruya.
2. A licence be granted to the proprietors of Polly's with terms and conditions including:
 - (a) A three-year term.
 - (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
 - (c) Rent in accordance with Council's adopted fees and charges.
 - (d) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
 - (e) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.

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

14. COMMUNITY, ARTS AND RECREATION REPORTS

CAR15/004 ACCEPTANCE OF TRANSITIONAL FUNDS FOR NATIONAL RESPITE FOR CARERS PROGRAM

File Ref: E05.9430

15/84 MOTION Councillor Brice/Councillor Harding

THAT Council:

1. Accept the transitional funding of \$123,648.20 from the Department of Social Services for the extension of Respite for Carers program for the period 1 July - 31 October 2015; and
2. Sign and affix the Common Seal to two copies of the Variation of Grant Agreement.

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

15. DELEGATE REPORT

Nil

16. URGENT BUSINESS

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

RECOMMENDATION

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:

IR15/018 Cleaning of Public Toilets – Tender

Discussion on Item IR15/018 is confidential in accordance with s10(A)(2)(d) (i)(ii) 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, or confer a commercial advantage on a competitor of the council.

CON15/007 Narooma Golf Club Lease

Item CON15/007 is confidential in accordance with s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

At 10.16am the Ordinary Meeting of Council moved into Closed Session.

At 10.43am the Ordinary Meeting of Council resumed.

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

18. CONFIDENTIAL MATTERS

IR15/018 CLEANING OF PUBLIC TOILETS - TENDER

File Ref: E95.9163

15/85 MOTION Councillor Burnside/Councillor Schwarz

THAT a two year contract with a one year option, commencing on 1 June 2015, be awarded to International Cleaning Services for the cleaning of Council's public toilets in both north and south locations.

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

CON15/007 NAROOMA GOLF CLUB LEASE

File Ref: E80.0816

15/86 MOTION Councillor Schwarz/Councillor Burnside

THAT subject to an undertaking by Narooma Golf Club Limited to be responsible for the costs of replacing a bridge over Little Lake between Crown Reserves R91374 and R91375 at Narooma in the event external funding is not available,

1. Application be made to the Crown Lands Division of the Department of Primary Industries for those parts of Little Lake at Narooma over which bridges are constructed be added to the adjoining Crown Reserve R91374.
2. Council as Trust Manager of the Eurobodalla (South) Reserve Trust accept trusteeship of the reserve proposed in 1 above.
3. A joint application be made with the Narooma Golf Club for emergency funding under the Crown Lands Public Reserves Management Fund Program.
4. The General Manager be given delegated authority to negotiate a new 20 year lease over that part of Crown Reserve R91374 occupied by the Narooma Golf Club.
5. A further report be presented to the Council following negotiations with the Narooma Golf Club.

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

THE MEETING CLOSED AT 10.45am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 12 May 2015 at which meeting the signature hereon was subscribed.