



Minutes

Ordinary Meeting of Council

9 May 2017

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 9 MAY 2017

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 9 MAY 2017
COMMENCING AT 10.02AM**

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
Mr A O'Reilly, Director, Finance and Business Development
Mrs K Arthur, Director, Community, Arts and Recreation
Mrs K Green, Minute Secretary

1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY AND EVACUATION MESSAGE

The Mayor welcomed everyone to the meeting, acknowledged the Traditional Owners and advised of the Evacuation Procedure.

2. APOLOGIES

Nil

3. PUBLIC FORUM (AGENDA ITEMS ONLY)

(Minutes of the Public Forum are a summary only and do not purport to be a complete transcript of the proceedings.)

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

17/115 MOTION Councillor Nathan/Councillor Constable

THAT the minutes of the Ordinary Meeting held on 11 April 2017 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Innes declared a significant, non-pecuniary conflict of interest in IR17/016 Tender for the Supply of Road Pavement Materials for the South Batemans Bay Link Road and stated that she would leave the council chambers during discussion and voting on the matter.

Reason: Councillor Innes declared an interest as she had previous political association with one of the tenderers.

6. MAYORAL REPORTS

MR17/003 CUSTOMER SERVICE BENCHMARK RESULTS

File Ref: E94.6560

17/116 MOTION Councillor Innes

THAT Council congratulate the General Manager and staff for achieving first place in the Australian local government sector ranking for Customer Service general enquiries for its Mystery Shopper Program for the quarter ending March 2017.

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

7. NOTICES OF MOTION

NOM17/007 SINGLE USE PLASTIC BAGS

File Ref: E07.1598

17/117 MOTION Councillor Mayne/Councillor Brown

THAT Council:

1. Write to the New South Wales and Australian Government advocating for a ban on single-use plastic bags.
2. Write to Bega Valley Shire Council, Shoalhaven City Council and Canberra Regional Joint Organisation and encourage them to advocate for a ban on single use plastic bags.
3. Continue to assist and encourage local businesses and the community to reduce the use of disposable plastic items.
4. Formalise a policy to ensure that all Council activities and events on Council land seek to eliminate the use of disposable plastic items.
5. Promote the positive steps being taken in the community to reduce the use of single use plastic bags.

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

8. QUESTIONS ON NOTICE FROM COUNCILLORS

QON17/003 LEWIS ISLAND NAROOMA

File Ref: E11..2362

17/118 MOTION Councillor Constable/Councillor McGinlay

THAT Council:

1. Receive the response to the question regarding Lewis Island, Narooma raised by Councillor Phil Constable.
2. Continue advocacy efforts to see the appropriate approvals, and avenues for assistance, from the relevant Government agencies to facilitate the dredging of the Wagonga Inlet and renourishment of Lewis' Island.
3. Seek relevant approvals from the applicable Government agencies to enable the installation of short-term measures to mitigate further erosion of Lewis' Island; including, but not limited to;
 - a. the introduction of a temporary 4 knot speed limit on vessels travelling from the bridge over Wagonga Inlet to Lavender Point.
 - b. the establishment of an appropriate barrier to facilitate shore protection and beach renourishment.
4. Write to the Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight and the Hon. Andrew Constance MP, Member for Bega advocating for the NSW Government to fully fund all dredging works in navigational channels, noting that the NSW Government collects income generated from use of waterways and recreational fishing licenses.
5. A report be prepared to Council outlining the outcomes of (3) and (4) above with estimate of costs to undertake the protection works.

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

9. GENERAL MANAGER'S REPORTS

GMR17/012 EXHIBITION OF DRAFT DELIVERY PROGRAM 2017-21 AND OPERATIONAL PLAN 2017-18

File Ref: E12.6254

17/119 MOTION Councillor Brown/Councillor Tait

THAT:

1. The draft Delivery Program 2017-21 and Operational Plan 2017-18 incorporating the Budget, 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. Following public exhibition, a further report be submitted to Council for the consideration of submissions and adoption of the Delivery Program 2017-21 and Operational Plan 2017-18.

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

GMR17/013 ADOPTION OF POLICIES

File Ref: E16.0297

17/120 MOTION Councillor Nathan/Councillor Tait

THAT Council adopt the following policies:

1. Engineering Design Standards
2. Fingerboard Signs – Local Directional Policy
3. Graffiti Removal from Non-Council-Owned Property/Assets Policy
4. Water and Sewer Connections Policy
5. Water and Sewer Rural Trunk Mains Connection Policy
6. Public Interest Disclosure Internal Reporting Policy
7. Development Contributions – Request for Refunds Policy
8. Risk Management Policy.

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

10. PLANNING AND SUSTAINABILITY REPORTS

**PSR17/019 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT NO. 12 -
HOUSEKEEPING AND OTHER AMENDMENTS**

File Ref: E17.1168

17/121 MOTION Councillor Brown/Councillor Pollock

THAT Council:

1. Resolve to list the York Engine as a heritage item in Eurobodalla Local Environmental Plan 2012.
2. Endorse the attached Planning Proposal to amend Eurobodalla Local Environmental Plan 2012, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*.
3. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.
4. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegation for making the plan under Section 59 of the *Environmental Planning and Assessment Act 1979*.
5. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
6. Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the *Environmental Planning and Assessment Act 1979*.
7. Note that the plan is proposed to be made under delegation following the issue of a Gateway Determination and the completion of community consultation requirements.

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

**PSR17/020 POLICY REVIEW - CONSERVATION OF THE YELLOW-BELLIED GLIDER IN THE
BROULEE AREA POLICY**

File Ref: E16.0297

17/122 MOTION Councillor Mayne/Councillor McGinlay

THAT:

1. Council endorses the draft Conservation of the Yellow-bellied Glider in the Broulee Area policy.
2. The draft Conservation of the Yellow-bellied Glider in the Broulee Area policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

PSR17/021 POLICY REVIEW - STREET ACTIVITIES POLICY

File Ref: E16.0297

17/123 MOTION Councillor McGinlay/Councillor Tait

THAT:

1. Council endorses the draft Street Activities policy.
2. The draft Street Activities policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

PSR17/022 POLICY REVIEW - PLANNING AGREEMENTS

File Ref: E16.0297

17/124 MOTION Councillor Thomson/Councillor Nathan

THAT:

1. Council endorses the draft Planning Agreements policy.
2. The draft Planning Agreements policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

PSR17/023 POLICY REVIEW - DEDICATION OF LAND TO COUNCIL

File Ref: E16.0297

17/125 MOTION Councillor Tait/Councillor Pollock

THAT:

1. Council endorses the draft Dedication of Land to Council policy.
2. The draft Dedication of Land to Council policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

11. INFRASTRUCTURE REPORTS

**IR17/016 TENDER FOR THE SUPPLY OF ROAD PAVEMENT MATERIALS FOR THE SOUTH
BATEMANS BAY LINK ROAD**

File Ref: E13.7125.P

Councillor Innes declared a significant, non-pecuniary conflict of interest in IR17/016 Tender for the Supply of Road Pavement Materials for the South Batemans Bay Link Road and stated that she would leave the council chambers during discussion and voting on the matter.

Reason: Councillor Innes declared an interest as she had previous political association with one of the tenderers.

At 10:47 AM Councillor Innes left the Chambers.

Deputy Mayor, Councillor Mayne, assumed the Chair.

17/126 MOTION Councillor Pollock/Councillor Thomson

THAT based on the assessment of value provided in the confidential attachment for the tenders for the supply of gravel for the South Batemans Bay Link Road outlined in report IR17/016 Tender for the Supply of Road Pavement Materials for the South Batemans Bay Link Road, Council resolves:

1. to decline acceptance of all tenders under Local Government (General) Regulation 178(1)(b) and;
2. accordingly, to cancel the proposal for the contract under Regulation 178(3)(a); and
3. consistent with Regulation 178(3)(b), assess pricing submitted through an alternate process undertaken in accordance with Regulations 167, 168 and 169.

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

At 10:48 AM Councillor Innes returned to the Chambers and resumed the role of Chair.

IR17/023 ROAD NAMING PROPOSAL - MYLOTT CLOSE, TUROSS HEAD

File Ref: E05.9211

17/127 MOTION Councillor Mayne/Councillor Nathan

THAT the unnamed road that commences at the intersection with Hector McWilliam Drive, Tuross Head, and heads in an easterly direction into the Kyla Oval recreational area be named Mylott Close and be gazetted accordingly.

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

IR17/024 POLICY REVIEW - NAMING OF PARKS, RESERVES, SPORTS FIELDS AND PUBLIC PATHWAYS

File Ref: E06.0375

17/128 MOTION Councillor Thomson/Councillor Tait

THAT

1. Council endorses the draft Naming of Parks, Reserves, Sporting Fields and Pathways policy.
2. The draft Naming of Parks, Reserves, Sporting Fields and Pathways policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR17/025 POLICY REVIEW - TREE RISK MANAGEMENT ON COUNCIL CONTROLLED LAND

File Ref: E06.0375

17/129 MOTION Councillor Tait/Councillor Nathan

THAT

1. Council endorses the draft Tree Risk Management on Council Controlled Land policy.
2. The draft Tree Risk Management on Council Controlled Land policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR17/026 POLICY REVIEW - PROCUREMENT

File Ref: E06.0375

17/130 MOTION Councillor Thomson/Councillor Pollock

THAT

1. Council endorses the draft Procurement policy.
2. The draft Procurement policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR17/027 POLICY REVIEW - REPEAL OF SMOKE FREE OUTDOOR AREAS POLICY

File Ref: E16.0297

17/131 MOTION Councillor Mayne/Councillor Brown

THAT

1. Council endorses the repeal of the Smoke Free Outdoor Areas policy for public consultation.
2. The proposed repeal of the Smoke Free Outdoor Areas policy be placed on public exhibition for a period of 28 days and following the expiration of this period, the policy and any public submissions be presented back to Council for repeal.

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

IR17/028 POLICY REVIEW - STORMWATER DISPOSAL - URBAN LAND

File Ref: E16.0297

17/132 MOTION Councillor Tait/Councillor Constable

THAT

1. Council endorses the draft Stormwater Disposal – Urban Land policy.
2. The draft Stormwater Disposal – Urban Land policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

12. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD17/026 COLLATERALISED DEBT OBLIGATION (CDO) FINAL REPORT

File Ref: E99.3517

17/133 MOTION Councillor Nathan/Councillor Thomson

THAT the report on Collateralised Debt Obligations be received and noted.

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

FBD17/027 INVESTMENTS MADE AS AT 31 MARCH 2017

File Ref: E99.3517

17/134 MOTION Councillor Tait/Councillor Constable

THAT the certification that the investments as at 31 March 2017 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**)

FBD17/028 POLICY REVIEW - PRICING

File Ref: E16.0297

17/135 MOTION Councillor Nathan/Councillor Brown

THAT

1. Council endorse the draft Pricing Policy for public consultation.
2. The draft Pricing Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to council for adoption.

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

13. COMMUNITY, ARTS AND RECREATION REPORTS

CAR17/008 POLICY REVIEW - PUBLIC ART

File Ref: E16.0297

17/136 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. Council endorse the draft Public Art policy.
2. The draft Public Art policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

CAR17/009 EXHIBITION OF THE DRAFT DISABILITY INCLUSION ACTION PLAN 2017-21

File Ref: e13.7121

17/137 MOTION Councillor Thomson/Councillor Mayne

THAT the draft Disability Inclusion Action Plan 2017-21 be placed on public exhibition from 10 May until 6 June 2017.

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

CAR17/010 SWIMMING POOL MANAGEMENT TENDER

File Ref: E14.8172

17/138 MOTION Councillor Brown/Councillor Tait

THAT:

1. Council endorses the selection of Community Aquatics for tender number 2017/CAR055 – Management of the shire’s three swimming pools.
2. Accordingly approves the entering into of a contractual arrangement with Community Aquatics, subject to the terms specified in the Request for Tender 2017/CAR055 unless otherwise varied in accordance with this report CAR17/010 – Swimming Pool Management Tender; and
3. Approves the retention of the current pool contract budget for the term of the contract, with residual funds and any on-going subsequent returns from pool income to be reinvested into the three pool facilities.

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

**CAR17/011 ADDITIONAL COMMONWEALTH HOME SUPPORT PROGRAM FUNDING FOR
SECTOR SUPPORT AND DEVELOPMENT**

File Ref: L.0332

17/139 MOTION Councillor Thomson/Councillor McGinlay

THAT Council signs and dates the Commonwealth Department of Health *Variation to Agreement* and accepts the additional funding of \$122,273.28 to provide Service System Development - Sector Support and Development Activities to 30 June 2018.

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

14. DELEGATE REPORT

DR17/004 LGNSW TOURISM CONFERENCE TAREE MARCH 2017

File Ref: E86.3640

17/140 MOTION Councillor Thomson/Councillor Nathan

THAT the Delegates Report from Councillor James Thomson and Councillor Maureen Nathan be received and noted.

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

15. URGENT BUSINESS

Nil

16. DEALING WITH MATTERS IN CLOSED SESSION

Nil

THE MEETING CLOSED AT 11.18am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 23 May 2017 at which meeting the signature hereon was subscribed.