



Minutes

Ordinary Meeting of Council

24 November 2015

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 24 NOVEMBER 2015

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 24 NOVEMBER 2015
COMMENCING AT 10.00AM**

PRESENT: Councillor Lindsay Brown, Mayor (in the Chair)
Councillors Neil Burnside, Gabi Harding, 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 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 of the land and advised of the Evacuation Procedure.

2. APOLOGIES

15/228 MOTION Councillor Harding/Councillor Pollock

THAT apologies be received from Councillors Brice, Innes and Leslight and leave of absence be granted.

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

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.)

Nil

4. DEPUTATIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY)

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

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

15/229 MOTION Councillor Harding/Councillor Burnside

THAT the minutes of the Ordinary Meeting held on 10 November 2015 be confirmed.

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

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

7. MAYORAL REPORTS

MR15/003 FIT FOR THE FUTURE

File Ref: E12.6443

15/230 MOTION Councillor Brown

THAT Council write to the Premier and the Minister for Local Government, with a copy to the Member for Bega outlining:

1. Council's support for the Fit for the Future process and IPART's assessment of Eurobodalla as 'Fit';
2. Council's support for the proposed South East Joint Organisation;
3. Details of the discussions that have been held between Eurobodalla and neighbouring councils, including Queanbeyan, regarding potential boundary adjustments and amalgamations including each councils' resolution; and
4. The work being undertaken in developing a Memorandum of Understanding between Eurobodalla and Bega Valley Councils.

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

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

QON15/004 SEA LEVEL RISE

File Ref: E13.7268; E10.4158

15/231 MOTION Councillor Harding/Councillor Burnside

THAT the response to the question regarding Sea Level Rise raised by Councillor Harding be received and noted.

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

10. PETITIONS

Nil

11. GENERAL MANAGER'S REPORTS

Nil

12. PLANNING AND SUSTAINABILITY REPORTS

PSR15/054 PLANNING PROPOSAL HOUSEKEEPING AND OTHER AMENDMENTS

File Ref: E14.8442

15/232 MOTION Councillor Schwarz/Councillor Burnside

THAT Council defer PSR15/054 Planning Proposal Housekeeping and other Amendments report until the Council meeting held on 8 December 2015.

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

13. INFRASTRUCTURE REPORTS

IR15/048 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2015-16

File Ref: E15.9002

15/233 MOTION Councillor Burnside/Councillor Pollock

THAT

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 4 of 2015-16 held on 8 October 2015 be received and noted.
2. That Council Plans No 2734 Set B Sheet 01 and No 4211 Set B Sheet 01 detailing the signage and linemarking associated with installation of median islands at the following intersections be approved:
 - a. Thomas Street/Shore Street, Moruya
 - b. Thomas Street/Campbell Street, Moruya
 - c. Murray Street/Luck Street, Moruya
 - d. Murray Street/Hawdon Street, Moruya
 - e. Murray Street/Thomas Street, Moruya
3. That Council Plan No 5156 Set AL Sheet 01 detailing signage on Montague Street, Narooma to introduce five minute short term parking be approved.
4. Council Plan No 5156 Set AM Sheet 01 detailing the additional signage and linemarking on Dwyers Creek Road, Moruya be approved.
5. Council Plan No 5156 Set AN Sheet 01 detailing signage on Wamban Road, Moruya to introduce two warning signs (no W6-3A) depicting a child and adult be approved.

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

**IR15/049 TENDER NO 2015/ISD053 – AUGMENTATION OF SEWAGE PUMPING STATION
BB13, SANDY PLACE, LONG BEACH**

File Ref: e05.9189.PS

15/234 MOTION Councillor Pollock/Councillor Burnside

THAT Council accepts the tender from Poonindie Pty Ltd for the augmentation of sewage pumping station BB13 at Sandy Place, Long Beach.

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

**IR15/050 LOCAL GOVERNMENT ROAD SAFETY PROGRAM – FUNDING FOR PROJECTS
2015-16**

File Ref: E05.9578

15/235 MOTION Councillor Burnside/Councillor Pollock

THAT Council accepts the funding offer from Roads and Maritime Services made available under the Local Government Road Safety Program as follows:

1. Kings Highway Road Safety Partnership - \$10,000
2. Motorcycle Rider Safety Project - \$2,460
3. Child Road Safety Project - \$1,755
4. Graduated Licensing Scheme Workshop - \$1,200
5. Bike Week - \$2,350

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

14. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD15/078 INVESTMENTS MADE AS AT 30 SEPTEMBER 2015

File Ref: E99.3517

15/236 MOTION Councillor Pollock/Councillor Burnside

THAT the certification that the investments as at 30 September 2015 made in accordance with the Act, 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**)

FBD15/079 INVESTMENTS MADE AS AT 31 OCTOBER 2015

File Ref: E99.3517

15/237 MOTION Councillor Pollock/Councillor Burnside

THAT the certification that the investments as at 31 October 2015 made in accordance with the Act, 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**)

FBD15/080 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2015

File Ref: E05.9535

15/238 MOTION Councillor Burnside/Councillor Schwarz

THAT

1. The budget review report for the quarter ended 30 September 2015 be received and noted.
2. The favourable variations for the Income Statement after capital revenue of \$1.0 million and unfavourable variations of \$(3.6) million as per the Consolidated Fund Flow Statement be adopted.

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

FBD15/081 LICENCE FOR SERVERY WINDOW – MORUYA

File Ref: 84.1508.B

15/239 MOTION Councillor Pollock/Councillor Schwarz

THAT subject to development consent, a licence be granted to the proprietor of Steph's Patchwork Fabrics to serve customers from a coffee outlet window with a 12erver overhanging Council's footpath adjacent to Lot 10 DP 1003486 No. 74 Vulcan Street, Moruya with terms and conditions including:

1. A three-year term.
2. Payment of a licence establishment fee in accordance with Council's fees and charges for outdoor eating areas and display stands/commercial use of public land.
3. Rent in accordance with Council's fees and charges for outdoor eating areas and display stands.
4. Provision of public liability insurance in the amount of \$20 million.
5. Compliance with Council's Smoke Free Outdoor Areas Policy.
6. The structure is to be maintained in a satisfactory state of repair.

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

FBD15/082 PROPERTY MATTER- LEASE OF LAND

File Ref: 94.6347.D

15/240 MOTION Councillor Harding/Councillor Schwarz

THAT:

1. A five-year lease of part Lot 41 DP 1036166 be granted to the registered proprietor of Lot 3 DP 809454 with the same conditions as the current lease excepting the initial rent be the rent of the current lease increased in line with the CPI.
2. The General Manager be given delegated authority to negotiate the sale of the subject land for an amount not less than the market value determined by a registered valuer subject to:
 - (a) Consolidation of the subject land with Lot 3 DP 809454.
 - (b) All costs associated with the transfer of the land including survey and legal fees being borne by the purchaser.
3. Consent be given to affix the Common Seal of Council to:
 - (a) the lease of part Lot 41 DP 1036166 and
 - (b) the Contract of Sale and Transfer of part Lot 41 DP 1036166 if a sale proceeds.

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

15. COMMUNITY, ARTS AND RECREATION REPORTS

CAR15/013 ANNUAL REPORT 2014-15

File Ref: E12.6254

15/241 MOTION Councillor Harding/Councillor Pollock

THAT

1. The draft Annual Report for 2014-15 be received.
2. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, Council adopt the draft Annual Report for 2014-15.
3. A copy of the Annual Report 2014-15 be placed on Council's website and a copy of the Annual Report be forwarded to the Minister for Local Government.

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

CAR15/014 COMMONWEALTH HOME SUPPORT PROGRAMME FUNDING ACCEPTANCE

File Ref: L.0332

15/242 MOTION Councillor Pollock/Councillor Harding

THAT

1. Council accept the Commonwealth Home Support Programme funding of \$2,260,738.51 for the period 1 November 2015 to 30 June 2018.
2. The Funding Agreement be signed by two duly authorised Council representatives.

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

16. DELEGATE REPORT

Nil

Proceedings of the Council meeting paused whilst Mr Carl Millington prepared for his presentation.

17. PRESENTATIONS

At 10.32am Mr Carl Millington of Pitcher Partners, outlined his assessment of Council's financial position for 2014-15.

The Mayor thanked Mr Millington for his informative presentation to Council.

18. DEALING WITH MATTERS IN CLOSED SESSION

15/243 MOTION Councillor Burnside/Councillor Pollock

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:

CON15/018 Outstanding Development Non-Compliance Matters

Item CON15/018 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.

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

At 11.19am the Ordinary Meeting of Council moved into Closed Session.

At 12.01pm the Ordinary Meeting of Council resumed.

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

19. CONFIDENTIAL MATTERS

CON15/018 OUTSTANDING DEVELOPMENT NON-COMPLIANCE MATTERS

File Ref: 15.9359.I

15/244 MOTION Councillor Burnside/Councillor Pollock

THAT:

1. The Outstanding Development Non-compliance Matters Report be received and noted.
2. Council proceed with the outstanding compliance issues based on the risk and resourcing capacity and in accordance with Council's Compliance Policy and the relevant legislative provisions.
3. (The Motion on being put was declared **CARRIED**)

20. URGENT BUSINESS

Nil

THE MEETING CLOSED AT 12.03PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 8 December 2015 at which meeting the signature hereon was subscribed.