



Minutes

Ordinary Meeting of Council

27 March 2018

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 27 MARCH 2018
COMMENCING AT 10.03AM**

PRESENT: Councillor Liz Innes, Mayor (in the Chair)
Councillors Anthony Mayne, Jack Tait, James Thomson, Lindsay Brown,
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 J Phillips, Acting , 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 and advised of the Evacuation Procedure.

The Mayor acknowledged the Traditional Owners and of Elders past and present, on whose land we gather on here today.

2. APOLOGIES

18/45 MOTION Councillor Pollock/Councillor Constable

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

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

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.)

PF18/020 – NOM18/003 Albert Ryan Park

Mrs Trish Hellier addressed Council in relation to item NOM18/003 Albert Ryan Park. A copy of Mrs Hellier's submission is available on Council's website.

EXTENSION OF TIME

18/46 MOTION Councillor McGinlay/Councillor Constable

THAT Mrs Hellier be granted an extension of three minutes to complete her presentation.

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

PF18/021 – NOM18/003 Albert Ryan Park

Mrs Leah Burke addressed Council in relation to item NOM18/003 Albert Ryan Park. A copy of Mrs Burke's submission is available on Council's website.

PF18/022 – PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch

Ms Sue Matthews addressed Council in relation to item PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch. A copy of Ms Matthew's submission is available on Council's website.

PF18/023 – PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch

Mr Wayne Kelly addressed Council in relation to item PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch. A copy of Mr Kelly's submission is available on Council's website.

PF18/024 – PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch

Mr Alex Christlo addressed Council in relation to item PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch. A copy of Mr Christlo's submission is available on Council's website.

EXTENSION OF TIME

18/47 MOTION Councillor Constable/Councillor McGinlay

THAT Mr Christlo be granted an extension of three minutes to complete his presentation.

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

PF18/025 – PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch

Mrs Cecilia Christlo addressed Council in relation to item PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch. A copy of Mrs Christlo's submission is available on Council's website.

PF18/026 – PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch

Ms Jennifer Harrison addressed Council in relation to item PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch. A copy of Ms Harrison's submission is available on Council's website.

PF18/027 – PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch

Mr David Haultain addressed Council in relation to item PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch. A copy of Mr Haultain's submission is available on Council's website.

EXTENSION OF TIME

18/48 MOTION Councillor Mayne/Councillor McGinlay

THAT Mr Haultain be granted an extension of three minutes to complete his presentation.

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

PF18/028 – PSR18/060 Long Beach Coastal Wattle Management

Mr George Browning addressed Council in relation to item PSR18/060 Long Beach Coastal Wattle Management. A copy of Mr Browning's submission is available on Council's website.

PF18/029 – PSR18/060 Long Beach Coastal Wattle Management

Mr Neil Gow addressed Council in relation to item PSR18/060 Long Beach Coastal Wattle Management. A copy of Mr Gow's submission is available on Council's website.

PF18/030 – PSR18/060 Long Beach Coastal Wattle Management

Mr Rodger Middlebrook addressed Council in relation to item PSR18/060 Long Beach Coastal Wattle Management. A copy of Mr Middlebrook's submission is available on Council's website.

EXTENSION OF TIME

18/49 MOTION Councillor Constable/Councillor McGinlay

THAT Mr Middlebrook be granted an extension of three minutes to complete his presentation.

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

PF18/031 – IR18/018 History and Results of the Groundwater Exploration Program in the Tuross Valley, IR18/019 Eurobodalla Southern Storage Facility and CCS18/011 Investment as at 28 February 2018

Mr Peter Bernard addressed Council in relation to item IR18/018 History and Results of the Groundwater Exploration Program in the Tuross Valley, IR18/019 Eurobodalla Southern Storage Facility and CCS18/011 Investment as at 28 February 2018. A copy of Mr Bernard's submission is available on Council's website.

EXTENSION OF TIME

18/50 MOTION Councillor Constable/Councillor McGinlay

THAT Mr Bernard be granted an extension of three minutes to complete his presentation.

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

ADJOURNMENT

18/51 MOTION Councillor Pollock/Councillor Constable

THAT the Ordinary Council Meeting be adjourned for a period of 15 minutes.

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

At 12.06pm the meeting adjourned.

At 12.19pm the meeting reconvened.

SUSPENSION OF STANDING ORDERS

18/52 MOTION Councillor Mayne/Councillor Pollock

That Standing Orders be suspended in order to NOM18/003 Albert Ryan Park, PET18/001 Proposed Subdivision and Construction of a Public Road between Clearwater Terrace and Oaks Ranch and PSR18/060 Long Beach Coastal Wattle Management.

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

4. NOTICES OF MOTION

NOM18/003 ALBERT RYAN PARK

File Ref: E00.4635

18/53 MOTION Councillor McGinlay/Councillor Constable

THAT Council consider a state of the art upgrade on the toilets at Albert Ryan Park for people with disabilities.

(The Motion on being put was declared **CARRIED**
The Mayor used her casting vote to vote for the Motion)

Division

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

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

The Mayor used her casting vote to vote for the Motion.

ADJOURNMENT

18/54 MOTION Councillor Tait/Councillor Constable

THAT the Ordinary Council Meeting be adjourned for a period of five minutes.

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

At 12.57pm the meeting adjourned.

At 1.03pm the meeting reconvened.

18/55 ADJOURNMENT Councillor Pollock/Councillor Thomson

THAT the Ordinary Council Meeting be adjourned until 2.00pm.

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

At 1.08pm the meeting adjourned.

At 2.06 pm the meeting reconvened.

5. PETITIONS

**PET18/001 PROPOSED SUBDIVISION AND CONSTRUCTION OF A PUBLIC ROAD BETWEEN
CLEARWATER TERRACE AND OAKS RANCH**

File Ref: E91.2613

18/56 MOTION Councillor Mayne/Councillor McGinlay

THAT:

1. The petition be received and noted.
2. Council staff consider, in the assessment of the application, the submissions provide to Council by members of the public at its meeting on 27 March 2018 along with all previous submissions received.

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

EXTENSION OF TIME

18/57 MOTION Councillor Mayne/Councillor Constable

THAT the Council meeting be extended for one hour until 3.00pm.

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

6. PLANNING AND SUSTAINABILITY REPORTS

PSR18/060 LONG BEACH COASTAL WATTLE MANAGEMENT

File Ref: E09.3157; E00.4494

18/58 MOTION Councillor Pollock/Councillor Thomson

THAT Council defer this matter for further consultation between interested parties and a further report be prepared outlining the outcomes of that consultation.

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

18/59 RESUMPTION OF STANDING ORDERS Councillor Pollock/Councillor Constable

That Standing Orders be resumed.

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

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

18/60 MOTION Councillor Pollock/Councillor Constable

THAT the minutes of the Ordinary Meeting held on 13 March 2018 be confirmed.

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

8. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

9. MAYORAL REPORTS

**MR18/001 REGIONAL AQUATIC, ARTS AND LEISURE CENTRE AT MACKAY PARK,
BATEMANS BAY**

File Ref: E12.6442

18/61 MOTION Councillor Innes

THAT Council:

1. Thank the Premier the Hon. Gladys Berejiklian and the Member for Bega the Hon. Andrew Constance for coming to Batemans Bay on 26 March 2018 to announce \$26m of funding towards the construction of the Regional Aquatic, Arts and Leisure Centre at Mackay Park Batemans Bay.
2. Continue to advocate to the NSW and Australian Governments for funding to complete the Regional Aquatic, Arts and Leisure Centre.
3. Confirm that the Option 1 concept plan prepared by Otium Planning Group, is endorsed as the basis for undertaking the detailed design of the Regional Aquatic, Arts and Leisure Centre at Mackay Park Batemans Bay.
4. Note that the ultimate design and components of the proposed centre are dependent on the total amount of grant funding received.
5. Support the inclusion of a 25m by 10 lane lap pool as a key component of the proposed centre, in addition to the dedicated warm water therapy, leisure and learn to swim, splash play area and waterslide components.
6. Not include a 50m pool in the proposed centre or retain the existing 50m pool.
7. Confirm that, during the design phase, consideration will be given to the potential to expand the facility, if and when needed into the future.
8. Note that, during the design phase, the capital and operational costs of the proposed centre will need to be reviewed to ensure the centre is affordable for our community.
9. Note that further engagement will be undertaken with the community during the detailed design phase and that a further report will be presented to Council in due course to endorse a Community Engagement Plan for this phase of the project that is being developed in collaboration with the Mackay Park Sunset Committee.
10. Investigate the potential for the provision of long distance swimming facilities in the ocean at an appropriate location in the Batemans Bay area.
11. Proceed with the issuing of Request for Expressions of Interest from development companies or consortiums to redevelop the northern precinct of Mackay Park (the former Bowling Club site) for appropriate uses consistent with the preferred development outcomes previously identified and agreed by Council.

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

10. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

11. NOTICES OF MOTION

NOM18/002 CAT CURFEW

File Ref: E00.4623

18/62 MOTION Councillor Mayne/Councillor McGinlay

THAT Council defer this decision to a further meeting.

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

12. GENERAL MANAGER'S REPORTS

Nil

13. INFRASTRUCTURE REPORTS

**IR18/018 HISTORY AND RESULTS OF THE GROUNDWATER EXPLORATION PROGRAM IN
THE TUROSS VALLEY**

File Ref: E05.9343

18/63 MOTION Councillor Tait/Councillor Thomson

THAT:

1. The report on the Groundwater Exploration Program be received and noted.
2. Investigation work into the establishment of a deep water bore field at Tyrone Farm as an emergency or alternative water source to supplement the Eurobodalla water supply be discontinued.
3. The owners of Tyrone Farm be provided with a copy of this report and thanked for their cooperation in allowing access to his property for the investigation into the potential deep water bore field as an emergency or alternate water supply.
4. Reasonable measures be undertaken to make safe the existing bore heads on Tyrone Farm created for the investigation of an emergency or alternate water supply.
5. The Department of Primary Industries Water be notified in writing and requested to modify licence 10CA121702, issued to landowner of Tyrone Farm, to delete the clause "Council may need to access the bore during drought conditions for emergency town water supply".

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

IR18/019 EUROBODALLA SOUTHERN STORAGE FACILITY

File Ref: E03.7761

18/64 MOTION Councillor Tait/Councillor Pollock

THAT:

1. Council endorses the Concept Design Volume 1: Ancillary Works and Concept Design Volume 2: Storage reports for the Eurobodalla Southern Storage Facility project (attached).
2. Council publicly exhibits the concept designs for the Eurobodalla Southern Storage Facility project for a period of 42 days.
3. Council publicly exhibits the Draft Environmental Impact Statement for the Eurobodalla Southern Storage Facility project in accordance with Part 6, Division 6 - Public Consultation (State Significant Development) of the Environmental Planning and Assessment Regulation 2000, when it becomes available.

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

14. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS18/011 INVESTMENTS MADE AS AT 28 FEBRUARY 2018

File Ref: E99.3517

18/65 MOTION Councillor Tait/Councillor Pollock

THAT the certification that the investments as at 28 February 2018, 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**)

CCS18/012 INVESTMENT POLICY AMENDMENT

File Ref: E00.4623

18/66 MOTION Councillor McGinlay/Councillor Pollock

THAT Council adopt the amended Investment Policy attached to this report.

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

CCS18/013 MORUYA RACECOURSE MANAGEMENT COMMITTEE - NEW TERMS OF REFERENCE

File Ref: E80.0801

18/67 MOTION Councillor Pollock/Councillor Tait

THAT Council:

1. Adopt the Moruya Racecourse Management Terms of Reference.
2. Congratulate the Moruya Jockey Club on their financial and racing success.

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

CCS18/014 RATES SUBSIDY GRANT - MORUYA BATEMANS BAY PISTOL CLUB

File Ref: E15.9155

18/68 MOTION Councillor Pollock/Councillor Thomson

THAT Council approve the allocation of funds to a Rates Subsidy Grant to the Moruya Batemans Bay Pistol Club, as noted in the confidential attachment to this report.

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

15. COMMUNITY, ARTS AND RECREATION REPORTS

CAR18/013 THE DISSOLUTION OF THE MALUA BAY TENNIS MANAGEMENT COMMITTEE

File Ref: E89.3298

18/69 MOTION Councillor Pollock/Councillor Brown

THAT:

1. Council dissolve the Malua Bay Tennis Management Committee, effective immediately.
2. Existing funds of \$18,210 (as at 30 June 2017) held under the management committee be retained by Council and used for the maintenance and renewal of the Malua Bay Community Centre and tennis courts.
3. Council thank the outgoing management committee for their contribution to the management and operation of the facilities.

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

16. DELEGATE REPORT

Nil

17. URGENT BUSINESS

The Mayor indicated that Council has been approached by fellow Canberra Region Joint Organisation (CBRJO) members to provide financial assistance to Bega Valley Shire Mayoral Fund for the Tathra Bushfires.

The General Manager indicated that she has been in contact with Bega Valley Shire Council and instead of financial support, the Council would appreciate in-kind personnel support to assist with planning requirements going forward.

18. DEALING WITH MATTERS IN CLOSED SESSION

Nil

19. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 3.07pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 10 April 2018 at which meeting the signature hereon was subscribed.