



Minutes

Ordinary Meeting of Council

9 February 2016

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 9 FEBRUARY 2016

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 9 FEBRUARY 2016
COMMENCING AT 10.02AM**

PRESENT: Councillor Lindsay Brown, Mayor (in the Chair)
Councillors Danielle Brice, Neil Burnside, Gabi Harding, Liz Innes, Milton
Leslight, 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 C Hodges, Minute Secretary
Mrs K Green, Minute Secretary

1. WELCOME AND EVACUATION MESSAGE

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

2. APOLOGIES

Nil

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.)

PF16/001 NOM16/001 Araluen Road

File Ref: E16.0052; E80.0612; E04.8769

Mr Peter Cormick addressed Council in relation to NOM16/001 Araluen Road. A copy of Mr Cormick's submission is available on Council's website.

4. PRESENTATIONS

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

16/1 MOTION Councillor Pollock/Councillor Burnside

THAT the minutes of the Ordinary Meeting held on 25 December 2015 be confirmed.

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

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

NOM16/001 ARALUEN ROAD

File Ref: E80.0612; E04.8769

MOTION Councillor Harding/Councillor Brice

THAT in relation to the proposed log haulage on Araluen Road,

1. Council note:
 - a) The role of a councillor is to represent the interest of the residents and ratepayers and to provide leadership and guidance to the community (Local Government Act 1993.
 - b) That at the time of considering the question of the position of load limits on Araluen Road, on 12 October 2010, Councillors were not advised of the recommendation made to Council by Geo-technicians Coffey Pty Ltd, dated 9 June 2009, stating 'Council should consider imposing load restrictions [on sections of the road]'
 - c) Given the foreseeability created by an awareness of expert advice regarding load restrictions, the legal implications of personal injury or death should be considered by Council.
 - d) The benefits to the residents of Araluen Road and maintenance cost savings to the wider Eurobodalla community of managed load restrictions being imposed on Araluen Road.
2. A report be prepared for consideration by Council that provides:
 - a) A geo-technical assessment of those sections of Araluen Road that are proposed to be used by logging trucks, of the kind produced by Coffey Pty Ltd in its report to Council dated 9 June 2009;
 - b) Expert opinion on whether Council ought to or should consider the imposition of load restriction on the relevant sections of the road; and
 - c) An explanation of why the recommendation by Coffey, dated 9 June 2009, concerning the imposition of load restrictions, was not referred to Councillors at the time they were required to make a decision on that very matter.

(The Motion on being put was declared **LOST**.)

9. QUESTIONS ON NOTICE FROM COUNCILLORS

QON16/001 TRANSPARENCY OF COUNCIL FINANCIAL REPORTING

File Ref: E16.0041

16/2 MOTION Councillor Leslight/Councillor Innes

THAT the response to the question regarding transparency of Council financial reporting raised by Councillor Leslight be received and noted.

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

10. PETITIONS

Nil

At 11.17am Councillor Schwarz left the Chambers.

11. GENERAL MANAGER'S REPORTS

GMR16/001 ALGWA NSW CONFERENCE - GUNNEDAH, NSW - 10-12 MARCH 2016

File Ref: E91.3255

16/3 MOTION Councillor Harding/Councillor Brice

THAT Council not be represented at the ALGWA NSW Conference 2016 to be held on 10 – 12 March 2016 in Gunnedah, NSW.

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

At 11.19am Councillor Schwarz returned to the Chambers.

GMR16/002 LOCAL GOVERNMENT NSW TOURISM CONFERENCE - 9-11 MARCH 2016

File Ref: E91.3255

16/4 MOTION Councillor Harding/Councillor Brice

THAT Council not be represented at the Local Government NSW Tourism Conference 2016 to be held on 9-11 March 2016 in Byron Bay, NSW.

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

12. PLANNING AND SUSTAINABILITY REPORTS

Nil

13. INFRASTRUCTURE REPORTS

IR16/001 FUNDING - NATURAL DISASTER - 2014 FLOODS LOCAL ROADS

File Ref: E14.8444

16/5 MOTION Councillor Brice/Councillor Burnside

THAT Council endorse the actions of staff who have formally accepted an offer from the NSW Roads and Maritime Services for the amount of \$366,500 under the Natural Disaster funding assistance for the December 2014 floods.

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

IR16/002 LOCAL TRAFFIC COMMITTEE MEETING NO 6 FOR 2015-16

File Ref: E16.0002

16/6 MOTION Councillor Brice/Councillor Burnside

THAT

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 6 of 2015-16 held on 10 December 2015 be received and noted.
2. Council Plan No 5156 Set AT Sheet 01, detailing the 'No Stopping' and 'pictorial truck restricted' signage associated with the new service station, located on Guy Street, Batemans Bay be approved.
3. Council Plan No 5156 Set AU Sheet 01, detailing signage on Old Bolaro Road, Nelligen to introduce two warning signs (No W6-3A) depicting 'a child and adult walking' be approved.
4. The following meeting dates be adopted for the Local Traffic Committee in 2016.

Meeting No	Date
7-15/16	Thursday 11 February 2016 - cancelled
8-15/16	Thursday 10 March 2016
9-15/16	Thursday 14 April 2016
10-15/16	Thursday 12 May 2016
11-15/16	Thursday 9 June 2016
1-16/17	Thursday 14 July 2016
2-16/17	Thursday 11 August 2016
3-16/17	Thursday 8 September 2016
4-16/17	Thursday 13 October 2016
5-16/17	Thursday 10 November 2016
6-16/17	Thursday 8 December 2016

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

14. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD16/001 INVESTMENTS MADE AS AT 30 NOVEMBER 2015

File Ref: E99.3517

16/7 MOTION Councillor Schwarz/Councillor Pollock

THAT the certification that the investments as at 30 November 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**)

FBD16/002 INVESTMENTS MADE AS AT 31 DECEMBER 2015

File Ref: E99.3517

16/8 MOTION Councillor Schwarz/Councillor Pollock

THAT the certification that the investments as at 31 December 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**)

FBD16/003 BUSINESS ADVISORY COMMITTEE

File Ref: E14.8206

16/9 MOTION Councillor Harding/Councillor Pollock

THAT:

1. Council appoint the following five candidates to the Business Advisory Committee:
 - Steve Picton – Training/Chamber representative
 - Donna Payne – Education representative
 - Alan Rutherford – Retail/Chamber representative
 - Paul Biddlestone – Club representative
 - Christine Macauley – Retail representative;
2. Council amend the Business Advisory Committee Terms of Reference to increase membership by two including a representative of the education/training sector;
3. Council extend the tenure of existing committee members for an additional two years;
4. Council write to the retiring committee members to thank them for their contribution.

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

15. COMMUNITY, ARTS AND RECREATION REPORTS

CAR16/001 PCYC BOXING VENUE

File Ref: E11.5368

16/10 MOTION Councillor Brice/Councillor Harding

THAT Council donate the PCYC Narooma Leisure Centre hire fees for one year - specifically for use of the designated boxing space and equipment commencing from the date of Council's agreement. At the end of the year normal fees will apply as per Council's fees and charges.

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

CAR16/002 TENDER FOR COMMUNITY BASED SUPPORT SERVICES

File Ref: E07.1397

16/11 MOTION Councillor Harding/Councillor Brice

THAT Council:

1. Endorse the selection of the preferred tenderers, listed for Tender No. 2016/CAR073 for the Supply of Community Based Support Services within the confidential attachment; and
2. Approves the entering into of a contractual arrangement with the preferred tenderers to be listed on Community Care's Preferred Provider List for the provision of Community Based Support Services subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

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

16. DELEGATE REPORT

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

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 a confidential report.

The report is classified confidential under Section 10A(2)(dii) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(dii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

It was noted that there were no public verbal representations on whether the meeting should be closed to consider the matter.

16/12 MOTION Councillor Brown/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:

CON16/001 Property Matter

Item CON16/001 is confidential in accordance with s10A(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council 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 12.02pm the Ordinary Meeting of Council moved into Closed Session.

At 12.08pm the Ordinary Meeting of Council resumed.

The General Manager advised the following recommendation was declared carried in Closed Session:

18. CONFIDENTIAL MATTERS

CON16/001 PROPERTY MATTER

File Ref: E15.9001

THAT the recommendation considered in closed session was noted and accepted.

19. QUESTIONS/URGENT BUSINESS

Nil

THE MEETING CLOSED AT 12.11PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 23 February 2016 at which meeting the signature hereon was subscribed.