



Minutes

Ordinary Meeting of Council

24 April 2018

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 24 APRIL 2018

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 24 APRIL 2018
COMMENCING AT 10.00AM**

PRESENT: Councillor Anthony Mayne, Deputy Mayor (in the Chair)
Councillors Jack Tait, James Thomson, Lindsay Brown, Maureen Nathan,
Patrick McGinlay and Phil Constable

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, Corporate and Commercial Services
Mrs K Arthur, Director, Community, Arts and Recreation
Mrs K Green, Minute Secretary

1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY AND EVACUATION MESSAGE

The Deputy Mayor welcomed everyone to the meeting and advised of the Evacuation Procedure.

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

2. APOLOGIES

18/84 MOTION Councillor Constable/Councillor Tait

THAT apologies be received from Councillor Liz Innes, Mayor and Councillor Rob Pollock OAM 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.)

PF18/035 - NOM18/005 Albert Ryan Park

Mrs Trish Hellier addressed Council in relation to item NOM18/005 Albert Ryan Park. A copy of Mrs Hellier's submission is available on Council's website.

EXTENSION OF TIME

18/85 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**)

PF18/036 - NOM18/005 Albert Ryan Park

Mrs Leah Burke addressed Council in relation to item NOM18/005 Albert Ryan Park. A copy of Mrs Burke's submission is available on Council's website.

SUSPENSION OF STANDING ORDERS

18/86 MOTION Councillor Brown/Councillor Tait

That Standing Orders be suspended in order to debate agenda item NOM18/005 – Albert Ryan Park.

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

4. NOTICES OF MOTION

NOM18/005 ALBERT RYAN PARK

File Ref: E

MOTION Councillor McGinlay/Councillor Constable

THAT Council amend Action Item N14 within the Recreation and Open Space Strategy 2018 (*Consult with the community about future design, layout and maintenance of Albert Ryan Park and Rotary Park in Batemans Bay*) and upgrade its status from 'Medium' to 'High' priority.

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

Councillor Pat McGinlay voted for the Motion.

RESUMPTION OF STANDING ORDERS

18/87 MOTION Councillor Thomson/Councillor Tait

That Standing Orders be resumed.

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

At 10.47am Councillor Nathan left the Chambers and took no further part in the meeting.

5. PUBLIC FORUM (AGENDA ITEMS ONLY) (CONT)

PF18/037 – NOM18/006 Animal Cruelty and the Live Animal Export Industry

Ms Sue Frazer, on behalf of Dr Margaret Park (Animal Justice Party South Coast Branch), addressed Council in relation to item NOM18/006 Animal Cruelty and the Live Animal Export Industry. A copy of Ms Frazer's submission is available on Council's website.

EXTENSION OF TIME

18/88 MOTION Councillor McGinlay/Councillor Constable

THAT Ms Frazer be granted an extension of three minutes to complete her presentation.

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

The Deputy Mayor used his casting vote to vote for the Motion.

PF18/038 – NOM18/006 Animal Cruelty and the Live Animal Export Industry

Mr Fraser Paterson addressed Council in relation to item NOM18/006 Animal Cruelty and the Live Animal Export Industry. A copy of Mr Paterson's submission is available on Council's website.

EXTENSION OF TIME

18/89 MOTION Councillor McGinlay/Councillor Constable

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

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

The Deputy Mayor used his casting vote to vote for the Motion.

PF18/039 – NOM18/006 Animal Cruelty and the Live Animal Export Industry

Ms Jessica Bateman addressed Council in relation to item NOM18/006 Animal Cruelty and the Live Animal Export Industry. A copy of Ms Bateman's submission is available on Council's website.

PF18/040 – NOM18/006 Animal Cruelty and the Live Animal Export Industry

Mr Peter Cormick addressed Council in relation to item NOM18/006 Animal Cruelty and the Live Animal Export Industry. A copy of Mr Cormick's submission is available on Council's website.

PF18/041 – NOM18/006 Animal Cruelty and the Live Animal Export Industry

Ms Coral Anderson addressed Council in relation to item NOM18/006 Animal Cruelty and the Live Animal Export Industry. A copy of Ms Anderson's submission is available on Council's website.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

18/90 MOTION Councillor Thomson/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 10 April 2018 be confirmed.

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

7. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

8. MAYORAL REPORTS

Nil

NOTICES OF MOTION

NOM18/006 ANIMAL CRUELTY AND THE LIVE ANIMAL EXPORT INDUSTRY

File Ref: E00.4623

ADJOURNMENT

18/91 MOTION Councillor McGinlay/Councillor Constable

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

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

At 11.33am the meeting adjourned.

At 11.46am the meeting reconvened.

MOTION Councillor McGinlay/Councillor Mayne

THAT Council:

1. Write to the Federal Government advocating to phase out the live export of animals (cattle, sheep, goats and any other animals for slaughter overseas).
2. Write to the Federal Government advocating to create an Independent Office of Animal Welfare.

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

Division

For the Motion: Clrs A Mayne and P McGinlay.

Against the Motion: Clrs L Brown, P Constable, J Tait and J Thomson.

ADJOURNMENT

18/92 MOTION Councillor Constable/Councillor McGinlay

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

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

At 12.04pm the meeting adjourned.

At 12.09pm the meeting reconvened.

MOTION

18/93 MOTION Councillor Constable/Councillor McGinlay

THAT a briefing be held to discuss the live export industry, including advice from relevant industry and government officials.

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

The Deputy Mayor used his casting vote to vote for the Motion.

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

11. GENERAL MANAGER'S REPORTS

**GMR18/007 EXHIBITION OF THE DELIVERY PROGRAM 2017-21 AND OPERATIONAL
PLAN 2018-19**

File Ref: E12.6254

18/94 MOTION Councillor Tait/Councillor Thomson

THAT:

1. The revised draft Delivery Program 2017-21 and Operational Plan 2018-19 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 2018-19.

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

**GMR18/008 FUNDING ACCEPTANCE NSW REGIONAL GROWTH FUND - STRONGER
COUNTRY COMMUNITIES**

File Ref: E17.1311

18/95 MOTION Councillor Thomson/Councillor Tait

THAT Council note the funding allocation under the NSW Regional Growth Stronger Country Communities Fund and endorse action taken to accept this funding.

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

GMR18/009 FUNDING ACCEPTANCE - REGIONAL JOBS AND INVESTMENT PACKAGES

File Ref: E17.1311

18/96 MOTION Councillor Thomson/Councillor Tait

THAT Council note the funding allocation under the Australian Government Regional Jobs and Investment Packages Program and endorse actions taken to accept this funding.

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

**GMR18/010 FUNDING ACCEPTANCE - COMMUNITY DEVELOPMENT GRANT
CORRIGANS PLAYGROUND - STAGE TWO**

File Ref: E06.0152

18/97 MOTION Councillor Brown/Councillor Thomson

THAT Council note the funding allocation from the Australian Government under the Community Development Grants Program and endorse the actions taken to accept this funding.

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

GMR18/011 FUNDING ACCEPTANCE - GUNDARY OVAL

File Ref: E08.2547

18/98 MOTION Councillor Brown/Councillor Constable

THAT Council note the funding allocation from the NSW Government under the Infrastructure Grants Program and endorse actions taken to accept this funding.

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

GMR18/012 FUNDING ACCEPTANCE - EUROBOALLA REGIONAL BOTANIC GARDENS

File Ref: E08.2547

18/99 MOTION Councillor Brown/Councillor Tait

THAT Council note the funding allocation and congratulate the Friends of the Eurobodalla Regional Botanic Gardens for their successful applications and ongoing support at this community facility.

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

12. PLANNING AND SUSTAINABILITY REPORTS

Nil

13. INFRASTRUCTURE REPORTS

IR18/023 FUNDING OFFER – 2017-18 BLOCK GRANT FOR REGIONAL ROADS

File Ref: E14.8340

18/100 MOTION Councillor Tait/Councillor Thomson

THAT Council endorse action taken to accept the offer from the Roads and Maritime Services for \$972,000 under the Regional Roads Block Grant Program and \$145,000 under the Regional Roads Repair Program.

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

IR18/025 TENDER - MORUYA AIRPORT WATER AND SEWER WORKS

File Ref: E17.1233

18/101 MOTION Councillor Brown/Councillor Thomson

THAT

1. Council endorses the selection of the preferred tenderer listed for Request for Tender No. 2018ISD042 Construction of Pressure Sewer and Water Trunk Mains and Associated Infrastructure at Preddeys Wharf, Moruya within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, 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**)

14. CORPORATE AND COMMERCIAL SERVICES REPORTS

Nil

15. COMMUNITY, ARTS AND RECREATION REPORTS

**CAR18/014 TENDER - MORUYA LIBRARY AND ARTS CENTRE NEW BUILDING AND
REFURBISHMENT**

File Ref: E16.0156

18/102 MOTION Councillor Thomson/Councillor Brown

THAT Council:

1. In accordance with clause 178(1)(b) of the *Local Government (General) Regulation 2005* (Regulation), declines to accept any of the tenders submitted in response to Request for Tender No. 2018 ISD/026, 'Construction of Moruya Library and Basil Sellers Exhibition Centre' (RFT);
2. In accordance with clause 178(3)(e) of the Regulation, resolves to enter into negotiations with the preferred tenderer (Preferred Tenderer) identified in the confidential attachment in respect of the matters described in the Report, with a view to entering into a contract with the Preferred Tenderer in relation to the subject matter of the RFT;
3. Authorises the General Manager to:
 - (a) directly negotiate with the Preferred Tenderer in respect of the matters described in the Report, for the purposes of entering into a contract with that tenderer in relation to the subject matter of the RFT; and
 - (b) execute any agreement arising from those direct negotiations.

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

16. DELEGATE REPORT

Nil

17. URGENT BUSINESS

18. DEALING WITH MATTERS IN CLOSED SESSION

Nil

19. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 12.38PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 22 May 2018 at which meeting the signature hereon was subscribed.