



# **Minutes**

**Ordinary Meeting of Council**

**28 May 2019**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 28 MAY 2019**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 28 MAY 2019  
COMMENCING AT 10.02AM**

**PRESENT:** Councillor Liz Innes, Mayor (in the Chair)  
Councillors Anthony Mayne, Jack Tait, 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, Corporate and Commercial Services  
Mrs K Arthur, Director, Community, Arts and Recreation  
Mr Jeff Phillips, Divisional Manager, Governance and Administration  
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**

**19/78 MOTION** Councillor Constable/Councillor Nathan

THAT apologies be received from Councillor James Thomson 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.)

**PF19/22 PET19/001 Petition – Batemans Bay Community Centre**

Dr Sue Mackenzie addressed Council in relation to item PET19/001 Petition – Batemans Bay Community Centre. A copy of Dr MacKenzie's submission is available on Council's website.

**EXTENSION OF TIME**

**19/79 MOTION** Councillor McGinlay/Councillor Constable

THAT Dr Mackenzie be granted an extension of three minutes to complete her presentation.

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

**PF19/23 PET19/001 Petition – Batemans Bay Community Centre**

Mr Alan Russell addressed Council in relation to item PET19/001 Petition – Batemans Bay Community Centre. A copy of Mr Russell’s submission is available on Council’s website.

**EXTENSION OF TIME**

**19/80 MOTION** Councillor McGinlay/Councillor Constable

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

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

**PF19/23 PET19/001 Petition – Batemans Bay Community Centre**

Mr David MacLachlan addressed Council in relation to item PET19/001 Petition – Batemans Bay Community Centre. A copy of Mr MacLachlan’s submission is available on Council’s website.

**4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**19/81 MOTION** Councillor Tait/Councillor Nathan

THAT the minutes of the Ordinary Meeting held on 30 April 2019 be confirmed.

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

**5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**

Councillor Pollock declared a significant, non-pecuniary conflict of interest in CAR19/011 Funding Offer – Regional Employment Trials and stated that he did believe his interest would preclude him from voting and he would leave the Chamber during voting on the matter.

**Reason:** Councillor Pollock declared an interest as he is the Chair of the Far South Coast Branch of Regional Development Australia, the organisation administering this funding program.

**6. MAYORAL REPORTS**

**MR19/003 ABORIGINAL FLAG**

**19/82 MOTION** Councillor Innes

THAT Council:

1. Endorse the petition calling for the Aboriginal Flag to be flown from the Sydney Harbour Bridge 365 days a year.
2. Publicise the petition through our regular communication channels including social media and the local newspapers.
3. Writes to the NSW Premier, the Minister for Aboriginal Affairs, the Minister for Roads, Maritime and Freight and the Minister for Transport and Infrastructure and local State Members calling on them to support displaying the Aboriginal Flag on the Sydney Harbour Bridge permanently.

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

**7. NOTICES OF MOTION**

Nil

**8. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil



**9. PETITIONS**

**PET19/001 BATEMANS BAY COMMUNITY CENTRE**

File Ref: E97.1096

**19/83 MOTION** Councillor Mayne/Councillor McGinlay

THAT:

1. The petition be received and noted.
2. A decision on the Batemans Bay Community Centre be deferred until the capital and operation costs for the Batemans Bay Regional Aquatic, Arts and Leisure Centre have been determined based on actual tendered prices.

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

**10. GENERAL MANAGER'S REPORTS**

Nil

**11. PLANNING AND SUSTAINABILITY REPORTS**

**PSR19/008 EUROBODALLA HERITAGE ADVISORY COMMITTEE 2018-2021 –  
NOMINATIONS TO FILL A CASUAL VACANCY**

File Ref: E07.1371

**19/84 MOTION** Councillor Brown/Councillor Nathan

THAT Council:

1. Appoints the recommended nominee to the Eurobodalla Heritage Advisory Committee, as contained in confidential information provided to councillors, for the remainder of the 2018 to 2021 term.
2. Thanks those people who expressed an interest in being a member of the Eurobodalla Heritage Advisory Committee who were not successful on this occasion.

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

**ADJOURNMENT**

**19/85 MOTION** Councillor McGinlay/Councillor Pollock

THAT the Ordinary Council Meeting be adjourned for a period of 10 minutes.

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

At 11.04am the meeting adjourned.

At 11.17am the meeting reconvened.

**12. INFRASTRUCTURE REPORTS**

**IR19/011 FUNDING OFFER - SAVING LIVES ON COUNTRY ROADS - DUNNS CREEK ROAD, MALUA BAY**

File Ref: E90.0713

**19/86 MOTION** Councillor Pollock/Councillor Tait

THAT Council:

1. Endorse the actions taken to accept the grant funding offer under the NSW Saving Lives on Country Roads program of \$1,248,800 for the upgrade of Dunns Creek Road, Malua Bay.
2. Write to Hon Melinda Pavey MP and Hon Andrew Constance MP thanking them for the funding made available under the NSW Saving Lives on Country Road program for Dunns Creek Road.

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

**IR19/012            FUNDING OFFER - SAVING LIVES ON COUNTRY ROADS - BEACH ROAD  
IMPROVEMENTS**

File Ref: E90.0713

**19/87    MOTION** Councillor Pollock/Councillor Nathan

THAT Council endorse the actions taken to accept the grant funding offer under the NSW Saving Lives on Country Roads program of \$1.9 million for the safety improvements to Beach Road Batemans Bay.

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

**IR19/013                    FUNDING OFFER - FIXING COUNTRY ROADS - EUROBODALLA ROAD  
PAVEMENT WIDENING, BODALLA**

File Ref: E08.2547

**19/88    MOTION** Councillor Pollock/Councillor Tait

THAT Council:

1. Endorse the actions taken to accept the grant funding offer under the NSW Fixing Country Roads Grants Program of \$446,291 for the upgrade of Eurobodalla Road Bodalla.
2. Write to Hon Melinda Pavey MP and Hon Andrew Constance MP thanking them for the funding made available under the NSW Fixing Country Roads Grants Program for Eurobodalla Road Bodalla.
3. Allocate \$207,818 from the additional 2019-20 Roads to Recovery allocation and \$242,182 from quarry contributions held in the 2019-20 financial year to Eurobodalla Road Bodalla to match the grant funding available under the Fixing Country Roads Grant Program.

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

**IR19/014 LOCAL TRAFFIC COMMITTEE NO 9 FOR 2018-19**

File Ref: E16.0002

**19/89 MOTION** Councillor Mayne/Councillor Tait

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 9 for 2018-19 be received and noted.
2. Council Plan No. 5156 Set BB Sheet 15 detailing the 'No Stopping' signage at the intersection of Page Street and Mirrabooka Avenue, Moruya be approved.
3. Council Plan No. 5156 Set BB Sheet 14 detailing the 'No Stopping' signage on Corrigan's Crescent between Beach Road and Crag Road, Batehaven be approved.

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

**13. CORPORATE AND COMMERCIAL SERVICES REPORTS**

**CCS19/019 REQUEST FOR TENDER NO. 2019/CCD061 - CARETAKERS SERVICES -  
CAMPGROUNDS**

File Ref: E80.0159

**19/90 MOTION** Councillor Brown/Councillor Tait

THAT Council:

1. Reject the tenders received in response to 'Request for Tender (RFT) No. 2019/CCD061 – Caretakers Services – Campgrounds'.
2. Not invite fresh tenders, as this is unlikely to achieve a better outcome, for the project given the Tender Evaluation Panel's assessment of the tenders received.
3. Enter into short term arrangements to deliver management of the campgrounds after the current contract ends on 30 June 2019.
4. Enter into negotiations based on the conditions outlined in 'Request for Tender (RFT) No. 2019/CCD061 – Caretakers Services – Campgrounds' with the tenderer identified in the Confidential Attachment to the Council report 'Request for Tender (RFT) No. 2019/CCD061 – Caretakers Services – Campgrounds' because they demonstrated they are capable of undertaking the management contract.
5. Delegate to the General Manager to conclude these negotiations and if appropriate, enter into contracts with the tenderer identified in the Confidential Attachment to the Council report 'Request for Tender (RFT) No. 2019/CCD061 – Caretakers Services – Campgrounds.'

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



**CCS19/020 INVESTMENTS MADE AS AT 30 APRIL 2019**

File Ref: E99.3517

**19/91 MOTION** Councillor Brown/Councillor Constable

THAT the certification that the investments as at 30 April 2019, 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**)

**CCS19/021 MARCH QUARTERLY BUDGET REVIEW**

File Ref: e05.9535

**19/92 MOTION** Councillor Tait/Councillor Constable

THAT:

1. The budget review report for the quarter ended 31 March 2019 be received and noted.
2. The variations to the Consolidated Income Statement after capital revenue of \$5.85 million and \$2.56 million before capital revenue be adopted.
3. Council is compliant with best practice pricing and proposes to transfer dividends from the Water and Sewer Funds of up to \$0.61 million and \$0.57 million respectively, based upon 2017-18 results and subject to an audit of compliance with Best Practice Guidelines and approval from the NSW Office of Water.
4. New loans of \$3,094,464 be raised in accordance with Council's borrowing policy and the Council seal be affixed to the loan agreement documentation.

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

**14. COMMUNITY, ARTS AND RECREATION REPORTS**

**CAR19/009 DISABILITY INCLUSION ADVISORY COMMITTEE VACANCY**

File Ref: E12.6216

**19/93 MOTION** Councillor Tait/Councillor Mayne

THAT Council appoint one (1) person to the Disability Inclusion Advisory Committee, as recommended in the confidential attachment.

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

**CAR19/010**                      **NAIDOC WEEK GRANTS**

File Ref: E15.9174

**19/94**    **MOTION** Councillor Mayne/Councillor Constable

THAT Council approve the recommendations detailed in the confidential attachment, awarding NAIDOC Week grants to 11 local groups/organisations for the 2018-19 financial year.

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

**CAR19/011 FUNDING OFFER - REGIONAL EMPLOYMENT TRIALS**

File Ref: E18.1582

Councillor Pollock declared a significant, non-pecuniary conflict of interest in CAR19/011 Funding Offer – Regional Employment Trials and stated that he did believe his interest would preclude him from voting and he would leave the Chamber during voting on the matter.

**Reason:** Councillor Pollock declared an interest as he is the Chair of the Far South Coast Branch of Regional Development Australia, the organisation administering this funding program.

At 11:42 AM Councillor Pollock left the Chambers.

**19/95 MOTION** Councillor Brown/Councillor Constable

THAT Council accept the \$125,250 from the Australian Department of Jobs and Small Business' Regional Employment Trials Program to implement the *Eurobodalla Jobs and Training Coordinator Project – Health and Social Assistance*.

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

At 11:51 AM Councillor Pollock returned to the Chambers.

**CAR19/012      FUNDING OFFER - PLAYGROUP NSW INCORPORATED**

File Ref: E81.1160

**19/96    MOTION** Councillor Mayne/Councillor Tait

THAT Council accept the offer of funding of up to \$28,000 from Playgroup NSW Incorporated to run additional playgroups in the shire.

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

**CAR19/013 LIBRARY SERVICES UPDATE**

File Ref: E88.0913

**19/97 MOTION** Councillor Pollock/Councillor Mayne  
THAT Council receive and note the Library Services update.

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

**15. DELEGATE REPORT**

**DR19/002 LOCAL GOVERNMENT TOURISM CONFERENCE**

File Ref: E91.3255

**19/98 MOTION** Councillor Nathan/Councillor Pollock

THAT the Delegates Report from Councillor Maureen Nathan on the 2019 NSW Local Government Tourism Conference be received and noted.

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



**DR19/003**

**AUSTALIAN COASTAL COUNCILS CONFERENCE**

File Ref: E91.3255

**19/99 MOTION** Councillor Tait/Councillor McGinlay

THAT the Delegates Report from Councillors James Thomson, Anthony Mayne and Pat McGinlay on the 2019 Australian Coastal Councils Conference be received and noted.

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

**16. URGENT BUSINESS**

Nil

**17. DEALING WITH MATTERS IN CLOSED SESSION**

Nil

**18. CONFIDENTIAL MATTERS**

Nil

At the conclusion of the meeting, the Mayor took the opportunity to acknowledge the following matters:

- The new artwork, located in the Council Chambers, from local artist Francis Luke. Ms Luke has graciously loaned this artwork, for a 10 year period, to Council for display.
- The installation of the aboriginal artwork on the Chamber entry, Front counter entry and Moruya Library entry doors. The artwork was undertaken by aboriginal artists with the message *Walawanni* which in the local Dhurga language means 'we hope you have a safe journey here' or 'we hope you have a safe journey home'.
- The Mayor acknowledged the 31 nominees for this years' 2019 Local Hero award which was announced on 23 May 2019 at the Regional Botanic Garden.

The overall winner was Janine Halasz. Janine has given hundreds of hours of time to community groups such as the Red Cross, Tilba CWA and the Central Tilba School of Arts Trust. She has raised money for various organisations in Eurobodalla such as the Moruya Women's Refuge and Moruya Oncology unit. Janine also established a knitting group which knits blankets for hospitals, beanies for premature babies and items for Aboriginal communities.

**THE MEETING CLOSED AT 12.01pm**

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**CHAIRPERSON**

Chairperson of the Ordinary Council Meeting held on Tuesday, 11 June 2019 at which meeting the signature hereon was subscribed.