



# **Minutes**

**Ordinary Meeting of Council**

**25 June 2019**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 25 JUNE 2019**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 25 JUNE 2019  
COMMENCING AT 11.00AM**

**PRESENT:** Councillor Liz Innes, Mayor (in the Chair)  
Councillors Anthony Mayne, 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 A O'Reilly, Director, Corporate and Commercial Services  
Mrs K Arthur, Director, Community, Arts and Recreation  
Mr J 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**

**19/115 MOTION** Councillor Tait/Councillor Thomson

THAT apologies be received from Councillor Rob Pollock OAM and leave of absence be granted.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait  
and J Thomson.

Against the Motion: Nil.

**3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**19/116 MOTION** Councillor McGinlay/Councillor Mayne

THAT the minutes of the Ordinary Meeting held on 11 June 2019 be changed as follows:

1. for and against voting be included to Motion 19/110 with Councillors A Mayne and P McGinlay against the motion and Councillors L Brown, P Constable, L Innes, M Nathan, J Tait, J Thomson and R Pollock OAM for the motion
2. with these changes, the minutes be confirmed.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait and J Thomson.

Against the Motion: Nil.

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

Nil

**5. MAYORAL REPORTS**

Nil

**6. NOTICES OF MOTION**

Nil

**7. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**8. PETITIONS**

Nil

**9. GENERAL MANAGER'S REPORTS**

**GMR19/011 2019-20 DETERMINATION OF THE LOCAL GOVERNMENT REMUNERATION  
TRIBUNAL**

File Ref: E95.8749

**19/117 MOTION** Councillor Brown/Councillor Nathan

THAT Council:

1. Accept the Remuneration Tribunal's determination of a 2.5% increase in fees for Councillors and the additional Mayoral allowance.
2. Note that the maximum fees for Regional Rural councils for 2019-20, including the full Tribunal determination, are set at \$20,280 for Councillors and \$44,250 for the additional Mayoral allowance.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, P McGinlay, M Nathan, J Tait and J Thomson.

Against the Motion: Clr A Mayne.

**GMR19/012 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND 2019-20 OPERATIONAL PLAN**

File Ref: E19.1854

**19/118 MOTION** Councillor Brown/Councillor Tait

THAT:

1. Council makes the annual Ordinary Rates for 2019-20 in accordance with the rate peg set by IPART which is 2.7%, as contained in the table in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2019-20 in accordance with the Revenue Policy and Fees and Charges as contained in the tables in the report.
3. Council make each fee and charge for 2019-20 in accordance with the amended Revenue Policy and Fees and Charges as attached to the report, with the exception of Community Care's Home Care Packages (Levels 1-4) fees on page 17 which require re-exhibition.
4. Council adopt the Delivery Program 2017-21 and Operational Plan 2019-20 attached to the report as per the statutory requirements with implementation to commence 1 July 2019.
5. Council thank the community members who made a submission and provide them with a response.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait and J Thomson.

Against the Motion: Nil.



**10. PLANNING AND SUSTAINABILITY REPORTS**

Nil

**31. INFRASTRUCTURE REPORTS**

**IR19/015 RESPONSE TO PET18/006 REOPEN SCHNEIDER DRIVE TO MYSTERY BAY ROAD**

File Ref: E98.2475

**19/119 MOTION** Councillor Brown/Councillor Tait

THAT:

1. The report on Schneider Drive be received and noted.
2. The opening and construction of the unformed section of Schneider Drive not be pursued.
3. The determination of the Roads and Maritime Services (Transport for NSW) in regard to the speed zoning request on Mystery Bay Road be noted.
4. The Council support the NSW Rural Fire Service to undertake further education with the Mystery Bay community on fire preparedness before the next summer.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait  
and J Thomson.

Against the Motion: Nil.

**IR19/016 REQUEST FOR TENDER NO. 10022741 - DESIGN, SUPPLY AND CONSTRUCT AN  
EFFLUENT REUSE IRRIGATION SYSTEM AT BODALLA SEWAGE TREATMENT PLANT**

File Ref: E02.6256

**19/120 MOTION** Councillor Thomson/Councillor Tait

THAT:

1. Council endorses the selection of Gosford Irrigation and Water Solutions Pty Ltd for Request for Tender No. 10022741 - Design, supply and construct an effluent reuse irrigation system at Bodalla Sewage Treatment Plant; and
3. 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**)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait  
and J Thomson.

Against the Motion: Nil.

**42. CORPORATE AND COMMERCIAL SERVICES REPORTS**

**CCS19/024 INVESTMENTS MADE AS AT 31 MAY 2019**

File Ref: E99.3517

**19/121 MOTION** Councillor Tait/Councillor Constable

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait  
and J Thomson.

Against the Motion: Nil.

**CCS19/025 CODE OF CONDUCT - CONDUCT REVIEWERS PANEL**

File Ref: E13.7162

**19/122 MOTION** Councillor Tait/Councillor Brown

THAT

1. Council adopts the Canberra Regional Joint Organisation Panel (CRJO) of Conduct Reviewers listed below:
  - Echidna Associates
  - Meehan and Meehan
  - Applied Integrity Solutions
  - Train Reaction
  - Sinc Solutions
  - Centium
  - O'Connor Marsden
  - Aust Workplace Training
  - Weir Consulting
  - Mediate Today
  - Nemesis Consultancy Group
  - Redenbach lee Lawyers.
  
4. The Panel of Conduct Reviewers to operate from 1 July 2019 to 30 June 2022.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait  
and J Thomson.

Against the Motion: Nil.

**At 12.01pm** pm Councillor McGinlay left the Chambers.

**CCS19/026      LAND ACQUISITION - BARLINGS BEACH ACCESS ROAD**

File Ref: E90.1480

**19/123 MOTION** Councillor Nathan/Councillor Tait

THAT

1. All actions necessary be taken for the acquisition of land required for road purposes of part Lot 20 DP 802598 in accordance with Council's *Land Acquisition and Disposal Policy*.
2. All survey and legal costs associated with the land acquisition be borne by Council.
3. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation associated with the acquisition.

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

Division

For the Motion:      Clrs L Brown, P Constable, L Innes, A Mayne, M Nathan, J Tait and J Thomson.

Against the Motion: Nil.

**CCS19/028 EASEMENT FOR SERVICES OVER COUNCIL LAND, SUNSHINE BAY**

File Ref: 05.9453.s

**19/124 MOTION** Councillor Thomson/Councillor Tait

THAT

1. Consent be given for the creation of an easement for electricity purposes 2 metres and an easement for sewer infrastructure 3 metres wide within Lot 173 DP 262910 in favour of Lot 200 DP 1246378.
2. All costs including Council's reasonable legal and valuation costs associated with the creation of the easement be borne by the applicant.
3. Compensation for the easement be paid by the registered proprietor of Lot 200 DP 1246378 to Council.
4. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation associated with the easement.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, M Nathan, J Tait and J Thomson.

Against the Motion: Nil.

**At 12.03 pm** Councillor McGinlay returned to the Chambers.

**CCS19/029 SALE OF PART LOT 1 DP 1249510 DONNELLY DRIVE, MORUYA**

File Ref: E89.2857

**19/125 MOTION** Councillor Nathan/Councillor Brown

THAT

1. All actions necessary be taken for the sale of part Lot 1 DP 1249510 Donnelly Drive Moruya, in accordance with Council's Land Acquisition and Disposal Policy.
2. The General Manager be given delegated authority to conclude the sale of part Lot 1 DP 1249510.
3. Consent be given to affix the Common Seal of Council, if required, to all necessary documents associated with the subdivision, transfer and sale of the subject property.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, P McGinlay, M Nathan, J Tait and J Thomson.

Against the Motion: Clr A Mayne.



**CCS19/030 RECLASSIFICATION AND SALE OF PART LOT 2 DP 570760 AND PART LOT 4 DP 572585**

File Ref: 81.0872.B

**19/126 MOTION** Councillor Tait/Councillor Nathan

THAT:

1. Council commence a planning proposal to reclassify part Lot 2 DP 570760 and part Lot 4 DP 572585 from Community to Operational land to enable sale of the land.
2. Subject to reclassification of the land, all actions necessary be taken for the sale of part Lot 2 DP 570760 and part Lot 4 DP 572585 in accordance with Council's *Land Acquisition and Disposal Policy*.
3. Subject to reclassification, the General Manager be given delegated authority to negotiate the sale of part Lot 2 DP 570760 and part Lot 4 DP 572585 for an amount not less than 10% below market value determined by a registered valuer.
4. The land owner of the adjoining property will, following transfer of the land, consolidate part Lot 2 DP 570760 with Lot 1 DP 570760.
5. The land owner of the adjoining property will, following transfer of the land, consolidate part Lot 4 DP 572585 with Lot 3 DP 572585.
6. Consent be given to affix the Common Seal of Council, if required, to all necessary documents associated with the subdivision, transfer and sale of the subject properties.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, M Nathan, J Tait and J Thomson.

Against the Motion: Clrs A Mayne and P McGinlay.

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

**CAR19/015 YOUTH GRANTS**

File Ref: E18.1567

**19/127 MOTION** Councillor Thomson/Councillor Tait

THAT Council approve the recommendations detailed in the confidential attachment, awarding Youth grants to 9 local groups/organisations for the 2018/19 financial year.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait  
and J Thomson.

Against the Motion: Nil.

**CAR19/016 COMMUNITY CARE - HOME CARE PACKAGES FEES AND CHARGES**

File Ref: E11.5375

**19/128 MOTION** Councillor Tait/Councillor Thomson

THAT:

1. Public notice be given of the proposal to introduce a new schedule of Home Care Package fees and charges; and
5. 2. Submissions be received for a period of 28 days and, following the expiration of this period, the submissions be included in a report presented back to Council for adoption of the new fees.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait and J Thomson.

Against the Motion: Nil.

**CAR19/017 ACCEPTANCE OF CONTINUITY OF SUPPORT FUNDING VARIATIONS**

File Ref: E11.5375

**19/129 MOTION** Councillor Mayne/Councillor Tait

THAT:

1. Council accept the Funding Variation detailing an extension of funding of \$261,715.37 to the 2019-2020 Financial Year for all existing activities;
2. Council accept the one-off Accommodation Management Grant Agreement of \$23,435 (including GST) for Accommodation Management, conditional upon the signing and returning of the Agreement not later than Friday 28 June 2019.
3. Consent be given to affix the Common Seal of Council to all necessary documents associated with acceptance of the above funding so they may be returned to the Commonwealth Department of Ageing by 28 June 2019.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait and J Thomson.

Against the Motion: Nil.

## 6. DELEGATE REPORT

Nil

At **12:15 PM** Councillor Tait left the Chambers and took no further part in the meeting.

## 7. URGENT BUSINESS

**Councillor Phil Constable** raised an issue of urgent business regarding NSW Road and Maritime services has proposed to ban the right turn off the Princes Highway at Centenary Drive, Narooma. The RMS has sought feedback by 9 July 2019.

The Mayor declared the item urgent, as Council would not meet again until 30 July 2019 and the matter is of importance to the Narooma community.

Centenary Drive accesses local beaches, the Narooma Boardwalk, Apex Park boat ramp, Mill Bay boat ramp, commercial jetties and the foreshore areas. Much of the traffic flows from Narooma turning right off the Princes Highway into this popular area.

Since the RMS proposal has been made public, I have been contacted by residents raising significant concerns with the RMS proposal.

I therefore sought advice from the Director Infrastructure Services who advised the following:

*"Whilst we appreciate the efforts being made by the RMS to improve safety on the Princes Highway, we do not support this proposal.*

*Alterations to traffic arrangements must be considered more holistically with appropriate detailed traffic analysis and planning.*

*Preventing right turns at this junction will move the traffic to the Princes Highway/Dalmeny Drive intersection. Although this intersection has a short protected right hand turn, it too is in a spot with limited sight lines and the storage capacity in the right turn bay will be inadequate to manage the additional right turning traffic that will be diverted to this site.*

*Additionally, many seeking to access Mill Bay, and Apex Park will divert onto Williamson Drive. This means propping to turn right off Dalmeny Drive close to the highway intersection (including the many boat and trailer combinations). There is no appropriate intersection treatment at this location and this will introduce a significant hazard at this point.*

*Williamson Drive will be the shortcut. This road is a narrow low standard residential access, not suited to having lots of boat and trailer combinations and increased traffic diverted onto it. The junction with Centenary Drive is also not ideal for managing such increased traffic. The NSW Roads and Maritime Services acquired land directly opposite Centenary Drive with a view to providing the highway with a suitable alignment. This provides the land needed to*

*widen the highway and provide a suitable intersection treatment to Centenary Drive.*

*In the interim, the RMS could increase signage and delineation on the approaches to the intersection to mitigate the risk at low cost.*

*Therefore the proposal from the RMS simply moves the existing challenges and risks to the Princes Highway/Dalmeny Drive intersection and local road network (which has not been designed to cater for this amount of traffic). The RMS has the land and capacity to provide an appropriate solution at the Princes Highway/Centenary Drive intersection.*

*We were approached by the RMS a little while back and advised them of the above. A copy of the RMS proposal, and plans of the broader area is attached to clarify the roads involved.*

*We recommend Council write to the RMS and Minister for Transport and Infrastructure Andrew Constance MP objecting to the proposals."*

As a local Narooma resident and Councillor I agree with Director Sharpe's assessment. Moreover, I point out that access via Centenary Drive to this foreshore and tourism area is of significant economic importance to our town.

**19/001 RMS PROPOSED SAFETY UPGRADE FOR PRINCES HIGHWAY AND CENTENARY DRIVE INTERSECTION AT NAROOMA**

**19/130 MOTION** Councillor Constable/Councillor McGinlay

THAT:

1. Council respond to the request to provide feedback on the proposal from the NSW Roads and Maritime Services to ban the right turn off the Princes Highway into Centenary Drive by:
  - a) strongly objecting to this proposal to ensure the right turn is retained;
  - b) requesting Roads and Maritime Services (soon to be Transport for NSW) to:
    - i. provide the necessary funding to upgrade the intersection at Princes Highway/ Centenary Drive using the land already owned by the NSW Government opposite Centenary Drive;
    - ii. introduce additional signage and delineation, as an interim measure to improve road safety outcomes;
2. Council write to the Hon Andrew Constance MP, Minister for Transport and Infrastructure, seeking his support for Council's position on this matter.
3. (The Motion on being put was declared **CARRIED**)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan and J Thomson.

Against the Motion: Nil.

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

Nil

**9. CONFIDENTIAL MATTERS**

Nil

**THE MEETING CLOSED AT 12.20pm**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 30 July 2019 at which meeting the signature hereon was subscribed.