



Minutes

Ordinary Meeting of Council

30 July 2019

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 30 JULY 2019

MINUTES

1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY AND EVACUATION MESSAGE	1
2. APOLOGIES	1
3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	1
4. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA	2
5. MAYORAL REPORTS	2
6. NOTICES OF MOTION	2
Nil	
7. QUESTIONS ON NOTICE FROM COUNCILLORS.....	3
QON19/005 Promoting the benefits of cycling in Eurobodalla	3
9. PETITIONS.....	4
Nil	
10. GENERAL MANAGER'S REPORTS.....	5
GMR19/013 Funding Acceptance - Netball Courts Captain Oldrey Park Broulee.....	5
11. PLANNING AND SUSTAINABILITY REPORTS.....	6
PSR19/011 Draft Amendments to the Residential Zones Development Control Plan and Tree Preservation Code	6
12. INFRASTRUCTURE REPORTS.....	7
IR19/017 Maintenance and Renewal Schedules for Roads 2019-20	7
IR19/018 Local Traffic Committee No 1 for 2019-20	8
13. CORPORATE AND COMMERCIAL SERVICES REPORTS.....	9
CCS19/032 Investments made as at 30 June 2019	9
CCS19/031 Licence for Surfing Activities - Dalmeny-Narooma.....	10
CCS19/033 Licence for Marine Radio Facility - Moruya Heads.....	11
CCS19/034 Easement for Access - Guerilla Bay	12
14. COMMUNITY, ARTS AND RECREATION REPORTS	13
CAR19/018 Moruya Golf Course and Showground Reserve Draft Plan of Management	13

15. DELEGATE REPORT	14
16. URGENT BUSINESS	14
17. DEALING WITH MATTERS IN CLOSED SESSION.....	14
18. CONFIDENTIAL MATTERS.....	14

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 30 JULY 2019
COMMENCING AT 11.00AM**

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

2. APOLOGIES

19/131 MOTION Councillor Tait/Councillor Thomson

THAT apologies be received from Councillor Maureen Nathan 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, R Pollock, J Tait
and J Thomson.

Against the Motion: Nil.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

19/132 MOTION Councillor Tait/Councillor Thomson

THAT the minutes of the Ordinary Meeting held on 25 June 2019 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, R Pollock, 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

QON19/005 PROMOTING THE BENEFITS OF CYCLING IN EUROBODALLA

File Ref: E02.6243

19/133 MOTION Councillor Mayne/Councillor McGinlay

THAT the response to the question regarding promoting the benefits of safe cycling in Eurobodalla Shire raised by Councillor Anthony Mayne be received and noted.

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

Division

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

Against the Motion: Nil.

8. PETITIONS

Nil

9. GENERAL MANAGER'S REPORTS

GMR19/013 FUNDING ACCEPTANCE - NETBALL COURTS CAPTAIN OLDREY PARK BROULEE

File Ref: E03.7729

19/134 MOTION Councillor Thomson/Councillor Tait

THAT Council endorse the actions taken to accept the grant of \$475,000 from the Commonwealth Department of Community Sport and Infrastructure.

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

Division

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

Against the Motion: Nil.

10. PLANNING AND SUSTAINABILITY REPORTS

**PSR19/011 DRAFT AMENDMENTS TO THE RESIDENTIAL ZONES DEVELOPMENT CONTROL
PLAN AND TREE PRESERVATION CODE**

File Ref: E08.2564; E98.2526

19/135 MOTION Councillor Tait/Councillor Brown

THAT Council adopt the attached draft Residential Zones Development Control Plan and draft Tree Preservation Code.

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

Division

For the Motion: Clrs L Brown, A Mayne, P McGinlay, R Pollock, J Tait and J Thomson.

Against the Motion: Clrs P Constable and L Innes.

11. INFRASTRUCTURE REPORTS

IR19/017 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2019-20

File Ref: E99.3954; E99.3955

19/136 MOTION Councillor Tait/Councillor Pollock

THAT the schedules for the maintenance grading of unsealed roads and the resealing of sealed roads for 2019-20 be adopted.

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

Division

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

Against the Motion: Nil.

IR19/018 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2019-20

File Ref: E16.0002

19/137 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 for 2019-20 be received and noted.
2. Council Plan No. 5156 Set BP Sheet 05 detailing the line marking associated with an accessible parking space within the Surfside Sports Fields Carpark on Mundarra Way, North Batemans Bay be approved.
3. Council Plan 4218 Set D Sheet 04 detailing the 'No Parking' signage at the north eastern section of Park Lane, Moruya be approved.
4. Council Plan 5156 Set BB Sheet 16 detailing the 'Give Way' signage and line marking at the intersection of John Street and Queen Street, Moruya be approved.

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

Division

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

Against the Motion: Nil.

12. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS19/032 INVESTMENTS MADE AS AT 30 JUNE 2019

File Ref: E99.3517

19/138 MOTION Councillor Tait/Councillor Thomson

THAT the certification that the investments as at 30 June 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, R Pollock, J Tait
and J Thomson.

Against the Motion: Nil.

CCS19/031 LICENCE FOR SURFING ACTIVITIES - DALMENY-NAROOMA

File Ref: E07.1581

19/139 MOTION Councillor Thomson/Councillor Constable

THAT:

1. Council grant a five-year licence to Dalmeny Boardriders Inc to conduct monthly surfing events from within the following reserves:
 - Crown Reserve R86046 Lot 7030 DP 1006874 Dalmeny Beach Reserve, McMillan Crescent, Dalmeny;
 - Council owned community classified Lot 1 DP 255138 Yabbara Beach Headland, Dalmeny Drive, Dalmeny;
 - Road reserve adjacent to Council owned community classified Lot 3 DP 255138, Dalmeny Drive, Dalmeny;
 - Crown Reserve R90979 Lot 7019 DP 1024286 Lions Park, Dalmeny Drive, Kianga;
 - Council owned community classified Lot 429 DP 31234 Foreshore Reserve, Dalmeny Drive, Kianga; and
 - Crown Reserve R79308 Lot 7034 DP 1073302 Apex Park, Centenary Drive, North Narooma.
2. The licence fee be the Crown statutory minimum, currently \$498 plus GST per annum, increased annually in line with the CPI.
3. An annual grant be made to Dalmeny Boardriders Inc to offset the licence fee.

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

Division

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

Against the Motion: Nil.

CCS19/033 LICENCE FOR MARINE RADIO FACILITY - MORUYA HEADS

File Ref: 90.1830.B

19/140 MOTION Councillor Thomson/Councillor Mayne

THAT:

1. Council grant four consecutive five-year licences to Marine Rescue New South Wales for a marine radio base facility within Council's reservoir site on Lot 10 DP 250471 Hazel Road, Moruya Heads subject to conditions including:
 - a. Payment of a licence fee of \$498.00 plus GST pa, in line with the Crown statutory minimum, increased annually in line with the CPI.
 - b. Provision of evidence of public liability insurance cover in the amount of at least \$20 million.
 - c. The operation of the facility must not cause adverse interference with either Council's telemetry system or existing Telstra or Optus telecommunications facilities within Lot 10 DP 250471.
2. Council make an annual grant to Marine Rescue New South Wales to offset the licence fee.

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

Division

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

Against the Motion: Nil.

CCS19/034 EASEMENT FOR ACCESS - GUERILLA BAY

File Ref: 01.5517.B

MOTION Councillor Thomson/Councillor Tait

THAT

1. Consent be given for creation of an easement for Right of Access within Council's unformed road reserve at the eastern end of Burri Point Road Guerilla Bay in favour of Lots 44 and 45 DP 221511.
2. All costs including Council's reasonable legal costs associated with the creation of the Right of Access be borne by the applicant.
3. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation associated with the Right of Access.

AMENDMENT Councillor Mayne/Councillor McGinlay

THAT the matter be deferred for two weeks.

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

Division

For the Motion: Clr A Mayne.

Against the Motion: Clrs L Brown, P Constable, L Innes, P McGinlay, R Pollock, J Tait and J Thomson.

19/141 MOTION Councillor Thomson/Councillor Tait

THAT

1. Consent be given for creation of an easement for Right of Access within Council's unformed road reserve at the eastern end of Burri Point Road Guerilla Bay in favour of Lots 44 and 45 DP 221511.
2. All costs including Council's reasonable legal costs associated with the creation of the Right of Access be borne by the applicant.
3. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation associated with the Right of Access.

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

Division

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

Against the Motion: Clr A Mayne.

13. COMMUNITY, ARTS AND RECREATION REPORTS

**CAR19/018 MORUYA GOLF COURSE AND SHOWGROUND RESERVE DRAFT PLAN OF
MANAGEMENT**

File Ref: E95.9434

19/142 MOTION Councillor Thomson/Councillor Mayne

THAT:

1. In accordance with Section 39 of the NSW Local Government Act 1993, Council sends an electronic copy of the Moruya Golf Course and Showground Reserve draft Plan of Management to the NSW Minister for Lands and Forestry and seeks the Minister's consent to exhibit the draft POM
2. In accordance with Section 3.23(9) of the NSW Crown Land Management Act 2016, Council seeks the consent of the NSW Minister for Lands and Forestry to alter the category of the Crown Reserves 580022 and 96313, that being the Moruya Golf Course and Showground Reserve, from 'park' to 'general community use'
3. Subject to the decision of the NSW Minister for Lands and Forestry with respect to recommendation 1 and in accordance with Section 38 of the NSW Local Government Act 1993, Council publicly exhibits the Moruya Golf Course and Showground Reserve draft Plan of Management for a period of not less than 28 days with a total specified period of not less than 42 days after the date on which the draft POM is placed on exhibition during which submissions may be made to Council
4. Subject to the decision of the NSW Minister for Lands and Forestry with respect to recommendation 2, Council facilitates an independently chaired public hearing with respect to the proposed change of category of Crown Reserves 580022 and 96313 from 'park' to 'general community use' in accordance with Section 40A of the NSW Local Government Act 1993.

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

Division

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

Against the Motion: Nil.

14. DELEGATE REPORT

Nil

15. URGENT BUSINESS

Nil

16. DEALING WITH MATTERS IN CLOSED SESSION

Nil

17. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 11.27am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 13 August 2019 at which meeting the signature hereon was subscribed.