

Minutes

Ordinary Meeting of Council

12 July 2016

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 12 JULY 2016

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 12 JULY 2016
COMMENCING AT 10.04AM**

PRESENT: Councillor Lindsay Brown, Mayor (in the Chair)
Councillors Danielle Brice, 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 B Corven, Divisional Manager, Water and Sewer
Mr A O'Reilly, Director, Finance and Business Development
Mrs K Arthur, Director, Community, Arts and Recreation
Mrs C Hodges, 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

APOLOGY

16/209 MOTION Councillor Schwarz/Councillor Innes

THAT apologies be received from Councillors Burnside and Harding and leave of absence be granted.

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

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.)

E03.7447; E16.0042

PF16/062 PSR16/028 Draft Community Land Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina

Ms Cate McMath representing Muddy Puddles, addressed Council on PSR16/028 Draft Community Land Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina. A copy of Ms McMath's submission is available on Council's website.

E03.7447; E16.0042

PF16/063 PSR16/028 Draft Community Land Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina

Mr John Wakelin, Chairman of Muddy Puddles, addressed Council on PSR16/028 Draft Community Land Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina. A copy of Ms Wakelin's submission is available on Council's website.

E03.7447; E16.0042

PF16/064 PSR16/028 Draft Community Land Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina

Ms Renee Baker addressed Council on PSR16/028 Draft Community Land Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina. A copy of Ms Baker's submission is available on Council's website.

E03.7447; E16.0042

PF16/065 PSR16/028 Draft Community Land Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina

Dr Sue Mackenzie addressed Council on PSR16/028 Draft Community Land Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina. A copy of Dr Mackenzie's submission is available on Council's website.

E03.7447; E16.0042

PF16/066 PSR16/028 Draft Community Land Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina

Ms Primi Thompson addressed Council on PSR16/028 Draft Community Land Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina. A copy of Ms Thompson's submission is available on Council's website.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

16/210 MOTION Councillor Schwarz/Councillor Pollock

THAT the minutes of the Ordinary Meeting held on 28 June 2016 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

Nil

SUSPENSION OF STANDING ORDERS

16/211 MOTION Councillor Leslight/Councillor Pollock

That Standing Orders be suspended in order to deal with PSR16/028 Draft Community Plan of Management – Re-categorisation and Lease of Community Land – Melaleuca Reserve, Catalina.

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

**PSR16/028 DRAFT COMMUNITY LAND PLAN OF MANAGEMENT - RE-CATEGORISATION
AND LEASE OF COMMUNITY LAND - MELALEUCA RESERVE, CATALINA**

File Ref: E03.7447

16/212 MOTION Councillor Innes/Councillor Pollock

THAT:

1. The Catalina Reserves and the Hanging Rock Boat Ramp Car Park Reserve plan of management is amended to re-categorise part of the land at Melaleuca Reserve (part lot 39 DP 800369) from park to general community use. The southern boundary of the re-categorised area will align with the boundary between the cleared and vegetated areas directly behind the existing childcare centre.
 2. The proposed educational therapy centre, carpark and access be sited to the south and east of the reserve to minimise the impact on the existing playground and open space area, as generally depicted on the diagram in Attachment 2 of the report.
 3. The Minister for Local Government's consent be requested to grant a 30 year lease to Eurobodalla Education & Therapy Limited, trading as Muddy Puddles, for the establishment of an educational therapy centre for children with a disability.
 4. Subject to consent from the Minister for Local Government, a lease of land within part Lot 39 Deposited Plan 800369 be granted to Eurobodalla Education & Therapy Limited, trading as Muddy Puddles, for the establishment of an educational therapy centre for children with a disability with terms and conditions including :
 - (i) Term of thirty years;
 - (ii) Rent for the lease to be based on the unimproved capital value of the land as long as the activity is on a not-for-profit basis;
 - (iii) Annual rent for the land commence at 1.5% of the unimproved capital value (UCV) of the land, increased to 2.25% UCV at year 10 and 3% UCV at year 20 with annual increases in line with the CPI for the intervening years;
 - (iv) All costs associated with the lease and construction of access to be borne by the Lessee;
 - (v) Insurance to be held in accordance with Council policy;
 - (vi) Council to have no responsibility or liability in regard to the security of the site or vehicles parked;
 - (vii) Land cannot be used for any purpose other than an educational therapy centre for children with a disability without consent of Council;
 - (viii) Consent be given to affix the Common Seal of Council to the Lease of land within part Lot 39 Deposited Plan 800369.
 5. Any proposed development application be referred to Council for determination.
- (The Motion on being put was declared **CARRIED**)

11. PLANNING AND SUSTAINABILITY REPORTS

PSR16/023 PLANNING PROPOSAL TO IMPLEMENT THE RURAL LANDS STRATEGY AND OTHER MATTERS

File Ref: E16.0182

16/213 MOTION Councillor Innes/Councillor Pollock

THAT Council:

1. Endorse the Planning Proposal attached to report PSR16/023 to implement the Rural Lands Strategy and make other amendments to the Eurobodalla Local Environmental Plan 2012 and Repeal the Rural Local Environmental Plan 1987.
2. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.
3. Following receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
4. Receive a report back on the Planning Proposal following community consultation.

(The Motion on being put was declared **CARRIED**
Councillor Brice voted against the Motion.)

PSR16/025 ANNUAL HERITAGE REPORT 2015-2016

File Ref: E07.1407

16/214 MOTION Councillor Innes/Councillor Brice

THAT:

1. Council endorse the Eurobodalla Annual Heritage Report 2015-16.
2. The Eurobodalla Annual Heritage Report 2015-16 be forwarded to the Heritage Division in accordance with the conditions of the funding agreements.
3. Council thank the members of the 2012-15 Heritage Advisory Committee for their contribution to heritage management in the Eurobodalla Shire.

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

PSR16/026 CLASSIFICATION OF LAND AS OPERATIONAL - BATEMANS BAY

File Ref: E12.6442

16/215 MOTION Councillor Pollock/Councillor Innes

THAT:

1. Lots 282, 283 and 299 DP 755902 and Lot 304 DP 257116 Batemans Bay be classified as operational land.
2. Council assures the community that they will not lose tenure over any of the four titles of Bowling Club land, without comprehensive and transparent community engagement.

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

**PSR16/027 BATEMANS BAY BOWLING CLUB, AQUATIC CENTRE AND MACKAY PARK
PRECINCT UPDATE**

File Ref: E12.6442

16/216 MOTION Councillor Innes/Councillor Pollock

THAT Council:

1. Consider community submissions and expressions of interest received to date when investigating options for the preparation of a masterplan and future public private partnership for the Mackay Park precinct, and report back to Council.
2. Thank all those who made a submission.
3. Endorse the Terms of Reference for the Batemans Bay Mackay Park Precinct Sunset Committee, subject to the number of community representatives being increased from six to eight.
4. Commence an Expression of Interest process to establish the Batemans Bay Mackay Park Precinct Sunset Committee.
5. Following the open day on 16 July 2016 at the former Batemans Bay Bowling Club building, Council call for submissions for the interim short term use of the building and site, noting that some groups have already expressed interest in the short term use of the building and these submissions will be considered by staff. Note that due to the caretaker period, a decision cannot be made until the new Council meets.
6. The General Manager be given delegated authority to negotiate leases and licences and then report back to Council with recommendations for endorsement, noting that due to the caretaker period a decision cannot be made until the new Council meets.

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

12. INFRASTRUCTURE REPORTS

Nil

13. FINANCE AND BUSINESS DEVELOPMENT REPORTS

Nil

14. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

15. DELEGATE REPORT

Nil

16. QUESTIONS/URGENT BUSINESS

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

Nil

THE MEETING CLOSED AT 11.48AM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 26 July 2016 at which meeting the signature hereon was subscribed.