



Minutes

Ordinary Meeting of Council

22 November 2016

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 22 NOVEMBER 2016

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 22 NOVEMBER 2016
COMMENCING AT 10.00AM**

PRESENT: Councillor Liz Innes, Mayor (in the Chair)
Councillors Anthony Mayne, Jack Tait, James Thomson, 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, Finance and Business Development
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

Nil

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.)

The Mayor, Councillor Innes declared a significant, non-pecuniary interest on NOM16/009 Batemans Bay Bridge and stated that she would leave the Council Chambers during discussions and voting on the matter.

At 10.03am Mayor, Councillor Innes left the Chambers.

Deputy Mayor, Councillor Mayne, assumed the Chair.

E16.0016; E16.0042

NOM16/009 Batemans Bay Bridge

Ms Trish Hellier addressed Council in relation to NOM16/009 Batemans Bay Bridge.

A copy of Mrs Hellier's submission is available on Council's website.

At 10.08am The Mayor, Councillor Innes returned to the Chamber and resumed the role of Chair.

E16.0016; E16.0042

PSR16/046 Batemans Bay Mackay Park Precinct Redevelopment and IR16/045 Local Traffic Committee No2 2016-17.

Mrs Trish Hellier addressed Council in relation PSR16/046 Batemans Bay Mackay Park Precinct Redevelopment and IR16/045 Local Traffic Committee No2 2016-17.

A copy of Mrs Hellier's submission is available on Council's website.

EXTENSION OF TIME

16/330 MOTION Councillor Nathan/Councillor Mayne

THAT Mrs Hellier be granted an extension of three minutes to complete her presentation.

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

PRESENTATION OF FINANCIAL STATEMENTS BY PITCHER PARTNERS

SUSPENSION OF STANDING ORDERS

16/331 MOTION Councillor Pollock/Councillor Constable

That Standing Orders be suspended as the Financial Statements are to be presented at 11.30am.

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

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

16/332 MOTION Councillor Thomson/Councillor Nathan

THAT the minutes of the Ordinary Meeting held on 08 November 2016 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

The Mayor, Councillor Innes declared a significant, non-pecuniary interest on NOM16/009 Batemans Bay Bridge and stated that she would leave the Council Chambers during discussion and voting on the matter.

Reason: Mayor, Councillor Innes declared an interest as family members operate marine vessels in the vicinity of the bridge.

6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

NOM16/009 BATEMANS BAY BRIDGE

File Ref: E00.4623

The Mayor, Councillor Innes declared a significant, non-pecuniary interest on NOM16/009 Batemans Bay Bridge and stated that she would leave the Council Chambers during discussion and voting on the matter.

Reason: Mayor, Councillor Innes declared an interest as family members operate marine vessels in the vicinity of the bridge.

At 10.19am Mayor, Councillor Innes left the Chambers.

Deputy Mayor, Councillor Mayne, assumed the Chair.

16/333 MOTION Councillor Brown/Councillor Pollock

THAT:

1. Council convene an urgent meeting with Roads and Maritime Services, Batemans Marine Park and NSW Fisheries and any other relevant parties with a view to establishing appropriate NSW Government owned wharf facilities on the western side of the Batemans Bay Bridge, thereby significantly reducing the need for consistent and disruptive opening of the Batemans Bay Bridge.
2. Council urge the Roads and Maritime Services to engage with the current users of the waterway to ensure the needs of operators are taken into account in developing solutions.

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

At 10.30am The Mayor, Councillor Innes returned to the Chamber and resumed the role of Chair.

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. GENERAL MANAGER'S REPORTS

GMR16/035 POLICY REVIEW - CODE OF CONDUCT POLICY

File Ref: E16.0297

16/334 MOTION Councillor Pollock/Councillor Nathan

THAT

1. Council endorses the draft Code of Conduct Policy for public consultation.
2. The draft Code of Conduct Policy be placed on public exhibition for a period of 42 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

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

GMR16/037 POLICY REVIEW - REPEAL OF GIFTS AND BENEFITS POLICY

File Ref: E16.0297

16/335 MOTION Councillor Mayne/Councillor Pollock

THAT:

1. Council endorses the repeal of the Gifts and Benefits Policy for public consultation.
2. The proposed repeal of the Gifts and Benefits Policy be placed on public exhibition for a period of 42 days and, following the expiration of this period, any public submissions be presented back to Council with the policy for consideration to repeal.

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

GMR16/038 ANNUAL REPORT 2015-16

File Ref: E12.6254

16/336 MOTION Councillor Brown/Councillor Thomson

THAT:

1. The Annual Report for 2015-16 be received subject to minor clarification.
2. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, Council adopt the Annual Report for 2015-16.
3. A copy of the Annual Report 2015-16 be placed on Council's website, Council libraries, the Moruya Customer Service Centre and a copy of the Annual Report be forwarded to the Minister for Local Government.

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

Councillor Brown called for a Division of the vote.

Division

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

Against the Motion: Clrs P McGinlay.

10. PLANNING AND SUSTAINABILITY REPORTS

PSR16/044 CERTIFICATION OF THE WHARF ROAD COASTAL ZONE MANAGEMENT PLAN

File Ref: E12.6263

16/337 MOTION Councillor Brown/Councillor Tait

THAT Council

1. Adopts the revised Wharf Road Coastal Zone Management Plan.
2. Forwards the amended Wharf Road Coastal Zone Management Plan to the Minister for Planning and Environment for final certification.
3. Liaise with NSW Land and Property Information to take title of the submerged lands.
4. Following certification, forward an application to the New South Wales Coastal Management Program to purchase land remaining in private ownership.

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

PSR16/045 RURAL PRODUCERS ADVISORY COMMITTEE

File Ref: E16.0243

16/338 MOTION Councillor Brown/Councillor Constable

THAT Council

1. Appoint six (6) persons to be on the Rural Producers Advisory Committee as recommended in the confidential attachment to report PSR16/045.
2. Appoint Clr Constable as the Councillor representative to participate on the Committee.

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

PSR16/046 BATEMANS BAY MACKAY PARK PRECINCT REDEVELOPMENT

File Ref: E12.6442

16/339 MOTION Councillor Pollock/Councillor Mayne

THAT Council:

1. Prepare formal project proposal documents, in accordance with the Office of Local Government guidelines on Public Private Partnerships, for the redevelopment of the Batemans Bay Mackay Park Precinct to commence.
2. Proceeds with preparation of concept plan and business case documents for the preferred mix of development outcomes, including an aquatic strategy to guide aquatic centre development in the context of Eurobodalla aquatic centres and a background document outlining what an arts and cultural facility for the broader precinct could include, also in the context of arts and cultural facilities throughout Eurobodalla.
3. Obtain an estimated costing for the demolition of the club building including the costing of establishing a temporary car parking facility on the resultant greenfield site.

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

PSR16/047 2015-16 ON SITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT

File Ref: 98.2467

16/340 MOTION Councillor Thomson/Councillor Nathan

THAT Council receive and note the 2015-16 On-site Sewage Management Status Report.

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

PSR16/048 2015-16 REGULATORY ACTION STATUS REPORT

File Ref: E02.6718

16/341 MOTION Councillor Brown/Councillor Mayne

THAT Council receive and note the 2015-16 Regulatory Action Status Report.

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

PSR16/049 2015-16 FOOD INSPECTION STATUS REPORT

File Ref: E80.1313

16/342 MOTION Councillor Mayne/Councillor Brown

THAT Council receive and note the 2015-16 Food Inspection Status Report.

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

PSR16/050 DONATION OF DEVELOPMENT APPLICATION FEE

File Ref: 03.7164.D

16/343 MOTION Councillor Nathan/Councillor Mayne

THAT a donation be made to Marine Rescue (Batemans Bay) NSW to the value of \$1338.00 being the assessment fee for Development Application 415/15 in accordance with Council's Code of Practice – Reimbursement – DA Fees.

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

11. INFRASTRUCTURE REPORTS

IR16/045 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2016-17

File Ref: E16.0002

16/344 MOTION Councillor Thomson/Councillor Nathan

THAT The minutes of the Eurobodalla Local Traffic Committee Meeting No 2 of 2016-17 held on 13 October 2016 be received and noted.

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

12. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD16/061 LICENCE FOR KAYAK HIRE, NAROOMA

File Ref: E07.1581

16/345 MOTION Councillor Thomson/Councillor Constable

THAT:

1. Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a twelve-month licence, in accordance with Section 108 of the Crown Lands Act 1989, to Kayaking Narooma to operate a kayak hire business within Crown Reserve R85364 in Riverside Drive, Narooma commencing on 4 December 2016 and terminating on 3 December 2017 with terms and conditions in line with the current licence.
2. The Licensee pay an annual licence fee of \$1,076.00 plus GST pa.

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

FBD16/062 LICENCE FOR KAYAK HIRE, NELLIGEN

File Ref: E07.1579

16/346 MOTION Councillor McGinlay/Councillor Constable

THAT:

1. Subject to no objections being received from the public notice of Council's intention to grant a licence to Nelligen Kayak Hire to operate a kayak/canoe hire business from within community land Lot 1 DP 125594 Wharf Street, Nelligen, a licence be granted to Nelligen Kayak Hire for a term of twelve months and a fee of \$1,076.00 plus GST pa and conditions generally in line with similar existing licences.
2. If any objections are received, a report be presented to Council for further consideration.

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

FBD16/063 LICENCE FOR JET SKI HIRE BUSINESS – CORRIGANS BEACH, BATEHAVEN

File Ref: E80.1320

16/347 MOTION Councillor Tait/Councillor Thomson

THAT

1. Council as Trust Manager for the Eurobodalla (North) Reserve Trust grant a twelve-month licence, in accordance with Section 108 of the Crown Lands Act 1989, to Southern Watersports Jet Ski Hire to operate a jet ski hire business within Crown Reserve R66122 Corrigans Beach, Batehaven commencing on 23 October 2016 and terminating on 22 October 2017 with terms and conditions in line with the previous licence.
2. The Licensee provide the relevant approvals from the Australian Maritime Safety Authority and the Marine Parks Authority.
3. The Licensee pay an annual licence fee of \$1,591.00 plus GST pa.

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

**FBD16/064 POLICY REVIEW - ACCOUNTING FOR DIVISIONS AND SUBSIDIARIES OF COUNCIL
POLICY**

File Ref: E16.0297

16/348 MOTION Councillor Constable/Councillor Nathan

THAT

1. Council endorses the draft Accounting for Divisions and Subsidiaries of Council Policy for public consultation.
2. The draft Accounting for Divisions and Subsidiaries of Council Policy be placed on public exhibition for a period of 42 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

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

FBD16/065 POLICY REVIEW - ASSET DISPOSALS POLICY

File Ref: E16.0297

16/349 MOTION Councillor Thomson/Councillor Tait

THAT

1. Council endorses the draft Asset Disposals Policy for public consultation.
2. The draft Assets Disposals Policy be placed on public exhibition for a period of 42 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

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

FBD16/066 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2016

File Ref: E05.9535

16/350 MOTION Councillor Nathan/Councillor Pollock

THAT

1. The budget review report for the quarter ended 30 September 2016 be received and noted.
2. The favourable variations for the Income Statement after capital revenue of \$1.9 million and unfavourable variations of \$(0.1) million as per the Consolidated Fund Flow Statement be adopted.

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

13. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

14. DELEGATE REPORT

Nil

15. URGENT BUSINESS

16/005 ISSUES WITH HOLIDAY TRAFFIC IN MORUYA

E16.0041

Councillor Rob Pollock requested an update on the progress of discussions with Roads and Maritime Service on reducing the delays associated with increased traffic in Moruya over the busy holiday periods.

The Director Infrastructure Services advised that the traffic lights were installed on the highway to ensure pedestrian safety. He advised that discussions had occurred with Roads and Maritime Services regarding the timing of the lights to ensure delays were reduced.

Councillor Constable asked a further question regarding the possibility of switching off the traffic lights on the side streets, which would still enable pedestrian safety on the Princes Highway and reduce delays.

The Director Infrastructure Services advised that pedestrian safety on both the highway and side streets were important.

Proceedings of the Council meeting paused whilst Mr Carl Millington prepared for his presentation.

16. PRESENTATIONS

At 11.25am Mr Carl Millington of Pitcher Partners, outlined his assessment of Council's financial position for 2015-16.

The Mayor thanked Mr Millington for his informative presentation to Council.

167. DEALING WITH MATTERS IN CLOSED SESSION

In accordance with Section 10A(4) of the Local Government Act 1993, the General Manager invited members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential reports.

The report is classified confidential under Section 10(A)(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

It was noted that there were no public verbal representations on whether the meeting should be closed to consider the matter.

Therefore pursuant to Section 10A of the Local Government Act, 1993 the following reports be dealt with in Closed Session for the reasons specified below:

16/351 MOTION Councillor Nathan/Councillor Tait

THAT pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

CON16/024 Property Matter

Item CON16/024 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

At 11.56am the Ordinary Meeting of Council moved into Closed Session.

At 11.59am the Ordinary Meeting of Council resumed.

The General Manager advised the following recommendations were declared carried in Closed Session

178. CONFIDENTIAL MATTERS

CON16/024 PROPERTY MATTER

File Ref: 90.0428.B

16/352 MOTION Councillor Thomson/Councillor Tait

THAT:

1. The offer to purchase part Lot 1 [REDACTED] by the registered proprietors of [REDACTED] [REDACTED] for \$ [REDACTED] be accepted, subject to:
 - (a) The relocation of the existing water pipeline within part [REDACTED];
 - (b) Consolidation of part [REDACTED] with Lot [REDACTED];
 - (c) All costs associated with the subdivision and consolidation of part [REDACTED] and [REDACTED] be borne by the registered proprietors of [REDACTED] [REDACTED];
2. Consent be given to affix the Common Seal of Council to the Contract of Sale and the plan of subdivision of part [REDACTED] and Lot [REDACTED].

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

THE MEETING CLOSED AT 11.59am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 13 December 2016 at which meeting the signature hereon was subscribed.