



Minutes

Ordinary Meeting of Council

13 December 2016

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 13 DECEMBER 2016

MINUTES

1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY AND EVACUATION MESSAGE	1
2. APOLOGIES	1
3. PUBLIC FORUM (AGENDA ITEMS ONLY)	1
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	3
5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA	3
6. MAYORAL REPORTS	4
MR16/005 Paid Parking in Batemans Bay.....	4
7. NOTICES OF MOTION	5
NOM16/010 Dog Recreational Venues.....	5
8. QUESTIONS ON NOTICE FROM COUNCILLORS	6
QON16/004 Ringlands Point Jetty.....	6
QON16/005 Directional Signage	7
QON16/006 Dargues Reef Mine.....	8
QON16/007 Princes Highway Corridor Strategy	9
9. GENERAL MANAGER'S REPORTS	10
GMR16/039 Delivery Program Review - Citizens' Jury.....	10
GMR16/040 Code of Conduct Complaints Statistics Report	11
GMR16/041 Policy Review - Work Health and Safety Policy	12
10. PLANNING AND SUSTAINABILITY REPORTS	13
PSR16/054 Tern Inn - modification to operating hours	13
PSR16/055 Donation of Development Fee.....	15
PSR16/056 Policy Review - Clean Air Policy	16
PSR16/057 Tender - Shredding of Garden Organic, Timber and Stump Material	17
PSR16/058 Tender - Transport and reuse/recycling of biosolids.....	18
PSR16/059 Tender - Design, supply, installation and operation of landfill gas extraction and destruction systems.....	19
PSR16/060 Re-Tender - Flying fox dispersal services.....	20

11. INFRASTRUCTURE REPORTS.....	21
IR16/049 Integrated Water Cycle Management Strategy and Strategic Business Plan...	21
IR16/050 Local Traffic Committee No 3 for 2016-17	22
IR16/051 Funding Offer - 2016 - 17 Bush Fire Risk Mitigation and Resilience Grants Program	23
IR16/052 Tender for construction of concrete bridge located at Tuross River (Tyrone Bridge) Nerrigundah Mountain Road Bodalla - Tender No. 10006071.....	24
IR16/053 Tender - Bodalla Sewage Treatment Plant Construction	25
IR16/054 Tender - Caseys Beach Seawall.....	26
IR16/055 Policy Review - Build in the Vicinity of Sewer Mains.....	27
IR16/056 Policy Review - Bush Fire Risk Management	28
IR16/057 Policy Review - Drinking Water Quality	29
IR16/058 Policy Review - Signs as Remote Supervision	30
IR16/059 Policy Review - Grazing of Stock on Public Roads	31
12. FINANCE AND BUSINESS DEVELOPMENT REPORTS.....	32
FBD16/074 Audit, Risk and Improvement Committee Terms of Reference	32
FBD16/075 Investments made as at 31 October 2016.....	33
FBD16/076 Tender - Lease of Council Land - Batemans Bay.....	34
FBD16/077 Classification of Council land, Brou Waste Management Facility	35
FBD16/078 Classification of Council land - Lot 70 Deposited Plan 1213485 Broulee	36
FBD16/079 Easement for Right of Access - Evans Street, Moruya.....	37
FBD16/080 Licence for Red Hot Summer Tour - Mackay Park, Batemans Bay	38
FBD16/081 Policy Review - Community Grants (Previously Financial Assistance - Donations and Grants)	39
FBD16/082 Policy Review - Borrowing Management Policy	40
FBD16/083 Policy Review - Debt Recovery	41
13. COMMUNITY, ARTS AND RECREATION REPORTS	42
CAR16/014 Continuity of Support funding	42
CAR16/015 Management Committees	43
14. DELEGATE REPORT	44
15. URGENT BUSINESS	44
16. DEALING WITH MATTERS IN CLOSED SESSION.....	44
17. CONFIDENTIAL MATTERS.....	46
CON16/025 Confidential Property Matter	46

CON16/026 Confidential Property Matter 47

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 13 DECEMBER 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, advised of the Evacuation Procedure and wished Councillors, staff and the community a safe and happy Christmas.

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.)

PF16/075 MR16/005 Paid Parking in Batemans Bay

Mr Adam Pike addressed Council in relation to MR16/005 Paid Parking in Batemans Bay.

A copy of Mr Pike's submission is available on Council's website.

PF16/076 MR16/005 Paid Parking in Batemans Bay

Mrs Trish Hellier addressed Council in relation to MR16/005 Paid Parking in Batemans Bay.

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

**PF16/077 NOM16/010 Dog Recreational Venues and GMR16/039 Delivery Program Review
Citizens' Jury**

Mr Peter Cormick addressed Council in relation to NOM16/010 Dog Recreational Venues and GMR16/039 Delivery Program Review – Citizens' Jury.

A copy of Mr Cormick's submission is available on Council's website.

EXTENSION OF TIME

16/353 MOTION Councillor Nathan/Councillor McGinlay

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

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

PF16/078 NOM16/010 Dog Recreational Venues

Mr Robert Loftus addressed Council in relation to NOM16/010 Dog Recreational Venues.

A copy of Mr Loftus presentation is available on Council's website.

PF16/079 GMR16/039 Delivery Program Review Citizens' Jury

Mr Paul Bradstreet addressed Council in relation GMR16/039 Delivery Program Review – Citizens' Jury.

A copy of Mr Bradstreet's submission is available on Council's website.

EXTENSION OF TIME

16/354 MOTION Councillor Constable/Councillor Tait

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

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

PF16/080 PSR16/054 Tern Inn- modification to operating hours

Mr Nick Walton addressed Council in relation to PSR16/054 Tern Inn- modification to operating hours.

A copy of Mr Walton's submission is available on Council's website.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

16/355 MOTION Councillor Thomson/Councillor Brown

THAT the minutes of the Ordinary Meeting held on 22 November 2016 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

6. MAYORAL REPORTS

MR16/005 PAID PARKING IN BATEMANS BAY

File Ref: E16.0041

16/356 MOTION Councillor Innes

THAT:

1. Pay parking be removed from the Clyde Street and Perry Street off-road parking areas in Batemans Bay by 23 December 2016.
2. Subject to the concurrence of the Local Traffic Committee, a three (3) hour parking limit be put in place over the Clyde Street and Perry Street off-road parking areas in Batemans Bay from 23 December 2016.
3. The appropriate budgets adjustment be submitted to Council for the 2016-17 financial year as part of the December 2016 budget review.

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

Division

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

Against the Motion: Clrs L Brown, A Mayne, R Pollock and J Thomson.

7. NOTICES OF MOTION

NOM16/010 DOG RECREATIONAL VENUES

File Ref: E16.0041

16/357 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. Council address existing and emerging demand for dog recreational venues in the Shire, with a staged approach that considers demand (current and potential), community engagement to date and cost within a responsible recreation planning context.
2. Council, by 31 March 2017, seek further information from the Batemans Bay Dog Park Supporters Group and other interested parties regarding the provision of dog recreational and training facilities in the Batemans Bay area and that Council support in principle the establishment of such amenities.
3. Council plan for the provision of a fenced dog training and recreation facility at the Moruya Showgrounds as part of the forward budget and master planning processes.

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

At 11:41 AM Councillor Mayne left the Chambers.

8. QUESTIONS ON NOTICE FROM COUNCILLORS

QON16/004 RINGLANDS POINT JETTY

File Ref: E16.0041

16/358 MOTION Councillor Constable/Councillor Nathan

THAT:

1. The response to the question regarding Ringlands Point Jetty, raised by Councillor Constable be received and noted.
2. Council pursue grant funds under the current program to re-establish the jetty at Ringlands Point in accordance with Department of Primary Industry – Marine Park construction requirements.
3. A report on the application and correspondence with the regulatory authorities involved be provided to Council at the next meeting.

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

QON16/005 DIRECTIONAL SIGNAGE

File Ref: E16.0041; E01.5363

16/359 MOTION Councillor Constable/Councillor Tait

THAT the response to the question regarding Directional Signage raised by Councillor Constable be received and noted.

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

At 11:45 AM Councillor Mayne returned to the Chambers.

QON16/006 DARGUES REEF MINE

File Ref: E16.0041

16/360 MOTION Councillor McGinlay/Councillor Constable

THAT the response to the questions regarding Dargues Creek Goldmine raised by Councillor McGinlay be received and noted.

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

QON16/007 PRINCES HIGHWAY CORRIDOR STRATEGY

File Ref: E16.0041

16/361 MOTION Councillor Constable/Councillor Tait

THAT the response to the question regarding the Princes Highway Corridor Strategy raised by Councillor Constable be received and noted.

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

9. GENERAL MANAGER'S REPORTS

GMR16/039 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

File Ref: e09.3479

16/362 MOTION Councillor Mayne/Councillor Thomson

THAT Council:

1. Receives the Eurobodalla Citizens' Jury Report.
2. Provides a response to the Eurobodalla Citizens' Jury recommendations in March 2017.
3. Thanks the jury members for their time and contribution.

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

GMR16/040 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

File Ref: E13.7162

16/363 MOTION Councillor Pollock/Councillor Brown

THAT Council receive and note the Code of Conduct Statistics Report.

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

GMR16/041 POLICY REVIEW - WORK HEALTH AND SAFETY POLICY

File Ref: E16.0297

16/364 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council endorses the draft Work Health and Safety policy.
2. The draft Work Health and Safety policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

ADJOURNMENT

16/365 MOTION Councillor Brown/Councillor McGinlay

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

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

At 12.02pm the meeting adjourned.

At 12.14pm the meeting reconvened.

10. PLANNING AND SUSTAINABILITY REPORTS

PSR16/054 TERN INN - MODIFICATION TO OPERATING HOURS

File Ref: 81.0870.D

16/366 MOTION Councillor Pollock/Councillor McGinlay

THAT Council approve application 313/02-M6 for a modification of trading hours at Lot 1 DP 537618, 2 Trafalgar Road, Tuross Head and notice of determination dated 23 November 2001 is amended to include the following conditions:

- 1a. The public trading hours of the restaurant are limited to the following:
 - 8.00am to 11.00pm Monday, Tuesday, Wednesday, Thursday and Sunday,
 - 8.00am to 12 midnight Friday and Saturday and any day preceding a Public Holiday,
 - 8.00am to 2.00am New Year's Eve.
 - Clean up and food preparation can occur outside of trading hours.
- 1b. That the received noise level from restaurant operation not exceed 44 dB $L_{Aeq15min}$ (day period), 38 dB $L_{Aeq15min}$ (evening period) and 37 dB $L_{Aeq15min}$ (night period) when measured at the boundary of nearby residences.
- 1c. Prior to the commencement of this consent, the applicant is to install an acoustic barrier recommended by SLR Consulting dated 10 November 2016, including the following:
 - i. Place MDF panel or fibre cement sheet behind the horizontal timber panels between the verandah decking and the ground
 - ii. Place a glass screen (no less than 6mm thick) with a height of 1.2m from the verandah decking.
 - iii. These treatments would be required to extend from the eastern entry doors to the top of the wheelchair access ramp.

Note: There will be other transparent screen material options available, including 6mm Perspex (or thicker), provided a minimum surface weight of 9kg/m² is achieved.
- 1d. Any trading beyond 10.00pm is to require the closure of all doors and relocation of any patrons from the deck to the inside of the restaurant.
- 1e. The sound levels ($L_{A01 1min}$) of the premises received at nearby residences not exceed the sleep disturbance criteria contained in the NSW Environmental Noise Control Manual.
- 1f. Prior to the commencement of the approved trading hours, a Noise Management Plan is to be prepared which addresses at least the following matters:
 - i. Information to be provided in the restaurant and at the place of exit, to alert patrons of the residential area and to keep noise to a minimum.
 - ii. Advice to be provide to patrons upon booking, about where to park.

- iii. A plan identifying preferable onsite and on-street parking for patrons away from residential houses
- iv. Any other measure that can be used to reduce noise disturbance.

(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, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

PSR16/055 DONATION OF DEVELOPMENT FEE

File Ref: 81.1169.B

16/367 MOTION Councillor Brown/Councillor Thomson

THAT a donation be made to Eurobodalla Sustainable Design on behalf of the Narooma Men's Shed to the value of \$290.00 being the assessment fee for Development Application 119/17 in accordance with Council's Code of Practice – Reimbursement – DA Fees.

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

PSR16/056 POLICY REVIEW - CLEAN AIR POLICY

File Ref: E16.0297

16/368 MOTION Councillor Brown/Councillor Mayne

THAT:

1. Council endorse the draft Clean Air Policy for public consultation.
2. The draft Clean Air 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**)

PSR16/057 TENDER - SHREDDING OF GARDEN ORGANIC, TIMBER AND STUMP MATERIAL

File Ref: E08.2465

16/369 MOTION Councillor Pollock/Councillor Brown

THAT Council:

1. Endorse the selection of RD Miller Pty Ltd for Tender RFT2017/PLS024 Shredding of Garden Organic, Timber and Stump Material.
2. Accordingly approves the entering into a contractual arrangement with RD Miller Pty Ltd, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with report PSR16/057 Tender – Shredding of Garden Organic, Timber and Stump Material.

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

PSR16/058 TENDER - TRANSPORT AND REUSE/RECYCLING OF BIOSOLIDS

File Ref: E14.8391

16/370 MOTION Councillor Brown/Councillor Constable

THAT Council:

1. Endorse the selection of Australian Native Landscapes Pty Ltd for Tender 2017/ISD025 Transport and reuse/recycling of biosolids.
2. Accordingly approves the entering into of a contractual arrangement with Australian Native Landscapes Pty Ltd, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with report PSR16/058 Tender – Transport and Reuse/Recycling of Biosolids.

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

**PSR16/059 TENDER - DESIGN, SUPPLY, INSTALLATION AND OPERATION OF LANDFILL
GAS EXTRACTION AND DESTRUCTION SYSTEMS**

File Ref: E12.6423

16/371 MOTION Councillor Brown/Councillor Thomson

THAT Council:

1. Endorse the selection of Landfill Gas Industries Pty Ltd for Tender 2017/PLS009 Design, Supply, Installation and Operation of Landfill Gas Extraction and Destruction Systems.
2. Accordingly approves the entering into of a contractual arrangement with Landfill Gas Industries Pty Ltd, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with report PSR16/059 Tender – Design, Supply, Installation and Operation of Landfill Gas Extraction and Destruction System.
3. The budgeted funds in the 2017-18 financial year be brought forward and additional capital and operational funding to support this project be included in the December 2016 quarterly review.

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

PSR16/060 RE-TENDER - FLYING FOX DISPERSAL SERVICES

File Ref: E15.9191

16/372 MOTION Councillor Brown/Councillor Nathan

THAT Council:

1. Endorses the selection of Eco Logical Australia Pty Ltd for Tender 2017/PLS0202 Flying Fox Dispersal Services.
2. Accordingly approves the entering into a contractual arrangement with Eco Logical Australia Pty Ltd subject to the terms specified in the Request for Tender unless otherwise varied in accordance with report PSR16/060 Re-Tender – Flying Fox Dispersal Services.
3. Enter into a Deed of Standing Offer with Biodiversity Australia for Tender 2017/PLS0202 Provision of Flying fox dispersal services in Batemans Bay, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with report PSR16/060 Re-Tender – Flying Fox Dispersal Services.

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

11. INFRASTRUCTURE REPORTS

**IR16/049 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY AND STRATEGIC
BUSINESS PLAN**

File Ref: E13.7193

16/373 MOTION Councillor Tait/Councillor Nathan

THAT Council adopt the attached Integrated Water Cycle Management Strategy and Strategic Business Plan.

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

IR16/050 LOCAL TRAFFIC COMMITTEE NO 3 FOR 2016-17

File Ref: E16.0002

16/374 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 of 2016-17 held on 17 November 2016 be received and noted.
2. That Council Plan No. 4000 Set B Sheet 32 detailing bus zone on River Street, Moruya be approved.
3. Council Plan No. M4400 TC01/4 C1 Amendment A, detailing modifications to the 5 minute and 2 hour parking on Sunshine Bay Road, Sunshine Bay be approved, with the final determination on the type of timed parking for the middle parking bay to be decided after further consultation between Council and the Sunshine Bay Public School Principal.

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

**IR16/051 FUNDING OFFER - 2016 - 17 BUSH FIRE RISK MITIGATION AND RESILIENCE
GRANTS PROGRAM**

File Ref: E14.8343

16/375 MOTION Councillor Constable/Councillor Thomson

THAT Council endorse action taken in accepting the grant funding offer of \$36,300 from the NSW Rural Fire Service under the 2016-17 Bush Fire Risk Mitigation and Resilience Grants Program.

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

IR16/052 TENDER FOR CONSTRUCTION OF CONCRETE BRIDGE LOCATED AT TUROSS RIVER (TYRONE BRIDGE) NERRIGUNDAH MOUNTAIN ROAD BODALLA - TENDER NO. 10006071

File Ref: E08.2547

16/376 MOTION Councillor Thomson/Councillor Tait

THAT:

1. Council endorses the selection of Bridgeworks (Aust) Pty Ltd for Tender No. 10006071 for the construction of a concrete bridge located at Tuross River (Tyronne Bridge) Nerrigundah Mountain Road, Bodalla.
2. Accordingly approves the entering into of a contractual arrangement with Bridgeworks (Aust) Pty Ltd, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with report ir16/052 Tender for Construction of Concrete Bridge located at Tuross River (Tyronne Bridge) Nerrigundah Mountain Road, Bodalla.

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

IR16/053 TENDER - BODALLA SEWAGE TREATMENT PLANT CONSTRUCTION

File Ref: e02.6256

16/377 MOTION Councillor Pollock/Councillor Thomson

THAT Council endorse the selection of Poonindie Pty Ltd (t/a Ted Wilson and Sons) for Tender No. 10005281 – Construction of Bodalla Sewage Treatment Plant for the recommended contract sum.

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

IR16/054 TENDER - CASEYS BEACH SEAWALL

File Ref: e05.9189.PS

16/378 MOTION Councillor Pollock/Councillor Constable

THAT Council endorse the selection of MGN Civil Pty Ltd for Tender No. 10006471
Construction of a Replacement Seawall at Caseys Beach for the recommended contract sum.

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

IR16/055 POLICY REVIEW - BUILD IN THE VICINITY OF SEWER MAINS

File Ref: E16.0297

16/379 MOTION Councillor Brown/Councillor Pollock

THAT:

1. Council endorses the draft Build in the Vicinity of Sewer Mains policy.
2. The draft Build in the Vicinity of Sewer Mains policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR16/056 POLICY REVIEW - BUSH FIRE RISK MANAGEMENT

File Ref: E16.0297

16/380 MOTION Councillor Pollock/Councillor Tait

THAT:

1. Council endorses the draft Bush Fire Risk Management policy.
2. The draft Bush Fire Risk Management policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR16/057 POLICY REVIEW - DRINKING WATER QUALITY

File Ref: E16.0297

16/381 MOTION Councillor Thomson/Councillor Brown

THAT:

1. Council endorses the draft Drinking Water Quality policy.
2. The draft Drinking Water Quality policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR16/058 POLICY REVIEW - SIGNS AS REMOTE SUPERVISION

File Ref: E16.0297

16/382 MOTION Councillor Thomson/Councillor Nathan

THAT:

1. Council endorses the draft Signs as Remote Supervision policy.
2. The draft Signs as Remote Supervision policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR16/059 POLICY REVIEW - GRAZING OF STOCK ON PUBLIC ROADS

File Ref: E16.0297

16/383 MOTION Councillor Mayne/Councillor Constable

THAT:

1. Council endorses the draft Grazing of Stock on Public Roads policy.
2. The draft Grazing of Stock on Public Roads policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

12. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD16/074 AUDIT, RISK AND IMPROVEMENT COMMITTEE TERMS OF REFERENCE

File Ref: E05.9354

16/384 MOTION Councillor Mayne/Councillor Constable

THAT Council endorse the changes to the Audit, Risk and Improvement Committee Terms of Reference.

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

FBD16/075 INVESTMENTS MADE AS AT 31 OCTOBER 2016

File Ref: E99.3517

16/385 MOTION Councillor Thomson/Councillor Tait

THAT the certification that the investments as at 31 October 2016 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**)

FBD16/076 TENDER - LEASE OF COUNCIL LAND - BATEMANS BAY

File Ref: 88.1180.D

16/386 MOTION Councillor Pollock/Councillor McGinlay

THAT:

1. Council endorses the selection of Denning Superannuation Fund for Request for Tender No. 2017/FBD013 – Lease of Part Lot 102 DP 1170964, 25 Cranbrook Road, Batemans Bay.
2. Council accordingly approves the entering into of a lease with Denning Superannuation Fund, subject to the terms specified in the Request for Tender No. 2017/FBD013 – Lease of Part Lot 102 DP 1170964, 25 Cranbrook Road, Batemans Bay..

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

FBD16/077 CLASSIFICATION OF COUNCIL LAND, BROU WASTE MANAGEMENT FACILITY

File Ref: 93.5568.D

16/387 MOTION Councillor Thomson/Councillor Pollock

THAT the part of Bodalla State Forest at Dalmeny being part Lot 147 and part Lot 197 in Deposited Plan 752131 required for waste management purposes be classified as operational land.

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

**FBD16/078 CLASSIFICATION OF COUNCIL LAND - LOT 70 DEPOSITED PLAN 1213485
BROULEE**

File Ref: 14.8434.S/94.6035.S

16/388 MOTION Councillor Nathan/Councillor Tait

THAT Lot 70 DP 1213485 be classified as operational land.

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

FBD16/079 EASEMENT FOR RIGHT OF ACCESS - EVANS STREET, MORUYA

File Ref: 91.2502.S

16/389 MOTION Councillor Thomson/Councillor McGinlay

THAT:

1. All actions necessary be taken for the granting of an easement for access within Lot 45 DP 1151309 benefitting Lot 14 Section 21 Deposited Plan 758710.
2. All survey, valuation and legal costs associated with the acquisition of the easement be borne by the applicant together with the payment of compensation to Council determined by a registered valuer.

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

FBD16/080 LICENCE FOR RED HOT SUMMER TOUR - MACKAY PARK, BATEMANS BAY

File Ref: 89.2899.B

16/390 MOTION Councillor Thomson/Councillor Constable

THAT Council as Trust Manager for the Eurobodalla (North) Reserve Trust grant a four-day licence, in accordance with Section 108 of the *Crown Lands Act 1989*, to Regional Touring Pty Limited to stage the Red Hot Sumer Tour event on Crown Reserve 580022 Mackay Park, Batemans Bay with terms and conditions including:

- (a) The licence period be from 9 March 2017 to 12 March 2017 inclusive.
- (b) The fee be the fee set out in the confidential attachment to this report.
- (c) Payment of a bond in the amount of \$3,000 be paid 30 days prior to the event.
- (d) The provision of an event management plan acceptable to Council for the event.
- (e) The provision of a traffic management plan acceptable to Council for the event.
- (f) The provision of public liability insurance in accordance with Council policy.
- (g) The Licensee to provide suitably qualified persons to render first aid and to provide security.
- (h) The Licensee to be responsible for the disposal of all waste brought onto or generated on the site and the reserve should be left in a clean and tidy state.
- (i) No glass receptacles are to be brought onto the reserve. This is to ensure the safety of sporting users of the oval.
- (j) Any temporary structures erected on the reserve should comply with the requirements of the Building Code of Australia.
- (k) All electrical leads and equipment should be tagged in accordance with relevant Australian Standards.
- (l) The Licensee to be responsible for making good any damage to the oval and other facilities used at Mackay Park during the event.
- (m) Compliance with provisions of the development consent conditions for events held at Mackay Park.

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

**FBD16/081 POLICY REVIEW - COMMUNITY GRANTS (PREVIOUSLY FINANCIAL
ASSISTANCE - DONATIONS AND GRANTS)**

File Ref: E16.0297

16/391 MOTION Councillor Brown/Councillor Thomson

THAT:

1. Council endorses the draft Community Grants Policy for public consultation.
2. The draft Community Grants 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**)

FBD16/082 POLICY REVIEW - BORROWING MANAGEMENT POLICY

File Ref: E16.0297

16/392 MOTION Councillor Nathan/Councillor Constable

THAT:

1. Council endorses the draft Borrowing Management Policy for public consultation.
2. The draft Borrowing Management 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 draft policy for consideration to adopt.

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

FBD16/083 POLICY REVIEW - DEBT RECOVERY

File Ref: E16.0297

16/393 MOTION Councillor Brown/Councillor Constable

THAT:

1. Council endorses the draft Debt Recovery Policy for public consultation.
2. The draft Debt Recovery 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 draft policy for consideration to adopt.

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

13. COMMUNITY, ARTS AND RECREATION REPORTS

CAR16/014 CONTINUITY OF SUPPORT FUNDING

File Ref: L.0332

16/394 MOTION Councillor Constable/Councillor Tait

THAT Council accepts the proposed funding of \$627,825 for the Commonwealth Continuity of Support (CoS) program by:

1. Endorsing the Continuity of Support Program Agreement.
2. Consent be given to affix the Common Seal of Council to the Continuity of Support Program Agreement.

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

CAR16/015 MANAGEMENT COMMITTEES

File Ref: E09.3518

16/395 MOTION Councillor Thomson/Councillor Nathan

THAT Council accept the nominations for each S355 Management Committee, as presented in the confidential attachment.

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

14. DELEGATE REPORT

Nil

15. URGENT BUSINESS

Nil

16. 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 reports are classified confidential under Section 10(A)(2) (c) and (d)(ii) 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;
- (d)(ii) commercial information of a confidential nature that would, if disclosed; confer a commercial advantage on a competitor of the council.

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:

16/396 MOTION Councillor Constable/Councillor Nathan

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:

CON16/025 Confidential Property Matter

Item CON16/025 is confidential in accordance with s10(A)(2)(dii) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

CON16/026 Confidential Property Matter

Item CON16/026 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 12.49pm the Ordinary Meeting of Council moved into Closed Session.

At 12.56pm the Ordinary Meeting of Council resumed.

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

17. CONFIDENTIAL MATTERS

CON16/025 CONFIDENTIAL PROPERTY MATTER

File Ref: E16.0231

16/397 MOTION Councillor Brown/Councillor Constable

THAT

1. Council note the relay route for the 2018 Commonwealth Games Queen's Baton Relay subject to endorsement by the Traffic Committee.
2. A budget of \$21,000 be allocated in 2017/2018 for provision of support services and facilities including arrangement, coordination and parking arrangements for operational stops and community engagement event.

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

CON16/026 CONFIDENTIAL PROPERTY MATTER

File Ref: E81.2168

16/398 MOTION Councillor Nathan/Councillor Tait

THAT Council delegate authority to the General Manager to negotiate lease terms including a rent reduction of up to a maximum of one year's rent with the lessee of [REDACTED].

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

THE MEETING CLOSED AT 12.57pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 14 February 2017 at which meeting the signature hereon was subscribed.