



Minutes

Ordinary Meeting of Council

11 April 2017

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 11 APRIL 2017

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	3
QON17/002 Dog Recreation Venues.....	4
GMR17/010 Delivery Program Review - Citizens' Jury.....	5
PSR17/016 Draft Emissions Reduction Plan.....	6
FBD17/023 Tuross Head Progress Association - Fees for use of Kyla Park Hall	7
7. NOTICES OF MOTION	8
NOM17/005 Electric Vehicles	8
9. GENERAL MANAGER'S REPORTS	9
GMR17/007 Motions for submission to the National General Assembly.....	9
GMR17/009 Eurobodalla Community Strategic Plan Exhibition	10
GMR17/011 Adoption of Policies	11
10. PLANNING AND SUSTAINABILITY REPORTS	12
PSR17/017 Declaration of Fossicking Districts	12
PSR17/018 Policy Review - Recreational Horse-Riding on Beaches	13
11. INFRASTRUCTURE REPORTS.....	14
IR17/017 Policy Review - Vegetation Clearing - Roadsides and Infrastructure Lines.....	14
IR17/018 Policy Review - Kerb and Gutter Construction - Contribution by Property Owners.....	15
IR17/019 Policy Review - Road and Pathway Opening	16
IR17/020 Policy Review - Pathway Construction - Contributions by Property Owners...	17
IR17/021 Local Traffic Committee No 6 for 2016-17	18
12. FINANCE AND BUSINESS DEVELOPMENT REPORTS.....	19

FBD17/020 Easement to Drain Water - Bay Street, Narooma	19
FBD17/022 Assignment of Lease - Tuross Head	20
FBD17/024 Policy Review - Investment Policy	21
FBD17/025 Sale of Closed Road - Batemans Bay.....	22
13. COMMUNITY, ARTS AND RECREATION REPORTS	23
CAR17/006 Policy Review - Library Services	23
CAR17/007 Advisory Committees - Aboriginal, Disability Inclusion and Public Art	24
14. DELEGATE REPORT	25
15. URGENT BUSINESS	25
16. DEALING WITH MATTERS IN CLOSED SESSION.....	26
17. CONFIDENTIAL MATTERS.....	26

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 11 APRIL 2017
COMMENCING AT 10.00AM**

PRESENT: Councillor Anthony Mayne, Deputy Mayor (in the Chair)
Councillors Jack Tait, James Thomson, Lindsay Brown, Maureen Nathan,
Patrick McGinlay and Phil Constable

Staff: Dr Catherine Dale, General Manager
Mr G Bruce, Acting 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 Deputy Mayor welcomed everyone to the meeting, acknowledged the Traditional Owners and advised of the Evacuation Procedure.

2. APOLOGIES

17/85 MOTION Councillor Brown/Councillor Tait

THAT apologies be received from Mayor Liz Innes and Councillor Pollock OAM and leave of absence be granted.

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

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.)

PF17/010 QON17/002 - Dog Recreation Venues

Mr Robert Loftus addressed Council in relation to QON17/002 Dog Recreation Venues.

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

PF17/011 GMR17/010 - Delivery Program Review – Citizens’ Jury

Mr Owen Cartledge addressed Council in relation to GMR17/010 - Delivery Program Review – Citizens’ Jury.

A copy of Mr Catledge’s submission is available on Council’s website.

EXTENSION OF TIME

17/86 MOTION Councillor McGinlay/Councillor Constable

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

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

PF17/012 PSR17/016 – Draft Emissions Reduction Plan

Mr Allan Rees addressed Council in relation to PSR17/016 – Draft Emissions Reduction Plan.

A copy of Mr Rees’ submission is available on Council’s website.

PF17/013 FBD17023 – Tuross Head Progress Association – Fees for use of Kyla Park Hall

Mr Lei Parker addressed Council in relation to FBD17023 – Tuross Head Progress Association – Fees for use of Kyla Park Hall.

A copy of Mr Parker’s submission is available on Council’s website.

EXTENSION OF TIME

17/87 MOTION Councillor Constable/Councillor McGinlay

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

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

PF17/014 FBD17023 – Tuross Head Progress Association – Fees for use of Kyla Park Hall

Mr Gary Cooper addressed Council in relation to FBD17023 – Tuross Head Progress Association – Fees for use of Kyla Park Hall.

A copy of Mr Cooper’s submission is available on Council’s website.

EXTENSION OF TIME

17/88 MOTION Councillor McGinlay/Councillor Brown

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

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

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

17/89 MOTION Councillor Brown/Councillor Thomson

THAT the minutes of the Ordinary Meeting held on 28 March 2017 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor McGinlay has declared a non-significant, non-pecuniary interest in item NOM17/002 Electric Vehicles and stated that he would stay in the Council Chambers during discussions and voting on the matter.

Reason: Councillor McGinlay declared that he owned an electric vehicle.

6. MAYORAL REPORTS

Nil

SUSPENSION OF STANDING ORDERS

17/90 MOTION Councillor Brown/Councillor Tait

THAT Standing Orders be suspended in order to discuss the following agenda items:

1. QON17/002 Dog Recreation Venues
2. GMR17/010 Delivery Program Review – Citizens' Jury
3. PSR17/016 Draft Emissions Reduction Plan
4. FBD17/023 Tuross Head Progress Association – Fee for use of Kyla Park Hall.

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

7. QUESTIONS ON NOTICE FROM COUNCILLORS

QON17/002 DOG RECREATION VENUES

File Ref: e16.0041

17/91 MOTION Councillor Mayne/Councillor Tait

THAT the response to the question regarding Dog Recreation Venues raised by Councillor Anthony Mayne be received and noted.

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

GMR17/010 DELIVERY PROGRAM REVIEW - CITIZENS' JURY

File Ref: e09.3479

17/92 MOTION Councillor Brown/Councillor Thomson

THAT Council:

1. receives the response to the Eurobodalla Citizens' Jury 2016 Report;
2. place the Eurobodalla Citizens' Jury 2016 Report on its website and copies also be made available at each of the three libraries;
3. note that a copy of the Eurobodalla Citizens' Jury 2016 Report has been sent to jury members; and
4. thank the jury members for their time and contribution.

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

PSR17/016 DRAFT EMISSIONS REDUCTION PLAN

File Ref: E07.1073

17/93 MOTION Councillor Brown/Councillor McGinlay

THAT Council

1. Council endorse the draft 2017-2021 Emissions Reduction Plan for public consultation.
2. The draft 2017-2021 Emissions Reduction Plan be placed on public exhibition for a period of 28 days, the draft Plan and any public submissions be presented to Council for adoption.

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

FBD17/023 TUROSS HEAD PROGRESS ASSOCIATION - FEES FOR USE OF KYLA PARK HALL

File Ref: E80.0051

17/94 MOTION Councillor Brown/Councillor Thomson

THAT Council does not donate user fees to not-for-profit community groups as these groups are granted a 40% discount for regular hire of public halls under the adopted Fees and Charges.

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

ADJOURNMENT

17/95 MOTION Councillor Thomson/Councillor Tait

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

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

At 11.40am the meeting adjourned.

At 11.52am the meeting reconvened

8. NOTICES OF MOTION

NOM17/005 ELECTRIC VEHICLES

File Ref: E00.4623

17/96 MOTION Councillor Tait/Councillor Brown

THAT Council:

1. Write to the New South Wales, Victorian and ACT Governments seeking their support for an electric highway along the NSW Coast between Sydney and Melbourne and linking Canberra and Batemans Bay.
2. Write to and encourage Bega Valley Shire, Queanbeyan-Palerang Regional, Wollongong and Shoalhaven City Councils, Regional Development Australia Far South Coast and South East Australian Transport Strategy Inc., to advocate for the establishment of an electric highway along the NSW Coast between Sydney and Melbourne and linking Canberra and Batemans Bay.
3. Continue to assist local businesses with the provision of advice on how to establish electric car charging facilities.
4. Utilise a web site to promote the location of electric car charging stations within the Eurobodalla and at locations linking the Eurobodalla to Sydney, Melbourne and the ACT.
5. Investigate and report back to Council on the potential establishment of electric vehicle or similar renewable energy vehicle charging stations at its visitor information centres and council owned property in Moruya.

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

9. GENERAL MANAGER'S REPORTS

GMR17/007 MOTIONS FOR SUBMISSION TO THE NATIONAL GENERAL ASSEMBLY

File Ref: E17.1021

17/97 MOTION Councillor McGinlay/Councillor Brown

THAT the following Motions be submitted for consideration at the National General Assembly to be held from 18 -21 June 2017:

1. A National education program be developed on the issues associated with balloon release in relation to littering and helium usage, and to encourage the banning of the release of balloons.
2. Preference be given to financial institutions that do not invest in, or finance, the fossil fuel industry where council's investment is compliant with its Investment Policy and the investment rate of interest is comparable to other similar investments that may be on offer to council at the time of investment.

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

GMR17/009 EUROBODALLA COMMUNITY STRATEGIC PLAN EXHIBITION

File Ref: e09.3480

17/98 MOTION Councillor Brown/Councillor Nathan

THAT the draft Community Strategic Plan be placed on public exhibition from 12 April 2017 until 9 May 2017.

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

GMR17/011 ADOPTION OF POLICIES

File Ref: E16.0297

17/99 MOTION Councillor Thomson/Councillor Tait

THAT Council adopt the following policies:

1. Compliance Policy
2. Copper Chrome Arsenate (CCA) Management Policy
3. Pesticides/Herbicides Policy
4. Water Saving Incentives Policy
5. Gathering Information for Risk Management Policy.

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

10. PLANNING AND SUSTAINABILITY REPORTS

PSR17/017 DECLARATION OF FOSSICKING DISTRICTS

File Ref: E02.6950

17/100 MOTION Councillor Tait/Councillor Nathan

THAT Council consent to the declaration of the Eurobodalla Shire as a Fossicking District.

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

PSR17/018 POLICY REVIEW - RECREATIONAL HORSE-RIDING ON BEACHES

File Ref: E16.0297

17/101 MOTION Councillor Brown/Councillor Tait

THAT

1. Council endorses the exhibition for 28 days of the draft Recreation Horse-Riding on Beaches policy for public consultation.
2. The draft Recreational Horse-Riding on Beaches 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**)

11. INFRASTRUCTURE REPORTS

**IR17/017 POLICY REVIEW - VEGETATION CLEARING - ROADSIDES AND
INFRASTRUCTURE LINES**

File Ref: E06.0375

17/102 MOTION Councillor Brown/Councillor Thomson

THAT

1. Council endorses the draft Vegetation Clearing – Roadsides and Infrastructure Lines policy.
2. The draft Vegetation Clearing – Roadsides and Infrastructure Lines 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**)

**IR17/018 POLICY REVIEW - KERB AND GUTTER CONSTRUCTION - CONTRIBUTION BY
PROPERTY OWNERS**

File Ref: E06.0375

17/103 MOTION Councillor Thomson/Councillor Nathan

THAT

1. Council endorses the draft Kerb and Gutter Construction – Contribution by Property Owners policy.
2. The draft Kerb and Gutter Construction – Contribution by Property Owners 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**)

IR17/019 POLICY REVIEW - ROAD AND PATHWAY OPENING

File Ref: E06.0375

17/104 MOTION Councillor Nathan/Councillor Thomson

THAT

1. Council endorses the draft Road and Pathway Opening policy.
2. The draft Road and Pathway Opening 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**)

**IR17/020 POLICY REVIEW - PATHWAY CONSTRUCTION - CONTRIBUTIONS BY
PROPERTY OWNERS**

File Ref: E06.0375

17/105 MOTION Councillor Nathan/Councillor Tait

THAT

1. Council endorses the Pathway Construction – Contributions by Property Owners policy.
2. The draft Pathway Construction – Contributions by Property Owners 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**)

IR17/021 LOCAL TRAFFIC COMMITTEE NO 6 FOR 2016-17

File Ref: E16.0002

17/106 MOTION Councillor Mayne/Councillor McGinlay

THAT:

1. Council Plan No.5156 Set BB Sheet 03 detailing the proposed Give Way signage and associated line-marking at the intersection of Iluka Avenue and Garagarang Street, Malua Bay be approved.
2. Council Plan No.5156 Set E Sheet 01 Amendment A detailing the proposed modification to the bus zone and addition of No Stopping signs on the Princes Highway, Bodalla be approved.
3. The minutes of the Eurobodalla Local Traffic Committee Meeting No 5 of 2016-17 held on 23 February 2017 be received and noted.

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

12. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD17/020 EASEMENT TO DRAIN WATER - BAY STREET, NAROOMA

File Ref: 87.4889.D / E05.9312

17/107 MOTION Councillor Brown/Councillor Constable

THAT

1. All actions necessary be taken for the acquisition of easements for drainage purposes within Lot 2 DP 392385 and Lots 10, 13 and 14 Section 19 DP 758754 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey, valuation and legal costs including the registered proprietors' reasonable legal costs associated with the acquisition of the easements be borne by Council.

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

FBD17/022 ASSIGNMENT OF LEASE - TUROSS HEAD

File Ref: E80.0163

17/108 MOTION Councillor Brown/Councillor Nathan

THAT:

1. Council consent to the current lessees to assign lease AI150059T over part of the Tuross Beach Holiday Park to the party named in the confidential attachment to Report FBD17/023, subject to 3 below.
2. Council as Trust Manager for the Eurobodalla (Central) Reserve Trust grant consent to the current lessees to assign the lease AI738066A over part of the Tuross Beach Holiday Park to the party named in the confidential attachment to Report FBD17/023, subject to all costs associated with the assignment including Council's legal costs being borne by the current lessees.
3. Both assignments be subject to:
 - (a) The assignee undertaking to attend to construction works within twelve months of the assignment. The details and value of the works are set out in the confidential attachment.
 - (b) All costs associated with the assignment of the leases including Council's legal costs being borne by the current lessee.
4. Council consent to the assignee obtaining a mortgage over Lease AI150059T.
5. Council, as Trust Manager for the Eurobodalla (Central) Reserve Trust, consent to the assignee obtaining a mortgage over Lease AI738066A, subject to consent from the Minister administering the Crown Lands Act 1989.
6. Both consents to the mortgage of the leases be subject to all costs including Council's legal costs being borne by the assignee.
7. Consent be given to affix the Common Seal of Council to:
 - (a) The Deed of Assignment associated with the assignment of leases AI150059T and AI738066A; and
 - (b) The Transfers of Leases AI150059T and AI738066A.

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

FBD17/024 POLICY REVIEW - INVESTMENT POLICY

File Ref: E16.0297

17/109 MOTION Councillor Tait/Councillor Thomson

THAT

1. Council endorses the draft Investment Policy for public consultation.
2. The draft Investment Policy be placed on public exhibition for a period of 28 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**)

FBD17/025 SALE OF CLOSED ROAD - BATEMANS BAY

File Ref: 04.8630.E

17/110 MOTION Councillor Brown/Councillor Nathan

THAT:

1. Council rescind the Deed of Agreement entered into with the original applicant to close and purchase part of Miller Street, Batemans Bay subject to Item 2 below.
2. A new Deed of Agreement be entered into with the development company named in the Confidential Attachment 3 to report FBD17/025 for the purchase of Lot 1 DP 1229620 requiring that company to pay an administrative fee, inclusive of GST of \$850.00 and to undertake the outstanding conditions of the original deed, namely:
 - i. Consolidate Lot 1 DP 1229620 with the adjoining Lot 1 DP 1178623; and
 - ii. Construct an access to a heavy vehicle standard approved by Council within the easement servicing Lots 14 and 15 DP31469 and Lot 1 DP 1036103.

And under the same Deed of Agreement for Council to undertake to:

- iii. Sell Lot 1 DP 1229620 to the applicant for an amount set out in the Confidential Attachment 2 to Report FBD17/025.
3. Owner's consent be given to the lodgement of a Development Application over Lot 1 DP 1229620.
4. Consent be given to affix the Common Seal of Council to:
 - (a) The Deed of Agreement
 - (b) The Transfer of Folio Identifier 1/1229620.

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

13. COMMUNITY, ARTS AND RECREATION REPORTS

CAR17/006 POLICY REVIEW - LIBRARY SERVICES

File Ref: E16.0297

17/111 MOTION Councillor Brown/Councillor Thomson

THAT:

1. Council endorses the draft Library Services policy.
2. The draft Library Services 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**)

CAR17/007 ADVISORY COMMITTEES - ABORIGINAL, DISABILITY INCLUSION AND PUBLIC ART

File Ref: E93.5498; E12.6216;E06.0162

17/112 MOTION Councillor Brown/Councillor Nathan

THAT Council:

1. Appoint seven (7) persons to the Eurobodalla Aboriginal Advisory Committee (EAAC) as recommended in the confidential attachment to Report CAR17/007 Advisory Committees – Aboriginal, Disability Inclusion and Public Art.
2. Appoint eight (8) persons to the Disability Inclusion Action Plan Advisory Committee (DIAP) as recommended in the confidential attachment to Report CAR17/007 Advisory Committees – Aboriginal, Disability Inclusion and Public Art.
3. The following change to the Public Art Advisory Committee (PAAC) Terms of Reference be adopted:

Page 2 – Composition – delete the words “three community members” and add “four community members”;
4. Appoint four (4) persons to the Public Art Advisory Committee as recommended in the confidential attachment to Report CAR17/007 Advisory Committees – Aboriginal, Disability Inclusion and Public Art.

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

14. DELEGATE REPORT

Nil

15. URGENT BUSINESS

17/002 SALE OF NSW LAND AND PROPERTY INFORMATION

Councillor Lindsay Brown raised an urgent matter regarding the proposed sale by the NSW Government of the NSW Land and Property Information and seeks support for the sale not proceed.

17/113 MOTION Councillor Brown/Councillor Nathan

THAT the matter be considered urgent.

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

17/114 MOTION Councillor Brown/Councillor Nathan

THAT the Mayor writes to the following parties expressing Council's strong opposition to the proposed sale of Land and Property Information:

1. NSW Premier, the Hon. Gladys Berejiklian MP, NSW Deputy Premier, the Hon John Barliaro MP and NSW Treasurer the Hon Dominic Perrottet MP and all Members of NSW Parliament requesting that the sale not proceed.
2. Federal Member for Gilmore, the Hon Ann Sudmalis MP and the Federal Member for Eden Monaro , the Hon Dr Mike Kelly MP and the Member for Bega, the Hon. Andrew Constance MP.
3. The Prime Minister the Hon Malcolm Turnbull, the Federal Attorney General, Senator George Brandis QC and the Federal Treasurer the Hon. Scott Morrison MP and seek their intervention to defer any sale of LPI until such time they have themselves reviewed the proposed sale having regard to the Foreign Investment rules specifically investing whether a monopoly ownership of NSW titles and/or any foreign ownership in is in National Interest and provided an undertaking that no profits or data will be shifted offshore.
4. Federal Government cross bench senators and NSW Upper House cross bench MP's.
5. The Council issue a media release expressing its strong opposition to the proposed sale to metropolitan and local media.

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

16. DEALING WITH MATTERS IN CLOSED SESSION

Nil

17. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 12.59 pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 9 May 2017 at which meeting the signature hereon was subscribed.