



Minutes

Ordinary Meeting of Council

7 April 2020

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 7 APRIL 2020

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 7 APRIL 2020
COMMENCING AT 11.00AM**

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
Ms Amanda Jones, Acting Director, Corporate and Commercial Services
Mrs K Arthur, Director, Community, Arts and Recreation
Mr J Phillips, Divisional Manager, Governance and Administration
Mrs K Green, Minute Secretary

1. WELCOME

The Mayor welcomed everyone to the meeting.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the Traditional Custodians of the Land, of Elders past and present, whose land we are gathered here today.

3. EVACUATION MESSAGE

The Mayor advised of the Evacuation Procedures.

4. APOLOGIES

NIL

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

20/43 MOTION Councillor Thomson/Councillor Nathan

THAT the minutes of the Ordinary Meeting held on 24 March 2020 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, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Brown declared a significant, non-pecuniary conflict of interest in IR20/003 Local Traffic Committee No 7 for 2019-20 and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Brown declared an interest as he is a Board Member of Narooma Oyster Festival which is subject to an event application.

Councillor Brown declared a non-significant, non-pecuniary conflict of interest in CCS20/011 Rent Relief – Council Leases and Licences and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Brown declared an interest as he has a professional relationship with a possible benefactor of this report.

Councillor Nathan declared a non-significant, non-pecuniary conflict of interest in GMR20/009 Disaster Recovery Funding – Commonwealth Government – Councils Affected by Bushfires and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Nathan declared an interest as she owns a property in the Mogo area which has a project listed for funding.

4. MAYORAL REPORTS

Nil

5. NOTICES OF MOTION

Nil

6. QUESTIONS ON NOTICE FROM COUNCILLORS

QON20/002 RECLASSIFICATION AND SALE OF COUNCIL LAND

File Ref: S012-T00024, S017-T00008

The following question on notice was received from Councillor Patrick McGinlay:

20/44 MOTION Councillor McGinlay/Councillor Mayne

THAT the response to the question regarding reclassification and sale of Council land raised by Councillor Patrick McGinlay 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, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

7. PETITIONS

Nil

8. GENERAL MANAGER'S REPORTS

GMR20/008 EXHIBITION OF THE DELIVERY PROGRAM 2017-21 AND OPERATIONAL PLAN 2020-21

File Ref: S004-T00028, S004-T00029

MOTION Councillor Pollock/Councillor Tait

THAT:

1. The revised draft Delivery Program 2017-21 and Operational Plan 2020-21 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges be endorsed and placed on public exhibition for a period of not less than 42 days.
2. Following public exhibition, a further report be submitted to Council for the consideration of submissions and adoption of the Delivery Program 2017-21 and Operational Plan 2020-21.

20/45 AMENDMENT Councillor McGinlay/Councillor Constable

THAT the revised draft Delivery Program 2017-21 and Operational Plan 2020-21 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges be placed on public exhibition for a period of not less than 42 days.

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

Division

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

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

AMENDMENT Councillor McGinlay/Councillor Mayne

THAT there be a 12 month moratorium until 30 June 2021, on implementing all proposed increases in any rates fees or charges as outlined within these documents.

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

Division

For the Motion: Clrs A Mayne and P McGinlay.

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

AMENDMENT Councillor McGinlay/Councillor Mayne

THAT the DP/OP document be amended at page 90 by omitting point 9, that references that forecasts dividend payment from Water and Sewer Funds to General Fund.

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

Division

For the Motion: Clr P McGinlay.

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

20/46 MOTION Councillor Pollock/Councillor Tait

THAT:

1. The revised draft Delivery Program 2017-21 and Operational Plan 2020-21 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges be placed on public exhibition for a period of not less than 42 days.
2. Following public exhibition, a further report be submitted to Council for the consideration of submissions and adoption of the Delivery Program 2017-21 and Operational Plan 2020-21

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

Division

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

Against the Motion: Nil.

**GMR20/009 DISASTER RECOVERY FUNDING – COMMONWEALTH GOVERNMENT -
COUNCILS AFFECTED BY BUSHFIRES**

File Ref: S008-T00015, S012-T00025

Councillor Nathan declared a non-significant, non-pecuniary conflict of interest in GMR20/009 Disaster Recovery Funding – Commonwealth Government – Councils Affected by Bushfires and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Nathan declared an interest as she owns a property in the Mogo area which has a project listed for funding.

20/47 MOTION Councillor Innes/Councillor Pollock

THAT:

1. The list of projects as outlined in this report be forwarded to the Office of Local Government for approval.
2. Councillors be briefed on the details of the programs prior to their implementation.

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

Division

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

Against the Motion: Nil.

GMR20/010 COVID-19 UPDATE

File Ref: S027-T00021

20/48 MOTION Councillor Brown/Councillor Pollock

THAT Council:

1. Note the action taken to date during this pandemic.
2. Receive further reports throughout the pandemic with additional actions Council has taken.

(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.

9. PLANNING AND SUSTAINABILITY REPORTS

Nil

10. INFRASTRUCTURE REPORTS

IR20/003 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2019-20

File Ref: E16.0002

Councillor Brown declared a significant, non-pecuniary conflict of interest in IR20/003 Local Traffic Committee No 7 for 2019-20 and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Brown declared an interest as he is a Board Member of Narooma Oyster Festival which is subject to an event application.

12:13 pm Councillor Brown left the Chambers.

20/49 MOTION Councillor Thomson/Councillor Constable

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 6 for 2019-20 be received and noted.
2. That Council Plan No. 5156 Set BP Sheet 08 detailing the 2-hour timed parking on Cranbrook Road, Batemans Bay be approved.

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

Division

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

Against the Motion: Nil.

At 12:14 pm Councillor Brown returned to the Chambers.

11. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS20/011 RENT RELIEF - COUNCIL LEASES AND LICENCES

File Ref: S023-T00015

Councillor Brown declared a non-significant, non-pecuniary conflict of interest in CCS20/011 Rent Relief – Council Leases and Licences and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Brown declared an interest as he has a professional relationship with a possible benefactor of this report.

20/50 MOTION Councillor Innes/Councillor Nathan

THAT Council delegates to the General Manager the ability to negotiate and implement deferrals of rent payments to Council for up to two years for organisations who can demonstrate hardship linked to either the recent bushfires or the COVID-19 pandemic.

(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.

CCS20/012 RENEWAL OF NAROOMA GOLF CLUB LEASE AND TRACK LICENCE

File Ref: S023-T00015; S023-T00017

20/51 MOTION Councillor Constable/Councillor Brown

THAT

1. The General Manager be given delegated authority to negotiate a 20 year lease over Reserve No. R91374, Ballingalla Street, Narooma Golf Club subject to the following conditions;
 - a. Payment of annual rental in line with terms of the previous lease, calculated in accordance with terms set out in the financial attachment.
 - b. Provision of evidence of public liability insurance cover in the amount of at least \$20 million; and
 - c. Conditions generally in line with the previous lease.
2. The General Manager be given delegated authority to negotiate track licences for periods of up to 5 years to Narooma Golf Club for the purposes of access subject to the following conditions;
 - a. Payment of annual licence fee in accordance with Councils fees and charges in-line with the previous licence fees.
 - b. Provision of evidence of public liability insurance cover in the amount of at least \$20 million; and
 - c. Conditions generally in line with the previous licence.

(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.

**CCS20/013 LICENCE FOR BIKE HIRE BUSINESS, CORRIGANS BEACH RESERVE,
BATEHAVEN.**

File Ref: S023-T00017

20/52 MOTION Councillor Pollock/Councillor Tait

THAT:

1. Council grant a one-year licence with terms and conditions in line with similar licences to Bay Bike Hire to operate a bike hire business within Crown Reserve R66122 at Corrigans Beach, Batehaven and the General Manager be given delegated authority to grant further licences.
2. The licence fee be in line with similar licences being \$1242.00 plus GST increased annually by CPI.

(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.

CCS20/014 CROWN ROAD TRANSFER AND EASEMENT FOR ACCESS - TURLINJAH

File Ref: S023-T00023

20/53 MOTION Councillor Pollock/Councillor Thomson

THAT

1. Consent be given for the transfer to Council of part unformed Crown road reserve 10 metres wide from the Princes Highway to Lots 210, 379 and 380 DP 752137 and for creation of a 5 metre wide Right of Access benefitting the owners of Lots 210, 379 and 380.
2. All costs including Council's reasonable legal and valuation costs associated with the creation of the Right of Access be borne by the applicant.
3. Compensation for the Right of Access be determined following a valuation by a registered valuer and be paid by the owners Lots 210, 379 and 380 to Council.
4. All construction and ongoing maintenance costs associated with the Right of Access be borne by the owners of Lots 210, 379 and 380 DP 752137.
5. 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: Crs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

CCS20/015 EASEMENT FOR ACCESS - BANYANDAH STREET, SOUTH DURRAS

File Ref: S023-T00001

20/54 MOTION Councillor Pollock/Councillor Brown

THAT

1. Consent be given for the creation of an easement for Right of Access within Council road reserve at South Durras in favour of Lot 78 DP 259212.
2. All costs including Council's reasonable legal and valuation 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, A Mayne, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

12. COMMUNITY, ARTS AND RECREATION REPORTS

CAR20/002 PUBLIC ART ADVISORY COMMITTEE REPORT

File Ref: S003-T00034

20/55 MOTION Councillor Brown/Councillor Tait

THAT Council:

1. Accept the sculptures entitled 'Family', 'Portal', "Buoyansea' and 'Dance' as gifts from the Batemans Bay Business and Tourism Chamber; and
2. Approve the installation of the sculpture entitled 'Family' at site nine at 'Spinnaker's Reach' with the endorsed \$10,000 budget.

(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.

CAR20/003 DEPARTMENT OF SOCIAL SERVICES FUNDING FOR CHILDREN'S SERVICES

File Ref: E15.9106

20/56 MOTION Councillor Pollock/Councillor Brown

THAT Council:

1. Approve the acceptance of \$161,274.20 offer from the Department of Social Services for the 3Bs Supported Playgroup; and
2. Affix the Common Seal of Council to the DSS Funding Agreement.

(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.

13. DELEGATE REPORT

Nil

14. URGENT BUSINESS

Nil

15. DEALING WITH MATTERS IN CLOSED SESSION

Nil

16. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 12.33PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 26 May 2020 at which meeting the signature hereon was subscribed.