



Minutes

Ordinary Meeting of Council

13 June 2017

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 13 JUNE 2017

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 13 JUNE 2017
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
Mrs D Lenson, Acting Director, Planning and Sustainability Services
Mr W Sharpe OAM, Director, Infrastructure Services
Mrs K Asbury, Acting 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.)

PF17/016 - PSR17/032 2017-21 Emissions Reduction Plan

Ms Kathryn Maxwell addressed Council in relation to PSR17/032 Emissions Reduction Plan.

A copy of Ms Maxwell's submission is available on Council's website.

EXTENSION OF TIME

17/170 MOTION Councillor Mayne/Councillor McGinlay

THAT Ms Maxwell be granted an extension of three minutes to complete her presentation.

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

PF17/017 - PSR17/032 2017-21 Emissions Reduction Plan

Mr Allan Rees addressed Council in relation to PSR17/032 Emissions Reduction Plan.

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

PF17/018 – PSR17/034 Batemans Bay Mackay Park Precinct – Short Term Interim Use and Disposal of Equipment

Ms Sue Mackenzie addressed Council in relation to PSR17/034 Batemans Bay Mackay Park Precinct – Short Term Interim Use and Disposal of Equipment.

A copy of Ms Mackenzie's submission is available on Council's website.

EXTENSION OF TIME

17/171 MOTION Councillor Nathan/Councillor Mayne

THAT Ms Mackenzie be granted an extension of three minutes to complete her presentation.

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

PF17/019 – IR17/038 Eurobodalla Pathways Strategy 2017

Ms Susan Pryke addressed Council in relation to IR17/038 Eurobodalla Pathways Strategy 2017.

A copy of Ms Pryke's submission is available on Council's website.

PF17/020 – IR17/039 Naming of Corrigans Reserve Inclusive Playground

Mr Charles Stuart addressed Council in relation IR17/039 Naming of Corrigans Reserve Inclusive Playground

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

PF17/021 – CAR17/018 Dog Recreation Areas – Batemans Bay

Ms Kerry McCutcheon addressed Council in relation to CAR17/018 Dog Recreation Areas – Batemans Bay.

A copy of Ms McCutcheon submission is available on Council's website.

PF17/022 – CAR17/018 Dog Recreation Areas – Batemans Bay

Ms Coral Anderson addressed Council in relation to CAR17/018 Dog Recreation Areas – Batemans Bay.

A copy of Ms Anderson's submission is available on Council's website.

PF17/023 – CAR17/018 Dog Recreation Areas – Batemans Bay

Mr Robert Loftus addressed Council in relation to CAR17/018 Dog Recreation Areas – Batemans Bay.

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

PF17/024 – CAR17/018 Dog Recreation Areas – Batemans Bay and CAR17/019 Dog Recreation Areas - Nelligen

Ms Kaylyn Welsh addressed Council in relation to CAR17/018 Dog Recreation Areas – Batemans Bay and CAR17/019 Dog Recreation Areas – Nelligen

A copy of Ms Welsh's submission is available on Council's website.

PF17/025– CAR17/018 Dog Recreation Areas – Batemans Bay

Mr Peter Cormick addressed Council in relation to CAR17/018 Dog Recreation Areas – Batemans Bay.

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

ADJOURNMENT

17/172 MOTION Councillor Mayne/Councillor Tait

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

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

At 11.38am the meeting adjourned.

At 11.46am the meeting reconvened.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

17/173 MOTION Councillor Thomson/Councillor Constable

THAT the minutes of the Ordinary Meeting held on 23 May 2017 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

SUSPENSION OF STANDING ORDERS

17/174 MOTION Councillor Brown/Councillor Mayne

That Standing Orders be suspended in order to deal with the following items:

PSR17/032 – 2017-21 Emissions Reduction Fund

PSR17/034 – Batemans Bay Mackay Park Precinct – Short Term Interim Use and Disposal of Equipment

IR17/038 – Eurobodalla Pathways Strategy 2017

IR17/039 – Naming of Corrigan’s Beach Reserve Inclusive Playground

CAR17/018 – Dog Recreation Area – Batemans Bay

CAR17/019 – Dog Recreation Area - Nelligen

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

PSR17/032 2017-2021 EMISSIONS REDUCTION PLAN

File Ref: E07.1073

17/175 MOTION Councillor Brown/Councillor McGinlay

THAT Council:

1. Receive and note the feedback provided by community members during the public exhibition of the draft 2017-2021 Emissions Reduction Plan.
2. Write to all who made a submission thanking them for their input and advising of Council's decision.
3. Adopt the 2017-2021 Emissions Reduction Plan, as attached to this report.

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

**PSR17/034 BATEMANS BAY MACKAY PARK PRECINCT - SHORT TERM INTERIM USE AND
DISPOSAL OF EQUIPMENT**

File Ref: e12.6442

17/176 MOTION Councillor Brown/Councillor Tait

THAT:

1. The report on the short-term interim use of the former Batemans Bay Bowling Club be received and noted.
2. Council proceed with the disposal of items, other than chattels of everyday use, from the former Batemans Bay Bowling Club, and in doing so, consider how interested community groups may be able to receive items they are interested in at minimal, or no, cost to them.
3. Council receive a further report on options regarding the temporary use of the former Batemans Bay Bowling Club, once the position of the NSW RMS is known.

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

IR17/038 EUROBODALLA PATHWAYS STRATEGY 2017

File Ref: E07.1434

17/177 MOTION Councillor Nathan/Councillor McGinlay

THAT Council defer the Eurobodalla Pathways Strategy 2017 until the meeting of 27 June 2017.

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

IR17/039 NAMING OF CORRIGANS BEACH RESERVE INCLUSIVE PLAYGROUND

File Ref: E85.3187

MOTION Councillor Pollock/Councillor McGinlay

THAT:

1. Council name the new inclusive playground at Corrigans Beach Reserve, 'Variety Inclusive Playground, Batemans Bay'.
2. A plaque be installed to recognise significant contributors.
3. The design of the sign and location be referred to the Public Arts Advisory Committee.

17/178 AMENDMENT Councillor Brown/Councillor Nathan

THAT:

1. Council name the new inclusive playground at Corrigans Beach Reserve, 'Batemans Bay Variety Inclusive Playground'.
2. A plaque be installed to recognise significant contributors.
3. The design of the sign and location be referred to the Public Arts Advisory Committee.

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

The Amendment was **LOST** and Councillors voted on the Motion.

17/179 MOTION Councillor Pollock/Councillor McGinlay

THAT:

1. Council name the new inclusive playground at Corrigans Beach Reserve, 'Variety Inclusive Playground, Batemans Bay'.
2. A plaque be installed to recognise significant contributors.
3. The design of the sign and location be referred to the Public Arts Advisory Committee.

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

CAR17/018 DOG RECREATION AREAS - BATEMANS BAY

File Ref: E16.0041

17/180 MOTION Councillor Tait/Councillor Mayne

THAT Council:

1. Select Mundarra Way, Surfside for the location of an on-leash recreational dog park in the Batemans Bay area.
2. Allocate a budget of \$4,000 for water, seating and bins at the selected site and consider further infrastructure, as part of recreation planning, as demand and use grows.
3. Publicly exhibit for twenty eight (28) days a draft amendment to the Companion Animal Management Plan 2015-2019 on the use of the selected site for an on-leash area for dogs. Animals would be required to be under the care and control of a competent person at all times.
4. A further report be provided to Council containing a revised Companion Animal Management Plan 2015-19 inclusive of considerations of the submissions received during the exhibition period.
5. Council investigate funding options to secure fencing on this site.

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

Division

For the Motion: Councillors Brown, Constable, Innes, Nathan, Pollock, Tait and Thomson.

Against the Motion: Councillors Mayne and McGinlay.

CAR17/019 DOG RECREATION AREAS - NELLIGEN

File Ref: E16.0041

17/181 MOTION Councillor Pollock/Councillor Mayne

THAT Council:

1. Allocate a budget of \$4,000 for water, seating and bins at the selected Nelligen site at the end of Tennis Court Lane
2. Publicly exhibit for twenty eight (28) days a draft amendment to the Companion Animal Management Plan 2015-19 on the usage of Lot DP 145 726765, Nelligen as a 24 hour off-leash area for dogs. Animals would be required to be under the care and control of a competent person at all times.
3. A further report be provided to Council containing a revised Companion Animal Management Plan 2015-19 inclusive of considerations of the submissions received during the exhibition period.

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

9. GENERAL MANAGER'S REPORTS

GMR17/014 ENDORSEMENT OF EUROBODALLA COMMUNITY STRATEGIC PLAN

File Ref: e09.3480

17/180A MOTION Councillor Brown/Councillor Nathan

THAT:

1. Council endorse the Community Strategic Plan.
2. A copy of the Community Strategic Plan is posted on Council's website and in accordance with the *Local Government Act 1993*, a copy will be provided to the Director-General by notifying the Minister of the appropriate URL link to access the plan within 28 days of adoption.

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

GMR17/015 ADOPTION OF POLICIES

File Ref: E16.0297

17/181 MOTION Councillor Pollock/Councillor Tait

THAT Council adopt the following policies

1. Children's Services
2. Library Services
3. Liquid Trade Waste Regulation
4. Recycled Water
5. Water and Sewer Construction by Private Contractor
6. Kerb and Gutter Construction – Contribution by Property Owners
7. Pathway Construction – Contribution by Property Owners
8. Road and Pathway Opening
9. Vegetation Clearing – Roadside and Infrastructure Lines
10. Investment.

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

GMR17/017 POLICY REVIEW - CODE OF MEETING PRACTICE

File Ref: E16.0297

17/182 MOTION Councillor Brown/Councillor Thomson

THAT:

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

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

10. PLANNING AND SUSTAINABILITY REPORTS

PSR17/033 DRAFT INTEGRATED ECONOMIC GROWTH AND DEVELOPMENT STRATEGY

File Ref: E15.9300

17/183 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council endorse the draft Integrated Economic Growth and Development Strategy for public exhibition for a period of six weeks from 21 June 2017 to 4 August 2017.
2. A further report be put to Council at the conclusion of the public exhibition period.

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

11. INFRASTRUCTURE REPORTS

IR17/040 FUNDING OFFER - COMMUNITY DEVELOPMENT GRANTS PROGRAM

File Ref: E98.2412

17/184 MOTION Councillor Brown/Councillor Pollock

THAT Council:

1. Endorse action taken in accepting the grant funding offer of \$350,000 from the Department of Infrastructure and Regional Development under the Community Development Grants Program.
2. Write to Dr Peter Hendy to thank him for securing this funding.

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

12. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD17/037 POLICY REVIEW - COMMUNITY GRANTS POLICY

File Ref: E16.0267

17/185 MOTION Councillor Mayne/Councillor Tait

THAT the Community Grants Policy be adopted effective the 1 July 2017 to be in line with the 2017-2018 budget period.

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

FBD17/038 POLICY REVIEW - EVENTS POLICY

File Ref: e88.0056

17/186 MOTION Councillor Brown/Councillor Tait

THAT:

1. Council endorses the draft Events policy for public consultation.
2. The draft Events 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**)

FBD17/039 POLICY REVIEW - EXTINGUISHMENT OF EASEMENTS

File Ref: E06.0365

17/187 MOTION Councillor Thomson/Councillor Tait

THAT:

1. Council endorses the repeal of the Extinguishment of Easements Policy for public consultation.
2. The proposed repeal of the Extinguishment of Easements 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 policy for consideration to repeal.

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

FBD17/040 POLICY REVIEW - LAND ACQUISITION AND DISPOSAL POLICY

File Ref: E06.0635

17/188 MOTION Councillor Pollock/Councillor McGinlay

THAT:

1. Council endorses the draft Land Acquisition and Disposal Policy for public consultation.
2. The draft Land Acquisition and Disposal 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**)

FBD17/041 POLICY REVIEW - TRANSFER OF CROWN ROADS TO COUNCIL

File Ref: E16.0297

17/189 MOTION Councillor Pollock/Councillor Nathan

THAT

1. Council endorses the repeal of the Transfer of Crown Roads to Council Policy for public consultation.
2. The proposed repeal of the Transfer of Crown Roads to Council 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 policy for consideration to repeal.

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

FBD17/042 POLICY REVIEW - WATER USAGE CHARGING POLICY

File Ref: E16.0297

17/190 MOTION Councillor Thomson/Councillor Tait

THAT

1. Council endorses the draft Water Usage Charging Policy for public consultation.
2. The draft Water Usage Charging 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**)

13. COMMUNITY, ARTS AND RECREATION REPORTS

CAR17/017 NAIDOC WEEK GRANTS

File Ref: E16.0297

17/191 MOTION Councillor Brown/Councillor McGinlay

THAT Council approve the recommendations detailed in the confidential attachment, awarding NAIDOC Week grants to 7 organisations in the 2016-17 funding round.

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

CAR17/020 POLICY REVIEW - ARTS AND CULTURAL SERVICES POLICY

File Ref: E16.0297

17/192 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council change the name of the policy from Arts and Cultural Services to Creative Arts Services; and
2. Council adopt the Creative Arts Services policy.

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

CAR17/021 POLICY REVIEW - COMMUNITY GARDENS

File Ref: E16.0297

17/193 MOTION Councillor Thomson/Councillor Tait

THAT:

1. Council endorses the draft Community Gardens policy.
2. The draft Community Gardens 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**)

CAR17/022 POLICY REVIEW - PROPERTY - USE BY COMMUNITY ORGANISATIONS

File Ref: E16.0297

17/194 MOTION Councillor Nathan/Councillor Tait

THAT:

1. Council endorses the draft Property – Use by Community Organisations policy.
2. The draft Property – Use by Community Organisations 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**)

14. DELEGATE REPORT

DR17/005 2017 NATIONAL FLOODPLAIN MANAGEMENT CONFERENCE

File Ref: E92.7043;E91.3255

17/195 MOTION Councillor Thomson/Councillor Mayne

THAT the Delegates Report from Councillor James Thomson on the 2017 Floodplain Management Conference be received and noted.

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

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) (a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(a) Personnel matters concerning particular individuals (other than Councillors); and

Mr Paul Bradstreet, Mr Jim Bright and Mr Peter Cormick all addressed Council on why they believed Council should not go into Closed Session.

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:

17/196 MOTION Councillor Pollock/Councillor Thomson

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:

CON17/002 Personnel Matter

Item CON17/002 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors).

CON17/003 Personnel Matter

Item CON17/003 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors).

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

At 1.35pm the Ordinary Meeting of Council moved into Closed Session.

At 2.22pm the Ordinary Meeting of Council resumed.

The Mayor advised the following recommendations were declared carried in Closed Session

17. CONFIDENTIAL MATTERS

CON17/002 PERSONNEL MATTER

File Ref: E17.0225

17/197 MOTION Councillor Innes

THAT Council:

1. Receive the report on the General Manager's Annual Review Process 2016-17 and recognise her efforts and commitment to the Council and the Eurobodalla community over the past twelve months.
2. Develop, in consultation with the General Manager, key performance indicators for 2017-18, unless otherwise resolved by Council to renew the General Manager's Contract as outlined in Item CON17/003.

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

CON17/003 PERSONNEL MATTER

File Ref: E78.2585

17/198 MOTION Councillor Innes

THAT:

1. Council renew the contract of the General Manager, Dr Catherine Dale, for a period of five years commencing 1 July 2017.
2. Schedule A of the Contract to include:
 - (a) Provision of an executive car to be negotiated with full private use rights according to Council's Vehicle Use Code of Practice. Vehicle value must be below the value that would attract luxury motor vehicle sales tax. An amount calculated by reference to the Local Government NSW scale shall be attribute to the package value each year. Council will consider an equivalent novated lease arrangement.
 - (b) Professional Development: Council will provide professional development expenses up to a maximum of \$8,000 pa to allow for payment of professional memberships and for attendance at relevant professional associations and professional development events.
 - (c) Tools of the Trade: Council will provide a mobile telephone, laptop computer, ipad or similar equipment deemed by Council to be necessary for the fulfilment of the position. Home and mobile wireless broadband access will be provided.
3. Schedule B of the Contract, being the Key Performance Indicators, be developed by the Council in consultation with the General Manger.
4. The Mayor, in consultation with the Councillors, be delegated to negotiate Schedule C of the Contract, being the remuneration package of the General Manager and that the benchmark for Group 4 councils be used as a basis.
5. The Common Seal of Council be affixed to the General Manager's contract in accordance with the Local Government Act 1993.
6. The Mayor be delegated to issue media releases in respect of the renewal of the contract for the General Manager.

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

Division

For the Motion: Councillors Brown, Constable, Innes, Mayne, Nathan, Pollock, Tait and Thomson.

Against the Motion: Councillor McGinlay.

THE MEETING CLOSED AT 2.25pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 27 June 2017 at which meeting the signature hereon was subscribed.