



Minutes

Ordinary Meeting of Council

30 April 2019

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 30 APRIL 2019

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 30 APRIL 2019
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 and Phil Constable

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, 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, 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

19/59 MOTION Councillor Thomson/Councillor Nathan

THAT apologies be received from Councillor Rob 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.)

PF19/18 PSR19/007 Batemans Bay Regional Aquatic, Arts and Leisure Centre – Survey Results

Mr John Mobbs addressed Council in relation to item PSR19/007 Batemans Bay Regional Aquatic, Arts and Leisure Centre – Survey Results. A copy of Mr Mobb's submission is available on Council's website.

PF19/19 PSR19/007 Batemans Bay Regional Aquatic, Arts and Leisure Centre – Survey Results

Ms Coral Anderson, on behalf of Peter Coggan, addressed Council in relation to item PSR19/007 Batemans Bay Regional Aquatic, Arts and Leisure Centre – Survey Results. A copy of Mr Coggan's submission is available on Council's website.

EXTENSION OF TIME

MOTION Councillor McGinlay/Councillor Constable

THAT Ms Coral Anderson be granted an extension of three minutes to complete the presentation.

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

PF19/20 PSR19/007 Batemans Bay Regional Aquatic, Arts and Leisure Centre – Survey Results

Ms Maureen Searson addressed Council in relation to item PSR19/007 Batemans Bay Regional Aquatic, Arts and Leisure Centre – Survey Results. A copy of Ms Searson’s submission is available on Council’s website.

EXTENSION OF TIME

MOTION Councillor McGinlay/Councillor Constable

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

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

PF19/21 PSR19/007 Batemans Bay Regional Aquatic, Arts and Leisure Centre – Survey Results

Ms Joan Armstrong addressed Council in relation to item PSR19/007 Batemans Bay Regional Aquatic, Arts and Leisure Centre – Survey Results. A copy of Ms Armstrong’s submission is available on Council’s website.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

19/60 MOTION Councillor Tait/Councillor Thomson

THAT the minutes of the Ordinary Meeting held on 09 April 2019 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Brown declared a non-significant, non-pecuniary conflict of interest in CAR19/007 Community Development and Youth Grants and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Brown declared an interest as he is a volunteer for Y Drive.

6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

GMR19/008 EXHIBITION OF THE DELIVERY PROGRAM 2017-21 AND OPERATIONAL PLAN 2019-20

File Ref: E19.1854

MOTION Councillor Brown/Councillor Nathan

THAT:

1. The revised draft Delivery Program 2017-21 and Operational Plan 2019-20 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 28 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 2019-20.

AMENDMENT Councillor McGinlay/Councillor Constable

THAT:

1. The revised draft Delivery Program 2017-21 and Operational Plan 2019-20 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 28 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 2019-20.

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

19/61 MOTION Councillor Brown/Councillor Nathan

THAT:

1. The revised draft Delivery Program 2017-21 and Operational Plan 2019-20 incorporating the Budget, Capital Works Program, Statement of Revenue Policy and Fees and Charges be endorsed for public exhibition for a period of not less than 28 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 2019-20.

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

GMR19/007 FUNDING ACCEPTANCE - OBSERVATION POINT VIEWING PLATFORM

File Ref: E18.1636

19/62 MOTION Councillor Tait/Councillor Nathan

THAT Council endorse staff action in accepting funding of \$672,500 from the Commonwealth Government under its Building Better Regions Fund administered by the Department of Infrastructure, Transport and Regional Development for the construction of a viewing platform at Observation Point Batehaven.

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

GMR19/009 FUNDING OFFER - MACKAY PARK

File Ref: E17.1312

19/63 MOTION Councillor Tait/Councillor Brown

THAT Council endorse the actions taken to accept the offer of funding of \$25,000,000 from the Commonwealth Government under its Regional Growth Fund administered by the Department of Infrastructure, Regional Development and Cities for the Batemans Bay Regional Aquatic, Arts and Leisure Centre.

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

11. PLANNING AND SUSTAINABILITY REPORTS

**PSR19/003 DRAFT AMENDMENTS TO THE RESIDENTIAL ZONED DEVELOPMENT
CONTROL PLAN AND TREE PRESERVATION CODE**

File Ref: E08.2564 E98.2526

19/64 MOTION Councillor Tait/Councillor Thomson

THAT Council:

1. Endorse the draft Residential Zones Development Control Plan and Tree Preservation Code for public exhibition for a period not less than 28 days.
2. Following public exhibition, a further report be submitted to Council for consideration of submissions and adoption of the Residential Zones Development Control Plan and Tree Preservation Code.

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

PSR19/004 PLANNING PROPOSAL NO 14 - FLOOD MAPPING AND REZONE LAND

File Ref: E17.1294

19/65 MOTION Councillor Thomson/Councillor Tait

THAT Council:

1. Endorse the amendment to Planning Proposal 14 to remove flood mapping from the exhibited Gateway determination and amend Clause 6.5 of the Eurobodalla Local Environmental Plan 2012 to remove reference to flood mapping;
2. Make a request to the Department of Planning to amend the Gateway determination to reflect the recommendation (1) above; and
3. Contact respondents to the call for submissions thanking them for their contributions and advise of Council's resolution in respect to the Gateway determination.

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

**PSR19/007 BATEMANS BAY REGIONAL AQUATIC, ARTS AND LEISURE CENTRE - SURVEY
RESULTS**

File Ref: E12.6442.P

19/66 MOTION Councillor Thomson/Councillor Tait

THAT

1. Council receive and note the report on the Batemans Bay Regional Aquatic, Arts and Leisure Centre – Survey Results.
2. A final concept plan and financial analysis be developed for the Batemans Bay Regional Aquatic, Arts and Leisure Centre (Concept D).

(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, J Tait and J Thomson.

Against the Motion: Nil.

PSR19/006 DRAFT ECONOMIC DEVELOPMENT STRATEGY

File Ref: E88.0056

19/67 MOTION Councillor Tait/Councillor Nathan

THAT

1. Council adopt the draft *Economic Development Strategy 2019-2028*.
2. Council write to those who made a submission on the draft *Economic Development Strategy 2019-2028* and thank them.

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

12. INFRASTRUCTURE REPORTS

IR19/010 REQUEST FOR TENDER - SUPPLY, INSTALL, COMMISSION OF A GRIT COLLECTOR AT THE MORUYA SEWAGE TREATMENT PLANT

File Ref: E91.2605

19/68 MOTION Councillor Thomson/Councillor Nathan

THAT:

1. Council endorse the selection of Gongues Pty Ltd for Request for Tender (RFT) No. 2019/ISD 044 Supply, Install, Commission of a Grit Collector at the Moruya Sewage Treatment Plant; and
2. Accordingly approves the entering into of a contractual arrangement with Gongues Pty Ltd, subject to the terms specified in the Request for Tender.

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

13. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS19/012 LEASES - SDN CHILDREN'S SERVICES INC

File Ref: E02.6698

19/69 MOTION Councillor Thomson/Councillor Tait

THAT:

1. Consent be given to vary the lease to SDN Children's Services over that part of Lot 8 DP 1186078 (formerly Lot 39 DP 800369) known as the Batemans Bay Children and Family Centre, 1A Melaleuca Crescent, Catalina by way of Variation of Lease providing for:
 - (a) A three year extension of the lease term to 31 May 2029.
 - (b) Rental for the additional three years of the lease from 2026 to 2029 to be at commercial rates based on a valuation from a registered valuer.
 - (c) All costs including legal costs associated with the preparation and registration of the Variation of Lease and valuation costs be borne by SDN Children's Services.
2. A lease be granted to SDN Children's Services for an office within the Batemans Bay Children and Family Centre located at Lot 8 DP 1186078, 1A Melaleuca Crescent, Catalina with conditions including:
 - (a) A term of ten years commencing on 1 June 2019 and terminating on 31 May 2029.
 - (b) Office rental is as per the Confidential Attachment to this report.
 - (c) All costs including legal costs associated with the preparation and registration of the lease be borne by SDN Children's Services.
3. Consent be given to affix the Common Seal of Council to the Variation of Lease and the new lease for the office.

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

CCS19/013 INVESTMENTS MADE AS AT 31 MARCH 2019

File Ref: E99.3517

19/70 MOTION Councillor Tait/Councillor Constable

THAT the certification that the investments as at 31 March 2019, 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**)

**CCS19/014 REQUEST FOR TENDER NO. 2019/CCD043 - INTEGRATED HEAVY VEHICLE
COMPLIANCE MANAGEMENT SYSTEM SOLUTION**

File Ref: E19.1857

19/71 MOTION Councillor Mayne/Councillor Thomson

THAT Council

1. Endorses the selection of Teletrac Navman for Request for Tender No. 2019/CCD043 – Integrated Heavy Vehicle Compliance Management System solution within the Confidential Attachment to this report.
2. Accordingly approves the entering into a Contractual Agreement with Teletrac Navman, subject to the terms specified in the Request for Tender No. 2019/CCD043.

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

CCS19/015 PART ROAD CLOSURE - BEACH ROAD, SUNSHINE BAY

File Ref: 13.7239.B

19/72 MOTION Councillor Tait/Councillor Mayne

THAT

1. A Deed of Agreement be entered into with the land owner of Lot 1 DP 505968 for the closure of that part of Beach Road, Sunshine Bay adjacent to their property requiring the land owner to pay all costs associated with the closure of part of Beach Road, including compensation to be determined following a valuation, and to consolidate the area of closed road with Lot 1 DP 505968.
2. Subject to the above Deed of Agreement being entered into, Council publicly notify the proposal to close Council road reserve adjacent to Lot 1 DP 505968 in accordance with the provisions of the Roads Act 1993 for a period of 28 days.
3. Subject to no objections being received the closure of Council road reserve adjacent to Lot 1 DP 505968 proceed.
4. Once closed and vested in Council the land be transferred to the land owner of Lot 1 DP 505968 following payment to Council of the agreed compensation.
5. Consent be given to affix the Common Seal of Council to all relevant documentation.

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

CCS19/016 LAKESEA PARK - LEASE AMENDMENT

File Ref: 84.0042.D

19/73 MOTION Councillor Nathan/Councillor Tait

THAT:

1. Clause 16 of the lease over Lot 1 DP 1224658 to Lakesea Park Pty Ltd be varied in accordance with *Crown Land Management Act 2016* as per the Confidential Attachment to this report.
2. The Lessee be responsible for all costs associated with the registration of the variation to the lease.
3. Consent be given to affix the Common Seal of Council to the variation of lease over Lot 1 DP 1224658.

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

CCS19/017 LAND ACQUISITION FOR ROAD WIDENING - BROULEE ROAD, BROULEE

File Ref: E17.1238/03.7140.D

19/74 MOTION Councillor Tait/Councillor Nathan

THAT

1. All actions necessary be taken for the acquisition of land for road purposes of part Lot 3 DP 1013077 and part Lot 1 DP 239668 in accordance with Council's Land Acquisition and Disposal Policy.
2. All costs associated with the land acquisition be borne by Council.
3. Compensation for the land be determined following a valuation by a Registered Valuer.
4. Authority be given to affix the Common Seal of Council to the necessary documentation associated with the acquisition.

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

14. COMMUNITY, ARTS AND RECREATION REPORTS

CAR19/006 ART ACQUISITION POLICY

File Ref: E16.0297

19/75 MOTION Councillor Brown/Councillor Mayne

THAT Council adopt the Art Acquisition Policy.

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

CAR19/007 COMMUNITY DEVELOPMENT AND YOUTH GRANTS

File Ref: E00.4938

Councillor Brown declared a non-significant, non-pecuniary conflict of interest in CAR19/007 Community Development and Youth Grants and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Brown declared an interest as he is a volunteer with Y Drive.

19/76 MOTION Councillor Thomson/Councillor Mayne

THAT Council accepts:

1. \$7,635 from the Department of Prime Minister and Cabinet to support the Walawaani Garindja and Ydrive projects; and
2. \$10,000 from Coördinaire South East Public Health Network to promote healthy lifestyles and improve physical activity and mental health amongst Eurobodalla residents.

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

CAR19/008 ABORIGINAL ADVISORY COMMITTEE

File Ref: E93.5498

19/77 MOTION Councillor McGinlay/Councillor Mayne

THAT Council appoint three (3) persons to the Aboriginal Advisory Committee, as recommended in the confidential attachment.

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

15. DELEGATE REPORT

Nil

16. URGENT BUSINESS

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

Nil

18. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 11.24am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 28 May 2019 at which meeting the signature hereon was subscribed.