



# **Minutes**

**Ordinary Meeting of Council**

**10 December 2019**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 10 DECEMBER 2019**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 10 DECEMBER 2019  
COMMENCING AT 11.00AM**

**PRESENT:** Councillor Rob Pollock OAM (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 C Ginger, Acting 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**

The Chair welcomed everyone to the meeting.

**2. ACKNOWLEDGEMENT OF COUNTRY**

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

**3. EVACUATION MESSAGE**

The Chair advised of the Evacuation Procedures.

The Chair took the opportunity to express his heartfelt thanks and admiration for fire fighters and associated personnel who have risked their lives to assist during the recent fire emergency.

The Chair also wished best of luck to the business owners who have suffered due to closure of the two main highway's leading to Eurobodalla.

#### **4. APOLOGIES**

##### **19/251 MOTION** Councillor Brown/Councillor Constable

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

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

##### Division

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

Against the Motion: Nil.

#### **5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

##### **19/252 MOTION** Councillor Thomson/Councillor Constable

THAT the minutes of the Ordinary Meeting held on 26 November 2019 be confirmed.

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

##### Division

For the Motion: Crs L Brown, P Constable, 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 PSR19/039 Hallmark Event Partnership Program – Narooma Oyster Festival 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 the Narooma Oyster Festival.

#### **4. MAYORAL REPORTS**

Nil

**5. NOTICES OF MOTION**  
**NOM19/009 IMPROVED IMPOUND FACILITIES**

File Ref:

**MOTION**

THAT:

1. At the next available Council budget review, sufficient funds be allocated to conduct:
  - a) A detailed inspection of the current animal pound to assess its suitability in light of community expectations and current best practice
  - b) further, that should there be inadequacies or improvements needed, that a scoping plan to address these be developed.
  - c) further, on the basis of such a scoping plan, that costing estimates to implement any improvements be prepared for councillor consideration.
2. The above exercise considers the suggested improvements by the local RSPCA as outlined in the background to this Notice of Motion, in particular, upgrading of facilities comprising:
  - a) paved entrance and parking area
  - b) extended dog exercise area
  - c) construction of separate, enclosed cattery
  - d) construction of separate office and visitors' area.

**19/253 MOTION** Councillor McGinlay/Councillor Thomson

THAT Council receive a detailed briefing, as early as possible in 2020, on the pound and potential works, including those recommended by the RSPCA to improve its condition and operations.

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

Division

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

Against the Motion: Nil.

**NOM19/010 RE-INSTatement OF SPECIALIST CONTINENCE NURSING POSITION IN  
EUROBODALLA SHIRE**

File Ref: E

**19/254 MOTION** Councillor McGinlay/Councillor Mayne

THAT:

1. Council advocate to the Southern NSW Local Health District (SNSWLHD) management, that they re-employ a continence nurse to provide the services to the women, men and children of the Eurobodalla who live daily with these problems. The advocacy should be way of a letter from Council with copies to:
  - a) The local State member
  - b) The Federal members of both Gilmore and Eden –Monaro.

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

Division

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

Against the Motion: Nil.



**NOM19/011 ADULT MIGRANT ENGLISH PROGRAM**

File Ref:

**19/255 MOTION** Councillor Nathan/Councillor McGinlay

THAT Council:

1. Write to the Department of Home Affairs requesting that the Adult Migrant English Program (AMEP) be reinstated in our local area so that new migrants can access the program within our shire.
2. Promote the English course currently running locally at TAFE to eligible new migrants to ensure maximum benefit.

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

Division

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

Against the Motion: Nil.

**NOM19/012 BUSHFIRE FUEL REDUCTION PROTOCOLS**

File Ref:

**MOTION**

THAT Council write to the Premier, The Honourable Gladys Berejiklian with a copy of the letter to the Member for Bega, and Minister for Transport Andrew Constance, NSW Rural Fire Service Commissioner Shane Fitzsimmons, Minister for Energy and Environment Matthew Kean, the NSW Forest Corporation and Ministers responsible for the Corporation, seeking an urgent review of the current bushfire fuel reduction protocols and planning practices with the view of achieving a more efficient process for Government and private property owners, more frequent and regular hazard reduction burning in the State Forests and National Parks of NSW and a commitment of resources by the NSW Government to ensure that required hazard reduction burns can be undertaken as and when required.

**MOTION** Councillor McGinlay/Councillor Mayne

THAT Council move into Committee of the Whole.

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

Division

For the Motion: Clrs A Mayne, P McGinlay and M Nathan.

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

**AMENDMENT** Councillor Mayne/Councillor McGinlay

THAT Council write to the Premier, The Honourable Gladys Berejiklian with a copy of the letter to the Member for Bega, and Minister for Transport Andrew Constance, NSW Rural Fire Service Commissioner Shane Fitzsimmons, Minister for Energy and Environment Matthew Kean, the NSW Forest Corporation and Ministers responsible for the Corporation, seeking an urgent review of the current bushfire fuel reduction protocols, fire fighting protocols, community readiness, environmental impact and planning practices with the view of achieving a more efficient process for Government and private property owners, more frequent and regular hazard reduction burning in the State Forests and National Parks of NSW and a commitment of resources by the NSW Government to ensure that required hazard reduction burns can be undertaken as and when required.

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

Division

For the Motion: Crs A Mayne and P McGinlay.

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

**19/256 MOTION** Councillor Pollock/Councillor Constable

THAT Council write to the Premier, The Honourable Gladys Berejiklian with a copy of the letter to the Member for Bega, and Minister for Transport Andrew Constance, NSW Rural Fire Service Commissioner Shane Fitzsimmons, Minister for Energy and Environment Matthew Kean, the NSW Forest Corporation and Ministers responsible for the Corporation, seeking an urgent review of the current bushfire fuel reduction protocols and planning practices with the view of achieving a more efficient process for Government and private property owners, more frequent and regular hazard reduction treatment in the State Forests, National Parks of NSW and Council controlled reserves for a commitment of resources by the NSW Government to ensure that required hazard reduction treatments can be undertaken as and when required.

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

Division

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

Against the Motion: Cr A Mayne.

**NOM19/013 MOGO TOILETS**

File Ref:

**19/257 MOTION** Councillor McGinlay/Councillor Mayne

THAT Council

1. Acknowledge the significant community and business support for the installation of additional public toilets in Mogo, specifically in the John Street reserve.
2. Submit a funding application to the NSW government for construction of the toilets
3. Allocate an appropriate maintenance and cleaning budget in recognition of the additional level of service the additional toilet facilities represents.

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

Division

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

Against the Motion: Nil.

**NOM19/014 ONE HOSPITAL**

File Ref:

**19/258 MOTION** Councillor McGinlay/Councillor Tait

THAT Council write to the Southern NSW Local Health District (SNSWLHD) to

1. Reaffirm Council's support for the development of a single, high quality hospital facility, appropriately located in our shire
2. Seek to assist SNSWLHD as a stakeholder in expediting the planning process, by carrying out our role in the timeliest manner practicable
3. Seek assurance that the new facility will provide medical services equal to those of the Regional and Base Hospitals within the Southern NSW Local Health District.

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

Division

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

Against the Motion: Nil.

**6. QUESTIONS ON NOTICE FROM COUNCILLORS**

**QON19/007 DIVIDEND FROM WATER AND SEWER BUDGETS**

File Ref:

The following questions on notice were received from Councillor Patrick McGinlay:

**Question**

1. What has been the surplus generated each year for the past ten financial years from the Water and Sewer budgets?
2. (a) What has been the dividend transferred to the General Fund each year for the past ten financial years?  
  
(b) Has this been fully expended each year?
3. What has become of the remainder of the surplus from the Water and Sewer budgets from the past ten financial years (after dividends transferred to the General Fund)?

**19/259 MOTION** Councillor McGinlay/Councillor Thomson

THAT the response to the question regarding the Dividend from Water and Sewer Budgets 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, 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**

**GMR19/024 PROPOSED CLASSIFICATION MODEL FROM REMUNERATION TRIBUNAL**

File Ref: 3436087

**19/260 MOTION** Councillor Thomson/Councillor Tait

THAT Council:

1. Endorse the draft submission attached to this report.
2. Forward the submission to the Local Government Remuneration Tribunal for consideration in finalising the 2020 annual review and determination.

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

Division

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

Against the Motion: Nil.



**9. PLANNING AND SUSTAINABILITY REPORTS**

**PSR19/036 EXPRESSION OF INTEREST - BATEMANS BAY REGIONAL AQUATIC, ARTS AND  
LEISURE CENTRE - CONSTRUCTION WORKS**

File Ref: E12.6442P

**19/261 MOTION** Councillor Brown/Councillor Thomson

THAT Council endorse the recommendation contained in the confidential attachment with respect to EOI 2019/PLS108.

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

Division

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

Against the Motion: Nil.

**PSR19/037 EUROBODALLA NATURE BASED TOURISM FEASIBILITY STUDY SUMMARY  
REPORT**

File Ref: E18.1705

**19/262 MOTION** Councillor Nathan/Councillor Brown

THAT Council adopt the draft Eurobodalla Nature Based Tourism Feasibility Study: Summary Report.

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

Division

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

Against the Motion: Nil.

**PSR19/038 HALLMARK EVENT PARTNERSHIP PROGRAM - RIVER OF ART**

File Ref: E137079

**19/263 MOTION** Councillor Mayne/Councillor Tait

THAT Council approve the annual allocation of \$20,000 to support the River of Art Festival for a three year agreement, consistent with the actions of the Event Strategy.

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

Division

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

Against the Motion: Nil.

**PSR19/039 HALLMARK EVENT PARTNERSHIP PROGRAM - NAROOMA OYSTER FESTIVAL**

File Ref: E13.7079

Councillor Brown declared a significant, non-pecuniary conflict of interest in PSR19/039 Hallmark Event Partnership Program – Narooma Oyster Festival 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 the Narooma Oyster Festival.

**At 12:04 pm** Councillor Brown left the Chambers.

**19/264 MOTION** Councillor Constable/Councillor Tait

THAT Council approve the annual allocation of \$20,000 to support the Narooma Oyster Festival for a three-year agreement, consistent with the actions of the Event Strategy.

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

Division

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

Against the Motion: Nil.

**At 12:07 pm** Councillor Brown returned to the Chambers.

The Chair informed the meeting of an urgent request from the Prime Minister, the Hon Scott Morrison MP, for flags across Australia are to be flown at half-mast with immediate effect today, Tuesday 10 December 2019 to honour the victims of the tragic events on White Island, New Zealand, yesterday 9 December 2019.

As a mark of mourning and respect and in accordance with protocol, Council's flags will be flown at half-mast for the remainder of today.

**At 12:07 pm** Councillor Nathan left the Chambers.

**PSR19/040      S0029/20 - SECTION 68 APPLICATION - ICE CREAM CART - 9 CHURCH STREET,  
MORUYA**

File Ref: 90.1061.B

**19/265 MOTION** Councillor Mayne/Councillor Thomson

THAT Council approve the Section 68 application under the *Local Government Act 1993* for a street vending activity at 9 Church Street, Moruya, subject to:

1. That the activity is approved for a four-month period ending 13 March 2020.
2. That the activity maintains a two-metre wide footpath walkway zone.
3. That the activity is limited to the sale of ice cream from a refrigerated cart.
4. That Council is provided with a copy of the \$20 million public liability insurance policy.
5. That the applicant obtain a licence and pay the applicable licence fee for commercial use of public land, in accordance with Council's fees and charges.

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

Division

For the Motion:      Clrs L Brown, P Constable, A Mayne, P McGinlay, R Pollock, J Tait and J  
   Thomson.

Against the Motion: Nil.

**10. INFRASTRUCTURE REPORTS**

**IR19/025 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2019-20**

File Ref: E16.0002

**19/266 MOTION** Councillor Mayne/Councillor Tait

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 for 2019-20 be received and noted.
2. Council Plan No. 5178 Set A Sheet 23 detailing the modified signage and line marking associated with a new right turn lane and associated realignment on Beach Road, between Perry Street and Orient Street, Batemans Bay, be approved.
3. Council Plan No. 5125 Set B Sheets 08 detailing the signage and line marking associated with the shared path, located on Sylvan Street Malua Bay, be approved.

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

Division

For the Motion: Clrs L Brown, P Constable, A Mayne, P McGinlay, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

**IR19/026 REQUEST FOR TENDER 2019/ISD100 - CONSTRUCTION OF CONCRETE BRIDGE  
WIDENING AT UNNAMED CREEK (GARLANDTOWN BRIDGE), NORTH HEAD ROAD  
MORUYA**

File Ref: E19.1781

**At 12:10 pm** Councillor Nathan returned to the Chambers.

**19/267 MOTION** Councillor Thomson/Councillor Mayne

THAT:

1. Council endorse the selection of Kenpass Pty Ltd for Request for Tender (RFT) No. 2019/ISD100 Construction of Concrete Bridge Widening at Garlandtown Bridge, North Head Road, Moruya; and
2. Accordingly approves the entering into of a contractual arrangement with Kenpass Pty Ltd, subject to the terms specified in the Request for Tender.

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

Division

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

Against the Motion: Nil.

**IR19/027 REQUEST FOR TENDER NO. 10012631 - CONSTRUCTION OF A REGIONAL SEWAGE PUMPING STATION AND RISING MAIN, BROULEE**

File Ref:

**19/268 MOTION** Councillor Thomson/Councillor Tait

THAT:

1. Council endorse the selection of MMA Civil Contractors P/L listed for Request for Tender (RFT) No. 10012631 Construction of a Regional Sewage Pumping Station and Rising Main, Broulee; and
2. Accordingly approves the entering into of a contractual arrangement with MMA Civil Contractors P/L, subject to the terms specified in the Request for Tender.

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

Division

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

Against the Motion: Nil.



**11. CORPORATE AND COMMERCIAL SERVICES REPORTS**

**CCS19/066 REQUEST FOR TENDER 2019/CCD106 - CONCRETE SUPPLY PANEL**

File Ref: E00.4061

**19/269 MOTION** Councillor Thomson/Councillor Tait

THAT Council

1. Endorses the proposed panel composition Request for Tender (RFT) No. 2019/CCD106 and associated rankings detailed within the Confidential Attachment to this report.
2. Accordingly approves the entering-into of Deeds of Standing Offer with the proposed panellists, subject to the terms specified in the RFT No. 2019/CCD106.

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

Division

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

Against the Motion: Nil.

**CCS19/067 LEASE TO WESTPAC LIFE SAVER RESCUE HELICOPTERS**

File Ref: E89.2941

**19/270 MOTION** Councillor Brown/Councillor Thomson

THAT

1. The General Manager be given delegated authority to grant a lease to Westpac Life Saver Rescue Helicopters (Southern Region) over Lot 3 DP 1090948 with provisions in-line with the previous lease and including the following conditions:
  - a. a term of three years commencing 1 March 2020 and terminating 28 February 2023, with a three year option;
  - b. initial rental as set out in the Confidential Attachment, increasing annually by 3% or CPI whichever is the greater.
2. Consent be given to affix the Common Seal of Council to the lease over Lot 3 DP 1090948.
3. The General Manager be given delegated authority to negotiate further leases at Moruya Airport.

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

Division

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

Against the Motion: Nil.

**CCS19/068 LICENCES - BMX RESERVES, CATALINA**

File Ref: E82.6521

**19/271 MOTION** Councillor Mayne/Councillor Tait

THAT:

1. A five-year licences be granted to the Lions Club of Batemans Bay and Batemans Bay BMX Club to use the club house, associated facilities and surrounds to conduct club activities with conditions including:
  - (a) An annual fee in the amount \$498 plus GST increased annually in line with the CPI.
  - (b) Maintenance of public liability insurance in the amount of \$20 million.
  - (c) Responsibility in equal shares with other licensees for the repair and maintenance of the club house and associated facilities excepting structural repairs and
  - (d) BMX Club is fully responsibility for the repair and maintenance of the BMX track.
  - (e) Electricity costs to be shared with other licensees.
  - (f) No fixed structures to be constructed without the consent of Council.
  - (g) No signage, including sponsor's signage, without the consent of Council.
  - (h) Club will have exclusive use of club house on certain days (determined in consultation with other licensees).
2. The General Manager be given delegated authority to grant further licences to the Lions Club of Batemans Bay and Batemans Bay BMX Club in similar terms.

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

Division

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

Against the Motion: Nil.

**CCS19/069 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT**

File Ref: E13.7162

**19/272 MOTION** Councillor Tait/Councillor Nathan

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

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

Division

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

Against the Motion: Nil.

**CCS19/070 NEW RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK (OLG) TERMS OF REFERENCE**

File Ref:

**19/273 MOTION** Councillor Thomson/Councillor Tait

THAT Council submits to the Office of Local Government responses raised in the discussion paper '*A New Risk Management and Internal Audit Framework for local councils in NSW – Discussion paper*', as attached to this report.

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

Division

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

Against the Motion: Nil.

**12. COMMUNITY, ARTS AND RECREATION REPORTS**

Nil

**13. DELEGATE REPORT**

Nil

**14. URGENT BUSINESS**

Nil

Before closing the meeting, the Chair wished all members of the community a very terrific and safe Christmas and uninterrupted trading this festive season.

**THE MEETING CLOSED AT 12.31pm**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Wednesday, 25 December 2019 at which meeting the signature hereon was subscribed.