



Minutes

Ordinary Meeting of Council

23 June 2020

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 23 JUNE 2020

MINUTES

1. WELCOME	1
2. ACKNOWLEDGEMENT OF COUNTRY	1
3. APOLOGIES.....	1
NIL	1
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	1
5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA	2
6. MAYORAL REPORTS	3
MR20/006 Development Application Fees	3
7. NOTICES OF MOTION	4
Nil	
8. QUESTIONS ON NOTICE FROM COUNCILLORS	4
Nil	
9. PETITIONS	4
Nil	
10. GENERAL MANAGER'S REPORTS	5
GMR20/013 Disaster Recovery Update	5
GMR20/014 Adoption of the revised 2017-21 Delivery Program and 2020-21 Operational Plan.....	6
GMR20/015 Councillor Superannuation Discussion Paper.....	11
11. PLANNING AND SUSTAINABILITY REPORTS.....	12
PSR20/008 Draft Batemans Bay Waterfront Masterplan and Activation Strategy	12
PSR20/009 Eurobodalla Local Environmental Plan Amendment No. 14	13
PSR20/010 Coastal Management Plan Grant	14
12. INFRASTRUCTURE REPORTS	15
IR20/008 Request for Tender No. 10017601 - Potato Point Sewer Rising Main, Sewage Pump Station and Water Main.....	15

13. CORPORATE AND COMMERCIAL SERVICES REPORTS	16
CCS20/023 Investments made as at 31 May 2020.....	16
CCS20/024 Land Acquisition - Southern Water Storage Facility.....	17
CCS20/025 Land Acquisition for Road Widening - Wamban Road, Wamban	18
14. COMMUNITY, ARTS AND RECREATION REPORTS.....	19
CAR20/008 Public Art Advisory Committee Recommendation.....	19
15. DELEGATE REPORT	20
16. URGENT BUSINESS	20
17. CONFIDENTIAL MATTERS	20

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 23 JUNE 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 A 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. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

20/83 MOTION Councillor Pollock/Councillor Nathan

THAT the minutes of the Ordinary Meeting held on 26 May 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.

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Nathan declared a significant, pecuniary conflict of interest in MR20/006 Development Application Fees and stated that she did believe her interest would preclude her from voting.

Reason: Councillor Nathan declared an interest as she has a property that was significantly impacted by the bushfires as categorised by the NSW Government.

Councillor Thomson declared a significant, pecuniary conflict of interest in MR20/006 Development Application Fees and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Thomson declared an interest as he has a property that was significantly impacted by the bushfires as categorised by the NSW Government.

Councillor Innes declared a significant, non-pecuniary conflict of interest in PSR20/008 Draft Waterfront Masterplan and Activation Strategy and stated that she did believe her interest would preclude her from voting.

Reason: Councillor Innes declared an interest as her family have a business in the locality of the foreshore which is part of the Waterfront Masterplan and Activation Strategy.

6. MAYORAL REPORTS

MR20/006 DEVELOPMENT APPLICATION FEES

S006-T00001

Councillor Nathan declared a significant, pecuniary conflict of interest in M20/006 Development Application Fees and stated that she did believe her interest would preclude her from voting.

Reason: Councillor Nathan declared an interest as she has a property that was significantly impacted by the bushfires as categorised by the NSW Government.

Councillor Thomson declared a significant, pecuniary conflict of interest in MR20/006 Development Application Fees and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Thomson declared an interest as he has a property that was significantly impacted by the bushfires as categorised by the NSW Government.

At 11:07 am Councillor Nathan left the meeting.

At 11:07 am Councillor Thomson left the meeting.

20/84 MOTION Councillor Innes

THAT:

1. Council allocate \$200,000 from the *Disaster Recovery Funding – Commonwealth Government, Councils Affected by Bushfires*, to assist significantly impacted ratepayers, as categorised by the NSW Government, with Development Application fees.
2. Eligible ratepayers can submit an application through the Eurobodalla Disaster Relief Fund for up to \$1,000 to assist with Development Application fees if they owned the subject property during the bushfires.
3. Grant applications will be accepted for a period of two years from 1 July 2020 or until funds are utilised, noting that ratepayers could apply retrospectively.

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

Division

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

Against the Motion: Nil.

At 11:13 am Councillor Nathan returned to the meeting.

At 11:14 am Councillor Thomson returned to the meeting.

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

GMR20/013 DISASTER RECOVERY UPDATE

File Ref: S008-T00007; S012-T00025

20/85 MOTION Councillor Tait/Councillor Nathan

THAT Council:

1. Receive and note this report
2. Receive and note the Eurobodalla Recovery Action Plan attached to this report.
3. Acknowledge the ongoing support from the NSW and Australian Governments, and the many community, private and not-for-profit groups.

(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.

GMR20/014 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND 2020-21 OPERATIONAL PLAN

File Ref: S004-T00028, S004-T00029

RECOMMENDATION

THAT Council:

1. Acknowledge the financial support provided to individuals and businesses by the Australian, NSW government, not-for-profit organisations and Council as a result of the bushfires and COVID-19 pandemic.
2. Make the maximum rate of interest payable on overdue rates and charges for the period 1 July 2020 to 30 June 2021 be 0.0% per annum.
3. Endorse the Directive of a Payment Plan to the Rates and Debtors Hardship policy, attached to this report, to ease the process for ratepayers to apply for financial assistance.
4. Allocate \$200,000 to be distributed to businesses for further financial support through the Eurobodalla Disaster Relief Fund.
5. Note that the first rates payment is not due until 30 September 2020.
6. Defer the payments of S94 and S64 contributions for development (other than subdivision, until prior to the issuing of an occupation certificate.
7. Make the annual Ordinary Rates for 2020-21 in accordance with the rate peg set by IPART which is 2.6%, as contained in the table in the report.
8. Make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2020-21 in accordance with the amended Revenue Policy and Fees and Charges as contained in the tables in the report.
9. Make each fee and charge for 2020-21 in accordance with the Fees and Charges as attached to this report.
10. Adopt the Delivery Program 2017-21 and Operational Plan 2020-21 attached to the report as per the statutory requirements with implementation to commence 1 July 2020.
11. Thank the community members who made a submission and provide them with a response.

20/86 MOTION Councillor Mayne/Councillor Tait

THAT Council acknowledge the financial support provided to individuals and businesses by the Australian, NSW government, not-for-profit organisations and Council as a result of the bushfires and 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.

20/87 MOTION Councillor Tait/Councillor McGinlay

THAT Council make the maximum rate of interest payable on overdue rates and charges for the period 1 July 2020 to 30 June 2021 be 0.0% per annum.

(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.

20/88 MOTION Councillor Pollock/Councillor Tait

THAT

THAT Council endorse the Directive of a Payment Plan to the Rates and Debtors Hardship policy, attached to this report, to ease the process for ratepayers to apply for financial assistance.

(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.

20/89 MOTION Councillor Nathan/Councillor Tait

THAT Council allocate \$200,000 to be distributed to businesses for further financial support through the Eurobodalla Disaster Relief Fund.

(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.

20/90 MOTION Councillor Tait/Councillor Pollock

THAT Council note that the first rates payment is not due until 30 September 2020.

(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.

20/91 MOTION Councillor Pollock/Councillor Tait

THAT Council defer the payments of S94 and S64 contributions for development (other than subdivision, until prior to the issuing of an occupation certificate.

(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.

MOTION Councillor Tait/Councillor Brown

THAT Council make the annual Ordinary Rates for 2020-21 in accordance with the rate peg set by IPART which is 2.6%, as contained in the table in the report.

AMENDMENT Councillor Constable/Councillor Nathan

THAT Council make the annual Ordinary Rates for 2020-21 at 2.2%.

20/92 ADJOURNMENT Councillor Tait/Councillor Nathan

THAT the Ordinary Council Meeting be adjourned for 15 minutes.

(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.

At 11.40am the meeting adjourned.

At 11.54am the meeting reconvened.

AMENDMENT Councillor Constable/Councillor Nathan

THAT Council make the annual Ordinary Rates for 2020-21 at 2.2%.

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

Division

For the Motion: Clrs P Constable, L Innes, P McGinlay and M Nathan.

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

20/93 MOTION Councillor Tait/Councillor Brown

THAT Council make the annual Ordinary Rates for 2020-21 in accordance with the rate peg set by IPART which is 2.6%, as contained in the table in the report.

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

Division

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

Against the Motion: Clrs P Constable, A Mayne and P McGinlay.

20/94 MOTION Councillor Nathan/Councillor Tait

THAT Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2020-21 in accordance with the amended Revenue Policy and Fees and Charges as contained in the tables in the report.

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

Division

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

Against the Motion: Clr P McGinlay.

20/95 MOTION Councillor Nathan/Councillor Tait

THAT Council make each fee and charge for 2020-21 in accordance with the Fees and Charges as attached to this report.

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

Division

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

Against the Motion: Clr P McGinlay.

20/96 MOTION Councillor Tait/Councillor Pollock

THAT Council adopt the Delivery Program 2017-21 and Operational Plan 2020-21 attached to the report as per the statutory requirements with implementation to commence 1 July 2020.

(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.

20/97 MOTION Councillor Nathan/Councillor Constable

THAT Council thank the community members who made a submission and provide them with a response.

(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.

GMR20/015 COUNCILLOR SUPERANNUATION DISCUSSION PAPER

File Ref: S012-T00020

At 12:28 pm Councillor Thomson left the meeting and took no further part in the meeting.

20/98 MOTION Councillor Brown/Councillor Tait

THAT:

1. Councillors make a personal submission to the Office of Local Government's Superannuation Discussion Paper by 7 August 2020, if they wish to do so.
2. The community be encouraged to make a submission to the Office of Local Government's Superannuation Discussion Paper by 7 August 2020.

(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 and J Tait.

Against the Motion: Nil.

11. PLANNING AND SUSTAINABILITY REPORTS

PSR20/008 DRAFT BATEMANS BAY WATERFRONT MASTERPLAN AND ACTIVATION STRATEGY

File Ref: OP0005-S004

Councillor Innes declared a significant, non-pecuniary conflict of interest in PSR20/008 Draft Waterfront Masterplan and Activation Strategy and stated that she did believe her interest would preclude her from voting.

Reason: Councillor Innes declared an interest as her family have a business in the locality of the foreshore which is part of the Waterfront Masterplan and Activation Strategy.

At 12:31 pm Councillor Innes left the meeting.

At 12.31pm Deputy Mayor, Councillor Pollock, assumed the role of chairperson.

20/99 MOTION Councillor Tait/Councillor Nathan

THAT:

1. Council publicly exhibit the draft Batemans Bay Waterfront Masterplan and Activation Strategy for a period of 28 days.
2. A further report regarding the draft Batemans Bay Waterfront Masterplan and Activation Strategy be provided to Council following exhibition.

(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 and J Tait.

Against the Motion: Nil.

At 12:33 pm Councillor Innes returned to the meeting and resumed the role of chairperson.

PSR20/009 EUROBODALLA LOCAL ENVIRONMENTAL PLAN AMENDMENT NO. 14

File Ref: S017-T00008

20/100 MOTION Councillor Pollock/Councillor Brown

THAT Council endorse the mapping amendment to change the minimum lot size over 84 Hawdon Street, Moruya from 5,000m² to 550m².

(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 and J Tait.

Against the Motion: Nil.

PSR20/010 COASTAL MANAGEMENT PLAN GRANT

File Ref: S017-T00013, S014-T00007

20/101 MOTION Councillor Pollock/Councillor Tait

THAT Council endorses the acceptance of a \$250,000 grant from the Minister for Local Government to finalise Eurobodalla's Coastal Management Program.

(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 and J Tait.

Against the Motion: Nil.

At 12:45 pm Councillor Innes left the meeting and took no further part in the meeting.

At 12.45pm the Deputy Mayor, Councillor Pollock, assumed the role of chair for the remainder of the meeting.

32. INFRASTRUCTURE REPORTS

**IR20/008 REQUEST FOR TENDER NO. 10017601 - POTATO POINT SEWER RISING MAIN,
SEWAGE PUMP STATION AND WATER MAIN**

File Ref: S029-T00004

20/102 MOTION Councillor Tait/Councillor Mayne

THAT Council:

1. Endorses the selection of FB Contracting for Tender 10017601 Potato Point Sewer Rising Main, Sewage Pump Station and Water Main; and
2. Accordingly approves the entering into of a contractual arrangement with FB Contracting, 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 and J Tait.

Against the Motion: Nil.

13. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS20/023 INVESTMENTS MADE AS AT 31 MAY 2020

File Ref: S011-T00006, S012-T00025

20/103 MOTION Councillor Brown/Councillor Tait

THAT the certification that the investments as at 31 May 2020, 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**)

Division

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

Against the Motion: Nil.

CCS20/024 LAND ACQUISITION - SOUTHERN WATER STORAGE FACILITY

File Ref: S023-T00027/S023-T00001

20/104 MOTION Councillor Brown/Councillor Nathan

THAT:

1. Application be made to the Minister for Local Government to acquire part of Bodalla State Forest, being part Lot 3 DP 438839, for water storage and supply purposes by compulsory process in accordance with Council's power under Section 187(2) of the Local Government Act 1993 and in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
2. If consent is granted all necessary action be taken to finalise the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act.
3. All actions necessary be taken for the acquisition part Lot 2 DP 1168581 required for the water storage and supply purposes and in accordance with Council's Land Acquisition and Disposal Policy.
4. All survey and legal costs associated with the land acquisitions be borne by Council.
5. Public notice be given of Council's intention to resolve:
THAT part Lot 3 DP 438839 and part Lot 2 DP 1168581 are acquired as operational land.
6. A period of 28 days is given for members of the public to make submissions.
7. A further report is presented following the advertising period to classify the land.
8. Consent be given to affix the Common Seal of Council to the applicable documentation.

(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 and J Tait.

Against the Motion: Nil.

CCS20/025 LAND ACQUISITION FOR ROAD WIDENING - WAMBAN ROAD, WAMBAN

File Ref: S023-T00001

20/105 MOTION Councillor Tait/Councillor Brown

THAT:

1. All actions necessary be taken for the acquisition of part Lot B DP160398 for road purposes of in accordance with Council's Land Acquisition and Disposal Policy.
2. All survey and legal costs associated with the land acquisition be borne by Council.
3. Once acquired, the land be dedicated as public road in accordance with the provisions of the Roads Act 1993.
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**)

Division

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

Against the Motion: Nil.

44. COMMUNITY, ARTS AND RECREATION REPORTS

CAR20/008 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATION

File Ref: S003-T00034

20/106 MOTION Councillor Tait/Councillor Brown

THAT Council:

1. Endorse the installation of the sculpture *Fracture 2* by David Ball at the southern end of Rotary Park in Batemans Bay;
2. Accept the gift of *Fracture 2* into Council's permanent art collection;
3. Support the Public Art Advisory Committee to work with Sculpture For Clyde representatives to formalise and agree on the vision for the Batemans Bay sculpture walk; and
4. Reinforce the Public Art Advisory Committee request to have a representative to advise on the acquisitive prize in relation to materials, logistics and suitability.

(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 and J Tait.

Against the Motion: Nil.

15. DELEGATE REPORT

Nil

5. URGENT BUSINESS

Nil

67. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 1.00pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 14 July 2020 at which meeting the signature hereon was subscribed.