



Minutes

Ordinary Meeting of Council

8 August 2017

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 8 AUGUST 2017

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 8 AUGUST 2017
COMMENCING AT 10.00AM**

PRESENT: Councillor Liz Innes, Mayor (in the Chair)
Councillors Anthony Mayne, Jack Tait, James Thomson, Lindsay Brown, Phil Constable and Rob Pollock OAM.

Staff: Dr Catherine Dale, General Manager
Mr L Usher, Director, Planning and Sustainability Services
Mr B Corven, Acting Director, Infrastructure Services
Mr A O'Reilly, 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

17/255 MOTION Councillor Mayne/Councillor Tait

THAT apologies be received from Councillor Nathan and Councillor McGinaly 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.)

PF17/030 – 4.1 Ordinary Meeting held on 25 July 2017 and GMR17/028 Delegations to the General Manager

Mr Jim Bright addressed Council in relation to 4.1 Ordinary Meeting held on 25 July 2017 and GMR17/028 Delegations to the General Manager.

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

PF17/031 – GMR17/028 Delegations to the General Manager

Mr Peter Bernard addressed Council in relation to GMR17/028 Delegations to the General Manager.

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

PF17/032 – PSR/044 Eurobodalla Local Environment Plan 2012 Amendment No. 14 – Flood Mapping and Associated Amendments

Mr Noel Dalton addressed Council in relation to PSR/044 Eurobodalla Local Environment Plan 2012 Amendment No. 14 – Flood Mapping and Associated Amendments.

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

EXTENSION OF TIME

17/256 MOTION Councillor Mayne/Councillor Constable

THAT Mr Dalton be granted an extension of three minutes to complete his presentation.

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

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

17/257 MOTION Councillor Constable/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 25 July 2017 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Constable declared a significant, non-pecuniary conflict of interest in PSR17/044 Eurobodalla Local Environment Plan 2012 Amendment No. 14 Flood Mapping and Associated Amendments and stated that his interest would preclude him from voting.

Reason: Councillor Constable declared an interest as family members own residential property on the Narooma Flat that is affected by this study.

Councillor Innes declared a non-significant, non-pecuniary conflict of interest in IR17/050 Request for Tender – Bulk Construction Material Supply Panel and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Innes declared an interest as she has an association with one of the listed tenderers.

6. MAYORAL REPORTS

**MR17/007 DEDICATION OF AVENUE OF TREES DALMENY DRIVE, NAROOMA, AS ANZAC
MEMORIAL WITH INCLUSION IN NSW REGISTER OF WAR MEMORIALS**

File Ref: E02.6430

17/258 MOTION Councillor Innes

THAT

1. Council support the Narooma RSL to apply to the NSW Register of War Memorials to have the avenue of trees along Dalmeny Drive from opposite Duesburys Road Dalmeny to opposite Surf Beach Road Kianga recognized as an ANZAC memorial.
2. Subject to approval of the NSW Register of War Memorials and provision of resources from grants and volunteers to complete the work, Council work with the Narooma RSL to determine the location and type of seats for the proposed ANZAC memorial, and a suitable long term replacement tree species for the tree avenue.

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

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. GENERAL MANAGER'S REPORTS

GMR17/027 ADOPTION OF POLICIES

File Ref: E16.0297

17/259 MOTION Councillor Thomson/Councillor Tait

THAT Council adopt the following policies:

1. Community Gardens
2. Property Use By Community Organisations
3. Water Usage Charging.

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

GMR17/026 POLICY REVIEW - REPEAL OF COMMUNITY ENGAGEMENT

File Ref: E16.0297

17/260 MOTION Councillor Mayne/Councillor Thomson

THAT

1. Council endorses the repeal of the Community Engagement Policy for public exhibition.
2. The proposed repeal of the Community Engagement 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**)

GMR17/028 DELEGATIONS TO THE GENERAL MANAGER

File Ref: E94.6611

17/261 MOTION Councillor Brown/Councillor Tait

THAT:

1. All previous delegations by the Council to the General Manager be revoked.
2. Subject to point 1 above, the General Manager is delegated all the delegable functions, powers, duties and authorities of the Council under any legislation excluding those functions specific in clauses (a) to (u) of Section 377 (1) of the *Local Government Act 1993*.
3. Council fixes the amount of \$10,000 as the amount above which rates, charges and debts owed to the Council may be written off only by resolution of the Council, pursuant to clauses 131 and 132 of *Local Government (General) Regulation 2005*.
4. All functions delegated to the General Manager must be exercised at all times in accordance with the applicable statutory requirements, as well as any resolution or policy adopted by the Council from time to time.

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

GMR17/025 ORGANISATION STRUCTURE - SENIOR STAFF

File Ref: E80.1579

17/262 MOTION Councillor Thomson/Councillor Mayne

THAT:

1. Council retain the current four Directorate structure being:
 - a) Community Arts and Recreation
 - b) Planning and Sustainability Services
 - c) Corporate and Commercial Services
 - d) Infrastructure Services.
2. The Director positions be classified as senior staff officers.

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

10. PLANNING AND SUSTAINABILITY REPORTS

PSR17/044 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENT NO.14 – FLOOD MAPPING AND ASSOCIATED AMENDMENTS

File Ref: E17.1168

Councillor Constable declared a significant, non-pecuniary conflict of interest in PSR17/044 Eurobodalla Local Environment Plan 2012 Amendment No. 14 – Flood Mapping and Associated Amendments and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Constable declared an interest as family members own residential property on the Narooma Flat that is affected by this study.

At 10.46am Councillor Constable left the Chambers.

17/263 MOTION Councillor Brown/Councillor Tait

THAT Council

1. Endorse the attached planning proposal to amend Eurobodalla Local Environmental Plan 2012, pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979* subject to the following amendments:
 - a) include the property address in addition to the Lot and DP description of the property currently used, and
 - b) that the maps include a name based on the general locality contained in the map.
2. Forward the Planning Proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.
3. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegation for making the plan under Section 59 of the *Environmental Planning and Assessment Act 1979*.
4. Following the receipt of a Gateway Determination, consult with the community and relevant government agencies as required by the Gateway Determination.
5. Receive a report back on the planning proposal to consider any submissions received during consultation as per the requirements of Section 57 of the *Environmental Planning and Assessment Act 1979*.
6. Note that the plan is proposed to be made under delegation following the issue of a Gateway Determination and the completion of community consultation requirements.

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

At 10.57am Councillor Constable returned to the Chambers.

PSR17/047 2016-17 INVASIVE SPECIES STATUS REPORT

File Ref: E80.2982

17/264 MOTION Councillor Mayne/Councillor Thomson

THAT Council receive and note the 2016-17 Invasive Species Status Report.

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

PSR17/048 2016-17 NATURAL RESOURCE MANAGEMENT STATUS REPORT

File Ref: E05.9165

17/265 MOTION Councillor Brown/Councillor Mayne

THAT Council:

1. Receive and note the 2016-17 Natural Resource Management Status Report.
2. Thank Landcare volunteers for their contribution.

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

PSR17/049 POLICY ADOPTION - COLLECTION LITTER BINS

File Ref: E16.0297

17/266 MOTION Councillor Thomson/Councillor Tait

THAT Council adopt the Collection Litter Bins policy.

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

11. INFRASTRUCTURE REPORTS

IR17/050 REQUEST FOR TENDER - BULK CONSTRUCTION MATERIAL SUPPLY PANEL

File Ref: E99.3060

Councillor Innes declared a non-significant, non-pecuniary conflict of interest in IR17/050 Request for Tender – Bulk Construction Material Supply Panel and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Innes declared an interest as she has an association with one of the listed tenderers.

17/267 MOTION Councillor Tait/Councillor Thomson

THAT:

1. Council endorses the composition of the proposed supply panel for bulk construction materials, developed in accordance with Request for Tender (RFT) No. 2017/ISD083; and
2. Accordingly approves the entering into of Deeds of Standing Offer with the proposed panel of tenderers, subject to the terms specified in the RFT unless otherwise varied in accordance with this report.

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

IR17/051 REQUEST FOR TENDER - CONCRETE SUPPLY PANEL

File Ref: E00.4061

17/268 MOTION Councillor Tait/Councillor Thomson

THAT:

1. Council endorses the composition of the proposed supply panel for concrete, developed in accordance with Request for Tender (RFT) No. 2017/ISD084; and
2. Accordingly approves the entering into of Deeds of Standing Offer with the proposed panel of tenderers, subject to the terms specified in the RFT unless otherwise varied in accordance with this report.

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

IR17/052 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2017-18

File Ref: E16.0002

17/269 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 9 of 2016-17 held on 15 June 2017 be received and noted.
2. Plan No. U12993 Issue D Sheet 35 detailing the Pedestrian Refuge Island on Freycinet Drive, Sunshine Bay, with minor field modifications to the line-marking to comply with AS1742.10-2009 and RMS TDT 2011/01a, be approved.
3. Council Plan No.5156 Set BB Sheet 05 detailing the No Stopping signage at the intersection of Beach Road and Hillview Place, Sunshine Bay be approved.
4. i) Council Plan No.5156 Set BB Sheet 06 detailing the No Stopping Police Vehicles Excepted signage along the eastern side of George Bass Drive, Catalina from Joes Creek Bridge for about 400 metres to the south be approved
ii) the Batemans Bay BMX Club in association with BMX NSW regional races to be conducted on Sunday 20 August 2017, based on the submitted traffic management plan, be approved.

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

12. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD17/057 PROPERTY MATTER - LOT 277 TUROSS BOULEVARDE

File Ref: 15.9272.E

17/270 MOTION Councillor Tait/Councillor Constable

THAT :

1. Consent be given to the exchange of part Lot 277 DP 218664 for an equivalent area of Lot 276 DP 218664.
2. Consent be given to affix the Common Seal of Council to the plan of subdivision of Lots 276 and 277 DP 218664 and the adjoining closed part of Tuross Boulevarde.
3. The registered proprietors of Lot 276 DP 218664 pay their own legal costs associated with the land swap.

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

FBD17/058 LICENCE FOR MARKETS - CORRIGANS BEACH RESERVE

File Ref: 91.3166.D

17/271 MOTION Councillor Tait/Councillor Thomson

THAT:

1. Subject to the consent of the Minister administering the *Crown Lands Act 1989*, in accordance with Sections 102 and 103 of the *Crown Lands Act 1989* Council as Trust Manager for the Eurobodalla (North) Reserve Trust grant a five-year licence to Volunteer Marine Rescue NSW to conduct charity markets on the first Sunday of each month within Crown Reserve R66122 at Corrigans Beach, Batehaven with conditions generally in line with existing market licences.
2. Additional market days be permissible subject to consent of the Licensor.
3. The General Manager be given delegated authority to consent to additional market days.
4. Consent be given to Council as Trust Manager of the Eurobodalla (North) Reserve Trust to lodge a Modification to Development Consent 246/10 to operate charity markets within Crown Reserve R66122 Corrigans Beach, Batehaven to allow additional market days.

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

FBD17/059 LEASE TO WESTPAC LIFE SAVER RESCUE HELICOPTERS

File Ref: E89.2941

17/272 MOTION Councillor Brown/Councillor Pollock

THAT :

1. A lease be granted to Westpac Life Saver Rescue Helicopters (Southern Region) over Lot 3 DP 1090948 for a term of three years commencing 1 March 2017 and terminating 28 February 2020 with an initial rental set out in the Confidential Attachment to Report increasing annually by 3% or CPI whichever is the greater and other conditions in line with the current lease.
2. Consent be given to affix the Common Seal of Council to the lease over Lot 3 DP 1090948.

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

13. COMMUNITY, ARTS AND RECREATION REPORTS

CAR17/026 SPORTING AND RECREATIONAL FACILITIES SEASONAL HIRE POLICY

File Ref: E16.0297

17/273 MOTION Councillor Thomson/Councillor Brown

THAT Council adopt the Sporting and Recreational Facilities Seasonal Hire Policy, with the following amendments:

- a) The extension of the seasonal hire periods as follows:
Winter season 1 March – 30 September
Summer season 1 September – 31 March.
- b) Where the seasonal hire dates overlap, use of the facility will be negotiated between the relevant clubs, with priority of use allocated to the outgoing seasonal hirer.
- c) The removal of the casual hire fee for pre-season training and for 'finals' for the 2 weeks immediately before and after the seasonal hire period.

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

14. DELEGATE REPORT

Councillor Lindsay Brown attended the NSW Local Government Week Awards recently where Eurobodalla was a finalist in the best Youth Week Activity, in the small council category. Councillor Brown presented Council's Director Community, Arts and Recreation, Ms Kathy Arthur, with the certificate and thanked Ms Arthur and her staff for the work they do for the community.

15. URGENT BUSINESS

Nil

16. DEALING WITH MATTERS IN CLOSED SESSION

Nil

17. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 11.24am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 12 September 2017 at which meeting the signature hereon was subscribed.