



Minutes

Ordinary Meeting of Council

26 April 2016

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 26 APRIL 2016

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| MINUTES |
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1. **WELCOME AND EVACUATION MESSAGE.....** ERROR! BOOKMARK NOT DEFINED.
2. **APOLOGIES** ERROR! BOOKMARK NOT DEFINED.
3. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING** ERROR! BOOKMARK NOT DEFINED.
4. **DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA ...** ERROR! BOOKMARK NOT DEFINED.
5. **PUBLIC FORUM (AGENDA ITEMS ONLY)** ERROR! BOOKMARK NOT DEFINED.
3. **MAYORAL REPORTS** ERROR! BOOKMARK NOT DEFINED.
4. **NOTICES OF MOTION** ERROR! BOOKMARK NOT DEFINED.
NOM16/005 Eurobodalla Local Government Elections 2016..... **Error! Bookmark not defined.**
5. **QUESTIONS ON NOTICE FROM COUNCILLORS** ERROR! BOOKMARK NOT DEFINED.
Nil
6. **PETITIONS** ERROR! BOOKMARK NOT DEFINED.
Nil
7. **GENERAL MANAGER'S REPORTS** ERROR! BOOKMARK NOT DEFINED.
GMR16/010 Exhibition of Revised Delivery Program 2013-17 and Draft Operational Plan 2016-17 **Error! Bookmark not defined.**
8. **PLANNING AND SUSTAINABILITY REPORTS** ERROR! BOOKMARK NOT DEFINED.
Nil
9. **INFRASTRUCTURE REPORTS.....** ERROR! BOOKMARK NOT DEFINED.
IR16/016 Local Traffic Committee Meeting No 7 for 2015-16..... **Error! Bookmark not defined.**
IR16/017 Corrigan's Beach Reserve Inclusive Playground - Draft Concept Plan**Error! Bookmark not defined.**
IR16/018 Pathways Strategy - Formation of Sunset Advisory Committee**Error! Bookmark not defined.**

10. FINANCE AND BUSINESS DEVELOPMENT REPORTS..... ERROR! BOOKMARK NOT DEFINED.

FBD16/021 Appointment of Independent Member - Audit Committee.....**Error! Bookmark not defined.**

11. COMMUNITY, ARTS AND RECREATION REPORTS ERROR! BOOKMARK NOT DEFINED.

CAR16/004 Batemans Bay Tennis Precinct Management **Error! Bookmark not defined.**

CAR16/005 State Library of NSW Infrastructure Funding for Narooma Library**Error! Bookmark not defined.**

12. DELEGATE REPORT ERROR! BOOKMARK NOT DEFINED.

13. QUESTIONS/URGENT BUSINESS..... ERROR! BOOKMARK NOT DEFINED.

14. DEALING WITH MATTERS IN CLOSED SESSION.... ERROR! BOOKMARK NOT DEFINED.

15. CONFIDENTIAL MATTERS..... ERROR! BOOKMARK NOT DEFINED.

CON16/008 Property Matter **Error! Bookmark not defined.**

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 26 APRIL 2016
COMMENCING AT 10.01AM**

PRESENT: Councillor Lindsay Brown, Mayor (in the Chair)
Councillors Danielle Brice, Neil Burnside, Gabi Harding, Liz Innes, Milton
Leslight and Peter Schwarz

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, Finance and Business Development
Mrs K Arthur, Director, Community, Arts and Recreation
Mrs C Hodges, Minute Secretary
Mrs K Green, Minute Secretary

1. WELCOME AND EVACUATION MESSAGE

The Mayor welcomed everyone to the meeting, acknowledged the Traditional Owners and advised of the Evacuation Procedure.

2. APOLOGIES

APOLOGY

16/103 MOTION Councillor Schwarz/Councillor Burnside

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

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

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

16/104 MOTION Councillor Burnside/Councillor Schwarz

THAT the minutes of the Ordinary Meeting held on 12 April 2016 be confirmed.

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

4. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

File Ref: E87.6800; 90.0433.D

Councillor Leslight declared a pecuniary conflict of interest in CON16/008 Property Matter and stated that he will leave the Chamber during discussion and voting on the matter.

Reason: Councillor Leslight declared an interest as his company represents the owner of the land in the sale of the property.

5. PUBLIC FORUM (AGENDA ITEMS ONLY)

(Minutes of Questions from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

E16.0002; E16.0042

PF16/028 IR16/016 Local Traffic Committee Meeting No 7 for 2015-16

Ms Trish Hellier addressed Council on IR16/016 Local Traffic Committee Meeting No 7 for 2015-16 in relation to holiday traffic. A copy of Ms Hellier's submission is available on Council's website.

3. MAYORAL REPORTS

File Ref: E15.9191

MR16/002 GREY HEADED FLYING FOXES

16/105 MOTION Councillor Harding/Councillor Schwarz

THAT Council move into Committee of the Whole to debate item MR16/002 Grey Headed Flying Foxes.

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

File Ref: E15.9191

MR16/002 GREY HEADED FLYING FOXES

16/106 MOTION Councillor Brice/Councillor Harding

THAT Council move back into the Ordinary meeting of Council to consider MR16/002 Grey Headed Flying Foxes.

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

E15.9191

MR16/002 GREY HEADED FLYING FOXES

16/107 MOTION Councillor Brice/Councillor Harding

THAT the Motion be put.

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

MR16/002 GREY HEADED FLYING FOXES

16/108 MOTION Councillor Brown

THAT:

1. Council note that professional advice has been sought to:
 - (a) reassess the current situation inclusive of the Water Gardens, Catalina and surrounds where flying foxes are residing;
 - (b) Provide advice on the current management options including dispersal;
 - (c) Identify the costs, risks and likelihood of success of the suggested management options including dispersal to enable Council to consider and make a determination of what further action to take.
2. The scope of the works be expanded to include the preparation of a draft dispersal plan for consideration by Council.
3. Council expand the existing resident support of providing car covers, clothes line covers, access to pressure washers and removal of exotic palms to those residents within the Catalina area as identified in Attachment 1 to this report.
4. The budget impacts of the additional activities in addressing the issues associated with the Grey Headed Flying Fox camps, be considered as part of the quarterly financial review process.
5. Council continue to advocate to the NSW and Australian Governments for a coordinated State-wide program and response to the management of the impacts of the Grey Headed Flying Fox, inclusive of financial assistance of impacted residences and councils.

(The Motion on being put was declared **CARRIED**.
Councillor Leslight voted against the Motion.)

4. NOTICES OF MOTION

NOM16/005 EUROBODALLA LOCAL GOVERNMENT ELECTIONS 2016

File Ref: E15.9129

16/109 MOTION Councillor Brice/Councillor Harding

THAT:

1. Council hold a public forum for people considering standing for the Local Government elections in Eurobodalla, to be held on 10 September 2016;
2. Such a forum to be inclusive with Council to encourage young people, people with disabilities, seniors, indigenous people and people from diverse backgrounds to put up their hand and make a difference in their community.

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

5. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

6. PETITIONS

Nil

7. GENERAL MANAGER'S REPORTS

**GMR16/010 EXHIBITION OF REVISED DELIVERY PROGRAM 2013-17 AND DRAFT
OPERATIONAL PLAN 2016-17**

File Ref: E12.6254

16/110 MOTION Councillor Harding/Councillor Burnside

THAT:

1. The revised Delivery Program 2013-17, and draft Operational Plan 2016-17 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. A range of community engagement activities as outlined in the report be conducted during the 28 day exhibition period.
3. Following public exhibition, a further report be submitted to Council for the consideration of submissions and adoption of the revised Delivery Program 2013-17, and draft Operational Plan 2016-17.

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

8. PLANNING AND SUSTAINABILITY REPORTS

Nil

9. INFRASTRUCTURE REPORTS

IR16/016 LOCAL TRAFFIC COMMITTEE MEETING NO 7 FOR 2015-16

File Ref: E16.0002

16/111 MOTION Councillor Burnside/Councillor Brice

THAT the minutes of the Eurobodalla Local Traffic Committee Meeting No 7 of 2016 held on 10 March 2016 be received and noted.

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

IR16/017 CORRIGANS BEACH RESERVE INCLUSIVE PLAYGROUND - DRAFT CONCEPT PLAN

File Ref: E15.9130

16/112 MOTION Councillor Harding/Councillor Brice

THAT Council adopt the plan for Corrigans Beach Reserve Inclusive Playground with amendments as recommended by the Corrigans Beach Reserve Accessible Playground Sunset Advisory Committee.

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

IR16/018 PATHWAYS STRATEGY - FORMATION OF SUNSET ADVISORY COMMITTEE

File Ref: E07.1434

16/113 MOTION Councillor Brice/Councillor Harding

THAT:

1. The member of the Disability Advisory Committee, as advised in the confidential attachment to this report, be confirmed as a member of the Pathways Strategy Sunset Advisory Committee.
2. The two community and one cycling representatives, as per the confidential attachment to this report, be confirmed as members of the Pathways Strategy Sunset Advisory Committee.
3. A letter be written thanking all nominees for the Pathway Strategy Streetscape Sunset Advisory Committee for expressing an interest in being on the Committee.

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

10. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD16/021 APPOINTMENT OF INDEPENDENT MEMBER - AUDIT COMMITTEE

File Ref: E05.9354

16/114 MOTION Councillor Burnside/Councillor Schwarz

THAT:

1. Council appoint the applicant, as identified in the confidential attachment to this report as Applicant no. 4, as an independent member of the Audit Committee in accordance with Council's adopted Audit Committee Terms of Reference and the Division of Local Government's Internal Audit Guidelines.
2. A letter of invitation from the General Manager be forwarded to the successful applicant inviting them to join the Audit Committee as an independent member.
3. A letter be written thanking all applicants for expressing an interest in being on the Committee.

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

11. COMMUNITY, ARTS AND RECREATION REPORTS

CAR16/004 BATEMANS BAY TENNIS PRECINCT MANAGEMENT

File Ref: E12.6337

16/115 MOTION Councillor Brice/Councillor Innes

THAT:

1. Council gives approval for tenders to be called for the leasing of the Batemans Bay tennis precinct by one lessee.
2. A further report be submitted to Council to determine the successful lessee.

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

CAR16/005 STATE LIBRARY OF NSW INFRASTRUCTURE FUNDING FOR NAROOMA LIBRARY

File Ref: E99.3143

16/116 MOTION Councillor Harding/Councillor Brice

THAT Council endorse the use of the Mayor's executive powers under Section 226 of the Local Government Act to approve acceptance of \$55,000 Public Infrastructure funding from the NSW government.

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

12. DELEGATE REPORT

Nil

13. QUESTIONS/URGENT BUSINESS

Nil

14. 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 a confidential report.

The report is classified confidential under Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

It was noted that there were no public verbal representations on whether the meeting should be closed to consider the matter.

Therefore 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:

90.0433.D

CON16/008 Property Matter

Item CON16/008 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

90.0433.D; E87.6800

DECLARATION OF INTEREST

Councillor Leslight declared a pecuniary conflict of interest in CON16/008 and stated that he would leave the Chambers for discussion and voting on the matter.

Reason: Councillor Leslight declared an interest as his company represents the owner of the land in the sale of the property.

At 11.59am Councillor Leslight left the Chambers.

At 12 noon the Ordinary Meeting of Council moved into Closed Session.

At 12.12pm Councillor Leslight returned to the Chambers in the Closed Session.

At 12.57pm the Ordinary Meeting of Council resumed.

15. CONFIDENTIAL MATTERS

The General Manager advised the following recommendation was declared carried in Closed Session.

90.0433.D

CON16/008 Property Matter

THAT Council agreed to issue an easement for access to a property over George Bass Drive.

The General Manager advised the following recommendation was declared carried in Closed Session.

E12.6442

CON16/009 Property Matter

THAT the recommendation considered in closed session was adopted.

THE MEETING CLOSED AT 12.59PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 10 May 2016 at which meeting the signature hereon was subscribed.