



Minutes

Ordinary Meeting of Council

9 April 2019

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 9 APRIL 2019

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 9 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, 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
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

Nil

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.)

PF19/14 Confirmation on Minutes of Previous Meeting and CCS19/011 New Model Code of Conduct for Local Councils in NSW and Procedures

Ms Trish Hellier addressed Council in relation to item Confirmation on Minute of the Previous Meeting and CCS19/011 New Model Code of Conduct for Local Councils in NSW and Procedures. A copy of Ms Hellier's submission is available on Council's website.

PF19/15 CCS19/011 New Model Code of Conduct for Local Councils in NSW and Procedures

Mr Lei Parker addressed Council in relation to item CCS19/011 New Model Code of Conduct for Local Councils in NSW and Procedures. A copy of Mr Parker's submission is available on Council's website.

PF19/16 CCS19/011 New Model Code of Conduct for Local Councils in NSW and Procedures

Mr Jim Bright addressed Council in relation to item CCS19/011 New Model Code of Conduct for Local Councils in NSW and Procedures. A copy of Mr Bright's submission is available on Council's website.

EXTENSION OF TIME

MOTION Councillor McGinlay/Councillor Constable

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

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

PF19/17 CCS19/011 New Model Code of Conduct for Local Councils in NSW and Procedures

Mr Don MacDonald addressed Council in relation to item CCS19/011 New Model Code of Conduct for Local Councils in NSW and Procedures. A copy of Mr McDonald's submission is available on Council's website.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

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

AMENDMENT Councillor McGinlay/Councillor Mayne

THAT:

1. The minutes note, at the appropriate place, that approximately 12 minutes of the video stream was expunged on legal advice.
2. With the inclusion of this change, the minutes of the Ordinary Meeting held on 26 March 2019 be confirmed.

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

AMENDMENT Councillor Constable/Councillor McGinlay

THAT:

1. The minutes reflect that Mr Bernard was asked to apologise and it was accepted.
2. With the inclusion of this change, the minutes of the Ordinary Meeting held on 26 March 2019 be confirmed.

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

19/50 MOTION Councillor Pollock/Councillor Thomson

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

(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.

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Mayne declared a significant, non-pecuniary conflict of interest in PSR19/002 River of Art Festival and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as he is producing one of the events at this year's River of Art Festival.

6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

Nil

SUSPENSION OF STANDING ORDERS

19/51 MOTION Councillor Thomson/Councillor Nathan

That Standing Orders be suspended in order to deal with item CCS19/011 Model Code of Conduct for Local Councils in NSW and Procedures.

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

CCS19/011 NEW MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW AND PROCEDURES

File Ref: e13.7162

RECOMMENDATION

THAT Council adopt the *2018 Model Code of Conduct for Local Councils in NSW and Procedures for the Model Code of Conduct for Local Councils in NSW* as prescribed under the *Local Government (General Regulation 2005)* on 14 December 2018 with no additional clauses added.

AMENDMENT Councillor McGinlay/Councillor Mayne

THAT:

1. Council adopt the *2018 Model Code of Conduct for Local Councils in NSW and Procedures for the Model Code of Conduct for Local Councils in NSW* as prescribed under the *Local Government (General Regulation 2005)* on 14 December 2018 with no additional clauses added.
2. Noting that there will be a variety of conduct reviewers and Council will make use of this variety of expertise as appropriate under the panel arrangement.

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

19/52 MOTION Councillor Pollock/Councillor Thomson

THAT Council adopt the *2018 Model Code of Conduct for Local Councils in NSW and Procedures for the Model Code of Conduct for Local Councils in NSW* as prescribed under the *Local Government (General Regulation 2005)* on 14 December 2018 with no additional clauses added.

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

Division

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

Against the Motion: Clrs A Mayne and P McGinlay.

19/53 RESUMPTION OF STANDING ORDERS Councillor Tait/Councillor Mayne

That Standing Orders be resumed.

11. PLANNING AND SUSTAINABILITY REPORTS

PSR19/002 RIVER OF ART FESTIVAL

File Ref: E14.8405

Councillor Mayne declared a significant, non-pecuniary conflict of interest in PSR19/002 River of Art Festival and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as he is producing one of the events at this year's River of Art Festival.

At 11.38am Councillor Mayne left the Chamber.

19/54 MOTION Councillor Innes/Councillor Brown

THAT Council allocate \$20,000 to support the River of Art Festival for 2019 from the events assistance budget.

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

At 11.41am Councillor Mayne returned to the Chamber.

12. INFRASTRUCTURE REPORTS

IR19/008 REQUEST FOR TENDER NO. 100208011 - RECTIFICATION OF THE DEFECTIVE CLAY LINER IN THE EFFLUENT STORAGE POND AT BODALLA SEWAGE TREATMENT PLANT ON POTATO POINT ROAD, BODALLA

File Ref: E02.6256

19/55 MOTION Councillor Pollock/Councillor Mayne

THAT Council rejects the tender received in response to Request for Tender No. 100208011 - Rectification of the defective clay liner in the effluent storage pond at the Bodalla Sewage Treatment Plant on Potato Point Road, Bodalla.

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

**IR19/009 REQUEST FOR TENDER NO. 2019/ISD034 FOR THE AUGMENTATION OF SEWAGE
PUMPING STATION BB01 AT SURF BEACH, BATEMANS BAY**

File Ref: E05.9189.PS

19/56 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council endorse the selection of R.D Miller Pty Ltd for Request for Tender No. 2019/ISD034 Augmentation of Sewage Pumping Station BB01 at Surf Beach, Batemans Bay; and
2. Accordingly approves the entering into of a contractual arrangement with R.D Miller Pty Ltd, subject to the terms specified in the Request for Tender, unless otherwise varied in accordance with this report; and
3. Council approve the allocation of an additional \$500,000 from the Sewer Fund Reserve to the Sewage Pump Station Capital Renewal to fund the Augmentation of Sewage Pump Station BB01 at Surf Beach in 2019-20.

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

13. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS19/010 LAND ACQUISITION FOR ROAD WIDENING - NORTH HEAD DRIVE, MORUYA

File Ref: E19.1781

19/57 MOTION Councillor Tait/Councillor Nathan

THAT:

1. Application be made to the Minister for Local Government and the Governor to acquire part of Lots 81 and 82 DP 1211388 and part Lot 7306 DP 1146883 for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the *Roads Act 1993* and in accordance with Council's *Land Acquisition and Disposal Policy*.
2. If consent is granted, all necessary action be taken to finalise the acquisition of the land for public road purposes in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. All actions necessary be taken for the acquisition of land required for road purposes of part Lot 2 DP 1048999 and part Lot 1 DP 538503 in accordance with *Council's Land Acquisition and Disposal Policy*.
4. If the acquisition of part Lot 2 DP 1048999 and part Lot 1 DP 538503 cannot be negotiated by agreement, Council make application to the Minister for Local Government and the Governor to acquire part of Lot 2 DP 1048999 and part Lot 1 DP 538503 for public road purposes by compulsory process in accordance with Council's power under Section 177(1) of the *Roads Act 1993* and in accordance with Council's *Land Acquisition and Disposal Policy*.
5. Compensation for the land be determined following a valuation by a registered valuer.
6. All survey and legal costs associated with the land acquisitions be borne by Council.
7. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
8. Authority be given to affix the Common Seal of Council to the necessary documentation associated with the easement.

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

14. COMMUNITY, ARTS AND RECREATION REPORTS

CAR19/005 COMMUNITY CARE STATUS REPORT

File Ref: E11.5375

19/58 MOTION Councillor Pollock/Councillor Nathan

THAT Council:

1. Receive and note the 2017-18 Community Care Status Report.
2. Thank Community Care volunteers for their contribution to service provided to the community.

(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 11.51am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 30 April 2019 at which meeting the signature hereon was subscribed.