



Minutes

Ordinary Meeting of Council

8 March 2016

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 8 MARCH 2016

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 8 MARCH 2016
COMMENCING AT 10.04AM**

PRESENT: Councillor Lindsay Brown, Mayor (in the Chair)
Councillors Danielle Brice, Neil Burnside, Gabi Harding, Liz Innes, Milton
Leslight, Rob Pollock OAM 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.

The Mayor also advised that agenda item PSR16/006 M6313/02 Tern Inn – Operating Hours, has been withdrawn.

2. APOLOGIES

Nil

3. 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.)

PF16/016 NOM16/003 Establishment of a Rural Producers' Advisory Committee

File Ref: E16.0042; E00.4623; E88.0056; E12.6191

Mr Owen Cartledge addressed Council in relation to NOM16/003 Establishment of a Rural Producers' Advisory Committee. A copy of Mr Cartledge's submission is available on Council's website.

3. PUBLIC FORUM (AGENDA ITEMS ONLY) (contd)

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

PF16/017 IR16/009 Pay Parking in Batemans Bay CBD

File Ref: E16.0042; E00.4623; E00.4089

Mr Adam Pike addressed Council in relation to IR16/009 Pay Parking in Batemans Bay CBD. A copy of Mr Pike's submission is available on Council's website.

3. PUBLIC FORUM (AGENDA ITEMS ONLY) (contd)

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

PF16/018 Confirmation of the Minutes of the Council Meeting held on 23 February 2016
NOM16/004 Southern NSW Marine Gateway File Ref: E16.0042; E00.4623; E00.4089

Ms Trish Hellier addressed Council in relation to the Confirmation of the Minutes of the Council meeting held on 23 February 2016, and NOM16/004 Southern NSW Marine Gateway. A copy of Ms Hellier's submission is available on Council's website.

EXTENSION OF TIME

16/45 MOTION Councillor Pollock/Councillor Leslight

THAT Ms Hellier be granted an extension of three minutes to complete her presentation.

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

4. DEPUTATIONS (AGENDA ITEMS ONLY)

Nil

5. PRESENTATIONS

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

16/46 MOTION Councillor Harding/Councillor Schwarz

THAT the minutes of the Ordinary Meeting held on 23 February 2016 be confirmed.

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

7. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

E13.7143; L.0659; E87.6800

Councillor Liz Innes declared a non-significant, non-pecuniary conflict of interest in FBD16/007 Batemans Bay Surf Life Saving Loan Repayment and stated that she believed she should not be precluded from voting on the matter.

Reason: The previous conflict of interest no longer existed.

8. MAYORAL REPORTS

Nil

9. NOTICES OF MOTION

NOM16/003 ESTABLISHMENT OF A RURAL PRODUCERS' FORUM

File Ref: E00.4623; E88.0056; E12.6191

16/47 MOTION Councillor Schwarz/Councillor Burnside

THAT Council establish a Rural Producers' Advisory Committee and develop a Terms of Reference to assist Council in implementing recommendations of the Rural Lands Strategy related to the growth, promotion and support of agriculture and rural tourism in the Eurobodalla.

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

NOM16/004 SOUTHERN NSW MARINE GATEWAY

File Ref: E00.4623; E14.8284

AMENDMENT Councillor Leslight/Councillor Innes

THAT Council:

1. Resolve to progress an economic feasibility study for a Southern NSW Marine Gateway at Batemans Bay;
2. Issue an Expression of Interest to conduct an economic feasibility study for the development of a Southern NSW Marine Gateway at Batemans Bay;
3. Call for a quotation for expressions of interest to undertake the economic feasibility study.

16/48 MOTION Councillor Schwarz/Councillor Burnside

THAT Council:

1. Resolve to progress an economic feasibility study for a Southern NSW Marine Gateway at Batemans Bay;
2. Issue an Expression of Interest to conduct an economic feasibility study for the development of a Southern NSW Marine Gateway at Batemans Bay;
3. Allocate a budget of up to \$50,000 to undertake the economic feasibility study.

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

The Mayor used his casting vote to vote for the Motion.

Councillors Harding and Leslight asked that their votes against the motion be recorded.

IR16/009 PAY PARKING IN BATEMANS BAY CBD

SUSPENSION OF STANDING ORDERS

16/49 MOTION Councillor Burnside/Councillor Schwarz

That Standing Orders be suspended in order to bring forward item IR16/009 Pay Parking in Batemans Bay CBD.

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

During debate on *IR16/009 Pay Parking in Batemans Bay CBD*, points of order were called over comments made against Councillor Burnside by Councillor Leslight which the Mayor ruled to be personal insults against Councillor Burnside. The Mayor called on Councillor Leslight to withdraw his comments.

Councillor Leslight stated that he would not retract the comments.

Therefore in accordance with Council's Code of Meeting Practice (Part 10) and the Local Government (General) Regulations, the Mayor invited the Council to give its opinion on whether or not Councillor Leslight should be required to vacate the Chambers.

MOTION TO EXPEL

16/50 MOTION Councillor Burnside/Councillor Schwarz

THAT following his refusal to withdraw his comments, Councillor Leslight be required to leave the Council Chambers.

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

The Mayor asked Councillor Leslight to leave the Chambers.

Councillor Leslight refused to leave the Chambers.

The Mayor then adjourned the meeting for 15 minutes while arrangements were made to have Councillor Leslight escorted from the Chambers.

At 12.13pm the Mayor adjourned the Ordinary meeting of Council.

At 12.28pm the Mayor reconvened the Ordinary meeting of Council.

Councillor Leslight advised the Mayor and Council that he would withdraw his comments.

The Mayor stated that as Councillor Leslight had withdrawn his comments, the Mayor will not exercise his right to expel Councillor Leslight from the meeting.

IR16/009 PAY PARKING IN BATEMANS BAY CBD

File Ref: E00.4623; E00.4089

16/51 MOTION Councillor Burnside/Councillor Schwarz

THAT:

1. The report on Pay Parking in Batemans Bay CBD be received and noted.
2. Pay parking in the off-street carparks in Clyde and Perry Streets, Batemans Bay be retained.
3. The Local Traffic Committee be asked to consider recommending the implementation of timed parking restrictions in the existing off-street pay parking car parks on Clyde Street and Perry Streets, Batemans Bay to further encourage turnover of these high demand parking spaces
4. The pay parking fee be considered in formulating the 2016-17 Operational Plan.

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

Councillors Innes and Leslight requested that their vote against the motion be recorded.

10. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

11. PETITIONS

Nil

12. GENERAL MANAGER'S REPORTS

GMR16/006 MEETING DATES 2016

File Ref: E04.8769

16/52 MOTION Councillor Harding/Councillor Innes

THAT Council:

1. Amend the meeting schedule for Council meetings for the remainder of 2016 as follows, should Council elections be held in September 2016:
 - a) 22 March 2016
 - b) 12 April 2016
 - c) 26 April 2016
 - d) 10 May 2016
 - e) 14 June 2016
 - f) 28 June 2016
 - g) 12 July 2016
 - h) 26 July 2016
 - i) 9 August 2016
 - j) 23 August 2016
 - k) 11 October 2016
 - l) 25 October 2016
 - m) 8 November 2016
 - n) 22 November 2016
 - o) 13 December 2016.

2. Amend the meeting schedule for Council meetings for the remainder of 2016 as follows, should Council elections be held in March 2017:
 - a) 22 March 2016
 - b) 12 April 2016
 - c) 26 April 2016
 - d) 10 May 2016
 - e) 14 June 2016
 - f) 28 June 2016
 - g) 12 July 2016
 - h) 26 July 2016
 - i) 9 August 2016

- j) 13 September 2016
 - k) 27 September 2016
 - l) 11 October 2016
 - m) 25 October 2016
 - n) 8 November 2016
 - o) 22 November 2016
 - p) 13 December 2016.
3. Note that the schedule may be amended at any time, as required.

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

13. PLANNING AND SUSTAINABILITY REPORTS

PSR16/004 2014-15 LOCAL DEVELOPMENT PERFORMANCE MONITORING REPORT

File Ref: E91.3112

16/53 MOTION Councillor Burnside/Councillor Pollock

THAT Council receive and note the report titled Local Development Performance Monitoring 2014-15.

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

PSR16/005 EMISSIONS REDUCTION FUND

File Ref: E91.3014

16/54 MOTION Councillor Brice/Councillor Pollock

THAT:

1. Council partner with Mike Ritchie Consultancy Group in an aggregated bid for Australian Carbon Credit Units (ACCU) at the next auction in April 2016.
2. If the bid is successful, Council install gas capture infrastructure, with an estimated cost of \$500,000, at Council's landfills in line with the delivery schedule provided with the aggregated bid.

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

PSR16/006 M6313/02 TERN INN - OPERATING HOURS

File Ref: 81.0870.D

The application to modify consent was withdrawn and therefore the matter was not considered.

14. INFRASTRUCTURE REPORTS

**IR16/010 BATEMANS BAY STREETSCAPE SUNSET ADVISORY COMMITTEE - DRAFT
LANDSCAPE CONCEPT PLAN**

File Ref: E15.9271

16/55 MOTION Councillor Harding/Councillor Innes

THAT:

1. Council endorse the Batemans Bay CBD draft landscape concept plan and it be placed on public exhibition for a period of 21 days for comment.
2. Following the consultation period, the results be referred back to the Batemans Bay Streetscape Sunset Advisory Committee to make recommendations to Council.

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

15. FINANCE AND BUSINESS DEVELOPMENT REPORTS

E13.7143; L.0659; E87.6800

DECLARATION OF INTEREST:

Councillor Innes advised that after taking into account advice from fellow Councillors regarding her previous declaration of a non-significant, non-pecuniary conflict of interest in this matter, she had decided to alter her declaration.

Councillor Liz Innes declared a significant, non pecuniary conflict of interest in *FBD16/007 Batemans Bay Surf Life Saving Loan Repayment*, and left the Chamber during discussion and voting on the matter.

Reason: Members of Councillor Innes' family were previously involved with the Batemans Bay Surf Life Saving Club when the loan was negotiated.

At 12.47pm Councillor Innes left the Chambers.

FBD16/007 BATEMANS BAY SURF LIFE SAVING LOAN REPAYMENT

File Ref: E13.7143, L.0659

16/56 MOTION Councillor Harding/Councillor Pollock

THAT:

1. Council accept Batemans Bay Surf Life Saving Club's proposal to postpone repayments of its interest free loan until the 2016-17 financial year.
2. Council add the waste tipping fees of \$8,984.61 to the interest free loan above, to be repaid under the same terms adopted.

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

At 1.02pm Councillor Innes returned to the Chambers.

FBD16/008 INVESTMENTS MADE AS AT 31 JANUARY 2016

File Ref: E99.3517

16/57 MOTION Councillor Schwarz/Councillor Pollock

THAT the certification that the investments as at 31 January 2016 made in accordance with the Act, 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**)

FBD16/009 LICENCE FOR AGRICULTURAL PURPOSES

File Ref: E00.4465

16/58 MOTION Councillor Harding/Councillor Burnside

THAT:

1. A six-month licence for the use of Lots 61 and 62 and part Lot 58 DP 244154 for agricultural purposes be granted to BJ and LM McCauley with conditions in line with the current licence with rent set out in the confidential attachment to Report FBD16/009.
2. A tender be called for the granting of a licence for a term of two years with three one-year options for agricultural purposes within Lots 61 and 62 and part Lot 58 DP 244154.
3. A further report be received following the receipt and evaluation of tenders.

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

FBD16/010 LICENCE FOR MARKETS - CORRIGANS BEACH RESERVE

File Ref: E07.1579

16/59 MOTION Councillor Harding/Councillor Pollock

THAT subject to consent of the Minister administering the Crown Lands Act, 1989, Council as Trust Manager of the Eurobodalla (North) Reserve Trust grant a five-year licence to Rotary Club of Batemans Bay Inc. based on a standard Crown Lands licence with conditions generally in line with the existing market licences with additional conditions including:

1. The boundary of the licence area will alter in accordance with the movement of the inclusive playground fencing.
2. Vehicles will only be allowed in market area during set-up and set-down times except if:
 - (a) A Vehicle is required as part of stall, e.g. coffee van, donut van etc,
 - (b) A Stallholder's disability necessitates the need to have the vehicle, or
 - (c) Inclement weather may be imminent.
3. Additional markets days be permissible subject to consent of the licensor.
4.
 - (a) Random audits of stall numbers by Council staff,
 - (b) Monthly reporting on weekly stall numbers by licensee,
 - (c) Annual provision of the licensee's audited financial details,
 - (d) Provision of licensee's market committee report minutes,
 - (e) The licensee must abide by the licensee's governance provisions and constitution,
 - (f) Written notice be given by the licensor to the licensee of breaches to the licensee's governance provisions or constitution outlined in (e) above, and
 - (g) The licensee to show cause why the licence should not be terminated following three written notices given in respect of (f) above.
5. The General Manager be given delegated authority to consent to additional market days.

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

FBD16/011 LICENCE FOR EASTER CARNIVAL - CORRIGANS BEACH RESERVE

File Ref: E16.0126

16/60 MOTION Councillor Pollock/Councillor Burnside

THAT Council as Trust Manager for the Eurobodalla (North) Reserve Trust grant a temporary licence to Kids World Amusement to conduct an amusement carnival in Corrigans Reserve, Batehaven from 21 March 2016 to 28 March 2016 with the licence based on a standard Crown Lands licence, with a condition restricting the operation of the carnival from noon to 9pm each day and a fee set out in the confidential attachment to Report FBD16/011.

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

16. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

At 1.05pm Councillor Leslight left the Chambers and took no further part in proceedings.

17. DELEGATE REPORT

DR16/001 2015 NATIONAL LOCAL ROADS & TRANSPORT CONGRESS

File Ref: E91.3255

16/61 MOTION Councillor Burnside/Councillor Schwarz

THAT Councillor Neil Burnside's delegate's report on the 2015 National Local Roads and Transport Congress be received and noted.

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

DR16/005 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2015

File Ref: E91.3255; E15.9021

16/62 MOTION Councillor Burnside/Councillor Pollock

THAT the delegates' report from Councillors Lindsay Brown, Rob Pollock OAM and Neil Burnside on the Local Government NSW Annual Conference held at Rosehill in 2015, be received and noted.

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

18. QUESTIONS/URGENT BUSINESS

Nil

19. DEALING WITH MATTERS IN CLOSED SESSION

Nil

THE MEETING CLOSED AT 1.06PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 22 March 2016 at which meeting the signature hereon was subscribed.