



# **Minutes**

**Ordinary Meeting of Council**

**22 September 2020**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 22 SEPTEMBER 2020**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 22 SEPTEMBER 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 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.

**At 11:01 am** Councillor Thomson left the Chambers.

**3. APOLOGIES**

**20/163 MOTION** Councillor Nathan/Councillor Pollock

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

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

Division

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

**At 11:02 am** Councillor Thomson returned to the Chambers.

**4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**20/164 MOTION** Councillor Pollock/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 08 September 2020 be confirmed.

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

Division

For the Motion: Clrs L Brown, 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 Brown declared a non-significant, non-pecuniary conflict of interest in CCS20/031 Licence for Bike Hire Business - Narooma and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Brown declared an interest as the licence area is located opposite his property.

**6. MAYORAL REPORTS**

Nil

**7. NOTICES OF MOTION**

Nil

**8. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**9. PETITIONS**

Nil

**10. GENERAL MANAGER'S REPORTS**

**GMR20/026 POSITION OF DEPUTY MAYOR**

File Ref: S012-T00025

**20/165 MOTION** Councillor Tait/Councillor Nathan

THAT in accordance with section 231 of the *Local Government Act 1993* Council resolve to create the position of Deputy Mayor;

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

Division

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

Against the Motion: Nil.

**20/166 MOTION** Councillor Tait/Councillor Thomson

THAT in accordance with section 231 of the *Local Government Act 1993* Council determine the term of appointment for the position of Deputy Mayor be until the declaration of polls for the 2021 local government election.

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

Division

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

Against the Motion: Nil.

**20/167 MOTION** Councillor Nathan/Councillor Tait

THAT in accordance with section 231 of the *Local Government Act 1993* Council determine the method of voting for election to the position of Deputy Mayor is to be by open voting.

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

Division

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

Against the Motion: Nil.

**ELECTION OF DEPUTY MAYOR**

The General Manager, as returning officer, called for nominations for the position of Deputy Mayor and declared one valid nominations had been received for the position, being Councillor Rob Pollock OAM.

In accordance with Council's resolution, a ballot by show of hands was conducted for the position of Deputy Mayor.

On the basis of the result of the ballot, the General Manager, as returning officer, declared Councillor Rob Pollock OAM elected as Deputy Mayor for the remainder of this Council term unanimously.

Division

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

Against the Motion: Nil.

**20/168 MOTION** Councillor Thomson/Councillor Tait

THAT in accordance with section 231 of the *Local Government Act 1993* The result of the election be provided to the Chief Executive of the Office of Local Government, along with other councils in New South Wales.

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

Division

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

Against the Motion: Nil.



**GMR20/027      NEW MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW AND  
PROCEDURES**

File Ref: S012-T00004

**20/169 MOTION** Councillor Pollock/Councillor Tait

THAT Council adopt the *2020 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)* in August 2020.

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

Division

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

Against the Motion: Nil.

**GMR20/028      DISASTER RECOVERY UPDATE**

File Ref: S008-T00007; SO12-T000025

**20/170 MOTION** Councillor Pollock/Councillor Tait

THAT Council:

1. receive and note this report;
2. 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, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

**11. PLANNING AND SUSTAINABILITY REPORTS**

**PSR20/023 ENERGY PROCUREMENT**

File Ref: S004-T00002; S004-T00003

**20/171 MOTION** Councillor Brown/Councillor Thomson

THAT

1. Council notes that one or more electricity contracts will need to be entered into to address the electricity load associated with all Council electricity accounts (including small, large and streetlighting) before the current contracts expire on 30 June 2021 (Electricity Contracts);
2. Council resolves that because of extenuating circumstances a satisfactory result would not be achieved by inviting tenders for the Electricity Contracts;
3. Council notes that the reasons for Council's decision that a satisfactory result would not be achieved by inviting tenders for the Electricity Contracts are that:
  - (i) Council understands that the current market conditions are favourable for entering into contracts in the nature of the Electricity Contracts;
  - (ii) electricity pricing offers for contracts in the nature of the Electricity Contracts are normally only valid for a very short period; and
  - (iii) Council would not be able to enter Electricity Contracts within such short period if Council was required to first invite tenders in accordance with s55 of the *Local Government Act 1993 (NSW)*;
4. Council delegates authority for the General Manager to enter into direct negotiations with one or more preferred bidders selected from a procurement process in respect of Electricity Contracts;
5. Council delegates authority for the General Manager to execute any resulting for Electricity Contracts with the preferred bidders; and
6. Council be advised of the outcome of the procurement process.

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

Division

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

Against the Motion: Nil.

**PSR20/024 LANDCARE PROJECT PROPOSALS 2020**

File Ref: S010-T00028

**20/172 MOTION** Councillor Thomson/Councillor Mayne

THAT Council:

1. receive and note the report titled Landcare Project Proposals 2020.
2. endorse the Nelligen Landcare project.
3. endorse the Tuross Rivercare project.

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

Division

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

Against the Motion: Nil.

**32. INFRASTRUCTURE REPORTS**

Nil

**13. CORPORATE AND COMMERCIAL SERVICES REPORTS**

**CCS20/031 LICENCE FOR BIKE HIRE BUSINESS- NAROOMA**

Councillor Brown declared a non-significant, non-pecuniary conflict of interest in CCS20/031 Licence for Bike Hire Business - Narooma and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Brown declared an interest as the licence area is opposite his property.

File Ref: S023-T00017

**20/173 MOTION** Councillor Pollock/Councillor Brown

THAT:

1. The General Manager be given delegated authority to grant an initial one-year licence to Southbound Escapes to operate a bike hire business within Crown Reserve 85364 at Quota Park, Narooma, with terms and conditions in line with similar licences including but not limited to;
  - a. The licence fee be in line with similar licences
  - b. The licence area is to be left clean and tidy after use, and any damage caused is to be rectified by the licence holder.
  - c. The provision of \$20 million public liability insurance.
2. The General Manager be given delegated authority to negotiate further licences.

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

Division

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

Against the Motion: Nil.

**CCS20/032 EASEMENT TO DRAIN WATER - MULGOWRIE STREET MALUA BAY**

File Ref: S023-T00001 Land ID: 3748

**20/174 MOTION** Councillor Thomson/Councillor Tait

THAT:

1. Consent be given for the creation of an easement to drain water within Lot 1088 DP 236653,
2. All costs including Council's reasonable legal and valuation costs associated with the creation of the easement be borne by Council,
3. Compensation for the easement be determined following a valuation by a registered valuer,
4. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation associated with the easement.

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

Division

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

Against the Motion: Nil.

**CCS20/033 NEIGHBOUR REQUEST TO PURCHASE ADJOINING COUNCIL LAND - MALUA BAY**

File Ref: S023-T00014 Land ID 17588

**20/175 MOTION** Councillor Thomson/Councillor Brown

THAT:

1. Council take all actions necessary to complete the sale of part Lot 574 DP 32008 in accordance with Council's Land Acquisition and Disposal Policy.
2. The General Manager be given delegated authority to negotiate the sale of part Lot 574 DP 32008 for an amount not less than 10% below market value determined by a registered valuer.
3. Consent be given to affix the Common Seal of Council, if required, to all necessary documents associated with the subdivision, transfer and sale of the subject property.

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

Division

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

Against the Motion: Nil.



**CCS20/034 INVESTMENTS MADE AS AT 31 AUGUST 2020**

File Ref: S011-T00006, S012-T00025

**20/176 MOTION** Councillor Pollock/Councillor Thomson

THAT the certification that the investments as at 31 August 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, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

**CCS20/035 PLANT HIRE PANEL - TENDER OUTCOME**

File Ref: S022-T00003; S022-T00004

**20/177 MOTION** Councillor Tait/Councillor Pollock

THAT:

1. Council endorse the proposed panel composition Request for Tender (RFT) No. 2020/CCD007 within the Confidential Attachment to this report.
2. Accordingly approve the entering-into of Deeds of Standing Offer with the proposed panellists, subject to the terms specified in the RFT No. 2020/CCD007.

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

Division

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

Against the Motion: Nil.

**CCS20/036 ACQUISITION OF UNNECESSARY ROAD TO TRANSPORT NSW  
PRINCES HIGHWAY DIGNAMS CREEK**

File Ref: S023-T00023

**20/178 MOTION** Councillor Thomson/Councillor Pollock

THAT:

1. Council consent to Transport NSW acquiring part Princes Highway no longer required being road reserve adjacent to Lot 246 DP 752155 Dignams Creek by compulsory process from Council in accordance with the *Roads Act 1993* and the *Land Acquisition (Just Terms Compensation) Act 1991*,
2. Consent be given to affix the Common Seal of Council, if required, to all necessary documents associated with the acquisition.

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

Division

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

Against the Motion: Nil.

**14. COMMUNITY, ARTS AND RECREATION REPORTS**

**CAR20/015 LIBRARY STRATEGIC PLAN**

File Ref: S003-T00017

**20/179 MOTION** Councillor Pollock/Councillor Tait

THAT Council adopt the Library Strategic Plan 2020-25.

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

Division

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

Against the Motion: Nil.

**15. DELEGATE REPORT**

Nil

**16. URGENT BUSINESS**

Councillor Lindsay Brown wished to pass on thanks from Councillor Phil Constable to the Police, NSW Fire and Rescue and all other emergency staff who attended the fire in Narooma on Sunday 20 September 2020. Unfortunately there are a number of residents affected by this tragic event and Council wishes to pass on its sympathy to those affected.

**17. DEALING WITH MATTERS IN CLOSED SESSION**

Nil

**16. CONFIDENTIAL MATTERS**

Nil

**THE MEETING CLOSED AT 11.28 am**

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**CHAIRPERSON**

Chairperson of the Ordinary Council Meeting held on Tuesday, 27 October 2020 at which meeting the signature hereon was subscribed.