



Minutes

Ordinary Meeting of Council

8 December 2020

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 8 DECEMBER 2020

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 8 DECEMBER 2020
COMMENCING AT 11.03AM**

PRESENT: Councillor Liz Innes, Mayor (in the Chair)
Councillors Anthony Mayne, 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
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
Miss L Evans, 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.

3. EVACUATION MESSAGE

Nil

4. APOLOGIES

20/224 MOTION Councillor Pollock/Councillor Thomson

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

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

Division

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

Against the Motion: Nil.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

20/225 MOTION Councillor Nathan/Councillor Pollock

THAT the minutes of the Ordinary Meeting held on 24 November 2020 be confirmed.

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

Division

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

Against the Motion: Nil.

6. PRESENTATION BY NSW AUDIT OFFICE

A presentation by Monique Oosthuizen from Deloitte, presented Council's financial audited results on behalf of the NSW Audit Office. A copy of the presentation is attached to the Council Meeting webpage.

7. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Nathan declared a significant, pecuniary conflict of interest in PSR20/029 Mogo Adventure Trails Hub Draft Masterplan - Post Exhibition and stated that she did believe her interest would preclude her from voting.

Reason: Councillor Nathan declared an interest as a property she owns in the Mogo Village adjoins lands associated with this Strategy and is currently on the market for sale.

Councillor Innes declared a significant, non-pecuniary conflict of interest in PSR20/031 Draft Batemans Bay Waterfront Masterplan and Activation Strategy and stated that she did believe her interest would preclude her from voting.

Reason: Councillor Innes declared an interest as her family own property that is impacted by this Strategy.

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in CCS20/054 Lease of Batemans Bay Community Centre and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as he previously worked for South Coast Colleges.

8. MAYORAL REPORTS

Nil

9. NOTICES OF MOTION

NOM20/008 OUTDOOR DINING

File Ref: S012-T00026

20/226 MOTION Councillor Pollock/Councillor Thomson

THAT Council:

1. For the duration of any relevant Covid-19 restrictions, delegates to the General Manager the ability to approve licences or variations to existing licences for Footpath Trading that are not consistent with the existing code, to facilitate increased seating capacity.
2. Amend the Footpath Trading Code so that outdoor dining is allowed in front of adjoining properties if the licensee has the written consent of the owner of the property in front of which the outdoor dining is proposed.
3. Extend the waiving of fees for licences approved under the Footpath Trading Code approved by Council on the 10 March 2020 (Minute 20/24) for an additional 6 months.

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

Division

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

Against the Motion: Nil.

SUSPENSION OF STANDING ORDERS

20/227 MOTION Councillor McGinlay/Councillor Mayne

That Standing Orders be suspended in order to debate the following topics:

PSR20/029 Mogo Adventure Trails Hub Draft Masterplan – Post Exhibition

CCS20/054 Lease of Batemans Bay Community Centre

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

Division

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

Against the Motion: Nil.

At **11.17AM** the meeting suspended standing orders to deal with items as listed above.

PSR20/029 MOGO ADVENTURE TRAILS HUB DRAFT MASTERPLAN - POST EXHIBITION

File Ref: S017-T00002

Councillor Nathan declared a significant, pecuniary conflict of interest in PSR20/029 Mogo Adventure Trails Hub Draft Masterplan - Post Exhibition and stated that she did believe her interest would preclude her from voting.

Reason: Councillor Nathan declared an interest as a property she owns in the Mogo Village adjoins lands associated with this Strategy and is currently on the market for sale.

At **11:18AM** Councillor Nathan left the meeting.

At **11.23AM** Clr Jack Tait joined the meeting.

20/228 MOTION Councillor Mayne/Councillor Thomson

THAT Council:

1. Having considered all the submissions received during the public exhibition period, adopt the amended Mogo Adventure Trail Hub Master Plan.
2. Write a letter of appreciation to all those who have made a submission to the Mogo Adventure Trail Hub Master Plan.

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

Division

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

Against the Motion: Nil.

At **11:34AM** Councillor Nathan returned to the meeting.

CCS20/054 LEASE OF BATEMANS BAY COMMUNITY CENTRE

File Ref: Land ID: 29439

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in CCS20/054 Lease of Batemans Bay Community Centre and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as he previously worked for South Coast Colleges.

20/229 MOTION Councillor Thomson/Councillor Pollock

THAT:

1. Council approve entering into a lease with the preferred candidate to commence 1 July 2021.
2. The General Manager be given delegated authority to conclude negotiations with that preferred candidate, or with the alternative candidate if the preferred candidate does not proceed.
3. Council approve an amended fee structure for relocated users which include 6 months of no charge and ongoing fees at the new venue which match what they currently pay.

(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.

RESUMPTION OF STANDING ORDERS

20/230 MOTION Councillor Pollock/Councillor Nathan

That Standing Orders be resumed.

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

Division

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

Against the Motion: Nil.

At **12.15PM** Council meeting resumed standing orders.

10. GENERAL MANAGER'S REPORTS

GMR20/034 CODE OF CONDUCT COMPLAINTS STATISTICS

File Ref: S012-T00003

20/231 MOTION Councillor Tait/Councillor Thomson

THAT Council receive and note the Code of Conduct Complaints Statistics Report.

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

Division

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

Against the Motion: Nil.

GMR20/035 DISASTER RECOVERY UPDATE

File Ref: S012-T000025

20/232 MOTION Councillor Pollock/Councillor Thomson

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, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R
Pollock, J Tait and J Thomson.

Against the Motion: Nil.

GMR20/036 ORGANISATION STRUCTURE - SENIOR STAFF

File Ref: S004-T00026

20/233 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council endorse the senior structure being:
 - (a) Director, Community, Arts and Recreation
 - (b) Director, Infrastructure Services
 - (c) Director, Planning and Sustainability.
2. The Director positions continue to be classified as senior staff officers.

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

Division

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

Against the Motion: Nil.

11. PLANNING AND SUSTAINABILITY REPORTS

PSR20/031 DRAFT BATEMANS BAY WATERFRONT MASTERPLAN AND ACTIVATION STRATEGY

File Ref: OP0005

Councillor Innes declared a significant, non-pecuniary conflict of interest in PSR20/031 Draft Batemans Bay Waterfront Masterplan and Activation Strategy and stated that she did believe her interest would preclude her from voting.

Reason: Councillor Innes declared an interest as her family own property that is impacted by this Strategy.

At **12:21PM** Councillor Innes left the meeting.

Councillor Rob Pollock took the role of Chair.

20/234 MOTION Councillor Tait/Councillor Nathan

THAT Council:

1. Adopt the attached draft Batemans Bay Waterfront Masterplan and Activation Strategy which maintains the Clyde Street boat ramp, while providing a vision for its removal, should such be proposed in the future.
2. Continue to seek opportunities for implementation of the draft Batemans Bay Waterfront Masterplan and Activation Strategy.
3. Write to all those who made a submission advising of Council's decision and thanking them.

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

Division

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

Against the Motion: Nil.

At **12:28PM** Councillor Innes returned to the meeting and resumed the role of Chair.

PSR20/032 DRAFT EUROBODALLA TOWN AND VILLAGE ENTRY SIGNAGE

File Ref: OP0033-S007

20/235 MOTION Councillor Brown/Councillor Thomson

THAT Council adopts the draft Eurobodalla Shire, Town and Village Entry Signage included in the attachment to this report.

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

Division

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

Against the Motion: Nil.

PSR20/033 EUROBODALLA VISITOR SERVICING REVIEW

File Ref: S012-T00025

20/236 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council endorse the implementation of the new model for the delivery of visitor information services as recommended in the Eurobodalla Visitor Servicing Review Final Report (Destination Marketing Store December 2019).
2. Council call for Expression of Interest as soon as possible for the lease of the building (Part Lot 7011 DP 1055108) to commence at the completion of the lease of the Narooma Visitor Information Centre to Montague Arts and Crafts Society ensuring that a proposed lease:
 - (a) participate in the business partnership program for visitor services; and
 - (b) maintain and manage the Lighthouse Museum.
3. The lease of the site of the current Narooma Visitor Information Centre building, being part Lot 7011 DP1055108 be in line with Council's Land Acquisition and Disposal Policy following the determination of market value by a registered valuer.
4. Council undertake a process seeking offers to purchase or undertake a long-term lease of the site of the Batemans Bay Visitor Information Centre, being part Lot 11 DP1257575.in line with Council's Land Acquisition and Disposal Policy following the determination of market value by a registered valuer.
5. Council take all necessary actions to enact sale or long-term lease of part Lot 11 DP1257575 (Batemans Bay) including subdivision of the land and the lease of part Lot 7011 DP1055108 (Narooma).
6. Council thank the staff of the Batemans Bay Visitor Information Centre and the Montague Arts and Crafts Society and their volunteers at the Narooma Visitor Information Centre for their work over many years to bring visitor information services to those visiting the centres.

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

Division

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

Against the Motion: Nil.

12. INFRASTRUCTURE REPORTS

**IR20/020 REQUEST FOR TENDER – 10034081
POTATO POINT LOW PRESSURE SEWERAGE RETICULATION**

File Ref: S029 - T00004

20/237 MOTION Councillor Thomson/Councillor Tait

THAT Council:

1. Endorses the selection of the preferred tenderer listed for Request for Tender No 10034081 Potato Point Low Pressure Sewerage Reticulation; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

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

Division

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

Against the Motion: Nil.

13. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS20/051 LAND ACQUISITION - NELLIGEN RESERVOIR

File Ref: S023-T00027/STS 500050

20/238 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Public Works Advisory, on behalf of Council, apply to the Minister for Local Government to acquire part Benandarah State Forest, for water infrastructure purposes, by compulsory process, in accordance with section 187(2) of the *Local Government Act 1993* and in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. If consent is granted all necessary action be taken to finalise the acquisition in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act*.
3. All survey and legal costs associated with the land acquisition be borne by Council.
4. Public notice be given of Council's intention to resolve:
 - i. Part Benandarah State Forest is acquired as operational land.
 - ii. A period of 28 days is given for members of the public to make submissions.
 - iii. A further report is presented following the advertising period to classify the land.
 - iv. Consent be given to affix the Common Seal of Council to the applicable documentation.

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

Division

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

Against the Motion: Nil.

CCS20/048 EVENTS LICENCE - MALUA BOARDRIDERS CLUB ACTIVITIES

File Ref: S023-T00017

20/239 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council grant an initial one-year licence to Malua Boardriders to conduct monthly surfing events, and the General Manager be given delegated authority to grant further licences to Malua Boardriders with terms and conditions in line with similar licences from within:

- Crown Reserve R56022 Lot 7019 DP 1021196 Lilli Pilli
- Crown Reserve R89171 Lot 7047 DP 1035133 Malua Bay
- Council Owned (community land) Lot 73 DP612285 South Rosedale
- Crown Reserve R90677 Lot 7007 DP 1074939 Barlings Beach
- Crown Reserve R90677 Lot 7005 DP 1125042 Tomakin Beach

Subject to the following conditions:

- (a) The licence fee be the Crown statutory minimum, currently \$507 plus GST per annum, increased annually in line with the CPI
- (b) Provision of evidence of public liability insurance cover in the amount of at least \$20 million
- (c) Conditions generally in line with similar licences.

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

Division

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

Against the Motion: Nil.

CCS20/049 LICENCE FOR COACHING PURPOSES - BATEMANS BAY TENNIS FACILITY

File Ref: S023-T00017 Land ID: 40568

20/240 MOTION Councillor Thomson/Councillor Tait

THAT:

1. The General Manager be given delegated authority to grant a licence for coaching purposes at Batemans Bay tennis facility at Hanging Rock in Batemans Bay within Lot 1 DP 1260850 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, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

CCS20/053 LICENCE FOR WATER SPORTS - NAROOMA

File Ref: S023-T00017

20/241 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council grant a one-year licence to Narooma Mobile Leisure Sports to operate non-powered water sports activities at Narooma Bridge - within Lot 7319 DP 1166668 including the following conditions:
 - 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
 - d. Conditions generally in line with similar licences.
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, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

CCS20/055 DIVIDENDS FROM WATER AND SEWER

File Ref: S011-T00022

20/242 MOTION Councillor Pollock/Councillor Tait

RECOMMENDATION

THAT Council resolve to take up dividends from the Water and Sewer funds of \$617,710 and \$563,100 respectively based upon 2018-19 audited results in the Water and Sewer funds, subject to achievement of substantial compliance with Best Practice Guidelines and approval from the Department of Primary Industries, Water (DPIW).

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

Division

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

Against the Motion: Clr P McGinlay.

14. COMMUNITY, ARTS AND RECREATION REPORTS

CAR20/022 HEALTHY COMMUNITIES, RECOVERY AND SENIORS WEEK GRANTS

File Ref: S003 T00026

20/243 MOTION Councillor Thomson/Councillor Tait

THAT Council approve the recommendations detailed in the confidential attachment, awarding Healthy Communities, Recovery and Seniors Week grants to 25 local groups/organisations for the 2020-21 financial year.

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

Division

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

Against the Motion: Nil.

CAR20/023 Y DRIVE FUNDING

File Ref: S003-T00045

20/244 MOTION Councillor Mayne/Councillor Thomson

THAT Council accept the funding allocation of up to \$500,000 over the next five years, under the Transport for NSW Driver Licensing Access Program, to support the Y Drive Program.

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

Division

For the Motion: Clrs L Brown, P Constable, 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

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

Nil

18. CONFIDENTIAL MATTERS

Nil

Before closing the meeting, the Chair acknowledged the community has had a tough year with bushfires and Covid-19 and she wished all members of the community a very merry and safe Christmas and uninterrupted trading this festive season.

THE MEETING CLOSED AT 1.01PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 9 February 2021 at which meeting the signature hereon was subscribed.