



Minutes

Ordinary Meeting of Council

28 September 2021

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 28 SEPTEMBER 2021

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HELD ON TUESDAY 28 SEPTEMBER 2021

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD VIA ZOOM
ON TUESDAY, 28 SEPTEMBER 2021
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, Phil Constable and Rob Pollock

Staff: Dr Catherine Dale, General Manager
Mr L Usher, Director, Planning and Sustainability Services
Mr W Sharpe OAM, Director, Infrastructure 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.

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

21/157 MOTION Councillor Nathan/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 24 August 2021 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, J Tait and J Thomson.

Against the Motion: Nil.

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

6. MAYORAL REPORTS

MR21/005 GENERAL MANAGER'S CONTRACT RENEWAL

File Ref: S012-T00023

MOTION Councillor Innes

THAT:

1. Council renew the contract of the General Manager, Dr Catherine Dale, for a period of 12 months commencing 1 October 2021.
2. Schedule A of the Contract to include:
 - (a) Provision of an executive car to be negotiated with full private use rights according to Council's Vehicle Use Code of Practice. Vehicle value must be below the value that would attract luxury motor vehicle sales tax. An amount calculated by reference to the Local Government NSW scale shall be attribute to the package value each year. Council will consider an equivalent novated lease arrangement.
 - (b) Professional Development: Council will provide professional development expenses up to a maximum of \$8,000 pa to allow for payment of professional memberships and for attendance at relevant professional associations and professional development events.
 - (c) Tools of the Trade: Council will provide a mobile telephone, laptop computer, ipad or similar equipment deemed by Council to be necessary for the fulfilment of the position. Home and mobile wireless broadband access will be provided.
3. Schedule B of the Contract, being the Key Performance Indicators, be adopted as attached.
4. Schedule C of the Contract, being the total remuneration package of the General Manager to remain the same.
5. The Common Seal of Council be affixed to the General Manager's contract in accordance with the Local Government Act 1993.
6. The Mayor be delegated to issue media releases in respect of the renewal of contract for the General Manager.

The Mayor indicated that Council should move into confidential session to discuss the renewal of the contract.

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 this report.

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

- a) Personnel matters concerning particular individuals (other than Councillors);

Further, in accordance with Clause F4 of the Office of Local Government's Guidelines for the appointment and oversight of General Managers:

'the process of deciding whether or not to offer a general manager a new contract should be:

- *the closed meeting considers and decides whether or not to offer a new contract and on what terms as set out in the schedules to the control'.*

Given the current Covid-19 meeting procedures, members of the public were given ten minutes to notify Council if they wish to make representation as to why the meeting should not be closed.

It was proposed to adjourn the meeting whilst members of the public were given the opportunity to make representations via phone to the meeting.

21/158 ADJOURNMENT Councillor Thomson/Councillor Brown

THAT the Ordinary Council Meeting be adjourned for a period of 10 minutes to allow members of the public to contact Council to register to make representations to Council regarding moving into Closed session.

(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 11.10am the meeting adjourned.

At 11.20am the meeting reconvened.

It was noted that there were two public verbal representations on whether the meeting should be closed to consider the matter.

Representation was made by Harry Watson-Smith and Peter Cormick.

21/159 MOTION Councillor Nathan/Councillor Thomson

THAT Council move into closed session.

(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 11.36am the Ordinary Meeting of Council moved into Closed Session.

At 12.05pm the Ordinary Meeting of Council resumed.

The Mayor advised the following recommendations were declared carried in Closed Session:

21/160 MOTION Councillor Innes

THAT:

1. Council renew the contract of the General Manager, Dr Catherine Dale, for a period of 12 months commencing 1 October 2021.
2. Schedule A of the Contract to include:
 - (a) Provision of an executive car to be negotiated with full private use rights according to Council's Vehicle Use Code of Practice. Vehicle value must be below the value that would attract luxury motor vehicle sales tax. An amount calculated by reference to the Local Government NSW scale shall be attribute to the package value each year. Council will consider an equivalent novated lease arrangement.
 - (b) Professional Development: Council will provide professional development expenses up to a maximum of \$8,000 pa to allow for payment of professional memberships and for attendance at relevant professional associations and professional development events.
 - (c) Tools of the Trade: Council will provide a mobile telephone, laptop computer, ipad or similar equipment deemed by Council to be necessary for the fulfilment of the position. Home and mobile wireless broadband access will be provided.
3. Schedule B of the Contract, being the Key Performance Indicators, be adopted as attached.
4. Schedule C of the Contract, being the remuneration package of the General Manager, to remain the same.
5. The Common Seal of Council be affixed to the General Manager's contract in accordance with the Local Government Act 1993.
6. The Mayor be delegated to issue media releases in respect of the renewal of contract for the General Manager.

(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.

7. NOTICES OF MOTION

NOM21/006 RETIREMENT OF SUPERINTENDENT JOHN CULLEN AFSM, RURAL FIRE SERVICE

File Ref: S012-t00026

At 12:07 pm Councillor Thomson left the Chambers.

21/161 MOTION Councillor Constable/Councillor Nathan

THAT Council congratulate and thank Superintendent John Cullen for his service to the NSW Rural Fire Service and community.

(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 Tait.

Against the Motion: Nil.

At 12:11 pm Councillor Thomson returned to the Chambers.

8. QUESTIONS ON NOTICE FROM COUNCILLORS

QON21/007 SERVICES FOR EUROBODALLA'S AGEING POPULATION

File Ref: S012-T00024

21/162 MOTION Councillor McGinlay/Councillor Constable

THAT the response to the question regarding services for Eurobodalla's ageing population raised by Councillor Patrick McGinlay be received and noted.

(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.

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

GMR21/043 INVESTMENTS MADE AS AT 31 AUGUST 2021

File Ref: S011-T00006, S012-T00025

21/163 MOTION Councillor Constable/Councillor Thomson

THAT the certification of investments as at 31 August 2021, 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, 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

PSR21/039 LICENCE RENEWAL - NAROOMA WHARF LICENCES

File Ref: S023-T00017

21/164 MOTION Councillor Thomson/Councillor Pollock

THAT

1. Council grant a 12 month licence to Narooma Charters and Lighthouse Charters to operate from Narooma Wharf commencing on 13 June 2021 and expiring on 12 June 2022 including the following conditions:
 - a. The licence fee of \$2,500 plus GST with annual Consumer Price Index increases
 - 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 evidence of public liability insurance cover to the amount of at least \$20 million
 - d. Conditions in line with the previous licence
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.

PSR21/040 LICENCE FOR AGRICULTURAL PURPOSES - MORUYA

File Ref: S023-T00017

21/165 MOTION Councillor Tait/Councillor Thomson

THAT

1. Council grant a 12 month licence for agricultural purposes within Lots 61, 62 and part Lot 58 DP 244154, Queen Street, Moruya including the following conditions:
 - a. A licence fee based on the previous licence adjusted by the Consumer Price Index.
 - b. The provision of evidence of public liability insurance cover to the amount of at least \$20 million.
 - c. Conditions in line with the previous licence for this land.
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.

PSR21/041 LAND ACQUISITION - COSTIN STREET, NAROOMA

File Ref: Land ID 11441

21/166 MOTION Councillor Pollock/Councillor Thomson

THAT

1. Council approve the acquisition of part Lot 793 DP 752155
2. All actions necessary be taken for the acquisition of part Lot 793 DP 752155 for road purposes in accordance with Council's Land Acquisition and Disposal Policy.
3. If the acquisition of part Lot 793 DP 752155 cannot be negotiated by agreement, Council make application to the Minister for Local Government and the Governor to acquire part of Lot 793 DP 752155 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.
4. Compensation for the land be determined following a valuation by a registered valuer.
5. All survey and legal costs associated with the land acquisition be borne by Council.
6. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
7. Authority be given to affix the Common Seal of Council to the necessary documentation associated with the acquisition.

(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.

**PSR21/042 LAND ACQUISITION FOR ROAD WIDENING - RIDGE ROAD,
CENTRAL TILBA**

File Ref: S023-T00001/Land ID 23732

21/167 MOTION Councillor Thomson/Councillor Tait

THAT

1. Council approve the acquisition of part Lot 2 DP 788728
2. All actions necessary be taken for the acquisition of part Lot 2 DP 788728 for road purposes in accordance with Council's Land Acquisition and Disposal Policy.
3. If the acquisition of part Lot 2 DP 788728 cannot be negotiated by agreement, Council make application to the Minister for Local Government and the Governor to acquire part of Lot 2 DP 788728 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.
4. Compensation for the land be determined following a valuation by a registered valuer.
5. All survey and legal costs associated with the land acquisition be borne by Council.
6. Once acquired, the land be dedicated as public road in accordance with the provisions of the Roads Act 1993.
7. Authority be given to affix the Common Seal of Council to the necessary documentation associated with the acquisition.

(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.

PSR21/043 2020-21 NATURAL RESOURCE MANAGEMENT STATUS REPORT

File Ref: S010-T00015

21/168 MOTION Councillor Tait/Councillor Thomson

THAT Council:

1. Receive and note the 2020-21 Natural Resource Management Status Report.
2. Thank Landcare volunteers for their contribution.

(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.

PSR21/044 INVASIVE SPECIES STATUS REPORT 2020-21

File Ref: S010-T00026

21/169 MOTION Councillor Thomson/Councillor Tait

THAT Council receive and note the Invasive Species Status Report 2020-21.

(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.

PSR21/045 LANDCARE PROJECT PROPOSALS 2021

File Ref: S010-T00028

21/170 MOTION Councillor Thomson/Councillor Mayne

THAT Council:

1. Receive and note the report titled Landcare Project Proposals 2021.
2. Endorse the Surfside Landcare Project.
3. Endorse the Moruya South Heads Landcare Project.

(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

IR21/028 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2021-22

File Ref: S030-T00018

21/171 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 1 for 2021-22 be received and noted.
2. Plan No. 5156 Set BH Sheet 06 detailing the signage and line marking associated with the wombat crossings on Church street, Queen Street and Mirrabooka Avenue, Moruya be approved.
3. The compilation plan prepared by Council dated 17/08/2021 (that includes roundabout plan 15256-1 sheet 4 REV B) detailing the signage and line marking associated with the proposed roundabout on George Bass Drive at the intersection of Rosedale Parade, Rosedale be approved.

(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. COMMUNITY, ARTS AND RECREATION REPORTS

CAR21/017 PUBLIC ART STRATEGY 2021 FOR ADOPTION

File Ref: S003-T00034

21/172 MOTION Councillor Brown/Councillor Tait

THAT Council adopt the Public Art Strategy 2021.

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

Division

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

Against the Motion: Nil.

CAR21/018 COMMUNITY DEVELOPMENT UPDATE

File Ref: S003-T00026

21/173 MOTION Councillor Thomson/Councillor Tait

THAT Council endorse action taken in accepting funding of \$1,850 from the NSW Office for Regional Youth.

(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.

CAR21/019 CHILDREN'S SERVICES FEES

File Ref: S003-T00344

21/174 MOTION Councillor Tait/Councillor Pollock

THAT Council

1. Endorse the waiving of the gap fee for After School Care and Vacation Care for child absences during the 'stay-at-home' order period; and
2. Receive and note the actions and eligibility requirements for the service to apply for business continuity payments via the Commonwealth Government starting from 23 August 2021.

(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.

3. DELEGATE REPORT

Nil

4. URGENT BUSINESS

Nil

5. DEALING WITH MATTERS IN CLOSED SESSION

Nil

6. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED 12.24pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 12 October 2021 at which meeting the signature hereon was subscribed.