



Minutes

Ordinary Meeting of Council

26 June 2018

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 26 JUNE 2018

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 26 JUNE 2018
COMMENCING AT 10.00AM**

PRESENT: Councillor Liz Innes, Mayor (in the Chair)
Councillors Anthony Mayne, Jack Tait, James Thomson, Lindsay Brown,
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, Finance and Business Development
Mrs K Arthur, Director, Community, Arts and Recreation
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

18/141 MOTION Councillor Brown/Councillor Thomson

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

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

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.)

PF18/044 – MR18/003 Wharf Road, Batemans Bay

Mr Ian Hitchcock addressed Council in relation to item MR18/003 Wharf Road, Batemans Bay. A copy of Mr Hitchcock's submission is available on Council's website.

EXTENSION OF TIME

18/142 MOTION Councillor Constable/Councillor McGinlay

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

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

PF18/045 – MR18/003 Wharf Road, Batemans Bay, QON18/002 Rural Lands Strategy, QON18/003 Princes Highway Corridor Strategy, QON18/004 Proposed Loans to Council from TCorp and GMR18/015 2018-19 Determination of the Local Government Remuneration Tribunal

Mr Peter Bernard addressed Council in relation to item PF18/045 – MR18/003 Wharf Road, Batemans Bay, QON18/002 Rural Lands Strategy, QON18/003 Princes Highway Corridor Strategy, QON18/004 Proposed Loans to Council from TCorp and GMR18/015 2018-19 Determination of the Local Government Remuneration Tribunal. A copy of Mr Bernard's submission is available on Council's website.

EXTENSION OF TIME

18/143 MOTION Councillor Constable/Councillor McGinlay

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

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

PF18/046 – GMR18/016 Adoption of the revised 2017-21 Delivery Program and 2018-19 Operational Plan

Mr Owen Cartledge addressed Council in relation to item GMR18/016 Adoption of the revised 2017-21 Delivery Program and 2018-19 Operational Plan. A copy of Mr Cartledge's submission is available on Council's website.

PF18/047 – CAR18/023 Draft Moruya Showground Landscape Masterplan

Mr Lindsay Boyton addressed Council in relation to item CAR18/023 Draft Moruya Showground Landscape Masterplan. A copy of Mr Boyton's submission is available on Council's website.

At 10.46am Councillor Nathan arrived at the meeting.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

18/144 MOTION Councillor Thomson/Councillor Constable

THAT the minutes of the Ordinary Meeting held on 12 June 2018 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

6. MAYORAL REPORTS

MR18/003 WHARF ROAD, BATEMANS BAY

File Ref: E12.6263

MOTION Councillor Constable/Councillor Pollock

THAT Council move into confidential to discuss MR18/003 Wharf Road, Batemans Bay.

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 MR18/003 Wharf Road, Batemans Bay.

Discussions on this report 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).

Mr Peter Bernard addressed Council on why he believed Council should not go into Closed Session.

MOTION

18/145 MOTION Councillor Constable/Councillor Pollock

THAT Council move into confidential to discuss MR18/003 Wharf Road, Batemans Bay.

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

At 10.55am Council moved into Closed session.

MOTION

18/146 MOTION Councillor Thomson/Councillor Pollock

THAT Council move into Committee of the Whole to discuss MR18/003 Wharf Road, Batemans Bay.

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

At 10.56am Council moved into Committee of the Whole during Closed session.

ADJOURNMENT

18/147 MOTION Councillor Innes/Councillor Tait

THAT the Closed session of the Ordinary Council Meeting be adjourned.

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

At 11.30am the meeting adjourned.

At 11.35am the meeting reconvened.

MOTION

18/148 MOTION Councillor Thomson/Councillor McGinlay

THAT Council resume Closed session.

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

MOTION

18/149 MOTION Councillor Thomson/Councillor McGinlay

THAT Council resume open session.

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

At 11.40am the meeting resumed open session.

The Mayor declared that no recommendations were made during the Closed session and Closed Session Committee of the Whole.

MOTION Councillor Innes

THAT:

1. Council contribute up to 50% of the cost of a Coastal Management Study of Wharf Road (the study) with a maximum cost to Council of \$10,000.
2. The study address the following key objectives identified by the property owners who have requested the study:
 - I. assess and describe (from existing reports) the current known characteristics of the coastal processes within Batemans Bay and specifically at Wharf Road
 - II. develop options to reclaim land to achieve a coastline consistent with that in existence at the time that DA 871/02 was lodged and to manage ongoing coastal hazards both now and into the future
 - III. identify the costs, both for construction and ongoing management actions of recommendations arising from Point II
 - IV. assess and make recommendations in regard to suitability of the site for development (public and private), the types of development, any conditions related to that development and appropriate zoning of the site, subject to consideration of the outcomes of Points I, II and III
 - V. facilitate the purchase of the land by the NSW Government and enable the owners to recover costs in line with the value of the site had it not been rezoned to a nonoperational zone.
3. Before Council staff proceed to prepare a request for quote (brief), the owners of the property who have requested the study, provide a written guarantee to meet 50% of the cost of the study and any cost above Council's maximum contribution of \$10,000.
4. The brief be prepared in a manner that enables the completed study to meet requirements of the NSW Government and Council so as to enable any recommendations arising from the study that are adopted by the Council, to be included in a Coastal Management Program.
5. The property owners who have requested the study be provided the opportunity to review the brief before request for quotes are sort by Council.
6. The procurement process proceed in accordance with Council's normal process for a request for quote, other than the request for quote be referred to Council to determine which firm is awarded the job of preparing the study.
7. The property owners who have requested the study be given the opportunity to nominate one person to assist in assessing the request for quote, subject to that person signing a confidentiality agreement and complying with the required confidentiality associated with the evaluation and determination of a request for quote.
8. If Council determines to appoint a firm to undertake the study, the property owners who have requested the study are to provide to Council their share of the studies costs prior to the successful firm being engaged.
9. The project is to be managed by Council staff.

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

18/150 MOTION Councillor Constable/Councillor Nathan

THAT:

1. Council not provide any financial support toward the request by property owners at Wharf Road to undertake another study of Coastal Management issues.
2. Given the property owners are of the view, based on a report by Mr Sethi, that the coastal management issues at Wharf Road are primarily the result of the construction of the training wall (owned by the NSW Government) on the southern side of the Clyde River, that Council write again to the Office of Environment and Heritage on behalf of the subject property owners seeking funding for the study from the NSW Government.
3. Should the property owners wish to undertake the study at their own cost, that Council provide technical assistance in preparing a brief and reviewing any draft study, should the property owners request such assistance.

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

7. NOTICES OF MOTION

Nil

SUSPENSION OF STANDING ORDERS

18/151 MOTION Councillor Pollock/Councillor Brown

That Standing Orders be suspended in order to deal with items QON18/002 Rural Lands Strategy, QON18/003 Princes Highway Corridor Strategy, QON18/004 Proposed loans to Council from TCorp, CAR18/023 Draft Showground Landscape Masterplan and GMR18016 Adoption of revised 2017-21 Delivery Program and 2018-19 Operational Plan.

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

8. QUESTIONS ON NOTICE FROM COUNCILLORS

QON18/002 RURAL LANDS STRATEGY

File Ref: E12.6191; E16.0182

18/152 MOTION Councillor Mayne/Councillor Tait

THAT the response to the question regarding Rural Fire Service concerns in regard to the draft Rural Lands Strategy raised by Councillor Mayne be received and noted.

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

QON18/003 PRINCES HIGHWAY CORRIDOR STRATEGY UPDATE

File Ref: E00.4623; E17.1041

MOTION Councillor Constable/Councillor Mayne

THAT the response to the question regarding Princes Highway Corridor Strategy Update raised by Councillor Constable be received and noted while acknowledging deficiencies in the response to the question on notice.

18/153 AMENDMENT Councillor Nathan/Councillor Brown

THAT the response to the question regarding Princes Highway Corridor Strategy Update raised by Councillor Constable be received and noted while acknowledging further information will be forth coming in discussions with staff.

(The Amendment on being put became the motion and on being put was declared **CARRIED**)

QON18/004 PROPOSED LOANS TO COUNCIL FROM TCORP

File Ref: E18.1570

18/154 MOTION Councillor McGinlay/Councillor Mayne

THAT the response to the question regarding proposed loans to Council from TCorp raised by Councillor Pat McGinlay be received and noted.

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

9. COMMUNITY, ARTS AND RECREATION REPORTS

CAR18/023 DRAFT MORUYA SHOWGROUND LANDSCAPE MASTERPLAN

File Ref: E95.9434

18/155 MOTION Councillor Brown/Councillor Nathan

THAT:

1. The Draft Moruya Landscape Masterplan be endorsed for the purpose of public exhibition for 28 days.
2. A further report, detailing any submissions received, be presented to Council following the conclusion of the exhibition period.

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

10. GENERAL MANAGER'S REPORTS

GMR18/016 ADOPTION OF THE REVISED 2017-21 DELIVERY PROGRAM AND 2018-19 OPERATIONAL PLAN

File Ref: E18.1549

18/156 MOTION Councillor Brown/Councillor Pollock

THAT:

1. Council makes the annual Ordinary Rates for 2018-19 in accordance with the rate peg set by IPART which is 2.3%, as contained in the table in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2018-19 in accordance with the Revenue Policy and Fees and Charges as contained in the tables in the report.
3. Council make each fee and charge for 2018-19 in accordance with the amended Revenue Policy and Fees and Charges as attached to the report.
4. Council adopt the Delivery Program 2017-21 and Operational Plan 2018-19 attached to the report as per the statutory requirements with implementation to commence 1 July 2018.
5. Council thank the community members who made a submission and provide them with a response.

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

**GMR18/015 2018-19 DETERMINATION OF THE LOCAL GOVERNMENT REMUNERATION
TRIBUNAL**

File Ref: E95.8749

18/157 MOTION Councillor Thomson/Councillor Tait

THAT Council:

1. Make a determination in regard to the Remuneration Tribunal's determination of a 2.5% increase in fees for Councillors and the additional Mayoral allowance.
2. Note that the maximum fees for Regional Rural councils for 2018-19, including the full Tribunal determination, are set at \$19,790 for Councillors and \$43,170 for the additional Mayoral allowance.

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

11. PLANNING AND SUSTAINABILITY REPORTS

**PSR18/063 TENDER - APPOINT CONSULTANTS TO PREPARE BATEMANS BAY URBAN
CREEKS FLOOD STUDY**

File Ref: E18.1475.T

18/158 MOTION Councillor Pollock/Councillor Thomson

THAT Council:

1. Endorses the selection of the preferred tenderer listed for RFT 2018/PLS 028 Batemans Bay Urban Creeks Flood Study within the confidential attachment.
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

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

**PSR18/064 TENDER - APPOINT CONSULTANTS TO PREPARE NAROOMA COASTAL INLETS
FLOOD RISK MANAGEMENT STUDY AND PLAN**

File Ref: E18.147

18/159 MOTION Councillor Pollock/Councillor Mayne

THAT Council:

1. Endorses the selection of the preferred tenderer listed for RFT 2018/PLS 109 Narooma Coastal Inlets Flood Risk Management Study and Plan within the confidential attachment; 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 unless otherwise varied in accordance with this report.

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

PSR18/065 EASY TO DO BUSINESS

File Ref: EXX.

18/160 MOTION Councillor Brown/Councillor Nathan

THAT Council:

1. Delegate authority to the General Manager to enter into a contract with Service NSW for the Easy to do Business initiative.
2. Consent be given to affix the Common Seal of Council to all necessary documents associated with the Easy to do Business initiative.

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

12. INFRASTRUCTURE REPORTS

IR18/030 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2018-19

File Ref: E99.3954: E99.3955

18/161 MOTION Councillor Thomson/Councillor Mayne

THAT the schedules for the maintenance grading of unsealed roads and the resealing of sealed roads for 2018-19 be adopted.

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

IR18/031 LOCAL TRAFFIC COMMITTEE NO. 9 FOR 2017-18

File Ref: E16.0002

18/162 MOTION Councillor Mayne/Councillor Tait

THAT

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 8 of 2017-18 held on 3 May 2018 be received and noted.
2. Council Plan No. 5156 Set BB Sheets 10 detailing the 'No Parking' and 'No Stopping' signage along the boat ramp access road adjacent to Murramarang Resort, South Durras, be approved.
3. Council Plan No. 5156 Set BP Sheets 01 detailing the linemarking associated with two accessible parking spaces in the off-street carpark at the intersection of Corkhill Drive and Bate Street, Central Tilba, be approved.

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

13. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS18/026 INVESTMENTS MADE AS AT 31 MAY 2018

File Ref: E99.3517

18/163 MOTION Councillor Tait/Councillor Pollock

THAT the certification that the investments as at 31 May 2018, 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**)

CCS18/027 LICENCE FOR OUTDOOR EATING AREA - BATEMANS BAY

File Ref: 80.2452.D

18/164 MOTION Councillor Pollock/Councillor Nathan

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone for an outdoor eating area to be adjacent to the boundary of Shop 12, 4 Perry Lane, Batemans Bay.
2. A licence be granted to the proprietor of a business at Shop 12, 4 Perry Lane, Batemans Bay for an outdoor eating area to be located adjacent to the shop boundary with terms and conditions including:
 - (a) A three-year term with a two-year option.
 - (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
 - (c) Payment of a rental fee in accordance with Council's fees and charges.
 - (d) Payment of an annual licence administration fee in accordance with Council's fees and charges.
 - (d) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
 - (e) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.

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

CCS18/028 MORUYA AIRPORT CAFÉ

File Ref: E81.2168

18/165 MOTION Councillor Pollock/Councillor Brown

THAT the General Manager be given delegated authority to renegotiate the commercial terms of the licence for the Moruya Airport Café to ensure its continued operation.

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

14. DELEGATE REPORT

Nil

15. URGENT BUSINESS

Councillor Lindsay Brown raised concerns with the funding cuts to public libraries in the recent NSW Budget. He indicated that NSW Government subsidy for public libraries is nearly 33% less than that provided by other States and Territories. Councillor Brown indicated that the matter could be raised at the Canberra Region Joint Organisation to be held at the end of the week.

18/166 MOTION Councillor Brown/Councillor Nathan

THAT Council make representation to the Canberra Region Joint Organisation, to advocate to the relevant Ministers and politicians, regarding the reduction in library funding in the recent NSW Government budget and request increasing the per capital funding, in line with other States and Territories.

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

THE MEETING CLOSED AT 1.31pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 31 July 2018 at which meeting the signature hereon was subscribed.