



Minutes

Ordinary Meeting of Council

10 February 2015

**ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 10 FEBRUARY 2015**

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Nil	

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 10 FEBRUARY 2015
COMMENCING AT 10.00AM**

PRESENT: Councillor Rob Pollock OAM, Deputy Mayor (in the Chair)
Councillors Danielle Brice, Neil Burnside, Gabi Harding, Liz Innes, Milton Leslight, Peter Schwarz
At 10.19am Councillor Fergus Thomson OAM arrived at the meeting.
At 11.00am Councillor Lindsay Brown, Mayor, arrived at the meeting.

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 Deputy Mayor welcomed everyone to the meeting, acknowledged the Traditional Owners and advised of the Evacuation Procedure.

The Deputy Mayor announced that today is the first live webcast of the Council meeting, which will enhance public access to the deliberations of Council.

2. APOLOGIES

APOLOGY

15/1 MOTION Councillor Harding/Councillor Brice

THAT apologies be received from Councillors Brown and Thomson and leave of absence be granted, noting that both will be arriving late to the meeting.

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

3. QUESTIONS FROM PUBLIC GALLERY (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.)

PF15/001 GMR15/001 Proposed Special Rate Variation

E15.9042; E14.8367

Mr Owen Cartledge addressed Council in regard to GMR15/001 Proposed Special Rate Variation. A copy of Mr Cartledge's submission is available on Council's website.

Councillor Brice asked that Mr Cartledge correct his presentation where he attributed to her a statement made at the 9 December 2014 Council meeting. This statement was made by Councillor Harding.

The Chair noted the change to the presentation.

PF15/002 GMR15/001 Proposed Special Rate Variation

E15.9042; E14.8367

Mr Damien Rogers addressed Council in regard to GMR15/001 Proposed Special Rate Variation. A copy of Mr Rogers' submission is available on Council's website.

During the presentation, the Chair told Mr Rogers that if he has any specific questions, he should formally table these and a reply will be forwarded to him.

At 10.19am Councillor Thomson arrived at the meeting.

PF15/003 GMR15/001 Proposed Special Rate Variation

E15.9042; E14.8367

Mr Ian Hitchcock addressed Council in regard to GMR15/001 Proposed Special Rate Variation. A copy of Mr Hitchcock's submission is available on Council's website.

PF15/004 GMR15/001 Proposed Special Rate Variation

E15.9042; E14.8367

Mr Peter Bernard addressed Council in regard to GMR15/001 Proposed Special Rate Variation. A copy of Mr Bernard's submission is available on Council's website.

3. QUESTIONS FROM THE PUBLIC GALLERY (contd)

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

**PF15/005 Confirmation of Minutes
IR15/003 Funding Offers - ... Traffic Signals, Batemans Bay**

E15.9042; E06.0429; E12.6374

Ms Patricia Hellier addressed Council in regard to Confirmation of the Minutes relating to adoption of the Code of Meeting Practice; and to IR15/003 Funding Offers - ... Traffic Signals, Batemans Bay. A copy of Ms Hellier's submission is available on Council's website.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

15/2 MOTION Councillor Harding/Councillor Schwarz

THAT the minutes of the Ordinary Meeting held on 9 December 2014 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

6. REPORTS OF COMMITTEE

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE

Nil

9. MAYORAL REPORTS

At 11am Councillor Brown arrived at the meeting.

10. GENERAL MANAGER'S REPORTS

GMR15/001 PROPOSED SPECIAL RATE VARIATION FOR COMMUNITY AND TRANSPORT INFRASTRUCTURE PROJECTS

File Ref: E14.8367

15/3 MOTION Councillor Burnside/Councillor Pollock

THAT Council:

1. Receive and note the feedback and results of the public exhibition of the revised Delivery Program 2013-17 and Long Term Financial Plan 2015-25.
2. In response to community feedback, independent research undertaken and recent information regarding cost efficiencies, reduce the proposed Special Rate Variation (SRV) to 6.5% (including the rate peg amount) by:
 - a. Removing from the proposed Special Rate Variation schedule of works, the multi-use community and exhibition space with meeting rooms at Moruya Library and the Captain Oldrey Park expansion;
 - b. Note the savings arising from the contractor casual cost charge as outlined in the report;
 - c. Reduce the rate revenue required by utilising \$2 million of Council cash reserves which offset the loan funds required for the revised proposed schedule of works.
3. Make an application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508A of the Local Government Act 1993 for a special variation to its general rate income of 6.5% per annum (including the rate peg amount) for a period of three years, commencing in 2015-16, with the increase to remain permanently in the rate base.
4. Adopt the revised Delivery Program 2013-17 and Long Term Financial Plan 2015-25 as amended in accordance with recommendation 2 above.
5. Investigate and report back to Council alternate funding options for the progression of the multi-use community and exhibition space with meeting rooms at Moruya Library, including libraries and cultural grant funding and philanthropic opportunities, noting the long term benefit that the project would generate for the community.
6. Investigate and report back to Council alternate funding options for the staged progression of the Captain Oldrey Park expansion including discussions with NSW Department of Sport and Recreation for grant funding, noting that this is a district facility.
7. Note the Council resolution of 9 December 2014 which outlines the role of the Audit Committee in monitoring the implementation of the proposed SRV and the restriction of funds as they become available to infrastructure renewals.
8. Prepare two Operational Plans for 2015-16 to reflect the base case scenario and special rate variation scenario of 6.5% (including the rate peg amount).

(The Motion on being put was declared **CARRIED**.
Councillors Leslight and Innes voted against the Motion.)

11. PLANNING AND SUSTAINABILITY REPORTS

PSR15/002 EUROBODALLA LOCAL ENVIRONMENTAL PLAN 2012 HOUSEKEEPING AND OTHER AMENDMENTS

File Ref: E14.8442

15/4 MOTION Councillor Brown/Councillor Innes

THAT Council

1. Resolve to list the Eurobodalla Botanic Gardens Wallace Herbarium as a heritage item in Eurobodalla Local Environmental Plan 2012.
2. Endorse the attached planning proposal to amend Eurobodalla Local Environmental Plan 2012 and Rural Local Environmental Plan 1987, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, in order to address the matters as outlined in the attachment (Planning Proposal - Housekeeping and Other Amendments).
3. Forward the Planning Proposal to the Minister for Planning for a Gateway determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.
4. Advise the Secretary of the Department of Planning and Environment that Council seeks to exercise delegations for undertaking Section 59(1) of the Environmental Planning and Assessment Act 1979.
5. Following the receipt of a Gateway determination, consult with the community and relevant government agencies as required by the Gateway determination.
6. Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the Environmental Planning and Assessment Act 1979.
7. Note the plan will be made under delegation following the issue of a Gateway determination and the completion of community consultation requirements.
8. The following amendments be made to the Planning Proposal to correct a typographic error and ensure all of the lots relating to the Kyla Park Grazing Lands are included:

- i. In Attachment 1A, add the following new line:

1.5	I248	Add to Schedule 5: Tuross Head, Kyla Park Grazing Lands, Lot 3 DP1081596, Local, I248	Map Lot 3 DP1081596
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- ii. In Attachment 1B, No. 1.8, change the lot description in Column 3 to "Lots 75-77 DP260321, Lots 1, 2 and 4 DP1081596 and Lot 791 DP1040710".

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

PSR15/003 ADOPT TOMAGA ESTUARY COASTAL ZONE MANAGEMENT PLAN 2015

File Ref: E13.7269

15/5 MOTION Councillor Harding/Councillor Brown

THAT Council:

1. Adopt draft Coastal Zone Management Plan for Tomaga Estuary 2015
2. Write to all who made a submission thanking them for their submission and advising them of Council's decision.
3. Note that it has now adopted a sea level rise of RCP6.

(The Motion on being put was declared **CARRIED**.
Councillors Leslight and Innes voted against the Motion.)

PSR15/004 DRAFT COMPANION ANIMAL MANAGEMENT PLAN

File Ref: E98.2552; E10.4150; E11.5372

15/6 MOTION Councillor Harding/Councillor Brice

THAT:

1. The draft Companion Animal Management Plan 2015-2019 be adopted.
2. Council write to the members of the community who made a submission thanking them for their involvement and advising of the outcome of the process.

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

PSR15/005 TENDER FOR PROVISION OF LABORATORY ANALYTICAL SERVICES

File Ref: E93.5121

15/7 MOTION Councillor Brice/Councillor Harding

THAT Council accepts the tender from Sydney Water Monitoring Services for the provision of an accredited laboratory testing and reporting service.

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

12. INFRASTRUCTURE REPORTS

IR15/002 LOCAL TRAFFIC COMMITTEE MEETING NO 4 FOR 2014-2015

File Ref: E14.8002, E15.9002

15/8 MOTION Councillor Burnside/Councillor Brice

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee meeting No 4 of 2014-2015 held on 11 December 2014 be received and noted.
2. Council Plan No 5156 Set B Sheet 1 detailing the modification of on-street parking on Mirrabooka Avenue adjacent to the Air Raid Tavern building, to replace No Parking with a Loading Zone and 15 minute parking be approved.
3. Council Plan No 2735 Set D Sheet 1 detailing the proposed signage and line marking associated with the shared path and pedestrian refuge island, located along George Bass Drive near the intersection with Tomakin Road, Tomakin be approved.
4. The following schedule be put in place for the Local Traffic Committee for 2015:
Meeting No 5 for 2014-2015 on Thursday 12 February 2015
Meeting No 6 for 2014-2015 on Thursday 12 March 2015
Meeting No 7 for 2014-2015 on Thursday 9 April 2015
Meeting No 8 for 2014-2015 on Thursday 14 May 2015
Meeting No 9 for 2014-2015 on Thursday 11 June 2015
Meeting No 1 for 2015-2016 on Thursday 9 July 2015
Meeting No 2 for 2015-2016 on Thursday 13 August 2015
Meeting No 3 for 2015-2016 on Thursday 10 September 2015
Meeting No 4 for 2015-2016 on Thursday 8 October 2015
Meeting No 5 for 2015-2016 on Thursday 12 November 2015
Meeting No 6 for 2015-2016 on Thursday 10 December 2015.
5. Modifications to be line marking at the turn into Club Narooma on Bowen Street, Narooma be modified in accord with recommendations provided to the Local Traffic Committee.

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

**IR15/003 FUNDING OFFERS - SHARED PATHWAY - NAROOMA AND TRAFFIC SIGNALS -
BATEMANS BAY**

File Ref: E01.5635; E12.6374

15/9 MOTION Councillor Harding/Councillor Brice

THAT Council endorse the actions taken in accepting the offers of grant funding from Roads and Maritime Services under their Active Transport Program for 2014-15 for the:

1. Shared pathway in Willcocks Avenue, Narooma (\$50,000 grant); and
2. Traffic signals at the intersection of North and Perry Streets, Batemans Bay (\$200,000 grant).

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

IR15/004 FUNDING OFFER - PLAYGROUND EQUIPMENT - KORNER PARK, BATEMANS BAY

File Ref: E13.7189

15/10 MOTION Councillor Brice/Councillor Harding

THAT Council accept the offer of \$25,000 from the NSW Department of Primary Industries, Crown Lands Division under the 2014-15 Public Reserves Management Fund Program for replacement of existing playground equipment at Korner Park, Wharf Road, Batemans Bay.

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

**IR15/005 FUNDING OFFER - FLOODPLAIN RISK MANAGEMENT - MURRAY STREET,
MORUYA**

File Ref: E92.7043

15/11 MOTION Councillor Harding/Councillor Brice

THAT Council:

1. Endorse the actions of staff in thanking The Hon Rob Stokes MP, Minister for the Environment, for notifying Council of our successful application for funding under the 2014-15 Floodplain Management Program
2. Accept the funding offer of \$300,000 from the Office of Environment and Heritage under the 2014-15 Floodplain Management Program for the lifting of Gundry Creek crossing in Murray Street, Moruya to allow improved access during flood events.

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

13. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD15/006 TITLE TO DRAINAGE RESERVES - NAROOMA

File Ref: E04.8214

15/12 MOTION Councillor Brown/Councillor Burnside

THAT:

1. A notice be published in the Government Gazette notifying that Lots 61 and 62 in DP 21019 is vested in Council pursuant to Section 50(4) of the Local Government Act 1993.
2. Following the notification in the Government Gazette a Request be lodged at the Land and Property Information Office requesting Council be registered as the proprietor of Lots 61 and 62 in DP 21019 and titles issued accordingly.

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

FBD15/007 LICENCES FOR FOOTPATH TRADING - BATEMANS BAY

File Ref: 88.0148.D

15/13 MOTION Councillor Brice/Councillor Harding

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone of .70m adjacent to the property boundary of Lot 1 DP 380318 No 8 North Street, Batemans Bay.
2. A licence be granted to the proprietors of Rug World with terms and conditions including:
 - (a) A three-year term.
 - (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
 - (c) Payment of rent in accordance with Council's adopted fees and charges.
 - (d) Providing 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.
 - (f) Mat display stands to be a minimum height of 700mm so as not to create a trip hazard.
 - (g) Rolled rugs to be securely contained to prevent them falling.
3. An exemption to Council's Footpath Trading Code be made to permit a trade zone of .70m adjacent to the property boundary of Lot 1 DP 380318 No 1/8 North Street, Batemans Bay.
4. A licence be granted to the proprietors of Batemans Bay Cycles with terms and conditions including:
 - (a) A three-year term.
 - (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
 - (c) Payment of rent in accordance with Council's adopted fees and charges.
 - (d) Providing 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**)

FBD15/008 LICENCE TO OPERATE JUMPING CASTLES

File Ref: E07.1579 E07.1580 E07.1581

15/14 MOTION Councillor Harding/Councillor Brice

THAT:

1. Council as Trust Manager of the Eurobodalla (North) Reserve Trust, Eurobodalla (Central) Reserve Trust and Eurobodalla (South) Reserve Trust consent to the granting of a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to operate a jumping castle and sumo suit business on Crown Reserve R66122 at Corrigans Beach, Batehaven, Crown Reserve R82377, Riverside Park, Moruya and Crown Reserve R63051, NATA Oval Reserve, Narooma to the proprietor of Pizzaz Parties with a licence fee of \$507.10 including GST and ground rental of \$53.00 per day inclusive of GST commencing 1 March 2015 and expiring 29 February 2016 with conditions including:
 - The Licensee shall book the licence area through Council's Facilities Booking Officer prior to each use of the area.
 - The Licensee shall not occupy an area within a charity market licence area without the consent of the charity market licensee.
 - The Licensee's vehicle and trailer are to be parked in the formal parking areas within the Reserves and not within the licensed areas.
 - The Licensor may at its absolute discretion direct the Licensee not to occupy part of the Licensed Area during the period of the Licence.
 - The Licensee shall keep the said licensed area clean and tidy and all papers and other rubbish shall be collected and removed to a Council waste depot. The Licensee shall immediately repair and make good, damage occasioned by the Licensee's use of the licensed area.
 - The Licensee shall keep in full force a public liability insurance policy in the amount of \$20 million and Workers Compensation Insurance under the Workers Compensation Act 1987 (NSW) covering all persons employed or deemed to be employed by the Licensee in connection with the Licensee's use of the property licensed.
2. Approval for the licensee to operate on other Crown Reserves in accordance with the provisions of the licence for private functions be subject to approval by the General Manager.
3. In accordance with the provisions of the Local Government Act 1993 28 days public notice be given of Council's intention to grant a licence to operate a jumping castle business within various parcels of community land for private functions.
4. Subject to no objections being received a licence be granted to the proprietor of Pizzaz Parties to operate a jumping castle business within Council reserves approved by the General Manager at a fee of \$1 and ground rental of \$53.00 per day inclusive of GST commencing 1 April 2015 and expiring 31 March 2016 with conditions including:
 - Use is restricted to private functions.

- The Licensee shall book the licence area through Council's Facilities Booking Officer prior to each use of the area.
 - The Licensee shall not occupy an area within a charity market licence area without the consent of the charity market licensee.
 - The Licensee's vehicle and trailer are to be parked in the formal parking areas within the Reserves and not within the licensed areas.
 - The Licensor may at its absolute discretion direct the Licensee not to occupy part of the Licensed Area during the period of the Licence.
 - The Licensee shall keep the said licensed area clean and tidy and all papers and other rubbish shall be collected and removed to a Council waste depot. The Licensee shall immediately repair and make good, damage occasioned by the Licensee's use of the licensed area.
 - The Licensee shall keep in full force a public liability insurance policy in the amount of \$20 million and Workers Compensation Insurance under the Workers Compensation Act 1987 (NSW) covering all persons employed or deemed to be employed by the Licensee in connection with the Licensee's use of the property licensed.
5. If any objections are received a further report be presented to Council.

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

FBD15/009 LEASE OF PART MOUNTAIN VIEW ROAD, MORUYA

File Ref: E01.5926

15/15 MOTION Councillor Burnside/Councillor Harding

THAT:

1. Public notice be given in accordance with the provisions of the Roads Act 1993 of the intention to grant a lease of that part of unformed Council public road adjoining Lot 2 DP 809690 Mountain View Road, Moruya.
2. A period of 28 days be given for submissions to be received.
3. If any submissions objecting to the lease are received a further report be presented to Council for consideration.
4. If no submissions are received a lease be granted to the registered proprietors of Lot 2 DP 809690 with the following conditions:
 - (a) A five-year term.
 - (b) Rental (included in the confidential attachment) be payable in advance and be non-refundable in the event that the lease is terminated.
 - (c) Provision of \$20 million public liability insurance.
 - (d) Lessee to be responsible for the control of noxious weeds and animals.
 - (e) All costs associated with the lease to be borne by the applicant.
 - (f) The lease be able to be terminated by Council at any time for any reason.
5. Consent be given to affix the Common Seal of Council to any documents associated with the lease of part of Mountain View Road, Moruya.

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

FBD15/010 POLICY REVIEW - RATES AND DEBTORS HARDSHIP POLICY

File Ref: E13.7095

15/16 MOTION Councillor Harding/Councillor Brice

THAT:

1. Council endorses the Rate and Debtors Hardship policy to be placed on public exhibition for 28 days.
2. Following the expiration of the exhibition period, the draft policy and any public submissions received is presented back to Council to consider the Rates and Debtors Hardship policy for adoption.

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

FBD15/011 POLICY REVIEW OF WATER USAGE CHARGING POLICY

File Ref: e13.7095

15/17 MOTION Councillor Brown/Councillor Harding

THAT Council endorse the recommended Water Usage Charging policy in accordance with the Local Government (General) Regulation 2005- Reg 158 Testing of meters.

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

FBD15/012 AMENDMENTS TO TERMS OF REFERENCE FOR ADVISORY COMMITTEES

File Ref: E81.1928

15/18 MOTION Councillor Harding/Councillor Brice

THAT:

1. The Terms of Reference to the following committees be amended as per the nominations of Councillors held at the Ordinary Meeting of Council on 14 October 2014 (Minute number 14/238).
 - Eurobodalla Coastal and Environmental Management Advisory Committee be amended from two councillors to four councillors
 - The Tourism Advisory Committee be amended from two councillors to three councillors
2. All advisory committee members be required to sign a confidentiality agreement.

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

14. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

15. DELEGATE REPORT

Nil

16. URGENT BUSINESS

Nil

THE MEETING CLOSED AT 12.09PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 24 February 2015 at which meeting the signature hereon was subscribed.