



Minutes

Ordinary Meeting of Council

28 February 2017

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 28 FEBRUARY 2017

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 28 FEBRUARY 2017
COMMENCING AT 10.00AM**

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 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

Nil

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.)

PF17/002 PSR17/004 Review of State Environment Planning Policy (SEPP) No 44 – Koala Habitat Protection

Dr Keith Joliffe addressed Council in relation to PSR17/004 Review of State Environment Planning Policy (SEPP) No. 44 – Koala Habitat Protection.

A copy of Dr Joliffe's submission is available on Council's website.

EXTENSION OF TIME

17/24 MOTION Councillor McGinlay/Councillor Mayne

THAT Dr Joliffe be granted an extension of three minutes to complete his presentation.

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

PF17/003 QON17/001 Advocating for Princes Highway Strategy and Kings Highway and GMR17/005 2017 Conferences

Mr Peter Bernard addressed Council in relation to QON17/001 Advocating for Princes Highway Strategy and Kings Highway and GMR17/005 2017 Conferences.

A copy of Mr Bernard's submission is available on Council's website.

EXTENSION OF TIME

17/25 MOTION Councillor Constable/Councillor Nathan

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

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

PF17/004 PSR17/003 Council Submission: State Environmental Planning Policy – Coastal Management and GMR17/006 Adoption of Policies

Ms Trish Hellier addressed Council in relation to PSR17/003 Council Submission: State Environmental Planning Policy – Coastal Management and GMR17/006 Adoption of Policies.

A copy of Ms Hellier's submission is available on Council's website.

EXTENSION OF TIME

17/26 MOTION Councillor Mayne/Councillor Constable

THAT Ms Hellier be granted an extension of three minutes to complete her presentation.

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

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

17/27 MOTION Councillor Thomson/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 14 February 2017 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

QON17/001 ADVOCATING FOR PRINCES HIGHWAY STRATEGY AND KINGS HIGHWAY

File Ref: E00.4263

17/28 MOTION Councillor Constable/Councillor Tait

THAT the response to the question regarding Advocating for Princes Highway Strategy and Kings Highway raised by Councillor Constable be received and noted.

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

9. GENERAL MANAGER'S REPORTS

GMR17/004 CANCELLATION OF COUNCIL MEETING

File Ref: E06.0429

17/29 MOTION Councillor Thomson/Councillor Nathan

THAT the Council meeting scheduled for 14 March 2017 be cancelled.

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

GMR17/005 2017 CONFERENCES

File Ref: E91.3255

17/30 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. No Councillor attend the Australia Local Government Women's Association NSW Conference on 11-13 April 2017.
2. Councillor Constable attend the Australian Coastal Councils Conference from 3-5 May 2017.
3. Councillor Thomson attend the 57th Floodplain Management Australia Conference from 16-19 May 2017.
4. Councillor Mayne and Councillor Constable attend the 2017 NSW Local Roads Congress on 5 June 2017.
5. The Mayor, Councillor McGinlay, Councillor Mayne and Councillor Constable at the National General Assembly (NGA) on 18-21 June 2017.
6. The Mayor and Councillor Constable attend the Australian Regional Development Conference on 11-12 September 2017.
7. Councillor Constable and Councillor Mayne attend the National Local Roads and Transport Congress on 7-9 November 2017.
8. Councillor Thomson, Councillor Constable and Councillor Nathan attend the NSW Coastal Conference to be held in November 2017.
9. Council representatives be reimbursed out of pocket expenses in accordance with the Councillors' Expenses and Facilities Policy.

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

GMR17/006 ADOPTION OF POLICIES

File Ref: E16.0297

17/31 MOTION Councillor Constable/Councillor Tait

THAT Council adopt the following policies:

1. Roads Naming Policy
2. Parks, Playgrounds and Reserve Risk Management Policy
3. Grazing of Stock on Public Road Policy
4. Bush Fire Risk Management Policy
5. Drinking Water Quality Policy
6. Signs as Remote Supervision Policy
7. Build in the Vicinity of Sewer Mains Policy
8. Councillors Expenses and Facilities Policy
9. Code of Conduct Policy
10. Accounting for Divisions and Subsidiaries of Council Policy
11. Asset Disposal Policy.

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

10. PLANNING AND SUSTAINABILITY REPORTS

**PSR17/003 COUNCIL SUBMISSION: STATE ENVIRONMENTAL PLANNING POLICY -
COASTAL MANAGEMENT**

File Ref: E09.3154

17/32 MOTION Councillor Nathan/Councillor McGinlay

THAT Council:

1. Endorse the submission for the State Environmental Planning Policy – Coastal Management and submit it to the NSW Department of Planning and Environment.
2. Forward the submission for the Coastal State Environmental Planning Policy to the Local Member, Minister for Transport and Infrastructure, the Honourable Andrew Constance MP, for his information.

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

**PSR17/004 REVIEW OF STATE ENVIRONMENTAL PLANNING POLICY (SEPP) NO 44 -
KOALA HABITAT PROTECTION**

File Ref: E17.1103

17/33 MOTION Councillor Thomson/Councillor Nathan

THAT Council endorse the submission attached to this report and forward the submission to the NSW Government with a copy to the Local Member, Minister for Transport and Infrastructure, the Honourable Andrew Constance MP.

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

PSR17/005 POLICY ADOPTION - LOCAL ORDERS POLICY - KEEPING OF ANIMALS

File Ref: E16.0297

17/34 MOTION Councillor Nathan/Councillor Constable

THAT Council adopt the draft Local Orders Policy – Keeping of Animals.

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

PSR17/006 REPEAL OF ACID SULFATE SOILS POLICY

File Ref: E16.0297

17/35 MOTION Councillor Thomson/Councillor Pollock
THAT Council repeal the Acid Sulfate Soils Policy.

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

PSR17/007 TENDER - SURF BEACH LANDFILL WASTE DISPOSAL CELL

File Ref: E15.9314

17/36 MOTION Councillor Tait/Councillor Mayne

THAT Council:

1. Endorse the selection of RD Miller Pty Ltd, subject to conditions as listed for Tender No. 10007751 Construction of Stage 2 Landfill Cell at the Surf Beach Waste Management Facility.
2. Accordingly approve the entering into of a contractual arrangement with RD Miller Pty Ltd subject to the terms specified in the Request for Tender unless otherwise varied in accordance with report PSR17/007 Tender – Surf Beach Landfill Waste Disposal Cell.

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

11. INFRASTRUCTURE REPORTS

IR17/001 TENDER - JUNE 2016 FLOOD DAMAGE REPAIRS

File Ref: E16.0634

17/37 MOTION Councillor Pollock/Councillor McGinlay

THAT Council:

1. Endorses the selection of Webbers Earthmoving for Request for Tender No. 2017/ISD039 – June 2016 Flood Damage Repairs.
2. Accordingly approves the entering into of a contractual arrangement with Webbers Earthmoving subject to the terms specified in the Request for Tender (RFT) unless otherwise varied in accordance with report IR17/001 Tender – June 2016 Flood Damage Repairs.

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

IR17/008 TENDER - BODALLA PRESSURE SEWERAGE SCHEME

File Ref: E02.6256

17/38 MOTION Councillor Pollock/Councillor Tait

THAT Council:

1. Endorse the selection of Poonindie Pty Ltd for Request for Tender No. 10006011 for the construction of a pressure sewerage collection system at Bodalla.
2. Accepts the offer of financial assistance of \$713,090 under the Country Towns Water Supply and Sewerage Program towards the cost of the Bodalla Sewerage Scheme and the Common Seal of Council be affixed to the funding agreement.
3. Write to the Minister for Transport and Infrastructure, and Member for Bega, Hon Andrew Constance MP thanking him for his support through infrastructure funding in the Eurobodalla Shire.

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

IR17/009 POLICY REVIEW - FINGERBOARD SIGNS - LOCAL DIRECTIONAL

File Ref: E06.0375

17/39 MOTION Councillor Pollock/Councillor Nathan

THAT:

1. Council endorses the draft Fingerboard Signs – Local Directional policy.
- 2 The draft Fingerboard Signs – Local Directional policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

**IR17/010 POLICY REVIEW - GRAFFITI REMOVAL FROM NON-COUNCIL-OWNED
PROPERTY/ASSETS**

File Ref: E06.0375

17/40 MOTION Councillor Thomson/Councillor McGinlay

THAT:

1. Council endorses the draft Graffiti Removal from Non-Council-Owned Property/Assets policy.
2. The draft Graffiti Removal from Non-Council-Owned Property/Assets policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR17/011 POLICY REVIEW - WATER AND SEWER CONNECTIONS

File Ref: E16.0297

17/41 MOTION Councillor McGinlay/Councillor Tait

THAT:

1. Council endorses the draft Water and Sewer Connections policy.
2. The draft Water and Sewer Connections policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

**IR17/012 POLICY REVIEW - WATER AND SEWER RURAL AND TRUNK MAINS
CONNECTION POLICY**

File Ref: E13.7095

17/42 MOTION Councillor Thomson/Councillor Nathan

THAT:

1. Council endorses the draft Water and Sewer Rural and Trunk Mains Connection policy.
2. The draft Water and Sewer Rural and Trunk Mains Connection policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

12. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD17/004 POLICY REVIEW - PUBLIC INTEREST DISCLOSURES INTERNAL REPORTING

File Ref: E16.0297

17/43 MOTION Councillor Tait/Councillor Nathan

THAT:

1. Council endorses the draft Public Interest Disclosures Internal Reporting Policy for public consultation.
2. The draft Public Interest Disclosures Internal Reporting Policy be placed on public exhibition for 28 days and, following the expiration of this period, the draft policy and any submissions be presented back to Council for adoption.

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

**FBD17/005 POLICY REVIEW - DEVELOPMENT CONTRIBUTIONS - REQUESTS FOR
REFUNDS**

File Ref: E16.0297

17/44 MOTION Councillor Thomson/Councillor Nathan

THAT

1. Council endorses the draft Development Contributions – Requests for Refunds policy for public consultation.
2. The draft Development Contributions – Request for Refund Policy be placed on public exhibition for 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

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

FBD17/006 POLICY REVIEW - RISK MANAGEMENT POLICY

File Ref: E16.0297

17/45 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. Council endorses the draft Risk Management Policy for public consultation.
2. The draft Risk Management Policy on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

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

FBD17/007 REPEAL OF GIFTS AND BENEFITS POLICY

File Ref: E16.0297

17/46 MOTION Councillor McGinlay/Councillor Thomson
THAT the Gifts and Benefits Policy be repealed.

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

FBD17/008 INVESTMENTS MADE AS AT 31 JANUARY 2017

File Ref: E99.3517

17/47 MOTION Councillor McGinlay/Councillor Tait

THAT the certification that the investments as at 31 January 2017 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**)

**FBD17/009 BUDGET REVIEW FOR THE PERIOD ENDED 31 DECEMBER 2016 AND SIX
MONTHLY PERFORMANCE REPORT**

File Ref: E05.9535

17/48 MOTION Councillor Constable/Councillor Tait

THAT:

1. The budget review report for the quarter ended 31 December 2016 be received and noted.
2. The favourable variations for the Income Statement after capital revenue of \$1.45 million and favourable variations of \$0.74 million as per the Consolidated Fund Flow Statement for the quarter ended 31 December 2016 be adopted.
3. The six monthly Performance Report be received and noted.

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

13. COMMUNITY, ARTS AND RECREATION REPORTS

CAR17/002 BATEMANS BAY TENNIS CENTRE LEASE TENDER

File Ref: E12.6637

17/49 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council reject all tenders in accordance with Local Government (General) Regulation REG178(3), for the reasons outlined in the confidential attachment.
2. Council investigate alternate management options for the Batemans Bay tennis facility.

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

14. DELEGATE REPORT

Nil

15. URGENT BUSINESS

Nil

16. DEALING WITH MATTERS IN CLOSED SESSION

Nil

17. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 11.44AM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 28 March 2017 at which meeting the signature hereon was subscribed.