



Minutes

Ordinary Meeting of Council

10 November 2015

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

MINUTES

1. WELCOME AND EVACUATION MESSAGE.....	1
2. APOLOGIES	1
3. QUESTIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY)	2
4. PRESENTATIONS.....	3
5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	3
6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA	3
7. MAYORAL REPORTS	3
8. NOTICES OF MOTION	4
NOM15/010 Eurobodalla Interim Sea Level Rise Policy	4
9. PLANNING AND SUSTAINABILITY REPORTS	5
PSR15/051 Tern Inn - modification to operating hours	5
10. QUESTIONS ON NOTICE FROM COUNCILLORS	6
QON15/002 Audited Asset Management Systems.....	6
QON15/003 Sea Level Rise Policy and Planning Framework	7
11. PETITIONS.....	7
Nil	
12. GENERAL MANAGER'S REPORTS	8
GMR15/035 Fit for the Future.....	8
GMR15/036 Australia Day Awards 2016 - Selection Panel	9
GMR15/037 Councillor Expenses and Facilities Policy.....	10
13. INFRASTRUCTURE REPORTS.....	11
IR15/047 Funding Offer - 2015-16 Bush Fire Risk Mitigation and Resilience Grants Programs.....	11
14. FINANCE AND BUSINESS DEVELOPMENT REPORTS.....	12
FBD15/076 Licence for Kayak Hire, Narooma	12
FBD15/077 Road widening, Congo Road South	13

15. COMMUNITY, ARTS AND RECREATION REPORTS	14
Nil	
16. DELEGATE REPORT	14
Nil	
17. URGENT BUSINESS	14
Nil	
18. DEALING WITH MATTERS IN CLOSED SESSION.....	14
19. CONFIDENTIAL MATTERS.....	15
CON15/016 Lease of Lakesea Holiday Park.....	15

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

PRESENT: Councillor Lindsay Brown, Mayor (in the Chair)
Councillors Danielle Brice, Neil Burnside, Gabi Harding, Liz Innes, Milton
Leslight and Peter Schwarz

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 B Nicholson, Minute Secretary
Mrs K Green, Minute Secretary

1. WELCOME AND EVACUATION MESSAGE

The Mayor welcomed everyone to the meeting, acknowledged the traditional owners of the land and advised of the Evacuation Procedure.

2. APOLOGIES

15/210 MOTION Councillor Burnside/Councillor Harding

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

(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.)

PF15/028 QON15/003 Sea Level Rise Policy and Planning Framework

File Ref: E15.9042; E15.9041; E13.7268; E09.3157; E10.4158

Mr Peter Hickman addressed Council in relation to QON15/003 Sea Level Rise Policy and Planning Framework. A copy of Mr Hickman's submission is available on Council's website.

PF15/029 PSR15/051 Tern Inn – Modification to Operating Hours

File Ref: E15.9042; 81.0870.D

Mr Bernard Wonder addressed Council in relation to PSR15/051 Tern Inn – Modification to Operating Hours. A copy of Mr Wonder's submission is available on Council's website.

PF15/030 PSR15/051 Tern Inn – Modification to Operating Hours

File Ref: E15.9042; 81.0870.D

Mr Nicholas Walton addressed Council in relation to PSR15/051 Tern Inn – Modification to Operating Hours. A copy of Mr Walton's submission is available on Council's website.

EXTENSION OF TIME

15/211 MOTION Councillor Harding/Councillor Leslight

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

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

PF15/031 PSR15/051 Tern Inn – Modification to Operating Hours

File Ref: E15.9042; 81.0870.D

Mr Andrew Lyrstakis addressed Council in relation to PSR15/051 Tern Inn – Modification to Operating Hours. Mr Lyrstakis did not provide a copy of his submission for Council's website.

EXTENSION OF TIME

15/212 MOTION Councillor Burnside/Councillor Schwarz

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

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

4. PRESENTATIONS

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

15/213 MOTION Councillor Harding/Councillor Burnside

THAT the minutes of the Ordinary Meeting held on 27 October 2015 be confirmed.

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

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Brice declared a non-significant, non-pecuniary conflict of interest in IR15/047 Funding Offer – 2015-16 Bush Fire Mitigation and Resilience Grants Program and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Brice declared an interest as she is a volunteer with the NSW Rural Fire Service.

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

NOM15/010 EUROBODALLA INTERIM SEA LEVEL RISE POLICY

File Ref: E00.4623; E13.7268; E09.3154; E10.4158

MOTION Councillor Leslight/Councillor Innes

THAT Council:

1. Repeals the Eurobodalla Interim Sea Level Rise Policy and its endorsement of the South Coast Regional Sea Level Rise Planning and Policy Response Framework and adopts the current Shoalhaven sea level rise policy.
2. Ensures uniformity with Eurobodalla and Shoalhaven coastal planning instruments and management plans.

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

At 12.04pm Councillor Innes left the Chambers.

SUSPENSION OF STANDING ORDERS

E14.8016

15/214 MOTION Councillor Schwarz/Councillor Burnside

That Standing Orders be suspended in order to deal with Report PSR15/051 Tern inn – modification to operating hours.

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

9. PLANNING AND SUSTAINABILITY REPORTS

PSR15/051 TERN INN - MODIFICATION TO OPERATING HOURS

File Ref: 81.0870.D

15/215 MOTION Councillor Schwarz/Councillor Burnside

THAT Council approve application M7313/02 for a modification of trading hours at Lot 1 DP 537618, 2 Trafalgar Road, Tuross Head and notice of determination dated 23 November 2001 is amended to include the following condition:

- 1a. The public trading hours of the restaurant are limited to 8.00am to 10.00pm with the exception of New Year's Eve/Day being from 8.00am to 12.30am. Clean up and food preparation can occur prior to 8.00am and after 10.00pm

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

Division

For the Motion: Clrs Brice, Brown, Burnside, Harding and Schwarz.

Against the Motion: Clr Leslight.

At 12.07 pm Councillor Innes returned to the Chambers.

10. QUESTIONS ON NOTICE FROM COUNCILLORS

QON15/002 AUDITED ASSET MANAGEMENT SYSTEMS

File Ref: E15.9041

15/216 MOTION Councillor Leslight/Councillor Innes

THAT the response to the question regarding Audited Asset Management Systems raised by Councillor Leslight be received and noted.

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

QON15/003 SEA LEVEL RISE POLICY AND PLANNING FRAMEWORK

File Ref: E15.9041; E13.7268; E09.3154; E10.4158

15/217 MOTION Councillor Burnside/Councillor Schwarz

THAT the response to the question regarding Sea Level Rise Policy and Planning Framework raised by Councillor Pollock be received and noted.

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

Councillors Leslight and Innes voted against the Motion.

11. PETITIONS

Nil

12. GENERAL MANAGER'S REPORTS

GMR15/035 FIT FOR THE FUTURE

File Ref: E12.6443

15/218 MOTION Councillor Harding/Councillor Schwarz

THAT Council:

1. Receive and note IPART's assessment of Eurobodalla as 'Fit'.
2. Respond to the NSW Government on IPART's findings by 18 November 2015, noting that Eurobodalla's four neighbouring councils of Bega, Shoalhaven, Cooma-Monaro and Palerang do not support any merger or boundary adjustment with Eurobodalla Shire Council.
3. Include in its response to the NSW Government that Eurobodalla Council is willing to explore potential opportunities should they arise.

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

Councillors Leslight and Innes voted against the Motion.

GMR15/036 AUSTRALIA DAY AWARDS 2016 - SELECTION PANEL

File Ref: E15.9051; E04.8918

15/219 MOTION Councillor Schwarz/Councillor Burnside

THAT Councillors Burnside and Schwarz, in addition to the Mayor, sit on the selection panel to determine the Australia Day Award recipients for 2016.

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

GMR15/037 COUNCILLOR EXPENSES AND FACILITIES POLICY

File Ref: E08.2108

15/220 MOTION Councillor Brice/Councillor Harding

THAT:

1. The Councillor Expenses and Facilities Policy, as attached to Report GMR15/037, be adopted with the following changes to clause 2.5.1.5:
 - (a) Delete the second sentence; and
 - (b) Add the following words “Councillors must provide a written delegate’s report to Council following each conference attended, to be eligible to attend any further conference”.
2. The Office of Local Government be provided with a copy of the policy in accordance with S.253(4) of the Local Government Act.

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

13. INFRASTRUCTURE REPORTS

**IR15/047 FUNDING OFFER - 2015-16 BUSH FIRE RISK MITIGATION AND RESILIENCE
GRANTS PROGRAMS**

File Ref: E14.8343

Councillor Brice declared a non-significant, non-pecuniary conflict of interest in IR15/047 Funding Offer – 2015-16 Bush Fire Mitigation and Resilience Grants Program and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Brice declared an interest as she is a volunteer with the NSW Rural Fire Service.

15/221 MOTION Councillor Burnside/Councillor Harding

THAT Council endorse action taken in accepting the grant funding offer of \$45,500 from the NSW Rural Fire Service under the 2015-16 Bush Fire Risk Mitigation and Resilience Grants Programs.

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

14. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD15/076 LICENCE FOR KAYAK HIRE, NAROOMA

File Ref: E07.1581

15/222 MOTION Councillor Burnside/Councillor Harding

THAT Council as Trust Manager for the Eurobodalla (South) Reserve Trust grant a temporary licence, in accordance with Section 108 of the Crown Lands Act 1989, to Tony Wynn trading as Kayaking Narooma to operate a kayak hire business within Crown Reserve R85364 in Riverside Drive, Narooma at a rental of \$1050.00 plus GST pa commencing on 4 December 2015 and terminating on 3 December 2016 with other terms and conditions in line with the current licence.

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

FBD15/077 ROAD WIDENING, CONGO ROAD SOUTH

File Ref: 01.5535.E

15/223 MOTION Councillor Brice/Councillor Burnside

THAT

1. All actions necessary be taken for the acquisition of land required for road widening within Lot 6 DP 1028918 and Lot 143 DP 44359 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes.
2. All survey and legal costs associated with the land acquisition be borne by Council.

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

15. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

16. DELEGATE REPORT

Nil

17. URGENT BUSINESS

Nil

18. DEALING WITH MATTERS IN CLOSED SESSION

15/224 MOTION Councillor Burnside/Councillor Schwarz

THAT pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

CON15/016 Lease of Lakesea Holiday Park

Item CON15/016 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and (dii) of the Local Government Act because it contains and information that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

At 12.37pm the Ordinary Meeting of Council moved into Closed Session.

At 12.40pm the Ordinary Meeting of Council resumed.

The General Manager advised the following recommendations were declared carried in Closed Session

19. CONFIDENTIAL MATTERS

CON15/016 LEASE OF LAKESEA HOLIDAY PARK

File Ref: 84.0042.D

15/225 MOTION Councillor Innes/Councillor Brice

THAT

1. Subject to consent from the Minister administering the Crown Lands Act 1989, Council as Trust Manager of the Eurobodalla (North) Reserve Trust grant a 30-year lease over part Crown Reserve R85399 South Durras with terms and conditions in accordance with the draft lease attached to report "CON15/016 Lease of Lakesea Holiday Park" to Lakesea Park Pty Limited.
2. Consent be given to affix the Common Seal of Council to the Lease over part Crown Reserve R85399.

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

THE MEETING CLOSED AT 12.42pm

CHAIRPERSON

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