



Minutes

Ordinary Meeting of Council

9 February 2021

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 9 FEBRUARY 2021

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 9 FEBRUARY 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 OAM

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
Mrs K Green, Minute Secretary

1. WELCOME

The Mayor welcomed everyone to the meeting.

The Mayor acknowledged the passing of Cobar Mayor, Mrs Lillianne Brady OAM. Councillor Brady was NSW's longest-serving female Mayor and wonderful advocate, for not only her local community, but all communities in Regional NSW. Eurobodalla sends its condolences to Cobar and the wider Western NSW communities on the loss of such a remarkable person.

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

21/1 MOTION Councillor Thomson/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 8 December 2020 and Extraordinary Meeting held on 17 December 2020 be confirmed.

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

Division

For the Motion: Clrs L Brown, L Innes, J Thomson, M Nathan, R Pollock and J Tait.

Against the Motion: Clrs P Constable, A Mayne and P McGinlay.

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

6. MAYORAL REPORTS

MR21/001 USE OF MAYORAL EXECUTIVE INSTRUMENT

File Ref: S012-T00025

21/2 MOTION Councillor Innes

THAT Council note the use of the policy-making functions under Section 226(d) of the *Local Government Act 1993* by the Mayor between Council meetings.

(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.

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

GMR21/001 2021 CONFERENCES

File Ref: S004-T00019, S012-T00025

21/3 MOTION Councillor Thomson/Councillor Constable

THAT:

1. Council determine that:
 - a. Australian Local Government Womens Association NSW Annual Conference on 18-20 March 2021. No Councillor attendance
 - b. Councillors Jack Tait and James Thomson attend the Floodplain Management Australia National Conference on 25-28 May 2021.
 - c. Councillors Rob Pollock, Maureen Nathan and Phil Constable attend the LGNSW Destination and Visitor Economy Conference on 26-28 May 2021.
 - d. Councillors Rob Pollock OAM, Phil Constable and Anthony Mayne attend the NSW Local Roads Congress on 7 June 2021.
 - e. Councillor Anthony Mayne attend the National General Assembly (NGA) on 20-23 June 2021.
2. Councillors be reimbursed out of pocket expenses in accordance with the Councillors' Expenses and Facilities Policy.
3. Councillors are required to provide a written delegates report to Council following the Conference.

(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.

GMR21/002 INVESTMENTS MADE AS AT 31 OCTOBER 2020

File Ref: S011-T00006, S012-T00025

21/4 MOTION Councillor Thomson/Councillor Tait

THAT the certification that the investments as at 31 October 2020, 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.

GMR21/003 INVESTMENTS MADE AS AT 30 NOVEMBER 2020

File Ref: S011-T00006, S012-T00025

21/5 MOTION Councillor Thomson/Councillor Tait

THAT the certification that the investments as at 30 November 2020, 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

PSR21/001 CLASSIFICATION OF LAND - BROULEE

File Ref: S023-T00001/Land ID 40535

21/6 MOTION Councillor Thomson/Councillor Pollock

THAT

1. In accordance with Section 34 of the *Local Government Act 1993*, public notice for a period of twenty eight days, be given of Council's intention to resolve:
 - a. Lot 1 DP 1263337 be classified as operational land.
 - b. A period of 28 days be given for members of the public to make submissions.
2. A further report be presented to Council following the notification period.

(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.

PSR21/002 LICENCE FOR FOOTPATH TRADING - BATEMANS BAY

File Ref: S023-T00028/Land:17550

21/7 MOTION Councillor Thomson/Councillor Tait

THAT

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone for display of goods for sale to be adjacent to the boundary of 34A Orient Street, Batemans Bay.
2. A licence be granted to Charlie's Tool Time with terms and conditions including:
 - (a) A three year term
 - (b) Payment of a rental fee in accordance with Council's fees and charges
 - (c) 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**)

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

IR21/001 FUNDING OFFER - 2020-21 NSW RURAL FIRE FIGHTING FUND ALLOCATIONS

File Ref: S014-T00014

21/8 MOTION Councillor Thomson/Councillor Tait

THAT Council endorse action taken in accepting the funding offer of \$125,100 from the NSW Rural Fire Service under the 2020-21 NSW Rural Fire Fighting Fund Allocations.

(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.

**IR21/003 REQUEST FOR TENDER NO. 2021 - 003
CONSTRUCTION OF A SLUDGE DRYING BED AT KIANGA SEWAGE TREATMENT
PLANT**

File Ref: S029-T00004

21/9 MOTION Councillor Thomson/Councillor Tait

THAT:

1. Council does not accept any tender for Tender No. 2021-003 Construction of a Sludge Drying Bed at Kianga Sewage Treatment Plant;
2. Pursuant to Clause 178 (3)(e) of the Local Government General Regulation 2005, Council enters into negotiations with any person (whether or not the person was a tenderer) for the Construction of a Sludge Drying Bed at the Kianga Sewage Treatment Plant; and,
3. Council delegates authority to the General Manager to enter into a contract for the Construction of a Sludge Drying Bed at the Kianga Sewage Treatment Plant.

(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

CAR21/001 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATION

File Ref: S003-T00034

21/10 MOTION Councillor Brown/Councillor Tait

THAT Council

1. Endorse the sites Lot 8 DP236342, Lot 12 DP870049, Lot 6 DP1041103, Lot 330 DP720886, Lot 7 DP1041103 for sculptures for future Sculpture for Clyde acquisitional gifts as indicated on the attached map to report CAR21/001 Public Art Advisory Committee Recommendation.
2. Support the recommendation to include a member of the PAAC as a member of the judging panel for the Sculpture for Clyde acquisitional prize.

(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.

CAR21/002 COMMUNITY, ARTS AND RECREATION FUNDING UPDATE

File Ref: S026-T00012 S003-T00005 S003-T00008

21/11 MOTION Councillor Mayne/Councillor Tait

THAT Council

1. Note the acceptance of \$809,025.50 to continue existing services until June 2022 for the Commonwealth Home Support Service from Transport for NSW;
2. Note the acceptance of \$328,000 to continue existing services until June 2023 for the 3Bs Supported Playgroup; and
3. Accept the funding offer of \$2,384 for the artist support project from the Create NSW Country Arts Support Program.

(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.

14. DELEGATE REPORT

Nil

15 URGENT BUSINESS

Nil

16. DEALING WITH MATTERS IN CLOSED SESSION

Nil

17. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 11.22am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 23 February 2021 at which meeting the signature hereon was subscribed.