



Minutes

Ordinary Meeting of Council

28 July 2015

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 28 JULY 2015

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 28 JULY 2015
COMMENCING AT 10.00AM**

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

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

2. CONDOLENCES

The Mayor advised with regret that Councillor Fergus Thomson OAM had passed away on Friday 24 July 2015. He invited all Councillors to address Council with their messages of condolence and advised of arrangements for the funeral to be held on Wednesday 29 July.

The meeting then observed a minute's silence in honour of Clr Fergus Thomson OAM.

3. APOLOGIES

APOLOGY

15/133 MOTION Councillor Burnside/Councillor Innes

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

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

The Mayor passed on condolences from both Councillor Pollock and Councillor Schwarz who were not able to be at the Council meeting today.

4. 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.)

PF15/008 HUNTFEST

E15.9042; E00.4623; E12.6277; 80.0926D

Mr Peter Cormick addressed Council in relation to item GMR15/017 Huntfest. A copy of Mr Cormick's submission is available on Council's website.

EXTENSION OF TIME

15/134 MOTION Councillor Burnside/Councillor Harding

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

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

PF15/009 PSR15/029 ADOPTION OF POLICY DIRECTIONS PAPER FOR RURAL LANDS STRATEGY

E15.9042; E13.7173

Mr Arthur Lagos addressed Council in relation to item PSR15/029 Adoption of Policy Directions Paper for Rural Lands Strategy. A copy of Mr Lagos' submission is available on Council's website.

PF15/010 NATA OVAL – COMPANION ANIMAL MANAGEMENT PLAN INCLUSION

E15.9042; E98.2522; E10.4150

Ms Daiva Ceicys accompanied by Ms Gabe Eichler, President of the Animal Welfare League, addressed Council in relation to item PF15/031 NATA Oval – Companion Animal Management Plan Inclusion. A copy of Ms Ceicys' submission is available on Council's website.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

15/135 MOTION Councillor Burnside/Councillor Innes

THAT the minutes of the Ordinary Meeting held on 23 June 2015 be confirmed.

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

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

7. MAYORAL REPORTS

MR15/001 COMMUNITY MEETINGS

File Ref: E15.9270; E15.9277

15/136 MOTION Councillor Brown

THAT:

1. In addition to current community consultation, Council endorse twice yearly community meetings on matters of current interest to be held in Batemans Bay, Moruya and Narooma in September and February of each financial year;
2. The first community consultation sessions be arranged for September 2015 with the agenda to include presentations on the budget, including the rate variation projects, priorities for the year, and Fit for the Future, followed by an open question and answer session.

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

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

E09.3120

Councillor Danielle Brice tabled a petition from young Tuross Head residents seeking establishment of a skate park in Tuross Head.

11. GENERAL MANAGER'S REPORTS

GMR15/017 HUNTFEST

File Ref: E12.6277

15/137 MOTION Councillor Burnside/Councillor Brice

THAT:

1. Council receive and note the report titled "Huntfest Review July 2015";
2. For clarification, Council note the report referred to in 2012 is report number O12/186;
3. Once finalised, the report titled "Huntfest Review July 2015" be provided to the Independent Audit Committee members for consideration and report back to Council, noting that any additional information requested by the Independent Audit Committee members will be made available;
4. The NSW Police be invited to brief Council and the Independent Audit Committee members on the safety, security and risk management process undertaken with regard to the operations of Huntfest.

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

Councillor Harding voted against the Motion.)

**GMR15/018 2015 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS – BALLARAT
17-19 NOVEMBER 2015**

File Ref: E91.3255

15/138 MOTION Councillor Burnside/Councillor Innes

THAT:

1. Councillor Burnside be nominated to attend the National Local Roads and Transport Congress to be held on 17-19 November 2015 in Ballarat;
2. Councillor Burnside be reimbursed out of pocket expenses in accordance with the Councillor's Expenses and Facilities Policy.

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

12. PLANNING AND SUSTAINABILITY REPORTS

PSR15/028 SOUTH MORUYA BIOCERTIFICATION PROJECT - POST CONSULTATION

File Ref: E06.0470

15/139 MOTION Councillor Innes/Councillor Harding

THAT

1. Council resolve not to proceed with the South Moruya Biocertification project.
2. Land owners who previously participated in the project be notified of Council's decision and be provided with a copy of relevant data from completed stages of the project.

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

PSR15/029 ADOPTION OF POLICY DIRECTIONS PAPER FOR RURAL LANDS STRATEGY

File Ref: E13.7173

15/140 MOTION Councillor Innes/Councillor Leslight

THAT Council

1. Adopt the final Policy Directions Paper attached to this report as a guiding document to inform the preparation of a draft Rural Lands Strategy.
2. Write to all persons who made a submission to the draft Policy Directions Paper thanking them for their participation.
3. Note that no submissions were received to the draft vision statement and refer the draft statement to the consultant preparing the Rural Lands Strategy.

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

**PSR15/030 MINOR HOUSEKEEPING AMENDMENTS TO EUROBODALLA LOCAL
ENVIRONMENTAL PLAN 2012- POST EXHIBITION**

File Ref: E14.8415

15/141 MOTION Councillor Burnside/Councillor Innes

THAT Council:

1. Adopt the Planning Proposal attached to report PSR15/030.
2. Resolve to make the amendments to the Eurobodalla Local Environmental Plan 2012 and the Rural Local Environmental Plan 1987 and repeal the Urban Local Environmental Plan 1999.
3. Forward the Planning Proposal to Parliamentary Counsel with a request to draft the amendments and to the NSW Department of Environment and Planning and Environment for reporting and monitoring purposes.
4. Notify in writing all those who made submissions of its decision.
5. Notify in writing all relevant property owners of its decision.

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

Councillor Harding voted against the Motion.)

PSR15/031 NATA OVAL - COMPANION ANIMAL MANAGEMENT PLAN INCLUSION

File Ref: E98.2522 E10.4150

15/142 MOTION Councillor Burnside/Councillor Brice

THAT:

1. The Companion Animal Management Plan be amended to include NATA Oval, Narooma as a 24 hour off leash area. Animals are required to be under the care and control of a competent person at all times. Off leash is not permissible when authorised events are to be conducted on NATA Oval.
2. Council write to all persons who made a submission to the proposal to include NATA Oval, Narooma as a 24 hour off leash area in the Companion Animal Management Plan 2015-2019 thanking them for their participation.

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

**PSR15/032 TENDER FOR EUROBODALLA SHIRE COUNCIL RECYCLING AND WASTE
TRANSFER**

File Ref: E12.6161

15/143 MOTION Councillor Harding/Councillor Innes

THAT Council:

1. Endorse the selection of Sita Australia Pty Ltd t/a Suez Environnement for 2015/PLS038 Eurobodalla Shire Council Recycling and Waste Transfer Contracts as outlined in the confidential attachment; and
2. Accordingly approve 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**)

13. INFRASTRUCTURE REPORTS

IR15/031 MAINTENANCE AND RENEWAL SCHEDULES FOR ROADS 2015-16

File Ref: E99.3954; E99.3955

15/144 MOTION Councillor Brice/Councillor Harding

THAT the proposed maintenance grading and reseal schedules for 2015-16 attached to report IR15/031 be adopted.

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

14. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD15/051 INVESTMENTS MADE AS AT 30 JUNE 2015

File Ref: E99.3517

15/145 MOTION Councillor Burnside/Councillor Harding

THAT the certification that the investments as at 30 June 2015 made in accordance with the Act, 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**)

FBD15/052 FEES AND CHARGES - AMENDMENTS

File Ref: E15.9029

15/146 MOTION Councillor Burnside/Councillor Innes

THAT:

1. Public notice be given of the proposal to abolish the adopted fees and Charges 2015-16 for supported accommodation.
2. Public notice be given of the proposal to include in the Fees and Charges 2015-16 the proposed Supported Accommodation fees, Moruya Showground cleaning fees, and to amend the currently adopted Individual Disability Support Packages Facilitation and Administration fee, Car Rally fee, Construction Certificate – subdivision fees, Parks and Reserves Event Related Electricity fee and the Property/Ownership Information fee.
3. Submission be received for a period of 28 days.
4. If any submissions are received, a further report be presented to Council for consideration.
5. Subject to no submissions being received the proposed Moruya Showground cleaning fees, Individual Disability Support Packages Facilitation and Administration fee, the Supported Accommodation fees, Car Rally fee, Construction Certificate – Subdivision fees, Parks and Reserves Event Related Electricity fee and the Property/Ownership Information fee be adopted.

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

FBD15/053 LAND ACQUISITION FOR ROAD WIDENING - PUNKALLA TILBA ROAD, CENTRAL TILBA

File Ref: 80.1894.E

15/147 MOTION Councillor Burnside/Councillor Brice

THAT :

1. All actions necessary be taken for the acquisition of land required for road widening within part Lot 232 DP 1180032 in accordance with Council's Code of Practice for Acquiring Land for Public Purposes with the exception that compensation will be paid by the supply of gravel in lieu of monetary compensation.
2. All survey and legal costs associated with the land acquisition be borne by Council.

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

FBD15/054 LAND ACQUISITION FOR CARPARKING - OLD PUNT ROAD, NORTH BATEMANS BAY

File Ref: 84.1058.D

15/148 MOTION Councillor Burnside/Councillor Harding

THAT :

1. All actions necessary be taken for the acquisition of land required for carparking within part Lot 2 DP 1169236 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**)

FBD15/055 CLASSIFICATION OF LAND - RIVER STREET, MORUYA

File Ref: 13.7193.E

15/149 MOTION Councillor Harding/Councillor Brice

THAT Lot 1 DP 1207779 River Street, Moruya be classified as operational land.

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

FBD15/056 LICENCE FOR FUNDRAISING BARBEQUES - NORTH NAROOMA

File Ref: E07.1581

15/150 MOTION Councillor Burnside/Councillor Innes

THAT:

1. 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 Marine Rescue NSW to operate a food van within Crown Reserves R52679 and R79308 for the period 1 October 2015 to 31 March 2016 inclusive with a licence fee of \$510.40 including GST.
2. A donation in the amount of \$510.40 be made to Marine Rescue NSW in accordance with the Financial Assistance (Donations and Grants) Policy.

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

FBD15/057 MORUYA JOCKEY CLUB LICENCE

File Ref: E80.0801

15/151 MOTION Councillor Innes/Councillor Leslight

THAT consent be given for Moruya Jockey Club Ltd. remaining as licensee to conduct the Club's operations at the Moruya Racecourse on a carryover basis subject to the same conditions as the current licence on a month to month basis until the longer term leasing requirements of the racecourse has been determined and settled.

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

FBD15/058 LAKESEA HOLIDAY PARK - SOUTH DURRAS

File Ref: 84.0042.D

15/152 MOTION Councillor Innes/Councillor Leslight

THAT

1. Council as Trust Manager for the Eurobodalla (North) Reserve Trust consent to the removal of trees by the lessee of Lakesea Holiday Park considered to be an imminent risk of serious injury or damage to property within the park.
2. Subject to agreement of the costs by the General Manager, the costs for the removal will be accepted as part of the lease premium for the new lease being negotiated for Lakesea Holiday Park.

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

FBD15/060 MARKETS AT RIVERSIDE PARK, MORUYA

File Ref: E05.9368

15/153 MOTION Councillor Burnside/Councillor Harding

THAT:

1. Council as Trust Manager for the Eurobodalla (Central) Reserve Trust call for Expressions of Interest (EOI) from incorporated not-for-profit groups to operate markets within Riverside Park, Moruya being Crown Reserve R82377.
2. The EOI be available for a period of 42 days.
3. A further report be presented to Council following the receipt and consideration of submissions.

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

15. COMMUNITY, ARTS AND RECREATION REPORTS

CAR15/009 NAROOMA SCHOOL OF ARTS

File Ref: e11.5371

15/154 MOTION Councillor Leslight/Councillor Innes

THAT Council approves provision of \$6,000 (excluding GST) to Narooma School of Arts for the period 2015-16.

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

16. DELEGATE REPORT

17. QUESTIONS/URGENT BUSINESS

18. DEALING WITH MATTERS IN CLOSED SESSION

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 confidential reports.

The reports are classified confidential under Section 10A(2)(c) and (a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; and
- (a) personnel matters concerning particular individuals (other than councillors).

It was noted that there were no public verbal representations on whether the meeting should be closed to consider the report.

15/155 MOTION Councillor Burnside/Councillor Harding

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:

CON15/010 Property Matter

Item CON15/010 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 discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

CON15/011 Compliance Matter

Item CON15/011 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) 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 11.35am the Ordinary Meeting of Council moved into Closed Session.

At 12.22pm the Ordinary Meeting of Council resumed.

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

19. CONFIDENTIAL MATTERS

CON15/010 PROPERTY MATTER

File Ref: 00.4856.PC

THAT an offer of compensation be made to the registered proprietor of the land considered in closed session.

19. CONFIDENTIAL MATTERS (contd)

CON15/011 COMPLIANCE MATTER

File Ref: 87.6791.B; 87.6791.I

THAT Council advance with legal proceedings in the Land and Environment Court associated with non-compliance of the *Environment Planning and Assessment Act 1979* and the *Local Government Act 1993* (related to CON15/011).

THE MEETING CLOSED AT 12.25PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 11 August 2015 at which meeting the signature hereon was subscribed.