



Minutes

Ordinary Meeting of Council

31 July 2018

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 31 JULY 2018

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 31 JULY 2018
COMMENCING AT 10.00AM**

PRESENT: Councillor Liz Innes, Mayor (in the Chair)
Councillors Anthony Mayne, Jack Tait, James Thomson, Lindsay Brown,
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

18/167 MOTION Councillor Brown/Councillor Mayne

THAT apologies be received from Councillor Maureen Nathan and leave of absence be granted.

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

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.)

PF18/048 – PET18/002 Save Last Area of Remnant Bush on Public Land in Broulee Village

Mr Andrew Bain addressed Council in relation to item PET18/002 Save Last Area of Remnant Bush on Public Land in Broulee Village. A copy of Mr Bain's submission is available on Council's website.

At 10.06am Councillor Nathan arrived at the meeting.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

18/168 MOTION Councillor Tait/Councillor Constable

THAT the minutes of the Ordinary Meeting held on 26 June 2018 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Nathan declared a significant, pecuniary conflict of interest in PSR18/067 Draft Mogo Village Commercial Centre Development Control Plan and stated that she did believe her interest would preclude her from voting.

Reason: Councillor Nathan declared an interest as her superannuation fund owns property in the vicinity.

6. MAYORAL REPORTS

MR18/004 PUBLIC ART

File Ref: E06.0162

18/169 MOTION Councillor Innes

THAT Council:

1. note that there is a forthcoming draft Creative Arts Action Plan to be presented to Council to consider including actions to prepare and resource a Public Art Strategy;
2. support the investigation a variety of funding opportunities, including a percent for art system on large capital projects for ongoing resourcing and maintenance of public art in Eurobodalla; and
3. explore the possibility of embedding public art as a requirement of high value developments.

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

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

QON18/005 KYLA PARK

File Ref: E17.1041

18/170 MOTION Councillor Mayne/Councillor Tait

THAT the response to the question regarding Kyla Park raised by Councillor Anthony Mayne be received and noted.

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

9. PETITIONS

PET18/002 SAVE LAST AREA OF REMNANT BUSH ON PUBLIC LAND IN BROULEE VILLAGE

File Ref: E15.9218.R

18/171 MOTION Councillor Mayne/Councillor McGinlay

THAT the petition be included as a submission to the draft Captain Oldrey Park Masterplan.

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

10. GENERAL MANAGER'S REPORTS

GMR18/013 JOINT ORGANISATION MEMBERSHIP

File Ref: E10.4139

18/172 MOTION Councillor Tait/Councillor Pollock

THAT:

1. Council note its membership of the Canberra Region Joint Organisation.
2. Council consider its sector memberships given the role of the Canberra Region Joint Organisation and any outstanding membership fees not be paid until the review is undertaken.

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

GMR18/014 2018 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE

File Ref: E15.9021

18/173 MOTION Councillor Constable/Councillor Mayne

THAT Council attend the Local Government NSW Annual Conference 2018 to be held in Albury from 21 October - 23 October 2018 and:

1. The Mayor, Councillor Mayne, Councillor Thomson, Councillor Constable and Councillor Pollock OAM, attend the Conference;
2. The Mayor, Councillor Mayne and Councillor Constable attend as voting delegates and Councillor Pollock OAM and Councillor Thomson as observers;
3. Council's delegates and observers be reimbursed out of pocket expenses in accordance with Council's policy;
4. Council consider issues and proposed solutions/motions for submission to the Local Government NSW Conference.

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

11. PLANNING AND SUSTAINABILITY REPORTS

PSR18/066 COMPANION ANIMAL MANAGEMENT PLAN REVIEW

File Ref: E18.1259

18/174 MOTION Councillor Nathan/Councillor Tait

THAT

1. Council publicly exhibit the draft Companion Animal Management Plan 2018 for 28 days.
2. Following public exhibition, a further report be provided to Council on the draft Companion Animal Management Plan 2018 inclusive of considerations of the submissions, recommending adoption.

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

**PSR18/067 DRAFT MOGO VILLAGE COMMERCIAL CENTRE DEVELOPMENT CONTROL
PLAN**

File Ref: E15.9303

Councillor Nathan declared a significant, pecuniary conflict of interest in PSR18/067 Draft Mogo Village Commercial Centre Development Control Plan and stated that she did believe her interest would preclude her from voting.

Reason: Councillor Nathan declared an interest as her superannuation fund owns property in the vicinity.

At 10.52am Councillor Nathan left the Chambers.

18/175 MOTION Councillor Thomson/Councillor Brown

THAT Council:

1. Endorse the draft Mogo Village Commercial Centre Development Control Plan for exhibition for a period not less than 28 days.
2. Following public exhibition, a further report be submitted to Council for consideration of submissions and adoption of the Mogo Village Commercial Centre Development Control Plan.

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

At 10.55am Councillor Nathan returned to the Chambers.

PSR18/068 EUROBODALLA DESTINATION ACTION PLAN 2018 TO 2021

File Ref: E11.5138

18/176 MOTION Councillor Pollock/Councillor Tait

THAT Council endorse the Eurobodalla Destination Action Plan 2018 to 2021 attached to this report.

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

ADJOURNMENT

18/177 MOTION Councillor Thomson/Councillor Nathan

THAT the Ordinary Council Meeting be adjourned for a period of five minutes.

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

At 11.02am the meeting adjourned.

At 11.16am the meeting reconvened.

12. INFRASTRUCTURE REPORTS

IR18/032 LOCAL TRAFFIC COMMITTEE NO 1 FOR 2018-19

File Ref: E16.0002

18/178 MOTION Councillor Mayne/Councillor Thomson

THAT

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 9 of 2017-18 held on 7 June 2018 be received and noted.
2. Council Plan No. 5156 Set BB Sheets 11 detailing the 'No Parking' on Hector McWilliam Drive at the intersection of Anderson Avenue, Tuross Head be approved.
3. Council Plan No. 4536 Set G Sheet 15 detailing the signage and line marking associated with the shared path and pedestrian refuge, located between Halyard Drive and The Anchorage on South Head Road, Moruya Heads be approved.
4. Council Plan No. 4069 Set P Sheets 7 detailing the 600mm wide BB2 centre line on Beach Road adjoining Birdland, Catalina be approved.

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

IR18/033 REQUEST FOR TENDER NO. 10015191 - RISING SEWER MAIN LONG BEACH

File Ref: E11.5217

18/179 MOTION Councillor Nathan/Councillor Tait

THAT Council:

1. Accepts the tender identified as the preferred tender listed for Request for Tender No. 10015191 – Rising Sewer Main Long Beach within the confidential attachment; and
2. Council transfers \$1,500,000 from Sewer Fund cash reserves to the 2018-19 Sewerage System Asset Renewals-SPS & Transport Systems budget.

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

IR18/034 REQUEST FOR TENDER NO. 2018/ISD054 - GLENELLA ROAD STREET LIGHTING AND ELECTRICAL RELOCATION

File Ref: E13.7125.P

18/180 MOTION Councillor Tait/Councillor Brown

THAT Council:

1. Endorses the selection of the preferred tenderer listed for RFT 2018/ISD054 – Glenella Road Street Lighting and Electrical Relocation within the confidential attachment.
1. Accordingly approves 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. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS18/029 REQUEST FOR TENDER NO. 2018/ORG049 PROVISION OF ON-HIRE EMPLOYEE SERVICES

File Ref: E15.9143

18/181 MOTION Councillor Pollock/Councillor Tait

THAT Council accepts the tender identified as the preferred tender listed for Request for Tender No. 2018/ORG049 – Provision of On-Hire Employee Services within the confidential attachment.

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

CCS18/030 INVESTMENT POLICY AMENDMENT

File Ref: E00.4623/E99.3517

18/182 MOTION Councillor Tait/Councillor Brown

THAT Council's amended Investment Policy provided as an attachment to this report, be adopted.

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

Division

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

Against the Motion: Clrs A Mayne and P McGinlay.

CCS18/031 INVESTMENTS MADE AS AT 30 JUNE 2018

File Ref: E99.3517

18/183 MOTION Councillor Pollock/Councillor Tait

THAT the certification that the investments as at 30 June 2018, 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**)

CCS18/032 LEASE FOR TELECOMMUNICATIONS FACILITY, LONG BEACH

File Ref: E16.0248

18/184 MOTION Councillor Pollock/Councillor Tait

THAT:

1. Council grant a lease to Optus Mobile Pty Limited to co-locate a telecommunications facility within Lot 56 DP 849895 Long Beach for a term of three and a half years terminating on 12 March 2022 with a fee as set out in the Confidential Attachment to this Report of 31 July 2018 and conditions in line with other telecommunications facilities within the Shire.
2. Consent be given to affix the Common Seal of Council to all necessary documents associated with the lease.

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

CCS18/033 LEASE FOR TELECOMMUNICATIONS FACILITY, MOSSY POINT

File Ref: E16.0247

18/185 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. Council grant a lease to Optus Mobile Pty Limited to co-locate a telecommunications facility within Lot 63 DP 1074862 Mossy Point for an initial term of 14 months terminating on 31 October 2019 plus a further five year term with a fee as set out in the Confidential Attachment to this Report of 31 July 2018 and conditions in line with other telecommunications facilities within the Shire.

2. Consent be given to affix the Common Seal of Council to all necessary documents associated with the lease.

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

CCS18/034 LEASE MORUYA AIRPORT

File Ref: E89.2941

18/186 MOTION Councillor Brown/Councillor Pollock

THAT:

1. Council take all necessary actions to grant a lease over part Lot 11 DP 1229406 for a term of 25 years plus a 25 year option, to the business named, and subject to conditions and rent as outlined in the Confidential Attachments to the report of 31 July 2018.
2. Consent be given to affix the Common Seal of Council to all necessary documents associated with the lease.
3. Costs associated solely with this lease be borne by the Lessee.

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

14. COMMUNITY, ARTS AND RECREATION REPORTS

CAR18/024 SELECTION OF NEW MEMBER FOR THE PUBLIC ART ADVISORY COMMITTEE

File Ref: E06.0162

18/187 MOTION Councillor Brown/Councillor Nathan

THAT Robert Creed be elected to the Public Art Advisory Committee for the remainder of Council's current term.

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

**CAR18/025 SELECTION OF NEW MEMBER FOR THE DISABILITY INCLUSION ADVISORY
COMMITTEE**

File Ref: E12.6216

18/188 MOTION Councillor Thomson/Councillor Tait

THAT:

1. Kim Clothier be elected to the Disability Inclusion Advisory Committee for the remainder of Council's current term to September 2018.
2. The unsuccessful applicant be notified and thanked for their application.

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

15. DELEGATE REPORT

DR18/003 2018 FLOODPLAIN MANAGEMENT CONFERENCE

File Ref: E91.3255

18/189 MOTION Councillor Thomson/Councillor Tait

THAT the Delegates Report from Councillors James Thomson and Jack Tait on the 2018 Floodplain Management Conference be received and noted.

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

16. URGENT BUSINESS

Councillor Mayne raised concerns regarding the impact of the Rally of the Bay on wildlife after the address during Public Access by Ms Rae Harvey.

18/190 MOTION Councillor Mayne/Councillor McGinlay

THAT Council meet with organisers of the Rally of the Bay to pass on concerns raised by some members of the community regarding potential impact to wildlife.

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

17. DEALING WITH MATTERS IN CLOSED SESSION

Nil

18. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 11.49am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 14 August 2018 at which meeting the signature hereon was subscribed.