



Minutes

Ordinary Meeting of Council

10 September 2019

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 10 SEPTEMBER 2019

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 10 SEPTEMBER 2019
COMMENCING AT 11.00AM**

PRESENT: Councillor Liz Innes, Mayor (in the Chair)
Councillors Anthony Mayne, Jack Tait, 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, Corporate and Commercial Services
Mr C Ginger, Acting Director, Community, Arts and Recreation
Mr J Phillips, Divisional Manager, Governance and Administration
Miss L Evans, Minute Secretary

1. WELCOME

The Mayor welcomed everyone to the meeting.

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. EVACUATION MESSAGE

The Mayor advised of the Evacuation Procedures.

4. APOLOGIES

19/176 MOTION Councillor Nathan/Councillor Brown

THAT apologies be received from Councillor James Thomson and leave of absence be granted.

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

Division

For the Motion: Crs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

19/177 MOTION Councillor Tait/Councillor Pollock

THAT the minutes of the Ordinary Meeting held on 27 August 2019 be confirmed.

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

Division

For the Motion: Crs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Nathan declared a significant, pecuniary conflict of interest in PSR19/025 Coastal Wattle Management, Long Beach Community Consultation Outcome and believed that her interest would preclude her from voting.

Reason: Councillor Nathan declared that her residence has a 200m view of the 2km coastline affected by Coastal Wattle in Long Beach.

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

SUSPENSION OF STANDING ORDERS

19/178 MOTION Councillor Brown/Councillor Pollock

That Standing Orders be suspended in order to move the following agenda items forward:

1. PSR19/023 2018-19 Natural Resource Management Status Report
2. PSR19/024 2018-19 Invasive Species - Status Report
3. PSR19/025 Coastal Wattle Management, Long Beach
4. CCS19/042 Rating System Review - Local Government.

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

Division

For the Motion: Crs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

PSR19/023 2018-19 NATURAL RESOURCE MANAGEMENT STATUS REPORT

File Ref: E05.9165

19/179 MOTION Councillor Brown/Councillor Tait

THAT Council:

1. Receive and note the 2018-19 Natural Resource Management Status Report.
2. Thank Landcare volunteers for their contribution.

Division

For the Motion: Crs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

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

PSR19/024 2018-19 INVASIVE SPECIES - STATUS REPORT

File Ref: E80.2982

19/180 MOTION Councillor Tait/Councillor Nathan

THAT Council receive and note the 2018-19 Invasive Species Status Report.

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

Division

For the Motion: Crs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

**PSR19/025 COASTAL WATTLE MANAGEMENT, LONG BEACH
COMMUNITY CONSULTATION OUTCOMES**

File Ref: E09.3157

Councillor Nathan declared a significant, pecuniary conflict of interest in PSR19/025 Coastal Wattle Management, Long Beach Community Consultation Outcome and believed that her interest would preclude her from voting.

Reason: Councillor Nathan declared that her residence has a 200m view of the 2km coastline affected by Coastal Wattle in Long Beach.

At 11:16 am Councillor Nathan left the Chambers.

19/181 MOTION Councillor Innes/Councillor Tait

THAT Council

1. Assist Long Beach Landcare and Long Beach Community Association, groups and individuals to continue maintenance of the coastal wattle on Long Beach reserve by:
 - (a) ongoing coastal wattle removal on the northern side of the walking track
 - (b) ongoing coastal wattle removal in the wetland zone
 - (c) coastal wattle removal 2m either side of the beach access tracks
 - (d) maintaining the current line of 2016 containment of the coastal wattle
 - (e) allowing natural regeneration of native species.
2. Continue weed and pest animal control throughout the Long Beach reserve.
3. Monitor and report to the community groups following any mapping and aerial review of the Long Beach foreshore reserve in respect to the coastal wattle and regeneration of native plant species.
4. Continue to liaise with NPWS in regard to community concerns in regard to potential spread of Coastal Wattle to the west of Long Beach.

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

Division

For the Motion: Crs L Brown, P Constable, L Innes, A Mayne, P McGinlay, R Pollock and J Tait.

Against the Motion: Nil.

AT 11:27 AM Councillor Nathan returned to the Chambers.

CCS19/042 RATING SYSTEM REVIEW - LOCAL GOVERNMENT

File Ref: E13.7121

19/182 MOTION Councillor Innes/Councillor Nathan

1. THAT Council submit to the Office of Local Government responses to the recommendations raised in the IPART report '*Rating System Review*', as adopted with the following changes:

a) *Response to IPART recommendation 1.*

As Council is a non-metro council it does not have a view on the ad valorem rates in the metropolitan council areas defined by IPART.

b) *Response to IPART recommendation 2.*

Support, noting at this time this Council does not support the introduction of CIV. Council has not engaged with the community on this issue. Acknowledging this position Council supports the option of being able to choose. However it appears that once the Emergency Services Levy is introduced it will be mandatory to use the Capital Improved Value for this levy (see recommendation 41). It is not acceptable for non-metro councils to pay for and maintain two sets of values if they elect to use the Unimproved Value for rating purposes.

c) *Response to IPART recommendation 3.*

Do not support. At this time this Council does not support the introduction of CIV. Council has not engaged with the community on this issue. Under this scenario it would appear that council may have to forgo rate revenue above the 10% cap during the transition period. Software would also require significant modifications to support this method. The cap refers to the net amount a ratepayer pays which may be influenced by other factors such as changes in domestic waste management services or pensions rebate concessions.

d) *Response to IPART recommendation 5.*

Support. The methodology on page 50 of the report better reflects the growth in properties, population and services to those new properties. At this time this Council does not support the introduction of CIV. Council has not engaged with the community on this issue.

e) *Response to IPART recommendation 6.*

Support. The NSW Government should also fund the ongoing costs for the Capital Improved Values for Non-Metro councils that choose to retain the unimproved value for the setting of rates. Noting at this time this Council does not support the introduction of CIV. Council has not engaged with the community on this issue. Recommendation 41 indicates Capital Improved values will be mandatory for the levying of the Emergency Services Levy once introduced. This will mean non-metro councils that choose to set rates on Unimproved Values will need to maintain and update two sets of values.

f) *Response to IPART recommendation 7.*

Support- See 6 above. However, at this time this Council does not support the

introduction of CIV. Council has not engaged with the community on this issue.

g) Response to IPART recommendation 8.

Partially support. There is concern regarding the opportunity that this presents to shift costs onto Local Government. Any decision to raise/increase a new type of special rate needs to remain a decision of council and should reflect the local community preference.

h) Response to IPART recommendation 9.

Support. Provided that it delivers greater flexibility in varying the time of rates indexation over a long period of time and affirms future council's ability to consider the level of rate pegs adopted.

i) Response to IPART recommendation 16.

Support. Any support able to be given to increase health services should be endorsed notwithstanding whether they are public or private health facilities.

j) Response to IPART recommendation 31.

Partially support. This will be highly important if CIV is introduced. Vacant land should also be able to be subcategorised by location. At this time this Council does not support the introduction of CIV. Council has not engaged with the community on this issue.

k) Response to IPART recommendation 34.

Do not support. Rates are a charge imposed at a local level and not purely a fee for service. As such, councils need the flexibility to set appropriately for their communities.

l) Response to IPART recommendation 41.

OLG comment – not for consultation. However at this time this Council does not support the introduction of CIV. Council has not engaged with the community on this issue.

m) Response to IPART recommendation 42.

Support. Providing provisions are in place to ensure integrity of the data. Councils should be given a choice to use certified private valuers although there should still be a high level of oversight on pricing and service delivery provided by NSW Government through IPART and the Auditor General. The process of using the NSW Valuer General provides transparency, certainty of delivery, reliability and separation/ independence of the service. However at this time this Council does not support the introduction of CIV. Council has not engaged with the community on this issue.

2. THAT the covering letter to the Minister for Local Government note that Council's submission is not based on any community consultation outside of that conducted by the NSW Government.
3. THAT the covering letter to the Minister for Local Government state that Council does not support recommendation no. 41 that the valuation base date for the Emergency Services Property Levy and council rate be aligned. It is not acceptable for non-metro

Councils to pay for and maintain two sets of values if they elect to use Unimproved Value for rating purposes.

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

Division

For the Motion: Crs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

At 12:04 pm Councillor Constable left the Chambers and took no further part in the meeting.

19/183 RESUMPTION OF STANDING ORDERS Councillor Brown/Councillor Mayne

That Standing Orders be resumed.

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

Division

For the Motion: Crs L Brown, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

19/184 ADJOURNMENT Councillor McGinlay/Councillor Tait

THAT the Ordinary Council Meeting be adjourned for five minutes.

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

Division

For the Motion: Crs L Brown, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

At **12.05pm** the meeting adjourned.

At **12.11pm** the meeting reconvened.

19/185 APOLOGY Councillor Tait/Councillor Pollock

THAT apologies be received from Councillor Phil Constable and leave of absence be granted.

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

Division

For the Motion: Crs L Brown, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

GMR19/015 NOMINATION TO BATEMANS MARINE PARK ADVISORY COMMITTEE

File Ref: E06.0100

The Mayor, as returning officer, called for nominations for the position of delegate on the Batemans Marine Park Advisory Committee.

Nominations were received from Councillors Jack Tait and Pat McGinlay.

A vote was conducted and Councillor Jack Tait was elected as delegate.

Councillor Pat McGinlay was appointed to the position of alternate delegate.

19/186 MOTION Councillor Pollock/Councillor Nathan

THAT Council nominate Councillor Jack Tait as delegate and Councillor Pat McGinlay as alternate delegate for consideration by Canberra Region Joint Organisation for appointment to the Batemans Marine Park Advisory Committee.

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

Division

For the Motion: Crs L Brown, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

PSR19/026 LANDCARE PROJECT PROPOSALS 2019

File Ref: E02.6272

19/187 MOTION Councillor Mayne/Councillor Tait

THAT Council

1. Receive and note the report titled Landcare Project Proposals 2019.
2. Endorse the Landcare projects as outlined in the attached summary of Landcare works and sites.
3. Council thank and acknowledge the work of Landcare volunteers and the valuable contribution they make to maintain our local environment.
4. Advocate to the NSW and Australian Governments to increase the level of support for the Landcare coordination.

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

Division

For the Motion: Crs L Brown, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

IR19/020 LOCAL TRAFFIC COMMITTEE NO 2 FOR 2019-20

File Ref: E16.0002

19/188 MOTION Councillor Mayne/Councillor Brown

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 2 for 2019-20 be received and noted.
2. Council Plan No. 5156 Set BK Sheet 04 detailing the 'No Parking' signage within Perry Street Off-street Carpark, Batemans Bay be approved
3. Council Plan No. 5156 Set BP Sheet 06 detailing the modified Accessible Parking and additional 'No Parking' signage within Church Street west Off-street Carpark, Moruya be approved
4. Council Plan 4069 Set Sheets 10 & 11 detailing the Accessible Parking and Pedestrian (Zebra) Crossing linking the library precinct with the sports grounds precinct on Hanging Rock Place, Batemans Bay be approved
5. Council Plan No. 5156 Set BB Sheet 17 detailing the 'STOP' sign and line marking on Lake Street at the intersection of Hector McWilliam Drive, Tuross Head be approved

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

Division

For the Motion: Crs L Brown, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

CCS19/041 REQUEST FOR TENDER 2019/CCD051 - CONCRETE SUPPLY PANEL

File Ref: E00.4061

19/189 MOTION Councillor Brown/Councillor Tait

THAT Council

1. Reject the tenders received in response to 'Request for Tender (RFT) No. 2019/CCD051 – Concrete Supply Panel'.
2. Enter into direct negotiation with the existing Concrete Supply Panel of 2017-2019 until a new panel is determined.
3. Permits the calling of fresh bids to establish a Concrete Supply Panel for the period 2019-2021.
4. A further report be provided to Council advising successful bids for provision of a Concrete Supply Panel for the period 2019-2021 once a re-tendering process has been undertaken, for approval to enter into Deeds of Standing Offers with the proposed panel of tenderers subject to the terms specified in the Request for Tender unless otherwise varied in accordance with that report.

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

Division

For the Motion: Crs L Brown, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock and J Tait.

Against the Motion: Nil.

12. DELEGATE REPORT

Nil

13. URGENT BUSINESS

Nil

14. DEALING WITH MATTERS IN CLOSED SESSION

Nil

15. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 12.38PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 24 September 2019 at which meeting the signature hereon was subscribed.