



# **Minutes**

**Ordinary Meeting of Council**

**11 August 2015**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 11 AUGUST 2015**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 11 AUGUST 2015  
COMMENCING AT 10.05AM**

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

**Staff:** Dr Catherine Dale, General Manager  
Mr L Usher, Acting Director, Infrastructure Services  
Mr G Bruce, Acting Director, Planning and Sustainability 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. APOLOGIES**

Nil

**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.)

Nil

**4. DEPUTATIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY)**

(Minutes of Deputations from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

Nil

**5. PRESENTATIONS**

Nil

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**15/38 MOTION** Councillor Harding/Councillor Burnside

THAT the minutes of the Ordinary Meeting held on 28 July 2015 be confirmed.

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

**7. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**

Nil

**8. MAYORAL REPORTS**

Nil

**9. NOTICES OF MOTION**

Nil

**10. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**11. PETITIONS**

Nil

**12. GENERAL MANAGER'S REPORTS**

**GMR15/015 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 2015**

File Ref: E15.9021

**15/39 MOTION** Councillor Burnside/Councillor Pollock

THAT:

1. Council be represented by the Mayor, Councillor Pollock, Councillor Burnside and Councillor Harding at the Local Government NSW Annual Conference 2015 to be held at Rosehill from 11-13 October 2015.
2. Council's voting delegates at the Conference be the Mayor, Councillor Pollock and Councillor Burnside, with Councillor Harding as an observer.
3. Council's delegates and observers be reimbursed out of pocket expenses in accordance with Council's policy.

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

**GMR15/016 AUSTRALIAN COASTAL COUNCILS ASSOCIATION, ANNUAL GENERAL MEETING**

File Ref: E04.8493

**15/40 MOTION** Councillor Leslight/Councillor Innes

THAT:

1. Councillor Leslight attend the Australian Coastal Councils Association Annual General Meeting and launch of the newly established Association to be held in Sydney on Thursday 17 September 2015;
2. Council nominate Councillor Leslight as a candidate for NSW representative on the Association's Board of Management.

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



**GMR15/019 COUNCILLOR EXPENSES AND FACILITIES POLICY**

File Ref: E08.2108

**15/41 MOTION** Councillor Schwarz/Councillor Burnside

THAT:

1. Council include a new clause 2.5.1.12 in the Councillor Expenses and Facilities policy to read:  
*Councillors must provide a written delegate's report to Council following each conference attended, to be eligible to attend any further conference.*
2. The Councillor Expenses and Facilities policy be placed on public exhibition for a period of 28 days commencing Wednesday 19 August 2015.
3. A further report be presented to Council following considerations of any submissions received.

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

**GMR15/020 DETERMINATION OF NUMBER OF COUNCILLORS FOR 2016-2020 TERM OF OFFICE**

File Ref: E15.9129

**15/42 MOTION** Councillor Burnside/Councillor Schwarz

THAT in accordance with Section 224 (2) of the Local Government Act 1993, Council determine the number of Councillors for the 2016-2020 term of office to be nine (one of whom is the popularly elected Mayor).

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

**GMR15/021 VACANCY IN CIVIC OFFICE**

File Ref: E96.0044

**15/43 MOTION** Councillor Pollock/Councillor Leslight

THAT Council determine, in accordance with section 294(2) of the Local Government Act 1993, to apply to the Minister for Local Government to order that the vacancy in civic office not be filled.

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

**GMR15/022 APPOINTMENTS TO COUNCIL COMMITTEES AND EXTERNAL BODIES**

File Ref: E81.1928; E93.5498; E07.3171; E05.9427; E00.4687; E10.4144

**15/44 MOTION** Councillor Harding/Councillor Burnside

THAT:

1. Council appoint Councillor Burnside as its delegate to the Eurobodalla Heritage Advisory Committee.
2. Council note that no replacement delegate is required for the Eurobodalla Aboriginal Advisory Committee as Councillor Harding is the delegate and Councillor Leslight the alternate delegate.
3. Council appoint Councillor Innes as the Chair of the Eurobodalla Heritage Advisory Committee.
4. Council appoint delegates to the following External Committees:
  - (a) Councillor Brice as delegate to the Eurobodalla Bushfire Management Committee.
  - (b) Councillor Burnside as delegate to South East Arts (SEA).
5. Council nominate Councillor Harding as its representative and Councillor Innes as its alternate representative for appointment to the Gulaga National Park Board of Management in accordance with Section 71AN(3)c of the National Parks and Wildlife Act.
6. Council note that Councillor Innes has resigned from the Showground Management Committee and appoint Councillor Harding as Chair of that Committee.

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

It is noted that three nominations were received for the two positions of representative and alternate representative to be nominated for appointment to the Gulaga National Park Board of Management.

Voting for the positions was held by show of hands with Councillor Harding being declared elected as representative and Councillor Innes being declared elected as alternate representative.

**GMR15/023 2015/16 DETERMINATION OF THE LOCAL GOVERNMENT REMUNERATION  
TRIBUNAL**

File Ref: E95.8749

**15/45 MOTION** Councillor Schwarz/Councillor Burnside

THAT Council:

1. Accept the determination in regard to the Remuneration Tribunal's determination of a 2.5% increase in fees for Councillors and the additional Mayoral allowance;
2. Note that the maximum fees for Regional Rural councils for 2015-16, including the full Tribunal determination, are set at \$18,380 for Councillors and \$40,090 for the additional Mayoral allowance.
3. Note that Councillors can donate all or part of their fee to a project or organisation of their choice.

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

Councillors Harding, Brice and Innes voted against the Motion.)

**13. PLANNING AND SUSTAINABILITY REPORTS**

**PSR15/033 HERITAGE ADVISORY COMMITTEE - NOMINATIONS AND MINOR  
AMENDMENTS TO TERMS OF REFERENCE**

File Ref: E07.1371

**15/46 MOTION** Councillor Pollock/Councillor Innes

THAT Council:

1. Adopt the amended terms of reference for the Eurobodalla Heritage Advisory Committee.
2. Appoint the recommended nominees to the Eurobodalla Heritage Advisory Committee, as contained in confidential information provided to councillors, for the term 2015 to 2018.
3. Thank those people who expressed an interest in being a member of the Eurobodalla Heritage Advisory Committee who were not successful on this occasion.
4. Make public the list of members of the Eurobodalla Heritage Advisory Committee as determined by Council.
5. Thank the members of the 2012-15 Eurobodalla Heritage Advisory Committee for their valuable contribution to the conservation and promotion of Eurobodalla Shire's heritage.

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

**14. INFRASTRUCTURE REPORTS**

**IR15/032 FUNDING OFFER - FOOTPATH - TRAIN STREET, BROULEE**

File Ref: E96.0060

**15/47 MOTION** Councillor Brice/Councillor Harding

THAT Council endorse the actions taken to accept the offer of \$10,800 in grant funding from the Roads and Maritime Services Safety Around Schools Program 2015-16 for a footpath in Train Street, Broulee.

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

**IR15/033      FORMATION OF BATEMANS BAY STREETScape SUNSET ADVISORY  
COMMITTEE**

File Ref: E.15.9271

**15/48 MOTION** Councillor Pollock/Councillor Burnside

THAT:

1. The Batemans Bay Streetscape Sunset Advisory Committee be formed to undertake the role detailed in the terms of reference.
2. The committee remain in place until the project is completed.
3. The Batemans Bay Streetscape Sunset Advisory Committee consist of the following representatives:
  - a. three Councillors – one to be the Mayor as Chair
  - b. the Batemans Bay Chamber of Commerce President or his delegate
  - c. two community representatives
  - d. two business representatives.
4. Council appoint Councillor Rob Pollock OAM and Councillor Liz Innes, in addition to the Mayor, as its representatives on the Batemans Bay Streetscape Sunset Advisory Committee.
5. Expressions of interest be sought for the community and business representatives and this be advertised for a period of 21 days.
6. The Terms of Reference for the Batemans Bay Streetscape Sunset Advisory Committee be adopted.

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



**15. FINANCE AND BUSINESS DEVELOPMENT REPORTS**

**FBD15/061 INVESTMENTS MADE AS AT 31 MAY 2015**

File Ref: E99.3517

**15/49 MOTION** Councillor Burnside/Councillor Pollock

THAT the certification that the investments as at 31 May 2015 made in accordance with the Act, Council's investment policy and the provision of Clause 1 (Reg212) of the Local Government (General) Regulation 2005, be received.

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

**16. COMMUNITY, ARTS AND RECREATION REPORTS**

Nil

**17. DELEGATE REPORT**

**DR15/032 2015 NSW LOCAL ROADS CONGRESS**

File Ref: E04.8291

**15/50 MOTION** Councillor Burnside/Councillor Brown

THAT:

1. The Delegates Report on the 2015 NSW Local Roads Congress be received and noted.
2. Eurobodalla Shire Council formally endorse the Congress Communique.
3. Council write to the following highlighting the issues raised at the 2015 NSW Local Roads Congress and seeking their support:
  - a. The Hon Andrew Constance MP, Minister for Transport and Infrastructure and Member for Bega
  - b. The Hon Duncan Gay MLC, Minister for Roads, Maritime and Freight
  - c. The Hon Michael Baird MP, Premier of NSW
  - d. Dr Peter Hendy MP, Member for Eden-Monaro
  - e. The Hon Warren Truss MP, Deputy Prime Minister and Minister for Infrastructure and Regional Development
  - f. The Hon Jamie Briggs MP, Asst Minister for Infrastructure and Regional Development
  - g. Mr Gareth Ward MP, Parliamentary Secretary to the Premier, Illawarra and South Coast
  - h. Dr Mehreen Faruqi, MLC, NSW Greens spokesperson for Roads and Transport
  - i. Mr Ryan Park MP, NSW Shadow Minister for Transport and Infrastructure
  - j. Mr Alex Greenwich MP and Mr Greg Piper MP, Independent Members in the NSW Lower House.
4. The key findings of the 2015 NSW Local Roads Congress be discussed formally at the next South East Australian Transport Strategy Inc meeting to formulate further regional strategies to promote the Congress outcomes to all sitting Parliamentary members.

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

**18. QUESTIONS/URGENT BUSINESS**

Nil

**19. 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 report is classified confidential under Section 10A(2)(c) 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.

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

**15/51 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:

**CON15/012 Property Matter**

Item CON15/012 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.

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

At 10.45am the Ordinary Meeting of Council moved into Closed Session.

At 11.50am the Ordinary Meeting of Council resumed.

The General Manager advised the following recommendation was declared carried in Closed Session

**20. CONFIDENTIAL MATTERS**

**CON15/012 PROPERTY MATTER**

File Ref: E12.6442

THAT:

1. Council delegate to the General Manager the authority to enter into negotiations.
2. Due to the sensitivity of the negotiations, the matter remain confidential.

**THE MEETING CLOSED AT 11.52AM**

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**CHAIRPERSON**

Chairperson of the Ordinary Council Meeting held on Tuesday, 25 August 2015 at which meeting the signature hereon was subscribed.