



Minutes

Ordinary Meeting of Council

27 November 2018

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 27 NOVEMBER 2018

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 27 NOVEMBER 2018
COMMENCING AT 10.00AM**

PRESENT: Councillor Liz Innes, Mayor (in the Chair)
Councillors Anthony Mayne, Jack Tait, James Thomson, Lindsay Brown,
Maureen Nathan, Patrick McGinlay and Phil Constable.

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

18/339 MOTION Councillor Thomson/Councillor Brown

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

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

The Mayor thanked the community for their support of the recent 'Eurobodalla Raindance' event. Three events were held concurrently at Narooma, Moruya and Catalina Golf Clubs. The support that we received from the businesses who donated auction items, performers and MC's who donated their time was overwhelming.

We have forged a great relationship with Cobar Shire Council over the past few months and I look forward to enhancing this relationship further.

I encourage our local community groups and sporting clubs to reach out to their counterparts in Cobar to offer their support and let them know that we are thinking of them.

Whilst final figures are yet to be confirmed, we have raised a substantial amount of money to support our own local drought affected farmers and the graziers of Cobar.

I look forward to providing a full report about the *Raindance's* at the next Council meeting.

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.)

PF18/103 PET18/005 Broulee Burial Vaults

Mr Stuart Scobie, on behalf of Broulee Memorial Gardens, addressed Council in relation to item PET18/005 Broulee Burial Vaults. A copy of Mr Scobie's submission is available on Council's website.

EXTENSION OF TIME

18/340 MOTION Councillor Constable/Councillor Mayne

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

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

PF18/104 PET18/005 Broulee Burial Vaults

Mr Harold Bingley addressed Council in relation to item PET18/005 Broulee Burial Vaults. A copy of Mr Bingley's submission is available on Council's website.

EXTENSION OF TIME

18/341 MOTION Councillor Constable/Councillor McGinlay

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

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

PF18/105 PET18/005 Broulee Burial Vaults

Dr David Rivett addressed Council in relation to item PET18/005 Broulee Burial Vaults. A copy of Dr Rivett's submission is available on Council's website.

At 10.57am Councillor Brown left the Chambers.

PF18/106 GMR18/029 Annual Report 2017-18 and CAR18/041 Categorisation of Community Land at Kyla Park, Tuross Head

Mr Lei Parker addressed Council in relation to item PF18/106 GMR18/029 Annual Report 2017-18 and CAR18/041 Categorisation of Community Land at Kyla Park, Tuross Head. A copy of Mr Parker's submission is available on Council's website.

EXTENSION OF TIME

18/342 MOTION Councillor Constable/Councillor Nathan

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

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

PF18/107 CCS18/058 Licence for Outdoor Eating Area – Perry Lane, Batemans Bay

Ms Yolanda Imms addressed Council in relation to item PF18/107 CCS18/058 Licence for Outdoor Eating Area – Perry Lane, Batemans Bay. A copy of Ms Imm's submission is available on Council's website.

EXTENSION OF TIME

18/343 MOTION Councillor Nathan/Councillor Constable

THAT Ms Imms be granted an extension of three minutes to complete her presentation.

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

At 11.20am Councillor Brown returned to the Chambers.

PF18/108 CCS18/057 Leases to Moruya Airport – Skydive Oz

Mr Paul Smith addressed Council in relation to item CCS18/057 Leases to Moruya Airport – Skydive Oz. A copy of Mr Smith's submission is available on Council's website.

PF18/109 CAR18/039 Captain Oldrey District Sports Park Landscape Masterplan

Mr Stephen Bourke, on behalf of Netball NSW, addressed Council in relation to item CAR18/039 Captain Oldrey District Sports Park Landscape Masterplan. A copy of Mr Bourke's submission is available on Council's website.

EXTENSION OF TIME

18/344 MOTION Councillor Nathan/Councillor Tait

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

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

PF18/109 CAR18/039 Captain Oldrey District Sports Park Landscape Masterplan

Mr Owen Cartledge addressed Council in relation to item CAR18/039 Captain Oldrey District Sports Park Landscape Masterplan. A copy of Mr Cartledge's submission is available on Council's website.

ADJOURNMENT

18/345 MOTION Councillor Tait/Councillor Constable

THAT the Ordinary Council Meeting be adjourned for a period of 10 minutes.

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

At 11.45am the meeting adjourned.

At 11.59am the meeting resumed.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

18/346 MOTION Councillor Thomson/Councillor Nathan

THAT the minutes of the Ordinary Meeting held on 13 November 2018 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Mayne declared a significant, non-pecuniary conflict of interest in CAR18/043 Healthy Communities and Seniors Week Grants 2018-19 and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as a family member is a potential recipient of this grant category.

Councillor Nathan declared a non-significant, non-pecuniary conflict of interest in PSR18/090 Draft Mogo Village Commercial Centre Development Control Plan and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Nathan declared an interest as her superannuation fund owns a property within the scope of the Draft Mogo Village Commercial Centre Development Control Plan.

6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

PET18/005 BROULEE BURIAL VAULTS

File Ref: 00.4403.D

18/347 MOTION Councillor Mayne/Councillor Brown

THAT the petition be considered as a submission to Development Application 1289/04.

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

GMR18/029 ANNUAL REPORT 2017-18

File Ref: E08.2166

18/348 MOTION Councillor Brown/Councillor Tait

THAT:

1. The Annual Report 2017-18 be received.
2. A copy of the Annual Report 2017-18 be placed on Council's website, Council libraries, the Moruya Customer Service Centre and a copy be forwarded to the Minister for Local Government.

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

18/349 SUSPENSION OF STANDING ORDERS Councillor Brown/Councillor Nathan

That Standing Orders be suspended in order to CCS18/058 Licence for Outdoor Eating Area – Perry Lane, Batemans Bay and CAR18/041 Categorisation of Community Land at Kyla Park , Tuross Head.

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

CCS18/058 LICENCE FOR OUTDOOR EATING AREA - PERRY LANE, BATEMANS BAY

File Ref: 80.2452.D

MOTION Councillor Brown/Councillor Tait

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone for an outdoor eating area to be adjacent to the boundary of Shop 10, 4 Perry Lane, Batemans Bay.
2. A licence be granted to the proprietor of a business at Shop 10, 4 Perry Lane, Batemans Bay for an outdoor eating area to be located adjacent to the shop boundary with terms and conditions including:
 - (a) A three-year term with a two-year option.
 - (b) Payment of licence and rental fees in accordance with Council's fees and charges.
 - (c) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
 - (d) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.
 - (e) Any items including transparent roller blinds to be fully enclosed within the licence area.

AMENDMENT Councillor Mayne/Councillor Constable

THAT the motion be deferred for two weeks.

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

18/350 MOTION Councillor Brown/Councillor Tait

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone for an outdoor eating area to be adjacent to the boundary of Shop 10, 4 Perry Lane, Batemans Bay.
2. A licence be granted to the proprietor of a business at Shop 10, 4 Perry Lane, Batemans Bay for an outdoor eating area to be located adjacent to the shop boundary with terms and conditions including:
 - (a) A three-year term with a two-year option.
 - (b) Payment of licence and rental fees in accordance with Council's fees and charges.
 - (c) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
 - (d) Compliance with the Operator's responsibilities set out in Council's Footpath

Trading Code.

- (e) Any items including transparent roller blinds to be fully enclosed within the licence area.

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

CAR18/041 CATEGORISATION OF COMMUNITY LAND AT KYLA PARK, TUROSS HEAD

File Ref: E98.2463

18/351 MOTION Councillor Tait/Councillor Brown

THAT Council:

1. Retain the existing categorisation of Lot 77 DP 260321 as an Area of Cultural Significance.
2. Retain the current plans of management for Kyla Park Community Lands unchanged and in doing so, remove the need to engage a consultant as an independent chairperson to hold a public hearing.

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

18/352 RESUMPTION OF STANDING ORDERS Councillor Brown/Councillor Pollock

That Standing Orders be resumed.

GMR18/030 2019 COUNCIL MEETING SCHEDULE

File Ref: E06.0429

18/353 MOTION Councillor Thomson/Councillor Tait

THAT Council

1. Endorse the following 18 dates as the meeting schedule for Council meetings for 2019 calendar year:
 - (a) 12 February 2019
 - (b) 26 February 2019
 - (c) 12 March 2019
 - (d) 26 March 2019
 - (e) 9 April 2019
 - (f) 30 April 2019
 - (g) 28 May 2019
 - (h) 11 June 2019
 - (i) 25 June 2019
 - (j) 30 July 2019
 - (k) 13 August 2019
 - (l) 27 August 2019
 - (m) 10 September 2019
 - (n) 24 September 2019
 - (o) 22 October 2019
 - (p) 12 November 2019
 - (q) 26 November 2019
 - (r) 10 December 2019.
2. Note that the schedule may be amended at any time, as required.

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

PSR18/089 DRAFT EUROBODALLA FLYING-FOX MANAGEMENT PLAN 2018

File Ref: E17.1320

18/354 MOTION Councillor Tait/Councillor Thomson

THAT Council adopt the draft Eurobodalla Flying-fox Management Plan 2018.

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

**PSR18/090 DRAFT MOGO VILLAGE COMMERCIAL CENTRE DEVELOPMENT CONTROL
PLAN**

File Ref: E15.9303

Councillor Nathan declared a non-significant, non-pecuniary conflict of interest in PSR18/090 Draft Mogo Village Commercial Centre and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Nathan declared an interest as her superannuation fund owns a property within the scope of the Draft Mogo Village Commercial Centre Development Control Plan..

18/355 MOTION Councillor Tait/Councillor Thomson

THAT Council adopts the draft Mogo Village Commercial Centre Development Control Plan.

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

PSR18/091 ALCOHOL RESTRICTED ZONES AND RESERVES

File Ref: E95.8171

18/356 MOTION Councillor Tait/Councillor Thomson

THAT:

1. In accordance with Section 644 of the *Local Government Act 1993*, Council endorse the proposed and continuation of existing, alcohol free zones within Eurobodalla.
2. In accordance with Section 632 of the *Local Government Act 1993*, Council endorse the proposed and continuation of existing alcohol restricted areas within Eurobodalla.
3. Council endorse the prioritisation of alcohol restricted areas in compliance with legislation and where there is an historical and justified need, as detailed in Attachment 1.
4. A budgetary adjustment be made to provide funding of \$32,500 for the provision of stickers to update existing signage, installation of new signs and associated resourcing, for the alcohol restricted areas.

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

IR18/040 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2018-19

File Ref: E16.0002

18/357 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 5 for 2018-19 be received and noted.
2. Council Plan No. 2735 Set F Sheet 29 detailing the signage and line marking associated with the new roundabout at the Intersection of George Bass Drive and Tomakin Road, Tomakin be approved
3. Council Plan No. 5178 Set B Sheet 02 detailing the signage for an electric vehicle charging bay and modifications to timed parking within the Visitors' Centre car park adjacent to Beach Road, Batemans Bay be approved.
4. Council Plan No. 5156 Set AH Sheets 06 detailing the timed 'Bus Zone' adjoining Central Tilba Public School on Corkhill Drive, Central Tilba be approved.

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

**CCS18/051 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2018 -
REFERRAL TO AUDIT**

File Ref: E17.1016

18/358 MOTION Councillor Thomson/Councillor Tait

THAT

1. The Draft Annual Financial Statements for the year ended 30 June 2018 be referred to Audit.
2. The Statement by Councillors and Management be made pursuant to section 413(2) (c) of the *Local Government Act 1993* (as amended) and signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer at the Council meeting on 27 November 2018.
3. The audited Financial Statements, together with the Auditor's report and Financial Commentary be presented to the public at the Council meeting of 12 February 2019.

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

CCS18/052 BUDGET REVIEW FOR THE PERIOD ENDED 30 SEPTEMBER 2018

File Ref: E05.9535

18/359 MOTION Councillor Tait/Councillor Brown

THAT

1. The budget review report for the quarter ended 30 September 2018 be received and noted.
2. The favourable variations for the Income Statement after capital revenue of \$12.11 million and favourable variations of \$1.33 million as per the Consolidated Fund Flow Statement be adopted.

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

CCS18/053 INVESTMENTS MADE AS AT 31 OCTOBER 2018

File Ref: E99.3517

18/360 MOTION Councillor Brown/Councillor Tait

THAT the certification that the investments as at 31 October 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**)

CCS18/054 CROWN LANDS MANAGEMENT ACT 2016 - NATIVE TITLE MANAGER

File Ref: E18.1573

18/361 MOTION Councillor Thomson/Councillor Brown

THAT Council approve the giving of notice to the Minister Lands and Forestry advising of the name and contact details of any person the Council has engaged or employed as a Native Title Manager on an annual basis.

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

CCS18/055 LAND ACQUISITION - MORUYA WASTE MANAGEMENT FACILITY

File Ref: E17.1144

18/362 MOTION Councillor Thomson/Councillor Nathan

THAT:

1. All actions necessary be taken for the acquisition of part Lot 41 DP 1246292, part Lot 339 DP 752151 and Lot 6 DP 1121761 in accordance with Council's Land Acquisition and Disposal Policy.
2. All survey and legal costs associated with the land acquisition be borne by Council.
3. Public notice be given of Council's intention to resolve:
THAT part Lot 41 DP 1246292, part Lot 339 DP 752151 and Lot 6 DP 1121761 is acquired as operational land.
4. A period of 28 days is given for members of the public to make submissions.
5. A further report is presented following the advertising period to classify the land.
6. Consent be given to affix the Common Seal of Council to the applicable documentation.

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

CCS18/056 LEASE FOR TELECOMMUNICATIONS FACILITY, SURF BEACH

File Ref: E14.8410

18/363 MOTION Councillor Thomson/Councillor Tait

THAT:

1. Four consecutive five-year leases over part Lot 1 DP 1173024 Surf Beach be granted to Optus Mobile Pty Limited for an annual rental in accordance with the proposal set out in the Confidential Attachment to this report and conditions in line with other telecommunications facilities within the Shire.
2. All costs associated with the granting of the lease be borne by the applicant.
3. Consent be given to affix the Common Seal of Council to all necessary documents associated with the lease.
4. Consent be given to the lodgement of a development application to construct the facility.

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

CCS18/057 LEASES AT MORUYA AIRPORT - SKYDIVE OZ

File Ref: E89.2941

18/364 MOTION Councillor Brown/Councillor Nathan

THAT:

1. Consent be given to the lodgement of a Development Application for the subdivision of Lot 137 DP 813595 for lease purposes, for works including event related camping within Lot 12 DP 1244089 and building works within Lot 137 DP 813595 as shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz*.
2. Consent be given to:
 - (a) Surrender of the current lease to Moruya Aero Club over Lot 137 DP 813595.
 - (b) A lease to Moruya Aero Club over that part of Lot 137 DP 813595 shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz*, with rent, terms and conditions in line with its existing lease.
 - (c) A lease to Jump Aviation Pty Limited over that part of Lot 137 DP 813595 shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz*, with rent, term and conditions in line with its existing lease over Lot 1 DP 1090948.
 - (d) Creation of an easement over that part of Lot 137 DP 813595 shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz* in favour of Lot 1 DP 1090948 with compensation determined in accordance with Council's procedures.
3. A fee of \$1,269 be payable by Jump Aviation Pty Limited in line with Council's adopted fee for a lease assignment.
4. All costs including Council's reasonable legal and valuation costs associated with the lease amendments, the subdivision and creation of the easement be borne by Jump Aviation Pty Limited.
5. Consent be given to affix the Common Seal of Council to all documents associated with the subdivision of Lot 137 DP 813595, creation of an easement within part Lot 137 DP 813595 and the leases over part Lot 137 DP 813595 as shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz*.
6. Subject to development consent a three year licence be granted to Jump Aviation Pty Limited for event related camping within that part of Lot 12 DP 1244089 shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz* with a fee as detailed in the confidential attachment to the report.
7. A licence be granted to Jump Aviation Pty Limited for a viewing deck within that part of Lot 12 DP 1244089 shown on the plan contained within the report *Moruya Airport Leases – Skydive Oz* with a term in line with its lease over Lot 1 DP 1090948 and an annual rental based on the per square metre rate of that lease.

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

CCS18/059 EDUCATION AND SCHOOL GRANTS 2018

File Ref: E17.1386

18/365 MOTION Councillor Mayne/Councillor Tait

THAT Council approve the allocation of funds to the Education and School Grant recipients as noted in the confidential attachment.

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

CAR18/039 CAPTAIN OLDREY DISTRICT SPORTS PARK LANDSCAPE MASTERPLAN

File Ref: E03.7729

MOTION Councillor Nathan/Councillor Brown

THAT:

1. Council adopt the Captain Oldrey District Sports Park Landscape Masterplan 2018 and endorse the Action Plan contained in the Masterplan.
2. Each person who made a submission during the exhibition period be advised that the Masterplan has been adopted, specifying the amendments that were made, and thanked for their contribution.

AMENDMENT Councillor McGinlay/Councillor Mayne

THAT:

1. Council adopt the Captain Oldrey District Sports Park Landscape Masterplan 2018 and endorse the Action Plan contained in the Masterplan, with the exception that Action L7 be removed from the Action Plan and all references to the development of a third playing field, including where it is indicated in the Masterplan landscape design, be removed from the final Masterplan.
2. Each person who made a submission during the exhibition period be advised that the Masterplan has been adopted, specifying the amendments that were made, and thanked for their contribution.

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

18/366 MOTION Councillor Nathan/Councillor Brown

THAT

1. Council adopt the Captain Oldrey District Sports Park Landscape Masterplan 2018 and endorse the Action Plan contained in the Masterplan.
2. Each person who made a submission during the exhibition period be advised that the Masterplan has been adopted, specifying the amendments that were made, and thanked for their contribution.

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

Division

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

Against the Motion: Clrs A Mayne and P McGinlay.

CAR18/042 ART ACQUISITION POLICY

File Ref: E16.0297

18/367 MOTION Councillor Brown/Councillor Tait

THAT the draft Art Acquisition policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

CAR18/043 HEALTHY COMMUNITIES AND SENIORS WEEK GRANTS 2018-19

File Ref: E17.1006

Councillor Mayne declared a significant, non-pecuniary conflict of interest in CAR18/043 Healthy Communities and Seniors Week Grants 2018-19 and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as a family member is a potential recipient of this grant category.

At 01:54 PM Councillor Mayne left the Chambers.

18/368 MOTION Councillor Thomson/Councillor Tait

THAT:

1. Council approve the recommendations detailed in the confidential attachment, awarding Healthy Communities and Seniors Week Grants to the value of \$10,842 to 17 local groups and organisations for the 2018-19 financial year.
2. Council approve that the unallocated \$1,658 of Healthy Communities and Seniors Week grant funding be transferred to the youth grant program for 2018-19.

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

At 01:56 PM Councillor Mayne returned to the Chambers.

9. DELEGATE REPORT

Nil

10. URGENT BUSINESS

Nil

11. DEALING WITH MATTERS IN CLOSED SESSION

Nil

12. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 1.57pm.

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 11 December 2018 at which meeting the signature hereon was subscribed.