

Minutes

Ordinary Meeting of Council

26 May 2020

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS, MORUYA

ON TUESDAY 26 MAY 2020

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, MORUYA ON TUESDAY, 26 MAY 2020 COMMENCING AT 11.00AM

PRESENT: Councillor Liz Innes, Mayor (in the Chair)

Councillors Anthony Mayne, Jack Tait, James Thomson, 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

Ms A Jones, Acting Director, Corporate and Commercial Services

Mrs K Arthur, Director, Community, Arts and Recreation

Mr J Phillips, Divisional Manager, Governance and Administration

Mrs K Green, 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.

4. APOLOGIES

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

20/57 MOTION Councillor Nathan/Councillor Pollock

THAT the minutes of the Ordinary Meeting held on 07 April 2020 be confirmed.

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

Against the Motion: Nil.

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3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Brown declared a significant, non-pecuniary conflict of interest in CCS20/019 Request for Tender 2019/CCD109 – Trade Services Panel and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Brown declared an interest as a relative is in employment with a tender in the Trade Services Panel.

4. MAYORAL REPORTS

Nil

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5. NOTICES OF MOTION

NOM20/003 REINTRODUCTION OF LIVESTREAMING PUBLIC FORUM

File Ref: S012-T00026

MOTION Councillor Mayne/Councillor McGinlay

THAT Council place on public exhibition for a period of 42 days an amendment to the Council's Code of Meeting Practice so that the Public Forums be webcast.

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

Division

For the Motion: Clrs A Mayne and P McGinlay.

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

Thomson.

SUSPENSION OF STANDING ORDERS

20/58 MOTION Councillor Pollock/Councillor Brown

That Standing Orders be suspended in order to address GMR20/011 Council Meeting Dates 2020.

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

GMR20/011 COUNCIL MEETING DATES 2020

File Ref: S012-T00025

RECOMMENDATION

THAT Council:

- 1. Change the remaining Council dates for 2020 as follows:
 - a) 23 June 2020
 - b) 14 July 2020
 - c) 28 July 2020
 - d) 11 August 2020
 - e) 25 August 2020
 - f) 8 September 2020
 - g) 22 September 2020
 - h) 27 October 2020
 - i) 10 November 2020
 - j) 24 November 2020
 - k) 8 December 2020.
- 2. Reinstate Public Access sessions during 2020 as follows:
 - a) 16 June 2020
 - b) 7 July 2020
 - c) 4 August 2020
 - d) 1 September 2020
 - e) 20 October 2020
 - f) 17 November 2020
 - g) 1 December 2020.
- 3. Note that the schedule of meeting dates may be amended at any time, as required.

AMENDMENT Councillor McGinlay/Councillor Mayne

THAT:

- 1. Change the remaining Council dates for 2020 as follows:
 - a) 9 June 2020
 - b) 23 June 2020
 - c) 14 July 2020
 - d) 28 July 2020

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- e) 11 August 2020
- f) 25 August 2020
- g) 8 September 2020
- h) 22 September 2020
- i) 27 October 2020
- i) 10 November 2020
- k) 24 November 2020
- 1) 8 December 2020.
- 2. Reinstate Public Access sessions during 2020 as follows:
 - a) 16 June 2020
 - b) 7 July 2020
 - c) 4 August 2020
 - d) 1 September 2020
 - e) 20 October 2020
 - f) 17 November 2020
 - g) 1 December 2020.
- 3. Note that the schedule of meeting dates may be amended at any time, as required.

(The Amendment on being put was declared LOST)

Division

For the Motion: Clrs P Constable, A Mayne and P McGinlay.

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

20/59 MOTION Councillor Pollock/Councillor Brown

THAT Council:

- 1. Change the remaining Council dates for 2020 as follows:
 - a) 23 June 2020
 - b) 14 July 2020
 - c) 28 July 2020
 - d) 11 August 2020
 - e) 25 August 2020
 - f) 8 September 2020

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- g) 22 September 2020
- h) 27 October 2020
- i) 10 November 2020
- j) 24 November 2020
- k) 8 December 2020.
- 2. Reinstate Public Access sessions during 2020 as follows:
 - a) 16 June 2020
 - b) 7 July 2020
 - c) 4 August 2020
 - d) 1 September 2020
 - e) 20 October 2020
 - f) 17 November 2020
 - g) 1 December 2020.
- 3. Note that the schedule of meeting dates may be amended at any time, as required.

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

Against the Motion: Nil.

RESUMPTION OF STANDING ORDERS

20/60 MOTION Councillor Pollock/Councillor Constable

That Standing Orders be resumed.

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

Against the Motion: Nil.

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NOM20/004 RE-SCHEDULING OF PREVIOUSLY CANCELLED COUNCIL MEETINGS AND PUBLIC ACCESS SESSIONS

File Ref: S012-T00025, S012-T00026

MOTION Councillor McGinlay

THAT Council reinstate in its calendar, the council meetings of 9 June 2020 and 14 July 2020, which were cancelled on 24 March 2020.

MOTION 2

THAT Council reinstate in its calendar, the public access sessions of 2 June 2020 and 7 July 2020, which were cancelled on 24 March 2020.

MOTION 3

THAT Council staff, within a reasonable timeframe provide Councillors with a schedule of council meetings for endorsement of councillors from the period from 29 July 2020 until the end of the calendar year 2020.

20/61 AMENDMENT Councillor Pollock/Councillor Brown

THAT Council note that the issues raised in this notice of motion have been resolved in GMR20/011 Council Meeting Dates 2020.

(The Amendment on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

Against the Motion: Nil.

20/62 MOTION Councillor Pollock/Councillor Brown

THAT Council note that the issues raised in this notice of motion have been resolved in GMR20/011 Council Meeting Dates 2020.

(The Amendment on being put became the motion and on being put was declared **CARRIED**)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

6. QUESTIONS ON NOTICE FROM COUNCILLORS

QON20/003 RATEABLE PROPERTIES AFFECTED BY THE BUSHFIRE DISASTER

File Ref: S012-T00024

20/63 MOTION Councillor Nathan/Councillor Tait

THAT the response to the question regarding rateable properties affected by the bushfire disaster raised by Councillor Maureen Nathan be received and noted.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

QON20/004 QUANTUM OF UNRESTRICTED FUNDS

File Ref: S012-T00024

20/64 MOTION Councillor McGinlay/Councillor Constable

THAT the response to the question regarding quantum of unrestricted funds raised by Councillor Patrick McGinlay be received and noted.

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

Against the Motion: Nil.

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| 7. PETITIONS | 7. | PETI: | TIONS |
|--------------|----|-------|-------|
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Nil

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8. GENERAL MANAGER'S REPORTS

GMR20/012 FUNDING ACCEPTANCE - EVERYONE CAN PLAY - JACK BUCKLEY PARK,

TOMAKIN

File Ref: S014-T00003

20/65 MOTION Councillor Pollock/Councillor Thomson

THAT Council support the actions of staff in formally accepting this funding as a contribution towards the refurbishment of Jack Buckley Park at Tomakin.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

9. PLANNING AND SUSTAINABILITY REPORTS

PSR20/003 HISTORIC CEMETERIES CONSERVATION MANAGEMENT STUDY

File Ref: S017-T00005

20/66 MOTION Councillor Nathan/Councillor Thomson

THAT

- 1. Council adopts the Historic Cemeteries Conservation Management Study.
- 2. Any plans for the management of Council-managed cemeteries that are listed in Schedule 5 of the *Eurobodalla Local Environmental Plan 2012*, are in accordance with the Historic Cemeteries Conservation Management Study.
- 3. Any works within privately-managed or Council-managed cemeteries that are listed in Schedule 5 of the *Eurobodalla Local Environmental Plan 2012*, are in accordance with the Historic Cemeteries Conservation Management Study.

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

PSR20/004 DRAFT EUROBODALLA LOCAL STRATEGIC PLANNING STATEMENT - EXHIBITION

File Ref: S017-T00002

20/67 MOTION Councillor Pollock/Councillor Brown

THAT:

- 1. Council place the draft Eurobodalla Local Strategic Planning Statement on public exhibition for 28 days.
- 2. Following public exhibition, a further report be submitted to Council for consideration of submissions and adoption of the draft Eurobodalla Local Strategic Planning Statement.

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

PSR20/005 BARLINGS BEACH - FINALISATION DEED 2019

File Ref: S006-T00001

20/68 MOTION Councillor Pollock/Councillor Thomson

THAT Council:

- 1. Endorse the Barlings Beach: Cultural Facilities Finalisation Deed 2019 and;
- 2. The Mayor and General Manager be authorised to sign the Barlings Beach: Cultural Facilities Finalisation Deed 2019 on behalf of Council.

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

10. INFRASTRUCTURE REPORTS

IR20/004 SAFER ROADS GRANT -TOMAKIN ROAD (MOGO TO TOMAKIN)

File Ref: S030-T00022

20/69 MOTION Councillor Pollock/Councillor Tait

THAT

- Council endorse the acceptance of the grant funding offered under the NSW Government's Safer Roads Program.
- 2. A letter of appreciation be sent to the Hon. Andrew Constance MP Member for Bega and Minister for Transport and Infrastructure, for his support in securing this grant for the Eurobodalla community.

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

IR20/005 LOCAL TRAFFIC COMMITTEE NO 8 FOR 2019-20

File Ref: S030-T00018

20/70 MOTION Councillor Mayne/Councillor Thomson

THAT:

- 1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 7 for 2019-20 be received and noted.
- 2. Council Plan No. 5156 Set BP Sheet 09 detailing the 2 hour timed parking adjoining number 37 Gregory Street, Batemans Bay be approved.
- 3. Council Plan No. 5156 Set AA Sheets 03 to 05 detailing the signage and line marking associated with the shared paths, located on Foam Street Surfside, Melaleuca Crescent Catalina and Francis Street Broulee be approved

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

IR20/006 REQUEST FOR TENDER 2019/ISD087 - AUGMENTATION OF SEWAGE PUMPING STATION BB02 AT CASEYS BEACH, BATEMANS BAY

File Ref: S029-T00004

20/71 MOTION Councillor Tait/Councillor Thomson

THAT

- 1. Council endorses the selection of the preferred tenderer listed for Tender 2019/ISD087 Augmentation of Sewage Pumping Station BB02 at Caseys Beach, Batemans Bay; and
- 2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

Against the Motion: Nil.

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IR20/007 DEVELOPMENT SERVICING PLANS FOR WATER SUPPLY AND SEWERAGE

File Ref: S032-T00032

20/72 MOTION Councillor Brown/Councillor Thomson

THAT:

- 1. Council place the Draft Development Servicing Plans for Water Supply and Sewerage on public exhibition and comment. for a minimum of 30 working days.
- Following public exhibition, a further report be submitted to Council for consideration of submissions and adoption of the draft Development Servicing Plans for Water Supply and Sewerage.

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

Against the Motion: Nil.

At **12:10 pm** Councillor Nathan left the meeting and took no further part in the meeting.

11. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS20/016 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 31 MARCH 2020

File Ref: S011-T00006

20/73 MOTION Councillor Pollock/Councillor Brown

THAT

- 1. The budget review report for the quarter ended 31 March 2020 be received and noted.
- 2. The unfavourable variations for the Income Statement after capital revenue of \$1.92 million and favourable variations of \$3.83 million as per the Consolidated Fund Flow Statement be adopted.
- 3. New loans of \$7,911,824 be raised in accordance with Council's borrowing policy and the Council seal be affixed to the loan agreement documentation.

(The Motion on being put was declared CARRIED)

Division

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

and J Thomson.

CCS20/017 INVESTMENTS MADE AS AT 31 MARCH 2020

File Ref: S011-T00006, S012-T00025

20/74 MOTION Councillor Brown/Councillor Thomson

THAT the certification that the investments as at 31 March 2020, 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)

Division

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

and J Thomson.

Against the Motion: Nil.

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CCS20/018 INVESTMENTS MADE AS AT 30 APRIL 2020

File Ref: S011-T00006, S012-T00025

20/75 MOTION Councillor Tait/Councillor Constable

THAT the certification that the investments as at 30 April 2020, 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)

Division

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

and J Thomson.

Against the Motion: Nil.

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CCS20/019 REQUEST FOR TENDER 2019/CCD109 - TRADE SERVICES PANEL

File Ref: S004-T00042

Councillor Brown declared a significant, non-pecuniary conflict of interest in CCS20/019 Request for Tender 2019/CCD109 – Trade Services Panel and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Brown declared an interest as a relative is in employment with a tender in the Trade Services Panel.

At 12:12 pm Councillor Brown left the meeting.

20/76 MOTION Councillor Pollock/Councillor Thomson

THAT Council endorses the 60 submissions listed in Confidential Attachment for the Request for Tender No. 2019/CCD109-Trade Services Panel.

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

Division

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

Thomson.

Against the Motion: Nil.

At 12:14 pm Councillor Brown returned to the meeting.

CCS20/020 TAFE NSW - CONNECTED LEARNING CENTRE - BATEMANS BAY

File Ref: S023-T00017

20/77 MOTION Councillor Pollock/Councillor Tait

THAT the General Manager be given delegated authority to conclude negotiations with TAFE and undertake all necessary actions to enter into a lease within Lot 3 DP 1171024.

(The Motion on being put was declared CARRIED)

Division

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

and J Thomson.

Against the Motion: Nil.

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CCS20/021 LEASE RENEWAL - CRANBROOK ROAD, BATEMANS BAY

File Ref: S023-T00015 Land ID - 35250

20/78 MOTION Councillor Pollock/Councillor Thomson

THAT the General Manager be given the delegated authority to negotiate the leasing of the operational land, Part Lot 102 DP 1170964, situated at 25 Cranbrook Road, Batemans Bay subject to conditions including:

- 1. Terms of not more than 5 years
- 2. Conditions generally in line with the previous lease.

(The Motion on being put was declared CARRIED)

Division

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

and J Thomson.

CCS20/022 SALE OF COUNCIL LAND - SURFSIDE

File Ref: S023-T00014

20/79 MOTION Councillor Tait/Councillor Pollock

THAT the General Manager be given delegated authority to negotiate the sale of Lots 850, 851, 852 and 853 DP 214160 Surfside for amounts not less than 10% below market value determined by a registered valuer.

(The Motion on being put was declared CARRIED)

Division

For the Motion: Clrs L Brown, P Constable, L Innes, P McGinlay, R Pollock, J Tait and J

Thomson.

Against the Motion: Clr A Mayne.

12. COMMUNITY, ARTS AND RECREATION REPORTS

CAR20/004 COMMUNITY DEVELOPMENT PROGRAMS AND GRANTS

File Ref: S003-T00035

20/80 MOTION Councillor Tait/Councillor Brown

THAT Council:

- 1. Receive and acknowledge the Aboriginal Action Plan 2020 2024
- 2. Follow the National Indigenous Australians Agency timeline for the rollout of NAIDOC week grants program
- 3. Accept \$5000.00 from the Department of Primary Industries Drought Resilience Fund and \$10,000.00 from Coordinare's Empowering Our Communities Drought Support grant to coordinate networking events for the Eurobodalla farmers network
- 4. Accept a \$50,000.00 grant from the Foundation for Rural and Regional Renewal (FRRR) 2020 Back to School Bushfire Response Program, and
- 5. Accept a \$5000.00 Be Connected grant from Good Things Foundation Australia to purchase digital devices to loan older residents who are socially isolated.

(The Motion on being put was declared CARRIED)

Division

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

and J Thomson.

CAR20/005 ACCEPTANCE OF CONTINUITY OF SUPPORT FUNDING VARIATIONS

File Ref: S003-T00026

20/81 MOTION Councillor Pollock/Councillor Tait

THAT Council endorse the acceptance of the Funding Variation and one-off Accommodation Management grant from the Australian Government Department of Health for \$268,258.56.

(The Motion on being put was declared CARRIED)

Division

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

and J Thomson.

CAR20/006 ACCEPTANCE OF COMMONWEALTH HOME SUPPORT PROGRAM (CHSP) FUNDING VARIATIONS

File Ref: S003 T00026

20/82 MOTION Councillor Constable/Councillor Thomson

THAT Council accept the Funding Variation by signing and affixing the Common Seal of Council so that the documents can be returned to the Commonwealth Department of Health and the Commonwealth Home Support Program funding released.

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

Division

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

and J Thomson.

| 12 | DFI | FGA | TF | RFD | ORT |
|------------|-----|-----|----|-----|-----|
| 13. | ULL | LUM | | NLF | UNI |

Nil

14. URGENT BUSINESS

Nil

15. DEALING WITH MATTERS IN CLOSED SESSION

Nil

16. CONFIDENTIAL MATTERS

Nil

Prior to closing the meeting, Councillor Rob Pollock OAM, took the opportunity to acknowledge the recent passing of former Eurobodalla Mayor, Mr Chris Vardon OAM and his wife Judy, former Councillor Richard Roberts and former Shire Clerk and first General Manager of Eurobodalla, Mr Tony Ratcliffe. These community member made a significant contribution to the Eurobodalla community over many years and they will be greatly missed.

THE MEETING CLOSED AT 12.43pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 23 June 2020 at which meeting the signature hereon was subscribed.

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