



# **Minutes**

**Ordinary Meeting of Council**

**10 November 2020**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 10 NOVEMBER 2020**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 10 NOVEMBER 2020  
COMMENCING AT 11.00AM**

**PRESENT:** Councillor Rob Pollock OAM, Mayor (in the Chair)  
Councillors Anthony Mayne, Jack Tait, 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  
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.

**3. EVACUATION MESSAGE**

Nil

**4. APOLOGIES**

**20/190 MOTION** Councillor Mayne/Councillor Constable

THAT apologies be received from Councillors Liz Innes and James Thomson and leave of absence be granted.

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

Division

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

Against the Motion: Nil.

**5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**20/191 MOTION** Councillor Nathan/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 27 October 2020 be confirmed.

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

Division

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

Against the Motion: Nil.

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

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in GMR20/032 2020 Education and School Grants and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Mayne declared an interest as a family member was in a voluntary position at one of the schools that is receiving a grant. This voluntary position is no longer current.

**4. MAYORAL REPORTS**

Nil

**5. NOTICES OF MOTION**

Nil

**6. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**7. PETITIONS**

Nil

**8. GENERAL MANAGER'S REPORTS**

**GMR20/031 JOINT REGIONAL PLANNING PANEL**

File Ref: S017-T00002

**20/192 MOTION** Councillor Tait/Councillor Constable

THAT Council:

1. re-appoint Councillor Rob Pollock OAM and Council's Director Planning and Sustainability, Mr Lindsay Usher as Council's members on the Southern Regional Planning Panel.
2. forward the nominations and any supporting information to the NSW Government Planning Panels Secretariat.

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

Division

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

Against the Motion: Nil.

**GMR20/032      2020 EDUCATION AND SCHOOL GRANTS**

File Ref: S014-T00011

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in GMR20/032 2020 Education and School Grants and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Mayne declared an interest as a family member was in a voluntary position at one of the schools that is receiving a grant. This voluntary position is no longer current.

**20/193 MOTION** Councillor Brown/Councillor Constable

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**)

Division

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

Against the Motion: Nil.



**9. PLANNING AND SUSTAINABILITY REPORTS**

Nil

**10. INFRASTRUCTURE REPORTS**

**IR20/017 LOCAL TRAFFIC COMMITTEE NO 3 FOR 2020-21**

File Ref: S030-T00018

**20/194 MOTION** Councillor Mayne/Councillor Constable

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 2 for 2020-21 be received and noted.
2. Council Plan dated 1/10/2020 detailing the 'No Parking' signage at the Council Sewer Pump Station adjoining Trafalgar Road, Tuross Head, be approved.
3. Council Plan 5156 Set BQ Sheet 06 detailing the three marked Pedestrian (Zebra) Crossings on Ford Street and Shore Street, be approved.

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

Division

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

Against the Motion: Nil.

**11. CORPORATE AND COMMERCIAL SERVICES REPORTS**

**CCS20/040 LAND ACQUISITION - EASEMENTS FOR WATER SUPPLY AND TO PUMP SEWERAGE**

File Ref: S023-T00027/S023-T00001 Land ID/23032/19431/19438/19430

**20/195 MOTION** Councillor Tait/Councillor Nathan

THAT

1. All actions necessary be taken for the acquisition of an interest Eurobodalla National Park land, being part Lot 7 DP1028935, part Lot 2 DP 125457, part Lot 21 DP837516, part Lot 20 DP837516, part Lot 5 DP1028935, part Lot 75 DP752131 and part Lot 121 DP752131, for easement purposes in accordance with the *National Parks and Wildlife Act 1974*.
2. Application be made to the Minister for Local Government to acquire an interest in part of Bodalla State Forest, being part Lot 131 DP 752131 and part Lot 15 837516, for easement purposes, by compulsory process in accordance with Council's power under Section 187(2) of the Local Government Act 1993 and in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
3. All actions necessary be taken for the acquisition of an interest in private land, being part Lot 13 DP 772053, part Lot 18 DP 837516 and part Lot 17 DP 837516, for easement purposes in accordance with Council's Land Acquisition and Disposal Policy.
4. If the acquisition of an interest in part Lot 13 DP 772053, part Lot 18 DP 837516 and part Lot 17 DP 837516, cannot be negotiated by agreement, Council make application to the Minister for Local Government to acquire part Lot 13 DP 772053, part Lot 18 DP 837516 and part Lot 17 DP 837516 for easement purposes, by compulsory process in accordance with Council's power under Section 187(2) of the Local Government Act 1993 and in accordance with Council's *Land Acquisition and Disposal Policy*.
5. If consent is granted all necessary action be taken to finalise the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act.
6. All survey and legal costs associated with the easements be borne by Council.
7. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation associated with the easements.

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

Division

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

Against the Motion: Nil.

**CCS20/041 LICENCE FOR PONY CLUB - SURF BEACH RESERVE**

File Ref: S023-T00017 Land ID 34213

**20/196 MOTION** Councillor Constable/Councillor Brown

THAT

1. Council grant a twelve-month licence to Batemans Bay Pony Club for pony club activities within Lot 1 DP 126070 being Surf Beach Reserve, Surf Beach including the following conditions:
  - a. Payment of annual rental in line with the statutory Crown minimum (currently \$507 per annum plus GST) and subject to annual CPI increases
  - b. Provision of evidence of public liability insurance cover in the amount of at least \$20 million
  - c. Licensee enter into a Building Maintenance Agreement for the club house
  - d. Conditions generally in line with the previous licence.
2. The General Manager be given delegated authority to negotiate further licences.

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

Division

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

Against the Motion: Nil.

**CCS20/042 LICENCE FOR WATER SPORTS -VARIOUS RESERVES MALUA BAY, SURFSIDE  
AND CASEYS BEACH**

File Ref: S023-T00017

At **11:11 am** Councillor Nathan left the meeting.

**20/197 MOTION** Councillor Brown/Councillor Constable

THAT:

1. Council grant an initial one-year licence to operate within Crown Reserve R89171 Lot 7047 DP 1035133 Malua Bay and Lot D DP 327917 Caseys Beach subject to the following conditions:
  - a. The licence fee be in line with similar licences
  - b. The licence area is to be left clean and tidy after use, and any damage caused is to be rectified by the licence holder
  - c. The provision of \$20 million public liability insurance
  - d. Conditions generally in line with similar licences.
  
2. The General Manager be given delegated authority to negotiate further licences.

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

Division

For the Motion: Clrs L Brown, P Constable, A Mayne, P McGinlay, J Tait and J Thomson.  
Against the Motion: Nil.

At **11:13 am** Councillor Nathan returned to the meeting.

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

**CAR20/017 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATION**

File Ref: S003 T00034

**20/198 MOTION** Councillor Brown/Councillor Mayne

THAT Council:

1. Endorse the installation of the commissioned sculpture of Ack Weyman at the Moruya Showground.
2. Endorse the relocation of the Mick Weyman sculpture to the same site; and
3. Accept the works as part of Council's permanent collection.

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

Division

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

Against the Motion: Nil.

**13. DELEGATE REPORT**

Nil

**14. URGENT BUSINESS**

Nil

**15. DEALING WITH MATTERS IN CLOSED SESSION**

Nil

**16. CONFIDENTIAL MATTERS**

Nil

**THE MEETING CLOSED AT 11.15am**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 24 November 2020 at which meeting the signature hereon was subscribed.