



Minutes

Ordinary Meeting of Council

20 February 2024

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 20 FEBRUARY 2024

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 20 FEBRUARY 2024
COMMENCING AT 12.30PM**

PRESENT: Councillor Mathew Hatcher, Mayor (in the Chair)
Councillors Tanya Dannock, Tubby Harrison, Anthony Mayne, Amber Schutz, Rob Pollock OAM and Alison Worthington

PRESENT (Via Audio Visual Link): Councillors Peter Diskon and David Grace

Staff: Warwick Winn, General Manager
Mr L Usher, Director, Planning and Sustainability Services
Mr G Attenborough, Director, Infrastructure Services
Mrs K Arthur, Director, Community, Arts and Recreation
Mrs S Speedy, Director, Finance and Corporate Services
Mr J Phillips, Corporate Manager, Governance and Administration
Ms K Pisanos, Executive Manager Coordination and Communications
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, Eurobodalla Shire Council recognises Aboriginal people as the original inhabitants and custodians of all land and water in the Eurobodalla and respects their enduring cultural and spiritual connection to it. Eurobodalla Shire Council acknowledges the Traditional Owners of the land in which we live. Council pays respect to Elders past, present and future. We are on Yuin Country.

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

24/1 MOTION Councillor Schutz/Councillor Harrison

THAT the minutes of the Ordinary Meeting held on 19 December 2023 be confirmed.

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

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Grace declared a pecuniary conflict of interest in item PSR24/001 Planning Proposal - 207 Broulee Road and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Grace declared an interest as his family owns property adjacent to 207 Broulee Road on which he lives.

At **12.36PM** Councillor Grace left the meeting.

6. 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.)

PF24/001 PSR24/001 PLANNING PROPOSAL - 207 BROULEE ROAD

Edward Fernon addressed Council in relation to PSR24/001 Planning Proposal - 207 Broulee Road. He spoke in support of the planning proposal.

Edward did not provide a copy of his presentation.

PF24/002 PSR24/001 PLANNING PROPOSAL - 207 BROULEE ROAD

Ruby Mason addressed Council in relation to PSR24/001 Planning Proposal - 207 Broulee Road. She spoke in support of the planning proposal.

Ruby did not provide a copy of her presentation.

PF24/003 PSR24/001 PLANNING PROPOSAL - 207 BROULEE ROAD

Karen-Ann Whyte addressed Council in relation to PSR24/001 Planning Proposal - 207 Broulee Road. She spoke in support of the planning proposal.

A copy of Karen-Ann's presentation is available on Council's website.

PF24/004 PSR24/001 PLANNING PROPOSAL - 207 BROULEE ROAD

Andrew Bain addressed Council in relation to PSR24/001 Planning Proposal - 207 Broulee Road. He spoke against the planning proposal.
Andrew did not provide a copy of his presentation.

PF24/005 PSR24/001 PLANNING PROPOSAL - 207 BROULEE ROAD

Harry Bingley addressed Council in relation to PSR24/001 Planning Proposal - 207 Broulee Road. He spoke against the planning proposal.
Harry did not provide a copy of his presentation.

PF24/006 PSR24/001 PLANNING PROPOSAL - 207 BROULEE ROAD

Andrew Dix addressed Council in relation to PSR24/001 Planning Proposal - 207 Broulee Road. He spoke against the planning proposal.
Andrew did not provide a copy of his presentation.

PF24/007 PSR24/001 PLANNING PROPOSAL - 207 BROULEE ROAD

Deb Stevenson addressed Council in relation to PSR24/001 Planning Proposal - 207 Broulee Road. She spoke against the planning proposal.
A copy of Deb's presentation is available on Council's website.

PF24/008 PSR24/001 PLANNING PROPOSAL - 207 BROULEE ROAD

Dr Anthony Martin addressed Council in relation to PSR24/001 Planning Proposal - 207 Broulee Road. He spoke against the planning proposal.
Dr Martin did not provide a copy of his presentation.

PF24/009 PSR24/001 PLANNING PROPOSAL - 207 BROULEE ROAD

Trish Hellier addressed Council in relation to PSR24/001 Planning Proposal - 207 Broulee Road. She spoke against the planning proposal.
Trish did not provide a copy of her presentation.

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

At **1.46PM** Councillor Grace returned to the meeting.

24/2 ADJOURNMENT Councillor Hatcher

THAT the Ordinary Council Meeting be adjourned for five minutes.

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

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

At **1.46 PM** the meeting adjourned

24/3 ADJOURNMENT Councillor Harrison/Councillor Worthington

THAT the Ordinary Council Meeting reconvene.

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

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

At **1.56 PM** the meeting reconvened

11. GENERAL MANAGER'S REPORTS

GMR24/001 2024 CONFERENCES

File Ref: S004-T00019; S012-T00025

24/4 MOTION Councillor Worthington/Councillor Schutz

THAT:

1. Council determine which Councillors will attend each of the following Conferences being held in 2024. Noting Council's policy normally limits attendance to two councillors per conference, and best practice recommends one councillor per conference:
 - a. Councillor Alison Worthington attend the 2024 Australian Local Government Women's Association (ALGWA) NSW Conference on 14 to 16 March 2024 in Sydney NSW.
 - b. Councillors Mathew Hatcher and David Grace attend the 2024 Regional Australia Institute Region Rising on 26 March 2024 at Adelaide, SA.
 - c. Councillor Mathew Hatcher attend the 2024 Floodplain Management Australia National Conference on 21 to 24 May 2024 at Brisbane Convention and Exhibition Centre in Brisbane, QLD.
 - d. Councillor Mathew Hatcher attend the 2024 LGNSW Destination and Visitor Economy Conference on 28 to 30 May 2024 in Wagga Wagga, NSW.
 - e. 2024 NSW Local Roads Congress on 3 June 2024 at NSW Parliament House, Sydney NSW. No Councillor attendance.
 - f. Councillors Mathew Hatcher, Anthony Mayne and Amber Schutz attend the 2024 National General Assembly (NGA) on 2 to 4 July 2024 at National Convention Centre, Canberra, ACT.
 - g. Councillor Alison Worthington attend the 2024 Climate Summit for Local Government – date and venue to be announced. Councillor attendance dependent on conference being held prior to local government elections.
 - h. Councillor Anthony Mayne attend the 2024 National Local Roads and Transport Congress – date and venue to be announced. Councillor attendance dependent on conference being held prior to local government elections.
2. Council representatives be reimbursed out of pocket expenses in accordance with the 'Councillors' Professional Development, Expenses and Facilities' Policy.
3. Councillors are required to provide a written delegates report following the Conference that will be available to the public on Council's website and at the Moruya Administration Offices.

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

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R
Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

12. PLANNING AND SUSTAINABILITY REPORTS
PSR24/001 PLANNING PROPOSAL - 207 BROULEE ROAD

File Ref: S017-T0008

Councillor Grace declared a pecuniary conflict of interest in item PSR24/001 Planning Proposal - 207 Broulee Road and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Grace declared an interest as his family owns property adjacent to 207 Broulee Road on which he lives.

At **2.01PM** Councillor Grace left the meeting.

RECOMMENDATION Councillor Worthington/Councillor Dannock

THAT Council

1. Resolves not to support the Planning Proposal proceeding to Gateway Determination, for the following reasons:
 - Inconsistency with regional and local strategies, State Environmental Planning Policies and Ministerial Directions.
 - The feasibility of significant infrastructure required to achieve the proposed future development is not demonstrated from a financial and environmental perspective.
 - Mitigation of potential adverse effects on the biodiversity and conservation of threatened species, ecological communities and their habitats and the surrounding Illawong Nature Reserve is not demonstrated.
 - Preliminary work on the Eurobodalla Housing Strategy has identified housing supply and land zoned for future residential development exceeds the projected population needs past 2041.
 - The proposal will divert the necessary critical infrastructure, funding, staging, sequencing, and delivery of housing away from the existing nominated growth areas and is therefore not in the public interest.
2. Notifies the proponent of Council's determination in accordance with section 9 of the *Environmental Planning and Assessment Regulation 2021*.

24/5 AMENDMENT Councillor Worthington/Councillor Dannock

THAT Council:

1. Resolves not to support the Planning Proposal proceeding to Gateway Determination, for the following reasons:
 - Inconsistency with regional and local strategies, State Environmental Planning Policies and Ministerial Directions.

- The feasibility of significant infrastructure required to achieve the proposed future development is not demonstrated from a financial and environmental perspective.
 - Mitigation of potential adverse effects on the biodiversity and conservation of threatened species, ecological communities and their habitats and the surrounding Illawong Nature Reserve is not demonstrated.
 - Preliminary work on the Eurobodalla Housing Strategy has identified housing supply and land zoned for future residential development exceeds the projected population needs past 2041.
 - The proposal will divert the necessary critical infrastructure, funding, staging, sequencing, and delivery of housing away from the existing nominated growth areas and is therefore not in the public interest.
2. Notifies the proponent of Council's determination in accordance with section 9 of the *Environmental Planning and Assessment Regulation 2021*.
 3. That Council notes the receipt of correspondence from SAGE NSW Inc, Broulee Mossy Point Community Association and Southcoast Health & Sustainability Alliance refuting claims of support in the planning proposal and in the staff report.

(The Amendment on being put became the **MOTION**)

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

24/6 MOTION Councillor Worthington/Councillor Dannock

THAT Council:

1. Resolves not to support the Planning Proposal proceeding to Gateway Determination, for the following reasons:
 - Inconsistency with regional and local strategies, State Environmental Planning Policies and Ministerial Directions.
 - The feasibility of significant infrastructure required to achieve the proposed future development is not demonstrated from a financial and environmental perspective.
 - Mitigation of potential adverse effects on the biodiversity and conservation of threatened species, ecological communities and their habitats and the surrounding Illawong Nature Reserve is not demonstrated.
 - Preliminary work on the Eurobodalla Housing Strategy has identified housing supply and land zoned for future residential development exceeds the projected population needs past 2041.
 - The proposal will divert the necessary critical infrastructure, funding, staging, sequencing, and delivery of housing away from the existing nominated growth areas

and is therefore not in the public interest.

2. Notifies the proponent of Council's determination in accordance with section 9 of the *Environmental Planning and Assessment Regulation 2021*.
3. That Council notes the receipt of correspondence from SAGE NSW Inc, Broulee Mossy Point Community Association and Southcoast Health & Sustainability Alliance refuting claims of support in the planning proposal and in the staff report.

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

Division

For the Motion: Crs P Diskon, A Mayne, R Pollock OAM and A Worthington.

Against the Motion: Crs T Dannock, T Harrison, A Schutz and M Hatcher.

The Mayor used his casting vote to vote for the Motion.

At **2.40PM** Councillor Grace returned to the meeting.

**PSR24/002 DEVELOPMENT APPLICATION DA0296/24 PLAYGROUND ADDITION 7323 PRINCES
HIGHWAY, NAROOMA**

File Ref: S006-T00001

24/7 MOTION Councillor Harrison/Councillor Dannock

THAT:

1. Development Application 0296/24 for the construction of a playground addition associated with the caravan park at 7323 Princes Highway, Narooma be approved, subject to the conditions provided in the attachment to this report.

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

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

**PSR24/003 REQUEST FOR TENDER (RFT) 10057221 - BROU WASTE MANAGEMENT FACILITY
EXPANSION - LANDFILL CELL DESIGN**

File Ref: S031-T00017

24/8 MOTION Councillor Mayne/Councillor Harrison

THAT:

1. Council accepts the selection of the preferred tenderer recommended in the confidential attachment in response to RFT 10057221 CL022 Brou Waste Management Facility Expansion – Landfill Cell Design.
2. Council accordingly approves entering into a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender, unless otherwise varied in accordance with this report.
3. Council delegate to the General Manager the function of finalising and entering the contract with the successful tenderer in accordance with tender documents forming part of RFT 10057221.

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

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

PSR24/004 DRAFT ON-SITE SEWAGE MANAGEMENT SYSTEM CODE OF PRACTICE

File Ref: S029-T00012

24/9 MOTION Councillor Mayne/Councillor Harrison

THAT the draft On-site Sewage Management Code of Practice be adopted.

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

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R
Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

13. FINANCE AND CORPORATE SERVICES REPORTS

**FCS24/001 DELIVERY PROGRAM 2022-26 OPERATIONAL PLAN 2023-24 SIX-MONTHLY
PERFORMANCE UPDATE JULY - DECEMBER 2023**

File Ref: S004-T00028

24/10 MOTION Councillor Worthington/Councillor Harrison

THAT the Six-Monthly Performance Update Report July – December 2023 be received and noted.

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

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

**FCS24/002 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 DECEMBER
2023**

File Ref: S011-T00003

24/11 MOTION Councillor Dannock/Councillor Schutz

THAT:

1. The Quarterly Budget Review Statement (including attachments) for the quarter ended 31 December 2023 be received and noted.
2. The revised budget be adopted based on the proposed adjustments as presented.

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

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

FCS24/003 INVESTMENTS MADE AS AT 31 DECEMBER 2023

File Ref: S011-T00006, S012-T00025

24/12 MOTION Councillor Worthington/Councillor Harrison

THAT the certification of investments as at 31 December 2023, 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: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

FCS24/004 INVESTMENTS MADE AS AT 31 JANUARY 2024

File Ref: S011-T00006, S012-T00025

24/13 MOTION Councillor Harrison/Councillor Dannock

THAT the certification of investments as at 31 January 2024, 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: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

14. INFRASTRUCTURE REPORTS

IR24/001 LOCAL TRAFFIC COMMITTEE NO. 6 FOR 2023-24

File Ref: S030-T00018

24/14 MOTION Councillor Schutz/Councillor Mayne

THAT Council approves:

1. The following acts for determination from Local Traffic Committee No. 6:

2024.RT.011 - Signage and Line marking – Bayridge Estate, Batemans Bay

- That Rygate & West Drawing No. U21139 Stage 3 ENG A.dwg of Bay Ridge Estate – Stage 3 subdivision, Batemans Bay detailing No Stopping signage and Give Way signs and lines, be approved.

2024.RT.012 Signage – Coastal Court, Dalmeny

- That Council Plan 5940-D-01 Coastal Court, Dalmeny detailing No Stopping left, No Stopping right, be approved.

2024.RT.013 Signage – Mosquito Bay boat ramp, Malua Bay.

- That Council Plan 5490-E-01 for signage at Mosquito Bay boat ramp, Malua Bay for No Parking, Vehicles with boat trailers attached EXEMPT, be approved.

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

Division

For the Motion: Crs T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

15. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

16. URGENT BUSINESS

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

Nil

18. CONFIDENTIAL MATTERS

Nil

Jeff Phillips' Retirement

The Mayor took a moment to thank and acknowledge Jeff Phillips, Council's governance manager, who is retiring after 13 years with Eurobodalla Shire Council.

Jeff started at Council in 2011 as an insurance specialist.

He "inherited" the governance portfolio not long after and since then has been providing policy and legislative advice in this Chamber and to his staff colleagues – a huge task.

The Mayor appreciated Jeff's professionalism and guidance on the tricky matters that regularly reach us councillors.

The Mayor said Jeff's contribution to this organisation has been invaluable, and as he enters retirement we wish you happy Tuesdays out of this Chamber, and in the surf or on the golf course.

Thank you Jeff.

THE MEETING CLOSED AT 2.55PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 19 March 2024 at which meeting the signature hereon was subscribed.