



Minutes

Ordinary Meeting of Council

8 February 2022

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 8 FEBRUARY 2022

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 8 FEBRUARY 2022
COMMENCING AT 11.00AM**

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

Staff: Dr Catherine Dale, General Manager
Mr L Usher, Director, Planning and Sustainability Services
Mr W Sharpe OAM, Director, Infrastructure Services
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

The Mayor advised of the Evacuation Procedures.

4. APOLOGIES

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

22/1 MOTION Councillor Pollock OAM/Councillor Mayne

THAT the minutes of the Ordinary Meeting held on 26 October 2021 and the Extraordinary Meeting held on 9 November 2021 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.

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

The Mayor advised that as this is the first meeting of the new Council, the first items of business must be administering the Oath and Affirmation of office. Therefore, it is necessary to suspend standing orders to bring forward these items on the agenda.

SUSPENSION OF STANDING ORDERS

22/2 MOTION Councillor Hatcher/Councillor Mayne

That Standing Orders be suspended in order to deal with GMR22/001 Oath and Affirmation for Councillors.

(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.

7. MAYORAL REPORTS

GMR22/001 OATH AND AFFIRMATION FOR COUNCILLORS

File Ref: S012-T00020

22/3 MOTION Councillor Schutz/Councillor Dannock

THAT in accordance with Section 233A of the *Local Government Act 1993*, Councillors be invited to take either the Oath of Office or Affirmation of Office, before the General Manager, as outlined below:

1. Oath of Office:

"I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment."

or

2. Affirmation of Office:

"I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [name of council area] and the [name of council] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment."

(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.

The Mayor and Councillors individually read either the Oath or Affirmation as listed below:

The Mayor read the Affirmation of Office.

Councillor Rob Pollock OAM read the Affirmation of Office.

Councillor Tanya Dannock read the Oath of Office.

Councillor Amber Schutz read the Affirmation of Office.

Councillor Anthony Mayne read the Oath of Office.

Councillor Peter Diskon read the Oath of Office.

Councillor Alison Worthington read the Affirmation of Office.

Councillor David Grace read the Affirmation of Office.

Councillor Tubby Harrison read the Oath of Office

RESUMPTION OF STANDING ORDERS Councillor Hatcher/Councillor Mayne

That Standing Orders be resumed.

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.

MR22/001 LIVESTREAM PUBLIC FORUM

File Ref: S012-T00025, S012-T00028

22/4 MOTION Councillor Hatcher

THAT:

1. Council engage with the community, during the month of March, on the proposal to webcast public forum, public access and other matters as determined by Council.
2. The Code of Meeting Practice be drafted following Council consideration of all the comments from this community engagement.
3. The draft Code of Meeting Practice be presented to Council in May for public exhibition with the intent to adopt the Code in July 2022.
4. In the interim, Public Access and Public Forum be facilitated via Zoom to enable broader community involvement.
5. Prominent notice of Public Forum and Public Access, including identification of the items to be presented on and the zoom link, be placed on Council's website and Facebook page, by 4 pm on the working day before the scheduled presentations. Media will also be advised.

(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.

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

11. GENERAL MANAGER'S REPORTS

GMR22/002 DECLARATION OF POLL FOR MAYOR

File Ref: S012-T00023

22/5 MOTION Councillor Worthington/Councillor Harrison

THAT the information on the Declaration of the Poll for the election of Mayor of Eurobodalla Shire Council, following the general election held on Saturday 4 December 2021, be 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.

GMR22/003 DECLARATION OF POLL FOR COUNCILLORS

File Ref: S012-T00020

22/6 MOTION Councillor Grace/Councillor Diskon

THAT the information on the Declaration of the Poll, for the election of eight Councillors to the Eurobodalla Shire Council, following the general election held on 4 December 2021, be 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.

GMR22/004 POSITION OF DEPUTY MAYOR

File Ref: S012-T00020

22/7 MOTION Councillor Mayne/Councillor Grace

THAT in accordance with section 231 of the *Local Government Act 1993* Council resolve to create the position of Deputy Mayor.

(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.

22/8 MOTION Councillor Worthington/Councillor Harrison

THAT in accordance with section 231 of the *Local Government Act 1993* Council determine the term of appointment for the position of Deputy Mayor to be 12 months.

(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.

22/9 MOTION Councillor Pollock OAM/Councillor Schutz

THAT in accordance with section 231 of the *Local Government Act 1993* Council determine the method of voting for election to the position of Deputy Mayor is to be by open voting.

(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.

ELECTION OF DEPUTY MAYOR

The General Manager, as returning officer, called for nominations for the position of Deputy Mayor and declared one valid nominations had been received for the position, being Councillor Alison Worthington.

On the basis of the nomination, the General Manager, as returning officer, declared Councillor Worthington elected as Deputy Mayor for a 12 month period.

22/10 MOTION Councillor Dannock/Councillor Schutz

THAT:

1. Councillor Worthington be declared Deputy Mayor for 12 months.
2. In accordance with section 231 of the *Local Government Act 1993* The result of the election be provided to the Chief Executive of the Office of Local Government, along with other councils in New South Wales.

(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.

GMR22/005 DECISION ON USING COUNTBACKS TO FILL CASUAL VACANCIES

File Ref: S012-T00025

22/11 MOTION Councillor Schutz/Councillor Grace

THAT Pursuant to section 291A (1)(b) of the *Local Government Act 1993* (the Act) Eurobodalla Shire Council declares that casual vacancies occurring in the office of Councillor within 18 months after the last ordinary election of Councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at the election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

(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.

GMR22/006 COUNCILLOR SUPERANNUATION

File Ref: S012-T00020

22/12 MOTION Councillor Worthington/Councillor Mayne

THAT Council:

1. In accordance with Section 254B of the Local Government Act, Eurobodalla Shire Council apply superannuation payments to the Mayor and Councillor allowance from 1 July 2022.
2. Write to the NSW government to request that decisions regarding remunerations should be made by the NSW government and not place individual Councillors in a position where they are voting to potentially benefit themselves.

(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.

GMR22/007 JOINT REGIONAL PLANNING PANEL

File Ref: S017-T00002

22/13 MOTION Councillor Dannock/Councillor Diskon

THAT Council:

1. Nominate Councillor Amber Schutz as Council's second member on the Southern Regional Planning Panel for the term of this Council.
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: 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.

GMR22/008 INVESTMENTS MADE AS AT 31 OCTOBER 2021

File Ref: S011-T00006, S012-T00025

22/14 MOTION Councillor Worthington/Councillor Diskon

THAT the certification of investments as at 31 October 2021, 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.

GMR22/009 INVESTMENTS MADE AS AT 30 NOVEMBER 2021

File Ref: S011-T00006, S012-T00025

22/15 MOTION Councillor Harrison/Councillor Schutz

THAT the certification of investments as at 30 November 2021, 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.

GMR22/010 INVESTMENTS MADE AS AT 31 DECEMBER 2021

File Ref: S011-T00006, S012-T00025

22/16 MOTION Councillor Grace/Councillor Pollock OAM

THAT the certification of investments as at 31 December 2021, 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.

GMR22/011 2022 CONFERENCES

File Ref: S004-T00019, S012-T00025

22/17 MOTION Councillor Grace/Councillor Harrison

THAT:

1. Council determine that:
 - a. Councillors Anthony Mayne, Tubby Harrison and Amber Schutz attend the LGNSW Special Conference on 28 February – 2 March 2022.
 - b. Councillors Anthony Mayne, Tanya Dannock and Rob Pollock OAM attend the LGNSW Destination and Visitor Economy Conference on 17-19 May 2022.
 - c. Councillors Amber Schutz and Alison Worthington attend the Floodplain Management Australia National Conference on 17-20 May 2022.
 - d. Councillors Amber Schutz, Alison Worthington and David Grace attend the NSW Coastal Conference on 31 May – 2 June 2022.
 - e. Councillors Anthony Mayne and David Grace attend the National General Assembly (NGA) on 19-22 June 2022.
 - f. Councillors Tanya Dannock, Amber Schutz and Alison Worthington attend the Australian Local Government Women's Association NSW Conference on 7-9 July 2022.
 - g. Councillors David Grace, Peter Diskon, Tubby Harrison and Rob Pollock OAM attend the LGNSW Annual Conference on 23-25 October 2022.
 - h. Councillors Tubby Harrison, Amber Schutz, Alison Worthington and Rob Pollock OAM attend the NSW Local Roads Congress – date to be determined.
 - i. Councillors Anthony Mayne, Tubby Harrison and Rob Pollock OAM attend the National Local Roads and Transport Congress – date to be determined.
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 to Council following the Conference.

(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

Nil

13. INFRASTRUCTURE REPORTS

IR22/001 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2021-22

File Ref: S030-T00018

22/18 MOTION Councillor Schutz/Councillor Dannock

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 for 2021-22 be received and noted.
2. That the installation of a Stop Sign and associated line marking on Hawdon Street, at intersection of River Street, Moruya be approved
3. Council Plan No. 5156 Set BB Sheet 35, detailing the 'No Stopping' signage and line marking at the intersection of Guy Street and Princes Highway (southern corner) be approved
4. Council Plan No. 4492 Set E Sheet 01, detailing the signage and line marking associated with the Pedestrian Refuge on Noble Parade between William Street and Jocelyn Street, Dalmeny, be approved
5. Council Plan No. 5156 Set BH Sheet 04 detailing the signage and line marking associated with the wombat crossings on Sunshine Bay Road adjoining Sunshine Bay Public School, Sunshine Bay, 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.

14. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

15. DELEGATE REPORT

Nil

16. URGENT BUSINESS

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

Nil

The Mayor presented Letters Under Seal to former Councillors Maureen Nathan and Jack Tait. The Mayor acknowledged apologies from former Mayor, Liz Innes, former Councillors Lindsay Brown, Phil Constable, Patrick McGinlay and James Thomson.

Prior to the conclusion of the Council meeting, the Mayor acknowledged and provided well wishes to Dalmeny resident, Valentino Guseli. Valentino is the youngest Australian competing at the Winter Olympics in Beijing. Valentino, who is 16 years old, commences competition in the snowboard halfpipe on Wednesday 9 February 2022. The Mayor, on behalf of Eurobodalla residents, wishes Valentino all the best for this competition.

THE MEETING CLOSED AT 11.43am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 22 February 2022 at which meeting the signature hereon was subscribed.