



Minutes

Ordinary Meeting of Council

16 July 2024

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 16 JULY 2024

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 16 JULY 2024
COMMENCING AT 12.30PM**

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

**PRESENT (Via Audio
Visual Link):** Councillor David Grace

Staff: Warwick Winn, General Manager
Mr V Straw, Acting Director, Planning and Environment
Mr G Attenborough, Director, Infrastructure Services
Ms K Arthur, Director, Community, Arts and Recreation
Ms J Sullivan, Acting Director, Finance and Corporate Services
Ms K Pisanos, Chief Operating Officer
Ms L Jeremy, Interim Governance Manager
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

24/89 MOTION Councillor Worthington/Councillor Schutz

THAT the minutes of the Ordinary Meeting held on 18 June 2024 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 Harrison declared a pecuniary conflict of interest in item FCS24/025 Road Closure, Part John Street, Moruya and stated that he would leave the Chamber during discussion and voting on the matter.

Reason: Councillor Harrison declared an interest as he sold land to the current owner.

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.)

PF24/017 MR24/003 COASTAL PROTECTION WORKS, SURFSIDE BEACH

Jason Ford addressed Council in relation to MR24/003 Coastal Protection Works, Surfside Beach.

A copy of Jason's presentation is available on Council's website.

PF24/018 MR24/003 COASTAL PROTECTION WORKS, SURFSIDE BEACH AND CAR24/004 TOILET STRATEGY UPDATE

Patricia Hellier addressed Council in relation to MR24/003 Coastal Protection Works, Surfside Beach and CAR24/004 Toilet Strategy Update.

A copy of Patricia's presentation is available on Council's website.

24/90 MOTION Councillor Hatcher/Councillor Mayne

THAT Council resolve to move MR24/002 General Manager's Annual Performance Review 2023-24 to the end of the agenda.

(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

MR24/003 COASTAL PROTECTION WORKS, SURFSIDE BEACH

File Ref: S010-T00018

24/91 MOTION Councillor Hatcher/Councillor Mayne

THAT:

1. Council advocates to the NSW Minister for Environment, Energy, Climate Change and Heritage (The Hon. Penny Sharpe MLC) requesting support for further funding of actions as identified in the Coastal Management Programs including the dredging of the Clyde River as a matter of urgency.
2. Council advocates to the Secretary for Transport for NSW to prioritise and fund the dredging of the Clyde River for nourishment of Surfside Beach.
3. Council convene and facilitate with key agencies as a matter of urgency a meeting to explore appropriate responses available in the event of an emergency. A report be provided back to Council.

(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 and A Schutz.

Against the Motion: Cr A Worthington.

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

11. GENERAL MANAGER'S REPORTS

GMR24/007 2024-25 EVENTS GRANTS PROGRAM

File Ref: S014-T00018

24/92 MOTION Councillor Diskon/Councillor Dannock

THAT Council approves the allocation of \$55,756 in grant funding through the 2024-25 Events Grants program for the recipients as outlined in the confidential 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.

GMR24/008 RESPONSES FROM MINISTERS TO ADVOCACY LETTERS

File Ref: S012-T00026

24/93 MOTION Councillor Dannock/Councillor Mayne

THAT Council receive and note the responses received to date from Ministers and NSW and Australian Government agencies on points of advocacy resolved by Council.

(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 ENVIRONMENT REPORTS

PSR24/015 EUROBODALLA HERITAGE STRATEGY 2024-2028

File Ref: S017-T00007

24/94 MOTION Councillor Schutz/Councillor Mayne

THAT Council:

1. Adopt the Eurobodalla Heritage Strategy 2024 - 2028.
2. Following the adoption of the Eurobodalla Heritage Strategy, the Strategy be forwarded to Heritage NSW as a condition for the continuation of grant funding requirements.

(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 and A Schutz.

Against the Motion: Cr A Worthington.

Councillor Worthington was absent from the Chamber during this vote.

13. FINANCE AND CORPORATE SERVICES REPORTS

FCS24/023 EUROBODALLA REGIONAL HOSPITAL SITE WATER SUPPLY AND SEWER SCHEME EASEMENTS

File Ref: S023-T00001

24/95 MOTION Councillor Pollock OAM/Councillor Schutz

THAT:

1. Council approve the acquisition of interest in land for creation of easements for water and sewer infrastructure within properties Lot 1 DP 1281576, Lot 1 DP 125321, Lot 8 DP 1212271, Lot 2 DP 1281576 and Lot 80 DP 613376.
2. All necessary actions be taken for the easement acquisitions within properties Lot 1 DP 1281576, Lot 1 DP 125321, Lot 8 DP 1212271, Lot 2 DP 1281576 and Lot 80 DP 613376 in accordance with Council's *Land Management – Acquisition, Disposal and Leasing/Licensing Policy*.
3. If the acquisition of interest in land for easements within Lot 1 DP 1281576, Lot 1 DP 125321, Lot 8 DP 1212271, Lot 2 DP 1281576 and Lot 80 DP 613376 cannot be negotiated by agreement, Council can make application to the Minister for Local Government and the Governor to acquire those easements by compulsory process in accordance with Council's power under *section 187 of the Local Government Act 1993*.
4. All survey and reasonable legal costs associated with the easement acquisitions be borne by Council.
5. The General Manager be given delegated authority to execute all necessary documentation associated with the acquisition of interest in land for easements.

(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.

**FCS24/024 CLASSIFICATION OF LAND TO OPERATIONAL - PART 2876 PRINCES HIGHWAY
MORUYA**

File Ref: S023-T00001

24/96 MOTION Councillor Schutz/Councillor Mayne

THAT Lot 10 DP 1293843 be classified as operational land.

(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.

FCS24/025 ROAD CLOSURE, PART JOHN STREET, MORUYA

File Ref: S023-T00023

Councillor Harrison declared a pecuniary conflict of interest in item FCS24/025 Road Closure, Part John Street, Moruya and stated that he would leave the Chamber during discussion and voting on the matter.

Reason: Councillor Harrison declared an interest as he sold land to the current owner.

At **1.31 PM** following his declared conflict of interest, Councillor Harrison left the Council Chamber.

24/97 MOTION Councillor Dannock/Councillor Diskon

THAT:

1. Council approves the road closure and sale of part John Street, Moruya.
2. Once closed and vested in Council, the former segment of unformed road reserve adjacent to John Street, Moruya be sold to the adjoining landowner on payment of agreed value.
3. An agreement be entered into with the landowner of Lots 3 and 4 DP 1181856 for the closure and sale of that part of John Street adjacent to this property, and to consolidate the newly created lot with the adjoining property.
4. The General Manager be given delegated authority to execute all necessary documentation.

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

Division

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

Against the Motion: Cr T Harrison.

At **1.32 PM** Councillor Harrison returned to the Council Chamber.

FCS24/026 INVESTMENTS MADE AS AT 30 JUNE 2024

File Ref: S011-T00006,S012-T00025

24/98 MOTION Councillor Schutz/Councillor Diskon

THAT the certification of investments as at 30 June 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

IR24/015 UPDATE ON EUROBODALLA SOUTHERN STORAGE

File Ref: S032-T00008

24/99 MOTION Councillor Dannock/Councillor Harrison

THAT Council **Note:**

1. Latest update with regards to the delivery of the Southern Storage project and in particular:
 - a) Expenditure to date and forecast (within the confidential section)
 - b) Forecast completion date
 - c) Actions being undertaken to minimise risks to Council
2. That Council will now be provided with updates every 3 months or earlier if required.

(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.

IR24/016 LOCAL TRAFFIC COMMITTEE NO.11 FOR 2023-24

File Ref: S030-T00018

24/100 MOTION Councillor Schutz/Councillor Dannock

THAT Council approves:

1. The following Special Events and Informal Items:

- **2024.SE.018 Tilba Festival Traffic Management Plan.**

(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

CAR24/004 TOILET STRATEGY UPDATE

File Ref: S023-T00030

24/101 MOTION Councillor Mayne/Councillor Diskon

THAT Council receive and note the 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.

16. URGENT BUSINESS

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

In accordance with Section 10A(2) of the *Local Government Act 1993*, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

(a) personnel matters concerning particular individuals;

and Council considers that discussion of the material in open session would be contrary to the public interest.

Ms Patricia Hellier addressed Council on why she believed Council should not go into Closed Session.

Therefore pursuant to Section 10A of the *Local Government Act 1993* the following reports be dealt with in Closed Session for the reasons specified below:

24/102 MOTION Councillor Harrison/Councillor Pollock OAM

THAT pursuant to Section 10A of the *Local Government Act 1993* the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

MR24/002 General Manager's Annual Performance Review 2023-24

Item CON23/001 is confidential in accordance with s10(A)(2)(a) of the Local Government Act because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(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 **1.53 PM** the Ordinary Meeting of Council moved into Closed Session.

24/103 MOTION Councillor Harrison/Councillor Schutz

THAT:

1. The General Manager's Performance Plan 2023-24 (attached) be received, noting the positive outcomes.
2. Council approve an increase of 3.6% to the General Manager's total remuneration package in line with the contractual arrangements. This increase is consistent with current inflation rate.

(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, A Schutz and A Worthington.

Against the Motion: Cr R Pollock OAM.

At **3.08 PM** the Ordinary Meeting of Council resumed.

MR24/002 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW 2023-24

File Ref: H0013-T00001

24/104 MOTION Councillor Harrison/Councillor Schutz

THAT:

1. The General Manager's Performance Plan 2023-24 (attached) be received, noting the positive outcomes.
2. Council approve an increase of 3.6% to the General Manager's total remuneration package in line with the contractual arrangements. This increase is consistent with current inflation rate.

(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, A Schutz and A Worthington.

Against the Motion: Cr R Pollock OAM.

18. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 3.16PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 20 August 2024 at which meeting the signature hereon was subscribed.