

Minutes

Ordinary Meeting of Council

24 November 2020

ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS, MORUYA

ON TUESDAY 24 NOVEMBER 2020

MINUTES

1.	WELCON	1E 1
2.	ACKNOV	VLEDGEMENT OF COUNTRY1
3.	EVACUA	TION MESSAGE
4.	APOLOG	IES1
5.	CONFIRM	MATION OF MINUTES OF PREVIOUS MEETING1
3.	DECLARA	ATIONS OF INTEREST OF MATTERS ON THE AGENDA2
4.	MAYORA	AL REPORTS2
5.	NOTICE	S OF MOTION
NOM	20/007	Reclassification of land3
CCS2	0/046 Le	ase of Batemans Bay Community Centre4
CAR2		nging Rock, Corrigans Beach and Observation Point Reserves Draft Plan of Inagement
CAR2		rooma Sport and Leisure Precinct Plan of Management
6.	QUESTIC	ONS ON NOTICE FROM COUNCILLORS7
QON	20/008	Council's role for commercial and domestic fire response
QON	20/009	TechnologyOne system implementation
7.	PETITION	NS9
Nil		
8.	GENERA	AL MANAGER'S REPORTS10
GMR	20/033	Annual Report 2019-20 10
9.	PLANNII	NG AND SUSTAINABILITY REPORTS11
PSR2	0/025 Co	uncil-owned biodiversity credits11
PSR2	0/028 Co	astal and Environment Management Advisory Committee Nominations 12
PSR2	-	quest for Tender No 20/21-001 Eurobodalla's Open-Coast Coastal inagement Program
10.	INFRAST	TRUCTURE REPORTS16

MINUTES OF THE ORDINARY COUNCIL MEETING OF EUROBODALLA SHIRE COUNCIL HELD ON TUESDAY 24 NOVEMBER 2020

IR20/	018	Request for Tender No 2020ISD023 Sewage Pumping Station M021 Moruya	
		Airport	16
IR20/	019	Pro Rata Seasonal Hire Fee	17
11.	COR	PORATE AND COMMERCIAL SERVICES REPORTS	18
CCS20	0/044	Quarterly Budget Review for period ending 30 September 2020	18
CCS20	0/045	Draft Financial Statements for the year ended 30 June 2020 - Referral to Audit	t19
CCS20	0/043	Lease to Eurobodalla Woodcraft Guild	20
CCS20	0/047	Licence for Storage Containers, Moruya	21
12.	CON	MMUNITY, ARTS AND RECREATION REPORTS	22
CAR2	0/020	Request for Tender No 2021-012 – Captain Oldrey Netball Court Upgrade	22
CAR2	0/021	Request for Tender No 2021-015 – Captain Oldrey Amenities Upgrade	23
13.	DELE	GATE REPORT	24
14.	URGE	ENT BUSINESS	24
15.	DEAL	ING WITH MATTERS IN CLOSED SESSION	24

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, MORUYA ON TUESDAY, 24 NOVEMBER 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 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

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

20/199 MOTION Councillor Mayne/Councillor Nathan

THAT apologies be received from Councillor Constable and leave of absence be granted.

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

Division

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

J Thomson.

Against the Motion: Nil.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

20/200 MOTION Councillor Tait/Councillor Nathan

This is Page No 1 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

THAT the minutes of the Ordinary Meeting held on 10 November 2020 be confirmed.

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

Division

For the Motion: Clrs L Brown, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock, 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 CCS20/046 Lease of Batemans Bay Community Centre and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as he previously worked for South Coast Colleges.

4. MAYORAL REPORTS

Nil

AT 11:07 AM Councillor Constable joined the meeting.

SUSPENSION OF STANDING ORDERS

20/201 MOTION Councillor McGinlay/Councillor Nathan

That Standing Orders be suspended in order to debate the following topics:

NOM20/007 Reclassification of land

CCS20/046 Lease of Batemans Bay Community Centre

CAR20/018 Hanging Rock, Corrigans Bach and Observation Point Reserves Draft Plan of Management

CAR20/019 Narooma Sport and Leisure Precinct Plan of Management.

(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 11.10AM the meeting suspended standing orders to deal with items as listed above.

This is Page No 2 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

5. NOTICES OF MOTION

NOM20/007 RECLASSIFICATION OF LAND

File Ref: S012-T00026

MOTION Councillor Mayne/Councillor McGinlay

THAT:

- 1. the land on which the Batemans Bay Community Centre, currently zoned B4-Mixed use and classified as operation, be reclassified to Community.
- a planning proposal be prepared to amend Schedule 4, Part 3 of the Eurobodalla Local Environment Plan 2012 to reclassify the Batemans Bay Community Centre from operational to community and that the planning proposal be submitted to Council for consideration.

(The Motion 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.

This is Page No 3 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

CCS20/046 LEASE OF BATEMANS BAY COMMUNITY CENTRE

File Ref: Land ID: 29439

20/202 MOTION Councillor Innes/Councillor Brown

THAT Council defer this decision to a future meeting.

(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 and J Tait.

Against the Motion: Clr J Thomson.

This is Page No 4 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

CAR20/018 HANGING ROCK, CORRIGANS BEACH AND OBSERVATION POINT RESERVES DRAFT PLAN OF MANAGEMENT

File Ref: OP0015-S001

20/203 MOTION Councillor Tait/Councillor Brown

THAT:

- 1. In accordance with Section 39 of the NSW Local Government Act 1993, Council send an electronic copy of the Hanging Rock, Corrigans Beach and Observation Point Reserves draft Plan of Management (POM) to the NSW Minister for Water, Property and Housing and seek the Minister's consent to exhibit the draft POM.
- 2. Subject to the decision of the NSW Minister for Water, Property and Housing with respect to recommendation 1, and in accordance with Section 38 of the NSW Local Government Act 1993, Council publicly exhibits the Hanging Rock, Corrigans Beach and Observation Point Reserves draft Plan of Management for a period of not less than 28 days with a total specified period of not less than 42 days after the date on which the draft POM is placed on exhibition during which submissions may be made to 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.

Against the Motion: Nil.

This is Page No 5 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

CAR20/019 NAROOMA SPORT AND LEISURE PRECINCT PLAN OF MANAGEMENT

File Ref: OP0053-S006

20/204 MOTION Councillor Brown/Councillor Pollock

THAT:

- In accordance with Section 3.23(6) of the Crown land Management Act 2016 and pursuant to Section 40 of the Local Government Act 1993, Council adopt the Narooma Sport and Leisure Precinct Plan of Management (POM) including the amendments made to the draft POM, and the change of category of Lot 7026 DP 1020248 (Crown Reserve 80515) and Lot 476 DP 752155 (Crown Reserve 63051) from Park/General Community Use to Natural Area.
- 2. An electronic copy of the adopted Narooma Sport and Leisure Precinct Plan of Management, the relevant council minute and the report from the independently chaired Public Hearing into the proposed change of category be forwarded to the NSW Minister for Planning, Industry and the Environment Crown Lands as the land owner.
- 3. All contributors to the Narooma Sport and Leisure Precinct draft Plan of Management be thanked in writing.

(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

20/205 MOTION Councillor Pollock/Councillor Tait

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.

At 11.49AM Council meeting resumed standing orders.

This is Page No 6 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

6. QUESTIONS ON NOTICE FROM COUNCILLORS

QON20/008 COUNCIL'S ROLE FOR COMMERCIAL AND DOMESTIC FIRE RESPONSE

File Ref: S012-T00024

20/206 MOTION Councillor Nathan/Councillor Tait

THAT the response to the question regarding Council's role for commercial and domestic fire response 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.

Against the Motion: Nil.

This is Page No 7 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

QON20/009 TECHNOLOGYONE SYSTEM IMPLEMENTATION

File Ref: S012-T00024

20/207 MOTION Councillor McGinlay/Councillor Constable

THAT the response to the question regarding Council's TechnologyOne implementation raised by Councillor McGinaly 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.

This is Page No 8 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

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Nil

This is Page No 9 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

8. GENERAL MANAGER'S REPORTS

GMR20/033 ANNUAL REPORT 2019-20

File Ref: E08.2166

20/208 MOTION Councillor Pollock/Councillor Tait

THAT:

- 1. The Annual Report 2019-20 be received.
- A copy of the Annual Report 2019-20 be placed on Council's website, Council libraries, the Moruya Administrative building in Moruya and a copy forwarded to the Minister of Local Government.

(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.

9. PLANNING AND SUSTAINABILITY REPORTS

PSR20/025 COUNCIL-OWNED BIODIVERSITY CREDITS

File Ref: SO17-T00011

MOTION Councillor Brown/Councillor Tait

THAT Council:

- 1. Sells all uncommitted biodiversity credits at a reasonable market value in accordance with Section 55 of the *Local Government Act 1993*.
- Authorises the General Manager to negotiate the sale of 85 ecosystem biodiversity
 credits of class 'SR536/Coastal freshwater lagoons of the Sydney Basin Bioregion and
 South East Corner Bioregion' to the Australian Government for an amount not less than
 10% below the Biodiversity Offset Payment Calculator set by the Department of Planning,
 Industry and Environment.

20/209 MOTION Councillor Brown/Councillor Tait

THAT Council sells all uncommitted biodiversity credits at a reasonable market value in accordance with Section 55 of the *Local Government Act 1993*.

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

Division

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

20/210 MOTION Councillor Brown/Councillor Tait

THAT Council authorises the General Manager to negotiate the sale of 85 ecosystem biodiversity credits of class 'SR536/Coastal freshwater lagoons of the Sydney Basin Bioregion and South East Corner Bioregion' to the Australian Government for an amount not less than 10% below the Biodiversity Offset Payment Calculator set by the Department of Planning, Industry and Environment.

(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.

This is Page No 11 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

PSR20/028 COASTAL AND ENVIRONMENT MANAGEMENT ADVISORY COMMITTEE NOMINATIONS

File Ref: S017-T00012

MOTION Councillor Brown/Councillor Pollock

THAT Council:

- 1. Appoint the recommended nominees to the Coast and Environment Management Advisory Committee, as contained in Confidential Attachment.
- 2. Notify nominees of the outcome of the decision with a request to sign a Confidentiality Agreement in accordance with the Terms of Reference.
- 3. Make public, the list of members of the Coast and Environment Management Advisory Committee as determined by Council.

Mayor Liz Innes requested that the meeting move into confidential so that Council can discuss the composition of the Advisory Committee, specifically the membership.

20/211 MOTION Councillor Brown/Councillor Pollock

THAT Council move into Closed session.

(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.

The General Manager invited members of the public to make verbal representations to the Council on whether the meeting should be closed to consider the confidential matter.

Given the current COVID-19 meeting procedures, members of the public were given five minutes to notify Council if they wish to make representation as to why the meeting should not be closed.

It was proposed to adjourn the meeting whilst members of the public were given the opportunity to make representation via phone to the meeting.

20/212 ADJOURNMENT Councillor Pollock/Councillor Thomson

THAT the Ordinary Council Meeting be adjourned for five minutes.

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

Division

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

J Thomson.

This is Page No 12 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

Against the Motion: Clr P McGinlay

At 12.34pm the meeting adjourned.

At 12.46pm the meeting reconvened.

In accordance with Section 10A(4) of the Local Government Act 1993, the General Manager invited members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential reports.

The discussion is classified confidential under Section 10(A)(2)a of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(a) Personnel matters concerning particular individuals (other than Councillors).

It was noted that there were no public verbal representations on whether the meeting should be closed to consider the matter.

At 12.48pm the Ordinary Meeting of Council moved into Closed Session.

MOTION Councillor Thomson/Councillor Pollock

THAT Council resume Open session.

(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 1.17pm the Ordinary Meeting of Council resumed Open Session.

The General Manager advised that no recommendations were declared during Closed Session.

MOTION Councillor Brown/Councillor Pollock

THAT Council:

- 1. Appoint the recommended nominees to the Coast and Environment Management Advisory Committee, as contained in Confidential Attachment.
- 2. Notify nominees of the outcome of the decision with a request to sign a Confidentiality Agreement in accordance with the Terms of Reference.
- 3. Make public, the list of members of the Coast and Environment Management Advisory Committee as determined by Council.

20/213 AMENDMENT Councillor Innes/Councillor Constable

THAT Council:

 Appoint the recommended nominees to the Coast and Environment Management Advisory Committee, as contained in the Confidential Attachment except for persons

This is Page No 13 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

listed as number 13.

- 2. Notify nominees of the outcome of the decision with a request to sign a Confidentiality Agreement in accordance with the Terms of Reference.
- 3. Make public, the list of members of the Coast and Environment Management Advisory Committee as determined by Council.
- 4. Thank all applicants for their applications.

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

Division

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

20/214 MOTION Councillor Innes/Councillor Constable

THAT Council:

- Appoint the recommended nominees to the Coast and Environment Management Advisory Committee, as contained in Confidential Attachment except for persons listed as number 13.
- 2. Notify nominees of the outcome of the decision with a request to sign a Confidentiality Agreement in accordance with the Terms of Reference.
- 3. Make public, the list of members of the Coast and Environment Management Advisory Committee as determined by Council.
- 4. Thank all applicants for their applications.

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

Division

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

Thomson.

Against the Motion: Clrs A Mayne and P McGinlay.

PSR20/027 REQUEST FOR TENDER NO 20/21-001 EUROBODALLA'S OPEN-COAST COASTAL MANAGEMENT PROGRAM

File Ref: S017-T00013, S014-T00007

20/215 MOTION Councillor Tait/Councillor Nathan

THAT Council:

- 1. Reject the tenders received in response to 'Request for Tender (RFT) No. 20/21-001 Eurobodalla's Open Coast Coastal Management Program'.
- 2. Not invite fresh tenders, as this is unlikely to achieve a better outcome for the project, given the Tender Evaluation Board's assessment of the tenders received.
- 3. Enter into negotiations based on the conditions outlined in Request for Tender (RFT) No. 20/21-001 with the preferred tenderer identified in the Confidential Attachment to the Council report 'Request for Tender (RFT) No. 20/21-001' due to demonstrated capability to deliver the Open Coast Coastal Management Program.
- 4. Provide delegations to the General Manager to conclude these negotiations and if appropriate, enter into a contract with the tenderer identified in the Confidential Attachment to the Council report 'Request for Tender (RFT) No. 20/21-001'.

(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.

This is Page No 15 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

10. INFRASTRUCTURE REPORTS

IR20/018 REQUEST FOR TENDER NO 2020ISD023 SEWAGE PUMPING STATION M021 MORUYA AIRPORT

File Ref: s029-T00004

20/216 MOTION Councillor Pollock/Councillor Thomson

THAT Council:

- 1. Endorses the selection of the preferred tenderer listed for Tender No 2020ISD023 for the provision of a Sewage Pumping Station to service Moruya Airport; 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: Crs L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, R

Pollock, J Tait and J Thomson.

Against the Motion: Nil.

IR20/019 PRO RATA SEASONAL HIRE FEE

File Ref: S011 - T00005; S026 - T00009

20/217 MOTION Councillor Tait/Councillor Mayne

THAT Council applies a pro rata application of seasonal hire fees for community sporting clubs in line with the reduced playing season during 2020 due to COVID-19.

(The Motion on being put was declared CARRIED)

Division

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

Pollock, J Tait and J Thomson.

Against the Motion: Nil.

This is Page No 17 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

11. CORPORATE AND COMMERCIAL SERVICES REPORTS

CCS20/044 QUARTERLY BUDGET REVIEW FOR PERIOD ENDING 30 SEPTEMBER 2020

File Ref: S011-T00003

20/218 MOTION Councillor Pollock/Councillor Tait

THAT;

- 1. The budget review report for the quarter ended 30 September 2020 be received and noted.
- 2. The unfavourable variations to the Income Statement after capital revenue of \$1.91 million and \$2.32 million per the Consolidated Fund Flow Statement be adopted.

(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.

This is Page No 18 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

CCS20/045 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020 - REFERRAL TO AUDIT

File Ref: S011-T00002

20/219 MOTION Councillor Pollock/Councillor Tait

THAT:

- 1. The Draft Annual Financial Statements for the year ended 30 June 2020 be referred to audit.
- 2. The statement by Councillors and Management be made pursuant to section 413(2)(c) of the *Local Government Act 1993* (as amended) and signed by the Mayor, Deputy Mayor (or Councillor), General Manager and Responsible Accounting Officer at the Council meeting on 24 November 2020.
- 3. The audited Financial Statements, together with the Auditor's report and financial Commentary, be presented to the public at the Council meeting of 8 December 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.

Against the Motion: Nil.

This is Page No 19 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

CCS20/043 LEASE TO EUROBODALLA WOODCRAFT GUILD

File Ref: S023-T00015

20/220 MOTION Councillor Pollock/Councillor Mayne

THAT:

- 1. Council enter into a lease with the Eurobodalla Woodcraft Guild,
- 2. Consent be given to affix the Common Seal of Council, if required, to all relevant documentation,
- 3. The General Manager be given delegated authority to negotiate the specific location of the lease.

(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.

This is Page No 20 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

CCS20/047 LICENCE FOR STORAGE CONTAINERS, MORUYA

File Ref: S023-T00017

20/221 MOTION Councillor Pollock/Councillor Thomson

THAT a licence be granted to Woolworths Limited to store containers within Lot 2 DP 1116130 Moruya during the period December through to February each year commencing on 1 December 2020 and expiring on 29 February 2025 with terms and conditions including:

- 1. Provision of evidence of public liability insurance cover in the amount of at least \$20 million
- 2. Conditions generally in line with the previous licence
- 3. The General Manager be given delegated authority to issue further licences.

(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.

This is Page No 21 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

12. COMMUNITY, ARTS AND RECREATION REPORTS

CAR20/020 REQUEST FOR TENDER NO 2021-012 – CAPTAIN OLDREY NETBALL COURT UPGRADE

File Ref: S004-T00001

20/222 MOTION Councillor Pollock/Councillor Thomson

THAT:

- Council endorse the selection of the preferred tenderer listed for RFT 2021-012 Captain Oldrey Netball Court within the confidential attachment; 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 unless otherwise varied in accordance with this report.

(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.

CAR20/021 REQUEST FOR TENDER NO 2021-015 - CAPTAIN OLDREY AMENITIES UPGRADE

File Ref: S004-T00001

20/223 MOTION Councillor Thomson/Councillor Pollock

THAT:

- 1. Council endorse the selection of the preferred tenderer listed for RFT 2021-015 Captain Oldrey Amenities Upgrade within the confidential attachment; 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 unless otherwise varied in accordance with this report.

(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.

This is Page No 23 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020

13. DELEGATE REPORT

NIL

14. URGENT BUSINESS

NIL

15. DEALING WITH MATTERS IN CLOSED SESSION

NIL

THE MEETING CLOSED AT 1.37pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 8 December 2020 at which meeting the signature hereon was subscribed.

This is Page No 24 of 24 of the Minutes of the Ordinary Council Meeting of Eurobodalla Shire Council held on Tuesday 24 November 2020