



Minutes

Ordinary Meeting of Council

21 May 2024

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 21 MAY 2024

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 21 MAY 2024
COMMENCING AT 12.30PM**

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

**PRESENT (Via Audio
Visual Link):** Councillor Tubby Harrison

Staff: Warwick Winn, General Manager
Mr G Bruce, Acting Director, Planning and Environment
Mr G Attenborough, Director, Infrastructure Services
Mrs K Arthur, Director, Community, Arts and Recreation
Mrs S Speedy, 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

24/44 MOTION Councillor Mayne/Councillor Dannock

THAT apologies be received from Councillors Peter Diskon and David Grace and leave of absence be granted.

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

Division

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

Against the Motion: Nil.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

24/45 MOTION Councillor Worthington/Councillor Schutz

THAT the minutes of the Ordinary Meeting held on 30 April 2024 be confirmed.

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

Division

For the Motion: Crs T Dannock, 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 Schutz declared a pecuniary conflict of interest in item FCS24/015 Nelligen Water Supply and Sewer Scheme Easements and would leave the Council Chamber during discussion and voting on the matter.

24/46 MOTION Councillor Dannock/Councillor Schutz

THAT Council move into Public Forum.

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

Division

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

Against the Motion: Nil.

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.)

PF24/013 GMR24/004 MID-POINT REVIEW - MOGO TRAILS AND COASTAL HEADLANDS WALKING TRAIL

Brett Stevenson, Co-Convenor, A Better Eurobodalla, addressed Council in relation to GMR24/004 Mid-Point Review - Mogo Trails and Coastal Headlands Walking Trail.

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

PF24/014 PSR24/009 DRAFT HOUSING STRATEGY

Pamela Green addressed Council in relation to PSR24/009 Draft Housing Strategy.

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

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

ADJOURNMENT

24/47 MOTION Councillor Worthington/Councillor Mayne

THAT the Ordinary Council Meeting be adjourned for ten minutes.

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

Division

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

Against the Motion: Cr T Harrison.

At **1.11 PM** the meeting adjourned.

ADJOURNMENT

24/48 MOTION Councillor Dannock/Councillor Schutz

THAT the Ordinary Council Meeting reconvene.

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

Division

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

Against the Motion: Nil.

At **1.23 PM** the meeting reconvened.

11. GENERAL MANAGER'S REPORTS

GMR24/004 MID-POINT REVIEW - MOGO TRAILS AND COASTAL HEADLANDS WALKING TRAIL

File Ref: S004-T00026

MOTION Councillor Worthington/Councillor Schutz

THAT:

1. Council receive and note the attached *Mid-point review – Mogo Trails and Coastal Headlands Walking Trail – Final report*.
2. The General Manager investigate options to transfer Mogo Trails management and operations to a trust or similar, or a commercial operator

AMENDMENT Councillor Worthington/Councillor Pollock OAM

2. That the General Manager report back to council with a review of ALL recommended operational, governance, maintenance and management models for the Mogo Trails project and with a proposed time frame for implementation of transition to a suggested model and continue to engage with the BBMTB through this process.

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

Division

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

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

24/49 MOTION Councillor Worthington/Councillor Schutz

THAT:

1. Council receive and note the attached *Mid-point review – Mogo Trails and Coastal Headlands Walking Trail – Final report*.
2. The General Manager investigate options to transfer Mogo Trails management and operations to a trust or similar, or a commercial operator.

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

Division

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

Against the Motion: Nil.

12. PLANNING AND ENVIRONMENT REPORTS

**PSR24/008 COUNCIL SUBMISSION TO INQUIRY INTO HISTORICAL DEVELOPMENT
CONSENTS IN NSW - LEGISLATIVE ASSEMBLY COMMITTEE ON ENVIRONMENT
AND PLANNING**

File Ref: S006-T00001

MOTION Councillor Dannock/Councillor Schutz

THAT Council:

1. Acknowledges that the NSW Government is responsible for the legislative framework that determines when a development consent is valid or lapses in accordance with the *Environmental Planning and Assessment Act 1979* and its associated Regulations.
2. Support amendments made to the *Environmental Planning and Assessment Act 1979* and its associated Regulations that provide greater certainty around when a development consent is said to have lapsed and conversely specifically what works, or extent of works need to occur for the consent to remain valid.

24/50 AMENDMENT Councillor Mayne/Councillor Worthington

THAT Council:

1. Acknowledges that the NSW Government is responsible for the legislative framework that determines when a development consent is valid or lapses in accordance with the *Environmental Planning and Assessment Act 1979* and its associated Regulations.
2. Support amendments made to the *Environmental Planning and Assessment Act 1979* and its associated Regulations that provide greater certainty around when a development consent is said to have lapsed and conversely specifically what works, or extent of works need to occur for the consent to remain valid.
3. That Council's submission includes the request that the State Government consider a time constraint for developments including an exploration of risks and benefits.

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

Division

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

Against the Motion: Cr T Harrison.

24/51 MOTION Councillor Dannock/Councillor Schutz

THAT Council:

1. Acknowledges that the NSW Government is responsible for the legislative framework that determines when a development consent is valid or lapses in accordance with the *Environmental Planning and Assessment Act 1979* and its associated Regulations.
2. Support amendments made to the *Environmental Planning and Assessment Act 1979* and its associated Regulations that provide greater certainty around when a development consent is said to have lapsed and conversely specifically what works, or extent of works need to occur for the consent to remain valid.

3. That Council's submission includes the request that the State Government consider a time constraint for developments including an exploration of risks and benefits.

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

Division

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

Against the Motion: Nil.

PSR24/009 DRAFT HOUSING STRATEGY

File Ref: S017-T00003; OP0076-S006

24/52 MOTION Councillor Schutz/Councillor Pollock OAM

THAT:

1. Council place the draft Housing Strategy on public exhibition for 42 days.
2. Following the public exhibition period for the draft Eurobodalla Housing Strategy, a report be prepared for Council giving consideration to any submissions received, with a recommendation for adoption of the Strategy.

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

Division

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

Against the Motion: Nil.

PSR24/010 DRAFT EUROBODALLA HERITAGE STRATEGY

File Ref: E07.1407

24/53 MOTION Councillor Schutz/Councillor Dannock

THAT Council:

1. Endorse the public exhibition of the draft Eurobodalla Heritage Strategy for a period of not less than 28 days.
2. Following the public exhibition period for the draft Eurobodalla Heritage Strategy, a report be prepared for Council giving consideration to any submissions received, with a recommendation for adoption of the Strategy.

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

Division

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

Against the Motion: Nil.

13. FINANCE AND CORPORATE SERVICES REPORTS

**FCS24/012 QUARTERLY BUDGET REVIEW STATEMENT FOR PERIOD ENDING 31 MARCH
2024**

File Ref: S011-T00003

24/54 MOTION Councillor Worthington/Councillor Dannock

THAT:

1. The Quarterly Budget Review Statement (including attachments) for the quarter ended 31 March 2024 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, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz
and A Worthington.

Against the Motion: Nil.

FCS24/013 INVESTMENTS MADE AS AT 30 APRIL 2024

File Ref: S011-T00006,S012-T00025

24/55 MOTION Councillor Dannock/Councillor Schutz

THAT the certification of investments as at 30 April 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, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz
and A Worthington.

Against the Motion: Nil.

FCS24/014 REQUEST FOR TENDER NO. 2324-112 WATER TANKER SUPPORT

File Ref: S004-T00004

24/56 MOTION Councillor Pollock OAM/Councillor Schutz

THAT:

1. Council endorses the selection of the preferred supplier for RFT No. 2324-112 within the Confidential Attachment.
2. Accordingly approves the entering into a Deed of Standing Offer with the preferred supplier as detailed within the Confidential Attachment.

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

Division

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

Against the Motion: Nil.

FCS24/015 NELLIGEN WATER SUPPLY AND SEWER SCHEME EASEMENTS

File Ref: S023-T00014

Councillor Schutz declared a pecuniary conflict of interest in item FCS24/015 Nelligen Water Supply and Sewer Scheme Easements and would leave the Council Chamber during discussion and voting on the matter.

At **2.58 PM** following her declared conflict of interest, Councillor Schutz left the Council Chamber.

24/57 MOTION Councillor Pollock OAM/Councillor Dannock

THAT:

1. Council approve the acquisition of interest in land for creation of easements for water and sewer infrastructure within Benandarah State forest including Lot 3 DP 836845, Lot 260 DP 1183295 and Lot 7308 DP 1149322 and within private properties being Lot 7 DP 827787; Lot 10 DP 1164869; Lot 1 DP 807450; Lot 2 DP 1169262 and Lot 142 DP 1216682.
2. Council, or Public Works Advisory on behalf of Council, make application to the Minister for Local Government and the Governor for the compulsory acquisition of an interest in land for easement creation within Benandarah State Forest, Lot 3 DP 836845, Lot 260 DP 1183295 and Lot 7308 DP 1149322 in accordance with s187 of the *Local Government Act 1993* and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. All actions necessary be taken for the easement acquisitions within private properties being Lot 7 DP 827787; Lot 10 DP 1164869; Lot 1 DP 807450; Lot 2 DP 1169262 and Lot 142 DP 1216682 in accordance with Council's *Land Management – Acquisition, Disposal and Leasing/Licensing Policy*.
4. If the acquisition of interest in land for easements within Lot 7 DP 827787; Lot 10 DP 1164869; Lot 1 DP 807450; Lot 2 DP 1169262 and Lot 142 DP 1216682 cannot be negotiated by agreement, Council 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*.
5. All survey and reasonable legal costs associated with the easement acquisitions be borne by Council.
6. 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, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

At **2.59 PM** Councillor Schutz returned to the Council Chamber.

14. INFRASTRUCTURE REPORTS

IR24/010 COUNCIL SUBMISSION TO PUBLIC ACCOUNTS COMMITTEE INQUIRY INTO THE ASSETS, PREMISES, AND FUNDING OF THE NSW RURAL FIRE SERVICE

File Ref: S008-T00023

24/58 MOTION Councillor Schutz/Councillor Worthington

THAT Council **notes** Eurobodalla Shire Council's submission to the Public Accounts Committee Inquiry into the assets, premises, and funding of the NSW Rural Fire Service.

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

Division

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

Against the Motion: Nil.

IR24/012 LOCAL TRAFFIC COMMITTEE NO. 9 FOR 2023-24

File Ref: S030-T00018

24/60 MOTION Councillor Schutz/Councillor Mayne

THAT Council approves:

1. The following acts for determination from Local Traffic Committee No. 9:
 - **2024.RT.030 Linemarking, centre linemarking, Burkes Way, Denhams Beach** That Council Plan 5490 Set O Sheet 01 - detailing centrelines from centre median to Give Way lines on Burke Way, Denhams Beach, be approved.
 - **2024.RT.034 Signage, No Stopping, Princes Highway Bodalla** that Council Plan 5490 Set Q Sheet 01 detailing relocation of No Stopping sign on Princes Highway, Bodalla, be approved.
 - **2024.RT.035 Signage, No Parking, David Avenue, Batehaven** that Council Project 5490, Set Q, Sheet 01 detailing No Parking 8am to 9:30am School days on David Avenue, Batehaven, be approved.

2. The following Special Events and Informal Items:
 - **2024.SE.014 Lazer Rally of the Bay 2024**, the submitted traffic management, safety plan and map for event held on the 27 July 2024.
 - **2024.SE.015 Narooma Oyster Festival**. The Parking and Pedestrian Management Plan has been prepared for the 2024 Narooma Oyster Festival which will be held on Friday 3 and Saturday 4 May 2024. The event precinct encompasses Quota Park, Riverside Drive Narooma, from Lynch Street south to the Inlet Restaurant.

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

Division

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

Against the Motion: Nil.

15. COMMUNITY, ARTS AND RECREATION REPORTS

CAR24/003 NAIDOC WEEK GRANTS PROGRAM 2024

File Ref: S003-T00040

24/61 MOTION Councillor Mayne/Councillor Dannock

1. This report to Council recommends funding be provided to 9 projects, as per the confidential attachment, for NAIDOC Week 2024.
2. The total grant amount available in the 2023-2024 budget for the Eurobodalla NAIDOC Week Grants program is \$5463, and grants totalling \$5500 are recommended.

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

Division

For the Motion: Crs T Dannock, 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

Nil

18. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 3.06 PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 18 June 2024 at which meeting the signature hereon was subscribed.