



# **Minutes**

**Ordinary Meeting of Council**

**17 October 2023**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 17 OCTOBER 2023**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 17 OCTOBER 2023  
COMMENCING AT 12.30PM**

**PRESENT:** Councillor Mathew Hatcher, Mayor (in the Chair)  
Councillors David Grace, Tubby Harrison, Amber Schutz, Rob Pollock OAM

**PRESENT (Via Audio  
Visual Link):** Councillors Tanya Dannock, Anthony Mayne and Alison Worthington

**Staff:** Warwick Winn, General Manager  
Mrs D Lenson, Acting 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  
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, 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**

**23/134 MOTION** Councillor Harrison/Councillor Grace

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

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

Division

For the Motion: Crs T Dannock, D Grace, 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**

**23/135 MOTION** Councillor Dannock/Councillor Harrison

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

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

Division

For the Motion: Crs T Dannock, 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**

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.)

**PF23/018 BATEMANS BAY PONTOON MODIFICATIONS TO ACCOMMODATE PASSENGER-CARRYING SEAPLANES**

David Maclachlan addressed Council in relation to Batemans Bay pontoon modifications to accommodate passenger-carrying seaplanes. David did not provide a copy of his presentation.

**7. MAYORAL REPORTS**

**MR23/006 BATEMANS BAY PONTOON MODIFICATIONS TO ACCOMMODATE  
PASSENGER-CARRYING SEAPLANES**

File Ref: S002-T00020

**23/136 MOTION** Councillor Hatcher/Councillor Schutz

THAT Council:

1. Supports urgent modifications to Batemans Bay pontoon that will allow 15-seat seaplanes to use the facility.
2. Advise the Minister for Transport, Transport for NSW, the Member for Bega, and other relevant parties of Council's support, noting the potential economic benefit for the region.
3. Thank the Batemans Bay Business Chamber for their efforts and confirm Council's formal support and advocacy for the modifications.

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

Division

For the Motion: Crs T Dannock, 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**

**GMR23/022 2023 EDUCATION AND SCHOOL GRANTS**

File Ref: S014-T00011

**23/137 MOTION** Councillor Harrison/Councillor Grace

THAT Council approve the allocation of funds to the Education and School Grant recipients as noted in the attachment.

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

Division

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

Against the Motion: Nil.

**GMR23/025      DISCLOSURE OF PECUNIARY INTEREST AND OTHER MATTERS RETURNS**

File Ref: S012-T00031, S021-T00004

**23/138 MOTION** Councillor Harrison/Councillor Grace

THAT the report on the Disclosure of Pecuniary Interest and Other Matters returns be received and noted.

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

Division

For the Motion:      Crs T Dannock, 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**

**PSR23/039      DA0027/23 - PROPOSED RESIDENTIAL FLAT BUILDING - 1A BENT  
STREET BATEMANS BAY**

File Ref: DA0027/23

**23/139 MOTION** Councillor Grace/Councillor Schutz

THAT Development Application 0027/23 for the construction of a six-storey residential flat building comprising 29 units at 1A Bent Street, Batemans Bay be approved subject to the conditions provided at Attachment A.

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

Division

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

Against the Motion: Crs A Mayne and A Worthington.

**PSR23/040 LICENCE AGREEMENTS FOR TEMPORARY EVENTS - VARIOUS RESERVES**

File Ref: S023-T00017

**23/140 MOTION** Councillor Schutz/Councillor Harrison

THAT:

1. Council grant licences and renewals of up to five years for temporary events within the following public reserves:
  - a. Mackay Park- Vesper Street – Crown Reserve 580022
  - b. Moruya Showground – Albert Street – Crown Reserve 580020
  - c. Bill Smyth Oval – Princes Highway – Crown Reserve 80515
  - d. NATA Oval – Princes Highway – Crown Reserve 63051
  - e. Corrigans Beach Reserve – Beach Road – Crown Reserve 66122
  - f. Hanging Rock – Hanging Rock Place – Crown Reserve 66122
  - g. Batemans Bay Foreshore – Clyde Street – Crown Reserves 89579/53335
  - h. Moruya Riverside Park – Ford Street – Crown Reserve 82377 and
  - i. Quota Park – Riverside Drive – Crown Reserve 85364.
  
2. Any licence granted pursuant to this resolution of Council include:
  - a. that the licence fee be in accordance with Council’s adopted fees and charges
  - b. that the licensee provide evidence of and maintain \$20 million public liability insurance noting the interest of Council and the Minister Administering the *Crown Lands Management Act*
  - c. special conditions generally in line with similar licences.

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

Division

For the Motion: Crs T Dannock, 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**

**FCS23/024 REQUEST FOR TENDER - RFT2223-165 BULK CONSTRUCTION MATERIALS  
SUPPLY PANEL**

File Ref: S001-T00007

**23/141 MOTION** Councillor Schutz/Councillor Harrison

THAT:

1. Council endorses the composition of the proposed supply panel for bulk construction materials, developed in accordance with RFT No. 2223-165; and
2. Accordingly approves the entering into Deeds of Standing Offer with the proposed panel of tenderers, subject to the terms specified in RFT No. 2223-165.

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

Division

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

Against the Motion: Nil.

**FCS23/032      REQUEST FOR TENDER - RFT2223-166 PROFESSIONAL SERVICES PANEL**

File Ref: S001-T0007

**23/142 MOTION** Councillor Harrison/Councillor Schutz

THAT:

1. Council endorses the composition of the proposed panel for Professional Services, developed in accordance with RFT No. 2223-166; and
2. Accordingly approves the entering into Deeds of Standing Offer with the proposed panelists, subject to the terms specified in the Request for Tender No. 2223-166.

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

Division

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

Against the Motion: Nil.

**FCS23/033 COUNCIL PARTICIPATION IN REGIONAL COMMUNITY STRATEGIC PLAN  
PROJECT**

File Ref: S004-T00030

**23/143 MOTION** Councillor Grace/Councillor Harrison

THAT Council participate in the Canberra Region Joint Organisation Regional Community Strategic Plan refresh project.

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

Division

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

Against the Motion: Nil.

**FCS23/034 INVESTMENTS MADE AS AT 30 SEPTEMBER 2023**

File Ref: S011-T00006,S012-T00025

**23/144 MOTION** Councillor Harrison/Councillor Schutz

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

Against the Motion: Nil.



**14. INFRASTRUCTURE REPORTS**

**IR23/021 EUROBODALLA SOUTHERN STORAGE - DESIGN SERVICES**

File Ref: S032-T00008

**23/145 MOTION** Councillor Harrison/Councillor Dannock

THAT Council:

1. Acknowledge the extent of design service variations completed to date and endorse the associated costs, as detailed in the confidential attachment; and
2. Resolve that a satisfactory result would not be achieved by inviting tenders for the remainder of the design related services for the Eurobodalla Southern Water Supply in consideration of section 55 (3) (i) of the Local Government Act 1993 and considering the following extenuating circumstances exist:
  - a) SMEC Australia's comprehensive knowledge and understanding of the current design and history of the project is integral to the success of the project; and
  - b) the engagement of the original designer for the construction and certification phase will mitigate risks to Council; and
  - c) it is critical to the success of the project that SMEC continue providing design related services as construction continues.
3. Endorse engagement with SMEC Australia for outstanding design related services and the estimated costs as detailed in the confidential attachment, for the Eurobodalla Southern Water Supply Storage, within the following scope:
  - a) Design advice and services during construction
  - b) Mapping of ground conditions and expert geotechnical advice
  - c) Assurance and certification that construction is in accordance with the design
  - d) Advice during commissioning and provision of a construction report.

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

Division

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

Against the Motion: Nil.

**IR23/022 LOCAL TRAFFIC COMMITTEE NO. 3 FOR 2023-24**

File Ref: S030-T00018

**23/146 MOTION** Councillor Schutz/Councillor Harrison

THAT Council Plan 5244 Set B sheet 04, for linemarking at Mummaga Lake Pedestrian Footbridge Carpark, Accessible Carparking, Dalmeny, be approved.

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

Division

For the Motion: Crs T Dannock, 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**

**CAR23/015 BAY PAVILIONS RISK ASSESSMENT AND ENERGY AUDIT**

File Ref: S023-T00024

**23/147 MOTION** Councillor Harrison/Councillor Grace

THAT Council receive and note:

1. *Eurobodalla Shire Council, Bay Pavilions Risk Assessment, June 2023* and associated Risk Register, prepared by InConsult.
2. *Report for Bay Pavilions, Energy Audit, Eurobodalla Shire Council, 13 July 2023*, prepared by GHD.

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

Division

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

Against the Motion: Nil.

**CAR23/016 YOUTH AND COMMUNITY DEVELOPMENT FUNDING**

File Ref: S014-T00019

**23/148 MOTION** Councillor Grace/Councillor Schutz

THAT Council endorse the actions taken to accept:

1. NSW Office of Regional Youth, Regional Youth Holiday Break Program funding of \$8,000 for the 'Spring up block party'; and
2. Foundation for Rural & Regional Renewal, Strengthening Rural Communities Grant funding of \$9840 (not subject to GST) for the 'Be well, eat well' program.

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

Division

For the Motion: Crs T Dannock, 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**

Nil

**18. CONFIDENTIAL MATTERS**

Nil

**Vale Don MacDonald**

The Mayor acknowledged the passing of a Eurobodalla stalwart, the late Don MacDonald. Don passed away on 30 August. Councillor David Grace requested to say a few words to honour Don's contribution to our community.

Councillor David Grace read a biography provided by Don MacDonald's partner.

Vale Don Macdonald.

**Vale Lei Parker**

The Mayor acknowledged the passing of another Eurobodalla community mainstay, Lei Parker.

Lei graced this Chamber many times in his capacity as editor of The Beagle, keeping us on our toes with his 'pub tests' and nose for news.

Lei was a former employee of this Council, an asset engineer for many years.

He turned his community newsletter the Tuross Giant into The Beagle, becoming the publisher of the shire's first free online newspaper.

His timing was impeccable, and saw The Beagle become a very popular place to get community news, and let's face it, have a dig at Council.

In recent years, this group of councillors had enjoyed a more productive relationship with The Beagle and we were always grateful for Lei's honesty about our performance.

He published without fear or favour, like good media should.

Council's communications team has had an enduring relationship with Lei, and while they didn't always agree, Kellee tells me the relationship was always respectful, robust exchanges were the norm and expected, and plenty of laughs were had.

The Beagle, with Lei as its publisher, editor and solo reporter, provided a unique way for Eurobodallans to get their news.

"Just one guy and a laptop" he was known to say, but what he produced was a place for residents to explore their own community – crucial glue in good times and bad.

Vale Lei Parker.

**THE MEETING CLOSED AT 1.34PM**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 21 November 2023 at which meeting the signature hereon was subscribed.