



Minutes

Ordinary Meeting of Council

27 July 2021

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 27 JULY 2021

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 27 JULY 2021
COMMENCING AT 11.00AM**

PRESENT: Councillor Rob Pollock OAM, Deputy Mayor (in the Chair)
Councillors Anthony Mayne, Jack Tait, James Thomson, Lindsay Brown,
Maureen Nathan, Patrick McGinlay and Phil Constable

Staff: Dr Catherine Dale, General Manager
Mr L Usher, Director, Planning and Sustainability Services
Mr W Sharpe OAM, Director, Infrastructure Services
Mrs K Arthur, Director, Community, Arts and Recreation
Mr J Phillips, Divisional Manager, Governance and Administration
Mrs K Green, Minute Secretary

1. WELCOME

The Deputy Mayor welcomed everyone to the meeting.

2. ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor acknowledged the Traditional Custodians of the Land, of Elders past and present, whose land we are gathered here today.

3. EVACUATION MESSAGE

The Deputy Mayor advised of the Evacuation Procedures.

4. APOLOGIES

21/125 MOTION Councillor Tait/Councillor Constable

THAT apologies be received from Councillor Liz Innes, Mayor and leave of absence be granted.

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

Division

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

Against the Motion: Nil.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

21/126 MOTION Councillor Thomson/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 13 July 2021 be confirmed.

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

Division

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

Against the Motion: Nil.

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

7. MAYORAL REPORTS

MR21/003 POSTPONEMENT OF 2021 LOCAL GOVERNMENT ELECTIONS

File Ref: S012-T00021

21/127 MOTION Councillor Pollock/Councillor Thomson

THAT Council:

1. Note the change of date for the 2021 local government elections is now 4 December 2021.
2. Commence caretaker period from 12.01am on Friday 5 November 2021 until 6.00pm Saturday 4 December 2021.
3. Amend the meeting dates for the remainder of 2021 as follows:
 - (a) 24 August 2021
 - (b) 28 September 2021
 - (c) 12 October 2021
 - (d) 26 October 2021.
4. Conduct Pubic Access sessions for the remainder of 2021 as follows:
 - (a) 17 August 2021
 - (b) 21 September 2021
 - (c) 5 October 2021.
5. Receive a further report in August outlining changes to Councillor Induction/Orientation/Planned professional development dates and Integrated Planning and Reporting timeframes as a result of the rescheduled election.

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

Division

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

Against the Motion: Nil.

8. NOTICES OF MOTION

NOM21/005 CULTURAL BURNING

File Ref: S012-T00026

21/128 MOTION Councillor Nathan/Councillor Constable

THAT Council:

1. Write to the Department of Planning, Industry and Environment (DPIE) and Aboriginal Affairs NSW (AANSW) who are responsible for implementing recommendation 25 of the NSW Bushfire Enquiry, requesting that they engage with the Aboriginal Community and land managers in the Eurobodalla to look at opportunities to implement cultural burn practices and commence recurrent cultural burn practices on country in 2021-22.
2. Request that the Far South Coast Bushfire Management Committee consider the potential utilisation of cultural burning practices in managing bushfire risk within the Eurobodalla.

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

Division

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

Against the Motion: Nil.

9. QUESTIONS ON NOTICE FROM COUNCILLORS

QON21/005 LAND CLEARING AT BROULEE

File Ref: S006-T00003

21/129 MOTION Councillor Mayne/Councillor McGinlay

THAT the response to the question regarding land clearing at Broulee raised by Councillor Anthony Mayne be received and noted.

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

Division

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

Against the Motion: Nil.

10. PETITIONS

Nil

11. GENERAL MANAGER'S REPORTS

**GMR21/039 NSW GOVERNMENT FUNDING - BUSHFIRE LOCAL ECONOMIC RECOVERY
FUND - ACCEPTANCE OF FUNDING**

File Ref: S014-T00027

21/130 MOTION Councillor Brown/Councillor Thomson

THAT Council endorse staff action in accepting funding from the NSW and Commonwealth Governments towards the completion of the Mogo Adventure Trails Hub.

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

Division

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

Against the Motion: Nil.

GMR21/040 INTEGRATED PLANNING AND REPORTING - END OF TERM REPORT

File Ref: S004-T00016

21/131 MOTION Councillor Brown/Councillor Thomson

THAT due to the postponement of the 2021 local government elections, this matter be deferred until the last meeting of this Council term now being 26 October 2021.

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

Division

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

Against the Motion: Nil.

GMR21/041 INVESTMENTS MADE AS AT 30 JUNE 2021

File Ref: S011-T00006, S012-T00025

21/132 MOTION Councillor Constable/Councillor Thomson

THAT the certification of investments as at 30 June 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: Clrs L Brown, P Constable, A Mayne, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

12. PLANNING AND SUSTAINABILITY REPORTS

PSR21/030 LEASE - TELECOMMUNICATIONS SITE, NERRIGUNDAH

File Ref: S023-T00016 Land ID 21310

21/133 MOTION Councillor Thomson/Councillor Tait

THAT

1. Council grant up to four consecutive five-year leases to Telstra Corporation Limited to locate a telecommunications facility within Lot 1 Section 4 DP 758765 Nerrigundah in accordance with the following conditions:
 - (a) The lease fee be in accordance with the confidential attachment.
 - (b) The provision of \$20 million public liability insurance.
 - (c) Conditions generally be in line with similar licences.
2. Consent be given to affix the Common Seal of Council to all necessary documents associated with the leases.
3. Council make an annual donation as outlined in the confidential attachment to report PSR21/030 to subsidise the market rent.

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

Division

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

Against the Motion: Nil.

PSR21/031 DRAFT BATEMANS BAY URBAN CREEKS FLOOD STUDY PUBLIC EXHIBITION

File Ref: S017-T00015

21/134 MOTION Councillor Tait/Councillor Thomson

THAT Council:

1. Adopt the attached draft Batemans Bay Urban Creeks Flood Study.
2. Write to all those who have made a submission or attended the drop-in session advising of Council's decision and thanking them.

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

Division

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

Against the Motion: Nil.

PSR21/032

REQUEST FOR TENDER 2021/47 - MOGO ADVENTURE TRAILS HUB

File Ref: S017-T00002; S017-T00003

21/135 MOTION Councillor Tait/Councillor Thomson

THAT Council:

1. Enter into negotiations based on the conditions outlined in Request for Tender (RFT) No. 2021/47 with the preferred tenderer identified in the confidential attachment to the Council report 'Request for Tender (RFT) No. 2021/47' due to demonstrated capability to deliver the detailed design, construction and maintenance of the Mogo Adventure Trail Hub.
2. 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. 2021/47'.

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

Division

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

Against the Motion: Nil.

13. INFRASTRUCTURE REPORTS

**IR21/023 REQUEST FOR TENDER NO. 10018671 - BATEMANS BAY SEWAGE
TREATMENT PLANT AUGMENTATION**

File Ref: S029-T00004

21/136 MOTION Councillor Tait/Councillor Thomson

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 10018671 Batemans Bay Sewage Treatment Plant Augmentation.

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

Division

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

Against the Motion: Nil.

**IR21/026 AUSTRALIAN GOVERNMENT - DRIVER REVIVER SITE UPGRADE PROGRAM -
ROUND 2 - ACCEPTANCE OF FUNDING**

File Ref: S030-T00020

21/139 MOTION Councillor Thomson/Councillor Tait

THAT Council endorse the acceptance of \$72,000 in grant funding offered for the Princes Highway Bodalla site under the Federal Government's Driver Reviver Site Upgrade Program – Round 2.

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

Division

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

Against the Motion: Nil.

14. COMMUNITY, ARTS AND RECREATION REPORTS

CAR21/013 PUBLIC ART STRATEGY

File Ref: S003-T00034

21/140 MOTION Councillor Brown/Councillor Thomson

THAT Council endorse the Draft Public Art Strategy to be placed on public exhibition for a period of 28 days.

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

Division

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

Against the Motion: Nil.

CAR21/014

COMMUNITY DEVELOPMENT AND LIBRARY GRANTS

File Ref: s003-T00026

21/141 MOTION Councillor Tait/Councillor Brown

THAT Council:

1. Accept a \$5,000 grant from the Australian Government's Organ and Tissue Authority (DonateLife), Community Awareness Grants Program.
2. Accept a \$1,500 grant from national charity The Learning for a Better World (LBW) Trust, under their National Backyard Cricket program.

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

Division

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

Against the Motion: Nil.

CAR21/015 CHILDREN'S SERVICES FUNDING

File Ref: S003-T00026

At 11:53am Councillor Nathan left the Chambers.

21/142 MOTION Councillor Thomson/Councillor Tait

THAT Council accept operational funding for Children's Services of \$840,000 over the next three years from the Australian Government's Department of Education, Skills and Employment.

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

Division

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

Against the Motion: Nil.

15. DELEGATE REPORT

DR21/001 2021 NSW LOCAL ROADS CONGRESS

File Ref: S028-T00009

21/143 MOTION Councillor Constable/Councillor Pollock

THAT:

1. The Delegate Report on the 2021 NSW Local Roads Congress be received and noted.
2. Eurobodalla Shire Council formally endorse the Congress Communique.
3. Council write to the following members highlighting the issues raised at the 2021 NSW Local Roads Congress and seeking their support:
 - a. The Hon Andrew Constance MP, Minister for Transport and Roads and Member for Bega
 - b. The Hon Gladys Berejiklian MP, Premier of NSW
 - c. The Hon John Barilaro MP, Deputy Premier
 - d. The Hon Shelley Hancock MP, Minister for Local Government
 - e. Mrs Fiona Phillips MP, Member for Gilmore
 - f. Ms Kristy McBain MP, Member for Eden-Monaro
 - g. The Hon Barnaby Joyce MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development.
4. The key findings of the 2021 NSW Local Roads Congress be referred to the next South East Australian Transport Strategy Inc meeting.

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

Division

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

Against the Motion: Nil.

At 12:04 pm Councillor Nathan returned to the Chambers.

16. URGENT BUSINESS

Councillor Lindsay Brown raised issues with workers travelling from Greater Sydney area to Eurobodalla for work purposes.

Under current NSW regulations, workers are permitted to work in Eurobodalla as long as they abide by the government regulations. Councillor Brown is concerned that these restrictions may not be sufficient to protect our community.

21/003 COVID-19 RESTRICTIONS

21/144 MOTION Councillor Brown/Councillor Pollock

THAT Council write to the Member for Bega reiterating its support to keep the Far South Coast COVID-free and ensuring that the NSW Government continues to implement appropriate safety measures for workers travelling to Eurobodalla from areas in lockdown due to Covid-19.

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

Division

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

Against the Motion: Nil.

17. DEALING WITH MATTERS IN CLOSED SESSION

Nil

18. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 12.10PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 24 August 2021 at which meeting the signature hereon was subscribed.