



# **Minutes**

**Ordinary Meeting of Council**

**19 December 2023**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 19 DECEMBER 2023**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBER, MORUYA  
ON TUESDAY, 19 DECEMBER 2023  
COMMENCING AT 12.32PM**

**PRESENT:** Councillor Mathew Hatcher, Mayor (in the Chair)  
Councillors Peter Diskon, David Grace, Anthony Mayne, Rob Pollock OAM  
and Alison Worthington

**PRESENT (Via Audio  
Visual Link):** Councillors Tanya Dannock, Tubby Harrison and Amber Schutz

**Staff:** Warwick Winn, General Manager  
Mr L Usher, 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  
Ms K Pisanos, Executive Manager Coordination and Communications  
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

Mayor Hatcher acknowledged Lindsay Boyton who was in the gallery. Lindsay was awarded the National Emergency Medal today for his efforts during the Black Summer bushfires. Lindsay was also the 2018 Eurobodalla Local Hero for his community work.

The Mayor acknowledged his parents who were in the gallery for the first time.

**4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**23/183 MOTION** Councillor Grace/Councillor Diskon

THAT the minutes of the Ordinary Meeting held on 21 November 2023 be confirmed.

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

Division

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

Against the Motion: Cr T Dannock.

**23/184 MOTION** Councillor Grace/Councillor Diskon

THAT the minutes of the Extraordinary Meeting held on 5 December 2023 be confirmed.

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

Division

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

Against the Motion: Crs T Dannock and A Worthington.

## 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Hatcher declared a non-significant, non-pecuniary conflict of interest in item GMR23/033 Sculpture for Clyde - Event Funding Request and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Hatcher declared an interest as David Maclachlan, the chair of the Sculpture for Clyde Committee, is a business partner.

Councillor Grace declared a pecuniary conflict of interest in item GMR23/033 Sculpture for Clyde - Event Funding Request and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Grace declared an interest as he received funds from Mr Maclachlan during the 2021 Local Government Election.

Councillor Schutz declared a non-significant, pecuniary conflict of interest in item GMR23/033 Sculpture for Clyde - Event Funding Request and stated that she did not believe her interest would preclude her from voting.

**Reason:** Councillor Schutz declared an interest as David Maclachlan donated to her political campaign.

Councillor Dannock declared a non-significant, pecuniary interest in GMR23/033 Sculpture for Clyde - Event Funding Request and stated that she did not believe her interest would preclude her from voting.

**Reason:** Councillor Dannock declared an interest as Mr Maclachlan provided funding to her election campaign in 2021.

At **12.38pm** and following his declared conflict of interest, Mayor Hatcher asked Deputy Mayor Councillor Worthington to stand in as Chair. Mayor Hatcher left the Council Chamber.

Councillor Worthington, Deputy Mayor, assumed the Chair.

**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.)

**PF23/044 GMR23/033 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

Dr Brett Stevenson addressed Council in relation to GMR23/033 Sculpture for Clyde - Event Funding Request. He spoke against the recommendation.

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

**PF23/045 GMR23/033 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

Deborah Stevenson addressed Council in relation to GMR23/033 Sculpture for Clyde - Event Funding Request. She spoke against the recommendation.

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

**PF23/046 GMR23/033 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

Patricia Hellier addressed Council in relation to GMR23/033 Sculpture for Clyde - Event Funding Request and CAR23/022 Camping at the Moruya Showground. She spoke in support of the two reports.

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

At **1.06pm** Councillor Dannock joined the meeting.

**PF23/047 GMR23/033 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

David Maclachlan addressed Council in relation to GMR23/033 Sculpture for Clyde - Event Funding Request. He spoke in support of the recommendation.

David did not provide a copy of his presentation.

At **1.19pm** Mayor Hatcher returned to the Council Chamber and resumed the role of Chair.



**7. MAYORAL REPORTS**

Nil

**8. NOTICES OF MOTION**

**NOM23/006 TAKING ACTION ON DOMESTIC AND FAMILY VIOLENCE THROUGH THE 16  
DAYS OF ACTIVISM CAMPAIGN**

File Ref: S012-T00026

**23/185 MOTION** Councillor Worthington/Councillor Mayne

THAT Council prepare a report to examine the opportunities and costs for events to be held during the 16 Days of Activism campaign to raise awareness around the role we all can play in primary prevention to eliminate violence against women and their children.

(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.

**9. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**10. PETITIONS**

Nil

**11. GENERAL MANAGER'S REPORTS**

**GMR23/033 SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST**

File Ref: S026-T00010

Councillor Hatcher declared a non-significant, non-pecuniary conflict of interest in item GMR23/033 Sculpture for Clyde - Event Funding Request and stated that he did believe his interest would preclude him from voting.

**Reason:** Councillor Hatcher declared an interest as David Maclachlan, the chair of the Sculpture for Clyde Committee, is a business partner.

Councillor Schutz declared a non-significant, pecuniary conflict of interest in item GMR23/033 Sculpture for Clyde - Event Funding Request and stated that she did not believe her interest would preclude her from voting.

**Reason:** Councillor Schutz declared an interest as David Maclachlan donated to her political campaign.

Councillor Dannock declared a non-significant, pecuniary conflict of interest in GMR23/033 Sculpture for Clyde - Event Funding Request and stated that she did not believe her interest would preclude her from voting.

**Reason:** Councillor Dannock declared an interest as Mr Maclachlan contributed to her election campaign.

Councillor Grace declared a pecuniary conflict of interest in item GMR23/033 Sculpture for Clyde - Event Funding Request and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Grace declared an interest as he received funding from Mr Maclachlan in the recent Council election.

At **1.26pm** and following his declared conflict of interest, Mayor Hatcher asked Deputy Mayor Councillor Worthington to stand in as Chair. Mayor Hatcher left the Chamber.

Councillor Worthington, Deputy Mayor, assumed the Chair.

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**GMR23/033      SCULPTURE FOR CLYDE - EVENT FUNDING REQUEST (CONTINUED)**

**23/186 MOTION** Councillor Schutz/Councillor Grace

THAT Council approve the funding request of \$20,000 for the 2024 Sculpture for Clyde event and waive venue hire fees associated with the event for 2024.

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

Division

For the Motion:      Crs T Dannock, P Diskon, D Grace, T Harrison, A Mayne and A Schutz.

Against the Motion: Crs R Pollock OAM and A Worthington.

At **1.51pm** Councillor Dannock left the meeting.

At **1.52pm** Mayor Hatcher returned to the Council Chamber and resumed the role of Chair.

**GMR23/034 2024 COUNCIL MEETING DATES**

File Ref: S012-T00025

**23/187 MOTION** Councillor Diskon/Councillor Grace

THAT Council:

- 1 Endorse the following 12 dates as the meeting schedule for Council meetings for the 2024 calendar year:
  - (a) 20 February 2024
  - (b) 19 March 2024
  - (c) 16 April 2024
  - (d) 30 April 2024
  - (e) 21 May 2024
  - (f) 18 June 2024
  - (g) 16 July 2024
  - (h) 20 August 2024
  - (i) 10 September 2024
  - (j) 15 October 2024
  - (k) 19 November 2024
  - (l) 17 December 2024
  
- 2 Endorse the following 11 dates as the Public Access sessions for the 2024 calendar year:
  - (a) 6 February 2024
  - (b) 5 March 2024
  - (c) 2 April 2024
  - (d) 7 May 2024
  - (e) 4 June 2024
  - (f) 2 July 2024
  - (g) 6 August 2024
  - (h) 3 September 2024
  - (i) 1 October 2024
  - (j) 12 November 2024
  - (k) 3 December 2024.
  
- 3 Note that the schedule of meeting dates may be amended by resolution of Council at any time, as required.

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

Division

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

Against the Motion: Cr T Dannock.

**12. PLANNING AND SUSTAINABILITY REPORTS**

**PSR23/045 EUROBODALLA DESTINATION ACTION PLAN**

File Ref: S007-T00011; OP0018-S006

**23/188 MOTION** Councillor Diskon/Councillor Worthington

THAT Council:

1. Adopt the Eurobodalla Destination Action Plan 2023-2028 final report, November 2023.
2. Formally thank the members of the Industry Advisory Group for their commitment to the development of the Eurobodalla Destination Action Plan.

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

Division

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

Against the Motion: Cr T Dannock.



**PSR23/046 LICENCES FOR ELECTRIC VEHICLE CHARGING STATIONS - VARIOUS  
LOCATIONS**

File Ref: S023-T00017

**23/189 MOTION** Councillor Mayne/Councillor Grace

THAT:

1. Having considered the submissions received in relation to the site in Narooma, Lot 7011 DP 1055108, Council approves a five-year EVCI licence.
2. Council approves a ten-year EVCI licence in Moruya within Lot 2 DP1161705.
3. The General Manager be delegated to carry out all necessary actions to enter into licences within suitable Council owned land and Crown land under Council management for the installation and operation of electric vehicle charging stations in accordance with the Land Management- Acquisition, Disposal and Leasing/Licensing Policy (Land Policy).

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

Division

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

Against the Motion: Cr T Dannock.

**PSR23/047 LAND ACQUISITION FOR ROAD WIDENING, WAGONGA SCENIC DRIVE,  
NAROOMA**

File Ref: 21629

**23/190 MOTION** Councillor Pollock OAM/Councillor Diskon

THAT:

1. Council approve the purchase of the land required for road purposes, being part Lot 264 DP 752155.
2. All actions necessary be taken for the acquisition of part Lot 264 DP 752155 for road purposes in accordance with *Council's Land Management – Acquisition, Disposal and Leasing/Licencing Policy*.
3. If the acquisition of part Lot 264 DP 752155 cannot be concluded by agreement, Council make application to the Minister for Local Government and Governor to acquire part Lot 264 DP 752155 by compulsory process for road widening pursuant to the *Land Acquisition (Just Terms Compensation) Act 1991*.
4. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
5. All costs associated with the proposed land acquisition, including landowner's reasonable costs, be borne by Council.
6. 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 P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Cr T Dannock.

**13. FINANCE AND CORPORATE SERVICES REPORTS**

**FCS23/046 FINANCE STRATEGY 2024-28**

File Ref: S011-T00022

**23/191 MOTION** Councillor Grace/Councillor Schutz

THAT Council endorse the Finance Strategy 2024-28.

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

Division

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

Against the Motion: Cr T Dannock.

**FCS23/047 INVESTMENTS MADE AS AT 30 NOVEMBER 2023**

File Ref: S011-T00006,S012-T00025

**23/192 MOTION** Councillor Grace/Councillor Worthington

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

Against the Motion: Cr T Dannock.

**FCS23/048 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT**

File Ref: S012-T00003

**23/193 MOTION** Councillor Worthington/Councillor Diskon

THAT Council receive and note the Code of Conduct Complaints Statistics Report 2023.

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

Division

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

Against the Motion: Cr T Dannock.

**14. INFRASTRUCTURE REPORTS**

**IR23/026 REQUEST FOR TENDER NO. 10061561 - TUROSS HEAD SEWAGE PUMPING STATION  
TU01 AUGMENTATION**

File Ref: S029-T00004

**23/194 MOTION** Councillor Pollock OAM/Councillor Grace

THAT Council:

1. Enters into a contractual arrangement with the preferred tenderer for the construction of the water reticulation and pressure sewerage systems, subject to the terms specified in Request for Tender No. 10061561 – Tuross Head Sewage Pumping Station TU01 Augmentation unless otherwise varied in accordance with this report.
2. Agrees that variations may be made in accordance with the relevant provisions of the contract, provided that the total value of variations does not exceed 10% of the approved tender price.

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

Division

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

Against the Motion: Cr T Dannock.

**IR23/027 LOCAL TRAFFIC COMMITTEE NO. 5 FOR 2023-24**

File Ref: S030-T00018

**23/195 MOTION** Councillor Schutz/Councillor Mayne

THAT Council approves:

1. The following acts for determination from Local Traffic Committee No. 5:
  - 2024.RT.009 Plan 5490-A-01 detailing one way and turning movement linemarking on Cambridge Crescent and No Right Turn Sign on Train Street into Cambridge Crescent, Broulee approved.
2. The following Special Events and Informal Items:
  - 2024.SE.007 Traffic Management and Control Plans for the Charity Bike Ride, Royal Far West – Ride for Country Kids, to be conducted Corkhill Drive Tilba Tilba and Central Tilba on Tuesday 19 March 2024 be approved.

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

Division

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

Against the Motion: Cr T Dannock.

**15. COMMUNITY, ARTS AND RECREATION REPORTS**

**CAR23/022 CAMPING AT THE MORUYA SHOWGROUND**

File Ref: S023-T00037

**23/196 MOTION** Councillor Mayne/Councillor Schutz

THAT Council:

1. investigate options and issues in relation to camping at the Moruya Showground; and
2. receive a further report outlining the relevant findings and recommendations of the investigation.

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

Division

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

Against the Motion: Cr T Dannock.



**16. URGENT BUSINESS**

Following consideration of report item CAR23/022, Councillor Mayne proposed a matter of urgent business regarding the Moruya Rodeo licence agreement. The Mayor confirmed advice to Council that a vet was onsite at the 2023 event and will be at the 2024 event.

Following the resumption of Council Open Session, Councillor Worthington proposed a matter of urgent business regarding the Moruya Rodeo licence agreement. Questions were raised about the accuracy of assertions made regarding conditions on filming at the rodeo event. The Mayor advised that staff will investigate and provide information to councillors.

At **2.11pm** Councillor Schutz left the meeting.

## 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:

(e) information that would, if disclosed, prejudice the maintenance of law;

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

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

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

### 23/197 MOTION Councillor Pollock OAM/Councillor Harrison

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:

#### CON23/002 Draft Voluntary Planning Agreement - 54 Hawdon Street, Moruya and 34 Murray Street, Moruya

Item CON23/002 is confidential in accordance with s10(A)(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law 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 P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Worthington.

Against the Motion: Crs T Dannock and A Schutz.

At **2.12pm** the Ordinary Meeting of Council moved into Closed Session.

**23/198 MOTION** Councillor Pollock OAM/ Councillor Worthington

THAT:

1. Council accepts the offer to enter into a Voluntary Planning Agreement to dedicate part of the land zoned SP2 Infrastructure and contained in the property 34 Murray Street, Moruya in connection with development application DA0619/22 and DA0090/24.
2. Council delegate to the General Manager the preparation and negotiation of the draft Voluntary Planning Agreement between Eurobodalla Shire Council and Surf All Day Pty Ltd/ Penketham Property Pty Ltd, including the creation of any necessary drainage easement over Lot 93 DP 255085.
3. Council place on public exhibition any draft Voluntary Planning Agreement in connection with the offer for a period of not less than 28 days in accordance with the Clause 204 of the *Environmental Planning and Assessment Regulation 2021*.
4. Following the public exhibition period, a further report be submitted to Council for consideration of submissions and to make a determination in regard to the draft Voluntary Planning Agreement.
5. Council provide owners' consent to DA 0090/24 for the construction of multi-unit housing at 34 Murray Street, Moruya.

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

Division

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

Against the Motion: Crs T Dannock and A Schutz.

**23/199 MOTION** Councillor Mayne/Councillor Worthington

THAT Council move into open session.

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

Division

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

Against the Motion: Crs T Dannock and A Schutz.

At **2.14pm** the Ordinary Meeting of Council moved into Open Session.

**18. CONFIDENTIAL MATTERS**

**CON23/002 DRAFT VOLUNTARY PLANNING AGREEMENT - 54 HAWDON STREET,  
MORUYA AND 34 MURRAY STREET, MORUYA**

File Ref: S019-T00003

**23/200 MOTION** Councillor Pollock OAM/ Councillor Worthington/

THAT:

1. Council accepts the offer to enter into a Voluntary Planning Agreement to dedicate part of the land zoned SP2 Infrastructure and contained in the property 34 Murray Street, Moruya in connection with development application DA0619/22 and DA0090/24.
2. Council delegate to the General Manager the preparation and negotiation of the draft Voluntary Planning Agreement between Eurobodalla Shire Council and Surf All Day Pty Ltd/ Penketham Property Pty Ltd, including the creation of any necessary drainage easement over Lot 93 DP 255085.
3. Council place on public exhibition any draft Voluntary Planning Agreement in connection with the offer for a period of not less than 28 days in accordance with the Clause 204 of the *Environmental Planning and Assessment Regulation 2021*.
4. Following the public exhibition period, a further report be submitted to Council for consideration of submissions and to make a determination in regard to the draft Voluntary Planning Agreement.
5. Council provide owners' consent to DA 0090/24 for the construction of multi-unit housing at 34 Murray Street, Moruya.

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

Division

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

Against the Motion: Crs T Dannock and A Schutz.

The Mayor acknowledged former Councillor Chris Kowal in the gallery.

**THE MEETING CLOSED AT 2.21PM**

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**CHAIRPERSON**

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