



Minutes

Ordinary Meeting of Council

18 June 2024

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 18 JUNE 2024

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 18 JUNE 2024
COMMENCING AT 12.30PM**

PRESENT: Councillor Mathew Hatcher, Mayor (in the Chair)
Councillors Peter Diskon, David Grace, Tubby Harrison, Anthony Mayne,
Amber Schutz, and Alison Worthington

**PRESENT (Via Audio
Visual Link):** Councillor Rob Pollock OAM

Staff: Warwick Winn, General Manager
Mr G Bruce, Director, Planning and Sustainability Services
Mr G Attenborough, Director, Infrastructure Services
Ms K Bush, Acting 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

24/62 MOTION Councillor Mayne/Councillor Schutz

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

(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: Nil.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

24/63 MOTION Councillor Harrison/Councillor Schutz

THAT the minutes of the Ordinary Meeting held on 21 May 2024 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: 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.)

PF24/015 NOM24/004 FINANCIAL STEWARDSHIP AND FCS24/016 ADOPTION OF THE OPERATIONAL PLAN 2024-25, LONG TERM FINANCIAL PLAN 2024-34 AND FEES AND CHARGES 2024-25, INCLUDING THE MAKING OF THE RATES FOR 2024-25

Peter Cormick addressed Council in relation to NOM24/004 Financial Stewardship and FCS24/016 Adoption of the Operational Plan 2024-25, Long Term Financial Plan 2024-34 and Fees and Charges 2024-25, including the making of the Rates for 2024-25.

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

PF24/016 FCS24/016 ADOPTION OF THE OPERATIONAL PLAN 2024-25, LONG TERM FINANCIAL PLAN 2024-34 AND FEES AND CHARGES 2024-25, INCLUDING THE MAKING OF THE RATES FOR 2024-25

Trish Hellier addressed Council in relation to FCS24/016 Adoption of the Operational Plan 2024-25, Long Term Financial Plan 2024-34 and Fees and Charges 2024-25, including the making of the Rates for 2024-25.

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

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

NOM24/004 FINANCIAL STEWARDSHIP

File Ref: S012-T00026

24/64 MOTION Councillor Mayne/Councillor Harrison

THAT Council acknowledge the financial stewardship and challenging work underway to return the organisation to financial sustainability.

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

Division

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

Against the Motion: Cr R Pollock OAM.

9. QUESTIONS ON NOTICE FROM COUNCILLORS

QON24/001 DALMENY LAND RELEASE AREA MASTER PLAN AND DEVELOPMENT CONTROL PLANS

File Ref: S012-T00024; S017-T00033

24/65 MOTION Councillor Worthington/Councillor Mayne

THAT the responses to the questions regarding Dalmeny Land Release Area Master Plan and Development Control Plans raised by Councillor Worthington be received and noted.

(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: Nil.

10. PETITIONS

Nil

11. GENERAL MANAGER'S REPORTS

**GMR24/005 2024-25 DETERMINATION OF THE LOCAL GOVERNMENT REMUNERATION
TRIBUNAL**

File Ref: S012-T00010

RECOMMENDATION

THAT Council make a determination that the maximum 2024-25 annual Councillor and Mayoral Fees be set in accordance with Council's classification as a Regional Centre.

24/66 AMENDMENT Councillor Mayne/Councillor Grace

THAT:

1. Council make a determination that the maximum 2024-25 annual Councillor and Mayoral Fees be set in accordance with Council's classification as a Regional Centre.
2. Council write to the NSW Minister for Local Government requesting amendments to the Local Government Act to require the Local Government Remuneration Tribunal to set the annual fee for councillors and mayors.

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

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: Nil.

24/67 MOTION Councillor Mayne/Councillor Grace

THAT:

1. Council make a determination that the maximum 2024-25 annual Councillor and Mayoral Fees be set in accordance with Council's classification as a Regional Centre.
2. Council write to the NSW Minister for Local Government requesting amendments to the Local Government Act to require the Local Government Remuneration Tribunal to set the annual fee for councillors and mayors.

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

Division

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

Against the Motion: Cr A Mayne.

GMR24/006 SOUTHERN REGION PLANNING PANEL - COUNCIL NOMINEES

File Ref: S017-T00002

24/68 MOTION Councillor Schutz/Councillor Grace

THAT Council:

1. Endorse Council's Divisional Manager Strategic Planning as one of the two Council members on the Southern Region Planning Panel from 18 June 2024 to 30 September 2024.
2. Forward the nomination and any supporting information to the NSW Government Planning Panels Secretariat.

(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: Nil.

12. PLANNING AND ENVIRONMENT REPORTS

PSR24/011 DA0629/23 - DEMOLITION OF EXISTING AND CONSTRUCTION OF COMMERCIAL PREMISES, SHOP TOP HOUSING AND CAR PARKING - 9-19 GRAHAM STREET, NAROOMA

File Ref: DA0629/23

24/69 MOTION Councillor Schutz/Councillor Grace

THAT Development Application 0629/23 for the demolition of existing and construction of commercial premises and shop top housing (36 units x 2 bedroom dwellings) at 9-19 Graham Street Narooma be approved subject to the conditions provided in the attachment.

(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: Nil.

**PSR24/012 DA0361/24 - VARIATION GREATER THAN 10% - 221 BEACH ROAD, DENHAMS
BEACH**

File Ref: DA0361/24

24/70 MOTION Councillor Schutz/Councillor Diskon

THAT Development Application DA0361/24 for the demolition of the existing dwelling house and garage, and the construction of a new dwelling house at 221 Beach Road, Denhams Beach, be approved subject to the conditions provided in the attachment to this report.

(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: Nil.

**PSR24/013 PLANNING PROPOSAL 23 - AMENDMENT OF ZONE BOUNDARY TO PERMIT
BROU WASTE MANAGEMENT FACILITY EXPANSION**

File Ref: S031-T00017

24/71 MOTION Councillor Schutz/Councillor Worthington

THAT:

1. Council endorses the draft Planning Proposal 23 for submission to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
2. upon receipt of the Gateway Determination, the draft Planning Proposal be placed on public exhibition.
3. a further report to be presented to Council following the public consultation period.

(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: Nil.

PSR24/014 DRAFT VERGE GARDEN GUIDELINES

File Ref: S010-T00015

24/72 MOTION Councillor Grace/Councillor Worthington

THAT:

1. Council endorses the Draft Verge Guidelines.
2. The draft guidelines be placed on public exhibition for a period of not less than 28 days.
3. A report be prepared to Council after the public exhibition for consideration of the submissions and adoption of the guidelines as exhibited or amended.

(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: Nil.

13. FINANCE AND CORPORATE SERVICES REPORTS

FCS24/016 ADOPTION OF THE OPERATIONAL PLAN 2024-25, LONG TERM FINANCIAL PLAN 2024-34 AND FEES AND CHARGES 2024-25, INCLUDING THE MAKING OF THE RATES FOR 2024-25

File Ref: S004-T00028; S004-T00029

RECOMMENDATION

THAT:

1. Council make the annual Ordinary Rates and Environmental Special Rate for 2024-25 in accordance with the rate peg set by IPART which is 4.5% plus 1% population growth factor, as contained in the tables in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2024-25 in accordance with the Revenue Policy and the charges as contained in the tables in the report.
3. Council make each fee and charge for 2024-25 in accordance with the Revenue Policy and Fees and Charges 2024-25 as attached to the report.
4. Council adopt the Operational Plan 2024-25 incorporating the Delivery Program 2022-26 and Long-Term Financial Plan 2024-34 attached to the report as per the statutory requirements with implementation to commence 1 July 2024.
5. Council thank the community members who made a submission and provide them with a response.

24/73 MOTION Councillor Pollock OAM/Councillor Mayne

THAT the recommendations for report FCS24/016 Adoption of the Operational Plan 2024-25, Long Term Financial Plan 2024-34 and Fees and Charges 2024-25, including the making of the rates for 2024-25, be moved individually.

(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: Nil.

24/74 MOTION Councillor Harrison/Councillor Diskon

THAT Council make the annual Ordinary Rates and Environmental Special Rate for 2024-25 in accordance with the rate peg set by IPART which is 4.5% plus 1% population growth factor, as contained in the tables in the report.

(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: Nil.

24/75 AMENDMENT Councillor Harrison/Councillor Schutz

THAT Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2024-25 in accordance with the Revenue Policy and the charges as contained in the tables in the report, with the following amendments:

- Removal of the Mixed-use 20mm water access charge of \$624
- Removal of the Mixed-use 20mm sewer access charge of \$1,808.
- The dual occupancy/secondary dwelling water access charge of \$624 be amended to read dual occupancy water access charge
- The dual occupancy/secondary dwelling sewer access charge of \$1,808 be amended to read dual occupancy sewer access charge
- Additional text included "The water/sewer access charge for properties classified as secondary dwellings with one 20mm water meter for 2024-25 is as for single residential properties being \$390 water access charge and \$1,130 sewer access charge. Where a secondary dwelling has two water meters, the water charge will be for each meter and the sewer charge will be a single \$1,130.
- Amend text in the 2024-25 Revenue Policy and associated documents to reflect these changes.

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

Division

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

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

24/76 MOTION Councillor Harrison/Councillor Schutz

THAT Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2024-25 in accordance with the Revenue Policy and the charges as contained in the tables in the report, with the following amendments:

- Removal of the Mixed-use 20mm water access charge of \$624
- Removal of the Mixed-use 20mm sewer access charge of \$1,808.
- The dual occupancy/secondary dwelling water access charge of \$624 be amended to read dual occupancy water access charge
- The dual occupancy/secondary dwelling sewer access charge of \$1,808 be amended to read dual occupancy sewer access charge

- Additional text included The water/sewer access charge for properties classified as secondary dwellings with one 20mm water meter for 2024-25 is as for single residential properties being \$390 water access charge and \$1,130 sewer access charge. Where a secondary dwelling has two water meters, the water charge will be for each meter and the sewer charge will be a single \$1,130.
- Amend text in the 2024-25 Revenue Policy and associated documents to reflect these changes.

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

Division

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

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

24/77 MOTION Councillor Harrison/Councillor Diskon

THAT Council make each fee and charge for 2024-25 in accordance with the Revenue Policy and Fees and Charges 2024-25 as attached to the report.

(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: Nil.

24/78 MOTION Councillor Harrison/Councillor Grace

THAT Council adopt the Operational Plan 2024-25 incorporating the Delivery Program 2022-26 and Long-Term Financial Plan 2024-34 attached to the report as per the statutory requirements with implementation to commence 1 July 2024.

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

Division

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

Against the Motion: Cr R Pollock OAM.

24/79 MOTION Councillor Worthington/Councillor Harrison

THAT Council thank the community members who made a submission and provide them with a response.

(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: Nil.

24/80 MOTION Councillor Worthington/Councillor Schutz

THAT Council resolve to adopt the following agenda items in globo as recommended in the business paper:

- FCS24/019 Request for Tender - 2324-111 Plant Hire Panel
- FCS24/020 Request for Tender - 2223-143 Replacement of Moruya Airport fence
- FCS24/021 Investments made as at 31 May 2024
- FCS24/022 Rates Subsidy Grant 2024-25.

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

Division

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

Against the Motion: Cr R Pollock OAM.

FCS24/017 DIVIDEND FROM WATER AND SEWER SURPLUS

File Ref: S011-T00022

24/81 MOTION Councillor Schutz/Councillor Harrison

THAT Council:

1. Has complied with Section 4.2 and 4.3 of the attached *Regulatory and assurance framework for local water utilities* and any direction under s409(6)(b) of the *Local Government Act 1993*.
2. Authorises a dividend payment from the water fund up to \$343,500 to the general fund (surplus from the 2021-22 financial year)
3. Ceases the payment of any dividend from water and sewer surpluses from the 2022-23 financial year.

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

Division

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

Against the Motion: Cr R Pollock OAM.

**FCS24/018 AUDIT RISK AND IMPROVEMENT COMMITTEE TERMS OF REFERENCE AND
INTERNAL AUDIT CHARTER**

File Ref: S004-T00048

24/82 MOTION Councillor Mayne/Councillor Grace

THAT:

1. Council adopt the Eurobodalla Audit Risk and Improvement Committee Terms of Reference (2024) which is attached to this report.
2. Council adopt the Eurobodalla Audit Risk and Improvement Committee Internal Audit Charter which is attached to this report.
3. Council receive a further report regarding membership of the Eurobodalla Audit Risk and Improvement Committee post the recruitment process outlined in this report.

(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: Nil.

FCS24/019 REQUEST FOR TENDER - 2324-111 PLANT HIRE PANEL

File Ref: S004-T00036

24/83 MOTION Councillor Worthington/Councillor Schutz

THAT Council:

1. Endorse the proposed panel composition Request for Tender No. 2324-111 as set out in the confidential attachment to this report.
2. Approve entering into the Deeds of standing offers with the proposed panellists, subject to the terms specified in the RFT No. 2324-111.

(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: Nil.

**FCS24/020 REQUEST FOR TENDER NO.2223-143 REPLACEMENT OF MORUYA AIRPORT
FENCE**

File Ref: S023-T00004

24/84 MOTION Councillor Worthington/Councillor Schutz

That Council:

1. Endorse the selection of the preferred tenderer listed for RFT No. 2223-143 Replacement of Moruya Airport Fence within the confidential attachment.
2. Accordingly, approve the entering into of a contractual arrangement with the preferred tender, subject to the terms specified in the RFT unless otherwise varied in accordance with this report.

(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: Nil.

FCS24/021 INVESTMENTS MADE AS AT 31 MAY 2024

File Ref: S011-T00006,S012-T00025

24/85 MOTION Councillor Worthington/Councillor Schutz

THAT the certification of investments as at 31 May 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 P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

FCS24/022 RATES SUBSIDY GRANT 2024-25

File Ref: S014-T00018

24/86 MOTION Councillor Worthington/Councillor Schutz

THAT Council approve the allocation of funds to the Rates Subsidy Grants recipients as outlined in the confidential attachment to this report.

(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: Nil.

14. INFRASTRUCTURE REPORTS

IR24/013 EUROBODALLA SOUTHERN STORAGE - DESIGN SERVICES

File Ref: S032-T00008

24/87 MOTION Councillor Diskon/Councillor Grace

THAT Council:

1. Approve the continued engagement of SMEC Australia for the 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) Assurance and certification that construction is in accordance with the design
 - c) Advice during commissioning and provision of a construction report.

(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: Nil.

IR24/014 LOCAL TRAFFIC COMMITTEE NO.10 FOR 2023-24

File Ref: S030-T00018

24/88 MOTION Councillor Schutz/Councillor Mayne

THAT Council approves:

1. The following acts for determination from Local Traffic Committee No. 10:

- **2024.RT.031 Signage, No Parking Taxi Excepted, Perry Street, Batemans Bay**, that Council Plan 5490-C-02 detailing No Parking Taxi Excepted signs on Perry Street, Batemans Bay, be approved.
- **2024.RT.032 Signage, No Parking Taxi Excepted, Orient Street, Batemans Bay** that Council Plan 5490 Set K Sheet 01 detailing No Parking, Taxi Excepted sign on Orient Street, Batemans Bay, be approved.
- **2024.RT.033 Signage, No Parking, Taxi Excepted, Clyde Street, Batemans Bay** that Council Plan 5490 Set R Sheet 01 detailing No Parking Taxi Excepted on Clyde Street Batemans Bay, Batehaven, be approved.
- **2024.RT.036 Linemarking, Church Street, Moruya** that Council Plan 5490 Set J Sheet 01 detailing linemarking on Church Street, Moruya, be approved.

2. The following Special Events and Informal Items:

- **2024.SE.016 Narooma Forest Rally 2024**, the submitted traffic management, safety plan and map for event held on the 27 July 2024.
- **2024.SE.017 Moruya Campdraft**. The event was cancelled as of 9 May 2024 due to excess rainy weather.

(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: Nil.

15. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

16. URGENT BUSINESS

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

Nil

18. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 3.10PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 16 July 2024 at which meeting the signature hereon was subscribed.