



Minutes

Ordinary Meeting of Council

29 October 2024

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 29 OCTOBER 2024

MINUTES

1. WELCOME.....	1
2. ACKNOWLEDGEMENT OF COUNTRY	1
3. APOLOGIES	1
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA	2
6. PUBLIC FORUM (AGENDA ITEMS ONLY)	2
7. MAYORAL REPORTS	2
Nil	
8. NOTICES OF MOTION	3
NOM24/009 Vehicular Access to Maloneys Beach.....	3
9. QUESTIONS ON NOTICE FROM COUNCILLORS	4
Nil	
10. PETITIONS	4
Nil	
11. GENERAL MANAGER'S REPORTS	5
GMR24/018 Recognition of Service	5
12. PLANNING AND ENVIRONMENT REPORTS	6
Nil	
13. FINANCE AND CORPORATE SERVICES REPORTS.....	7
FCS24/038 Declaration of Poll for Mayor	7
FCS24/039 Declaration of poll for Councillors	8
FCS24/040 Position of Deputy Mayor	9
FCS24/041 Decision on using countbacks to fill casual vacancies	11
FCS24/042 2025 Council Meeting dates	12
FCS24/043 Appointment of Independent Members of the Audit Risk and Improvement Committee	14

FCS24/044	Disclosure of Pecuniary Interest and other Matters Returns.....	15
FCS24/045	Investments made as at 31 August 2024.....	16
FCS24/046	Investments made as at 30 September 2024	17
14.	INFRASTRUCTURE REPORTS.....	18
IR24/018	Local Traffic Committee No.2 for 2024-25	18
15.	COMMUNITY, ARTS AND RECREATION REPORTS	19
	Nil	
16.	URGENT BUSINESS	19
17.	DEALING WITH MATTERS IN CLOSED SESSION.....	19
18.	CONFIDENTIAL MATTERS.....	19

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 29 OCTOBER 2024
COMMENCING AT 12.30PM**

PRESENT: Councillor Mathew Hatcher, Mayor (in the Chair)
Councillors Laurence Babington, Phil Constable, Mick Johnson, Anthony Mayne, Rob Pollock OAM, Amber Schutz, Colleen Turner and Sharon Winslade

Staff: Warwick Winn, General Manager
Mr G Bruce, 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
Mr S Westbury, Corporate Manager Governance and Risk
Ms K Pisanos, Chief Operating Officer
Miss L Evans, Minute Secretary
Miss H Johnson, 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

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

24/133 MOTION Councillor Schutz/Councillor Mayne

THAT the minutes of the Ordinary Meeting held on 10 September 2024 be confirmed.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

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.)

PF24/023 NOM24/009 VEHICULAR ACCESS TO MALONEYS BEACH

Trish Hellier addressed Council in relation to NOM24/009 Vehicular Access to Maloneys Beach.

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

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

NOM24/009 VEHICULAR ACCESS TO MALONEYS BEACH

File Ref: S012-T00026

24/134 MOTION Councillor Schutz/Councillor Babington

THAT Council:

1. Consult the community for a period of 14 days regarding their views around removing the sandstone blocks to reinstate access to the former track that was used to access Council's decommissioned informal boat ramp at the east of Maloneys Beach.
2. Receive and consider the community feedback along with a staff report at the November Council Meeting.

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

Division

For the Motion: Crs L Babington, M Hatcher, M Johnson, A Mayne, R Pollock OAM, A Schutz and S Winslade.

Against the Motion: Crs P Constable and C Turner.

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

11. GENERAL MANAGER'S REPORTS

GMR24/018 RECOGNITION OF SERVICE

File Ref: S012-T00020

24/135 MOTION Councillor Schutz/Councillor Mayne

THAT Council resolve to send Letters under the Seal of Council to former Councillors in acknowledgement of their contribution to the business of Council over the preceding term.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

Against the Motion: Nil.

12. PLANNING AND ENVIRONMENT REPORTS

Nil

13. FINANCE AND CORPORATE SERVICES REPORTS

FCS24/038 DECLARATION OF POLL FOR MAYOR

File Ref: S012-T00023

24/136 MOTION Councillor Schutz/Councillor Babington

THAT the information on the Declaration of the Poll for the election of Mayor of Eurobodalla Shire Council, following the general election held on Saturday 14 September 2024, be noted.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

Against the Motion: Nil.

FCS24/039 DECLARATION OF POLL FOR COUNCILLORS

File Ref: S012-T00020

24/137 MOTION Councillor Constable/Councillor Johnson

THAT the information on the Declaration of the Poll, for the election of eight Councillors to the Eurobodalla Shire Council, following the general election held on 14 September 2024, be noted.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

Against the Motion: Nil.

FCS24/040 POSITION OF DEPUTY MAYOR

File Ref: S012-T00020

RECOMMENDATION Councillor Hatcher/Councillor Schutz

THAT in accordance with section 231 of the *Local Government Act 1993*:

1. Council resolve to create the position of Deputy Mayor;
2. Council resolve that the term of appointment for the position of Deputy Mayor to be the term of Council;
3. Council resolve that the method of ballot be by open voting pursuant to Schedule 7, Part 1(3) of the Local Government (General) Regulation 2021;
4. Nominations be called for the position of Deputy Mayor and the election be conducted as determined in (3) above;
5. The result of the election be provided to the Chief Executive of the Office of Local Government, along with the local media and other councils in New South Wales.

24/138 AMENDMENT Councillor Johnson/Councillor Pollock OAM

THAT:

2. Council resolve that the term of appointment for the position of Deputy Mayor to be for twelve months.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock OAM, A Schutz, C Turner and S Winslade.

Against the Motion: Nil.

24/139 AMENDMENT Councillor Constable/Councillor Johnson

THAT:

3. Council resolve that the method of ballot be secret ballot pursuant to Schedule 7, Part 1(3) of the Local Government (General) Regulation 2021.

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

Division

For the Motion: Crs L Babington, P Constable, M Johnson, R Pollock OAM and S Winslade.

Against the Motion: Crs M Hatcher, A Mayne, A Schutz and C Turner.

24/140 MOTION Councillor Constable/Councillor Johnson

THAT in accordance with section 231 of the *Local Government Act 1993*:

1. Council resolve to create the position of Deputy Mayor;
2. Council resolve that the term of appointment for the position of Deputy Mayor to be the twelve months;
3. Council resolve that the method of ballot be secret ballot pursuant to Schedule 7, Part 1(3) of the Local Government (General) Regulation 2021;
4. Nominations be called for the position of Deputy Mayor and the election be conducted as determined in (3) above;
5. The result of the election be provided to the Chief Executive of the Office of Local Government, along with the local media and other councils in New South Wales.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

Against the Motion: Nil.

ELECTION OF DEPUTY MAYOR

The General Manager, as returning officer, called for nominations for the position of Deputy Mayor and declared one nomination had been received for the position, being Councillor Anthony Mayne.

On the basis of the one nomination being received, the General Manager, as returning officer, declared Councillor Anthony Mayne elected as Deputy Mayor for a twelve month period.

FCS24/041 DECISION ON USING COUNTBACKS TO FILL CASUAL VACANCIES

File Ref: S012-T00025

24/141 MOTION Councillor Mayne/Councillor Babington

THAT Pursuant to section 291A (1)(b) of the *Local Government Act 1993* (the Act) Eurobodalla Shire Council declares that casual vacancies occurring in the office of Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at the election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

Against the Motion: Nil.

FCS24/042 2025 COUNCIL MEETING DATES

File Ref: S012-T00025

24/142 MOTION Councillor Schutz/Councillor Winslade

THAT Council:

1. Endorse to hold Council meetings on the fourth Tuesday of each month.
2. Endorse to hold Public Access Sessions on the second Tuesday of each month.
3. Endorse the following 11 dates as the meeting schedule for Council meetings for the 2025 calendar year:
 - (a) 25 February 2025
 - (b) 25 March 2025
 - (c) 29 April 2025
 - (d) 27 May 2025
 - (e) 24 June 2025
 - (f) 22 July 2025
 - (g) 26 August 2025
 - (h) 23 September 2025
 - (i) 28 October 2025
 - (j) 25 November 2025
 - (k) 16 December 2025
4. Endorse the following 11 dates as the Public Access sessions for the 2025 calendar year:
 - (a) 11 February 2025
 - (b) 11 March 2025
 - (c) 8 April 2025
 - (d) 13 May 2025
 - (e) 10 June 2025
 - (f) 8 July 2025
 - (g) 12 August 2025
 - (h) 9 September 2025
 - (i) 14 October 2025
 - (j) 11 November 2025
 - (k) 9 December 2025
5. Note that the schedule of meeting dates may be amended at any time, as required.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

Against the Motion: Nil.

**FCS24/043 APPOINTMENT OF INDEPENDENT MEMBERS OF THE AUDIT RISK AND
IMPROVEMENT COMMITTEE**

File Ref: S004-T00048

24/143 MOTION Councillor Schutz/Councillor Winslade

THAT:

1. Council endorse the appointment of the applicants listed in the confidential attachment to this report.
2. Correspondence from the General Manager be forwarded to the successful applicants inviting them to join the Audit, Risk and Improvement Committee as an independent member.
3. Council note correspondence from the Director of Finance and Corporate Services has been forwarded to unsuccessful applicants, thanking all other applicants for expressing an interest in the role.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

Against the Motion: Nil.

FCS24/044 DISCLOSURE OF PECUNIARY INTEREST AND OTHER MATTERS RETURNS

File Ref: S012-T00031, S021-T00004

24/144 MOTION Councillor Schutz/Councillor Turner

THAT the report on the Disclosure of Pecuniary Interest and Other Matters returns for 2023-24 be received and noted.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

Against the Motion: Nil.

FCS24/045 INVESTMENTS MADE AS AT 31 AUGUST 2024

File Ref: S011-T00006,S012-T00025

24/145 MOTION Councillor Schutz/Councillor Babington

THAT the certification of investments as at 31 August 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 2021*, be received.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

Against the Motion: Nil.

FCS24/046 INVESTMENTS MADE AS AT 30 SEPTEMBER 2024

File Ref: S011-T00006,S012-T00025

24/146 MOTION Councillor Schutz/Councillor Johnson

THAT the certification of investments as at 30 September 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 2021*, be received.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

Against the Motion: Nil.

14. INFRASTRUCTURE REPORTS

IR24/018 LOCAL TRAFFIC COMMITTEE NO.2 FOR 2024-25

File Ref: S030-T00018

24/147 MOTION Councillor Schutz/Councillor Johnson

THAT Council approves:

1.The following acts for determination from Local Traffic Committee No. 2:

- **2025.RT.002 Wimbie Street, carpark signage, Surf Beach**

That Council Plan 5490-U-01, for signage at Wimbie Street carpark, Surf Beach, be approved.

- **2025.RT.003 Berrima Street, signage, Catalina**

That Council Plan 5490-GA-01, for signage at Berrima Street, Catalina, be approved.

- The following Special Events and Informal Items:

- **2025.SE.001 Special Event - Crank It Up**

That the Crank it Up Rock and Roll Event, to be conducted in the Batemans Bay CBD on Saturday 16 and Sunday 17 November 2024 on Clyde Street and Orient Street based on the submitted Traffic Management and Control Plans be approved.

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

Division

For the Motion: Crs L Babington, P Constable, M Hatcher, M Johnson, A Mayne, R Pollock
OAM, A Schutz, C Turner and S Winslade.

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 1.01PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 19 November 2024 at which meeting the signature hereon was subscribed.