



# **Minutes**

**Ordinary Meeting of Council**

**22 June 2021**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 22 JUNE 2021**

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**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 22 JUNE 2021  
COMMENCING AT 11.00AM**

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

**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 Mayor welcomed everyone to the meeting.

**2. ACKNOWLEDGEMENT OF COUNTRY**

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

**3. EVACUATION MESSAGE**

The Mayor advised of the Evacuation Procedures.

**4. APOLOGIES**

Nil

**5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**21/86 MOTION** Councillor Tait/Councillor Thomson

THAT the minutes of the Ordinary Meeting held on 08 June 2021 be confirmed.

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

Division

For the Motion: Clrs L Brown, P Constable, L Innes, 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**

Councillor Pollock declared a non-significant, non-pecuniary conflict of interest in PSR21/021 Lease Renewal – Thelmore Rifle Range, Moruya and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Pollock declared an interest as he is a patron of the Thelmore Rifle Range, Moruya. It should be noted that he has no active role in this Club.

**7. MAYORAL REPORTS**

Nil

**8. NOTICES OF MOTION**

**NOM21/001 MORUYA BYPASS COMMUNITY FEEDBACK**

File Ref: S012-T00026

**21/87 MOTION** Councillor Brown/Councillor Thomson

THAT Council write to the NSW Government urging them to take into consideration:

1. the community feedback in regard to the economic impact of the preferred route for the proposed Moruya Bypass on the agricultural sector, noting the concerns that have been expressed by a number of landowners and residents
2. include in their decision making the economic and visual impact on the retail and business sector and the environmental impacts
3. the formation of a co-design committee similar to what was undertaken in the Shoalhaven Council area
4. that the current section of the highway and bridge be retained as NSW government assets.

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

Division

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

Against the Motion: Nil.

**NOM21/002 APPLICATION FOR GATE PERMIT - COOPERS ISLAND ROAD**

File Ref: S012-T00026

**MOTION** Councillor Constable

THAT Council:

1. Direct the owner of the land adjoining Coopers Island Road ('the adjoining landowner') to remove the gate that is currently erected across Coopers Island Road where it meets the Princes Highway within 21 days of this resolution.
2. Upon the adjoining landowner complying with the Council direction to remove the gate, issue to the adjoining landowner a 7 day notice of intention to issue Order No. 7 under s124 of the Local Government Act 1993 (NSW) requiring the adjoining landowner to fence its land along the length of Coopers Island Road to the Princes Highway road reserve, on the basis that it is satisfied that public safety renders it necessary that the land adjoining Coopers Island Road is fenced.
3. Contribute 50% of the cost of the fence as a one-off contribution to a maximum amount of \$5000.

The Mayor indicated to Councillor Constable, that due to recent legal advice and in her opinion, the motion was unlawful and the motion would need to be amended or withdrawn.

Councillor Constable indicated that he would withdraw the motion.

**21/88 MOTION** Councillor Nathan/Councillor Tait

THAT:

1. Council, as the roads authority for Coopers Island Road, Bodalla, pursuant to clause 69 of the Roads Regulation 2018, gives public notice of the application made by the owner of land adjoining Coopers Island Road, Bodalla to the Council for a public gate permit near the intersection of Coopers Island Road and the Princes Highway which notice invites written submissions to be made to the Council in respect of the application.
2. A further report be brought to the Council following the expiration of the public notice period addressing any submissions duly made in response to the notification of the application and containing a recommendation on the determination of the application by the Council.
3. Council defer enforcement action to remove the gate pending the determination of the gate application.

(That the motion on being put was declared **CARRIED**).

Division

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

Against the Motion: Clr A Mayne.



**3. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**4. PETITIONS**

Nil

**9. GENERAL MANAGER'S REPORTS**

**GMR21/030 ADOPTION OF THE REVISED 2017-22 DELIVERY PROGRAM AND 2021-22 OPERATIONAL PLAN**

File Ref: S004-T00028,S004-T00029

**MOTION** Councillor Tait/Councillor Nathan

THAT:

1. Council make the annual Ordinary and Special Rates for 2021-22 in accordance with the rate peg set by IPART which is 2%, as contained in the table in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2021-22 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 2021-22 in accordance with the Revenue Policy and Fees and Charges as attached to the report.
4. Council adopt the Delivery Program 2017-22 and Operational Plan 2021-22 attached to the report as per the statutory requirements with implementation to commence 1 July 2021.
5. Council thank the community members who made a submission and provide them with a response.

**AMENDMENT** Councillor McGinlay/Councillor Mayne

THAT:

1. Council make the annual Ordinary and Special Rates for 2021-22 in accordance with the rate peg set by IPART which is 2%, as contained in the table in the report.
2. Council make each annual charge for waste, stormwater and liquid trade waste for 2021-22 in accordance with the Revenue Policy and the charges as contained in the tables in the report.
3. Council not increase the annual charge for water and sewer for 2021-22.
4. Council make each fee and charge, except water and sewer for 2021-22 in accordance with the Revenue Policy and Fees and Charges as attached to the report.
5. Council adopt the Delivery Program 2017-22 and Operational Plan 2021-22 attached to the report as per the statutory requirements with implementation to commence 1 July 2021.
6. Council thank the community members who made a submission and provide them with a response.

(The Motion on being put was declared **LOST**).

Division

For the Motion: Clrs A Mayne and P McGinlay.

Against the Motion: Clrs L Brown, P Constable, L Innes, M Nathan, R Pollock, J Tait and J Thomson.

**21/89 MOTION** Councillor Tait/Councillor Nathan

THAT:

1. Council make the annual Ordinary and Special Rates for 2021-22 in accordance with the rate peg set by IPART which is 2%, as contained in the table in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2021-22 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 2021-22 in accordance with the Revenue Policy and Fees and Charges as attached to the report.
4. Council adopt the Delivery Program 2017-22 and Operational Plan 2021-22 attached to the report as per the statutory requirements with implementation to commence 1 July 2021.
5. 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: Clrs L Brown, P Constable, L Innes, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Clrs A Mayne and P McGinlay.

**21/90 SUSPENSION OF STANDING ORDERS** Councillor McGinlay/Councillor Mayne

That Standing Orders be suspended in order to deal with PSR21/025 Proposed Sale of Operational Land – Tatiara Street, Dalmeny.

Division

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

Against the Motion: Nil.

**PSR21/025 PROPOSED SALE OF OPERATIONAL LAND - TATIARA STREET, DALMENY**

File Ref: S023-T00014

**21/91 MOTION** Councillor McGinlay/Councillor Constable

THAT:

1. this matter be deferred for consideration at its meeting on 13 July 2021.
2. during this period a public information meeting be publicised and held in Dalmeny or environs.

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

Division

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

Against the Motion: Clr J Tait.

**21/92 RESUMPTION OF STANDING ORDERS** Councillor Mayne/Councillor Thomson

That Standing Orders be resumed.

Division

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

Against the Motion: Nil.

**21/93 ADJOURNMENT** Councillor Mayne/Councillor Thomson

THAT the Ordinary Council Meeting be adjourned for a period of 10 minutes.

Division

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

Against the Motion: Nil.

**At 12.40pm** the meeting was adjourned.

**At 12.51pm** the meeting reconvened.

**GMR21/031 DIVIDENDS FROM WATER AND SEWER FUNDS**

File Ref: S011-T00022

**21/94 MOTION** Councillor Brown/Councillor Thomson

THAT Council resolve that subject to achieving substantial compliance with each criterion contained in the *Guidelines for Best-Practice Management of Water Supply and Sewerage*, Council take up dividends from the Water and Sewer funds of \$594,548 and \$439,713 respectively based upon 2019-20 audited results and approval from the Department of Primary Industries, Water (DPIW).

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

Division

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

Against the Motion: Clrs A Mayne and P McGinlay.

**GMR21/032 INVESTMENTS MADE AS AT 31 MAY 2021**

File Ref: S011-T00006, S012-T00025

**21/95 MOTION** Councillor Thomson/Councillor Tait

THAT the certification that the investments as at 31 May 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, L Innes, A Mayne, P McGinlay, M Nathan, R Pollock, J Tait and J Thomson.

Against the Motion: Nil.

**10. PLANNING AND SUSTAINABILITY REPORTS**

**PSR21/020 PUBLIC ART - BAY PAVILIONS**

File Ref: S023-T00024

**21/96 MOTION** Councillor Brown/Councillor Nathan

THAT Council:

1. Endorse the Evaluation Panel and the Public Art Advisory Committee's recommendation from their meeting on 7 June 2021:
  - a. to install the sculpture titled 'Emergence' by Fenella Richards from Everlon in the Bay Pavilions theatre forecourt and
  - b. to install the sculpture titled 'Rockpool' by Cathy Drew from McClelland and Drew in the Bay Pavilions western forecourt (main entrance).

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

Division

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

Against the Motion: Clr P McGinlay.

**PSR21/021 LEASE RENEWAL - THELMORE RIFLE RANGE, MORUYA**

File Ref: S023-T00015

Councillor Pollock declared a non-significant, non-pecuniary conflict of interest in PSR21/021 Lease Renewal – Thelmore Rifle Range, Moruya and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Pollock declared an interest as he is a patron of the Thelmore Rifle Range, Moruya. It should be noted that he has no active role in this Club.

**21/97 MOTION** Councillor Thomson/Councillor Tait

THAT

1. Council grant a 10 year lease to Thelmore Range Pty Limited within Lot 42 DP 1036166, 38 Donnelly Drive, Moruya commencing on 1 January 2022 and expiring on 31 December 2032 including the following conditions:
  - a. The rental fee be in line with similar licences, increased annually in line with the CPI.
  - b. The provision of evidence of public liability insurance cover to the amount of at least \$20 million.
  - c. Conditions generally in line with similar leases.
2. The General Manager be given delegated authority to negotiate further leases.

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

Division

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

Against the Motion: Nil.



**PSR21/022 LEASE RENEWAL - MORUYA AND DISTRICT HISTORICAL SOCIETY**

File Ref: S023-T00015

**21/98 MOTION** Councillor Mayne/Councillor McGinlay

THAT

1. Council grant a five year lease to Moruya and District Historical Society for the display of the Abernathy & Co Stonemason's Lathe at Lot 1 DP 1161705, Moruya, including the following conditions:
  - a. A peppercorn lease fee of \$1.00 per annum
  - b. Provision of evidence of public liability insurance cover to the amount of at least \$20 million
  - c. Conditions generally in line with similar leases.
2. The General Manager be given delegated authority to negotiate further leases.

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

Division

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

Against the Motion: Nil.

**PSR21/023 LICENCE RENEWAL - BATEMANS BAY RADIO CONTROL CLUB**

File Ref: S023-T00017; Land Id 35233

**21/99 MOTION** Councillor Mayne/Councillor Thomson

THAT

1. Council grant a five-year licence to Batemans Bay Radio Control Club Inc. to operate remote control car club activities within Lot 2 DP 1171024, Hanging Rock Reserve, including the following conditions:
  - a. The licence fee be in line with the Statutory Crown minimum increased annually in line with the CPI
  - b. The licence area is to be left clean and tidy after use, and any damage caused is to be rectified by the licence holder
  - c. Provision of evidence of public liability insurance cover to the amount of at least \$20 million
  - d. Conditions generally in line with the previous licence.
  
2. The General Manager be given delegated authority to negotiate further licences.

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

Division

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

Against the Motion: Nil.

**PSR21/024 LICENCE - SURF INSTRUCTION DALMENY**

File Ref: S023-T00017

**21/100 MOTION** Councillor Brown/Councillor Thomson

THAT

1. Council grant an initial 12 month licence to Dalmeny Surf Academy (DSA) to establish a surfing school within Lot 7030 DP 1006874 Dalmeny Beach Reserve; Lot 1 DP 255138 Yabbara Beach Headland; Road reserve adjacent to Lot 3 DP 255138 Dalmeny Drive; Lot 7019 DP 1024286 Lions Park, Dalmeny Drive; Lot 429 DP 31234 Foreshore Reserve and Lot 7034 DP 1073302 Apex Park, Centenary Drive including the following conditions:
  - a. The licence fee be in line with similar licences, increased annually in line with the CPI
  - b. The licence area is to be left clean and tidy after use and any damage caused is to be rectified by the licence holder
  - c. Provision of evidence of public liability insurance cover to the amount of at least \$20 million.
  - d. Conditions generally be in line with similar licences
2. The General Manager be given delegated authority to negotiate further licences.

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

Division

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

Against the Motion: Nil.

**51. INFRASTRUCTURE REPORTS**

**IR21/018 REQUEST FOR TENDER NO. 2021-057 SEWER REHABILITATION AND  
MAINTENANCE PROGRAM 2021-2025**

File Ref: S004-T00008

**21/101 MOTION** Councillor Tait/Councillor Pollock

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 2021-057 Sewer Rehabilitation and Maintenance Program 2021-25.

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

Division

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

Against the Motion: Nil.

**IR21/019            REQUEST FOR TENDER NO. 2021-056 TRANSPORTATION AND  
REUSE/RECYCLING OF BIOSOLIDS**

File Ref: S004-T00008

**21/102 MOTION** Councillor Thomson/Councillor Brown

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 2021-056 Transportation and Reuse/Recycling of Biosolids.

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

Division

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

Against the Motion: Nil.

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

Nil

**73. DELEGATE REPORT**

Nil

**84. URGENT BUSINESS**

**21/001 LAND CLEARING IN BROULEE (S006-T00015 )**

**Councillor Anthony Mayne** indicated that the Broulee/Mossy Point Community Association indicated that illegal clearing was being undertaken on the Corner of Clarke Street and Broulee Road in Broulee. The Mayor indicated that Council staff would investigate.

**95. DEALING WITH MATTERS IN CLOSED SESSION**

Nil

**106. CONFIDENTIAL MATTERS**

Nil

**THE MEETING CLOSED AT 1.05pm**

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**CHAIRPERSON**

Chairperson of the Ordinary Council Meeting held on Tuesday, 13 July 2021 at which meeting the signature hereon was subscribed.