



Minutes

Ordinary Meeting of Council

28 June 2022

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 28 JUNE 2022

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 28 JUNE 2022
COMMENCING AT 11.00AM**

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

Staff: Dr Catherine Dale, General Manager
Mr L Usher, Director, Planning and Sustainability Services
Mr C Ginger, Acting Director, Infrastructure Services
Mrs K Arthur, Director, Community, Arts and Recreation
Mr J Phillips, Divisional Manager, Governance and Administration
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, of Elders past and present, whose land we are gathered here today.

3. EVACUATION MESSAGE

The Mayor advised of the Evacuation Procedures.

4. APOLOGIES

22/146 MOTION Councillor Diskon/Councillor Grace

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

(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, A Schutz and A Worthington.

Against the Motion: Nil.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

22/147 MOTION Councillor Grace/Councillor Harrison

THAT the minutes of the Ordinary Meeting held on 14 June 2022 be confirmed.

(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, A Schutz and A Worthington.

Against the Motion: Nil.

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

7. MAYORAL REPORTS

MR22/008 ADVICE TO COUNCIL REGARDING THE GENERAL MANAGER'S RECRUITMENT PROCESS AND THE SELECTION PANEL COMPOSITION

File Ref: S012-T00025

MOTION Councillor Hatcher

THAT Council:

1. Receive and note the recruitment process as outlined in this report.
2. Delegate to the Mayor the task of ensuring:
 - (a) The selection panel is established
 - (b) The General Manager position description is current and evaluated in terms of salary to reflect the responsibility of the position
 - (c) The proposed salary range reflects the responsibilities and duties of the position
 - (d) The position is advertised according to the requirements of the Local Government Act 1993
 - (e) Information packages are prepared
 - (f) Applicants selected for interview are notified.
3. Receive a further confidential report regarding the outcome of the recruitment process and the appointment of a new General Manager.

AMENDMENT Councillor Diskon/Councillor Mayne

THAT Council:

1. Receive and note the recruitment process as outlined in this report.
2. Establish the selection panel for the General Manager which will comprise all Councillors
3. Delegate to the Mayor the task of ensuring:
 - (a) The General Manager position description is current and evaluated in terms of salary to reflect the responsibility of the position
 - (b) The proposed salary range reflects the responsibilities and duties of the position
 - (c) The position is advertised according to the requirements of the *Local Government Act 1993*
 - (d) Information packages are prepared
 - (e) Applicants selected for interview are notified.
4. Receive a further confidential report regarding the outcome of the recruitment process and the appointment of a new General Manager.

(The Amendment on being put became the motion and on being put was declared **LOST**)

Division

For the Motion: Cr P Diskon.

Against the Motion: Crs T Dannock, D Grace, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

22/148 MOTION Councillor Hatcher

THAT Council:

1. Receive and note the recruitment process as outlined in this report.
2. Delegate to the Mayor the task of ensuring:
 - (a) The selection panel is established
 - (b) The General Manager position description is current and evaluated in terms of salary to reflect the responsibility of the position
 - (c) The proposed salary range reflects the responsibilities and duties of the position
 - (d) The position is advertised according to the requirements of the Local Government Act 1993
 - (e) Information packages are prepared
 - (f) Applicants selected for interview are notified.
3. Receive a further confidential report regarding the outcome of the recruitment process and the appointment of a new General Manager.

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

Division

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

Against the Motion: Cr P Diskon.

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

11. GENERAL MANAGER'S REPORTS

GMR22/067 ADOPTION OF THE 2022-26 DELIVERY PROGRAM, 2022-23 OPERATIONAL PLAN INCLUDING THE 2022-23 FEES AND CHARGES

File Ref: S004-T00028,S004-T00029

22/149 MOTION Councillor Hatcher/Councillor Harrison

THAT:

1. Council make the annual Ordinary and Special Rates for 2022-23 in accordance with the rate peg set by IPART which is 0.7% plus 1.0% population growth factor, as contained in the table in the report.
2. Council make each annual charge for water, sewer, waste, stormwater and liquid trade waste for 2022-23 in accordance with the Revenue Policy and the charges as contained in the tables in the report.
3. Council defer the implementation of the newly adopted mixed-use water and sewer access charges until 1 July 2023.
4. Council make each fee and charge for 2022-23 in accordance with the Revenue Policy and Fees and Charges as attached to the report.
5. Council adopt the Delivery Program 2022-26 and Operational Plan 2022-23 attached to the report as per the statutory requirements with implementation to commence 1 July 2022.
6. 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 T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Nil.

GMR22/068 RESOURCING STRATEGY

File Ref: S004-T00028, S004-T00029

22/150 MOTION Councillor Grace/Councillor Schutz

THAT Council

1. Adopt the Long-Term Financial Plan 2022-32.
2. Adopt the Asset Management Strategy and Plan 2022-32.
3. Endorse the Workforce Management Strategy 2022-26.

(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, A
 Schutz and A Worthington.

Against the Motion: Nil.

GMR22/069 ACCEPTANCE OF GRANT FUNDING

File Ref: S014-T00019

22/151 MOTION Councillor Mayne/Councillor Schutz

THAT:

1. Council endorse the actions taken to accept the \$902,000 in grant funds offered under the Black Summer Bushfire Recovery Grants Program for the Moruya Showground Canteen Building Renewal.
2. Council endorse the actions taken to accept the \$628,050 in grant funds offered under the Black Summer Bushfire Recovery Grants Program for the Reconstruction of the SES Batemans Bay facility.
3. Council endorse the actions taken to accept the \$200,000 in grant funds offered under the Black Summer Bushfire Recovery Grants Program for the Regional Co-located Emergency Services Precinct.
4. Council endorse the actions taken to accept the \$106,892 in grant funds offered under the Crown Reserves Improvement Fund for the Moruya Showground Area lighting upgrade.
5. Council endorse the actions taken to accept the \$495,000 in grant funds offered under the Regional Tourism Activation Fund for the Accessible Beaches project.
6. Council endorse the actions taken to accept the \$57,365 in grant funds offered under the Stronger Country Communities Fund (round 4) for the Tilba Accessibility project.
7. Letter of appreciation be sent to the local federal members and state member for support in securing these grants for the Eurobodalla community.

(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, A Schutz and A Worthington.

Against the Motion: Nil.

GMR22/070 INVESTMENTS MADE AS AT 31 MAY 2022

File Ref: S011-T00006, S012-T00025

22/152 MOTION Councillor Harrison/Councillor Dannock

THAT the certification of investments as at 31 May 2022, 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 T Dannock, P Diskon, D Grace, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Nil.

GMR22/071 POLICY REVIEW FOR EXHIBITION - JUNE 2022

File Ref: S004-T00060

22/153 MOTION Councillor Grace/Councillor Diskon

THAT:

1. Council places the following draft policies for the purposes of public consultation for a period of 28 days:
 - (a) Complaints
 - (b) Customer Service
 - (c) Naming Of Parks, Reserves, Sports Fields, Public Pathways
 - (d) National Clean Up Day Campaign
 - (e) Pathway Construction – Contributions by Property Owners
 - (f) Pathways Risk Management
 - (g) Pesticides/ Herbicides
 - (h) Planning Agreements
 - (i) Pricing
 - (j) Procurement
 - (k) Water And Sewer Connections
2. Following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.

(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, A Schutz and A Worthington.

Against the Motion: Nil.

GMR22/072 POLICY ADOPTION - APRIL REVIEW

File Ref: S004-T00060

22/154 MOTION Councillor Dannock/Councillor Harrison

THAT the following policies be adopted.

- Development Contributions – Requests For Refunds
- Disability Services
- Drinking Water Quality
- Engineering Design Standards
- Fingerboard Signs – Local Directional
- Fiscal Responsibility
- Food Inspection
- Fraud Control

(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, A Schutz and A Worthington.

Against the Motion: Nil.

12. PLANNING AND SUSTAINABILITY REPORTS

PSR22/017 CONSERVATION OF THE YELLOW-BELLIED GLIDER POLICY IN THE BROULEE AREA

File Ref: S004-T00060

22/155 MOTION Councillor Harrison/Councillor Dannock

THAT Council adopt the draft Conservation of the Yellow-Bellied Glider in the Broulee Area Policy as an interim policy and review the policy following the adoption of the Biodiversity Strategy.

(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 and A Schutz.

Against the Motion: Cr A Worthington.

22/156 MOTION Councillor Mayne/Councillor Dannock

THAT Council write to those who made a submission thanking them for their contribution and advising the outcome of the process.

(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, A Schutz and A Worthington.

Against the Motion: Nil.

PSR22/018 DRAFT MOGO VILLAGE PLACE ACTIVATION PLAN

File Ref: OP0058

22/157 MOTION Councillor Mayne/Councillor Grace

THAT:

1. Council adopt the draft Mogo Village Place Activation Plan and continue to seek opportunities for implementation.
2. Council write to those who made a submission thanking them for their contribution and advising the outcome of the process.

(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, A Schutz and A Worthington.

Against the Motion: Nil.

PSR22/019 DRAFT DEVELOPMENT CONTRIBUTIONS PLANS 2022

File Ref: OP0050

22/158 MOTION Councillor Grace/Councillor Schutz

THAT Council:

1. Adopts the:
 - Draft Eurobodalla Local Infrastructure Contributions Plan 2022
 - Draft Eurobodalla s7.12 Contributions Plan 2022.
2. Repeals the:
 - Eurobodalla Local Infrastructure Contributions Plan 2012
 - Eurobodalla Section 94 Development Contributions Plan 2000 – 2005.
 - Eurobodalla Section 94 Contributions Plan - Rural Roads
 - Eurobodalla s94A Levy Contributions Plan 2007.
3. Amends the Fees and Charges document, as required, to reflect the new contributions in the Draft Eurobodalla Local Infrastructure Contributions Plan 2022.

(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, A Schutz and A Worthington.

Against the Motion: Nil.

PSR22/020 LAND ACQUISITION - ROAD WIDENING DUNNS CREEK ROAD - FORESTRY

File Ref: S023-T00027, Land IDs 20011, 20013, 19996, 19995, 36043

22/159 MOTION Councillor Harrison/Councillor Diskon

THAT:

1. Application be made to the Minister for Local Government and Governor to acquire by compulsory process part acquire part Lot 38 DP755902, part Lot 39 DP755902, part Lot 20 DP 1183162 and part Lot 19 DP 1183163 for road purposes.
2. All actions necessary be taken for the acquisition part Lot 38 DP755902, part Lot 39 DP755902, part Lot 20 DP 1183162 and part Lot 19 DP 1183163 for road purposes in accordance with Council's *Land Acquisition and Disposal Policy*.
3. Once acquired, the land be dedicated as public road in accordance with the provisions of the *Roads Act 1993*.
4. All costs associated with the proposed land acquisitions including landowner's reasonable costs be borne by Council.
5. Authority be given to affix the Common Seal of Council, if required, to the necessary documentation.

(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, A Schutz and A Worthington.

Against the Motion: Nil.

13. INFRASTRUCTURE REPORTS

**IR22/017 REQUEST FOR TENDER NO. 10018541 - EUROBODALLA SOUTHERN STORAGE -
STORAGE CONSTRUCTION**

File Ref: S032-T00009

22/160 MOTION Councillor Harrison/Councillor Worthington

THAT Council:

1. Endorses the selection of the preferred tenderer listed for Request for Tender No. 10018541 Eurobodalla Southern Storage – Storage Construction; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, subject to the terms specified in the Request for Tender.

(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, A Schutz and A Worthington.

Against the Motion: Nil.

14. COMMUNITY, ARTS AND RECREATION REPORTS

CAR22/009 PUBLIC ART ADVISORY COMMITTEE RECOMMENDATIONS

File Ref: S003-T00034

22/161 MOTION Councillor Grace/Councillor Worthington

THAT Council endorses:

1. The PAAC's support for the direction of proposed interpretive elements of the Batemans Bay Waterfront activation plan and that installation considers the lighting of those elements to support night-time activation.
2. The PAAC's support for the design and placement of the 'Soar' sculpture at Hanging Rock, subject to agreement by Maureen Nathan, with consideration of maximising scale of at least an extra metre in height and adequate lighting for the sculpture.
3. The PAAC's support for the concept and placement of the mural at Moruya Transfer Station, commend the Waste team for funding the project and encourage other teams within Council to seek opportunities to incorporate art into public spaces and places.

(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, A Schutz and A Worthington.

Against the Motion: Nil.

15. DELEGATE REPORT

Nil

16. URGENT BUSINESS

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

Nil

18. CONFIDENTIAL MATTERS

Nil

The Mayor acknowledged the passing of Jenny Liney OAM, former volunteer of the Friends of the Eurobodalla Botanic Garden. Jenny was a stalwart as a Friend of the Garden working in the Herbarium through all its various iterations, looking after the more than 13,500 specimens, leading the team of Herbarium volunteers and providing valuable advice regarding our new Herbarium building.

The Mayor congratulated Brad Rossiter OAM, who received the Southern NSW Local Health District Quality Awards – Volunteer of the Year Award.

The Mayor acknowledged the following residents who were recognised in the 2022 Queen's Birthday Honour list:

- Ron Edward Cregan OAM for services to the caravan and camping industry
- Anne Maree Minato OAM for services to the Eurobodalla Community.

THE MEETING CLOSED AT 12.21PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 26 July 2022 at which meeting the signature hereon was subscribed.