



# **Minutes**

**Ordinary Meeting of Council**

**13 December 2022**



**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MORUYA**  
**ON TUESDAY 13 DECEMBER 2022**

<b>MINUTES</b>
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<b>1. WELCOME.....</b>	<b>1</b>
<b>2. ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>1</b>
<b>3. EVACUATION MESSAGE.....</b>	<b>1</b>
<b>4. APOLOGIES .....</b>	<b>2</b>
<b>5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>2</b>
<b>6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA .....</b>	<b>2</b>
<b>7. MAYORAL REPORTS .....</b>	<b>2</b>
Nil	
<b>8. NOTICES OF MOTION .....</b>	<b>2</b>
Nil	
<b>9. QUESTIONS ON NOTICE FROM COUNCILLORS .....</b>	<b>2</b>
Nil	
<b>10. PETITIONS.....</b>	<b>2</b>
Nil	
<b>11. GENERAL MANAGER'S REPORTS .....</b>	<b>3</b>
GMR22/116 Presentation of Annual Financial Statements for year ended 30 June 2022	3
GMR22/117 Code of Conduct Complaints Statistics .....	4
GMR22/118 Request for Tender No. 2223/026 Concrete Supply Tender .....	5
GMR22/120 Investments made as at 30 November 2022.....	6
<b>12. PLANNING AND SUSTAINABILITY REPORTS .....</b>	<b>7</b>
PSR22/065 Draft Eurobodalla Open Coast Coastal Management Program .....	7
PSR22/066 Land Purchase, Moruya .....	8
PSR22/061 Lease to Marine Rescue NSW - Tuross Head.....	9
PSR22/062 Landcare Project Proposals 2022 .....	10
PSR22/063 Revision of Weeds Control Programs .....	11
PSR22/064 Bushfire Recovery Grant Funded project .....	12

<b>13. INFRASTRUCTURE REPORTS.....</b>	<b>13</b>
IR22/029 Request for Tender No. 2223-023 - Wagonga Inlet Water Trunk and Sewer Rising Main Renewal.....	13
IR22/030 Request for Tender No. 2223-040 - Mogo Sewage Pumping Station Upgrade...14	
IR22/031 Local Traffic Committee No 4 for 2022-23 .....	15
IR22/032 Acceptance of Funding - Get NSW Active Program 2022-23 .....	16
IR22/033 Acceptance of Funding - Fixing Local Roads Pothole Repair Round 2022.....	17
<b>14. COMMUNITY, ARTS AND RECREATION REPORTS .....</b>	<b>18</b>
CAR22/022 Libraries Funding - Seniors Festival .....	18
CAR22/023 Healthy Communities, Seniors Week and Youth Development Grants 2023 .....	19
<b>15. DELEGATE REPORT .....</b>	<b>20</b>
<b>16. URGENT BUSINESS .....</b>	<b>20</b>
<b>17. DEALING WITH MATTERS IN CLOSED SESSION.....</b>	<b>20</b>
<b>18. CONFIDENTIAL MATTERS.....</b>	<b>20</b>

**MINUTES OF THE  
ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS, MORUYA  
ON TUESDAY, 13 DECEMBER 2022  
COMMENCING AT 12.30PM**

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

**Staff:** Warwick Winn, General Manager  
Mr L Usher, Director, Planning and Sustainability Services  
Mr T Swallow, Acting Director, Infrastructure Services  
Mrs K Arthur, Director, Community, Arts and Recreation  
Mr J Phillips, Corporate 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.

**22/320 MOTION** Councillor Hatcher/Councillor Harrison

THAT THAT Councillor Anthony Mayne be approved to attend the Ordinary Meeting of Council on 13 December 2022 via audio-visual link due to existing work commitments.

(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.

**4. APOLOGIES**

Nil

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

**22/321 MOTION** Councillor Worthington/Councillor Schutz

THAT the minutes of the Ordinary Meeting held on 22 November 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, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

**6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**

Nil

**7. MAYORAL REPORTS**

Nil

**8. NOTICES OF MOTION**

Nil

**9. QUESTIONS ON NOTICE FROM COUNCILLORS**

Nil

**10. PETITIONS**

Nil

**11. GENERAL MANAGER'S REPORTS**

**GMR22/116 PRESENTATION OF ANNUAL FINANCIAL STATEMENTS FOR YEAR ENDED  
30 JUNE 2022**

File Ref: S011-T00002

**22/322 MOTION** Councillor Harrison/Councillor Grace

THAT in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, Council adopt the Annual Financial Statements for year ended 30 June 2022, including the Independent Auditor's Reports.

(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.

**GMR22/117 CODE OF CONDUCT COMPLAINTS STATISTICS**

File Ref: S012-T00003

**22/323 MOTION** Councillor Diskon/Councillor Worthington

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

(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.



**GMR22/118      REQUEST FOR TENDER NO. 2223/026 CONCRETE SUPPLY TENDER**

File Ref: S004-T00061

**22/324 MOTION** Councillor Pollock OAM/Councillor Schutz

THAT:

1. Council accepts the tenders recommended in the Confidential Attachments (Successful Tenderers) in response to RFT 2223-026 Concrete Supply Panel (RFT 2223-026) and establish the Concrete Supply Panel.
2. Council delegate to the General Manager the function of finalising and entering into the contracts with the Successful Tenderers in accordance with tender documents forming part of RFT 2223-026.
3. Council conducts a further tender process to add an additional supplier or suppliers to the Concrete Supply Panel, as Council considers that it will require additional suppliers of concrete to meet its capital works program.

(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.

**GMR22/120 INVESTMENTS MADE AS AT 30 NOVEMBER 2022**

File Ref: S011-T00006, S012-T00025

**22/325 MOTION** Councillor Grace/Councillor Schutz

THAT the certification of investments as at 30 November 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, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

**12. PLANNING AND SUSTAINABILITY REPORTS**

**PSR22/065 DRAFT EUROBODALLA OPEN COAST COASTAL MANAGEMENT PROGRAM**

File Ref: OP0045

**22/326 MOTION** Councillor Hatcher/Councillor Schutz

THAT Council:

1. Adopt the draft Eurobodalla Open Coast Coastal Management Program and establish an annual report process.
2. Forward the adopted Open Coast Coastal Management Program to the NSW Minister for Local Government for certification
3. Write a letter of appreciation to those who made a submission to the draft Eurobodalla Open Coast Coastal Management Program.

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

Division

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

Against the Motion: Crs T Dannock and T Harrison.

**PSR22/066 LAND PURCHASE, MORUYA**

File Ref: S023-T00014

**22/327 MOTION** Councillor Pollock OAM/Councillor Worthington

THAT:

1. Council approves the purchase and sale of the land identified in the confidential attachment to support the supply of additional housing in the area.
2. Council delegates the General Manager to conclude negotiations in accordance with this report and its confidential attachment.
3. Public notice be given of Council's intention to resolve that the land, when purchased, becomes operational land and that:
  - (a) A period of 28 days is given for members of the public to make submissions in relation to the proposed operational land, and
  - (b) A further report be presented following the notification period.
4. Consent be given to affix the Common Seal of Council to the applicable 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, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

**PSR22/061 LEASE TO MARINE RESCUE NSW - TUROSS HEAD**

File Ref: S023-T00017 Land ID: 8764

**22/328 MOTION** Councillor Grace/Councillor Harrison

THAT:

1. Council grant a five-year lease to Marine Rescue NSW for occupation of the boatshed within Lot L DP 362231 Trafalgar Road, Tuross Head with conditions including the following:
  - (a) Rental be in line with the Crown Statutory Minimum
  - (b) The provisions for \$20 million public liability insurance
  - (c) Conditions generally be in line with the previous lease.
2. The General Manager be given delegated authority to negotiate further leases.

(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.

**PSR22/062 LANDCARE PROJECT PROPOSALS 2022**

File Ref: S010-T00028

**22/329 MOTION** Councillor Worthington/Councillor Diskon

THAT Council:

1. Receive and note the report titled Landcare Project Proposals 2022.
2. Endorse the Denhams Beach Landcare Project.
3. Endorse the Long Beach Landcare amendments to project areas.
4. Endorse Moruya South Heads Landcare amendments to project areas.

(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.

**PSR22/063 REVISION OF WEEDS CONTROL PROGRAMS**

File Ref: S010-T00026

**22/330 MOTION** Councillor Schutz/Councillor Pollock OAM

THAT Council receive and note the attached weed control programs under section 371 (1) (b) of the *Biosecurity Act 2015*.

(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.

**PSR22/064 BUSHFIRE RECOVERY GRANT FUNDED PROJECT**

File Ref: S031-T00061

**22/331 MOTION** Councillor Worthington/Councillor Schutz

THAT:

1. Council endorses the selection of the preferred tenderer as contained within the Confidential Attachment, for the award of the Concept and Design Services tender (RFT No. 10052361).
2. Accordingly, Council approves the entering of a contractual arrangement with the preferred tenderer, subject to the terms and conditions 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, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.



**13. INFRASTRUCTURE REPORTS**

**IR22/029 REQUEST FOR TENDER NO. 2223-023 - WAGONGA INLET WATER TRUNK AND  
SEWER RISING MAIN RENEWAL**

File Ref: S032-T00010

**22/332 MOTION** Councillor Pollock OAM/Councillor Harrison

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 2223-023 Wagonga Inlet Water and Sewer Underbore construction.

(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.

**IR22/030 REQUEST FOR TENDER NO. 2223-040 - MOGO SEWAGE PUMPING STATION  
UPGRADE**

File Ref: S029-T00604

**22/333 MOTION** Councillor Diskon/Councillor Worthington

THAT Council accepts the tender identified as the preferred tenderer listed for Request for Tender No. 2223-040 Mogo Sewage Pumping Station Upgrade.

(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.

**IR22/031 LOCAL TRAFFIC COMMITTEE NO 4 FOR 2022-23**

File Ref: S030-T00018

**22/334 MOTION** Councillor Schutz/Councillor Diskon

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 4 for 2022-23 be received and noted.
2. Plan 5156 BB34 detailing 'No Stopping' signage and linemarking on the eastern side of Cranbrook Road from 38 Cranbrook Road to the southern end of narrowing of road, a length of approximately 93m. And 'No Stopping' signage and linemarking for approximately 66m, on western side of Cranbrook Road where the road narrows on Cranbrook Road, Batemans Bay be approved.
3. That signage and linemarking Plan Conway Burrows and Hancock Plan 3647-5C sheet 45 OF 48 Issue Rev B for DA0035/21 dated 26/08/2022 detailing the signage and line marking Bangalay Street and Imogen Way, and Plan 3647-5C Sheet 46 of 49 Bangalay Way and Pippi Close Issue Rev B dated 26/08/2022 Broulee be approved.
4. That Council Plan No. 5429 Set A sheet 21 detailing Caseys Beach South proposed pedestrian refuge as part of the Batemans Bay Coastal Headlands Walking Trail be approved.
5. That Council Plan 5429 Set A sheet 20 detailing Caseys Beach North proposed pedestrian refuge as part of the Batemans Bay Coastal Headlands Walking Trail be approved.
6. That the required amended signage and linemarking Plan Rygate & West U12380 Set F Sheets 1 & 2 dated 21/09/2022 and Plan Conway Burrows & Hancock 10683-1S Sheets 1 to 3 dated 2/06/2022, Rosedale be approved.
7. That the signage and linemarking of Bodalla Eurobodalla Road Line Marking Plan, sheets 1,2, and 3 dated draft 18/10/22, Bodalla be approved.
8. That the action of staff in accepting the offer of funding for \$15,000 from ACT Road Safety Fund Community Grants be approved.

(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.

**IR22/032 ACCEPTANCE OF FUNDING - GET NSW ACTIVE PROGRAM 2022-23**

File Ref: S014-T00018

**22/335 MOTION** Councillor Pollock OAM/Councillor Grace

THAT:

1. Council endorse the actions taken to accept grant funds offered under Get NSW Active Program 2022/23 as follows:
  - i) Northcove Road, Long Beach \$160,000
  - ii) George Bass Drive - Carramar Drive to Beach Road \$750,000
  - iii) Sylvan Street, Malua Bay \$65,000
  - iv) Hawkins Road & Evans Road, Tuross Head \$330,000
  - v) Corunna Street & Tilba Street, Narooma \$45,000
2. A letter of appreciation be sent to the Hon. Sam Faraway, Minister for Transport and Infrastructure, for his support in securing these pathway 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, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

**IR22/033 ACCEPTANCE OF FUNDING - FIXING LOCAL ROADS POTHOLE REPAIR ROUND 2022**

File Ref: S014-T0008

**22/336 MOTION** Councillor Diskon/Councillor Schutz

THAT:

1. Council accept the \$377,960.42 grant funds offered under the Fixing Local Road Pothole Repair Round 2022.
2. A letter of appreciation be sent to the Hon. Sam Faraway, Minister for Transport and Infrastructure, for his support in securing these pathway 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, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

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

**CAR22/022 LIBRARIES FUNDING - SENIORS FESTIVAL**

File Ref: S003 T00026

**22/337 MOTION** Councillor Grace/Councillor Dannock

THAT Council note the acceptance \$5000 (plus GST) from the Department of Communities and Justice Seniors Festival grant funding.

(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.

**CAR22/023 HEALTHY COMMUNITIES, SENIORS WEEK AND YOUTH DEVELOPMENT  
GRANTS 2023**

File Ref: S003 T00047; S003 T00051; S003 T00050

**22/338 MOTION** Councillor Grace/Councillor Dannock

THAT Council approve the recommendations, as detailed in the confidential attachment, awarding 34 Healthy Communities, Seniors Week and Youth Development grants to local groups/organisations for the 2022-23 financial year.

(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.

**15. DELEGATE REPORT**

Nil

**16. URGENT BUSINESS**

Nil

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

Nil

**18. CONFIDENTIAL MATTERS**

Nil

**THE MEETING CLOSED AT 1.09PM**

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CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Sunday, 25 December 2022 at which meeting the signature hereon was subscribed.