



Minutes

Ordinary Meeting of Council

22 November 2022

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 22 NOVEMBER 2022

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 22 NOVEMBER 2022
COMMENCING AT 12.30PM**

PRESENT: Councillor Mathew Hatcher, Mayor (in the Chair)
Councillors Tanya Dannock, 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.

4. APOLOGIES

22/297 MOTION Councillor Mayne/Councillor Schutz

THAT apologies be received from Councillors David Grace and Pete Diskon and leave of absence be granted.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

22/298 MOTION Councillor Hatcher/Councillor Mayne

THAT Councillor Tanya Dannock be approved to attend the Ordinary Meeting of Council on 22 November 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, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

22/299 MOTION Councillor Harrison/Councillor Schutz

THAT the minutes of the Ordinary Meetings held on 25 October 2022 and 8 November 2022 be confirmed.

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

Division

For the Motion: Crs T Dannock, 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

Councillor Harrison declared a non-significant, non-pecuniary interest in PSR22/059 Licence for Moruya Rodeo – Moruya Showground and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Harrison declared an interest as he has worked for the Moruya Rodeo in past years.

Councillor Worthington declared a non-significant, non-pecuniary interest in PET22/002 Petition regarding animal cruelty at rodeos and PSR22/059 Licence for Moruya Rodeo – Moruya Showground and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Worthington declared an interest as she is a signatory on the petition regarding animal cruelty at rodeos.

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

PET22/002 PETITION REGARDING ANIMAL CRUELTY AT RODEOS

File Ref: S012-T00029

Councillor Worthington declared a non-significant, non-pecuniary interest in PET22/002 Petition regarding animal cruelty at rodeos and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Worthington declared an interest as she is a signatory on the petition regarding animal cruelty at rodeos.

22/300 MOTION Councillor Schutz/Councillor Mayne

THAT Council receive and note the petition.

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

Division

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

Against the Motion: Crs T Harrison and R Pollock OAM.

SUSPENSION OF STANDING ORDERS

22/301 MOTION Councillor Worthington/Councillor Schutz

That Standing Orders be suspended in order to deal with PSR22/059 Licence for Moruya Rodeo – Moruya Showground.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

PSR22/059 LICENCE FOR MORUYA RODEO - MORUYA SHOWGROUND

File Ref: S023-T00017 Land ID: 34400

Councillor Harrison declared a non-significant, non-pecuniary interest in PSR22/059 Licence for Moruya Rodeo – Moruya Showground and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Harrison declared an interest as he has worked for the Moruya Rodeo in past years.

Councillor Worthington declared a non-significant, non-pecuniary interest in PSR22/059 Licence for Moruya Rodeo – Moruya Showground and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Worthington declared an interest as she is a signatory on the petition regarding animal cruelty at rodeos.

22/302 MOTION Councillor Worthington/Councillor Mayne

THAT the recommendation be resolved point by point.

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

Division

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

Against the Motion: Crs T Harrison and R Pollock OAM.

22/303 MOTION Councillor Harrison/Councillor Pollock OAM

THAT the Rodeo be held on 1 January 2023 under the conditions of its current licence.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, R Pollock OAM and A Schutz.

Against the Motion: Crs A Mayne and A Worthington.

22/304 MOTION Councillor Worthington/Councillor Schutz

THAT Public Notification be given as soon as practical for an extended period until 31 January 2023 of Council's intention to consider approving a further 5 year licence.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

AMENDMENT Councillor Pollock OAM/Councillor Harrison

THAT Council note the Moruya Rodeo's compliance with NSW Department of Primary Industry's Code of Practice for animals used in rodeo events.

(The Amendment on being put was declared **LOST**)

Division

For the Motion: Crs T Harrison and R Pollock OAM.

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

22/305 MOTION Councillor Worthington/Councillor Mayne

THAT Council considers conditions of any future licence based on the submissions received at the end of the notification period.

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

Division

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

Against the Motion: Crs T Harrison and R Pollock OAM.

22/306 MOTION Councillor Worthington/Councillor Schutz

THAT if any future Moruya New Year's Day Rodeo licence is approved, the end date of the licence be in February so there is sufficient time for public notification of subsequent licence requests and a Council report to consider the licence well in advance of the next proposed event.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

RESUMPTION OF STANDING ORDERS

22/307 MOTION Councillor Hatcher/Councillor Worthington

That Standing Orders be resumed.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

11. GENERAL MANAGER'S REPORTS

GMR22/108 ANNUAL REPORT 2021-22

File Ref: S004-T00016

22/308 MOTION Councillor Hatcher/Councillor Worthington

THAT:

1. Council receive and note the Annual Report 2021-22.
2. A copy of the Annual Report 2021-22 be placed on Council's website and a copy forwarded to the Minister of Local Government.
3. Council note the financial statements for the year ended 30 June 2022 will be publicly presented once the signed audit opinions are received from the Audit Office of New South Wales in accordance with the requirements of *the Local Government Act 1993*.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

GMR22/109 INVESTMENTS MADE AS AT 31 OCTOBER 2022

File Ref: S011-T00006, S012-T00025

22/310 MOTION Councillor Worthington/Councillor Schutz

THAT the certification of investments as at 31 October 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, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

GMR22/115 ACCEPTANCE OF GRANT FUNDING

File Ref: S014-T00019

22/311 MOTION Councillor Worthington/Councillor Schutz

THAT

1. Council endorses the actions taken to accept the \$1,400,000 in grant funds offered under the NSW Regional Housing Fund for the Batemans Bay southern CBD stormwater works project.
2. Council endorses the actions taken to accept the \$660,00 in grant funds offered under the Stronger Country Communities Fund – round four for the new playing field at Bill Smyth Oval project.
3. Council endorses the actions taken to accept the \$350,000 in grant funds offered under the Faster Local Assessment Grant Program to improve assessment timeframes for development applications and planning proposals.
4. Council endorses the actions taken to accept the \$80,000 in grant funds offered under the NSW Planning Portal API grant program to provide Council support to integrate with the NSW Planning Portal.
5. Council endorses the actions taken to accept the \$299,136 in grant funds offered under the Local and Regional Stream of the Disaster Risk Reduction Fund for the Eurobodalla Flood and Bushfire Risk Management Plans project.
6. Council endorses the actions taken to accept the \$287,582 in grant funds offered under the Reconnecting Regional NSW program for the Community Events Program.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

GMR22/111 POLICY ADOPTION - SEPTEMBER REVIEW

File Ref: S004-T00060

22/313 MOTION Councillor Worthington/Councillor Harrison

THAT the following policies be adopted:

- Youth Services
- Media
- Water Usage Charging
- Work Health and Safety (WHS)
- Pressure Sewer Systems
- Vegetation Clearing - Roadside and Infrastructure Lines
- Water and Sewer - Rural and Trunk Main Connections
- Build in the Vicinity of Sewer Mains
- Water Supply and Sewerage Headworks Charges
- Water Carting
- Water Restrictions
- Water Saving Incentives for Reticulated Water Customers
- Water Supply Backflow Prevention and Cross Connection Control
- Street Activities
- Dedication Of Land to Council
- Tree Risk Management on Council Controlled Land
- Parks, Playgrounds and Reserves Risk Management
- Community Grants.

THAT the following policy be repealed:

- Town Signs.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz
and A Worthington.

Against the Motion: Nil.

12. PLANNING AND SUSTAINABILITY REPORTS

PSR22/056 POLICY REVIEW - LAND ACQUISITION AND DISPOSAL POLICY

File Ref: S0004-T00060

22/314 MOTION Councillor Harrison/Councillor Mayne

THAT Council adopt the Land Management – Acquisition, Disposal and Lease/Licencing Policy.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz
and A Worthington.

Against the Motion: Nil.

PSR22/057 NORTH HEAD AND MYSTERY BAY CAMPGROUNDS

File Ref: S023-T00006, S023-T00008

22/315 MOTION Councillor Worthington/Councillor Schutz

THAT:

1. Council notes there are people in its campgrounds who have stayed longer than 50 day regulatory limit but have not been able to find somewhere more appropriate to live
2. Council seek to enter into agreements with long term residents while they continue to seek alternative accommodation to manage their stay at Council's campgrounds
3. These agreements require people to comply with standard campground rules and any additional rules required by Council to manage their stay
4. Council use its discretion not to enforce the Local Government Regulations against itself.
5. Council to continue advocacy to State and Federal Government to address the lack of low cost and emergency housing including the proposal to amend Section 73(4) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 to include "housing crisis".

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

PSR22/058 LICENCE FOR MARKETS - RIVERSIDE PARK, MORUYA

File Ref: S023-T00017 Land ID 8932

22/316 MOTION Councillor Harrison/Councillor Pollock OAM

THAT:

1. Council amend the licence conditions for markets approved by Council at the Council meeting of 26 April 2022, Minute 22/96 by:
 - a. Removing Special Condition 16, 17, 18 and 19 of the former licence.
 - b. Adding terms that require the licence holder to abide by the regulatory requirements of any relevant public authorities, including NSW Office of Fair Trading and the Australian Charities and Not-For-Profit Commission.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM and A Schutz.

Against the Motion: Cr A Worthington.

13. INFRASTRUCTURE REPORTS

IR22/028 LOCAL TRAFFIC COMMITTEE NO 3 FOR 2022-23

File Ref: S030-T00018

22/318 MOTION Councillor Hatcher/Councillor Schutz

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 3 for 2022-23 be received and noted.
2. Plan ISC00037-21-SK010 detailing 'No Stopping Emergency Vehicles Excepted' signage adjacent to emergency firefighting facilities in Herarde Street, Batemans Bay be approved.
3. That 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.
4. The Traffic Committee's technical endorsement of the draft Transport Network Plan – Southern Area of Eurobodalla be noted, and that a further consultation process both internal and external stakeholders be undertaken prior to final endorsement by Council.
5. The action of staff in accepting the offer of funding for \$63,450 ex GST under the Local Government Road Safety Program 2022-2023 be endorsed subject to the terms and conditions outlined in the Local Government Road Safety funding agreement.

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

Division

For the Motion: Crs T Dannock, T Harrison, M Hatcher, A Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

14. COMMUNITY, ARTS AND RECREATION REPORTS

**CAR22/020 BUSHFIRE RECOVERY SERVICE - DECOMMISSIONING OF OPERATIONS
UPDATE**

File Ref: S008-T00027

22/319 MOTION Councillor Worthington/Councillor Mayne

THAT Council receive and note the report.

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

Division

For the Motion: Crs T Dannock, 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

THE MEETING CLOSED AT 1.48PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 13 December 2022 at which meeting the signature hereon was subscribed.