



Minutes

Ordinary Meeting of Council

10 May 2022

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 10 MAY 2022

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 10 MAY 2022
COMMENCING AT 11.01AM**

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: Dr Catherine Dale, 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, 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

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

22/111 MOTION Councillor Schutz/Councillor Harrison

THAT the minutes of the Ordinary Meeting held on 26 April 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

NOM22/008 NATURAL DISASTER INFRASTRUCTURE RECOVERY

File Ref: S012-T00024

22/112 MOTION Councillor Mayne/Councillor Worthington

THAT Council:

1. formally recognise and thank Council staff involved in the ongoing response and recovery from natural disasters including the 2019-20 Black Summer Bushfires and subsequent nine declared natural disaster flood events.
2. continue to incorporate resilience to natural disasters into its own planning and delivery.
3. continue advocacy to the NSW and Australian Governments to prioritise and fund improved infrastructure resilience in the following areas:
 - (a) power supply, asset protection zone, access and telecommunications infrastructure on Mt Wandera telecommunications site
 - (b) power supply to critical infrastructure sites (telecommunications including phone, TV, radio and Government radio networks), major water supply and sewerage scheme infrastructure and vulnerable communities.
 - (c) telecommunications (including increased coverage)
 - (d) the Princes and Kings Highways
 - (e) by providing a dedicated grant program for Local Government to improve resilience of infrastructure utilised for disaster management
 - (f) by modifying the Natural Disaster Relief and Recovery Arrangements to allow greater funding, increased flexibility, and faster, easier approvals to facilitate building back better.

(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.

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

11. GENERAL MANAGER'S REPORTS

GMR22/053 DRAFT CODE OF MEETING PRACTICE - FOR EXHIBITION

File Ref: S004-T00060, S0012-T00025

22/113 MOTION Councillor Hatcher/Councillor Grace

THAT Council hold Public Access sessions fortnightly or whenever a Council meeting is scheduled, for a maximum of 1 hour and commence at 9.30am.

(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 and A Schutz.

Against the Motion: Cr A Worthington.

22/114 MOTION Councillor Hatcher/Councillor Schutz

THAT Council meetings are held on a Tuesday in accordance with the schedule of dates approved by Council and commence 12.30pm, and conclude within 3 hours of the commencement time, with a possible extension of 1 hour.

(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: Cr R Pollock OAM.

22/115 MOTION Councillor Hatcher/Councillor Schutz

THAT Public Forums sessions are held on a Tuesday in accordance with the schedule of dates approved by Council and commence at 10.30am.

(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.

22/116 MOTION Councillor Hatcher/Councillor Mayne

THAT Public Forum sessions are live-streamed.

(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.

22/117 MOTION Councillor Hatcher/Councillor Diskon

THAT Public Access sessions are live-streamed.

(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.

22/118 MOTION Councillor Hatcher/Councillor Harrison

THAT:

1. approved speakers at public forum are encouraged to provide a written copy of their address to Council by 12.00noon the business day prior to the meeting via email to Council or hard copy at Council's main office at Moruya or Batemans Bay or Narooma libraries.
2. clause 3.27 be amended to remove the words: If a written copy of the presentation is not provided then this will be ruled a breach of this Code and (at the ruling of the Chairperson) the presenter may not be allowed to address Council at future meetings.

(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.

22/119 MOTION Councillor Hatcher/Councillor Grace

THAT approved speakers at public access sessions are encouraged to provide a written copy of their address to Council by 12.00noon the business day prior to the meeting via email to Council or hard copy at Council's main office at Moruya or Batemans Bay or Narooma libraries.

(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.

22/120 MOTION Councillor Hatcher/Councillor Harrison

THAT a notice of motion to alter or resend a resolution relating to a development application must be submitted to the general manager not later than 5pm on the following business day.

(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.

22/121 MOTION Councillor Hatcher/Councillor Worthington

THAT Council amend the provisions in its draft Code of Meeting Practice as attached to this report in accordance with the above decisions and place it on public exhibition for a period of not less than 42 days.

(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.

22/122 MOTION Councillor Hatcher/Councillor Grace

THAT public submissions be invited on the draft Code of Meeting Practice from 11 May 2022 to 22 June 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, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

22/123 MOTION Councillor Hatcher/Councillor Diskon

THAT a further report be presented to Council on 26 July 2022 to consider adoption of the draft

Code of Meeting Practice and that prior to that report being presented that a workshop with submitters be conducted.

(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: Cr R Pollock OAM.

GMR22/054 CONGO ROAD NORTH

File Ref: S028-T00001

22/124 MOTION Councillor Hatcher/Councillor Grace

THAT Council defer this decision for three months to consult with the Congo 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: Cr R Pollock OAM.

**GMR22/055 REPLACEMENT OF INDEPENDENT MEMBER FOR THE AUDIT RISK AND
IMPROVEMENT COMMITTEE**

File Ref: S004-T00048

22/125 MOTION Councillor Harrison/Councillor Worthington

THAT:

1. Council appoints the applicant listed in the confidential attachment to Audit, Risk and Improvement Committee.
2. A letter of invitation from the General Manager be forwarded to the successful applicant inviting them to join the ARIC as an independent member.
3. A letter of thanks be sent to Mr Barraclough in recognition of his outstanding service and contribution to the Audit, Risk and Improvement Committee.

(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

PSR22/011 REQUEST FOR TENDER MANAGEMENT CONTRACT - BATEMANS BAY BEACH RESORT AND COUNCIL CAMPGROUNDS

File Ref: S023-T00005/T00006/T00007/T00008

22/126 MOTION Councillor Grace/Councillor Schutz

THAT:

1. Council endorses the selection of the preferred tenderer for Request for Tender No. 2122-058 for management of the Batemans Bay Beach Resort listed within the confidential attachment to this report, and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderer, for the management of Batemans Bay Beach Resort, subject to the terms specified in the Request for Tender No. 2122-058 unless otherwise varied in accordance with this report or final negotiations.
3. Reject the tenders received for management of Dalmeny, Mystery Bay & Moruya North Head Campgrounds in response to Request for Tender (RFT) No. 2122-058
4. Not invite fresh tenders for the campgrounds because it does not believe this will achieve a better outcome for the campgrounds given the Tender Evaluation Panel's assessment of the tenders received and the delay in delivering new management arrangement if fresh tenders are called.
5. Enter into negotiations based on the conditions outlined in 'Request for Tender (RFT) No. 2122-058 with the tenderer identified in the confidential attachment to the Council report 'Request for Tender Management Contract - Batemans Bay Beach Resort & Council campgrounds' because they ranked the highest of the tenders received.
6. Delegate to the General Manager to conclude these negotiations related to the campgrounds and if appropriate, enter into contracts with the tenderer identified in the Confidential Attachment to the Council report 'Request for Tender Management Contract - Batemans Bay Beach Resort and Council campgrounds'

(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

**IR22/012 ACCEPTANCE OF FUNDING - STRONGER COMMUNITIES PROGRAM - SUNPATCH
PARADE TOMAKIN PATHWAY**

File Ref: S030-T00027

22/127 MOTION Councillor Mayne/Councillor Harrison

THAT Council endorses the acceptance of \$20,000 in grant funding under the Australian Government Stronger Communities Program Round 7 toward the construction of a shared pathway along Sunpatch Parade, Tomakin.

(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.

IR22/013 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2021-22

File Ref: S030-T00018

22/128 MOTION Councillor Grace/Councillor Diskon

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 6 for 2021-22 be received and noted.
2. Plan No. 5156 Set BB Sheet 38 detailing the 'No Stopping' signage and associated line marking in Clarke Street at the intersection with Imlay Street and Woolabar Street, Broulee 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.

14. COMMUNITY, ARTS AND RECREATION REPORTS

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 11.50AM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 24 May 2022 at which meeting the signature hereon was subscribed.