



Minutes

Ordinary Meeting of Council

14 February 2023

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 14 FEBRUARY 2023

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 14 FEBRUARY 2023
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.

23/1 MOTION Councillor Mayne/Councillor Diskon

THAT Councillor Tanya Dannock be approved to attend the Ordinary Meeting of Council on 14 February 2023 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.

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

23/2 MOTION Councillor Hatcher/Councillor Grace

THAT the minutes of the Ordinary Meeting held on 13 December 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.

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

SUSPENSION OF STANDING ORDERS

23/3 MOTION Councillor Hatcher/Councillor Schutz

That Standing Orders be suspended in order to deal with PSR23/003 Planning Proposal 20 - Heritage Conservation Area at Brierley's Boat Ramp.

(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.

**PSR23/003 PLANNING PROPOSAL 20 - HERITAGE CONSERVATION AREA AT BRIERLEY'S BOAT
RAMP**

File Ref: S017-T00008

23/4 MOTION Councillor Worthington/Councillor Schutz

THAT Council:

1. Endorse the attached Planning Proposal 20 to include AH14 Aboriginal Heritage Conservation Area in Schedule 5 Part 3 'Conservation Area' of the *Eurobodalla Local Environmental Plan 2012*.
2. Forward the planning proposal to the Minister for Planning for a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*.
3. Following receipt of a Gateway Determination, undertake further consultation as required by the Determination.
4. Receive a report back on the planning proposal following community engagement.

(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.

23/5 RESUMPTION OF STANDING ORDERS Councillor Mayne/Councillor Diskon

That Standing Orders be resumed.

(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.

10. GENERAL MANAGER'S REPORTS

GMR23/006 POSITION OF DEPUTY MAYOR

File Ref: S012-T00020

23/6 MOTION Councillor Worthington/Councillor Harrison

THAT in accordance with section 231 of the *Local Government Act 1993* Council resolve to create the position of Deputy Mayor.

(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.

23/7 MOTION Councillor Hatcher/Councillor Harrison

THAT in accordance with section 231 of the *Local Government Act 1993* Council determine the term of appointment for the position of Deputy Mayor to be the remainder of the Council term.

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

Division

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

Against the Motion: Crs A Mayne and R Pollock OAM.

23/8 MOTION Councillor Hatcher/Councillor Harrison

THAT in accordance with section 231 of the *Local Government Act 1993* Council determine the method of voting for election to the position of Deputy Mayor is to be by open voting.

(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.

ELECTION OF DEPUTY MAYOR

The General Manager, as returning officer, called for nominations for the position of Deputy Mayor and declared two valid nominations had been received for the position, being Councillor Amber Schutz and Councillor Alison Worthington.

In accordance with Council's resolution, a ballot by show of hands was conducted for the position of Deputy Mayor.

On the basis of the result of the ballot, the General Manager, as returning officer, declared Councillor Alison Worthington elected as Deputy Mayor for the remainder of the Council term.

23/9 MOTION Councillor Grace/Councillor Mayne

THAT in accordance with section 231 of the *Local Government Act 1993*, the result of the election be provided to the Chief Executive of the Office of Local Government, along with the local media and other councils in New South Wales.

(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.

GMR23/007 ADMINISTRATION OF THE 2024 LOCAL GOVERNMENT ELECTIONS

File Ref: S012-T00021

23/10 MOTION Councillor Worthington/Councillor Schutz

THAT:

1. Pursuant to section 296 (2) and (3) of the *Local Government Act 1993 (NSW)* ('the Act') that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to section 296 (2) and (3) the Act, as applied and modified by section 18, that a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council.
3. Pursuant to section 296 (2) and (3) the Act, as applied and modified by section 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council where necessary.
4. Authority be granted to the General Manager to conduct negotiations with the Electoral Commissioner as to the terms of the engagement and to enter into a contract with the Commissioner on behalf of Council.

(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.

GMR23/008 INVESTMENTS MADE AS AT 31 DECEMBER 2022

File Ref: S011-T00006, S012-T00025

23/11 MOTION Councillor Grace/Councillor Schutz

THAT the certification of investments as at 31 December 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.

GMR23/009 ORGANISATION STRUCTURE - SENIOR STAFF

File Ref: S004-T00026

23/12 MOTION Councillor Mayne/Councillor Harrison

THAT:

1. Council endorse the senior structure to include:
 - (a) Director, Finance and Corporate Services
 - (b) Establish of a new Directorate called Finance and Corporate Services.

(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.

11. PLANNING AND SUSTAINABILITY REPORTS

PSR23/002 DEVELOPMENT EXPRESSION OF INTEREST, VESPER ST, BATEMANS BAY

File Ref: s023-T00014

23/13 MOTION Councillor Pollock OAM/Councillor Harrison

THAT:

1. Council approve the sale of the former Batemans Bay Bowling Club, being Lot 282 DP 755902, Lot 83 DP 755902, Lot 299 DP 755902 and Lot 304 DP 257116.
2. Council authorises the General Manager to pursue negotiations with the two proponents identified in the confidential attachment (Confidential Attachment 8) and finalise negotiations with one of these proponents.
3. A further report be presented to Council to endorse the final negotiated details.

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

Division

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

Against the Motion: Cr A Mayne.

PSR23/004 MARKET FEES AND CHARGES - COUNCIL CAMPGROUNDS

File Ref: S023-T00006/7/8

23/14 MOTION Councillor Worthington/Councillor Pollock OAM

THAT:

1. Camping Grounds fees for Council campgrounds at Dalmeny, Moruya North Head and Mystery Bay be removed from Council's Fees and Charges.
2. The General Manager be given delegated authority to review and approve camping fees and charges for the Council owned campgrounds at Dalmeny, Moruya North Head and Mystery Bay.

(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.

PSR23/005 EUROBODALLA FLYING FOX MANAGEMENT PLAN REVIEW

File Ref: S010-T00034

23/15 MOTION Councillor Worthington/Councillor Diskon

THAT Council:

1. Receive and note Eurobodalla Flying Fox Management Plan 2023 Review report
2. Endorse the Eurobodalla Flying Fox Management Plan Planned Management Actions 2023 and Onwards, contained in Attachment 2.

(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.

PSR23/006 REPEAL OF EVENT POLICY

File Ref: S004-T00060

23/16 MOTION Councillor Worthington/Councillor Grace

THAT Council repeal the Event Policy.

(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. INFRASTRUCTURE REPORTS

IR23/001 LOCAL TRAFFIC COMMITTEE NO 5 FOR 2022-23

File Ref: S030-T00018

23/17 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. That Council Plan Set A Sheet 03 date 23/11/22 detailing the signage and linemarking associated with two (2) accessible parking spaces within the Clive Court Toilet and Main Beach Access, Tuross Head Bay be approved.
3. That Council Plan Set A Sheet 02 dated 23/11/22 detailing the signage associated with two (2) accessible parking spaces within the South Head Surf Life Saving Club carpark, and Shared Zone, 10km/h sign and accessible parking ahead sign at the entrance to South Head Surf Life Saving Club off Charles Moffit Drive, Moruya be approved.
4. That Council Plan Set A Sheet 04 date 23/11/22 detailing the signage and linemarking associated with two (2) accessible parking spaces within the Mummaga Lake Pedestrian Footbridge Carpark, Dalmeny be approved.
5. That Council Plan Set A Sheet 05 date 23/11/22 detailing the signage and linemarking associated with one (1) additional accessible parking space within the Narooma Surf Life Saving Club, Narooma be approved.
6. That Council Plan Set A Sheet 01 date 23/11/22 detailing the signage and linemarking associated with one (1) accessible parking space within Apex Park - Bar Beach South, Narooma be approved.
7. That Council Plan Set A Sheet 06 date 23/11/22 detailing the signage and linemarking associated with one (1) accessible parking space at Dalmeny campground / park, Ocean Parade, Dalmeny be approved.
8. That the meeting dates outlined in section 2023.SE.004 of the report be adopted for the Local Traffic Committee for the remainder of 2022/2023 and first half of 2023/2024.
9. That one left turn only image sign and two left turn pavement arrows, and a single one way sign on the pedestrian fence opposite the southern exit of Bay Pavilions, Vesper Street, Batemans Bay be approved.
10. That the Traffic Management Plans for Wharf Street realignment, Nelligen, date 17th November 2022 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.

13. COMMUNITY, ARTS AND RECREATION REPORTS

CAR23/002 YOUTH ACTION PLAN

File Ref: S003-T00027

23/18 MOTION Councillor Worthington/Councillor Mayne

THAT:

1. Council publicly exhibits the draft Youth Action Plan for a period of 28 days.
2. Following the exhibition and consideration of any submissions, a further report regarding the draft Youth Action Plan will be provided to Council for determination.

(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. DELEGATE REPORT

DR23/001 2022 LGNSW SPECIAL CONFERENCE DELEGATES REPORT

File Ref: S004-T00019

23/19 MOTION Councillor Harrison/Councillor Grace

THAT the Delegate Report from Councillors Mathew Hatcher, Tubby Harrison and Amber Schutz be received and noted.

(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.

DR23/002 2022 LGNSW ANNUAL CONFERENCE DELEGATES REPORT

File Ref: S004-T00019

23/20 MOTION Councillor Grace/Councillor Diskon

THAT the Delegate Report from Councillors Mathew Hatcher and Amber Schutz be received and noted.

(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.

**DR23/003 2022 LGNSW DESTINATION AND VISITOR ECONOMY CONFERENCE DELEGATE
REPORT**

File Ref: S004-T00019

23/21 MOTION Councillor Pollock OAM/Councillor Diskon

THAT the delegate report from Councillor Rob Pollock OAM on 2022 LGNSW Destination and Visitor Economy Conference held in Orange be received and noted.

(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.

DR23/004 2022 NSW LOCAL ROADS CONGRESS DELEGATE REPORT

File Ref: S004-T00019

23/22 MOTION Councillor Worthington/Councillor Diskon

THAT the Delegate Report on the 2022 NSW Local Roads Congress be received and noted.

(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.

**DR23/005 2022 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE
DELEGATE REPORT**

File Ref: S004-T00019

23/23 MOTION Councillor Grace/Councillor Worthington

THAT Councillors Dannock, Schutz and Worthington's delegate report on 2022 Australian Local Government Women's Association Conference held in Fairfield be received and noted.

(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.

DR23/006 2022 NATIONAL GENERAL ASSEMBLY DELEGATE REPORT

File Ref: S004-T00019

23/24 MOTION Councillor Mayne/Councillor Diskon

THAT the delegates report from Councillor Anthony Mayne and Councillor Worthington be received and noted.

(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. URGENT BUSINESS

Nil

16. DEALING WITH MATTERS IN CLOSED SESSION

Nil

17. CONFIDENTIAL MATTERS

Nil

Raiders vs Bulldogs preseason NRL clash

The Mayor mentioned the Raiders vs Bulldogs preseason NRL clash in Moruya on Sunday was a huge success and thanked the Council staff involved who made this possible. In particular Tina Smith who led the charge, Council's Parks and Gardens teams who worked magic to have Ack Weyman oval looking fantastic. Great feedback was received from the NRL, Raiders CEO and Chairman, on how great the field was. Thanks to the the volunteers behind the scenes from local league clubs and Megan Weyman. This raised over \$25,000 on the day to go back into local rugby league.

Red Nose Mussel Rowers

The Mayor acknowledge the massive effort from a local group of ladies the 'Red Nose Mussel Rowers'. They completed one of the toughest ocean journey's in Australia. 320 km across Bass straight in a traditional surf boat. Something that hasn't been attempted by an all-female crew before.

THE MEETING CLOSED AT 1.18PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 28 February 2023 at which meeting the signature hereon was subscribed.