



Minutes

Ordinary Meeting of Council

13 September 2022

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

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 13 SEPTEMBER 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 W Sharpe OAM, Director, Infrastructure Services
Mrs K Arthur, Director, Community, Arts and Recreation
Mr J Phillips, Corporate Manager, Governance and Administration
Ms Amber Pollard, 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

22/237 MOTION Councillor Diskon/Councillor Dannock

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

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

The Mayor acknowledged Yvonne Thomson, wife of the late Fergus Thomson OAM, in the gallery.

A minutes silence was observed for Her Majesty, Queen Elizabeth II.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

22/238 MOTION Councillor Worthington/Councillor Grace

THAT the minutes of the Ordinary Meeting held on 23 August 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.

22/239 MOTION Councillor Worthington/Councillor Grace

THAT the minutes of the Extraordinary Meeting held on 05 September 2022 be confirmed as amended on Motion 22/228.

(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

Councillor Schutz declared a non-significant, non-pecuniary conflict of interest in IR22/021 Funding Offer - 2022-2023 NSW Rural Fire Fighting Fund Allocations and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Schutz declared an interest as she is a member of the Rural Fire Service.

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in IR22/021 Funding Offer - 2022-2023 NSW Rural Fire Fighting Fund Allocations and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as he is a member of the Rural Fire Service.

The Mayor acknowledged former Councillor, James Thomson in the gallery.

7. MAYORAL REPORTS

Nil

SUSPENSION OF STANDING ORDERS

22/240 MOTION Councillor Worthington/Councillor Diskon

That Standing Orders be suspended in order to consider IR22/024 Infrastructure Recovery - Natural Disasters, PSR22/037 Hallmark Event Funding, NOM22/015 Sale of Crown Road reserve adjacent lot 6 DP 1171646 Turnbolls Lane Moruya and QON22/004 Dalmeny Land Release Area.

(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.

IR22/024 INFRASTRUCTURE RECOVERY - NATURAL DISASTERS

File Ref: S008-T00007

22/241 MOTION Councillor Mayne/Councillor Dannock

THAT:

1. The update report on the extensive works undertaken to date on recovery of local roads and bridges following the ten natural disasters impacting Eurobodalla be received and noted.
2. The work undertaken to improve the resilience of local roads and bridges, highways, water and sewerage systems, power supply and telecommunications be noted.
3. Council continue to advocate for further support from the NSW and Australian Governments to proactively improve the resilience of the infrastructure our community depends on during and after natural disasters.
4. The following motion be submitted to the LGNSW Conference:
That LGNSW seek the support the NSW and Australian Governments for:
 - (a) Proactive funding programs from the NSW and Australian Governments to upgrade local roads, bridges and other infrastructure to improve community resilience, taking account of the social equity challenges in rural Australia.
 - (b) Greater flexibility under the Natural Disaster Relief and Recovery Arrangements to build Council's transport and related infrastructure back better.
 - (c) Continued review and improved integration of emergency services agencies with increased decentralisation to regional NSW.
 - (d) Removal of the cost of funding NSW Government agencies from Local Government including the NSW Rural Fire Services, NSW State Emergency Services and NSW Fire and Rescue.
 - (e) Provision of additional funding to Essential Energy to improve the resilience of power lines and supply to critical infrastructure sites (such as telecommunications towers and exchanges, water supply and sewerage schemes, aged care facilities and

vulnerable communities).

- (f) Provision of additional funding to improve the resilience and coverage of telecommunications facilities across regional Australia.
- (g) Provision of continued work to improve the resilience of State highways.
- (h) Changes in regulation and funding incentives to improve the resilience of aged care facilities, fuel service stations and major food retailers, including but not limited to back-up and alternate power supply systems and satellite communications.

(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.

PSR22/037 HALLMARK EVENT FUNDING

File Ref: S026-T00001

22/242 MOTION Councillor Grace/Councillor Worthington

THAT:

1. Approve \$20,000 per year to support the River of Art Festival for a three-year agreement, consistent with the actions of the Event Strategy from within the existing budget.
2. Approve \$20,000 per year to support the Narooma Oyster Festival for a three-year agreement, consistent with the actions of the Event Strategy from within the existing budget.
3. Allocate additional funding of \$15,000 per year of new budget to support the Narooma Oyster Festival to deliver traffic management for a three-year agreement.
4. Undertake advocacy to the relevant NSW Government Ministers, Shadow Ministers, and Agencies for a review of the funding support for events that includes opportunity for ongoing or longer term operational support to events that improves the ongoing sustainability of events.

(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.

**NOM22/015 SALE OF CROWN ROAD RESERVE ADJACENT LOT 6 DP 1171646 TURNBULLS
LANE MORUYA**

File Ref: S012-T00026

MOTION Councillor Worthington/Councillor Mayne

THAT Council advise Crown Lands that it withdraws previously stated support for the sale of the Road Reserve W633092 into private ownership.

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

Division

For the Motion: Crs A Mayne and A Worthington.

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

MOTION Councillor Worthington/Councillor Diskon

THAT Council staff prepare a report to councillors exploring options for the land to be transferred to Council management for the use of open space and recreation, and as an active transport connection for South Moruya residents, including the future residents of the 96-lot residential development of Lot 6 DP 1171646.

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

Division

For the Motion: Crs A Mayne and A Worthington.

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

QON22/004 DALMENY LAND RELEASE AREA

File Ref: OP0026-S002

22/243 MOTION Councillor Worthington/Councillor Schutz

THAT the response to the question regarding Dalmeny Land Release raised by Councillor Alison Worthington be received and noted.

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

AT 01:49 PM Councillor Mayne left the Chambers and did not participate in the remainder of the meeting.

Division

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

Against the Motion: Nil.

AT 01:51 PM Councillor Worthington left the Chambers.

ADJOURNMENT

22/244 MOTION Councillor Dannock/Councillor Diskon

THAT the Ordinary Council Meeting be adjourned for a period of five minutes.

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

Division

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

Against the Motion: Cr T Harrison.

AT 1.52PM the meeting adjourned.

AT 2.01PM the meeting reconvened.

AT 02:01 PM Councillor Worthington returned to the Chambers.

22/245 MOTION Councillor Hatcher/Councillor Harrison

RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed.

Division

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

Against the Motion: Nil.

8. NOTICES OF MOTION

NOM22/014 RESPONSES FROM MINISTERS TO THE MAYOR

File Ref: S012-T00026

22/246 MOTION Councillor Worthington/Councillor Diskon

THAT Council publishes/tables all responses from Ministers and state and federal government agencies to advocacy letters from this current council in the business papers of the next available council meeting.

(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: Nil.

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

GMR22/084 DELEGATIONS TO THE GENERAL MANAGER

File Ref: S004-T00010

22/247 MOTION Councillor Dannock/Councillor Schutz

THAT:

1. All previous delegations by the Council to the General Manager be revoked.
2. Subject to point 1 above, the General Manager is delegated all the delegable functions, powers, duties and authorities of the Council under any legislation excluding those functions specific in clauses (a) to (u) of Section 377 (1) of the *Local Government Act 1993*.
3. Council fixes the amount of \$10,000 as the amount above which rates, charges and debts owed to the Council may be written off only by resolution of the Council, pursuant to clause 131 of *Local Government (General) Regulation 2005*.
4. All functions delegated to the General Manager must be exercised at all times in accordance with the applicable statutory requirements, as well as any resolution or policy adopted by the Council from time to time.
5. Council note that it can review and revise Delegations to the General Manager at any time.

(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: Nil.

GMR22/085 DRAFT COMMUNITY ENGAGEMENT STRATEGY

File Ref: S012-T00025

22/248 MOTION Councillor Schutz/Councillor Worthington

THAT:

1. Council places the draft Community Engagement Strategy on public exhibition for a period of not less than 28 days.
2. Public submissions be invited on the draft Community Engagement Strategy from 14 September 2022 to 11 October 2022.
3. A further report be presented to Council to consider adoption of the draft Community Engagement Strategy.
4. Note that further consideration of additional changes may be made following future reviews.

(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: Nil.

GMR22/088 INVESTMENTS MADE AS AT 31 AUGUST 2022

File Ref: S011-T00006, S012-T00025

22/249 MOTION Councillor Grace/Councillor Diskon

THAT the certification of investments as at 31 August 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 Schutz and A Worthington.

Against the Motion: Nil.

GMR22/089 POLICY REVIEW FOR EXHIBITION - SEPTEMBER 2022

File Ref: S004-T00060

22/250 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) Youth Services
 - b) Media
 - c) Water Usage Charging
 - d) Work Health And Safety (WHS)
 - e) Pressure Sewer Systems
 - f) Vegetation Clearing - Roadside and Infrastructure Lines
 - g) Water And Sewer - Rural And Trunk Main Connections
 - h) Build In The Vicinity Of Sewer Mains
 - i) Water Supply And Sewerage Headworks Charges
 - j) Water Carting
 - k) Water Restrictions
 - l) Water Saving Incentives For Reticulated Water Customers
 - m) Water Supply Backflow Prevention And Cross Connection Control
 - n) Street Activities
 - o) Dedication Of Land To Council
 - p) Tree Risk Management On Council Controlled Land
 - q) Parks, Playgrounds and Reserves Risk Management
2. Following the expiration of this period, the draft policy and any public submissions be presented back to Council for consideration.
3. The amended report of the policies to be placed on public exhibition be attached to the minutes.

(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: Nil.

GMR22/086 POLICY REVIEW - COMMUNITY GRANTS

File Ref: S004-T00060

22/251 MOTION Councillor Worthington/Councillor Grace

THAT

1. Council places the draft Community Grants Policy for public consultation for a period of 28 days.
2. Following the expiration of the consultation 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 Schutz and A Worthington.

Against the Motion: Nil.

11. PLANNING AND SUSTAINABILITY REPORTS

PSR22/035 EVENT POLICY REVIEW

File Ref: S004-T00060

22/252 MOTION Councillor Diskon/Councillor Schutz

THAT the proposed repeal of the Event Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the policy for consideration to repeal.

(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: Nil.

PSR22/036 TOWN SIGNS POLICY REPEAL

File Ref: S004-T00060

22/253 MOTION Councillor Worthington/Councillor Dannock

THAT Council place the proposed repeal of the Town Signs Policy on public exhibition for a period of 28 days and, following this period, any public submissions be presented back to Council with the Policy for consideration to repeal.

(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: Nil.

PSR22/038 LICENCE RENEWAL - NATURE COAST DRAGON BOAT CLUB

File Ref: S023-T00017 Land ID: 28760

22/254 MOTION Councillor Harrison/Councillor Diskon

THAT:

1. Council grant a five-year licence to Nature Coast Dragon Boat Club for storage of their dragon boats within Crown Reserve R82377 Lot 7031 DP 1019726 Shore Street, Moruya, including the following conditions:
 - (a) The licence fee be in line with the Statutory Crown minimum increased annually in line with the CPI.
 - (b) The licence area is to be left clean and tidy after use and any damage caused is to be rectified by the licence holder.
 - (c) Provision of evidence of public liability insurance of at least \$20 million.
 - (d) Conditions generally be in line with similar licences.
2. The General Manager be given delegated authority to negotiate further licences.

(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: Nil.

12. INFRASTRUCTURE REPORTS

IR22/021 FUNDING OFFER - 2022-2023 NSW RURAL FIRE FIGHTING FUND ALLOCATIONS

File Ref: S014-T00018

Councillor Schutz declared a non-significant, non-pecuniary conflict of interest in IR22/021 Funding Offer - 2022-2023 NSW Rural Fire Fighting Fund Allocations and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Schutz declared an interest as she is a member of the Rural Fire Service.

22/255 MOTION Councillor Harrison/Councillor Grace

That Council endorse the action taken to accept the grant funding offer of \$152,800 from the NSW Rural Fire Service under the 2022-23 NSW Rural Fire Fighting Fund Allocations.

(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: Nil.

IR22/022 ROAD RENAMING PROPOSAL - PAYNE STREET, NAROOMA

File Ref: S028-T00017

22/256 MOTION Councillor Hatcher/Councillor Dannock

THAT Council determines to adopt the road name as Fuller Lane to rename the northern section of Payne Street, Narooma as shown in this 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 Schutz and A Worthington.

Against the Motion: Nil.

IR22/023 REQUEST FOR TENDER NO. 10049881 - NELLIGEN WATER RESERVOIRS

File Ref: S032-T00009

22/257 MOTION Councillor Grace/Councillor Harrison

THAT Council enters into a contractual arrangement with the preferred tenderer as included in the confidential attachment for the construction of the Nelligen Water Reservoirs, subject to the terms specified in the Request for Tender No. 10049881 unless otherwise varied in accordance with this 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 Schutz and A Worthington.

Against the Motion: Nil.

13. COMMUNITY, ARTS AND RECREATION REPORTS

CAR22/013 POLICY REVIEW - CREATIVE ARTS

File Ref: S004-T00060

22/258 MOTION Councillor Grace/Councillor Worthington

THAT the Creative Arts Service Policy as amended be adopted.

(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: Nil.

CAR22/014 CLUBGRANTS FUNDING

File Ref: S003-T00031

22/259 MOTION Councillor Diskon/Councillor Dannock

THAT Council accept the Clubgrants funding of \$20,700 (ex GST) for the *Supporting Community Welfare Capacity* 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 Schutz and A Worthington.

Against the Motion: Nil.

14. DELEGATE REPORT

Nil.

35. URGENT BUSINESS

Nil.

16. DEALING WITH MATTERS IN CLOSED SESSION

Nil.

17. CONFIDENTIAL MATTERS

Nil.

Mayor Mathew Hatcher acknowledged the contribution from the General Manger, Dr Catherine Dale and the Director Infrastructure Services, Mr Warren Sharpe OAM, as this is their last council meeting.

Dr Catherine Dale, General Manager

Today is the last meeting for our General Manager Dr Catherine Dale.

Dr Catherine Dale commenced at Eurobodalla Shire Council as General Manager in April 2013. During this time, Catherine has worked with three Council's under Lindsay Brown, Liz Innes and myself.

Under Catherine's leadership, the staff have developed and delivered an extraordinary community and transport infrastructure program. The works are spread throughout the Eurobodalla and include little projects like viewing platforms and toilets to main street streetscape projects and major construction projects such as the Basil Sellars Exhibition Centre, Guerilla Bay road realignment and the newly constructed Bay Pavilions.

There are a number of exciting projects that Catherine has led the initial planning stages including the construction of the new Southern Water Storage, Mogo Trails, Coastal Headland Walking Track and Observation Point redevelopment.

During Catherine's time, Council has secured in excess of \$300M in grants and Council was one of only 37% of NSW councils declared Fit under the NSW Government's Fit for the Future program. Another achievement is the implementation of yearly meetings with community associations and established a framework for engagement with the community.

Catherine implemented a number of business improvements including the rollout of a new Corporate Business System which integrates all systems to ensure a streamlined accessible program to support staff and the community.

Catherine's commitment to the development of our staff includes the implementation of a corporate set of values, regular check-in sessions and the establishment and delivery of a framework for leadership professional development.

Most importantly, Catherine and the leadership team have led the community through the recovery after the devastation caused by the black summer bushfires.

Thank you, Catherine, for all you have done for our community we wish you well in your future endeavours.

Warren Sharpe OAM, Director Infrastructure Services

We also farewell Warren Sharpe Director of Infrastructure Services

Warren has been with our Council for almost 38 years and I am sure that his work ethic, leadership and focus on getting the job done was the same on his first day as it will be on his last. His total commitment and care for our community is unwavering, outstanding and selfless.

Warren is always willing to assist, provide advice and takes a genuine interest in broader community issues. Warren's OAM is testament to his leadership and contribution to the local government sector. He is a highly regarded professional in his field and has made an outstanding contribution in so many areas. His time as IPWEA President resulted in many positive achievements for the sector and brought a strong advocacy and strategic approach to leadership, that has benefited communities throughout NSW.

Warren was there for our community during the black summer fires. He worked tirelessly around the clock with all the agencies in the Emergency Operation Centre throughout the whole natural disaster period.

After the fires he dedicated his time to disaster recovery to help the community rebuild and heal after such a chaotic period setting a pathway to future resilience

Over the years he also played a significant role in road safety changes that have literally saved lives and countless serious injuries.

On behalf of the Council like to thank Warren for his work and dedication to our community.

AT 02:17 PM Councillor Mayne returned to the Chambers.

THE MEETING CLOSED AT 2.17pm.

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 11 October 2022 at which meeting the signature hereon was subscribed.