



Minutes

Ordinary Meeting of Council

28 March 2023

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 28 MARCH 2023

MINUTES

1. WELCOME.....	1
2. ACKNOWLEDGEMENT OF COUNTRY	1
3. APOLOGIES	1
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA	2
6. MAYORAL REPORTS	3
MR23/001 Review of the Bay Pavilions operation	3
7. NOTICES OF MOTION	4
Nil	
8. QUESTIONS ON NOTICE FROM COUNCILLORS	4
Nil	
9. PETITIONS.....	4
Nil	
10. GENERAL MANAGER'S REPORTS	4
Nil	
11. PLANNING AND SUSTAINABILITY REPORTS	5
PSR23/007 Licence for Moruya Rodeo - Moruya Showground	5
PSR23/009 DA0078/23 - Additions and Alterations to Educational Establishment - 61 Train Street Broulee - Request for exemption of section 7.12 developer contributions.....	7
PSR23/010 Conflict of Interest Policy - Dealing with Council Related Development Applications	8
PSR23/011 Draft Electric Vehicle Charging Infrastructure Strategy	9
PSR23/012 Easement for Stormwater over Council land, Dalmeny	10
PSR23/013 Easement for Access over Council road reserve off Old Princes Highway, Bodalla	11
PSR23/014 Easement for Access over Council property, 46 Corkhill Drive, Central Tilba.....	12
PSR23/015 Easement for Access over Council property, Brou Waste Management Facility	13

12. INFRASTRUCTURE REPORTS.....	14
IR23/005 Local Traffic Committee No 7 for 2022-23	14
IR23/006 Request for Tender No. 10049901 – Nelligen Water Supply and Sewerage – Pumping Stations and Transfer Mains.....	15
13. COMMUNITY, ARTS AND RECREATION REPORTS	16
CAR23/004 Public Art Advisory Committee.....	16
14. DELEGATE REPORT	17
15. URGENT BUSINESS	17
16. DEALING WITH MATTERS IN CLOSED SESSION.....	17
17. CONFIDENTIAL MATTERS.....	17

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 28 MARCH 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
Mrs S Speedy, Acting Director, Finance and Corporate Services
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.

The Mayor welcomed all the directors and our new acting Director of Finance and Corporate, Stephanie Speedy.

3. APOLOGIES

Nil

23/19 MOTION Councillor Hatcher/Councillor Grace

THAT Councillors Tanya Dannock and Anthony Mayne be approved to attend the Ordinary Meeting of Council on 28 March 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.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

23/20 MOTION Councillor Harrison/Councillor Worthington

THAT the minutes of the Ordinary Meeting held on 14 March 2023 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

Councillor Mayne declared a non-pecuniary, non-significant conflict of interest in IR23/005 Local Traffic Committee No. 7 for 2022-23 and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest it pertains to ANZAC Day and he recently resigned as a member of the Moruya RSL Executive and is a current member of the Moruya RSL.

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in PSR23/009 DA0078/23 – Additions and Alterations to Educational Establishment – 61 Train Street, Broulee – Request for exemption of section 7.12 developer contributions and stated he would opt to leave the Chamber and not vote on the matter.

Reason: Councillor Mayne declared an interest as he is a former board member of St Peters Anglican College and his wife is a paid employee of the large organisation in which this organisation falls under.

Councillor Harrison declared a non-significant, non-pecuniary interest in PSR23/007 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 for many years.

6. MAYORAL REPORTS

MR23/001 REVIEW OF THE BAY PAVILIONS OPERATION

File Ref: S012-T00025

23/21 MOTION Councillor Hatcher/Councillor Diskon

THAT Council supports the General Manager's review of Bay Pavilions operations and receives a report detailing the results of the review once complete.

(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.

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. PETITIONS

Nil

10. GENERAL MANAGER'S REPORTS

Nil

11. PLANNING AND SUSTAINABILITY REPORTS

PSR23/007 LICENCE FOR MORUYA RODEO - MORUYA SHOWGROUND

File Ref: S023-T00017 Land ID: 34400

Councillor Harrison declared a non-significant, non-pecuniary interest in PSR23/007 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 for many years.

23/22 MOTION Councillor Pollock OAM/Councillor Harrison

THAT:

1. Council receive and note the petition 'Rodeos in Eurobodalla'.
2. Council notes it has considered the submissions and petitions received in relation to the requested renewal of the licence for the Moruya Rodeo.
3. Council grant a five-year licence to the Rodeo Association of Moruya to conduct the annual Moruya Rodeo within Crown Reserve 580020, Moruya Showground, including the following conditions:
 - (a) The licence fee in accordance with Council's adopted fees and charges.
 - (b) Provision of evidence of \$20 million public liability insurance.
 - (c) All relevant legislation, in particular in relation to animal welfare, must be complied with.
 - (d) Licence conditions generally in line with the previous licence and the standard Crown licence.

MOTION Councillor Worthington/Councillor Mayne

THAT Council move into Committee of the Whole to discuss PSR23/007 Licence for Moruya Rodeo – Moruya Showground.

(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, R Pollock OAM and A Schutz.

23/22 (The Motion on being put was declared **CARRIED**)

Division

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

Against the Motion: Crs D Grace, A Mayne and A Worthington.

**PSR23/009 DA0078/23 - ADDITIONS AND ALTERATIONS TO EDUCATIONAL
ESTABLISHMENT - 61 TRAIN STREET BROULEE - REQUEST FOR EXEMPTION
OF SECTION 7.12 DEVELOPER CONTRIBUTIONS**

File Ref: DA0078/23

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in PSR23/009 DA0078/23 – Additions and Alterations to Educational Establishment – 61 Train Street, Broulee – Request for exemption of section 7.12 developer contributions and stated he would opt to leave the Chamber and not vote on the matter.

Reason: Councillor Mayne declared an interest as he is a former board member of St Peters Anglican College and his wife is a paid employee of the large organisation in which this organisation falls under.

At **1:16 pm** Councillor Mayne left the meeting.

At **1:16 pm** Councillor Schutz left the meeting.

23/23 MOTION Councillor Harrison/Councillor Pollock OAM

THAT Council defer this decision to a further meeting.

(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
and A Worthington.

Against the Motion: Nil.

At **1:17 pm** Councillor Mayne returned to the meeting.

At **1:18 pm** Councillor Schutz returned to the meeting.

**PSR23/010 CONFLICT OF INTEREST POLICY - DEALING WITH COUNCIL RELATED
DEVELOPMENT APPLICATIONS**

File Ref: S004-T00021

23/24 MOTION Councillor Grace/Councillor Diskon

THAT:

1. Council endorse the exhibition of the draft Conflict of Interest Policy relating to Council-related development applications, for period of not less than 28 days in accordance with schedule 1 of the *Environmental Planning and Assessment Act 1979*.
2. A report be prepared for Council post exhibition of the draft Conflict of Interest Policy to seek adoption or adopt and amend the draft Policy following consideration of any submissions received during community consultation.

(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.

PSR23/011 DRAFT ELECTRIC VEHICLE CHARGING INFRASTRUCTURE STRATEGY

File Ref: S010-T00037

23/25 MOTION Councillor Grace/Councillor Worthington

THAT:

1. Council endorse the draft Electric Vehicle Charging Infrastructure Strategy for public exhibition for a period of not less than 28 days.
2. A report be prepared for Council post exhibition of the draft Electric Vehicle Charging Infrastructure Strategy following consideration of any submissions received during the public exhibition.

(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.

PSR23/012 EASEMENT FOR STORMWATER OVER COUNCIL LAND, DALMENY

File Ref: Land IDs 1517, 1518, 1370

23/26 MOTION Councillor Worthington/Councillor Grace

THAT:

1. Consent be given for the creation of an easement for stormwater over Council land being Lot 8 DP 16932, 46 Noble Parade Dalmeny, and Lot 107 DP 16932, 12 Ocean Parade Dalmeny, in favour of Lot 7 DP 16932, 44 Noble Parade Dalmeny.
2. All costs associated with the granting of the easement for stormwater, including surveying and registration costs, legal fees and compensation to Council is to be borne by the landowner of 42 Noble Parade Dalmeny.
3. The General Manager be given delegated authority to execute all necessary documentation associated with the easement.

(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.

**PSR23/013 EASEMENT FOR ACCESS OVER COUNCIL ROAD RESERVE OFF OLD PRINCES
HIGHWAY, BODALLA**

File Ref: Land ID 35583

23/27 MOTION Councillor Worthington/Councillor Schutz

THAT:

1. Consent be given for the creation of an easement for access over Council road reserve off Old Princes Highway Bodalla, benefitting Lot 401 DP 1192556.
2. All costs including Council's reasonable legal costs associated with the creation of the easement for access be borne by the applicant/landowner.
3. Compensation for the easement for access be determined following a valuation by a registered valuer.
4. The General Manager be given delegated authority to execute all necessary documentation associated with the easement.

(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.

**PSR23/014 EASEMENT FOR ACCESS OVER COUNCIL PROPERTY, 46 CORKHILL DRIVE,
CENTRAL TILBA**

File Ref: Land IDs 28990, 21094, 21095

23/28 MOTION Councillor Schutz/Councillor Grace

THAT:

1. Consent be given for the creation of an easement for access over Council property at 46 Corkhill Drive, Central Tilba being Lot 1 DP 874575 for the benefit of Lot 1 DP 919977 and Lot 16 DP 3166 being 3 and 3A Bate Street. Central Tilba.
2. All costs including Council's reasonable legal costs associated with the creation of the easement for access over Lot 1 DP 874575 be borne by the applicant.
3. The General Manager be given delegated authority to execute all necessary documentation associated with the easement.

(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.

**PSR23/015 EASEMENT FOR ACCESS OVER COUNCIL PROPERTY, BROU WASTE
MANAGEMENT FACILITY**

File Ref: Land IDs 36490 & 18849

23/29 MOTION Councillor Schutz/Councillor Worthington

THAT:

1. Consent be given for the creation of an easement for access over Council property, Brou Waste Management Facility, being Lot 1 DP 1205476, for the benefit of Lot 11 DP 706971.
2. Financial arrangements are as outlined in the Confidential Attachment to this report.
3. The General Manager be given delegated authority to execute all necessary documentation associated with the easement.

(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

IR23/005 LOCAL TRAFFIC COMMITTEE NO 7 FOR 2022-23

File Ref: S030-T00018

Councillor Mayne declared a non-pecuniary, non-significant conflict of interest in IR23/005 Local Traffic Committee No. 7 for 2022-23 and stated that he did not believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest it pertains to ANZAC Day and he recently resigned as a member of the Moruya RSL Executive and is a current member of the Moruya RSL.

23/30 MOTION Councillor Schutz/Councillor Grace

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 7 for 2022-23 be received and noted.
2. Council Plan dated 24/02/2023 Sheet 1 detailing hatching on the car space adjacent to police station exit, Perry Street carpark, Batemans Bay be approved.
3. Council Plan 5463 Set A Sheet 1-6 detailing the shared pathway on Hawkins Road and raised pedestrian crossing Tuross Boulevard, Tuross Head be resubmitted at the April Local Traffic Committee showing cycle lane at raised crossing on Tuross Boulevard and shared pathway to cross Waights Place on Hawkins Road.
4. The submitted Traffic Management and Control Plan for the 2020 Rotary Youth Driver Awareness Program to be conducted using Donnelly Drive, Moruya on 3 and 4 April be approved.
5. The submitted Traffic Management and Control Plans for the ANZAC Day marches for Batemans Bay, Moruya and Narooma on 25 April 2020, subject to approval by the NSW Police and lodgement of a Road Occupancy License to Roads and Maritime Services for the Moruya and Narooma events be approved.
6. The submitted Traffic Management Plan and associated Traffic Guidance Scheme Ref. No Bega TTM 1081 to be conducted at Jack Buckley Park, Tomakin and Mogo State Forest on March 5, 2023 with changes of Workers symbolic sign to Special Event signage, be approved.
7. The submitted Traffic Management Plan for the 2023 Monaro – Batemans Bay Knockout and Monaro Knockout – Mackay Park Batemans Bay Site Plan to be held 31 March – 1 April, 2023, 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.

**IR23/006 REQUEST FOR TENDER NO. 10049901 – NELLIGEN WATER SUPPLY AND SEWERAGE
– PUMPING STATIONS AND TRANSFER MAINS**

File Ref: S032-T00008

23/31 MOTION Councillor Harrison/Councillor Schutz

THAT Council enters into a contractual arrangement with the preferred tenderer for the construction of the Nelligen Water Supply and Sewerage - Pumping Stations and Transfer Mains, subject to the terms specified in Request for Tender No. 10049901 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 Mayne, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

13. COMMUNITY, ARTS AND RECREATION REPORTS

CAR23/004 PUBLIC ART ADVISORY COMMITTEE

File Ref: S003 -00034

23/32 MOTION Councillor Grace/Councillor Diskon

THAT Council:

1. Endorse the development of a site plan for public art in Moruya CBD, and
2. Note the request for reinforcement of the consideration of placement of public art in future plans for the shire in line with Council's Public Art Strategy.

(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

Nil

15. URGENT BUSINESS

Nil

16. DEALING WITH MATTERS IN CLOSED SESSION

Nil

17. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 1.31PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 9 May 2023 at which meeting the signature hereon was subscribed.